

AMENDED IN SENATE AUGUST 1, 2007

AMENDED IN SENATE JULY 17, 2007

AMENDED IN SENATE JULY 9, 2007

AMENDED IN SENATE JUNE 19, 2007

AMENDED IN ASSEMBLY APRIL 30, 2007

AMENDED IN ASSEMBLY APRIL 11, 2007

AMENDED IN ASSEMBLY MARCH 27, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1248**

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**Introduced by Assembly Member Evans**

February 23, 2007

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An act to amend Section 6321 of the Business and Professions Code, to amend Section 1714.1 of the Civil Code, to amend Sections 116.230, 116.570, 411.21, 1502, 2031.210, 2031.270, and 2031.280 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, 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 98.2 of the Labor Code, to amend Section 1214.1 of the Penal Code, to amend Section 99582 of the Public Utilities Code, to amend 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 395 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) Under existing law, the parent or guardian of a minor is jointly and severally liable with the minor for civil damages resulting from the willful misconduct of the minor that causes the injury or death of another person or the injury or defacement of property, not to exceed \$25,000 for each tort, as specified. Existing law requires the Judicial Council to adjust that amount every ~~two~~ 2 years to reflect any increase in the cost of living in California, and to compute and publish the adjusted amount on or before January 1 of each odd-numbered year.

This bill would change the date by which the Judicial Council is required to complete those duties to April 1 of each odd-numbered year.

(3) 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.

(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) 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) 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) 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) 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.

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

(12) 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) 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) 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.

(15) Existing law allows the Judicial Council to take certain actions relating to the administration of the courts.

This 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.

(16) 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 the purposes of undertaking or funding any survey, study, publication, proceeding, or other activity authorized by law to be undertaken by the Judicial Council.

This bill would restrict the use of that financial support solely for the governmental purposes approved by the Judicial Council for activities within the scope of authority of the Judicial Council. The bill would authorize 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 these provisions, as specified.

(17) 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, instead, allow the Supreme Court to set a guideline limitation on the above expenses of up to \$50,000 without an order to show cause.

(18) 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.

(19) 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.

(20) 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.

(21) 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.

(22) ~~The~~ This bill would make other related and technical changes.

(23) *This bill would incorporate additional changes in Section 14310 of the Elections Code, proposed by AB 1243, to be operative only if AB 1243 and this bill are both chaptered and become effective on or before January 1, 2008, and this bill is chaptered last.*

(24) *This bill would incorporate additional changes in Section 68152 of the Government Code, proposed by AB 430, to be operative only if AB 430 and this bill are both chaptered and become effective on or before January 1, 2008, and this bill is chaptered last.*

(25) *This bill would incorporate additional changes in Section 40509.5 of the Vehicle Code, proposed by AB 678, to be operative only if AB 678 and this bill are both chaptered and become effective on or before January 1, 2008, and this bill is chaptered last.*

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

21	Jurisdiction	Amount
22	Alameda.....	\$31.00
23	Alpine.....	4.00
24	Amador.....	20.00
25	Butte.....	29.00
26	Calaveras.....	26.00
27	Colusa.....	17.00
28	Contra Costa.....	29.00
29	Del Norte.....	20.00
30	El Dorado.....	26.00
31	Fresno.....	31.00
32	Glenn.....	20.00
33	Humboldt.....	40.00
34	Imperial.....	20.00
35	Inyo.....	23.00
36	Kern.....	21.00
37	Kings.....	23.00
38		

1	Lake.....	23.00
2	Lassen.....	25.00
3	Los Angeles.....	18.00
4	Madera.....	26.00
5	Marin.....	32.00
6	Mariposa.....	27.00
7	Mendocino.....	29.00
8	Merced.....	23.00
9	Modoc.....	20.00
10	Mono.....	20.00
11	Monterey.....	25.00
12	Napa.....	20.00
13	Nevada.....	23.00
14	Orange.....	29.00
15	Placer.....	29.00
16	Plumas.....	23.00
17	Riverside.....	26.00
18	Sacramento.....	44.00
19	San Benito.....	23.00
20	San Bernardino.....	23.00
21	San Diego.....	35.00
22	San Francisco.....	36.00
23	San Joaquin.....	23.00
24	San Luis Obispo.....	31.00
25	San Mateo.....	32.50
26	Santa Barbara.....	35.00
27	Santa Clara.....	26.00
28	Santa Cruz.....	29.00
29	Shasta.....	20.00
30	Sierra.....	20.00
31	Siskiyou.....	26.00
32	Solano.....	26.00
33	Sonoma.....	29.00
34	Stanislaus.....	18.00
35	Sutter.....	7.00
36	Tehama.....	20.00
37	Trinity.....	20.00
38	Tulare.....	29.00
39	Tuolumne.....	20.00
40	Ventura.....	26.00

1	Yolo.....	29.00
2	Yuba.....	7.00

3  
4 (b) If a board of supervisors in any county acted before January  
5 1, 2006, to increase the law library fee in that county effective  
6 January 1, 2006, the amount distributed to the law library fund in  
7 that county under subdivision (a) shall be increased by the amount  
8 that the board of supervisors acted to increase the fee, up to three  
9 dollars (\$3). Notwithstanding subdivision (b) of Section 6322.1,  
10 as it read on January 1, 2005, the maximum increase permitted  
11 under this subdivision in Los Angeles County is three dollars (\$3),  
12 rather than two dollars (\$2).

13 (c) The amounts of twenty-three dollars (\$23) for Inyo County,  
14 twenty-nine dollars (\$29) for Mendocino County, twenty-three  
15 dollars (\$23) for Plumas County, and twenty-three dollars (\$23)  
16 for San Benito County listed in subdivision (a) shall apply to  
17 distributions made under subdivision (a) beginning January 1,  
18 2006.

19 SEC. 2. Section 1714.1 of the Civil Code is amended to read:

20 1714.1. (a) Any act of willful misconduct of a minor that  
21 results in injury or death to another person or in any injury to the  
22 property of another shall be imputed to the parent or guardian  
23 having custody and control of the minor for all purposes of civil  
24 damages, and the parent or guardian having custody and control  
25 shall be jointly and severally liable with the minor for any damages  
26 resulting from the willful misconduct.

27 Subject to the provisions of subdivision (c), the joint and several  
28 liability of the parent or guardian having custody and control of a  
29 minor under this subdivision shall not exceed twenty-five thousand  
30 dollars (\$25,000) for each tort of the minor, and in the case of  
31 injury to a person, imputed liability shall be further limited to  
32 medical, dental and hospital expenses incurred by the injured  
33 person, not to exceed twenty-five thousand dollars (\$25,000). The  
34 liability imposed by this section is in addition to any liability now  
35 imposed by law.

36 (b) Any act of willful misconduct of a minor that results in the  
37 defacement of property of another with paint or a similar substance  
38 shall be imputed to the parent or guardian having custody and  
39 control of the minor for all purposes of civil damages, including  
40 court costs, and attorney’s fees, to the prevailing party, and the

1 parent or guardian having custody and control shall be jointly and  
2 severally liable with the minor for any damages resulting from the  
3 willful misconduct, not to exceed twenty-five thousand dollars  
4 (\$25,000), except as provided in subdivision (c), for each tort of  
5 the minor.

6 (c) The amounts listed in subdivisions (a) and (b) shall be  
7 adjusted every two years by the Judicial Council to reflect any  
8 increases in the cost of living in California, as indicated by the  
9 annual average of the California Consumer Price Index. The  
10 Judicial Council shall round this adjusted amount up or down to  
11 the nearest hundred dollars. On or before July 1 of each  
12 odd-numbered year, the Judicial Council shall compute and publish  
13 the amounts listed in subdivisions (a) and (b), as adjusted according  
14 to this subdivision.

15 (d) The maximum liability imposed by this section is the  
16 maximum liability authorized under this section at the time that  
17 the act of willful misconduct by a minor was committed.

18 (e) Nothing in this section shall impose liability on an insurer  
19 for a loss caused by the willful act of the insured for purposes of  
20 Section 533 of the Insurance Code. An insurer shall not be liable  
21 for the conduct imputed to a parent or guardian by this section for  
22 any amount in excess of ten thousand dollars (\$10,000).

23 SEC. 3. Section 116.230 of the Code of Civil Procedure is  
24 amended to read:

25 116.230. (a) In a small claims case, the clerk of the court shall  
26 charge and collect only those fees authorized under this chapter.

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

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

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

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

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

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

7 (2) If, after having filed a claim and paid the required fee under  
8 paragraph (2) of subdivision (b), a party files an amended claim  
9 or amendment to a claim that raises the amount of the demand so  
10 that the filing fee under paragraph (3) of subdivision (b) would be  
11 charged, the filing fee for the amended claim or amendment is  
12 twenty-five dollars (\$25).

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

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

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

26 (f) The clerk of the court shall deposit fees collected under this  
27 section into a bank account established for this purpose by the  
28 Administrative Office of the Courts and maintained under rules  
29 adopted by or trial court financial policies and procedures  
30 authorized by the Judicial Council under subdivision (a) of Section  
31 77206 of the Government Code. The deposits shall be made as  
32 required under Section 68085.1 of the Government Code and trial  
33 court financial policies and procedures authorized by the Judicial  
34 Council.

35 (g) (1) The Administrative Office of the Courts shall distribute  
36 six dollars (\$6) of each thirty-dollar (\$30) fee, eight dollars (\$8)  
37 of each fifty-dollar (\$50) fee, ten dollars (\$10) of each  
38 seventy-five-dollar (\$75) fee, and fourteen dollars (\$14) of each  
39 one hundred-dollar (\$100) fee collected under subdivision (b) or  
40 (c) to a special account in the county in which the court is located

1 to be used for the small claims advisory services described in  
2 Section 116.940, or, if the small claims advisory services are  
3 administered by the court, to the court. The Administrative Office  
4 of the Courts shall also distribute two dollars (\$2) of each  
5 seventy-five-dollar (\$75) fee collected under subdivision (b) to  
6 the law library fund in the county in which the court is located.

7 (2) From the fees collected under subdivision (d), the  
8 Administrative Office of the Courts shall distribute two dollars  
9 (\$2) to the law library fund in the county in which the court is  
10 located, and three dollars (\$3) to the small claims advisory services  
11 described in Section 116.940, or, if the small claims advisory  
12 services are administered by the court, to the court.

13 (3) Records of these moneys shall be available from the  
14 Administrative Office of the Courts for inspection by the public  
15 on request.

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

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

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

27 SEC. 4. Section 116.320 of the Code of Civil Procedure is  
28 amended to read:

29 116.320. (a) A plaintiff may commence an action in the small  
30 claims court by filing a claim under oath with the clerk of the small  
31 claims court in person, by mail, by facsimile transmission if  
32 authorized pursuant to Section 1010.5, or by electronic means as  
33 authorized by Section 1010.6.

34 (b) The claim form shall be a simple nontechnical form approved  
35 or adopted by the Judicial Council. The claim form shall set forth  
36 a place for (1) the name and address of the defendant, if known;  
37 (2) the amount and the basis of the claim; (3) that the plaintiff,  
38 where possible, has demanded payment and, in applicable cases,  
39 possession of the property; (4) that the defendant has failed or  
40 refused to pay, and, where applicable, has refused to surrender the

1 property; and (5) that the plaintiff understands that the judgment  
2 on his or her claim will be conclusive and without a right of appeal.

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

9 SEC. 5. Section 411.21 of the Code of Civil Procedure is  
10 amended to read:

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

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

1 preserving a copy in the court records notwithstanding Section  
2 68152 of the Government Code.

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

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

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

1 (f) If any trial or other hearing is scheduled to be heard prior to  
 2 the expiration of the 20-day period provided for in subdivision (a),  
 3 the fee shall be paid prior to the trial or hearing. Failure of the  
 4 party to pay the fee prior to the trial or hearing date shall cause the  
 5 court to void the filing and proceed as if it had not been filed.

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

22 SEC. 6. Section 1502 of the Code of Civil Procedure is  
 23 amended to read:

24 1502. (a) This chapter does not apply to any of the following:

25 (1) Any property in the official custody of a municipal utility  
 26 district.

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

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

34 (b) None of the provisions of this chapter applies to any type  
 35 of property received by the state under the provisions of Chapter  
 36 1 (commencing with Section 1300) to Chapter 6 (commencing  
 37 with Section 1440), inclusive, of this title.

38 SEC. 7. Section 2031.210 of the Code of Civil Procedure is  
 39 amended to read:

1 2031.210. (a) The party to whom an inspection demand has  
2 been directed shall respond separately to each item or category of  
3 item by any of the following:

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

8 (2) A representation that the party lacks the ability to comply  
9 with the demand for inspection of a particular item or category of  
10 item.

11 (3) An objection to the particular demand.

12 (b) In the first paragraph of the response immediately below  
13 the title of the case, there shall appear the identity of the responding  
14 party, the set number, and the identity of the demanding party.

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

19 SEC. 8. Section 2031.270 of the Code of Civil Procedure is  
20 amended to read:

21 2031.270. (a) The party demanding an inspection and the  
22 responding party may agree to extend the date for inspection or  
23 the time for service of a response to a set of inspection demands,  
24 or to particular items or categories of items in a set, to a date or  
25 dates beyond those provided in Sections 2031.030, 2031.210,  
26 2031.260, and 2031.280.

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

30 (c) Unless this agreement expressly states otherwise, it is  
31 effective to preserve to the responding party the right to respond  
32 to any item or category of item in the demand to which the  
33 agreement applies in any manner specified in Sections 2031.210,  
34 2031.220, 2031.230, 2031.240, and 2031.280.

