

AMENDED IN SENATE JULY 11, 2011  
AMENDED IN SENATE JUNE 28, 2011  
AMENDED IN SENATE MARCH 14, 2011

**ASSEMBLY BILL**

**No. 110**

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**Introduced by Assembly Member Blumenfield**

January 10, 2011

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~~An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, to take effect immediately, Budget Bill—An act to amend Sections 68526, 68926, 68926.3, 68927, and 70602.5 of the Government Code, and to amend Section 1203.01 of the Penal Code, relating to courts, and making an appropriation therefor, to take effect immediately, bill related to the budget.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 110, as amended, Blumenfield. 2011–12 Budget. Courts.

~~This bill would make appropriations for support of state government for the 2011–12 fiscal year.~~

~~This bill would declare that it is to take effect immediately as a Budget Bill.~~

~~(1) Existing law requires the Judicial Council to conduct an analysis of the cost incurred by trial courts related to the default prove up process and to report on the different methods trial courts use in processing filings related to the default prove up process, as well as the revenue generated by these filings. Existing law requires the report to be provided to the Assembly Committee on Budget, the Senate Committee on Budget and Fiscal Review, and the Legislative Analyst's Office by September 30, 2011. Existing law requires the Legislative Analyst's Office to provide the Assembly Committee on Budget and the Senate Committee on Budget and Fiscal Review its recommendations pertaining to the report no later than June 30, 2012. Existing law provides that these provisions will become inoperative on July 1, 2013, and are repealed on January 1, 2014.~~

*This bill would require the report to be provided no later than September 30, 2013, and the recommendations to be provided no later than June 30, 2014. The bill would provide that the above-described provisions become inoperative on July 1, 2015, and are repealed on January 1, 2016.*

*(2) Existing law provides that if the amount of the General Fund transfer to the Trial Court Trust Fund is decreased in excess of 10% from the amount appropriated in the 2010–11 fiscal year and is not offset by another source of noncourt fee revenue, then the amount of certain supplemental fees for filing first paper for specified civil matters shall be decreased proportionally, and that the Judicial Council shall adopt and publish a schedule setting the fees resulting from the decrease.*

*This bill would repeal those provisions.*

*(3) Existing law establishes fees for filing a notice of appeal in a civil case appealed to a court of appeal, for filing a petition for a writ within the original civil jurisdiction of the Supreme Court, and for filing a petition for a writ within the original civil jurisdiction of a court of appeal. Existing law also establishes the fee for filing a petition for review in a civil case in the Supreme Court after a decision in a court of appeal.*

*This bill would establish a fee of \$325 for a party other than appellant filing its first document in a civil case appealed to a court of appeal, for a party other than petitioner filing its first document in a writ proceeding within the original jurisdiction of the Supreme Court, or for a party other than petitioner filing its first document in a writ proceeding within the original jurisdiction of a court of appeal. This bill would also establish a fee of \$325 for a party other than petitioner filing its first document in a civil case in the Supreme Court after a decision in a court of appeal.*

*(4) Existing law provides that within 60 days after judgment has been pronounced, the clerk of the court shall mail a copy of the charging documents, the transcript of the proceedings at the time of the defendant's guilty plea, if the defendant pleaded guilty, and the transcript of the proceedings at the time of sentencing, with postage prepaid, to the prison or other institution to which the person convicted is delivered.*

*This bill would limit the above provisions to cases in which the judgment imposed includes a sentence of death or an indeterminate term with or without the possibility of parole, and additionally require the clerk of the court to include a copy of any waiver or plea forms. The bill would provide similar provisions without the 60-day requirement for all other cases, except that a transcript of the proceedings would be included only upon written request by the Department of Corrections and Rehabilitation, or by an inmate, or by his or her counsel, for specified purposes, including an appeal.*

*The bill would also make an appropriation of \$1,000 to the Administrative Office of the Courts, for support of trial court operations, payable from the Trial Court Trust Fund.*

*This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

*Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.*

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

1     SECTION 1. Section 68526 of the Government Code is amended to  
2 read:

3     68526. (a) The Judicial Council shall conduct an analysis of the cost  
4 incurred by trial courts related to the default prove up process and report  
5 on the different methods trial courts use in processing filings related to  
6 the default prove up process, as well as the revenue generated by these  
7 filings. The Judicial Council shall also compare the processes used by  
8 trial courts in filings related to the default prove up process to best prac-  
9 tices used in other states, including, but not limited to, the use of electronic  
10 filing.

