

AMENDED IN SENATE MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 102**

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**Introduced by Committee on Budget (Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson)**

January 10, 2011

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~~An act relating to the Budget Act of 2011.~~ *An act to amend Sections 11044, 20398, 68511.8, and 77206 of the Government Code, to amend Sections 830.2, 830.5, and 6126.1 of, and to amend and repeal Section 1465.8 of, the Penal Code, to amend Sections 1051, 1826, 1850, 1850.5, 1851, 2250, 2250.4, 2250.6, 2253, and 2620 of the Probate Code, and to add Part 2.5 (commencing with Section 19201) to Division 2 of the Public Contract Code, relating to the administration of justice, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

AB 102, as amended, Committee on Budget. ~~Budget Act of 2011.~~ *Administration of justice.*

*(1) Existing law created the Legal Services Revolving Fund in the State Treasury. Existing law requires the Attorney General to charge the costs incurred in providing legal services. Existing law prohibits charges, except as approved by the Department of Finance, for legal services to be against the General Fund. Existing law requires the Controller to transfer the amount of the charges for services rendered from the agency's appropriation to the appropriation for the support of the Attorney General's Office; however, the Attorney General is*

*prohibited from requesting an amount that exceeds the amount budgeted by the state agency for the Attorney General's legal services.*

*This bill would delete the prohibition that charges for legal services cannot be made against the General Fund. This bill would require the Controller to transfer the amount of the charges for services rendered from the agency's appropriation to the appropriation for the support of the Attorney General's office using the Controller's direct transfer process. This bill would require all disputes to be resolved in accordance with a specified provision of the State Administrative Manual.*

*(2) Existing law classifies certain police officers, sheriff deputies, and firefighters who have responsibility for the direct supervision of state peace officer/firefighter personnel as state peace officer/firefighter members under the Public Employees' Retirement System (PERS). Employees classified as safety members under PERS, including state peace officer/firefighter members, are generally entitled to higher benefits and subject to higher contribution rates than employees classified as miscellaneous or general members. Certain employees of the Office of the Inspector General are peace officers and entitled to state peace officer/firefighter benefits under PERS.*

*This bill would include in the state peace officer/firefighter classification employees of the Office of the Inspector General who are no longer peace officers after the effective date of this act but who were hired as peace officers prior to April 1, 2011, or prior to the first day of the first pay period following the enactment of this act if this act is enacted after April 1, 2011.*

*(3) Existing law requires the Judicial Council to provide an annual status report to the chairpersons of the budget committee in each house of the Legislature and the Joint Legislative Budget Committee regarding the California Case Management System and Court Accounting and Reporting System on or before December 1 of each year until project completion. Existing law requires the Administrative Office of the Courts (AOC) to annually provide to those chairpersons copies of any independent project oversight report for the California Case Management System.*

*(4) Existing law also provides that the California Case Management System, and all other administrative and infrastructure information technology projects of the Judicial Council or the courts with total costs estimated at more than \$5,000,000, shall be subject to the review and recommendations of the office of the State Chief Information Officer, as specified. Existing law requires the State Chief Information Officer*

to submit a copy of those reviews and recommendations to the Joint Legislative Budget Committee.

This bill would instead require the Judicial Council to provide the above-described status report on or before December 1 of each year until the completion and full implementation of the project. The bill would also require the AOC to retain an independent consultant to review the California Case Management System and produce a written independent assessment of the system, as specified. The bill would, prior to the acceptance and deployment of the system, require the independent consultant to provide the written assessment to the AOC, require the AOC to provide a copy of the written assessment to legislative budget committees, as specified, and require the AOC to work with the development vendor to ensure that any flaws, defects, or risks identified in the assessment are remedied during the warranty period.

(5) Existing law provides that the Judicial Council may regulate the budget and fiscal management of the trial courts. Existing law requires the Administrative Office of the Courts to contract with the Controller to perform specified audits, except as specified.

This bill would require that the audits referenced above additionally determine compliance with the California Judicial Branch Contract Law, as described in (9) below.

(6) Existing law creates the independent Office of the Inspector General and provides that it is not a subdivision of any other government entity. The Inspector General and certain other employees of the office are peace officers provided that the primary duty of these peace officers is conducting audits of investigatory practices and other audits, as well as conducting investigations, of the Department of Corrections and Rehabilitation, Division of Juvenile Justice, and the Board of Parole Hearings.

This bill would remove the Inspector General and other employees of his or her office as peace officers, except for those employees whose primary duties are conducting investigations of the Department of Corrections and Rehabilitation, Division of Juvenile Justice, and the Board of Parole Hearings. The bill would make conforming changes. The bill would further make nonsubstantive, technical changes to these provisions.

(7) Existing law requires that \$40 be imposed on every conviction for a criminal offense, including traffic offenses, to ensure and maintain adequate funding for court security. Existing law requires that amount

to be reduced to \$30 on July 1, 2011, and reduced to \$20 on July 1, 2013.

*This bill would instead keep in effect the charge of \$40 until July 1, 2013, at which time the charge would be reduced to \$30. The bill would delete the provision reducing the charge to \$20.*

*(8) Existing law regulates the terms and conditions of conservatorships. Existing law authorizes a court to refer certain issues relating to a conservatorship to a court investigator and prescribes the duties of a investigator in this regard which include interviewing specified relatives of a proposed conservatee, conducting investigations of, and reporting to a court about, the appropriateness of a conservatorship, and, to the extent practicable, reviewing accountings with a conservatee. Existing law requires a court to review each limited conservatorship one year after the appointment of the conservator and biennially thereafter. Existing law permits specified parties to file a petition for an appointment of a temporary guardian or a temporary conservator and establishes requirements for the petition and for notice of the hearing on the petition. Existing law also creates various requirements for a court in this regard, and for a court investigator, including interviewing a proposed conservatee and informing him or her of the nature, purpose, and effect of a temporary conservatorship.*

*This bill would provide that a superior court is not required to perform certain duties enacted by specified statutes in relation to conservatorships, described above, until an appropriation is made that is identified for this purpose.*

*(9) The Public Contract Code generally governs contracts entered into by a state agency, including contracts for the erection, construction, alteration, repair, or improvement of any state structure, building, road, or other state improvement of any kind, as prescribed, and the acquisition of goods and services, by the state agency, and also sets forth the requirements for the solicitation and evaluation of bids and the awarding of those contracts. For purposes of those laws, “state agency” does not include the courts, or any agency in the judicial branch of government.*

*This bill would create the California Judicial Branch Contract Law, which would apply specified provisions of the Public Contract Code applicable to state agencies and departments to specified contracts initially entered into or amended by judicial branch entities, as defined, on or after October 1, 2011, as provided. The bill would require contracts to be subject to review by the Bureau of State Audits and all*

*administrative and infrastructure information technology projects of the Judicial Council to be subject to review by the California Technology Agency, as specified.*

*This bill would provide that the California Judicial Branch Contract Law does not apply to procurement and contracting by judicial branch entities that are related to trial court construction, including, but not limited to, the planning, design, construction, rehabilitation, renovation, replacement, lease, or acquisition of trial court facilities.*

*This bill would also require the Judicial Council to provide a report containing certain information relating to procurement to the Joint Legislative Budget Committee twice a year beginning in 2002, as specified, and, by January 15, 2013, to provide a report to the Joint Legislative Budget Committee on the process, transparency, costs, and timeliness of its construction procurement practices. The bill would also require the Legislative Analyst's Office to conduct an analysis of the findings. The Legislative Analyst's Office may request that the Department of General Services provide comparable information, as specified. The bill would require the audits referenced in (5) above to include an audit and report by the State Auditor on his or her assessment of the implementation of the California Judicial Branch Contract Law by the judicial branch. The bill would provide that the State Auditor shall be reimbursed by the judicial branch entity that is the subject of the audit for all reasonable costs associated with conducting that audit.*

*(10) The DNA Fingerprint, Unresolved Crime and Innocence Protection Act, an initiative measure, requires an additional penalty of one dollar for every \$10 or part thereof to be levied in each county upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, as specified. The act requires 25% of those moneys to be transferred to the state's DNA Identification Fund and specifies the purposes for which those funds may be used.*

*This bill would appropriate \$1,000 from the DNA Identification Fund to the Department of Justice for state operations, consistent with those purposes in the 2011–12 fiscal year.*

*(11) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. Governor Schwarzenegger issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010. Governor Brown issued a proclamation on January 20, 2011, declaring and reaffirming that a fiscal emergency*

*exists and stating that his proclamation supersedes the earlier proclamation for purposes of that constitutional provision.*

*This bill would state that it addresses the fiscal emergency declared and reaffirmed by the Governor by proclamation issued on January 20, 2011, pursuant to the California Constitution.*

*(12) This bill would declare that it is to take immediate effect as an urgency statute and a bill providing for appropriations related to the Budget Bill.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2011.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 SECTION 1. Section 11044 of the Government Code is  
2 amended to read:

3 11044. (a) The Legal Services Revolving Fund is hereby  
4 created in the State Treasury. The Department of Justice shall  
5 administer this fund. Moneys in the fund, upon appropriation by  
6 the Legislature, shall be used by the Attorney General for  
7 investigation and litigation activities taken on behalf of the state  
8 agencies employing the legal services of the department and for  
9 investigation and litigation activities funded through judgments  
10 or settlements.

11 (b) For state agencies, departments, or programs that are charged  
12 for the costs of legal services rendered by the Attorney General,  
13 the Attorney General shall charge an amount sufficient to recover  
14 the costs incurred in providing the legal services. These funds shall  
15 be deposited into the Legal Services Revolving Fund. ~~Except as~~  
16 ~~approved by the Department of Finance, charges for legal services~~  
17 ~~may not be made against the General Fund, but may be made~~  
18 ~~against any other fund or special account in the General Fund.~~

19 (c) Upon the request of the Attorney General in the form  
20 prescribed by the Controller, the Controller shall transfer the  
21 amount of the charges for services rendered from the agency's  
22 appropriation to the appropriation for the support of the Attorney  
23 General's office, ~~provided that the Attorney General shall not~~  
24 ~~request an amount which, when added to previous charges in the~~  
25 ~~same fiscal year, exceeds the amount budgeted by the state agency~~

1 ~~for Attorney General legal services using the Controller's direct~~  
2 ~~transfer process.~~ Payments for these charges shall be credited to  
3 and in augmentation of the appropriation for the support of the  
4 Attorney General's office from which the cost of the services was  
5 or will be paid.