35 SEC. 9. Section 2031.280 of the Code of Civil Procedure is  
36 amended to read:

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

1 (b) The documents shall be produced on the date specified in  
 2 the inspection demand pursuant to paragraph (2) of subdivision  
 3 (c) of Section 2031.030, unless an objection has been made to that  
 4 date. If the date for inspection has been extended pursuant to  
 5 Section 2031.270, the documents shall be produced on the date  
 6 agreed to pursuant to that section.

7 (c) If necessary, the responding party at the reasonable expense  
 8 of the demanding party shall, through detection devices, translate  
 9 any data compilations included in the demand into reasonably  
 10 usable form.

11 SEC. 10. Section 2142 of the Elections Code is amended to  
 12 read:

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

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

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

28 SEC. 11. Section 14310 of the Elections Code is amended to  
 29 read:

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

36 (1) An election official shall advise the voter of the voter’s right  
 37 to cast a provisional ballot.

38 (2) The voter shall be provided a provisional ballot, written  
 39 instructions regarding the process and procedures for casting the  
 40 provisional ballot, and a written affirmation regarding the voter’s

1 registration and eligibility to vote. The written instructions shall  
2 include the information set forth in subdivisions (c) and (d).

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

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

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

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

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

1 (A) If the ballot cast by the voter contains the same candidates  
2 and measures on which the voter would have been entitled to vote  
3 in his or her assigned precinct, the elections official shall count  
4 the votes for the entire ballot.

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

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

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

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

19 (g) Any existing supply of envelopes marked "special challenged  
20 ballot" may be used until the supply is exhausted.

21 SEC. 11.5. Section 14310 of the Elections Code is amended  
22 to read:

23 14310. (a) At all elections, a voter claiming to be properly  
24 registered but whose qualification or entitlement to vote cannot  
25 be immediately established upon examination of the index of  
26 registration for the precinct or upon examination of the records on  
27 file with the county elections official, shall be entitled to vote a  
28 provisional ballot as follows:

29 (1) ~~An election~~ *elections* official shall advise the voter of the  
30 voter's right to cast a provisional ballot.

31 (2) The voter shall be provided a provisional ballot, written  
32 instructions regarding the process and procedures for casting the  
33 provisional ballot, and a written affirmation regarding the voter's  
34 registration and eligibility to vote. The written instructions shall  
35 include the information set forth in subdivisions (c) and (d).

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

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

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

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

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

34 (A) If the ballot cast by the voter contains the same candidates  
35 and measures on which the voter would have been entitled to vote  
36 in his or her assigned precinct, the elections official shall count  
37 the votes for the entire ballot.

38 (B) If the ballot cast by the voter contains candidates or  
39 measures on which the voter would not have been entitled to vote  
40 in his or her assigned precinct, the elections official shall count

1 only the votes for the candidates and measures on which the voter  
 2 was entitled to vote in his or her assigned precinct.

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

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

9 (f) This section shall apply to any ~~absent~~ *vote by mail* voter  
 10 described by Section 3015 who is unable to surrender his or her  
 11 unvoted ~~absent~~ *vote by mail* voter’s ballot.

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

14 SEC. 12. Section 304 of the Family Code is amended to read:

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

30 SEC. 13. Section 3204 of the Family Code is amended to read:

31 3204. (a) The Judicial Council shall annually submit an  
 32 application to the federal Administration for Children and Families,  
 33 pursuant to Section 669B of the “1996 Federal Personal  
 34 Responsibility and Work Opportunity Recovery Act” (PRWORA),  
 35 for a grant to fund child custody and visitation programs pursuant  
 36 to this chapter.

37 The Judicial Council shall be charged with the administration  
 38 of the grant funds.

39 (b) (1) It is the intention of the Legislature that, effective  
 40 October 1, 2000, the grant funds described in subdivision (a) shall

1 be used to fund the following three types of programs: supervised  
2 visitation and exchange services, education about protecting  
3 children during family disruption, and group counseling for parents  
4 and children, as set forth in this chapter. Contracts shall follow a  
5 standard request for proposal procedure, that may include multiple  
6 year funding. Requests for proposals shall meet all state and federal  
7 requirements for receiving access and visitation grant funds.

8 (2) The grant funds shall be awarded with the intent of approving  
9 as many requests for proposals as possible while assuring that each  
10 approved proposal would provide beneficial services and satisfy  
11 the overall goals of the program under this chapter. The Judicial  
12 Council shall determine the final number and amount of grants.  
13 Requests for proposals shall be evaluated based on the following  
14 criteria:

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

16 (B) The ability to expand existing services.

17 (C) Coordination with other community services.

18 (D) The hours of service delivery.

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

20 (F) Overall cost-effectiveness.

21 (G) The purpose of the program to promote and encourage  
22 healthy parent and child relationships between noncustodial parents  
23 and their children, while ensuring the health, safety, and welfare  
24 of the children.

25 (3) Special consideration for grant funds shall be given to  
26 proposals that coordinate supervised visitation and exchange  
27 services, education, and group counseling with existing court-based  
28 programs and services.

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

34 (d) The Judicial Council shall, on March 1, 2002, and on the  
35 first day of March of each subsequent even-numbered year, report  
36 to the Legislature on the programs funded pursuant to this chapter  
37 and whether and to what extent those programs are achieving the  
38 goal of promoting and encouraging healthy parent and child  
39 relationships between noncustodial or joint custodial parents and

1 their children while ensuring the health, safety, and welfare of  
2 children, and the other goals described in this chapter.

3 SEC. 14. Section 53069.4 of the Government Code is amended  
4 to read:

5 53069.4. (a) (1) The legislative body of a local agency, as the  
6 term “local agency” is defined in Section 54951, may by ordinance  
7 make any violation of any ordinance enacted by the local agency  
8 subject to an administrative fine or penalty. The local agency shall  
9 set forth by ordinance the administrative procedures that shall  
10 govern the imposition, enforcement, collection, and administrative  
11 review by the local agency of those administrative fines or  
12 penalties. Where the violation would otherwise be an infraction,  
13 the administrative fine or penalty shall not exceed the maximum  
14 fine or penalty amounts for infractions set forth in subdivision (b)  
15 of Section 25132 and subdivision (b) of Section 36900.

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

24 (b) (1) Notwithstanding the provisions of Section 1094.5 or  
25 1094.6 of the Code of Civil Procedure, within 20 days after service  
26 of the final administrative order or decision of the local agency is  
27 made pursuant to an ordinance enacted in accordance with this  
28 section regarding the imposition, enforcement or collection of the  
29 administrative fines or penalties, a person contesting that final  
30 administrative order or decision may seek review by filing an  
31 appeal to be heard by the superior court, where the same shall be  
32 heard de novo, except that the contents of the local agency’s file  
33 in the case shall be received in evidence. A proceeding under this  
34 subdivision is a limited civil case. A copy of the document or  
35 instrument of the local agency providing notice of the violation  
36 and imposition of the administrative fine or penalty shall be  
37 admitted into evidence as prima facie evidence of the facts stated  
38 therein. A copy of the notice of appeal shall be served in person  
39 or by first-class mail upon the local agency by the contestant.

1 (2) The fee for filing the notice of appeal shall be as specified  
2 in Section 70615. The court shall request that the local agency’s  
3 file on the case be forwarded to the court, to be received within  
4 15 days of the request. The court shall retain the fee specified in  
5 Section 70615 regardless of the outcome of the appeal. If the court  
6 finds in favor of the contestant, the amount of the fee shall be  
7 reimbursed to the contestant by the local agency. Any deposit of  
8 the fine or penalty shall be refunded by the local agency in  
9 accordance with the judgment of the court.

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

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

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

21 SEC. 15. Section 68076 of the Government Code is amended  
22 to read:

23 68076. The seals of the superior courts shall:

24 (a) Be circular.

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

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

28 (d) Have inscribed around the central words or design “Superior  
29 Court of California, County of [\_\_\_\_],” inserting the name of the  
30 county.

31 The seal of any such court, which has been adopted before April  
32 1, 1880, shall be the seal of such court until another is adopted.

33 SEC. 16. Section 68084.1 of the Government Code is amended  
34 to read:

35 68084.1. (a) Except as otherwise provided by law, any money,  
36 excluding restitution to victims, that has been deposited with a  
37 superior court, or that a superior court is holding in trust for the  
38 lawful owner, in a court bank account or in a court trust account  
39 in a county treasury, that remains unclaimed for three years shall  
40 become the property of the superior court if, after published notice

1 pursuant to this section, the money is not claimed or no verified  
2 complaint is filed and served.

3 (b) At any time after the expiration of the three-year period  
4 specified in subdivision (a), the executive officer of the superior  
5 court may cause a notice to be published once a week for two  
6 successive weeks in a newspaper of general circulation published  
7 in the county in which the court is located. The notice shall state  
8 the amount of money, the fund in which it is held, and that it is  
9 proposed that the money will become the property of the court on  
10 a designated date not less than 45 days nor more than 60 days after  
11 the first publication of the notice.

12 (c) Before or after publication, a party of interest may file a  
13 claim with the court executive officer that shall include the  
14 claimant's name, address, amount of claim, the grounds on which  
15 the claim is founded, and any other information that may be  
16 required by the court executive officer. The claim shall be filed  
17 before the designated date on which unclaimed money becomes  
18 the property of the court as provided under subdivision (b), and  
19 the executive officer shall accept or reject that claim.

20 (d) If the superior court executive officer rejects the claim, or  
21 takes no action on the claim within 30 days after it is filed, the  
22 party that submitted the claim may file a verified complaint seeking  
23 to recover all, or a specified part, of the money in the court in the  
24 county in which the notice is published. The copy of the complaint  
25 and summons shall be served on the court executive officer. The  
26 court executive officer shall withhold the release of the portion of  
27 unclaimed money for which a court action has been filed as  
28 provided in this section until the court renders a decision or the  
29 claim is settled. Any portion of the unclaimed money not covered  
30 by the verified complaint shall become the property of the court  
31 if no other claim or verified complaint has been filed regarding it  
32 within the time specified in this section. If the party that submitted  
33 the claim does not file a verified complaint within 30 days after  
34 the date that the court mailed notice that the claim was rejected or  
35 within 60 days after the claim was filed, the money shall become  
36 the property of the court.

37 (e) Notwithstanding subdivisions (c) and (d), the court executive  
38 officer may release the unclaimed money to the depositor of the  
39 unclaimed money, or the depositor's heir, beneficiary, or duly  
40 appointed representative, if the depositor or the depositor's heir,

1 beneficiary, or duly appointed representative claims the money  
2 before the date that the money becomes the property of the superior  
3 court, upon submitting proof satisfactory to the court executive  
4 officer.

5 (f) If no claim is filed under subdivision (c) and the time for  
6 filing claims has expired, the money shall become the property of  
7 the court. If a claim or claims are filed with respect to a portion of  
8 the money, but not the remainder of the money, and the time for  
9 filing claims under subdivision (c) has expired, the remainder of  
10 the money shall become the property of the court.

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

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

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

22 SEC. 17. Section 68085.1 of the Government Code is amended  
23 to read:

24 68085.1. (a) This section applies to all fees and fines that are  
25 collected on or after January 1, 2006, under all of the following:

26 (1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,  
27 704.750, 708.160, 724.100, 1134, 1161.2, 1218, and 1993.2 of,  
28 subdivision (g) of Section 411.20 and subdivisions (c) and (g) of  
29 Section 411.21 of, and Chapter 5.5 (commencing with Section  
30 116.110) of Title 1 of Part 1 of, the Code of Civil Procedure.

31 (2) Section 3112 of the Family Code.

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

33 (4) Subdivision (d) of Section 6103.5, Sections 68086 and  
34 68086.1, subdivision (d) of Section 68511.3, Sections 68926.1 and  
35 69953.5, and Chapter 5.8 (commencing with Section 70600).

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

37 (6) Subdivisions (b) and (c) of Section 166 and Section 1214.1  
38 of the Penal Code.

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

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

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

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

8 (b) On and after January 1, 2006, each superior court shall  
9 deposit all fees and fines listed in subdivision (a), as soon as  
10 practicable after collection and on a regular basis, into a bank  
11 account established for this purpose by the Administrative Office  
12 of the Courts. Upon direction of the Administrative Office of the  
13 Courts, the county shall deposit civil assessments under Section  
14 1214.1 of the Penal Code and any other money it collects under  
15 the sections listed in subdivision (a) as soon as practicable after  
16 collection and on a regular basis into the bank account established  
17 for this purpose and specified by the Administrative Office of the  
18 Courts. The deposits shall be made as required by rules adopted  
19 by, and financial policies and procedures authorized by, the Judicial  
20 Council under subdivision (a) of Section 77206. Within 15 days  
21 after the end of the month in which the fees and fines are collected,  
22 each court, and each county that collects any fines or fees under  
23 subdivision (a), shall provide the Administrative Office of the  
24 Courts with a report of the fees by categories as specified by the  
25 Administrative Office of the Courts. The Administrative Office  
26 of the Courts and any court may agree upon a time period greater  
27 than 15 days, but in no case more than 30 days after the end of the  
28 month in which the fees and fines are collected. The fees and fines  
29 listed in subdivision (a) shall be distributed as provided in this  
30 section.

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

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

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

39 (C) To the county law library funds, as described in Sections  
40 116.230 and 116.760 of the Code of Civil Procedure, subdivision

1 (b) of Section 68085.3, subdivision (b) of Section 68085.4, and  
2 Section 70621 of this code, and Section 14607.6 of the Vehicle  
3 Code.