11     (b) The Legislative Analyst’s Office shall review the Judicial Council  
12 report, consult with stakeholders, consider the best practices of other  
13 states, and make any recommendations to increase efficiency, streamline  
14 the processes and turnaround times for filing documents related to the  
15 default prove up process, and assess whether any changes should be made  
16 to the fee structure for filings related to the process. In conducting its  
17 analysis, the Legislative Analyst’s Office shall consider, among other  
18 factors it deems relevant, whether electronic filing could be implemented  
19 as a tool to improve the efficiency and turnaround times of the default  
20 prove up process.

21     (c) The Judicial Council shall provide its report to the Assembly  
22 Committee on Budget, the Senate Committee on Budget and Fiscal Re-  
23 view, and the Legislative Analyst’s Office by September 30, ~~2011~~ 2013.  
24 The Legislative Analyst’s Office shall provide the Assembly Committee  
25 on Budget and the Senate Committee on Budget and Fiscal Review its  
26 recommendations no later than June 30, ~~2012~~ 2014.

27     (d) For the purposes of this section, the following definitions apply:

28     (1) “Collections case” means an action for recovery of money owed in  
29 a sum stated to be certain that is not more than twenty-five thousand  
30 dollars (\$25,000), exclusive of interest and attorney’s fees, arising from  
31 a transaction in which property, services, or money were acquired on  
32 credit. “Collections case” does not include an action seeking tort damages,  
33 punitive damages, recovery of real property or personal property, a pre-  
34 judgment writ of attachment, or any action filed pursuant to the Family  
35 Code.

36     (2) “Default prove up process” means a request for entry of default  
37 filed pursuant to Section 585 of the Code of Civil Procedure in a collec-  
38 tions case.

39     (e) This section shall become inoperative on July 1, ~~2013~~ 2015, and,  
40 as of January 1, ~~2014~~ 2016, is repealed, unless a later enacted statute, that  
41 becomes operative on or before January 1, ~~2014~~ 2016, deletes or extends  
42 the dates on which it becomes inoperative and is repealed.

43     SEC. 2. Section 68926 of the Government Code is amended to read:

44     68926. (a) (1) The fee for filing a notice of appeal in a civil case ap-  
45 pealed to a court of appeal is four hundred eighty-five dollars (\$485). ~~The~~

1 (2) *The fee for filing a petition for a writ within the original civil juris-*  
 2 *isdiction of the Supreme Court is four hundred twenty dollars (\$420).-The*

3 (3) *The fee for filing a petition for a writ within the original civil juris-*  
 4 *isdiction of a court of appeal is four hundred eighty-five dollars (\$485).*  
 5 *These*

6 (b) (1) *The fee for a party other than appellant filing its first document*  
 7 *in a civil case appealed to a court of appeal is three hundred twenty-five*  
 8 *dollars (\$325).*

9 (2) *The fee for a party other than petitioner filing its first document in*  
 10 *a writ proceeding within the original jurisdiction of the Supreme Court*  
 11 *is three hundred twenty-five dollars (\$325).*

12 (3) *The fee for a party other than petitioner filing its first document in*  
 13 *a writ proceeding within the original jurisdiction of a court of appeal is*  
 14 *three hundred twenty-five dollars (\$325).*

15 (c) *These fees are in full, for all services, through the rendering of the*  
 16 *judgment or the issuing of the remittitur or peremptory writ, except the*  
 17 *fees imposed by subdivision (b) of Section 68926.1 and Section 68927.*  
 18 *The Judicial Council may make rules governing the time and method of*  
 19 *payment of these fees, and providing for excuse therefrom in appropriate*  
 20 *cases. A fee may not be charged in appeals from, nor petitions for writs*  
 21 *involving, juvenile cases or proceedings to declare a minor free from*  
 22 *parental custody or control, or proceedings under the Lanterman-Petris-*  
 23 *Short Act (Part 1 (commencing with Section 5000) of Division 5 of the*  
 24 *Welfare and Institutions Code).*