6 (d) A state agency that has a dispute regarding charges for legal  
7 services provided by the Attorney General shall notify the Attorney  
8 General, in writing, of the dispute and the basis for it. ~~The Attorney~~  
9 ~~General shall immediately provide a credit to the state agency in~~  
10 ~~the subsequent billing or billings for the amount of the charges in~~  
11 ~~dispute. No further transfer of funds shall occur with respect to~~  
12 ~~the services for which charges are disputed until the dispute is~~  
13 ~~resolved by the Attorney General, subject to the approval of the~~  
14 ~~Department of Finance. All disputes shall be resolved in~~  
15 ~~accordance with subdivision (l) of Section 8474.1 of Chapter 8400~~  
16 ~~of the State Administrative Manual. Upon resolution of the dispute~~  
17 ~~in favor of the state agency, the Attorney General shall provide a~~  
18 ~~credit to the state agency for the amount of the charges in dispute.~~

19 SEC. 2. Section 20398 of the Government Code is amended to  
20 read:

21 20398. "State peace officer/firefighter member" also includes:

22 (a) (1) State officers and employees designated as peace officers  
23 as defined in Sections 830.1, 830.2, 830.3, 830.38, 830.4, and  
24 830.5 of the Penal Code, or a firefighter whose principal duties  
25 consist of active firefighting/fire suppression, who is either  
26 excluded from the definition of state employee in subdivision (c)  
27 of Section 3513 or is a nonelected officer or employee of the  
28 executive branch of government who is not a member of the civil  
29 service, if the majority of his or her duties consists of one of the  
30 following:

31 (A) Responsibility for the direct supervision of state peace  
32 officer/firefighter personnel specified in Sections 20391, 20392,  
33 20393, and 20395.

34 (B) Conducting investigations or audits of investigatory practices  
35 and other audits of, or in, the Department of Corrections and  
36 Rehabilitation.

37 (C) Administration of programs of an agency, department, or  
38 other organizational unit that is primarily responsible for active  
39 law enforcement or active firefighting/fire suppression.

1 (2) For purposes of this subdivision, “administration” means  
2 the actions of the employee designated as a peace officer/firefighter  
3 member in a position that is in the direct chain of command over  
4 an agency, department, or organizational unit in which the majority  
5 of employees are state peace officer/firefighter members as  
6 described in Section 20391, 20392, 20393, or 20395.

7 (b) “State peace officer/firefighter member” shall not include  
8 persons whose primary responsibilities are limited to personnel  
9 administration, budgeting, public affairs, data processing or  
10 information technology, governmental relations, or legal support,  
11 or administration or oversight of these responsibilities.

12 (c) “State peace officer/firefighter member” shall include  
13 individuals hired prior to January 1, 2009, who do not meet the  
14 criteria in subdivision (a) if those individuals have been  
15 continuously employed in positions that were deemed to come  
16 within the “state peace officer/firefighter member” classification  
17 pursuant to this section prior to January 1, 2009.

18 (d) *“State peace officer/firefighter member” shall include*  
19 *individuals hired prior to April 1, 2011, or the first day of the first*  
20 *pay period following the enactment of the act that added this*  
21 *subdivision if that act is enacted after April 1, 2011, who do not*  
22 *meet the criteria in subdivision (a) if those individuals have been*  
23 *continuously employed in positions in the Office of the Inspector*  
24 *General that were deemed to come within the “state peace*  
25 *officer/firefighter member” classification pursuant to this section*  
26 *prior to April 1, 2011, or prior to the first day of the first pay*  
27 *period following the enactment of the act that added this*  
28 *subdivision if that act is enacted after April 1, 2011.*

29 (d)

30 (e) The Department of Personnel Administration shall annually  
31 determine which classes meet the conditions described in this  
32 section and are not classes specified in Sections 20391, 20392,  
33 20393, and 20395, and report its findings to the Legislature and  
34 to this system, to be effective July 1 of each year. An agency or  
35 department shall not designate a classification as a “state peace  
36 officer/firefighter member” classification pursuant to this section  
37 without prior approval from the Department of Personnel  
38 Administration.

39 (e)

1 (f) Members who are reclassified pursuant to this section may  
2 file an irrevocable election to remain subject to their prior  
3 retirement formula and the corresponding rate of contributions.  
4 The Secretary of the Department of Corrections and Rehabilitation  
5 may, upon appointment to that office on or after January 1, 1999,  
6 file an irrevocable election to be subject to the industrial formula  
7 and the corresponding rate of contributions. The elections shall be  
8 filed within 90 days of notification by the board. Members who  
9 so elect shall be subject to the reduced benefit factors specified in  
10 Section 21353 or 21354.1, as applicable, only for the service  
11 included in the federal system.

12 *SEC. 3. Section 68511.8 of the Government Code is amended*  
13 *to read:*

14 68511.8. (a) On or before December 1 of each year until  
15 ~~project completion~~ *the completion and full implementation of the*  
16 *project*, the Judicial Council shall provide an annual status report  
17 to the chairperson of the budget committee in each house of the  
18 Legislature and the chairperson of the Joint Legislative Budget  
19 Committee with regard to the California Case Management System  
20 and Court Accounting and Reporting System. The report shall  
21 include, but is not limited to, all of the following:

- 22 (1) Project accomplishments to date.
- 23 (2) Project activities underway.
- 24 (3) Proposed activities.
- 25 (4) Annual revenues and expenditures to date in support of these  
26 projects, which shall include all costs for the Administrative Office  
27 of the Courts and incremental court personnel, contracts, and  
28 hardware and software.

29 (b) On or before December 1 of each year until project  
30 completion, the Administrative Office of the Courts shall provide,  
31 on an annual basis to the chairperson of the budget committee in  
32 each house of the Legislature and the chairperson of the Joint  
33 Legislative Budget Committee, copies of any independent project  
34 oversight report for the California Case Management System. The  
35 independent project oversight report shall include, but is not limited  
36 to, a review and an assessment of project activities, identification  
37 of deficiencies, and recommendations to the Administrative Office  
38 of the Courts on how to address those deficiencies. The  
39 Administrative Office of the Courts shall include in the annual

1 submission descriptions on actions taken to address identified  
2 deficiencies.

3 (c) Within 18 months of fully implementing the California Case  
4 Management System and the Court Accounting and Reporting  
5 System projects, the Administrative Office of the Courts shall  
6 provide to the chairperson of the budget committee in each house  
7 of the Legislature and the chairperson of the Joint Legislative  
8 Budget Committee, a postimplementation evaluation report for  
9 each project. The report shall include, but is not limited to, a  
10 summary of the project background, project results, and an  
11 assessment of the attainment of project objectives.

12 (d) *From the amount of funds that the Judicial Council has*  
13 *approved for the development and implementation of the California*  
14 *Case Management System (CCMS), the Administrative Office of*  
15 *the Courts shall retain an independent consultant to review the*  
16 *system and produce a written independent assessment. The*  
17 *independent consultant who performs this independent assessment*  
18 *shall be selected through a competitive process. The independent*  
19 *assessment shall include, at a minimum, all of the following:*

20 (1) *An evaluation of whether the appropriate software*  
21 *development processes were used to develop the system.*

22 (2) *A determination of whether the system was well designed,*  
23 *based on generally accepted software development practices.*

24 (3) *Testing of the system to detect potential flaws in the system's*  
25 *ability to perform as expected.*

26 (e) *Prior to acceptance of the CCMS product from the*  
27 *development vendor, and before deploying CCMS to any court,*  
28 *all of the following shall have occurred:*

29 (1) *The independent consultant shall provide the written*  
30 *independent assessment to the Administrative Office of the Courts.*

31 (2) *The Administrative Office of the Courts shall provide a copy*  
32 *of the written independent assessment to each of the chairs and*  
33 *vice-chairs of the Senate Committee on Budget and Fiscal Review*  
34 *and the Assembly Committee on Budget no later than 10 days after*  
35 *it receives the assessment from the independent consultant.*

36 (f) *Upon receiving the results of the independent assessment,*  
37 *the Administrative Office of the Courts shall work with the*  
38 *development vendor to ensure that any flaws, defects, or risks*  
39 *identified in the independent assessment are remedied during the*  
40 *warranty period.*

1     *SEC. 4. Section 77206 of the Government Code is amended to*  
2 *read:*

3     77206. (a) Notwithstanding any other law, the Judicial Council  
4 may regulate the budget and fiscal management of the trial courts.  
5 The Judicial Council, in consultation with the Controller, shall  
6 maintain appropriate regulations for recordkeeping and accounting  
7 by the courts. The Judicial Council shall seek to ensure, by these  
8 provisions, both of the following:

9     (1) That the fiscal affairs of the trial courts are managed  
10 efficiently, effectively, and responsibly.

11     (2) That all moneys collected by the courts, including filing  
12 fees, fines, forfeitures, and penalties, and all revenues and  
13 expenditures relating to court operations are known.

14     The Judicial Council may delegate its authority under this  
15 section, when appropriate, to the Administrative Director of the  
16 Courts.

17     (b) Regulations, rules, and reporting requirements adopted  
18 pursuant to this chapter shall be exempt from review and approval  
19 or other processing by the Office of Administrative Law as  
20 provided for in Chapter 3.5 (commencing with Section 11340) of  
21 Part 1 of Division 3 of Title 2.

22     (c) The Controller, at the request of the Legislature, may perform  
23 and publish financial and fiscal compliance audits of the reports  
24 of court revenues and expenditures. The Controller shall report  
25 the results of these audits to the Legislature and the Judicial  
26 Council.

27     (d) The Judicial Council shall provide for the transmission of  
28 summary information concerning court revenues and expenditures  
29 to the Controller.

30     (e) The Judicial Council shall adopt rules to provide for  
31 reasonable public access to budget allocation and expenditure  
32 information at the state and local levels.

33     (f) The Judicial Council shall adopt rules ensuring that, upon  
34 written request, the trial courts provide, in a timely manner,  
35 information relating to the administration of the courts, including  
36 financial information and other information that affects the wages,  
37 hours, and working conditions of trial court employees.

38     (g) (1) The Judicial Council or its representatives may do any  
39 of the following:

1 (A) Inspect, review, and perform comprehensive oversight and  
2 analysis of court financial records wherever they may be located.

3 (B) Investigate allegations of financial impropriety or  
4 mismanagement.

5 (2) The authority granted pursuant to this subdivision shall not  
6 substitute for, or conflict with, the audits conducted pursuant to  
7 subdivisions (h) and (i).

8 (h) (1) Commencing not earlier than July 1, 2011, and not later  
9 than December 15, 2012, the entity contracted with pursuant to  
10 subdivision (j) shall establish a pilot program to audit six trial  
11 courts. That entity shall select the trial courts using the following  
12 criteria:

13 (A) Two trial courts selected from counties with a population  
14 of 200,000 or less.

15 (B) Two trial courts selected from counties with a population  
16 greater than 200,000 and less than 750,000.

17 (C) Two trial courts selected from counties with a population  
18 of 750,000 or greater.

19 The audits shall be performed in accordance with generally  
20 accepted government auditing standards and shall determine the  
21 trial court's compliance with governing statutes, rules, and  
22 regulations relating to the revenues, expenditures, and fund  
23 balances of all material and significant funds, including state  
24 General Fund funds, funds generated from fees or fines, federal  
25 funds, grants, and any other funds within the trial court's  
26 administration or control. *Pursuant to Section 19210 of the Public*  
27 *Contract Code, the audit shall also determine compliance with*  
28 *Part 2.5 (commencing with Section 19201) of Division 2 of the*  
29 *Public Contract Code.* The audits required by this section shall be  
30 in addition to any audit regularly conducted pursuant to any other  
31 provision of law.