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

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

10 (d) Within 45 calendar days after the end of the month in which  
11 the fees and fines listed in subdivision (a) are collected, the  
12 amounts remaining after the distributions in subdivision (c) shall  
13 be transmitted to the State Treasury for deposit in the Trial Court  
14 Trust Fund and other funds as required by law. This remittance  
15 shall be accompanied by a remittance advice identifying the  
16 collection month and the appropriate account in the Trial Court  
17 Trust Fund or other fund to which it is to be deposited. Upon the  
18 receipt of any delinquent payment required under this subdivision,  
19 the Controller shall calculate a penalty as provided under  
20 subdivision (i).

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

23 (1) Into the State Court Facilities Construction Fund, the Judges'  
24 Retirement Fund, and the Equal Access Fund, as described in  
25 subdivision (c) of Section 68085.3 and subdivision (c) of Section  
26 68085.4.

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

30 (3) Into the Family Law Trust Fund, as described in Section  
31 70674.

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

34 (f) The amounts collected by each superior court under Section  
35 116.232, subdivision (g) of Section 411.20, and subdivision (g) of  
36 Section 411.21 of the Code of Civil Procedure, Sections 304, 3112,  
37 3153, 7851.5, and 9002 of the Family Code, subdivision (d) of  
38 Section 6103.5, subdivision (d) of Section 68511.3 and Sections  
39 68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386  
40 of this code, and Sections 1513.1, 1835, 1851.5, and 2343 of the

1 Probate Code, shall be added to the monthly apportionment for  
2 that court under subdivision (a) of Section 68085.

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

20 (h) Except as provided in Sections 470.5 and 6322.1 of the  
21 Business and Professions Code, and Sections 70622, 70624, and  
22 70625 of this code, no agency may take action to change the  
23 amounts allocated to any of the funds described in subdivision (c),  
24 (d), or (e).

25 (i) The amount of the penalty on any delinquent payment under  
26 subdivision (c) or (d) shall be calculated by multiplying the amount  
27 of the delinquent payment at a daily rate equivalent to 1 ½ percent  
28 per month for the number of days the payment is delinquent. The  
29 penalty shall be paid from the Trial Court Trust Fund. Penalties  
30 on delinquent payments under subdivision (d) shall be calculated  
31 only on the amounts to be distributed to the Trial Court Trust Fund  
32 and the State Court Facilities Construction Fund, and each penalty  
33 shall be distributed proportionately to the funds to which the  
34 delinquent payment was to be distributed.

35 (j) If a delinquent payment under subdivision (c) or (d) results  
36 from a delinquency by a superior court under subdivision (b), the  
37 court shall reimburse the Trial Court Trust Fund for the amount  
38 of the penalty. Notwithstanding Section 77009, any penalty on a  
39 delinquent payment that a court is required to reimburse pursuant  
40 to this section shall be paid from the court operations fund for that

1 court. The penalty shall be paid by the court to the Trial Court  
2 Trust Fund no later than 45 days after the end of the month in  
3 which the penalty was calculated. If the penalty is not paid within  
4 the specified time, the Administrative Office of the Courts may  
5 reduce the amount of a subsequent monthly allocation to the court  
6 by the amount of the penalty on the delinquent payment.

7 (k) If a delinquent payment under subdivision (c) or (d) results  
8 from a delinquency by a county in transmitting fees and fines listed  
9 in subdivision (a) to the bank account established for this purpose,  
10 as described in subdivision (b), the county shall reimburse the Trial  
11 Court Trust Fund for the amount of the penalty. The penalty shall  
12 be paid by the county to the Trial Court Trust Fund no later than  
13 45 days after the end of the month in which the penalty was  
14 calculated.

15 SEC. 18. Section 68085.4 of the Government Code is amended  
16 to read:

17 68085.4. (a) Fees collected under Sections 70613, 70614,  
18 70621, 70654, 70656, and 70658 of this code, Section 103470 of  
19 the Health and Safety Code, and Section 7660 of the Probate Code,  
20 shall be deposited in a bank account established by the  
21 Administrative Office of the Courts for deposit of fees collected  
22 by the courts.

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

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

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

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

37 (1) To the State Court Facilities Construction Fund, as provided  
38 in Article 6 (commencing with Section 70371) of Chapter 5.7,  
39 twenty-five dollars (\$25) if the fee is three hundred dollars (\$300),

1 and twenty dollars (\$20) if the fee is one hundred eighty dollars  
2 (\$180).

3 (2) To the Judges’ Retirement Fund, as established in Section  
4 75100, two dollars and fifty cents (\$2.50).

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

8 (4) To the Trial Court Trust Fund, as provided in Section  
9 68085.1, the remainder of the fee.

10 (d) If any of the fees listed in subdivision (a) are reduced or  
11 partially waived, the amount of the reduction or partial waiver  
12 shall be deducted from the amount to be distributed to each fund  
13 or account in the same proportion as the amount of each  
14 distribution bears to the total amount of the fee.

15 (e) As used in this section, “law library fund” includes a law  
16 library account described in Section 6320 of the Business and  
17 Professions Code.

18 SEC. 19. Section 68152 of the Government Code is amended  
19 to read:

20 68152. The trial court clerk may destroy court records under  
21 Section 68153 after notice of destruction and if there is no request  
22 and order for transfer of the records, except the comprehensive  
23 historical and sample superior court records preserved for research  
24 under the California Rules of Court, when the following times  
25 have expired after final disposition of the case in the categories  
26 listed:

- 27 (a) Adoption: retain permanently.
- 28 (b) Change of name: retain permanently.
- 29 (c) Other civil actions and proceedings, as follows:
  - 30 (1) Except as otherwise specified: 10 years.
  - 31 (2) Where a party appears by a guardian ad litem: 10 years after  
32 termination of the court’s jurisdiction.
  - 33 (3) Domestic violence: same period as duration of the restraining  
34 or other orders and any renewals, then retain the restraining or  
35 other orders as a judgment; 60 days after expiration of the  
36 temporary protective or temporary restraining order.
  - 37 (4) Eminent domain: retain permanently.
  - 38 (5) Family law, except as otherwise specified: 30 years.

- 1 (6) Harassment: same period as duration of the injunction and  
2 any renewals, then retain the injunction as a judgment; 60 days  
3 after expiration of the temporary restraining order.
- 4 (7) Mental health (Lanterman Developmental Disabilities  
5 Services Act and Lanterman-Petris-Short Act): 30 years.
- 6 (8) Paternity: retain permanently.
- 7 (9) Petition, except as otherwise specified: 10 years.
- 8 (10) Real property other than unlawful detainer: retain  
9 permanently if the action affects title or an interest in real property.
- 10 (11) Small claims: 10 years.
- 11 (12) Unlawful detainer: one year if judgment is for possession  
12 of the premises; 10 years if judgment is for money.
- 13 (d) Notwithstanding subdivision (c), any civil or small claims  
14 case in the trial court:
- 15 (1) Involuntarily dismissed by the court for delay in prosecution  
16 or failure to comply with state or local rules: one year.
- 17 (2) Voluntarily dismissed by a party without entry of judgment:  
18 one year.
- 19 Notation of the dismissal shall be made on the civil index of  
20 cases or on a separate dismissal index.
- 21 (e) Criminal.
- 22 (1) Capital felony (murder with special circumstances where  
23 the prosecution seeks the death penalty): retain permanently. If  
24 the charge is disposed of by acquittal or a sentence less than death,  
25 the case shall be reclassified.
- 26 (2) Felony, except as otherwise specified: 75 years.
- 27 (3) Felony, except capital felony, with court records from the  
28 initial complaint through the preliminary hearing or plea and for  
29 which the case file does not include final sentencing or other final  
30 disposition of the case because the case was bound over to the  
31 superior court: five years.
- 32 (4) Misdemeanor, except as otherwise specified: five years.
- 33 (5) Misdemeanor alleging a violation of the Vehicle Code,  
34 except as otherwise specified: three years.
- 35 (6) Misdemeanor alleging a violation of Section 23103, 23152,  
36 or 23153 of the Vehicle Code: 10 years.
- 37 (7) Misdemeanor alleging a violation of Section 14601, 14601.1,  
38 20002, 23104, or 23109 of the Vehicle Code: five years.
- 39 (8) Misdemeanor alleging a marijuana violation under  
40 subdivision (b), (c), (d), or (e) of Section 11357 of the Health and

1 Safety Code, or subdivision (b) of Section 11360 of the Health  
2 and Safety Code in accordance with the procedure set forth in  
3 Section 11361.5 of the Health and Safety Code: records shall be  
4 destroyed two years from the date of conviction or from the date  
5 of arrest if no conviction.

6 (9) Misdemeanor, infraction, or civil action alleging a violation  
7 of the regulation and licensing of dogs under Sections 30951 to  
8 30956, inclusive, of the Food and Agricultural Code or violation  
9 of any other local ordinance: three years.

10 (10) Misdemeanor action resulting in a requirement that the  
11 defendant register as a sex offender pursuant to Section 290 of the  
12 Penal Code: 75 years. This paragraph shall apply to records relating  
13 to a person convicted on or after September 20, 2006, the effective  
14 date of Senate Bill 1128 of the 2005–06 Regular Session.

15 (11) Infraction, except as otherwise specified: three years.

16 (12) Parking infractions, including alleged violations under the  
17 stopping, standing, and parking provisions set forth in Chapter 9  
18 (commencing with Section 22500) of Division 11 of the Vehicle  
19 Code: two years.

20 (f) Habeas corpus: same period as period for retention of the  
21 records in the underlying case category.

22 (g) Juvenile.

23 (1) Dependent (Section 300 of the Welfare and Institutions  
24 Code): upon reaching age 28 or on written request shall be released  
25 to the juvenile five years after jurisdiction over the person has  
26 terminated under subdivision (a) of Section 826 of the Welfare  
27 and Institutions Code. Sealed records shall be destroyed upon court  
28 order five years after the records have been sealed pursuant to  
29 subdivision (c) of Section 389 of the Welfare and Institutions Code.

30 (2) Ward (Section 601 of the Welfare and Institutions Code):  
31 upon reaching age 21 or on written request shall be released to the  
32 juvenile five years after jurisdiction over the person has terminated  
33 under subdivision (a) of Section 826 of the Welfare and Institutions  
34 Code. Sealed records shall be destroyed upon court order five years  
35 after the records have been sealed under subdivision (d) of Section  
36 781 of the Welfare and Institutions Code.

37 (3) Ward (Section 602 of the Welfare and Institutions Code):  
38 upon reaching age 38 under subdivision (a) of Section 826 of the  
39 Welfare and Institutions Code. Sealed records shall be destroyed  
40 upon court order when the subject of the record reaches the age

1 of 38 under subdivision (d) of Section 781 of the Welfare and  
2 Institutions Code.

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

8 (5) Marijuana misdemeanor under subdivision (e) of Section  
9 11357 of the Health and Safety Code in accordance with procedures  
10 specified in subdivision (a) of Section 11361.5 of the Health and  
11 Safety Code: upon reaching age 18 the records shall be destroyed.

12 (h) Probate.

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

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

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

17 (i) Court records of the appellate division of the superior court:  
18 five years.

19 (j) Other records.

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

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

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

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

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

30 (6) Court orders not associated with an underlying case, such  
31 as orders for destruction of court records for telephone taps, or to  
32 destroy drugs, and other miscellaneous court orders: three years.

33 (7) Court reporter notes: 10 years after the notes have been taken  
34 in criminal and juvenile proceedings and five years after the notes  
35 have been taken in all other proceedings, except notes reporting  
36 proceedings in capital felony cases (murder with special  
37 circumstances where the prosecution seeks the death penalty and  
38 the sentence is death), including notes reporting the preliminary  
39 hearing, which shall be retained permanently, unless the Supreme  
40 Court on request of the court clerk authorizes the destruction.

1 (8) Electronic recordings made as the official record of the oral  
2 proceedings under the California Rules of Court: any time after  
3 final disposition of the case in infraction and misdemeanor  
4 proceedings, 10 years in all other criminal proceedings, and five  
5 years in all other proceedings.

6 (9) Electronic recordings not made as the official record of the  
7 oral proceedings under the California Rules of Court: any time  
8 either before or after final disposition of the case.

9 (10) Index, except as otherwise specified: retain permanently.

10 (11) Index for cases alleging traffic violations: same period as  
11 period for retention of the records in the underlying case category.

12 (12) Judgments within the jurisdiction of the superior court  
13 other than in a limited civil case, misdemeanor case, or infraction  
14 case: retain permanently.

15 (13) Judgments in misdemeanor cases, infraction cases, and  
16 limited civil cases: same period as period for retention of the  
17 records in the underlying case category.

18 (14) Minutes: same period as period for retention of the records  
19 in the underlying case category.

20 (15) Naturalization index: retain permanently.

21 (16) Ninety-day evaluation (under Section 1203.03 of the Penal  
22 Code): same period as period for retention of the records in the  
23 underlying case category, or period for completion or termination  
24 of probation, whichever is longer.

25 (17) Register of actions or docket: same period as period for  
26 retention of the records in the underlying case category, but in no  
27 event less than 10 years for civil and small claims cases.

