

AMENDED IN ASSEMBLY APRIL 12, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1697

Introduced by Assembly Member Hall

February 1, 2010

An act to amend ~~Sections 69922 and~~ *Section* 69926 of the Government Code, and to amend Section 1465.8 of the Penal Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1697, as amended, Hall. Court security.

(1) The Superior Court Law Enforcement Act of 2002 authorizes the presiding judge of each superior court to contract with the sheriff or marshal for the necessary level of law enforcement services in the courts. ~~The act requires a sheriff to attend all superior court held within his or her county whenever required, but authorizes the court to use court attendants in courtrooms hearing noncriminal, nondelinquency actions.~~ The act requires the superior court and the sheriff or marshal to enter into a memorandum of understanding specifying the agreed upon level of court security services, and their cost and terms of payment. The act provides that the cost of services specified in the memorandum of understanding shall be based on the estimated average cost of salary and benefits for equivalent personnel classifications in that county, not including overtime pay. ~~The act provides for a working group on court security, as specified.~~

~~This bill would provide that any person providing superior court law enforcement functions, as defined, shall be in the employ and under the direction of the county sheriff. The bill would provide that the cost of services specified in the memorandum of understanding shall be based~~

on the actual county-by-county allocation for an unspecified fiscal year; as determined by the working group on court security established pursuant to the act.

(2) Existing law imposes a fee of \$30 upon every conviction for a criminal offense, other than parking offenses, for funding of court security until July 1, 2011, and a court security fee of \$20 thereafter. Existing law provides that proceeds of the court security fee be transferred monthly from the counties for deposit in the Trial Court Trust Fund to fund trial court operations, including those marshals and sheriffs as the court deems necessary for court operations.

This bill would continue the increased court security fee until July 1, 2016, and would require the Administrative Office of the Courts, commencing ~~July 1, 2010~~ *January 1, 2011*, and on each July 1 thereafter, to adjust the court security fee, as specified. The bill would require the Administrative Office of the Courts to publish the current dollar amount of the court security fee on its Internet Web site. The bill would require proceeds of the court security fee to be deposited in a separate account of the Trial Court Trust Fund for the sole purpose of funding sheriffs and marshals for superior court security.

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. The Legislature hereby finds and declares all of
- 2 the following:
- 3 (a) Section 69926 of the Government Code provides that court
- 4 security for superior courts shall be provided by the county sheriff
- 5 or marshal.
- 6 (b) Court security services are provided by sheriffs and marshals
- 7 for a number of public safety reasons, including their extensive
- 8 peace officer training, jurisdiction over the inmates in local jails,
- 9 including the transport of inmates to and from the jail to court
- 10 proceedings, and sheriff's and marshal's personnel in the courts
- 11 serving as bailiffs. Sheriffs and marshals have the longstanding
- 12 proven expertise and training to provide this much needed and
- 13 necessary function in California.
- 14 (c) The sheriffs and marshals of the State of California are
- 15 committed to continuing to provide the highest level service and
- 16 security in California's courtrooms.

1 (d) Instability in court security funding and a cumbersome
2 funding mechanism create burdens on the state, on local courts,
3 and on county sheriffs and marshals. State funding continues to
4 be impacted by salary and retirement adjustments at the local level
5 without any real state input into growth in those areas. County
6 sheriffs and marshals and local courts struggle with continual lack
7 of certainty in funding and complications from the manner in which
8 court security funding is administered and confusion in the
9 application of existing law.

10 (e) The provision of court security services is not broken. The
11 cumbersome process by which court security is funded needs to
12 be simplified to create maximum efficiencies for court security
13 services and cost containment for the state.

14 ~~SEC. 2. Section 69922 of the Government Code is amended~~
15 ~~to read:~~

16 ~~69922. (a) Except as otherwise provided by law, whenever~~
17 ~~required, the sheriff shall attend all superior court held within his~~
18 ~~or her county. A sheriff shall attend a noncriminal, nondelinquency~~
19 ~~action, however, only if the presiding judge or his or her designee~~
20 ~~makes a determination that the attendance of the sheriff at that~~
21 ~~action is necessary for reasons of public safety.~~

22 ~~(b) The court may use court attendants in courtrooms hearing~~
23 ~~those noncriminal, nondelinquency actions. Notwithstanding any~~
24 ~~other law, the presiding judge or his or her designee may provide~~
25 ~~that a court attendant take charge of a jury, as provided in Sections~~
26 ~~613 and 614 of the Code of Civil Procedure.~~

27 ~~(c) Any person providing superior court law enforcement~~
28 ~~functions, as defined in subdivision (c) of Section 69921, shall be~~
29 ~~in the employ and under the direction of the county sheriff.~~

30 ~~(d) The sheriff shall obey all lawful orders and directions of all~~
31 ~~courts held within his or her county.~~

32 ~~SEC. 3.~~

33 ~~SEC. 2. Section 69926 of the Government Code is amended~~
34 ~~to read:~~

35 ~~69926. (a) This section applies to the superior court and the~~
36 ~~sheriff or marshal's department in those counties in which either~~
37 ~~of the following apply:~~

38 ~~(1) The sheriff's department was otherwise required by law to~~
39 ~~provide court security services on and after July 1, 1998.~~

1 (2) Court security was provided by the marshal’s office on and
 2 after July 1, 1998, the marshal’s office was subsequently abolished
 3 and succeeded by the sheriff’s department, and the successor
 4 sheriff’s department is required to provide court security services
 5 as successor to the marshal.