32 (2) Based on the results of the pilot program audits described  
33 in paragraph (1), the entity contracted with pursuant to subdivision  
34 (j) shall, on or before December 15, 2013, commence an audit of  
35 the trial courts, provided that every trial court is audited in the  
36 manner prescribed by this section at least once every four years.  
37 The audits shall be performed in accordance with generally  
38 accepted government auditing standards and shall determine the  
39 trial court's compliance with governing statutes, rules, and  
40 regulations relating to the revenues, expenditures, and fund

1 balances of all material and significant funds, including state  
2 General Fund funds, funds generated from fees or fines, federal  
3 funds, grants, or any other funds within the trial court's  
4 administration or control. *Pursuant to Section 19210 of the Public*  
5 *Contract Code, the audit shall also determine compliance with*  
6 *Part 2.5 (commencing with Section 19201) of Division 2 of the*  
7 *Public Contract Code.* The audits required by this paragraph shall  
8 be in addition to any audit regularly conducted pursuant to any  
9 other provision of law.

10 (3) Notwithstanding Section 10231.5, the auditing entity shall  
11 compile the trial court audit findings and report the results of these  
12 audits to the Legislature, the Judicial Council, and the Department  
13 of Finance no later than April 1 of each year. An audit report shall  
14 not be considered final until the audited entity is provided a  
15 reasonable opportunity to respond and the response is included  
16 with, or incorporated into, the report.

17 (4) The reasonable and necessary contracted cost of the audit  
18 conducted pursuant to this subdivision shall be paid from funds  
19 of the local trial court being audited.

20 (i) (1) On or before December 15, 2013, and biennially  
21 thereafter, the entity contracted with pursuant to subdivision (j)  
22 shall perform an audit of the Administrative Office of the Courts  
23 in accordance with generally accepted government auditing  
24 standards and shall determine the Administrative Office of the  
25 Court's compliance with governing statutes, rules, regulations,  
26 and policies relating to the revenues, expenditures, and fund  
27 balances of all material and significant funds under the  
28 administration, jurisdiction, or control of the Administrative Office  
29 of the Courts. *Pursuant to Section 19210 of the Public Contract*  
30 *Code, the audit shall also determine compliance of the*  
31 *Administrative Office of the Courts, the Habeas Corpus Resource*  
32 *Center, and the appellate courts with Part 2.5 (commencing with*  
33 *Section 19201) of Division 2 of the Public Contract Code.*

34 (2) Notwithstanding Section 10231.5, the auditing entity shall  
35 provide a copy of the final audit report of the Administrative Office  
36 of the Courts to the Legislature, the Judicial Council, and the  
37 Department of Finance upon issuance. An audit report shall not  
38 be considered final until the audited entity is provided a reasonable  
39 opportunity to respond and the response is included with, or  
40 incorporated into, the report.

1 (3) Any reasonable and necessary contracted costs incurred by  
2 the auditing entity pursuant to this subdivision shall be reimbursed  
3 by the Administrative Office of the Courts.

4 (j) The Administrative Office of the Courts shall contract with  
5 the Controller to perform the audits described in subdivisions (h)  
6 and (i), unless either the Bureau of State Audits or the Department  
7 of Finance demonstrates that it can perform the audits pursuant to  
8 the same timeframes, scope, and methodology as the Controller  
9 for a cost that is less than that proposed by the Controller. In that  
10 case, the Administrative Office of the Courts may contract with  
11 the state entity named in this subdivision that is most cost effective.  
12 The Administrative Office of the Courts shall provide written  
13 notification to the chairs of the Senate Committee on Budget and  
14 Fiscal Review, the Assembly Committee on Budget, and the Senate  
15 and Assembly Committees on Judiciary, if the Administrative  
16 Office of the Courts contracts with an entity other than the  
17 Controller. The contract period for any contract entered into  
18 pursuant to this section shall not exceed four years from the date  
19 of commencement.

20 (k) A report submitted pursuant to subdivision (h) or (i) shall  
21 be submitted in compliance with Section 9795.

22 *SEC. 5. Section 830.2 of the Penal Code is amended to read:*

23 830.2. The following persons are peace officers whose authority  
24 extends to any place in the state:

25 (a) Any member of the Department of the California Highway  
26 Patrol including those members designated under subdivision (a)  
27 of Section 2250.1 of the Vehicle Code, provided that the primary  
28 duty of the peace officer is the enforcement of any law relating to  
29 the use or operation of vehicles upon the highways, or laws  
30 pertaining to the provision of police services for the protection of  
31 state officers, state properties, and the occupants of state properties,  
32 or both, as set forth in the Vehicle Code and Government Code.

33 (b) A member of the University of California Police Department  
34 appointed pursuant to Section 92600 of the Education Code,  
35 provided that the primary duty of the peace officer shall be the  
36 enforcement of the law within the area specified in Section 92600  
37 of the Education Code.

38 (c) A member of the California State University Police  
39 Departments appointed pursuant to Section 89560 of the Education  
40 Code, provided that the primary duty of the peace officer shall be

1 the enforcement of the law within the area specified in Section  
2 89560 of the Education Code.

3 (d) (1) Any member of the Office of Correctional Safety of the  
4 Department of Corrections and Rehabilitation, provided that the  
5 primary duties of the peace officer shall be the investigation or  
6 apprehension of inmates, wards, parolees, parole violators, or  
7 escapees from state institutions, the transportation of those persons,  
8 the investigation of any violation of criminal law discovered while  
9 performing the usual and authorized duties of employment, and  
10 the coordination of those activities with other criminal justice  
11 agencies.

12 (2) Any member of the Office of Internal Affairs of the  
13 Department of Corrections and Rehabilitation, provided that the  
14 primary duties shall be criminal investigations of Department of  
15 Corrections and Rehabilitation personnel and the coordination of  
16 those activities with other criminal justice agencies. For purposes  
17 of this subdivision, the member of the Office of Internal Affairs  
18 shall possess certification from the Commission on Peace Officer  
19 Standards and Training for investigators, or have completed  
20 training pursuant to Section 6126.1 of the Penal Code.

21 (e) Employees of the Department of Fish and Game designated  
22 by the director, provided that the primary duty of those peace  
23 officers shall be the enforcement of the law as set forth in Section  
24 856 of the Fish and Game Code.

25 (f) Employees of the Department of Parks and Recreation  
26 designated by the director pursuant to Section 5008 of the Public  
27 Resources Code, provided that the primary duty of the peace officer  
28 shall be the enforcement of the law as set forth in Section 5008 of  
29 the Public Resources Code.

30 (g) The Director of Forestry and Fire Protection and employees  
31 or classes of employees of the Department of Forestry and Fire  
32 Protection designated by the director pursuant to Section 4156 of  
33 the Public Resources Code, provided that the primary duty of the  
34 peace officer shall be the enforcement of the law as that duty is  
35 set forth in Section 4156 of the Public Resources Code.

36 (h) Persons employed by the Department of Alcoholic Beverage  
37 Control for the enforcement of Division 9 (commencing with  
38 Section 23000) of the Business and Professions Code and  
39 designated by the Director of Alcoholic Beverage Control, provided  
40 that the primary duty of any of these peace officers shall be the

1 enforcement of the laws relating to alcoholic beverages, as that  
2 duty is set forth in Section 25755 of the Business and Professions  
3 Code.

4 (i) Marshals and police appointed by the Board of Directors of  
5 the California Exposition and State Fair pursuant to Section 3332  
6 of the Food and Agricultural Code, provided that the primary duty  
7 of the peace officers shall be the enforcement of the law as  
8 prescribed in that section.

9 ~~(j) The Inspector General, pursuant to Section 6125, and the~~  
10 ~~Chief Deputy Inspector General, Chief Assistant Inspector General,~~  
11 ~~Deputy Inspector General In Charge, Senior Deputy Inspector~~  
12 ~~General, Deputy Inspector General, Senior Assistant Inspector~~  
13 ~~General, Special Assistant Inspector General, and those employees~~  
14 ~~Employees of the Inspector General as designated by the Inspector~~  
15 ~~General are peace officers, provided that the primary duty of these~~  
16 ~~peace officers shall be conducting audits of investigatory practices~~  
17 ~~and other audits, as well as conducting investigations; of the~~  
18 ~~Department of Corrections and Rehabilitation, Division of Juvenile~~  
19 ~~Justice, and the Board of Parole Hearings.~~

20 *SEC. 6. Section 830.5 of the Penal Code, as amended by*  
21 *Section 66 of Chapter 178 of the Statutes of 2010, is amended to*  
22 *read:*

23 830.5. The following persons are peace officers whose authority  
24 extends to any place in the state while engaged in the performance  
25 of the duties of their respective employment and for the purpose  
26 of carrying out the primary function of their employment or as  
27 required under Sections 8597, 8598, and 8617 of the Government  
28 Code. Except as specified in this section, these peace officers may  
29 carry firearms only if authorized and under those terms and  
30 conditions specified by their employing agency:

31 (a) A parole officer of the Department of Corrections ~~or the~~  
32 ~~Department of the Youth Authority and Rehabilitation, or the~~  
33 ~~Department of Corrections and Rehabilitation, Division of Juvenile~~  
34 ~~Parole Operations, probation officer, deputy probation officer, or~~  
35 ~~a board coordinating parole agent employed by the Youthful~~  
36 ~~Offender Parole Board Juvenile Parole Board. Except as otherwise~~  
37 ~~provided in this subdivision, the authority of these parole or~~  
38 ~~probation officers shall extend only as follows:~~

39 (1) To conditions of parole or of probation by any person in this  
40 state on parole or probation.

1 (2) To the escape of any inmate or ward from a state or local  
2 institution.

3 (3) To the transportation of persons on parole or probation.

4 (4) To violations of any penal provisions of law which are  
5 discovered while performing the usual or authorized duties of his  
6 or her employment.

7 (5) (A) To the rendering of mutual aid to any other law  
8 enforcement agency.

9 For

10 (B) For the purposes of this subdivision, "parole agent" shall  
11 have the same meaning as parole officer of the Department of  
12 Corrections ~~or of the Department of the Youth Authority and~~  
13 *Rehabilitation or of the Department of Corrections and*  
14 *Rehabilitation, Division of Juvenile Justice.*

15 Any

16 (C) Any parole officer of the Department of Corrections, ~~the~~  
17 ~~Department of the Youth Authority, or the Youthful Offender~~  
18 ~~Parole Board and Rehabilitation, or the Department of Corrections~~  
19 *and Rehabilitation, Division of Juvenile Parole Operations,* is  
20 authorized to carry firearms, but only as determined by the director  
21 on a case-by-case or unit-by-unit basis and only under those terms  
22 and conditions specified by the director or chairperson. The  
23 ~~Department of the Youth Authority~~ *Department of Corrections*  
24 *and Rehabilitation, Division of Juvenile Justice,* shall develop a  
25 policy for arming peace officers of the ~~Department of the Youth~~  
26 ~~Authority~~ *Department of Corrections and Rehabilitation, Division*  
27 *of Juvenile Justice,* who comprise "high-risk transportation details"  
28 or "high-risk escape details" no later than June 30, 1995. This  
29 policy shall be implemented no later than December 31, 1995.

30 ~~The Department of the Youth Authority~~

31 (D) *The Department of Corrections and Rehabilitation, Division*  
32 *of Juvenile Justice,* shall train and arm those peace officers who  
33 comprise tactical teams at each facility for use during "high-risk  
34 escape details."