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

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

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

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

39 *SEC. 19.5. Section 68152 of the Government Code is amended*  
40 *to read:*

1 68152. The trial court clerk may destroy court records under  
2 Section 68153 after notice of destruction and if there is no request  
3 and order for transfer of the records, except the comprehensive  
4 historical and sample superior court records preserved for research  
5 under the California Rules of Court, when the following times  
6 have expired after final disposition of the case in the categories  
7 listed:

- 8 (a) Adoption: retain permanently.
- 9 (b) Change of name: retain permanently.
- 10 (c) Other civil actions and proceedings, as follows:
  - 11 (1) Except as otherwise specified: 10 years.
  - 12 (2) Where a party appears by a guardian ad litem: 10 years after  
13 termination of the court's jurisdiction.
  - 14 (3) Domestic violence: same period as duration of the restraining  
15 or other orders and ~~any~~ renewals, then retain the restraining or  
16 other orders as a judgment; 60 days after expiration of the  
17 temporary protective or temporary restraining order.
  - 18 (4) Eminent domain: retain permanently.
  - 19 (5) Family law, except as otherwise specified: 30 years.
  - 20 (6) Harassment: same period as duration of the injunction and  
21 ~~any~~ renewals, then retain the injunction as a judgment; 60 days  
22 after expiration of the temporary restraining order.
  - 23 (7) Mental health (Lanterman Developmental Disabilities  
24 Services Act and Lanterman-Petris-Short Act): 30 years.
  - 25 (8) Paternity: retain permanently.
  - 26 (9) Petition, except as otherwise specified: 10 years.
  - 27 (10) Real property other than unlawful detainer: retain  
28 permanently if the action affects title or an interest in real property.
  - 29 (11) Small claims: 10 years.
  - 30 (12) Unlawful detainer: one year if judgment is for possession  
31 of the premises; 10 years if judgment is for money.
- 32 (d) Notwithstanding subdivision (c), any civil or small claims  
33 case in the trial court:
  - 34 (1) Involuntarily dismissed by the court for delay in prosecution  
35 or failure to comply with state or local rules: one year.
  - 36 (2) Voluntarily dismissed by a party without entry of judgment:  
37 one year.
- 38 Notation of the dismissal shall be made on the civil index of  
39 cases or on a separate dismissal index.
- 40 (e) Criminal.

- 1 (1) Capital felony (murder with special circumstances where
- 2 the prosecution seeks the death penalty): retain permanently. If
- 3 the charge is disposed of by acquittal or a sentence less than death,
- 4 the case shall be reclassified.
- 5 (2) Felony, except as otherwise specified: 75 years.
- 6 (3) Felony, except capital felony, with court records from the
- 7 initial complaint through the preliminary hearing or plea and for
- 8 which the case file does not include final sentencing or other final
- 9 disposition of the case because the case was bound over to the
- 10 superior court: five years.
- 11 (4) Misdemeanor, except as otherwise specified: five years.
- 12 (5) Misdemeanor alleging a violation of the Vehicle Code,
- 13 except as otherwise specified: three years.
- 14 (6) Misdemeanor alleging a violation of Section 23103, 23152,
- 15 or 23153 of the Vehicle Code: 10 years.
- 16 (7) Misdemeanor alleging a violation of Section 14601, 14601.1,
- 17 20002, 23104, ~~or 23105~~, 23109, or 23109.1 of the Vehicle Code:
- 18 five years.
- 19 (8) Misdemeanor alleging a marijuana violation under
- 20 subdivision (b), (c), (d), or (e) of Section 11357 of the Health and
- 21 Safety Code, or subdivision (b) of Section 11360 of the Health
- 22 and Safety Code in accordance with the procedure set forth in
- 23 Section 11361.5 of the Health and Safety Code: records shall be
- 24 destroyed two years from the date of conviction or from the date
- 25 of arrest if no conviction.
- 26 (9) Misdemeanor, infraction, or civil action alleging a violation
- 27 of the regulation and licensing of dogs under Sections 30951 to
- 28 30956, inclusive, of the Food and Agricultural Code or violation
- 29 of any other local ordinance: three years.
- 30 *(10) Misdemeanor action resulting in a requirement that the*
- 31 *defendant register as a sex offender pursuant to Section 290 of the*
- 32 *Penal Code: 75 years. This paragraph shall apply to records*
- 33 *relating to a person convicted on or after September 20, 2006.*
- 34 ~~(10)~~
- 35 (11) Infraction, except as otherwise specified: three years.
- 36 ~~(11)~~
- 37 (12) Parking infractions, including alleged violations under the
- 38 stopping, standing, and parking provisions set forth in Chapter 9
- 39 (commencing with Section 22500) of Division 11 of the Vehicle
- 40 Code: two years.

1 ~~(12) Misdemeanor action resulting in a requirement that the~~  
2 ~~defendant register as a sex offender pursuant to Section 290 of the~~  
3 ~~Penal Code: 75 years. This paragraph shall apply to records relating~~  
4 ~~to a person convicted on or after the effective date of Senate Bill~~  
5 ~~1128 of the 2005–06 Regular Session.~~

6 (f) Habeas corpus: same period as period for retention of the  
7 records in the underlying case category.

8 (g) Juvenile.

9 (1) Dependent (Section 300 of the Welfare and Institutions  
10 Code): upon reaching age 28 or on written request shall be released  
11 to the juvenile five years after jurisdiction over the person has  
12 terminated under subdivision (a) of Section 826 of the Welfare  
13 and Institutions Code. Sealed records shall be destroyed upon court  
14 order five years after the records have been sealed pursuant to  
15 subdivision (c) of Section 389 of the Welfare and Institutions Code.

16 (2) Ward (Section 601 of the Welfare and Institutions Code):  
17 upon reaching age 21 or on written request shall be released to the  
18 juvenile five years after jurisdiction over the person has terminated  
19 under subdivision (a) of Section 826 of the Welfare and Institutions  
20 Code. Sealed records shall be destroyed upon court order five years  
21 after the records have been sealed under subdivision (d) of Section  
22 781 of the Welfare and Institutions Code.

23 (3) Ward (Section 602 of the Welfare and Institutions Code):  
24 upon reaching age 38 under subdivision (a) of Section 826 of the  
25 Welfare and Institutions Code. Sealed records shall be destroyed  
26 upon court order when the subject of the record reaches the age  
27 of 38 under subdivision (d) of Section 781 of the Welfare and  
28 Institutions Code.

29 (4) Traffic and some nontraffic misdemeanors and infractions  
30 (Section 601 of the Welfare and Institutions Code): upon reaching  
31 age 21 or five years after jurisdiction over the person has terminated  
32 under subdivision (c) of Section 826 of the Welfare and Institutions  
33 Code. May be microfilmed or photocopied.

34 (5) Marijuana misdemeanor under subdivision (e) of Section  
35 11357 of the Health and Safety Code in accordance with procedures  
36 specified in subdivision (a) of Section 11361.5 of the Health and  
37 Safety Code: upon reaching age 18 the records shall be destroyed.

38 (h) Probate.

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

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

- 1 (3) Probate, including probated wills, except as otherwise  
2 specified: retain permanently.
- 3 (i) Court records of the appellate division of the superior court:  
4 five years.
- 5 (j) Other records.
- 6 (1) Applications in forma pauperis: any time after the disposition  
7 of the underlying case.
- 8 (2) Arrest warrant: same period as period for retention of the  
9 records in the underlying case category.
- 10 (3) Bench warrant: same period as period for retention of the  
11 records in the underlying case category.
- 12 (4) Bond: three years after exoneration and release.
- 13 (5) Coroner's inquest report: same period as period for retention  
14 of the records in the underlying case category; if no case, then  
15 permanent.
- 16 (6) Court orders not associated with an underlying case, such  
17 as orders for destruction of court records for telephone taps, or to  
18 destroy drugs, and other miscellaneous court orders: three years.
- 19 (7) Court reporter notes: 10 years after the notes have been taken  
20 in criminal and juvenile proceedings and five years after the notes  
21 have been taken in all other proceedings, except notes reporting  
22 proceedings in capital felony cases (murder with special  
23 circumstances where the prosecution seeks the death penalty and  
24 the sentence is death), including notes reporting the preliminary  
25 hearing, which shall be retained permanently, unless the Supreme  
26 Court on request of the court clerk authorizes the destruction.
- 27 (8) Electronic recordings made as the official record of the oral  
28 proceedings under the California Rules of Court: any time after  
29 final disposition of the case in infraction and misdemeanor  
30 proceedings, 10 years in all other criminal proceedings, and five  
31 years in all other proceedings.
- 32 (9) Electronic recordings not made as the official record of the  
33 oral proceedings under the California Rules of Court: any time  
34 either before or after final disposition of the case.
- 35 (10) Index, except as otherwise specified: retain permanently.
- 36 (11) Index for cases alleging traffic violations: same period as  
37 period for retention of the records in the underlying case category.
- 38 (12) Judgments within the jurisdiction of the superior court  
39 other than in a limited civil case, misdemeanor case, or infraction  
40 case: retain permanently.

1 (13) Judgments in misdemeanor cases, infraction cases, and  
2 limited civil cases: same period as period for retention of the  
3 records in the underlying case category.

4 (14) Minutes: same period as period for retention of the records  
5 in the underlying case category.

6 (15) Naturalization index: retain permanently.

7 (16) Ninety-day evaluation (under Section 1203.03 of the Penal  
8 Code): same period as period for retention of the records in the  
9 underlying case category, or period for completion or termination  
10 of probation, whichever is longer.

11 (17) Register of actions or docket: same period as period for  
12 retention of the records in the underlying case category, but in no  
13 event less than 10 years for civil and small claims cases.

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

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

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

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

25 SEC. 20. Section 68506.5 is added to the Government Code,  
26 to read:

27 68506.5. The Judicial Council shall, after receiving comment  
28 from the courts, court employee organizations, and other interested  
29 groups, adopt fiscally responsible travel reimbursement policies,  
30 procedures, and rates for the judicial branch that provide for  
31 appropriate accountability.

32 SEC. 20.5. Section 68516 of the Government Code is amended  
33 to read:

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

1 sought by the nonprofit corporation or other tax-exempt entity  
2 shall be used solely for the governmental purposes approved by  
3 the Judicial Council for activities within the scope of authority of  
4 the Judicial Council.

5 (b) The Administrative Office of the Courts may provide  
6 administrative support and oversight services to a tax-exempt  
7 public benefit nonprofit corporation or other tax-exempt entity  
8 established under this section. These support and oversight services  
9 shall be limited to ministerial support for meetings, and preparing,  
10 maintaining, and presenting financial records as needed for audits  
11 and other reporting requirements. Any services provided shall be  
12 consistent with current limitations and practices of public  
13 employment.

14 SEC. 21. Section 68666 of the Government Code is amended  
15 to read:

16 68666. (a) The Supreme Court may compensate counsel  
17 representing indigent defendants in automatic appeals arising out  
18 of a judgment of death or for state postconviction proceedings in  
19 those cases, at a rate of at least one hundred twenty-five dollars  
20 (\$125) per allowable hour, as defined by the court's Payment  
21 Guidelines for Appointed Counsel Representing Indigent Criminal  
22 Appellants. However, nothing in this section is intended to prohibit  
23 the hiring of counsel under a flat-fee arrangement.

24 (b) The Supreme Court may set a guideline limitation on  
25 investigative and other expenses allowable for counsel to  
26 adequately investigate and present collateral claims of up to fifty  
27 thousand dollars (\$50,000) without an order to show cause.

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

30 SEC. 22. Section 70603 of the Government Code is amended  
31 to read:

32 70603. (a) Except as provided in this section, the fees charged  
33 for filings and services under this chapter are intended to be  
34 uniform statewide and to be the only allowable fees for those  
35 services and filings. The only charges that may be added to the  
36 fees in this chapter are the following:

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

1 (2) In an unlawful detainer action subject to Section 1161.2 of  
2 the Code of Civil Procedure, a charge of fifteen dollars (\$15) as  
3 provided under that section may be added to the fee in Section  
4 70613 for filing a first appearance by a plaintiff.

5 (3) In Riverside County, a surcharge as provided in Section  
6 70622 may be added to the first paper and first responsive paper  
7 filing fees in Sections 70611, 70612, 70613, 70614, 70650, 70651,  
8 70652, 70653, 70655, and 70670.

9 (4) In San Bernardino County, a surcharge as provided in  
10 Section 70624 may be added to the first paper and first responsive  
11 paper filing fees in Sections 70611, 70612, 70613, 70614, 70650,  
12 70651, 70652, 70653, 70655, and 70670. This paragraph applies  
13 to fees collected under Sections 70611, 70612, 70613, 70614,  
14 70650, 70651, 70652, 70653, 70655, and 70670, beginning January  
15 1, 2006.

16 (5) In the City and County of San Francisco, a surcharge as  
17 provided in Section 70625 may be added to the first paper and first  
18 responsive paper filing fees in Sections 70611, 70612, 70613,  
19 70614, 70650, 70651, 70652, 70653, 70655, and 70670.

20 (b) Notwithstanding paragraph (1) of subdivision (c) of Section  
21 68085.3 and paragraph (1) of subdivision (c) of Section 68085.4,  
22 when a charge for courthouse construction in the County or City  
23 and County of San Francisco, Riverside, or San Bernardino is  
24 added to the uniform filing fee as provided under paragraph (3),  
25 (4), or (5) of subdivision (a), the amount distributed to the State  
26 Court Facilities Construction Fund under Section 68085.3 or  
27 68085.4 shall be reduced by an amount equal to the charge added  
28 under paragraph (3), (4), or (5) of subdivision (a), up to the amount  
29 that would otherwise be distributed to the State Court Facilities  
30 Construction Fund. If the amount added under paragraph (3), (4),  
31 or (5) of subdivision (a) is greater than the amount that would be  
32 distributed to the State Court Facilities Construction Fund under  
33 Section 68085.3 or 68085.4, no distribution shall be made to the  
34 State Court Facilities Construction Fund, but the amount charged  
35 to the party may be greater than the amount of the uniform fee  
36 otherwise allowed, in order to collect the surcharge under paragraph  
37 (3), (4), or (5) of subdivision (a).