25 *SEC. 3. Section 68926.3 of the Government Code is amended to read:*

26 68926.3. (a) *Notwithstanding any other provision of law, sixty-five*  
 27 *dollars (\$65) of each fee collected in a civil case by the clerk of each court*  
 28 *of appeal pursuant to subdivision (a) of Section 68926 shall be paid into*  
 29 *the State Treasury for deposit in a special account in the General Fund to*  
 30 *be known as the California State Law Library Special Account, which*  
 31 *account is hereby established.*

32 (b) *Moneys deposited in the California State Law Library Special Ac-*  
 33 *count shall be available for the support of the California State Law Library*  
 34 *upon appropriation thereto by the Legislature in the annual Budget Act.*

35 (c) *This section shall remain in effect only until January 1, 2015, and*  
 36 *as of that date, is repealed, unless a later statute that is enacted before that*  
 37 *date extends or repeals that date.*

38 *SEC. 4. Section 68927 of the Government Code is amended to read:*

39 68927. *The fee for filing a petition for review in a civil case in the*  
 40 *Supreme Court after a decision in a court of appeal is four hundred*  
 41 *twenty dollars (\$420). *The fee for a party other than petitioner filing its**  
 42 *first document in a civil case in the Supreme Court after a decision in a*  
 43 *court of appeal is three hundred twenty-five dollars (\$325). A fee may*  
 44 *not be charged for petitions for review from decisions in juvenile cases*  
 45 *or proceedings to declare a minor free from parental custody or control*  
 46 *or proceedings under the Lanterman-Petris-Short Act (Part 1 (commencing*  
 47 *with Section 5000) of Division 5 of the Welfare and Institutions Code).*

1 *SEC. 5. Section 70602.5 of the Government Code is amended to read:*

2 70602.5. (a) Notwithstanding any other law, due to the severity of the  
3 continuing economic crisis facing the State of California, it is the intent  
4 of the Legislature to supplement, until July 1, 2013, certain first paper  
5 filing fees as provided below:

6 (1) A supplemental fee of forty dollars (\$40) shall be collected for filing  
7 any first paper subject to the uniform fee that is set at three hundred fifty-  
8 five dollars (\$355) under Sections 70611, 70612, 70650, 70651, 70652,  
9 70653, 70655, 70658, and 70670. The total fee collected under these  
10 sections, which includes the supplemental fee, shall be deposited and  
11 distributed as provided in Sections 68085.3 and 68086.1, as applicable.

12 (2) A supplemental fee of forty dollars (\$40) shall be collected for filing  
13 any first paper subject to the uniform fee that is set at three hundred thirty  
14 dollars (\$330) under Sections 70613, 70614, and 70621. The total fee  
15 collected under these sections, which includes the supplemental fee, shall  
16 be deposited and distributed as provided in Sections 68085.4 and 68086.1,  
17 as applicable.

18 (3) A supplemental fee of twenty dollars (\$20) shall be collected for  
19 filing any first paper subject to the uniform fee that is set at two hundred  
20 five dollars (\$205) under Sections 70613, 70614, 70621, 70654, and 70656  
21 of this code, and Section 103470 of the Health and Safety Code. The total  
22 fee collected under these sections, which includes the supplemental fee,  
23 shall be deposited and distributed as provided in Section 68085.4.

24 ~~(b) If the amount of the General Fund transfer to the Trial Court Trust  
25 Fund is decreased in excess of 10 percent from the amount appropriated  
26 in the 2010–11 fiscal year and is not offset by another source of noncourt  
27 fee revenue, then the amount of the supplemental fees provided in para-  
28 graphs (1), (2), and (3) of subdivision (a) shall be decreased proportionally.  
29 The Judicial Council shall adopt and publish a schedule setting the fees  
30 resulting from the decrease.~~

31 (c)

32 (b) This section shall become inoperative on July 1, 2013, and, as of  
33 January 1, 2014, is repealed, unless a later enacted statute, that becomes  
34 operative on or before January 1, 2014, deletes or extends the dates on  
35 which it becomes inoperative and is repealed.