35 (b) A correctional officer employed by the Department of  
36 Corrections ~~or any employee of the Department of the Youth~~  
37 ~~Authority and Rehabilitation, or of the Department of Corrections~~  
38 *and Rehabilitation, Division of Juvenile Justice,* having custody  
39 of wards ~~or the Inspector General of the Youth and Adult~~  
40 ~~Correctional Agency or any internal affairs investigator under the~~

1 authority of the ~~Inspector General~~ or any employee of the  
2 Department of Corrections *and Rehabilitation* designated by the  
3 ~~Director of Corrections~~ *secretary* or any correctional counselor  
4 series employee of the Department of Corrections *and*  
5 *Rehabilitation* or any medical technical assistant series employee  
6 designated by the ~~Director of Corrections~~ *secretary* or designated  
7 by the ~~Director of Corrections~~ *secretary* and employed by the State  
8 Department of Mental Health or *any* employee of the ~~Board of~~  
9 ~~Prison Terms Board of Parole Hearings~~ designated by the  
10 ~~Secretary of the Youth and Adult Correctional Agency~~ *secretary*  
11 or employee of the ~~Department of the Youth Authority~~ *Department*  
12 *of Corrections and Rehabilitation, Division of Juvenile Justice,*  
13 designated by the ~~Director of the Youth Authority~~ *secretary* or  
14 any superintendent, supervisor, or employee having custodial  
15 responsibilities in an institution operated by a probation  
16 department, or any transportation officer of a probation department.

17 (c) The following persons may carry a firearm while not on  
18 duty: a parole officer of the Department of Corrections ~~or the~~  
19 ~~Department of the Youth Authority~~ *and Rehabilitation, or the*  
20 *Department of Corrections and Rehabilitation, Division of Juvenile*  
21 *Justice*, a correctional officer or correctional counselor employed  
22 by the Department of Corrections ~~or any employee of the~~  
23 ~~Department of the Youth Authority~~ *and Rehabilitation, or an*  
24 *employee of the Department of Corrections and Rehabilitation,*  
25 *Division of Juvenile Justice*, having custody of wards or any  
26 employee of the Department of Corrections *and Rehabilitation*  
27 designated by the ~~Director of Corrections~~ *secretary*. A parole  
28 officer of the ~~Youthful Offender Parole Board~~ *Juvenile Parole*  
29 *Board* may carry a firearm while not on duty only when so  
30 authorized by the chairperson of the board and only under the  
31 terms and conditions specified by the chairperson. Nothing in this  
32 section shall be interpreted to require licensure pursuant to Section  
33 25400. The director or chairperson may deny, suspend, or revoke  
34 for good cause a person's right to carry a firearm under this  
35 subdivision. That person shall, upon request, receive a hearing, as  
36 provided for in the negotiated grievance procedure between the  
37 exclusive employee representative and the Department of  
38 Corrections, ~~the Department of the Youth Authority, or the~~  
39 ~~Youthful Offender Parole Board~~ *and Rehabilitation, Division of*

1 *Juvenile Justice, or the Juvenile Parole Board*, to review the  
2 director's or the chairperson's decision.

3 (d) Persons permitted to carry firearms pursuant to this section,  
4 either on or off duty, shall meet the training requirements of Section  
5 832 and shall qualify with the firearm at least quarterly. It is the  
6 responsibility of the individual officer or designee to maintain his  
7 or her eligibility to carry concealable firearms off duty. Failure to  
8 maintain quarterly qualifications by an officer or designee with  
9 any concealable firearms carried off duty shall constitute good  
10 cause to suspend or revoke that person's right to carry firearms  
11 off duty.

12 (e) The Department of Corrections *and Rehabilitation* shall  
13 allow reasonable access to its ranges for officers and designees of  
14 either department to qualify to carry concealable firearms off duty.  
15 The time spent on the range for purposes of meeting the  
16 qualification requirements shall be the person's own time during  
17 the person's off-duty hours.

18 (f) ~~The Director of Corrections~~ *secretary* shall promulgate  
19 regulations consistent with this section.

20 (g) "High-risk transportation details" and "high-risk escape  
21 details" as used in this section shall be determined by the ~~Director~~  
22 ~~of the Youth Authority~~ *secretary*, or his or her designee. The  
23 ~~director~~ *secretary*, or his or her designee, shall consider at least  
24 the following in determining "high-risk transportation details" and  
25 "high-risk escape details": protection of the public, protection of  
26 officers, flight risk, and violence potential of the wards.

27 (h) "Transportation detail" as used in this section shall include  
28 transportation of wards outside the facility, including, but not  
29 limited to, court appearances, medical trips, and interfacility  
30 transfers.

31 *SEC. 7. Section 6126.1 of the Penal Code is amended to read:*

32 6126.1. (a) The Inspector General shall establish a certification  
33 program for peace officers under the Inspector General's  
34 jurisdiction *who are subject to Section 830.2*. The peace officer  
35 training course shall be consistent with the standard courses utilized  
36 by the Commission on Peace Officer Standards and Training and  
37 other major investigative offices, such as county sheriff and city  
38 police departments and the Department of the California Highway  
39 Patrol.

1 (b) Beginning January 1, 1999, peace officers under the  
2 Inspector General's jurisdiction conducting investigations for the  
3 Office of the Inspector General shall complete investigation  
4 training consistent with standard courses utilized by other major  
5 law enforcement investigative offices and be certified within six  
6 months of employment.

7 (c) Beginning January 1, 1999, all peace officers under the  
8 Inspector General's jurisdiction shall successfully pass a  
9 psychological screening exam before becoming employed with  
10 the Office of the Inspector General.

11 *SEC. 8. Section 1465.8 of the Penal Code, as amended by*  
12 *Section 33 of Chapter 720 of the Statutes of 2010, is amended to*  
13 *read:*

14 1465.8. (a) (1) To ensure and maintain adequate funding for  
15 court security, a fee charge of forty dollars (\$40) shall be imposed  
16 on every conviction for a criminal offense, including a traffic  
17 offense, except parking offenses as defined in subdivision (i) of  
18 Section 1463, involving a violation of a section of the Vehicle  
19 Code or any local ordinance adopted pursuant to the Vehicle Code.

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

27 (b) This fee charge shall be in addition to the state penalty  
28 assessed pursuant to Section 1464 and may not be included in the  
29 base fine to calculate the state penalty assessment as specified in  
30 subdivision (a) of Section 1464. The penalties authorized by  
31 Chapter 12 (commencing with Section 76000) of Title 8 of the  
32 Government Code, and the state surcharge authorized by Section  
33 1465.7, do not apply to this fee charge.

34 (c) When bail is deposited for an offense to which this section  
35 applies, and for which a court appearance is not necessary, the  
36 person making the deposit shall also deposit a sufficient amount  
37 to include the fee charge prescribed by this section.

38 (d) Notwithstanding any other provision of law, the fees charges  
39 collected pursuant to subdivision (a) shall all be deposited in a  
40 special account in the county treasury and transmitted therefrom

1 monthly to the Controller for deposit in the Trial Court Trust Fund.  
2 The ~~fees~~ *charges* collected pursuant to this section shall not be  
3 subject to subdivision (e) of Section 1203.1d, but shall be disbursed  
4 under subdivision (b) of Section 1203.1d.

5 (e) The Judicial Council shall provide for the administration of  
6 this section.

7 (f) This section shall remain in effect only until July 1, ~~2011~~  
8 *2013*, and as of that date is repealed, unless a later enacted statute,  
9 that is enacted before July 1, ~~2011~~ *2013*, deletes or extends that  
10 date.

11 *SEC. 9. Section 1465.8 of the Penal Code, as amended by*  
12 *Section 34 of Chapter 720 of the Statutes of 2010, is amended to*  
13 *read:*

14 1465.8. (a) (1) To ensure and maintain adequate funding for  
15 court security, a ~~fee~~ *charge* of thirty dollars (\$30) shall be imposed  
16 on every conviction for a criminal offense, including a traffic  
17 offense, except parking offenses as defined in subdivision (i) of  
18 Section 1463, involving a violation of a section of the Vehicle  
19 Code or any local ordinance adopted pursuant to the Vehicle Code.

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

27 (b) This ~~fee~~ *charge* shall be in addition to the state penalty  
28 assessed pursuant to Section 1464 and may not be included in the  
29 base fine to calculate the state penalty assessment as specified in  
30 subdivision (a) of Section 1464. The penalties authorized by  
31 Chapter 12 (commencing with Section 76000) of Title 8 of the  
32 Government Code, and the state surcharge authorized by Section  
33 1465.7, do not apply to this ~~fee~~ *charge*.

34 (c) When bail is deposited for an offense to which this section  
35 applies, and for which a court appearance is not necessary, the  
36 person making the deposit shall also deposit a sufficient amount  
37 to include the ~~fee~~ *charge* prescribed by this section.

38 (d) Notwithstanding any other provision of law, the ~~fees~~ *charges*  
39 collected pursuant to subdivision (a) shall all be deposited in a

1 special account in the county treasury and transmitted therefrom  
2 monthly to the Controller for deposit in the Trial Court Trust Fund.

3 (e) The Judicial Council shall provide for the administration of  
4 this section.

5 (f) This section shall become operative on July 1, ~~2011~~ 2013.

6 ~~(g) This section shall become inoperative on July 1, 2013, and,  
7 as of January 1, 2014, is repealed, unless a later enacted statute,  
8 that becomes operative on or before January 1, 2014, deletes or  
9 extends the dates on which it becomes inoperative and is repealed.~~

10 *SEC. 10. Section 1465.8 of the Penal Code, as added by Section*  
11 *35 of Chapter 720 of the Statutes of 2010, is repealed.*

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

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

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

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

36 ~~(d) Notwithstanding any other provision of law, the fees  
37 collected pursuant to subdivision (a) shall all be deposited in a  
38 special account in the county treasury and transmitted therefrom  
39 monthly to the Controller for deposit in the Trial Court Trust Fund.~~

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

3 ~~(f) This section shall become operative on July 1, 2013.~~

4 *SEC. 11. Section 1051 of the Probate Code is amended to read:*

5 1051. (a) In the absence of a stipulation to the contrary between  
6 parties who have filed pleadings in a proceeding under this code,  
7 there shall be no ex parte communications between any party, or  
8 attorney for the party, and the court concerning a subject raised in  
9 those pleadings, except as permitted or required by law.

10 (b) Notwithstanding subdivision (a), in any case upon which  
11 the court has exercised its jurisdiction, the court may refer to the  
12 court investigator or take other appropriate action in response to  
13 an ex parte communication regarding either or both of the  
14 following: (1) a fiduciary, as defined in Section 39, about the  
15 fiduciary's performance of his or her duties and responsibilities,  
16 and (2) a person who is the subject of a conservatorship or  
17 guardianship proceeding under Division 4 (commencing with  
18 Section 1400). Any action by the court pursuant to this subdivision  
19 shall be consistent with due process and the requirements of this  
20 code. The court shall disclose the ex parte communication to all  
21 parties and counsel. The court may, for good cause, dispense with  
22 the disclosure if necessary to protect the ward or conservatee from  
23 harm.

24 (c) The Judicial Council shall, on or before January 1, 2008,  
25 adopt a rule of court to implement this section.