38 (c) If a filing fee is reduced by fifteen dollars (\$15) under  
39 subdivision (c) of Section 6322.1 of the Business and Professions  
40 Code, and a courthouse construction surcharge is added to the

1 filing fee as provided under paragraph (3), (4), or (5) of subdivision  
2 (a), the amount distributed to the State Court Facilities Construction  
3 Fund under Section 68085.4 shall be reduced as provided in  
4 subdivision (b). If the amount added under paragraph (3), (4), or  
5 (5) of subdivision (a) is greater than the amount that would be  
6 distributed to the State Court Facilities Construction Fund under  
7 Section 68085.4, no distribution shall be made to the State Court  
8 Facilities Construction Fund, but the amount charged to the party  
9 may be greater than one hundred sixty-five dollars (\$165), in order  
10 to collect the surcharge under paragraph (3), (4), or (5) of  
11 subdivision (a).

12 SEC. 23. Section 70612 of the Government Code is amended  
13 to read:

14 70612. (a) The uniform fee for filing the first paper in the  
15 action or proceeding described in Section 70611 on behalf of any  
16 defendant, intervenor, respondent, or adverse party, whether  
17 separately or jointly, except for the purpose of making disclaimer,  
18 is three hundred twenty dollars (\$320). The fee shall be distributed  
19 as provided in Section 68085.3.

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

23 SEC. 24. Section 70613.5 is added to the Government Code,  
24 to read:

25 70613.5. (a) Notwithstanding Section 472 of the Code of Civil  
26 Procedure, if a plaintiff or petitioner who previously was charged  
27 the filing fee under subdivision (b) of Section 70613 files an  
28 amended complaint or other initial pleading that increases the  
29 amount demanded to an amount that exceeds ten thousand dollars  
30 (\$10,000) but does not exceed twenty-five thousand dollars  
31 (\$25,000), so that the higher filing fee under subdivision (a) of  
32 Section 70613 would have been required if such a demand had  
33 been made in the original pleading, a fee equal to the difference  
34 between the fee for the original filing fee and the filing fee for the  
35 new amount demanded shall be charged to make up the difference  
36 between the filing fees. This fee shall be distributed to the Trial  
37 Court Trust Fund.

38 (b) Notwithstanding Section 472 of the Code of Civil Procedure,  
39 if a party who previously was charged the filing fee under  
40 subdivision (b) of Section 70614 files a cross-complaint, amended

1 cross-complaint, or amendment to a cross-complaint demanding  
2 an amount that exceeds ten thousand dollars (\$10,000) but does  
3 not exceed twenty-five thousand dollars (\$25,000), a fee equal to  
4 the difference between the fee for the original filing fee and the  
5 filing fee under subdivision (a) of Section 70614 shall be charged  
6 to make up the difference between the filing fees. This fee shall  
7 be distributed to the Trial Court Trust Fund.

8 (c) The court shall not reimburse a party if the party's complaint  
9 or cross-complaint is amended to demand a lower amount that  
10 falls within the range for a filing fee lower than that originally  
11 paid.

12 SEC. 25. Section 70615 is added to the Government Code, to  
13 read:

14 70615. The fee for filing any of the following appeals to the  
15 superior court is twenty-five dollars (\$25):

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

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

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

23 SEC. 26. Section 70617 of the Government Code is amended  
24 to read:

25 70617. (a) Except as provided in subdivision (d), the uniform  
26 fee for filing a motion, application, or any other paper requiring a  
27 hearing subsequent to the first paper, is forty dollars (\$40). Papers  
28 for which this fee shall be charged include the following:

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

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

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

35 (4) Discovery motions under Title 4 (commencing with Section  
36 2016.010) of Part 4 of the Code of Civil Procedure.

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

1 (6) An application for an order for a judgment debtor  
2 examination under Section 708.110 or 708.160 of the Code of  
3 Civil Procedure.

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

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

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

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

13 (2) An amended notice of motion.

14 (3) A civil case management statement.

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

16 (5) A stipulation that does not require an order.

17 (6) A request for an order to prevent civil harassment.

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

19 (8) A request for entry of default or default judgment.

20 (9) A paper requiring a hearing on a petition for emancipation  
21 of a minor.

22 (10) A paper requiring a hearing on a petition for an order to  
23 prevent abuse of an elder or dependent adult.

24 (11) A paper requiring a hearing on a petition for a writ of  
25 review, mandate, or prohibition.

26 (12) A paper requiring a hearing on a petition for a decree of  
27 change of name or gender.

28 (13) A paper requiring a hearing on a petition to approve the  
29 compromise of a claim of a minor.

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

32 (1) A request, application, or motion for, or a notice of, the  
33 continuance of a hearing or case management conference. The fee  
34 shall be charged no more than once for each continuance. The fee  
35 shall not be charged if the continuance is required by the court.

36 (2) A stipulation and order.

37 (3) A request for an order authorizing service of summons by  
38 posting or by publication under Section 415.45 or 415.50 of the  
39 Code of Civil Procedure.

1 (d) The fee for filing a motion for summary judgment or  
2 summary adjudication of issues is two hundred dollars (\$200).

3 (e) Regardless of whether each motion or matter is heard at a  
4 single hearing or at separate hearings, the filing fees required by  
5 subdivisions (a), (c), and (d) apply separately to each motion or  
6 other paper filed. The Judicial Council may publish rules to give  
7 uniform guidance to courts in applying fees under this section.

8 SEC. 27. Section 70621 of the Government Code is amended  
9 to read:

10 70621. (a) (1) The fee for filing a notice of appeal to the  
11 appellate division of the superior court in a limited civil case is  
12 three hundred dollars (\$300), except as provided in subdivision  
13 (b).

14 (2) The fee for filing a petition for a writ within the original  
15 jurisdiction of the appellate division of the superior court is three  
16 hundred dollars (\$300), except as provided in subdivision (b).

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

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

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

27 SEC. 28. Section 70624 of the Government Code is amended  
28 to read:

29 70624. (a) In addition to the uniform filing fee authorized  
30 pursuant to Section 70611, 70612, 70613, 70614, 70650, 70651,  
31 70652, 70653, 70655, or 70670, after giving notice and holding a  
32 public hearing on the proposal, the Board of Supervisors of San  
33 Bernardino County may impose a surcharge not to exceed  
34 thirty-five dollars (\$35) for the filing in superior court of (1) a  
35 complaint, petition, or other first paper in a civil, family, or probate  
36 action or special proceeding, and (2) a first paper on behalf of any  
37 defendant, respondent, intervenor, or adverse party. The county  
38 shall notify in writing the superior court and the Administrative  
39 Office of the Courts of any change in a surcharge under this section.  
40 If a surcharge under this section is imposed on a filing fee, the

1 distribution that would otherwise be made to the State Court  
2 Facilities Construction Fund under subdivision (c) of Section  
3 68085.3 or subdivision (c) of Section 68085.4 shall be reduced as  
4 provided in Section 70603. This section shall apply to fees  
5 collected under Sections 70611, 70612, 70613, 70614, 70650,  
6 70651, 70652, 70653, 70655, and 70670, beginning January 1,  
7 2006.

8 (b) The surcharge shall be in an amount determined to be  
9 necessary by the board of supervisors to supplement the Courthouse  
10 Construction Fund, to be deposited in that fund and used solely  
11 for the purposes authorized for expenditures from that fund,  
12 including, but not limited to, earthquake retrofitting, renovation,  
13 and remodeling of all portions of the Central San Bernardino  
14 Courthouse in need of retrofitting, renovation, or remodeling,  
15 whether or not necessitated by the retrofitting work, including the  
16 original courthouse built in 1926 and all subsequent additions  
17 thereto. Expenditures made from the Courthouse Construction  
18 Fund that are funded from the surcharge shall be made in order of  
19 priority to ensure that all necessary earthquake retrofitting of the  
20 Central San Bernardino Courthouse will be completed. Collection  
21 of the surcharge authorized by this section shall terminate upon  
22 repayment of the amortized costs incurred, or 30 years from the  
23 sale of the bond, whichever occurs first. However, the surcharge  
24 shall not apply in instances in which no filing fee is charged or the  
25 filing fee is waived. If the amortized costs have been repaid, or 30  
26 years have passed since the sale of the bond, the county shall notify  
27 in writing the superior court and the Administrative Office of the  
28 Courts.

29 SEC. 29. Section 70633 of the Government Code is amended  
30 to read:

31 70633. (a) No fee shall be charged by the clerk for service  
32 rendered to the petitioner in any adoption proceeding except as  
33 provided in Section 103730 of the Health and Safety Code, nor  
34 shall any fees be charged for any service to the state or for any  
35 proceeding brought pursuant to Section 7841 of the Family Code  
36 to declare a minor free from parental custody or control. No fee  
37 shall be charged by the clerk for services rendered in an action to  
38 compel registration of a voter under Section 2142 of the Elections  
39 Code or to compel counting of provisional ballots under Section  
40 14310 of the Elections Code.

1 (b) No fee shall be charged by the clerk for services rendered  
2 in any criminal action unless otherwise specifically authorized by  
3 law, except that the clerk may charge the fee specified in Section  
4 70627 for making or certifying to a copy of any filed paper, record,  
5 or proceeding in a criminal action. If a criminal defendant has been  
6 granted a fee waiver or the court finds that the defendant does not  
7 have the ability to pay the fee, the court may reduce or waive the  
8 fee.

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

13 SEC. 30. Section 70650 of the Government Code is amended  
14 to read:

15 70650. (a) The uniform filing fee for the first petition for letters  
16 of administration or letters testamentary, or the first petition for  
17 special letters of administration with the powers of a general  
18 personal representative pursuant to Section 8545 of the Probate  
19 Code, or a first account of a trustee of a testamentary trust that is  
20 subject to the continuing jurisdiction of the court pursuant to  
21 Chapter 4 (commencing with Section 17300) of Part 5 of Division  
22 9 of the Probate Code is, as follows:

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

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

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

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

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

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

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

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

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

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

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

21 (2) In a decedent's estate under subdivision (a), the balance of  
22 the uniform filing fee, if any, shall be paid by the general personal  
23 representative of the estate no later than the date the general  
24 personal representative files its final account or report and petition  
25 for settlement or for final distribution, under rules adopted by the  
26 Judicial Council, without regard to whether the representative was  
27 appointed by the court on a petition under subdivision (a) or a  
28 petition under subdivision (d).

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

31 (c) The uniform filing fee for the first objections to the probate  
32 of any will or codicil under Section 8250 of the Probate Code, or  
33 the first petition for revocation of probate of any will or codicil  
34 under Section 8270 of the Probate Code, is three hundred twenty  
35 dollars (\$320). The uniform filing fee for the first petition for  
36 special letters of administration without the powers of a general  
37 personal representative is the fee provided in Section 70657.5.  
38 Where objections to the probate of a will or codicil or a petition  
39 for revocation of probate of a will or codicil are filed together with  
40 a petition for appointment of a personal representative described

1 in subdivision (d) filed by the same person, only the fee provided  
2 in subdivision (d) shall be charged to that person.

3 (d) A fee of three hundred twenty dollars (\$320) shall also be  
4 charged for filing each subsequent petition or objections of a type  
5 described in subdivision (a) in the same proceeding by a person  
6 other than the original petitioner or contestant. The same fee as  
7 provided in subdivision (c) shall be charged for filing each  
8 subsequent petition or objections of a type described in that  
9 subdivision in the same proceeding by a person other than the  
10 original petitioner or contestant.

11 (e) Notwithstanding Section 70658.5, if a petition for special  
12 letters of administration without the powers of a general personal  
13 representative is filed together with a petition for appointment of  
14 an administrator with general powers under subdivision (a) or  
15 subdivision (d) by the same person, the person filing the petitions  
16 shall be charged the applicable filing fees for both petitions.

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

21 SEC. 31. Section 70651 of the Government Code is amended  
22 to read:

23 70651. (a) The uniform filing fee for objections or any other  
24 paper in opposition to a petition or account described in subdivision  
25 (a) of Section 70650, other than a petition described in subdivision  
26 (d) of Section 70650, is three hundred twenty dollars (\$320). If  
27 objections or any other paper in opposition are filed together with  
28 a petition described in subdivision (d) of Section 70650 by the  
29 same person, only the fee provided in subdivision (d) of Section  
30 70650 shall be charged to that person.

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

33 SEC. 32. Section 70653 of the Government Code is amended  
34 to read:

35 70653. (a) The uniform filing fee for a petition for appointment  
36 of a conservator, a guardian of the estate, or a guardian of the  
37 person and estate, pursuant to Division 4 (commencing with  
38 Section 1400) of the Probate Code, is three hundred twenty dollars  
39 (\$320).

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

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

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

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

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

21 SEC. 33. Section 70654 of the Government Code is amended  
22 to read:

23 70654. (a) The uniform filing fee for a petition for appointment  
24 of a guardian of the person only, is one hundred eighty dollars  
25 (\$180).

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

29 (c) If a competing petition for appointment of a guardian subject  
30 to the fee under subdivision (a) is filed together with opposition  
31 to the petition of another by the same person, the person filing the  
32 competing petition and opposition shall be charged a filing fee  
33 only for the competing petition.

34 (d) Notwithstanding Section 70658.5, if a petition for  
35 appointment of a temporary guardian is filed together with a  
36 petition for appointment of a guardian under subdivision (a), or a  
37 competing petition under subdivision (c) by the same person, the  
38 person filing the petitions shall be charged the applicable filing  
39 fees for both petitions.

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

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

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

9 SEC. 34. Section 70655 of the Government Code is amended  
10 to read:

11 70655. (a) The uniform filing fee for a petition that commences  
12 any of the proceedings under the Probate Code listed in subdivision  
13 (c) is three hundred twenty dollars (\$320).

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

17 (c) This section applies to petitions or opposition concerning  
18 the following proceedings:

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

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

23 (3) A spousal or domestic partnership property petition pursuant  
24 to Section 13650 of the Probate Code, except as provided in Section  
25 13652 of the Probate Code.

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

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

30 (6) A petition concerning capacity determination and health  
31 care decision for adult without conservator pursuant to Section  
32 3200 of the Probate Code.