36 *SEC. 6. Section 1203.01 of the Penal Code is amended to read:*

37 1203.01. (a) Immediately after judgment has been pronounced, the  
38 judge and the district attorney, respectively, may cause to be filed with  
39 the clerk of the court a brief statement of their views respecting the person  
40 convicted or sentenced and the crime committed, together with any reports  
41 the probation officer may have filed relative to the prisoner. The judge  
42 and district attorney shall cause those statements to be filed if no probation  
43 officer’s report has been filed. The attorney for the defendant and the law  
44 enforcement agency that investigated the case may likewise file with the  
45 clerk of the court statements of their views respecting the defendant and  
46 the crime of which he or she was convicted. Immediately after the filing  
47 of those statements and reports, the clerk of the court shall mail a copy

1 thereof, certified by that clerk, with postage prepaid, addressed to the  
2 Department of Corrections *and Rehabilitation* at the prison or other insti-  
3 tution to which the person convicted is delivered. ~~Within 60 days after~~  
4 ~~judgment has been pronounced, the clerk shall mail a copy of the charging~~  
5 ~~documents, the transcript of the proceedings at the time of the defendant's~~  
6 ~~guilty plea, if the defendant pleaded guilty, and the transcript of the pro-~~  
7 ~~ceedings at the time of sentencing, with postage prepaid, to the prison or~~  
8 ~~other institution to which the person convicted is delivered.~~ The clerk  
9 shall also mail a copy of any statement submitted by the court, district  
10 attorney, or law enforcement agency, pursuant to this section, with postage  
11 prepaid, addressed to the attorney for the defendant, if any, and to the  
12 defendant, in care of the Department of Corrections *and Rehabilitation*,  
13 and a copy of any statement submitted by the attorney for the defendant,  
14 with postage prepaid, shall be mailed to the district attorney.

15 *(b) (1) In all cases in which the judgment imposed includes a sentence*  
16 *of death or an indeterminate term with or without the possibility of parole,*  
17 *the clerk shall, within 60 days after judgment has been pronounced, mail*  
18 *with postage prepaid, to the prison or other institution to which the person*  
19 *convicted is delivered, a copy of the charging documents, a copy of*  
20 *waiver and plea forms, if any, the transcript of the proceedings at the*  
21 *time of the defendant's guilty or nolo contendere plea, if the defendant*  
22 *pleaded guilty or nolo contendere, and the transcript of the proceedings*  
23 *at the time of sentencing.*

24 *(2) In all other cases not described in paragraph (1), the clerk shall*  
25 *mail with postage prepaid, to the prison or other institution to which the*  
26 *person convicted is delivered, a copy of the charging documents, a copy*  
27 *of the waiver and plea forms, if any, and upon written request by the De-*  
28 *partment of Corrections and Rehabilitation or by an inmate, or by his or*  
29 *her counsel, for, among other purposes on a particular case, appeals,*  
30 *review of custody credits and release dates, and restitution orders, the*  
31 *transcript of the proceedings at the time of the defendant's guilty or nolo*  
32 *contendere plea, if the defendant pleaded guilty or nolo contendere, and*  
33 *the transcript of the proceedings at the time of sentencing.*

34 *SEC. 7. An appropriation of one thousand dollars (\$1,000) is provided*  
35 *to the Administrative Office of the Courts, for the support of trial court*  
36 *operations, payable from the Trial Court Trust Fund.*

37 *SEC. 8. This act is a bill providing for appropriations related to the*  
38 *Budget Bill within the meaning of subdivision (e) of Section 12 of Article*  
39 *IV of the California Constitution, has been identified as related to the*  
40 *budget in the Budget Bill, and shall take effect immediately.*

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**All matter omitted in this version of the bill appears in the bill as amended in the Senate, June 28, 2011. (JR11)**

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