26 (d) Subdivisions (a) and (b) of this section shall become  
27 operative on January 1, 2008.

28 *(e) A superior court shall not be required to perform any duties*  
29 *imposed by this section until the Legislature makes an*  
30 *appropriation identified for this purpose.*

31 *SEC. 12. Section 1826 of the Probate Code is amended to read:*

32 1826. Regardless of whether the proposed conservatee attends  
33 the hearing, the court investigator shall do all of the following:

34 (a) Conduct the following interviews:

35 (1) The proposed conservatee personally.

36 (2) All petitioners and all proposed conservators who are not  
37 petitioners.

38 (3) The proposed conservatee's spouse or registered domestic  
39 partner and relatives within the first degree. If the proposed  
40 conservatee does not have a spouse, registered domestic partner,

1 or relatives within the first degree, to the greatest extent possible,  
2 the proposed conservatee's relatives within the second degree.

3 (4) To the greatest extent practical and taking into account the  
4 proposed conservatee's wishes, the proposed conservatee's relatives  
5 within the second degree not required to be interviewed under  
6 paragraph (3), neighbors, and, if known, close friends.

7 (b) Inform the proposed conservatee of the contents of the  
8 citation, of the nature, purpose, and effect of the proceeding, and  
9 of the right of the proposed conservatee to oppose the proceeding,  
10 to attend the hearing, to have the matter of the establishment of  
11 the conservatorship tried by jury, to be represented by legal counsel  
12 if the proposed conservatee so chooses, and to have legal counsel  
13 appointed by the court if unable to retain legal counsel.

14 (c) Determine whether it appears that the proposed conservatee  
15 is unable to attend the hearing and, if able to attend, whether the  
16 proposed conservatee is willing to attend the hearing.

17 (d) Review the allegations of the petition as to why the  
18 appointment of the conservator is required and, in making his or  
19 her determination, do the following:

20 (1) Refer to the supplemental information form submitted by  
21 the petitioner and consider the facts set forth in the form that  
22 address each of the categories specified in paragraphs (1) to (5),  
23 inclusive, of subdivision (a) of Section 1821.

24 (2) Consider, to the extent practicable, whether he or she  
25 believes the proposed conservatee suffers from any of the mental  
26 function deficits listed in subdivision (a) of Section 811 that  
27 significantly impairs the proposed conservatee's ability to  
28 understand and appreciate the consequences of his or her actions  
29 in connection with any of the functions described in subdivision  
30 (a) or (b) of Section 1801 and identify the observations that support  
31 that belief.

32 (e) Determine whether the proposed conservatee wishes to  
33 contest the establishment of the conservatorship.

34 (f) Determine whether the proposed conservatee objects to the  
35 proposed conservator or prefers another person to act as  
36 conservator.

37 (g) Determine whether the proposed conservatee wishes to be  
38 represented by legal counsel and, if so, whether the proposed  
39 conservatee has retained legal counsel and, if not, the name of an  
40 attorney the proposed conservatee wishes to retain.

- 1 (h) Determine whether the proposed conservatee is capable of  
2 completing an affidavit of voter registration.
- 3 (i) If the proposed conservatee has not retained legal counsel,  
4 determine whether the proposed conservatee desires the court to  
5 appoint legal counsel.
- 6 (j) Determine whether the appointment of legal counsel would  
7 be helpful to the resolution of the matter or is necessary to protect  
8 the interests of the proposed conservatee in any case where the  
9 proposed conservatee does not plan to retain legal counsel and has  
10 not requested the appointment of legal counsel by the court.
- 11 (k) Report to the court in writing, at least five days before the  
12 hearing, concerning all of the foregoing, including the proposed  
13 conservatee's express communications concerning both of the  
14 following:
- 15 (1) Representation by legal counsel.
- 16 (2) Whether the proposed conservatee is not willing to attend  
17 the hearing, does not wish to contest the establishment of the  
18 conservatorship, and does not object to the proposed conservator  
19 or prefer that another person act as conservator.
- 20 (l) Mail, at least five days before the hearing, a copy of the  
21 report referred to in subdivision (k) to all of the following:
- 22 (1) The attorney, if any, for the petitioner.
- 23 (2) The attorney, if any, for the proposed conservatee.
- 24 (3) The proposed conservatee.
- 25 (4) The spouse, registered domestic partner, and relatives within  
26 the first degree of the proposed conservatee who are required to  
27 be named in the petition for appointment of the conservator, unless  
28 the court determines that the mailing will result in harm to the  
29 conservatee.
- 30 (5) Any other persons as the court orders.
- 31 (m) The court investigator has discretion to release the report  
32 required by this section to the public conservator, interested public  
33 agencies, and the long-term care ombudsman.
- 34 (n) The report required by this section is confidential and shall  
35 be made available only to parties, persons described in subdivision  
36 (l), persons given notice of the petition who have requested this  
37 report or who have appeared in the proceedings, their attorneys,  
38 and the court. The court has discretion at any other time to release  
39 the report, if it would serve the interests of the conservatee. The

1 clerk of the court shall provide for the limitation of the report  
 2 exclusively to persons entitled to its receipt.

3 (o) This section does not apply to a proposed conservatee who  
 4 has personally executed the petition for conservatorship, or one  
 5 who has nominated his or her own conservator, if he or she attends  
 6 the hearing.

7 (p) If the court investigator has performed an investigation  
 8 within the preceding six months and furnished a report thereon to  
 9 the court, the court may order, upon good cause shown, that another  
 10 investigation is not necessary or that a more limited investigation  
 11 may be performed.

12 (q) Any investigation by the court investigator related to a  
 13 temporary conservatorship also may be a part of the investigation  
 14 for the general petition for conservatorship, but the court  
 15 investigator shall make a second visit to the proposed conservatee  
 16 and the report required by this section shall include the effect of  
 17 the temporary conservatorship on the proposed conservatee.

18 (r) The Judicial Council shall, on or before January 1, 2009,  
 19 adopt rules of court and Judicial Council forms as necessary to  
 20 implement an expedited procedure to authorize, by court order, a  
 21 proposed conservatee’s health care provider to disclose confidential  
 22 medical information about the proposed conservatee to a court  
 23 investigator pursuant to federal medical information privacy  
 24 regulations promulgated under the Health Insurance Portability  
 25 and Accountability Act of 1996.

26 (s) *A superior court shall not be required to perform any duties*  
 27 *imposed pursuant to the amendments to this section enacted by*  
 28 *Chapter 493 of the Statutes 2006 until the Legislature makes an*  
 29 *appropriation identified for this purpose.*

30 *SEC. 13. Section 1850 of the Probate Code is amended to read:*

31 1850. (a) Except as provided in subdivision (b), each  
 32 conservatorship initiated pursuant to this part shall be reviewed  
 33 by the court as follows:

34 (1) At the expiration of six months after the initial appointment  
 35 of the conservator, the court investigator shall visit the conservatee,  
 36 conduct an investigation in accordance with the provisions of  
 37 subdivision (a) of Section 1851, and report to the court regarding  
 38 the appropriateness of the conservatorship and whether the  
 39 conservator is acting in the best interests of the conservatee  
 40 regarding the conservatee’s placement, quality of care, including

1 physical and mental treatment, and finances. The court may, in  
2 response to the investigator's report, take appropriate action  
3 including, but not limited to:

4 (A) Ordering a review of the conservatorship pursuant to  
5 subdivision (b).

6 (B) Ordering the conservator to submit an accounting pursuant  
7 to subdivision (a) of Section 2620.

8 (2) One year after the appointment of the conservator and  
9 annually thereafter. However, at the review that occurs one year  
10 after the appointment of the conservator, and every subsequent  
11 review conducted pursuant to this paragraph, the court may set the  
12 next review in two years if the court determines that the conservator  
13 is acting in the best interest interests of the conservatee. In these  
14 cases, the court shall require the investigator to conduct an  
15 investigation pursuant to subdivision (a) of Section 1851 one year  
16 before the next review and file a status report in the conservatee's  
17 court file regarding whether the conservatorship still appears to  
18 be warranted and whether the conservator is acting in the best  
19 interests of the conservatee. If the investigator determines pursuant  
20 to this investigation that the conservatorship still appears to be  
21 warranted and that the conservator is acting in the best interests  
22 of the conservatee regarding the conservatee's placement, quality  
23 of care, including physical and mental treatment, and finances, no  
24 hearing or court action in response to the investigator's report is  
25 required.

26 (b) The court may, on its own motion or upon request by any  
27 interested person, take appropriate action including, but not limited  
28 to, ordering a review of the conservatorship, including at a noticed  
29 hearing, and ordering the conservator to present an accounting of  
30 the assets of the estate pursuant to Section 2620.

31 (c) Notice of a hearing pursuant to subdivision (b) shall be  
32 provided to all persons listed in subdivision (b) of Section 1822.

33 (d) This chapter does not apply to either of the following:

34 (1) A conservatorship for an absentee as defined in Section  
35 1403.

36 (2) A conservatorship of the estate for a nonresident of this state  
37 where the conservatee is not present in this state.

38 (e) The amendments made to this section by the act adding this  
39 subdivision shall become operative on July 1, 2007.

1 (f) A superior court shall not be required to perform any duties  
2 imposed pursuant to the amendments to this section enacted by  
3 Chapter 493 of the Statutes 2006 until the Legislature makes an  
4 appropriation identified for this purpose.

5 SEC. 14. Section 1850.5 of the Probate Code is amended to  
6 read:

7 1850.5. (a) Notwithstanding Section 1850, each limited  
8 conservatorship for a developmentally disabled adult, as defined  
9 in subdivision (d) of Section 1801, shall be reviewed by the court  
10 one year after the appointment of the conservator and biennially  
11 thereafter.

12 (b) The court may, on its own motion or upon request by any  
13 interested person, take appropriate action, including, but not limited  
14 to, ordering a review of the limited conservatorship, including at  
15 a noticed hearing, at any time.

16 (c) A superior court shall not be required to perform any duties  
17 imposed by this section until the Legislature makes an  
18 appropriation identified for this purpose.

19 SEC. 15. Section 1851 of the Probate Code is amended to read:

20 1851. (a) When court review is required pursuant to Section  
21 1850, the court investigator shall, without prior notice to the  
22 conservator except as ordered by the court for necessity or to  
23 prevent harm to the conservatee, visit the conservatee. The court  
24 investigator shall inform the conservatee personally that the  
25 conservatee is under a conservatorship and shall give the name of  
26 the conservator to the conservatee. The court investigator shall  
27 determine whether the conservatee wishes to petition the court for  
28 termination of the conservatorship, whether the conservatee is still  
29 in need of the conservatorship, whether the present conservator is  
30 acting in the best interests of the conservatee, and whether the  
31 conservatee is capable of completing an affidavit of voter  
32 registration. In determining whether the conservator is acting in  
33 the best interests of the conservatee, the court investigator's  
34 evaluation shall include an examination of the conservatee's  
35 placement, the quality of care, including physical and mental  
36 treatment, and the conservatee's finances. To the extent practicable,  
37 the investigator shall review the accounting with a conservatee  
38 who has sufficient capacity. To the greatest extent possible, the  
39 court investigator shall interview individuals set forth in  
40 subdivision (a) of Section 1826, in order to determine if the

1 conservator is acting in the best interests of the conservatee. If the  
2 court has made an order under Chapter 4 (commencing with  
3 Section 1870), the court investigator shall determine whether the  
4 present condition of the conservatee is such that the terms of the  
5 order should be modified or the order revoked. Upon request of  
6 the court investigator, the conservator shall make available to the  
7 court investigator during the investigation for inspection and  
8 copying all books and records, including receipts and any  
9 expenditures, of the conservatorship.