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

35 (8) A petition concerning a power of attorney pursuant to Section  
36 4541 of the Probate Code.

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

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

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

5 SEC. 35. Section 70657 of the Government Code is amended  
6 to read:

7 70657. (a) Except as provided in subdivision (c), the uniform  
8 fee for filing a motion or other paper requiring a hearing subsequent  
9 to the first paper in a proceeding under the Probate Code, other  
10 than a petition or application or opposition described in Sections  
11 70657.5 and 70658, is forty dollars (\$40). This fee shall be charged  
12 for the following papers:

13 (1) Papers listed in subdivision (a) of Section 70617.

14 (2) Applications for ex parte relief, whether or not notice of the  
15 application to any person is required, except an ex parte petition  
16 for discharge of a personal representative, conservator, or guardian  
17 upon completion of a court-ordered distribution or transfer, for  
18 which no fee shall be charged.

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

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

24 (d) Regardless of whether each motion or matter is heard at a  
25 single hearing or at separate hearings, the filing fees required by  
26 subdivisions (a) and (c) apply separately to each motion or other  
27 paper filed. The Judicial Council may publish rules to give uniform  
28 guidance to courts in applying fees under this section.

29 SEC. 36. Section 70657.5 is added to the Government Code,  
30 to read:

31 70657.5. (a) The uniform fee for filing the following petitions  
32 or applications, and objections or other opposition, is forty dollars  
33 (\$40):

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

37 (2) Petitions or applications, or objections, filed subsequent to  
38 issuance of temporary letters of conservatorship or guardianship  
39 or letters of conservatorship or guardianship that are not subject  
40 to the filing fee provided in subdivision (a) of Section 70658.

1 (3) Petitions or applications, or objections, filed subsequent to  
2 issuance of special letters of administration or letters testamentary  
3 or of administration in decedent's estate proceedings that are not  
4 subject to the filing fee provided in subdivision (a) of Section  
5 70658.

6 (4) The first or subsequent petition for special letters of  
7 administration without the powers of a general personal  
8 representative.

9 (5) The first or subsequent petition for temporary letters of  
10 conservatorship or guardianship.

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

12 (1) A petition or opposition filed subsequent to issuance of  
13 letters of temporary guardianship or letters of guardianship in a  
14 guardianship described in Section 70654.

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

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

19 SEC. 37. Section 70658 of the Government Code is amended  
20 to read:

21 70658. (a) Except as provided in subdivisions (c) and (d), the  
22 uniform fee for filing a petition or application, or objections or  
23 any other paper in opposition to a petition or application listed in  
24 this subdivision, filed after issuance of letters testamentary, letters  
25 of administration, letters of special administration to a personal  
26 representative of a decedent's estate, or letters of guardianship or  
27 conservatorship, or letters of temporary guardianship or  
28 conservatorship to a guardian or conservator, is one hundred eighty  
29 dollars (\$180). This section shall apply to the following petitions  
30 or applications, or opposition:

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

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

36 (3) Petition or application for or opposition to an order  
37 authorizing, instructing, or directing a fiduciary, or approving or  
38 confirming the acts of a fiduciary.

1 (4) Petition or application for or opposition to an order fixing,  
2 authorizing, allowing, or directing payment of compensation or  
3 expenses of an attorney.

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

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

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

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

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

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

20 (11) Petition or application for or opposition to an order  
21 directing, authorizing, approving, or modifying payments for  
22 support, maintenance, or education of a ward or conservatee or  
23 for a person entitled to support, maintenance, or education from a  
24 ward or conservatee.

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

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

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

37 (b) The uniform fee in subdivision (a) shall be distributed as  
38 provided in Section 68085.4. No other fee shall be charged for  
39 filing a paper under this section in addition to the uniform filing  
40 fee provided for in this section.

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

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

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

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

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

12 (2) Allowance of the compensation for the attorney for the  
13 personal representative.

14 (3) Settlement of accounts.

15 (4) Preliminary and final distributions and discharge.

16 (5) Sale of property of the estate to the personal representative  
17 or to the attorney for the personal representative.

18 (6) Exchange of property of the estate for property of the  
19 personal representative or property of the attorney for the personal  
20 representative.

21 (7) Grant of an option to purchase property of the estate to the  
22 personal representative or to the attorney for the personal  
23 representative.

24 (8) Allowance, payment, or compromise of a claim of the  
25 personal representative, or the attorney for the personal  
26 representative, against the estate.

27 (9) Compromise or settlement of a claim, action, or proceeding  
28 by the estate against the personal representative or the attorney for  
29 the personal representative.

30 (10) Extension, renewal, or modification of the terms of a debt  
31 or other obligation of the personal representative or the attorney  
32 for the personal representative owing to or in favor of the decedent  
33 or the estate.

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

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

38 SEC. 38. Section 70658.5 is added to the Government Code,  
39 to read:

1 70658.5. If a petition or application, or opposition to a petition  
2 or application, described in Sections 70650 to 70656, inclusive,  
3 or Sections 70657.5 to 70658, inclusive, is filed combining requests  
4 for relief or opposition to relief that could have been stated in  
5 separate petitions or applications, or objections or other opposition,  
6 only one filing fee shall be charged under this article. If a filing  
7 combines petitions, applications, or objections, or other opposition  
8 to a petition or application, that would be subject to different filing  
9 fees under this article, the higher of the applicable filing fees shall  
10 be charged.

11 SEC. 39. Section 70677 of the Government Code is amended  
12 to read:

13 70677. (a) The uniform fee for filing any motion, application,  
14 order to show cause, or any other paper requiring a hearing  
15 subsequent to the first paper is forty dollars (\$40). Papers for which  
16 this fee shall be charged include the following:

17 (1) Papers listed in subdivision (a) of Section 70617.

18 (2) An order to show cause or notice of motion seeking  
19 temporary prejudgment or postjudgment orders, including, but not  
20 limited to, orders to establish, modify, or enforce child, spousal,  
21 or partner support, custody and visitation of children, division and  
22 control of property, attorney's fees, and bifurcation of issues.

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

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

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

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

32 (4) An application to determine the judgment after entry of  
33 default.

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

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

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

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

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

3 (2) A stipulation and order.

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

13 SEC. 40. Section 98.2 of the Labor Code is amended to read:

14 98.2. (a) Within 10 days after service of notice of an order,  
15 decision, or award the parties may seek review by filing an appeal  
16 to the superior court, where the appeal shall be heard de novo. The  
17 court shall charge the first paper filing fee under Section 70611 of  
18 the Government Code to the party seeking review. The fee shall  
19 be distributed as provided in Section 68085.3 of the Government  
20 Code. A copy of the appeal request shall be served upon the Labor  
21 Commissioner by the appellant. For purposes of computing the  
22 10-day period after service, Section 1013 of the Code of Civil  
23 Procedure is applicable.

24 (b) Whenever an employer files an appeal pursuant to this  
25 section, the employer shall post an undertaking with the reviewing  
26 court in the amount of the order, decision, or award. The  
27 undertaking shall consist of an appeal bond issued by a licensed  
28 surety or a cash deposit with the court in the amount of the order,  
29 decision, or award. The employer shall provide written notification  
30 to the other parties and the Labor Commissioner of the posting of  
31 the undertaking. The undertaking shall be on the condition that, if  
32 any judgment is entered in favor of the employee, the employer  
33 shall pay the amount owed pursuant to the judgment, and if the  
34 appeal is withdrawn or dismissed without entry of judgment, the  
35 employer shall pay the amount owed pursuant to the order,  
36 decision, or award of the Labor Commissioner unless the parties  
37 have executed a settlement agreement for payment of some other  
38 amount, in which case the employer shall pay the amount that the  
39 employer is obligated to pay under the terms of the settlement  
40 agreement. If the employer fails to pay the amount owed within

1 10 days of entry of the judgment, dismissal, or withdrawal of the  
2 appeal, or the execution of a settlement agreement, a portion of  
3 the undertaking equal to the amount owed, or the entire undertaking  
4 if the amount owed exceeds the undertaking, is forfeited to the  
5 employee.

6 (c) If the party seeking review by filing an appeal to the superior  
7 court is unsuccessful in the appeal, the court shall determine the  
8 costs and reasonable attorney's fees incurred by the other parties  
9 to the appeal, and assess that amount as a cost upon the party filing  
10 the appeal. An employee is successful if the court awards an  
11 amount greater than zero.

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

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

26 (f) (1) In order to ensure that judgments are satisfied, the Labor  
27 Commissioner may serve upon the judgment debtor, personally  
28 or by first-class mail at the last known address of the judgment  
29 debtor listed with the division, a form similar to, and requiring the  
30 reporting of the same information as, the form approved or adopted  
31 by the Judicial Council for purposes of subdivision (a) of Section  
32 116.830 of the Code of Civil Procedure to assist in identifying the  
33 nature and location of any assets of the judgment debtor.

34 (2) The judgment debtor shall complete the form and cause it  
35 to be delivered to the division at the address listed on the form  
36 within 35 days after the form has been served on the judgment  
37 debtor, unless the judgment has been satisfied. In case of willful  
38 failure by the judgment debtor to comply with this subdivision,  
39 the division or the judgment creditor may request the court to apply

1 the sanctions provided in Section 708.170 of the Code of Civil  
2 Procedure.

3 (g) Notwithstanding subdivision (e), the Labor Commissioner  
4 may stay execution of any judgment entered upon an order,  
5 decision, or award that has become final upon good cause appearing  
6 therefor and may impose the terms and conditions of the stay of  
7 execution. A certified copy of the stay of execution shall be filed  
8 with the clerk entering the judgment.

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

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

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

22 SEC. 41. Section 1214.1 of the Penal Code is amended to read:

23 1214.1. (a) In addition to any other penalty in infraction,  
24 misdemeanor, or felony cases, the court may impose a civil  
25 assessment of up to three hundred dollars (\$300) against any  
26 defendant who fails, after notice and without good cause, to appear  
27 in court for any proceeding authorized by law or who fails to pay  
28 all or any portion of a fine ordered by the court or to pay an  
29 installment of bail as agreed to under Section 40510.5 of the  
30 Vehicle Code. This assessment shall be deposited in the Trial Court  
31 Trust Fund, as provided in Section 68085.1 of the Government  
32 Code.

33 (b) The assessment shall not become effective until at least 10  
34 calendar days after the court mails a warning notice to the  
35 defendant by first-class mail to the address shown on the notice  
36 to appear or to the defendant's last known address. If the defendant  
37 appears within the time specified in the notice and shows good  
38 cause for the failure to appear or for the failure to pay a fine or  
39 installment of bail, the court shall vacate the assessment.

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

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

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

22 SEC. 42. Section 99582 of the Public Utilities Code is amended  
 23 to read:

24 99582. (a) Within 30 calendar days after the mailing or  
 25 personal delivery of the decision described in subdivision (c) of  
 26 Section 99581, the person may seek review by filing an appeal to  
 27 be heard by the superior court where the same shall be heard de  
 28 novo, except that the contents of the processing agency’s file in  
 29 the case shall be received in evidence. A copy of the notice of fare  
 30 evasion or passenger conduct violation shall be admitted into  
 31 evidence as prima facie evidence of the facts stated therein  
 32 establishing a rebuttable presumption affecting the burden of  
 33 producing evidence. A copy of the notice of appeal shall be served  
 34 in person or by first-class mail upon the processing agency by the  
 35 person filing the appeal. For purposes of computing the  
 36 30-calendar-day period, Section 1013 of the Code of Civil  
 37 Procedure shall be applicable. A proceeding under this subdivision  
 38 is a limited civil case.

39 (b) Notwithstanding any other provision of law, the fee for filing  
 40 the notice of appeal shall be as provided in Section 70615 of the

1 Government Code. The court shall request that the processing  
2 agency's file on the case be forwarded to the court, to be received  
3 within 15 calendar days of the request. The court shall notify the  
4 appellant of the appearance date by mail or personal delivery. The  
5 court shall retain the fee regardless of the outcome of the appeal.  
6 If the court finds in favor of the appellant, the amount of the filing  
7 fee shall be reimbursed to the appellant by the processing agency.  
8 Any deposit of fare evasion or passenger conduct penalty shall be  
9 refunded by the processing agency in accordance with the judgment  
10 of the court.

11 (c) The conduct of the appeal under this section is a subordinate  
12 judicial duty that may be performed by a commissioner and other  
13 subordinate judicial officers at the direction of the presiding judge  
14 of the court.

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

19 SEC. 43. Section 40230 of the Vehicle Code is amended to  
20 read:

21 40230. (a) Within 30 calendar days after the mailing or  
22 personal delivery of the final decision described in subdivision (b)  
23 of Section 40215, the contestant may seek review by filing an  
24 appeal to be heard by the superior court where the same shall be  
25 heard de novo, except that the contents of the processing agency's  
26 file in the case shall be received in evidence. A copy of the notice  
27 of parking violation or, if the citation was issued electronically, a  
28 true and correct abstract containing the information set forth in the  
29 notice of parking violation shall be admitted into evidence as prima  
30 facie evidence of the facts stated therein. A copy of the notice of  
31 appeal shall be served in person or by first-class mail upon the  
32 processing agency by the contestant. For purposes of computing  
33 the 30-calendar-day period, Section 1013 of the Code of Civil  
34 Procedure shall be applicable. A proceeding under this subdivision  
35 is a limited civil case.

