

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1281**

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**Introduced by Assembly Member Garrick**

February 18, 2011

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~~An act to amend Section 77003 of the Government Code, relating to courts.~~ *An act to amend Section 3043.25 of the Penal Code, relating to parole.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1281, as amended, Garrick. ~~Trial court funding.~~ *Parole hearings: audioconferencing.*

*Existing law requires the Board of Parole Hearings to give notice of a parole suitability hearing for a prisoner, upon request, to a victim or next of kin, if the victim has died. Under existing law, the victim, members of the victim's immediate family, representatives designated by the victim, and specified prosecutors have a right to appear at the hearing in person, and may appear at the hearing by means of videoconferencing, as defined, if videoconferencing is available at the hearing site.*

*This bill would provide that these individuals may also appear at any parole suitability hearing by means of audioconferencing, as defined, if audioconferencing is available at the hearing site. The bill would further expand these rights to apply to all members of a victim's family.*

~~Existing law establishes the Trial Court Trust Fund, the proceeds of which are required to be apportioned for authorized purposes, including apportionment to the trial courts to fund trial court operations. Existing law, for the purpose of funding trial court operations, authorizes the Judicial Council to establish bank accounts for the superior courts, into~~

which shall be deposited all moneys appropriated in the Budget Act and allocated or reallocated to each court by the Judicial Council, moneys held in trust, and other moneys as deemed necessary or appropriate. “Court operations” is defined for these purposes.

This bill would make technical, nonsubstantive changes to the provisions defining court operations.

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

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

1 SECTION 1. Section 3043.25 of the Penal Code is amended  
2 to read:

3 3043.25. Any victim, next of kin, members of the victim’s  
4 immediate family, or and representatives designated for a particular  
5 hearing by the victim or next of kin in writing prior to the hearing  
6 who have the right to appear at a hearing to review parole  
7 suitability or the setting of a parole date, either personally as  
8 provided in Section 3043, or by a written, audiotaped, or  
9 videotaped statement as provided in Section 3043.2, and any  
10 prosecutor who has the right to appear pursuant to Section 3041.7,  
11 shall also have the right to appear by means of videoconferencing  
12 or audioconferencing, if videoconferencing or audioconferencing  
13 is available at the hearing site. For the purposes of this section,  
14 “videoconferencing” means the live transmission of audio and  
15 video signals by any means from one physical location to another  
16 and “audioconferencing” means the live transmission of audio  
17 signals by any means from one physical location to another.

18 SECTION 1. Section 77003 of the Government Code is  
19 amended to read:

20 77003. (a) As used in this chapter, “court operations” means  
21 all of the following:

22 (1) Salaries, benefits, and public agency retirement contributions  
23 for superior court judges and for subordinate judicial officers. For  
24 purposes of this paragraph, “subordinate judicial officers”:

25 (A) Includes all commissioner or referee positions created prior  
26 to July 1, 1997, including positions created in the municipal court  
27 prior to July 1, 1997, which thereafter became positions in the  
28 superior court as a result of unification of the municipal and  
29 superior courts in a county, and including those commissioner

1 ~~positions created pursuant to former Sections 69904, 70141,~~  
2 ~~70141.9, 70142.11, 72607, 73794, 74841.5, and 74908.~~

3 ~~(B) Includes any staff who provide direct support to~~  
4 ~~commissioners.~~

5 ~~(C) Does not include commissioners or staff who provide direct~~  
6 ~~support to the commissioners whose positions were created after~~  
7 ~~July 1, 1997, unless approved by the Judicial Council, subject to~~  
8 ~~availability of funding.~~

9 ~~(2) The salary, benefits, and public agency retirement~~  
10 ~~contributions for other court staff.~~

11 ~~(3) Those marshals and sheriffs as the court deems necessary~~  
12 ~~for court operations.~~

13 ~~(4) Court-appointed counsel in juvenile court dependency~~  
14 ~~proceedings and counsel appointed by the court to represent a~~  
15 ~~minor pursuant to Chapter 10 (commencing with Section 3150)~~  
16 ~~of Part 2 of Division 8 of the Family Code.~~

17 ~~(5) Services and supplies relating to court operations.~~

18 ~~(6) Collective bargaining under Sections 71630 and 71639.3~~  
19 ~~with respect to court employees.~~

20 ~~(7) Subject to paragraph (1) of subdivision (d) of Section 77212,~~  
21 ~~actual indirect costs for county and city and county general services~~  
22 ~~attributable to court operations, but specifically excluding, but not~~  
23 ~~limited to, law library operations conducted by a trust pursuant to~~  
24 ~~statute, courthouse construction, district attorney services,~~  
25 ~~probation services, indigent criminal defense, grand jury expenses~~  
26 ~~and operations, and pretrial release services.~~

27 ~~(8) Except as provided in subdivision (b), other matters listed~~  
28 ~~as court operations in Rule 10.810 of the California Rules of Court,~~  
29 ~~as it read on January 1, 2007.~~

30 ~~(b) However, “court operations” does not include collection~~  
31 ~~enhancements as defined in Rule 10.810 of the California Rules~~  
32 ~~of Court, as it read on January 1, 2007.~~