10 (b) (1) The findings of the court investigator, including the  
11 facts upon which the findings are based, shall be certified in writing  
12 to the court not less than 15 days prior to the date of review. A  
13 copy of the report shall be mailed to the conservator and to the  
14 attorneys of record for the conservator and conservatee at the same  
15 time it is certified to the court. A copy of the report, modified as  
16 set forth in paragraph (2), also shall be mailed to the conservatee's  
17 spouse or registered domestic partner, the conservatee's relatives  
18 in the first degree, and if there are no such relatives, to the next  
19 closest relative, unless the court determines that the mailing will  
20 result in harm to the conservatee.

21 (2) Confidential medical information and confidential  
22 information from the California Law Enforcement  
23 Telecommunications System shall be in a separate attachment to  
24 the report and shall not be provided in copies sent to the  
25 conservatee's spouse or registered domestic partner, the  
26 conservatee's relatives in the first degree, and if there are no such  
27 relatives, to the next closest relative.

28 (c) In the case of a limited conservatee, the court investigator  
29 shall make a recommendation regarding the continuation or  
30 termination of the limited conservatorship.

31 (d) The court investigator may personally visit the conservator  
32 and other persons as may be necessary to determine whether the  
33 present conservator is acting in the best interests of the conservatee.

34 (e) The report required by this section shall be confidential and  
35 shall be made available only to parties, persons described in  
36 subdivision (b), persons given notice of the petition who have  
37 requested the report or who have appeared in the proceeding, their  
38 attorneys, and the court. The court shall have discretion at any  
39 other time to release the report if it would serve the interests of  
40 the conservatee. The clerk of the court shall make provision for

1 limiting disclosure of the report exclusively to persons entitled  
2 thereto under this section.

3 (f) The amendments made to this section by the act adding this  
4 subdivision shall become operative on July 1, 2007.

5 (g) *A superior court shall not be required to perform any duties*  
6 *imposed pursuant to the amendments to this section enacted by*  
7 *Chapter 493 of the Statutes 2006 until the Legislature makes an*  
8 *appropriation identified for this purpose.*

9 *SEC. 16. Section 2250 of the Probate Code is amended to read:*

10 2250. (a) On or after the filing of a petition for appointment  
11 of a guardian or conservator, any person entitled to petition for  
12 appointment of the guardian or conservator may file a petition for  
13 appointment of:

14 (1) A temporary guardian of the person or estate or both.

15 (2) A temporary conservator of the person or estate or both.

16 (b) The petition shall state facts which establish good cause for  
17 appointment of the temporary guardian or temporary conservator.  
18 The court, upon that petition or other showing as it may require,  
19 may appoint a temporary guardian of the person or estate or both,  
20 or a temporary conservator of the person or estate or both, to serve  
21 pending the final determination of the court upon the petition for  
22 the appointment of the guardian or conservator.

23 (c) If the petitioner is a private professional conservator under  
24 Section 2341 or licensed under the Professional Fiduciaries Act,  
25 Chapter 6 (commencing with Section 6500) of Division 3 of the  
26 Business and Professions Code, the petition for appointment of a  
27 temporary conservator shall include both of the following:

28 (1) A statement of the petitioner's registration or license  
29 information.

30 (2) A statement explaining who engaged the petitioner or how  
31 the petitioner was engaged to file the petition for appointment of  
32 a temporary conservator and what prior relationship the petitioner  
33 had with the proposed conservatee or the proposed conservatee's  
34 family or friends, unless that information is included in a petition  
35 for appointment of a general conservator filed at the same time by  
36 the person who filed the petition for appointment of a temporary  
37 conservator.

38 (d) If the petition is filed by a party other than the proposed  
39 conservatee, the petition shall include a declaration of due diligence  
40 showing both of the following:

1 (1) Either the efforts to find the proposed conservatee's relatives  
2 named in the petition for appointment of a general conservator or  
3 why it was not feasible to contact any of them.

4 (2) Either the preferences of the proposed conservatee  
5 concerning the appointment of a temporary conservator and the  
6 appointment of the proposed temporary conservator or why it was  
7 not feasible to ascertain those preferences.

8 (e) Unless the court for good cause otherwise orders, at least  
9 five court days before the hearing on the petition, notice of the  
10 hearing shall be given as follows:

11 (1) Notice of the hearing shall be personally delivered to the  
12 proposed ward if he or she is 12 years of age or older, to the parent  
13 or parents of the proposed ward, and to any person having a valid  
14 visitation order with the proposed ward that was effective at the  
15 time of the filing of the petition. Notice of the hearing shall not be  
16 delivered to the proposed ward if he or she is under 12 years of  
17 age. In a proceeding for temporary guardianship of the person,  
18 evidence that a custodial parent has died or become incapacitated,  
19 and that the petitioner is the nominee of the custodial parent, may  
20 constitute good cause for the court to order that this notice not be  
21 delivered.

22 (2) Notice of the hearing shall be personally delivered to the  
23 proposed conservatee, and notice of the hearing shall be served  
24 on the persons required to be named in the petition for appointment  
25 of conservator. If the petition states that the petitioner and the  
26 proposed conservator have no prior relationship with the proposed  
27 conservatee and has not been nominated by a family member,  
28 friend, or other person with a relationship to the proposed  
29 conservatee, notice of hearing shall be served on the public  
30 guardian of the county in which the petition is filed.

31 (3) A copy of the petition for temporary appointment shall be  
32 served with the notice of hearing.

33 (f) If a temporary guardianship is granted ex parte and the  
34 hearing on the general guardianship petition is not to be held within  
35 30 days of the granting of the temporary guardianship, the court  
36 shall set a hearing within 30 days to reconsider the temporary  
37 guardianship. Notice of the hearing for reconsideration of the  
38 temporary guardianship shall be provided pursuant to Section  
39 1511, except that the court may for good cause shorten the time  
40 for the notice of the hearing.

1 (g) Visitation orders with the proposed ward granted prior to  
2 the filing of a petition for temporary guardianship shall remain in  
3 effect, unless for good cause the court orders otherwise.

4 (h) (1) If a temporary conservatorship is granted ex parte, and  
5 a petition to terminate the temporary conservatorship is filed more  
6 than 15 days before the first hearing on the general petition for  
7 appointment of conservator, the court shall set a hearing within  
8 15 days of the filing of the petition for termination of the temporary  
9 conservatorship to reconsider the temporary conservatorship.  
10 Unless the court otherwise orders, notice of the hearing on the  
11 petition to terminate the temporary conservatorship shall be given  
12 at least 10 days prior to the hearing.

13 (2) If a petition to terminate the temporary conservatorship is  
14 filed within 15 days before the first hearing on the general petition  
15 for appointment of conservator, the court shall set the hearing at  
16 the same time that the hearing on the general petition is set. Unless  
17 the court otherwise orders, notice of the hearing on the petition to  
18 terminate the temporary conservatorship pursuant to this section  
19 shall be given at least five court days prior to the hearing.

20 (i) If the court suspends powers of the guardian or conservator  
21 under Section 2334 or 2654 or under any other provision of this  
22 division, the court may appoint a temporary guardian or conservator  
23 to exercise those powers until the powers are restored to the  
24 guardian or conservator or a new guardian or conservator is  
25 appointed.

26 (j) If for any reason a vacancy occurs in the office of guardian  
27 or conservator, the court, on a petition filed under subdivision (a)  
28 or on its own motion, may appoint a temporary guardian or  
29 conservator to exercise the powers of the guardian or conservator  
30 until a new guardian or conservator is appointed.

31 (k) On or before January 1, 2008, the Judicial Council shall  
32 adopt a rule of court that establishes uniform standards for good  
33 cause exceptions to the notice required by subdivision (e), limiting  
34 those exceptions to only cases when waiver of the notice is  
35 essential to protect the proposed conservatee or ward, or the estate  
36 of the proposed conservatee or ward, from substantial harm.

37 (l) *A superior court shall not be required to perform any duties*  
38 *imposed pursuant to the amendments to this section enacted by*  
39 *Chapter 493 of the Statutes 2006 until the Legislature makes an*  
40 *appropriation identified for this purpose.*

1     *SEC. 17. Section 2250.4 of the Probate Code is amended to*  
2 *read:*

3     2250.4. The proposed temporary conservatee shall attend the  
4 hearing except in the following cases:

5     (a) If the proposed temporary conservatee is out of the state  
6 when served and is not the petitioner.

7     (b) If the proposed temporary conservatee is unable to attend  
8 the hearing by reason of medical inability.

9     (c) If the court investigator has visited the proposed conservatee  
10 prior to the hearing and the court investigator has reported to the  
11 court that the proposed temporary conservatee has expressly  
12 communicated that all of the following apply:

13     (1) The proposed conservatee is not willing to attend the hearing.

14     (2) The proposed conservatee does not wish to contest the  
15 establishment of the temporary conservatorship.

16     (3) The proposed conservatee does not object to the proposed  
17 temporary conservator or prefer that another person act as  
18 temporary conservator.

19     (d) If the court determines that the proposed conservatee is  
20 unable or unwilling to attend the hearing, and holding the hearing  
21 in the absence of the proposed conservatee is necessary to protect  
22 the conservatee from substantial harm.

23     (e) *A superior court shall not be required to perform any duties*  
24 *imposed by this section until the Legislature makes an*  
25 *appropriation identified for this purpose.*

26     *SEC. 18. Section 2250.6 of the Probate Code is amended to*  
27 *read:*

28     2250.6. (a) Regardless of whether the proposed temporary  
29 conservatee attends the hearing, the court investigator shall do all  
30 of the following prior to the hearing, unless it is not feasible to do  
31 so, in which case the court investigator shall comply with the  
32 requirements set forth in subdivision (b):

33     (1) Interview the proposed conservatee personally. The court  
34 investigator also shall do all of the following:

35     (A) Interview the petitioner and the proposed conservator, if  
36 different from the petitioner.

37     (B) To the greatest extent possible, interview the proposed  
38 conservatee's spouse or registered domestic partner, relatives  
39 within the first degree, neighbors and, if known, close friends.

1 (C) To the extent possible, interview the proposed conservatee's  
2 relatives within the second degree as set forth in subdivision (b)  
3 of Section 1821 before the hearing.

4 (2) Inform the proposed conservatee of the contents of the  
5 citation, of the nature, purpose, and effect of the temporary  
6 conservatorship, and of the right of the proposed conservatee to  
7 oppose the proceeding, to attend the hearing, to have the matter  
8 of the establishment of the conservatorship tried by jury, to be  
9 represented by legal counsel if the proposed conservatee so  
10 chooses, and to have legal counsel appointed by the court if unable  
11 to retain legal counsel.