36 (b) The fee for filing the notice of appeal is as provided in  
37 Section 70615 of the Government Code. The court shall request  
38 that the processing agency's file on the case be forwarded to the  
39 court, to be received within 15 calendar days of the request. The  
40 court shall notify the contestant of the appearance date by mail or

1 personal delivery. The court shall retain the fee under Section  
2 70615 of the Government Code regardless of the outcome of the  
3 appeal. If the court finds in favor of the contestant, the amount of  
4 the fee shall be reimbursed to the contestant by the processing  
5 agency. Any deposit of parking penalty shall be refunded by the  
6 processing agency in accordance with the judgment of the court.

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

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

14 (e) If the parking penalty has not been deposited and the decision  
15 is against the contestant, the processing agency shall, after the  
16 decision becomes final, proceed to collect the penalty pursuant to  
17 Section 40220.

18 SEC. 44. Section 40307 of the Vehicle Code is amended to  
19 read:

20 40307. (a) When an arresting officer attempts to take a person  
21 arrested for a misdemeanor or infraction of this code before a  
22 magistrate and the magistrate or person authorized to act for him  
23 or her is not available, the arresting officer shall take the person  
24 arrested, without unnecessary delay, before one of the following:

25 (1) The clerk of the magistrate, who shall admit the person to  
26 bail for the full amount set for the offense in a schedule fixed as  
27 provided in Section 1269b of the Penal Code.

28 (2) The officer in charge of the most accessible county or city  
29 jail or other place of detention within the county, who shall admit  
30 the person to bail for the full amount set for the offense in a  
31 schedule fixed as provided in Section 1269b of the Penal Code or  
32 may, in lieu of bail, release the person on his or her written promise  
33 to appear as provided in subdivisions (a) to (f), inclusive, of Section  
34 853.6 of the Penal Code.

35 (b) Whenever a person is taken into custody pursuant to  
36 subdivision (a) of Section 40302 and is arrested for a misdemeanor  
37 or infraction of this code pertaining to the operation of a motor  
38 vehicle, the officer in charge of the most accessible county or city  
39 jail or other place of detention within the county may detain the

1 person arrested for a reasonable period of time, not to exceed two  
2 hours, in order to verify his or her identity.

3 SEC. 45. Section 40508 of the Vehicle Code is amended to  
4 read:

5 40508. (a) A person willfully violating his or her written  
6 promise to appear or a lawfully granted continuance of his or her  
7 promise to appear in court or before a person authorized to receive  
8 a deposit of bail is guilty of a misdemeanor regardless of the  
9 disposition of the charge upon which he or she was originally  
10 arrested.

11 (b) A person willfully failing to pay bail in installments as  
12 agreed to under Section 40510.5 or a lawfully imposed fine for a  
13 violation of a provision of this code or a local ordinance adopted  
14 pursuant to this code within the time authorized by the court and  
15 without lawful excuse having been presented to the court on or  
16 before the date the bail or fine is due is guilty of a misdemeanor  
17 regardless of the full payment of the bail or fine after that time.

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

22 (d) If a person convicted of an infraction fails to pay bail in  
23 installments as agreed to under Section 40510.5, or a fine or an  
24 installment thereof, within the time authorized by the court, the  
25 court may, except as otherwise provided in this subdivision,  
26 impound the person's driver's license and order the person not to  
27 drive for a period not to exceed 30 days. Before returning the  
28 license to the person, the court shall endorse on the reverse side  
29 of the license that the person was ordered not to drive, the period  
30 for which that order was made, and the name of the court making  
31 the order. If a defendant with a class C or M driver's license  
32 satisfies the court that impounding his or her driver's license and  
33 ordering the defendant not to drive will affect his or her livelihood,  
34 the court shall order that the person limit his or her driving for a  
35 period not to exceed 30 days to driving that is essential in the  
36 court's determination to the person's employment, including the  
37 person's driving to and from his or her place of employment if  
38 other means of transportation are not reasonably available. The  
39 court shall provide for the endorsement of the limitation on the  
40 person's license. The impounding of the license and ordering the

1 person not to drive or the order limiting the person’s driving does  
2 not constitute a suspension of the license, but a violation of the  
3 order constitutes contempt of court.

4 SEC. 46. Section 40509 of the Vehicle Code is amended to  
5 read:

6 40509. (a) Except as required under subdivision (c) of Section  
7 40509.5, if any person has violated a written promise to appear or  
8 a lawfully granted continuance of his or her promise to appear in  
9 court or before the person authorized to receive a deposit of bail,  
10 or violated an order to appear in court, including, but not limited  
11 to, a written notice to appear issued in accordance with Section  
12 40518, the magistrate or clerk of the court may give notice of the  
13 failure to appear to the department for any violation of this code,  
14 or any violation that can be heard by a juvenile traffic hearing  
15 referee pursuant to Section 256 of the Welfare and Institutions  
16 Code, or any violation of any other statute relating to the safe  
17 operation of a vehicle, except violations not required to be reported  
18 pursuant to paragraphs (1), (2), (3), (6), and (7) of subdivision (b)  
19 of Section 1803. If thereafter the case in which the promise was  
20 given is adjudicated or the person who has violated the court order  
21 appears in court or otherwise satisfies the order of the court, the  
22 magistrate or clerk of the court hearing the case shall sign and file  
23 with the department a certificate to that effect.

24 (b) If any person has willfully failed to pay a lawfully imposed  
25 fine within the time authorized by the court or to pay a fine  
26 pursuant to subdivision (a) of Section 42003, the magistrate or  
27 clerk of the court may give notice of the fact to the department for  
28 any violation, except violations not required to be reported pursuant  
29 to paragraphs (1), (2), (3), (6), and (7) of subdivision (b) of Section  
30 1803. If thereafter the fine is fully paid, the magistrate or clerk of  
31 the court shall issue and file with the department a certificate  
32 showing that the fine has been paid.

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

37 (2) Once a court has established the amount of bail, fines,  
38 assessments, and fees, and notified the department, the court shall  
39 not further enhance or modify that amount.

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

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

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

11 SEC. 47. Section 40509.5 of the Vehicle Code is amended to  
12 read:

13 40509.5. (a) Except as required under subdivision (c), if, with  
14 respect to an offense described in subdivision (e), any person has  
15 violated his or her written promise to appear or a lawfully granted  
16 continuance of his or her promise to appear in court or before the  
17 person authorized to receive a deposit of bail, or violated an order  
18 to appear in court, including, but not limited to, a written notice  
19 to appear issued in accordance with Section 40518, the magistrate  
20 or clerk of the court may give notice of the failure to appear to the  
21 department for any violation of this code, any violation that can  
22 be heard by a juvenile traffic hearing referee pursuant to Section  
23 256 of the Welfare and Institutions Code, or any violation of any  
24 other statute relating to the safe operation of a vehicle, except  
25 violations not required to be reported pursuant to paragraphs (1),  
26 (2), (3), (6), and (7) of subdivision (b) of Section 1803. If thereafter  
27 the case in which the promise was given is adjudicated or the  
28 person who has violated the court order appears in court and  
29 satisfies the order of the court, the magistrate or clerk of the court  
30 hearing the case shall sign and file with the department a certificate  
31 to that effect.

32 (b) If, with respect to an offense described in subdivision (e),  
33 any person has willfully failed to pay a lawfully imposed fine, or  
34 bail in installments as agreed to under Section 40510.5, within the  
35 time authorized by the court or to pay a fine pursuant to subdivision  
36 (a) of Section 42003, the magistrate or clerk of the court may give  
37 notice of the fact to the department for any violation, except  
38 violations not required to be reported pursuant to paragraphs (1),  
39 (2), (3), (6), and (7) of subdivision (b) of Section 1803. If thereafter  
40 the fine or bail is fully paid, the magistrate or clerk of the court

1 shall issue and file with the department a certificate showing that  
2 the fine or bail has been paid.

3 (c) If any person charged with a violation of Section 23152 or  
4 23153, or Section 191.5 of the Penal Code, or paragraph (3) of  
5 subdivision (c) of Section 192 of that code has violated a lawfully  
6 granted continuance of his or her promise to appear in court or is  
7 released from custody on his or her own recognizance and fails to  
8 appear in court or before the person authorized to receive a deposit  
9 of bail, or violated an order to appear in court, the magistrate or  
10 clerk of the court shall give notice to the department of the failure  
11 to appear. If thereafter the case in which the notice was given is  
12 adjudicated or the person who has violated the court order appears  
13 in court or otherwise satisfies the order of the court, the magistrate  
14 or clerk of the court hearing the case shall prepare and forward to  
15 the department a certificate to that effect.

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

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

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

25 (2) The alleged underlying offense is a violation of any provision  
26 of Division 12 (commencing with Section 24000), Division 13  
27 (commencing with Section 29000), or Division 15 (commencing  
28 with Section 35000), required to be reported pursuant to Section  
29 1803.

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

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

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

38 (g) This section is applicable to courts which have elected to  
39 provide notice pursuant to subdivision (b). The method of

1 commencing or terminating an election to proceed under this  
2 section shall be prescribed by the department.

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

6 *SEC. 47.5. Section 40509.5 of the Vehicle Code is amended to*  
7 *read:*

8 40509.5. (a) Except as required under subdivision (c), if, with  
9 respect to an offense described in subdivision (e), ~~any~~ a person  
10 has violated his or her written promise to appear or a lawfully  
11 granted continuance of his or her promise to appear in court or  
12 before the person authorized to receive a deposit of bail, or violated  
13 an order to appear in court, including, but not limited to, a written  
14 notice to appear issued in accordance with Section 40518, the  
15 magistrate or clerk of the court may give notice of the failure to  
16 appear to the department for ~~any~~ a violation of this code, ~~any~~ a  
17 violation that can be heard by a juvenile traffic hearing referee  
18 pursuant to Section 256 of the Welfare and Institutions Code, or  
19 ~~any~~ a violation of any other statute relating to the safe operation  
20 of a vehicle, except violations not required to be reported pursuant  
21 to paragraphs (1), (2), (3), (6), and (7) of subdivision (b) of Section  
22 1803. If thereafter the case in which the promise was given is  
23 adjudicated or the person who has violated the court order appears  
24 in court and satisfies the order of the court, the magistrate or clerk  
25 of the court hearing the case shall sign and file with the department  
26 a certificate to that effect.

27 (b) If, with respect to an offense described in subdivision (e),  
28 ~~any~~ a person has willfully failed to pay a lawfully imposed fine,  
29 *or bail in installments as agreed to under Section 40510.5*, within  
30 the time authorized by the court or to pay a fine pursuant to  
31 subdivision (a) of Section 42003, the magistrate or clerk of the  
32 court may give notice of the fact to the department for ~~any~~ a  
33 violation, except violations not required to be reported pursuant  
34 to paragraphs (1), (2), (3), (6), and (7) of subdivision (b) of Section  
35 1803. If thereafter the fine *or bail* is fully paid, the magistrate or  
36 clerk of the court shall issue and file with the department a  
37 certificate showing that the fine *or bail* has been paid.

38 (c) If ~~any~~ a person charged with a violation of Section 23152  
39 or 23153, or Section 191.5 of the Penal Code, or ~~paragraph (3) of~~  
40 subdivision ~~(e)~~ (a) of Section ~~192~~ 192.5 of that code has violated

1 a lawfully granted continuance of his or her promise to appear in  
2 court or is released from custody on his or her own recognizance  
3 and fails to appear in court or before the person authorized to  
4 receive a deposit of bail, or violated an order to appear in court,  
5 the magistrate or clerk of the court shall give notice to the  
6 department of the failure to appear. If thereafter the case in which  
7 the notice was given is adjudicated or the person who has violated  
8 the court order appears in court or otherwise satisfies the order of  
9 the court, the magistrate or clerk of the court hearing the case shall  
10 prepare and forward to the department a certificate to that effect.

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

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

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

20 (2) The alleged underlying offense is a violation of any provision  
21 of Division 12 (commencing with Section 24000), Division 13  
22 (commencing with Section 29000), or Division 15 (commencing  
23 with Section 35000), required to be reported pursuant to Section  
24 1803.

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

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

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

33 (g) This section is applicable to courts ~~which~~ *that* have elected  
34 to provide notice pursuant to subdivision (b). The method of  
35 commencing or terminating an election to proceed under this  
36 section shall be prescribed by the department.

37 (h) ~~Any~~ A violation subject to Section 40001, ~~which~~ *that* is the  
38 responsibility of the owner of the vehicle, shall not be reported  
39 under this section.

1 SEC. 48. Section 40510.5 is added to the Vehicle Code, to  
2 read:

3 40510.5. (a) The clerk of the court may accept a payment and  
4 forfeiture of at least 25 percent of the total bail amount for each  
5 infraction violation of this code prior to the date on which the  
6 defendant promised to appear, or prior to the expiration of any  
7 lawful continuance of that date, or upon receipt of information that  
8 an action has been filed and prior to the scheduled court date, if  
9 all of the following circumstances exist:

10 (1) The defendant is charged with a nonparking infraction  
11 violation of this code or an infraction violation of an ordinance  
12 adopted pursuant to this code.

13 (2) The defendant submits proof of correction, when proof of  
14 correction is required to be certified by the court for a correctable  
15 offense.

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

17 (4) The defendant signs a written agreement to pay and forfeit  
18 the remainder of the required bail according to an installment  
19 schedule as agreed upon with the court. The Judicial Council shall  
20 prescribe the form of the agreement for payment and forfeiture of  
21 bail in installments for infraction violations.

22 (b) When a clerk accepts an agreement for payment and  
23 forfeiture of bail in installments, the clerk shall continue the  
24 appearance date of the defendant to the date to complete payment  
25 and forfeiture of bail in the agreement.

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

31 (d) For the purposes of reporting violations of this code to the  
32 department under Section 1803, the date that the defendant signs  
33 an agreement to pay and forfeit bail in installments shall be  
34 reported as the date of conviction.