6 (b) The superior court and the sheriff or marshal shall enter into
 7 an annual or multiyear memorandum of understanding specifying
 8 the agreed upon level of court security services, cost of services,
 9 and terms of payment. The cost of services specified in the
 10 memorandum of understanding shall be based on the actual
 11 county-by-county allocation for the ____ fiscal year, as determined
 12 by the working group established pursuant to paragraph (1) of
 13 subdivision (a) of Section 69927.

14 (c) The sheriff or marshal shall provide information as identified
 15 in the contract law enforcement template by April 30 of each year
 16 to the superior court in that county, specifying the nature, extent,
 17 and basis of the costs, including negotiated or projected salary
 18 increases of court law enforcement services that the sheriff
 19 proposes to include in the budget of the court security program for
 20 the following state budget year. Actual court security allocations
 21 shall be subject to the approval of the Judicial Council and the
 22 funding provided by the Legislature. It is the intent of the
 23 Legislature that proposed court security expenditures submitted
 24 by the Judicial Council to the Department of Finance for inclusion
 25 in the Governor’s Budget shall be as defined in the contract law
 26 enforcement template.

27 (d) If the superior court and the sheriff or marshal are unwilling
 28 or unable to enter into an agreement pursuant to this section on or
 29 before August 1 of any fiscal year, the court or sheriff or marshal
 30 may request the continuation of negotiations between the superior
 31 court and the sheriff or marshal for a period of 45 days with
 32 mediation assistance, during which time the previous law
 33 enforcement services agreement shall remain in effect. Mutually
 34 agreed upon mediation assistance shall be determined by the
 35 Administrative Director of the Courts and the president of the
 36 California State Sheriffs’ Association.

37 ~~SEC. 4.~~

38 *SEC. 3.* Section 1465.8 of the Penal Code, as amended by
 39 Section 29 of Chapter 22 of the 4th Extraordinary Session of the
 40 Statutes of 2009, is amended to read:

1 1465.8. (a) (1) To ensure and maintain adequate funding for
2 court security, a fee of thirty dollars (\$30) shall be imposed on
3 every conviction for a criminal offense, including a traffic offense,
4 except parking offenses as defined in subdivision (i) of Section
5 1463, involving a violation of a section of the Vehicle Code or
6 any local ordinance adopted pursuant to the Vehicle Code.
7 Commencing ~~July 1, 2010~~ *January 1, 2011*, and on each July 1
8 thereafter, the Administrative Office of the Courts shall adjust the
9 court security fee based on the change in the annual California
10 Consumer Price Index for All Urban Consumers, published by the
11 Department of Industrial Relations, Division of Labor Statistics,
12 for the most recent fiscal year ending on June 30 preceding the
13 adjustment, with each adjusted amount rounded to the nearest
14 dollar. The Administrative Office of the Courts shall publish the
15 current dollar amount of the court security fee on its Internet Web
16 site.

17 (2) For the purposes of this section, “conviction” includes the
18 dismissal of a traffic violation on the condition that the defendant
19 attend a court-ordered traffic violator school, as authorized by
20 Sections 41501 and 42005 of the Vehicle Code. This security fee
21 shall be deposited in accordance with subdivision (d), and may
22 not be included with the fee calculated and distributed pursuant to
23 Section 42007 of the Vehicle Code.

24 (b) This fee shall be in addition to the state penalty assessed
25 pursuant to Section 1464 and may not be included in the base fine
26 to calculate the state penalty assessment as specified in subdivision
27 (a) of Section 1464. The penalties authorized by Chapter 12
28 (commencing with Section 76000) of Title 8 of the Government
29 Code, and the state surcharge authorized by Section 1465.7, do
30 not apply to this fee.

31 (c) If bail is deposited for an offense to which this section
32 applies, and for which a court appearance is not necessary, the
33 person making the deposit also shall deposit a sufficient amount
34 to include the fee prescribed by this section.

35 (d) Notwithstanding any other law, the fees collected pursuant
36 to subdivision (a) shall all be deposited in a special account in the
37 county treasury and transmitted therefrom monthly to the Controller
38 for deposit in a separate account of the Trial Court Trust Fund for
39 the sole purpose of funding sheriffs and marshals for superior court
40 security.

1 ~~(e) The Judicial Council shall provide for the administration of~~
2 ~~this section.~~

3 ~~(f)~~

4 (e) This section shall remain in effect only until July 1, 2016,
5 and as of that date is repealed, unless a later enacted statute, that
6 is enacted before July 1, 2016, deletes or extends that date.

7 ~~SEC. 5.~~

8 *SEC. 4.* Section 1465.8 of the Penal Code, as added by Section
9 30 of Chapter 22 of the 4th Extraordinary Session of the Statutes
10 of 2009, is amended to read:

11 1465.8. (a) (1) To ensure and maintain adequate funding for
12 court security, a fee of twenty dollars (\$20) shall be imposed on
13 every conviction for a criminal offense, including a traffic offense,
14 except parking offenses as defined in subdivision (i) of Section
15 1463, involving a violation of a section of the Vehicle Code or
16 any local ordinance adopted pursuant to the Vehicle Code.

17 (2) For the purposes of this section, “conviction” includes the
18 dismissal of a traffic violation on the condition that the defendant
19 attend a court-ordered traffic violator school, as authorized by
20 Sections 41501 and 42005 of the Vehicle Code. This security fee
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36 to subdivision (a) shall all be deposited in a special account in the
37 county treasury and transmitted therefrom monthly to the Controller
38 for deposit in a separate account of the Trial Court Trust Fund for
39 the sole purpose of funding sheriffs and marshals for superior court
40 security.

- 1 (e) The Judicial Council shall provide for the administration of
- 2 this section.
- 3 (f) This section shall become operative on July 1, 2016.

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