12 (3) Determine whether it appears that the proposed conservatee  
13 is unable to attend the hearing and, if able to attend, whether the  
14 proposed conservatee is willing to attend the hearing.

15 (4) Determine whether the proposed conservatee wishes to  
16 contest the establishment of the conservatorship.

17 (5) Determine whether the proposed conservatee objects to the  
18 proposed conservator or prefers another person to act as  
19 conservator.

20 (6) Report to the court, in writing, concerning all of the  
21 foregoing.

22 (b) If not feasible before the hearing, the court investigator shall  
23 do all of the following within two court days after the hearing:

24 (1) Interview the conservatee personally. The court investigator  
25 also shall do all of the following:

26 (A) Interview the petitioner and the proposed conservator, if  
27 different from the petitioner.

28 (B) To the greatest extent possible, interview the proposed  
29 conservatee's spouse or registered domestic partner, relatives  
30 within the first degree, neighbors and, if known, close friends.

31 (C) To the extent possible, interview the proposed conservatee's  
32 relatives within the second degree as set forth in subdivision (b)  
33 of Section 1821.

34 (2) Inform the conservatee of the nature, purpose, and effect of  
35 the temporary conservatorship, as well as the right of the  
36 conservatee to oppose the proposed general conservatorship, to  
37 attend the hearing, to have the matter of the establishment of the  
38 conservatorship tried by jury, to be represented by legal counsel  
39 if the proposed conservatee so chooses, and to have legal counsel  
40 appointed by the court if unable to retain legal counsel.

1 (c) If the investigator does not visit the conservatee until after  
2 the hearing at which a temporary conservator was appointed, and  
3 the conservatee objects to the appointment of the temporary  
4 conservator, or requests an attorney, the court investigator shall  
5 report this information promptly, and in no event more than three  
6 court days later, to the court. Upon receipt of that information, the  
7 court may proceed with appointment of an attorney as provided  
8 in Chapter 4 (commencing with Section 1470) of Part 1.

9 (d) If it appears to the court investigator that the temporary  
10 conservatorship is inappropriate, the court investigator shall  
11 immediately, and in no event more than two court days later,  
12 provide a written report to the court so the court can consider taking  
13 appropriate action on its own motion.

14 (e) *A superior court shall not be required to perform any duties*  
15 *imposed by this section until the Legislature makes an*  
16 *appropriation identified for this purpose.*

17 *SEC. 19. Section 2253 of the Probate Code is amended to read:*

18 2253. (a) If a temporary conservator of the person proposes  
19 to fix the residence of the conservatee at a place other than that  
20 where the conservatee resided prior to the commencement of the  
21 proceedings, that power shall be requested of the court in writing,  
22 unless the change of residence is required of the conservatee by a  
23 prior court order. The request shall be filed with the petition for  
24 temporary conservatorship or, if a temporary conservatorship has  
25 already been established, separately. The request shall specify in  
26 particular the place to which the temporary conservator proposes  
27 to move the conservatee, and the precise reasons why it is believed  
28 that the conservatee will suffer irreparable harm if the change of  
29 residence is not permitted, and why no means less restrictive of  
30 the conservatee's liberty will suffice to prevent that harm.

31 (b) Unless the court for good cause orders otherwise, the court  
32 investigator shall do all of the following:

33 (1) Interview the conservatee personally.

34 (2) Inform the conservatee of the nature, purpose, and effect of  
35 the request made under subdivision (a), and of the right of the  
36 conservatee to oppose the request, attend the hearing, be  
37 represented by legal counsel if the conservatee so chooses, and to  
38 have legal counsel appointed by the court if unable to obtain legal  
39 counsel.

1 (3) Determine whether the conservatee is unable to attend the  
2 hearing because of medical inability and, if able to attend, whether  
3 the conservatee is willing to attend the hearing.

4 (4) Determine whether the conservatee wishes to oppose the  
5 request.

6 (5) Determine whether the conservatee wishes to be represented  
7 by legal counsel at the hearing and, if so, whether the conservatee  
8 has retained legal counsel and, if not, the name of an attorney the  
9 proposed conservatee wishes to retain or whether the conservatee  
10 desires the court to appoint legal counsel.

11 (6) If the conservatee does not plan to retain legal counsel and  
12 has not requested the appointment of legal counsel by the court,  
13 determine whether the appointment of legal counsel would be  
14 helpful to the resolution of the matter or is necessary to protect the  
15 interests of the conservatee.

16 (7) Determine whether the proposed change of place of residence  
17 is required to prevent irreparable harm to the conservatee and  
18 whether no means less restrictive of the conservatee’s liberty will  
19 suffice to prevent that harm.

20 (8) Report to the court in writing, at least two days before the  
21 hearing, concerning all of the foregoing, including the  
22 conservatee’s express communications concerning representation  
23 by legal counsel and whether the conservatee is not willing to  
24 attend the hearing and does not wish to oppose the request.

25 (c) Within seven days of the date of filing of a temporary  
26 conservator’s request to remove the conservatee from his or her  
27 previous place of residence, the court shall hold a hearing on the  
28 request.

29 (d) The conservatee shall be present at the hearing except in the  
30 following cases:

31 (1) Where the conservatee is unable to attend the hearing by  
32 reason of medical inability. Emotional or psychological instability  
33 is not good cause for the absence of the conservatee from the  
34 hearing unless, by reason of that instability, attendance at the  
35 hearing is likely to cause serious and immediate physiological  
36 damage to the conservatee.

37 (2) Where the court investigator has reported to the court that  
38 the conservatee has expressly communicated that the conservatee  
39 is not willing to attend the hearing and does not wish to oppose

1 the request, and the court makes an order that the conservatee need  
2 not attend the hearing.

3 (e) If the conservatee is unable to attend the hearing because of  
4 medical inability, that inability shall be established (1) by the  
5 affidavit or certificate of a licensed medical practitioner or (2) if  
6 the conservatee is an adherent of a religion whose tenets and  
7 practices call for reliance on prayer alone for healing and is under  
8 treatment by an accredited practitioner of that religion, by the  
9 affidavit of the practitioner. The affidavit or certificate is evidence  
10 only of the conservatee's inability to attend the hearing and shall  
11 not be considered in determining the issue of need for the  
12 establishment of a conservatorship.

13 (f) At the hearing, the conservatee has the right to be represented  
14 by counsel and the right to confront and cross-examine any witness  
15 presented by or on behalf of the temporary conservator and to  
16 present evidence on his or her own behalf.

17 (g) The court may approve the request to remove the conservatee  
18 from the previous place of residence only if the court finds (1) that  
19 change of residence is required to prevent irreparable harm to the  
20 conservatee and (2) that no means less restrictive of the  
21 conservatee's liberty will suffice to prevent that harm. If an order  
22 is made authorizing the temporary conservator to remove the  
23 conservatee from the previous place of residence, the order shall  
24 specify the specific place wherein the temporary conservator is  
25 authorized to place the conservatee. The temporary conservator  
26 may not be authorized to remove the conservatee from this state  
27 unless it is additionally shown that such removal is required to  
28 permit the performance of specified nonpsychiatric medical  
29 treatment, consented to by the conservatee, which is essential to  
30 the conservatee's physical survival. A temporary conservator who  
31 willfully removes a temporary conservatee from this state without  
32 authorization of the court is guilty of a felony.

33 (h) Subject to subdivision (e) of Section 2252, the court shall  
34 also order the temporary conservator to take all reasonable steps  
35 to preserve the status quo concerning the conservatee's previous  
36 place of residence.

37 (i) *A superior court shall not be required to perform any duties*  
38 *imposed pursuant to the amendments to this section enacted by*  
39 *Chapter 493 of the Statutes 2006 until the Legislature makes an*  
40 *appropriation identified for this purpose.*

1     *SEC. 20. Section 2620 of the Probate Code is amended to read:*

2     2620. (a) At the expiration of one year from the time of  
3 appointment and thereafter not less frequently than biennially,  
4 unless otherwise ordered by the court to be more frequent, the  
5 guardian or conservator shall present the accounting of the assets  
6 of the estate of the ward or conservatee to the court for settlement  
7 and allowance in the manner provided in Chapter 4 (commencing  
8 with Section 1060) of Part 1 of Division 3. By January 1, 2008,  
9 the Judicial Council, in consultation with the California Judges  
10 Association, the California Association of Superior Court  
11 Investigators, the California State Association of Public  
12 Administrators, Public Guardians, and Public Conservators, the  
13 State Bar of California, and the California Society of Certified  
14 Public Accountants, shall develop a standard accounting form, a  
15 simplified accounting form, and rules for when the simplified  
16 accounting form may be used. After January 1, 2008, all  
17 accountings submitted pursuant to this section shall be submitted  
18 on the Judicial Council form.

19     (b) The final court accounting of the guardian or conservator  
20 following the death of the ward or conservatee shall include a court  
21 accounting for the period that ended on the date of death and a  
22 separate accounting for the period subsequent to the date of death.

23     (c) Along with each court accounting, the guardian or  
24 conservator shall file supporting documents, as provided in this  
25 section.

26     (1) For purposes of this subdivision, the term “account  
27 statement” shall include any original account statement from any  
28 institution, as defined in Section 2890, or any financial institution,  
29 as defined in Section 2892, in which money or other assets of the  
30 estate are held or deposited.

31     (2) The filing shall include all account statements showing the  
32 account balance as of the closing date of the accounting period of  
33 the court accounting. If the court accounting is the first court  
34 accounting of the guardianship or conservatorship, the guardian  
35 or conservator shall provide to the court all account statements  
36 showing the account balance immediately preceding the date the  
37 conservator or guardian was appointed and all account statements  
38 showing the account balance as of the closing date of the first court  
39 accounting.

1 (3) If the guardian or conservator is a private professional or  
2 licensed guardian or conservator, the guardian or conservator shall  
3 also file all original account statements, as described above,  
4 showing the balance as of all periods covered by the accounting.

5 (4) The filing shall include the original closing escrow statement  
6 received showing the charges and credits for any sale of real  
7 property of the estate.

8 (5) If the ward or conservatee is in a residential care facility or  
9 a long-term care facility, the filing shall include the original bill  
10 statements for the facility.

11 (6) This subdivision shall not apply to the public guardian if the  
12 money belonging to the estate is pooled with money belonging to  
13 other estates pursuant to Section 2940 and Article 3 (commencing  
14 with Section 7640) of Chapter 4 of Part 1 of Division 7. Nothing  
15 in this section shall affect any other duty or responsibility of the  
16 public guardian with regard to managing money belonging to the  
17 estate or filing accountings with the court.

18 (7) If any document to be filed or lodged with the court under  
19 this section contains the ward's or conservatee's social security  
20 number or any other personal information regarding the ward or  
21 conservatee that would not ordinarily be disclosed in a court  
22 accounting, an inventory and appraisal, or other nonconfidential  
23 pleadings filed in the action, the account statement or other  
24 document shall be attached to a separate affidavit describing the  
25 character of the document, captioned "CONFIDENTIAL  
26 FINANCIAL STATEMENT" in capital letters. Except as otherwise  
27 ordered by the court, the clerk of the court shall keep the document  
28 confidential except to the court and subject to disclosure only upon  
29 an order of the court. The guardian or conservator may redact the  
30 ward's or conservatee's social security number from any document  
31 lodged with the court under this section.