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

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

4 (g) The defendant shall pay to the clerk of the court or the  
5 collecting agency a fee for the processing of installment accounts.  
6 This fee shall equal the administrative and clerical costs, as  
7 determined by the board of supervisors, except that the fee shall  
8 not exceed thirty-five dollars (\$35).

9 SEC. 49. Section 40512 of the Vehicle Code is amended to  
10 read:

11 40512. (a) (1) Except as specified in paragraph (2) and  
12 subdivision (b), if at the time the case is called for arraignment  
13 before the magistrate the defendant does not appear, either in  
14 person or by counsel, the magistrate may declare the bail forfeited  
15 and may, in his or her discretion, order that no further proceedings  
16 be had in the case, unless the defendant has been charged with a  
17 violation of Section 23111 or 23112, or subdivision (a) of Section  
18 23113, and he or she has been previously convicted of the same  
19 offense, except if the magistrate finds that undue hardship will be  
20 imposed upon the defendant by requiring him or her to appear, the  
21 magistrate may declare the bail forfeited and order that no further  
22 proceedings shall be had in the case.

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

29 (b) (1) If, at the time the case is called for a compliance  
30 appearance before the magistrate, the defendant has entered into  
31 a bail installment agreement pursuant to Section 40510.5 but has  
32 not made an installment payment as agreed and does not appear,  
33 either in person or by counsel, the court may continue the  
34 arraignment to a date beyond the last agreed upon installment  
35 payment, issue a warrant of arrest, or impose a civil assessment  
36 as provided in Section 1214.1 of the Penal Code for the failure to  
37 appear.

38 (2) If, at the time the case is called for a compliance appearance  
39 before the magistrate, the defendant has paid all required bail funds  
40 and the defendant does not appear, either in person or by counsel,

1 the court may order that no further proceedings shall be had in the  
2 case, unless the defendant has been charged with a violation of  
3 Section 23111 or 23112, or subdivision (a) of Section 23113, and  
4 he or she has been previously convicted of the same offense, except  
5 that if the magistrate finds that undue hardship will be imposed  
6 upon the defendant by requiring him or her to appear, the  
7 magistrate may order that no further proceedings shall be had in  
8 the case.

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

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

16 (e) Upon presentation by a court of the bill for a fine or bail  
17 assessed against an individual covered by a guaranteed traffic  
18 arrest bail bond certificate, the issuer shall pay to the court the  
19 amount of the fine or forfeited bail that is within the maximum  
20 amount guaranteed by the terms of the certificate.

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

24 SEC. 50. Section 40512.6 of the Vehicle Code is amended to  
25 read:

26 40512.6. If a defendant who elects to attend a traffic violator  
27 school in accordance with Section 42005 and has paid the full  
28 traffic violator school fee under Section 42007 fails to submit proof  
29 of completion within the time ordered by the court or any extension  
30 thereof, the court may, following notice to the defendant, order  
31 that the fee paid by the defendant be converted to bail and declare  
32 the bail forfeited. The bail forfeiture under this section shall be  
33 distributed as provided by Section 42007. Upon forfeiture of the  
34 bail, the court may order that no further proceedings shall be had  
35 in the case.

36 SEC. 51. Section 40515 of the Vehicle Code is amended to  
37 read:

38 40515. (a) When a person signs a written promise to appear  
39 or is granted a continuance of his or her promise to appear at the  
40 time and place specified in the written promise to appear or the

1 continuance thereof, and has not posted full bail or has failed to  
2 pay an installment of bail as agreed to under Section 40510.5, the  
3 magistrate may issue and have delivered for execution a warrant  
4 for his or her arrest within 20 days after his or her failure to appear  
5 before the magistrate or pay an installment of bail as agreed, or if  
6 the person promises to appear before an officer authorized to accept  
7 bail other than a magistrate and fails to do so on or before the date  
8 on which he or she promised to appear, then, within 20 days after  
9 the delivery of the written promise to appear by the officer to a  
10 magistrate having jurisdiction over the offense.

11 (b) When the person violates his or her promise to appear before  
12 an officer authorized to receive bail other than a magistrate, the  
13 officer shall immediately deliver to a magistrate having jurisdiction  
14 over the offense charged the written promise to appear and the  
15 complaint, if any, filed by the arresting officer.

16 SEC. 52. Section 40521 of the Vehicle Code is amended to  
17 read:

18 40521. (a) Except when personal appearance is required by  
19 the bail schedule established under Section 1269b of the Penal  
20 Code, a person to whom a notice to appear has been issued under  
21 Section 40500, who intends to forfeit bail and to pay any  
22 assessment may forward by United States mail the full amount  
23 fixed as bail, together with the appropriate amount of any  
24 assessment, to the person authorized to receive a deposit of bail.  
25 The amounts may be paid in the form of a personal check which  
26 meets the criteria established pursuant to subdivision (c) of Section  
27 40510, or a bank cashier's check or a money order. Bail and any  
28 assessment shall be paid not later than the day of appearance set  
29 forth in the notice to appear or prior to the expiration of any lawful  
30 continuance of that date.

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

33 (c) Paragraph (1) of subdivision (a) of Section 40512 is  
34 applicable to bail paid pursuant to this section. Upon the making  
35 of the order pursuant to Section 40512 that no further proceedings  
36 be had, the amount paid as bail shall be paid into the city or county  
37 treasury, as the case may be, and the assessment shall be  
38 transmitted to the State Treasury in the manner provided in Section  
39 1464 of the Penal Code.

1 SEC. 53. Section 42006 of the Vehicle Code is amended to  
2 read:

3 42006. (a) Except as provided in subdivision (c), there may  
4 be levied a special assessment in an amount equal to one dollar  
5 (\$1) for every fine, forfeiture, and traffic violator school fee  
6 imposed and collected by any court that conducts a night or  
7 weekend session of the court, on all offenses involving a violation  
8 of a section of this code or any local ordinance adopted pursuant  
9 to this code, except offenses relating to parking.

10 (b) When a person makes a deposit of bail for an offense to  
11 which this section applies, in a case in which the person is required  
12 to appear in a court that conducts a night or weekend session, the  
13 person making the deposit shall also deposit a sufficient amount  
14 to include the assessment prescribed in this section for forfeited  
15 bail. If bail is forfeited, the amount of the assessment shall be  
16 transmitted by the clerk of the court to the county treasury for  
17 disposition as prescribed by subdivision (d).

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

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

22 (2) Levy assessments on persons who have the option to appear  
23 at a location where night or weekend court sessions are held and  
24 that is within 25 miles of the location of the court where the person  
25 is otherwise required to appear.

26 (d) After a determination by the court of the amount of the  
27 assessment due, the clerk of the court shall collect the amount and  
28 transmit it to the county treasury to be deposited in the night court  
29 session fund, and the money in the fund shall be expended by the  
30 county for maintaining courts in the county that have night or  
31 weekend sessions for traffic offenses.

32 (e) In any case where a person convicted of any offense to which  
33 this section applies is imprisoned until the fine is satisfied, the  
34 court shall waive the penalty assessment.

35 SEC. 54. Section 42007 of the Vehicle Code is amended to  
36 read:

37 42007. (a) (1) The clerk of the court shall collect a fee from  
38 every person who is ordered or permitted to attend a traffic violator  
39 school pursuant to Section 42005 or who attends any other  
40 court-supervised program of traffic safety instruction. The fee shall

1 be in an amount equal to the total bail set forth for the eligible  
2 offense on the uniform countywide bail schedule. As used in this  
3 subdivision, “total bail” means the amount established pursuant  
4 to Section 1269b of the Penal Code in accordance with the Uniform  
5 Statewide Bail Schedule adopted by the Judicial Council, including  
6 all assessments, surcharges, and penalty amounts. Where multiple  
7 offenses are charged in a single notice to appear, the “total bail”  
8 is the amount applicable for the greater of the qualifying offenses.  
9 However, the court may determine a lesser fee under this  
10 subdivision upon a showing that the defendant is unable to pay  
11 the full amount.

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

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

28 (3) When a defendant fails to make an installment payment of  
29 the fee according to an installment agreement, the court may  
30 convert the fee to bail, declare it forfeited, and report the forfeiture  
31 as a conviction under Section 1803. The court may also charge a  
32 failure to pay under Section 40508 and impose a civil assessment  
33 as provided in Section 1214.1 of the Penal Code or issue an arrest  
34 warrant for a failure to pay.

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

39 (1) In any county in which a fund is established pursuant to  
40 Section 76100 or 76101 of the Government Code, the sum of one

1 dollar (\$1) for each fund so established shall be deposited with the  
2 county treasurer and placed in that fund.

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

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

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

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

22 (c) For fees resulting from city arrests, an amount equal to the  
23 amount of base fines that would have been deposited in the treasury  
24 of the appropriate city pursuant to paragraph (3) of subdivision  
25 (b) of Section 1463.001 of the Penal Code shall be deposited in  
26 the treasury of the appropriate city.

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

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

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

37 SEC. 55. Section 395 of the Welfare and Institutions Code is  
38 amended to read:

39 395. (a) (1) A judgment in a proceeding under Section 300  
40 may be appealed in the same manner as any final judgment, and

1 any subsequent order may be appealed as an order after judgment.  
2 However, that order or judgment shall not be stayed by the appeal,  
3 unless, pending the appeal, suitable provision is made for the  
4 maintenance, care, and custody of the person alleged or found to  
5 come within the provisions of Section 300, and unless the provision  
6 is approved by an order of the juvenile court. The appeal shall  
7 have precedence over all other cases in the court to which the  
8 appeal is taken.

9 (2) A judgment or subsequent order entered by a referee shall  
10 become appealable whenever proceedings pursuant to Section 252,  
11 253, or 254 have become completed or, if proceedings pursuant  
12 to Section 252, 253, or 254 are not initiated, when the time for  
13 initiating the proceedings has expired.

14 (3) An appellant unable to afford counsel, shall be provided a  
15 free copy of the transcript in any appeal.

16 (4) The record shall be prepared and transmitted immediately  
17 after filing of the notice of appeal, without advance payment of  
18 fees. If the appellant is able to afford counsel, the county may seek  
19 reimbursement for the cost of the transcripts under subdivision (d)  
20 of Section 68511.3 of the Government Code as though the appellant  
21 had been granted permission to proceed in forma pauperis.

22 (b) (1) In any appellate proceeding in which the child is an  
23 appellant, the court of appeal shall appoint separate counsel for  
24 the child. If the child is not an appellant, the court of appeal shall  
25 appoint separate counsel for the child if the court of appeal  
26 determines, after considering the recommendation of the trial  
27 counsel or guardian ad litem appointed for the child pursuant to  
28 subdivision (e) of Section 317, Section 326.5, and California Rule  
29 of Court 1448, that appointment of counsel would benefit the child.  
30 In order to assist the court of appeal in making its determination  
31 under this subdivision, the trial counsel or guardian ad litem shall  
32 make a recommendation to the court of appeal that separate counsel  
33 be appointed in any case in which the trial counsel or guardian ad  
34 litem determines that, for the purposes of the appeal, the child's  
35 best interests cannot be protected without the appointment of  
36 separate counsel, and shall set forth the reasons why the  
37 appointment is in the child's best interests. The court of appeal  
38 shall consider that recommendation when determining whether  
39 the child would benefit from the appointment of counsel. The  
40 Judicial Council shall implement this provision by adopting a rule

1 of court on or before July 1, 2007, to set forth the procedures by  
2 which the trial counsel or guardian ad litem may participate in an  
3 appeal, as well as the factors to be considered by the trial counsel  
4 or guardian ad litem in making a recommendation to the court of  
5 appeal, including, but not limited to, the extent to which there  
6 exists a potential conflict between the interests of the child and  
7 the interests of any respondent.

8 (2) The Judicial Council shall report to the Legislature on or  
9 before July 1, 2008, information regarding the status of appellate  
10 representation of dependent children, the results of implementing  
11 this subdivision, any recommendations regarding the representation  
12 of dependent children in appellate proceedings made by the  
13 California Judicial Council's Blue Ribbon Commission on Children  
14 in Foster Care, any actions taken, including rules of court proposed  
15 or adopted, in response to those recommendations or taken in order  
16 to comply with the Child Abuse Prevention and Treatment Act,  
17 as well as any recommendations for legislative change that are  
18 deemed necessary to protect the best interests of dependent children  
19 in appellate proceedings or ensure compliance with the Child  
20 Abuse Prevention and Treatment Act.

21 *SEC. 56. Section 11.5 of this bill incorporates amendments to*  
22 *Section 14310 of the Elections Code proposed by both this bill*  
23 *and AB 1243. It shall only become operative if (1) both bills are*  
24 *enacted and become effective on or before January 1, 2008, (2)*  
25 *each bill amends Section 14310 of the Evidence Code, and (3) this*  
26 *bill is enacted after AB 1243, in which case Section 11 of this bill*  
27 *shall not become operative.*

28 *SEC. 57. Section 19.5 of this bill incorporates amendments to*  
29 *Section 68152 of the Government Code proposed by both this bill*  
30 *and AB 430. It shall only become operative if (1) both bills are*  
31 *enacted and become effective on or before January 1, 2008, (2)*  
32 *each bill amends Section 68152 of the Government Code, and (3)*  
33 *this bill is enacted after AB 430, in which case Section 19 of this*  
34 *bill shall not become operative.*

35 *SEC. 58. Section 47.5 of this bill incorporates amendments to*  
36 *Section 40509.5 of the Vehicle Code proposed by both this bill*  
37 *and AB 678. It shall only become operative if (1) both bills are*  
38 *enacted and become effective on or before January 1, 2008, (2)*  
39 *each bill amends Section 40509.5 of the Vehicle Code, and (3) this*

- 1 *bill is enacted after AB 678, in which case Section 47 of this bill*
- 2 *shall not become operative.*

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