32 (8) Courts may provide by local rule that the court shall retain  
33 all documents lodged with it under this subdivision until the court's  
34 determination of the guardian's or conservator's account has  
35 become final, at which time the supporting documents shall be  
36 returned to the depositing guardian or conservator or delivered to  
37 any successor appointed by the court.

38 (d) Each accounting is subject to random or discretionary, full  
39 or partial review by the court. The review may include  
40 consideration of any information necessary to determine the

1 accuracy of the accounting. If the accounting has any material  
 2 error, the court shall make an express finding as to the severity of  
 3 the error and what further action is appropriate in response to the  
 4 error, if any. Among the actions available to the court is immediate  
 5 suspension of the guardian or conservator without further notice  
 6 or proceedings and appointment of a temporary guardian or  
 7 conservator or removal of the guardian or conservator pursuant to  
 8 Section 2650 and appointment of a temporary guardian or  
 9 conservator.

10 (e) The guardian or conservator shall make available for  
 11 inspection and copying, upon reasonable notice, to any person  
 12 designated by the court to verify the accuracy of the accounting,  
 13 all books and records, including receipts for any expenditures, of  
 14 the guardianship or conservatorship.

15 (f) *A superior court shall not be required to perform any duties*  
 16 *imposed pursuant to the amendments to this section enacted by*  
 17 *Chapter 493 of the Statutes 2006 until the Legislature makes an*  
 18 *appropriation identified for this purpose.*

19 *SEC. 21. Part 2.5 (commencing with Section 19201) is added*  
 20 *to Division 2 of the Public Contract Code, to read:*

21  
 22 *PART 2.5. CONTRACTING BY JUDICIAL BRANCH ENTITIES*

23  
 24 *19201. This part may be cited as the California Judicial Branch*  
 25 *Contract Law.*

26 *19202. The Legislature finds and declares that placing all*  
 27 *public contract provisions for judicial branch entities in one part*  
 28 *will make that law clearer and easier to find. Further, it is the*  
 29 *intent of the Legislature in enacting this part to achieve the*  
 30 *objectives as set forth in Sections 100, 101, and 102.*

31 *19203. This part shall apply to all contracts initially entered*  
 32 *into or amended by judicial branch entities on or after October 1,*  
 33 *2011.*

34 *19204. (a) All judicial branch entities shall comply with the*  
 35 *provisions of this code that are applicable to state agencies and*  
 36 *departments related to the procurement of goods and services,*  
 37 *including information technology goods and services. All contracts*  
 38 *with total cost estimated at more than one million dollars*  
 39 *(\$1,000,000), except contracts covered by Section 68511.9 of the*  
 40 *Government Code, shall be subject to the review and*

1 *recommendations of the Bureau of State Audits to ensure*  
2 *compliance with this part. In addition, all administrative and*  
3 *infrastructure information technology projects of the Judicial*  
4 *Council or the courts with total costs estimated at more than five*  
5 *million dollars (\$5,000,000) shall be subject to the reviews and*  
6 *recommendations of the California Technology Agency, as*  
7 *specified in Section 68511.9 of the Government Code.*

8 *(b) Except as provided in subdivision (c), procurement and*  
9 *contracting for the planning, design, construction, rehabilitation,*  
10 *renovation, replacement, lease, or acquisition of court facilities*  
11 *shall be conducted by judicial branch entities consistent with the*  
12 *relevant provisions of this code applicable to state agencies.*

13 *(c) Notwithstanding any other provision of law, this part does*  
14 *not apply to procurement and contracting by judicial branch*  
15 *entities that are related to trial court construction, including, but*  
16 *not limited to, the planning, design, construction, rehabilitation,*  
17 *renovation, replacement, lease, or acquisition of trial court*  
18 *facilities. However, this part shall apply to contracts for*  
19 *maintenance of all judicial branch facilities that are not under the*  
20 *operation and management of the Department of General Services.*

21 *(d) Only until the Judicial Council adopts the Judicial Branch*  
22 *Contracting Manual required pursuant to Section 19206, judicial*  
23 *branch entities shall instead be governed by applicable policies*  
24 *and procedures in the State Administrative Manual and the State*  
25 *Contracting Manual, or policies and procedures as otherwise*  
26 *required by law to be adopted by the Department of General*  
27 *Services applicable to state agencies.*

28 *19205. (a) As used in this part, “judicial branch entity” means*  
29 *any superior court, court of appeal, the California Supreme Court,*  
30 *the Judicial Council, the Habeas Corpus Resource Center, or the*  
31 *Administrative Office of the Courts.*

32 *(b) Where there is a reference in this code to an officer or*  
33 *employee of a state agency, for purposes of this part, these terms*  
34 *shall refer to a member, judicial officer, officer, employee, or other*  
35 *person of a judicial branch entity, as applicable.*

36 *19206. The Judicial Council shall adopt and publish no later*  
37 *than January 1, 2012, a Judicial Branch Contracting Manual*  
38 *incorporating procurement and contracting policies and*  
39 *procedures that must be followed by all judicial branch entities*  
40 *subject to this part. The policies and procedures shall include a*

1 requirement that each judicial branch entity shall adopt a local  
2 contracting manual for procurement and contracting for goods or  
3 services by that judicial branch entity. The policies and procedures  
4 in the manuals shall be consistent with this code and substantially  
5 similar to the provisions contained in the State Administrative  
6 Manual and the State Contracting Manual.

7 19207. Except as provided in subdivision (a) of Section 19204  
8 or as otherwise specifically required by law applicable to any  
9 judicial branch entity, nothing in this part is intended, nor shall  
10 it be construed, to require the approval, review, or involvement  
11 of any other state entity, including, but not limited to, the  
12 Department of General Services or the Secretary of California  
13 Technology, in the procurement of any judicial branch goods or  
14 services, including information technology goods or services.

15 19208. Nothing in this part is intended, nor shall it be construed  
16 to permit, the application of provisions of this code that do not  
17 apply to state agencies and departments.

18 19209. (a) Beginning in 2012, twice each year, the Judicial  
19 Council shall provide a report to the Joint Legislative Budget  
20 Committee that provides information related to procurement of  
21 contracts for the judicial branch. One report shall be provided no  
22 later than February 1 of each year, covering the period from July  
23 1 through December 31 of the prior year, and the second report  
24 shall be provided no later than August 1 of each year, covering  
25 the period from January 1 through June 30 of the same year.

26 (b) Each of the two annual reports shall include a list of all  
27 vendors or contractors receiving payments from any judicial  
28 branch entities. For each vendor or contractor receiving any  
29 payment during the reporting period, the report shall provide a  
30 separate listing for each distinct contract between that vendor or  
31 contractor and a judicial branch entity. For every vendor or  
32 contractor listed in the report, including for each distinct contract  
33 for those contractors or vendors with more than one payment  
34 during the period, the report shall further identify the amount of  
35 payment to the contractor or vendor, the type of service or good  
36 provided, and the judicial branch entity or entities with which the  
37 vendor or contractor was contracted to provide that service or  
38 good.

39 (c) Each of the two annual reports shall include a list of all  
40 contract amendments made during the report period. For each

1 *amendment, the report shall identify the vendor or contractor, the*  
2 *type of service or good provided under the contract, the nature of*  
3 *the amendment, the duration of the amendment, and the cost of*  
4 *the amendment.*

5 *19210. The audits required pursuant to subdivisions (h) and*  
6 *(i) of Section 77206 of the Government Code shall include an audit*  
7 *and report by the State Auditor on his or her assessment of the*  
8 *implementation of this part by the judicial branch. The State*  
9 *Auditor shall be reimbursed by the judicial branch entity that is*  
10 *the subject of the audit for all reasonable costs associated with*  
11 *conducting the audit required by this section.*

12 *SEC. 22. (a) The Judicial Council shall report to the Joint*  
13 *Legislative Budget Committee by January 15, 2013, on the process,*  
14 *transparency, costs, and timeliness of its construction procurement*  
15 *practices. The information in this report shall include, but not be*  
16 *limited to, the following for each court construction project*  
17 *completed between January 1, 2008 and January 1, 2013:*

18 *(1) The dates that each step of the procurement and construction*  
19 *process was completed, including steps involving the seeking or*  
20 *selection of bidders or contractors, completion of the different*  
21 *phases of project design and construction, and approvals by local*  
22 *courts, the Judicial Council, the State Public Works Board, the*  
23 *Governor, and the Legislature.*

24 *(2) The criteria and factors used in evaluating contractors for*  
25 *prequalification as well as those used to evaluate bids, as well as*  
26 *the number of bids received for each procurement.*

27 *(3) Identification of all project costs for each phase of design*  
28 *and construction, including any cost increases and reasons for*  
29 *those increases.*

30 *(4) Identification of the original project timeline for each phase*  
31 *of design and construction, as well as all project delays and the*  
32 *reasons associated in causing the project delays.*

33 *(5) The total project management costs incurred by the Judicial*  
34 *Branch, including for existing staff who worked on each project,*  
35 *distinguished by project activity.*

36 *(6) The total costs paid for contractors, distinguished by project*  
37 *activity.*

38 *(b) Within 75 days of receiving the report required under*  
39 *subdivision (a), the Legislative Analyst's Office shall conduct an*  
40 *analysis of the findings and, based on information which shall be*

1 provided by the Department of General Services, compare the  
 2 costs and timeliness of methods of delivery used by the judiciary  
 3 to projects of comparable size, scope, and geographic location  
 4 procured under the Public Contract Code provisions applicable  
 5 to state agencies. At the request of the Legislative Analyst’s Office,  
 6 the Department of General Services shall provide the comparable  
 7 information as that required of the Judicial Council in subdivision  
 8 (a) for those projects managed by the Department of General  
 9 Services.

10 SEC. 23. In addition to any amounts provided in the Budget  
 11 Act of 2011, the sum of one thousand dollars (\$1,000) is hereby  
 12 appropriated from the DNA Identification Fund to the Department  
 13 of Justice for purposes of state operations in the 2011–12 fiscal  
 14 year, consistent with Section 76104.6 of the Government Code.

15 SEC. 24. This act addresses the fiscal emergency declared and  
 16 reaffirmed by the Governor by proclamation on January 20, 2011,  
 17 pursuant to subdivision (f) of Section 10 of Article IV of the  
 18 California Constitution.

19 SEC. 25. This act is a bill providing for appropriations related  
 20 to the Budget Bill within the meaning of subdivision (e) of Section  
 21 12 of Article IV of the California Constitution, has been identified  
 22 as related to the budget in the Budget Bill, and shall take effect  
 23 immediately.

24 SEC. 26. This act is an urgency statute necessary for the  
 25 immediate preservation of the public peace, health, or safety within  
 26 the meaning of Article IV of the Constitution and shall go into  
 27 immediate effect. The facts constituting the necessity are:

28 In order to make the necessary changes to improve the state’s  
 29 ability to address the General Fund shortfall and to implement  
 30 the Budget Act of 2011, it is necessary that this act take effect  
 31 immediately.

32 SECTION 1. ~~It is the intent of the Legislature to enact statutory~~  
 33 ~~changes relating to the Budget Act of 2011.~~