

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2612

Introduced by Assembly Member Achadjian

February 24, 2012

An act to amend Section ~~69921~~ 68097.2 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2612, as amended, Achadjian. ~~Court security.~~ *Courts: witness fees.*

Existing law provides for subpoenaing the attendance of certain public employees, including peace officers and firefighters, with regard to events or transactions they have perceived or investigated in the course of their duties, and for the payment and reimbursement of the public employee's compensation and traveling expenses. Existing law requires the party at whose request the subpoena is issued to reimburse the employing public entity for these costs by tendering the amount of \$150 to the person accepting the subpoena for each day the public employee is required to remain in attendance pursuant to the subpoena. Existing law requires the public entity to refund any excess amount paid, and the party at whose request the subpoena is issued to pay any shortfall, relative to the actual expenses incurred by the public entity in connection with the public employee complying with the subpoena.

This bill would increase, from \$150 to \$300, the amount required to be paid by the party at whose request the subpoena is issued for each day the public employee is required to remain in attendance pursuant to the subpoena.

~~The Superior Court Law Enforcement Act of 2002 authorizes the presiding judge of each superior court to contract with the sheriff or marshal for the necessary level of law enforcement services in the courts. The act requires the superior court and the sheriff or marshal to enter into a memorandum of understanding specifying the agreed upon level of court security services, and their cost and terms of payment. The act requires the Judicial Council to establish a working group on court security to promulgate recommended uniform standards that may be used to implement court security services, and requires the Judicial Council to promulgate rules and standards for trial courts to reduce security operating costs. The act defines “contract law enforcement template” for purposes of providing these court security services pursuant to the act.~~

~~This bill would correct an obsolete cross-reference in that definition.~~

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

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

1 SECTION 1. Section 68097.2 of the Government Code is
 2 amended to read:
 3 68097.2. (a) Any peace officer, as that term is defined in
 4 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
 5 of the Penal Code, any firefighter, any state employee, any trial
 6 court employee, or any county employee, who is obliged by a
 7 subpoena issued pursuant to Section 68097.1 to attend as a witness,
 8 shall receive the salary or other compensation to which he or she
 9 is normally entitled from the public entity by which he or she is
 10 employed during the time that he or she travels to and from the
 11 place where the court or other tribunal is located and while he or
 12 she is required to remain at that place pursuant to the subpoena.
 13 He or she shall also receive from the public entity by which he or
 14 she is employed the actual necessary and reasonable traveling
 15 expenses incurred by him or her in complying with the subpoena.
 16 (b) The party at whose request the subpoena is issued shall
 17 reimburse the public entity for the full cost to the public entity
 18 incurred in paying the peace officer, firefighter, state employee,
 19 trial court employee, or specified county employee his or her salary
 20 or other compensation and traveling expenses as provided for in
 21 this section, for each day that the peace officer, firefighter, state

1 employee, trial court employee, or specified county employee is
2 required to remain in attendance pursuant to the subpoena. The
3 amount of ~~one hundred fifty dollars (\$150)~~ *three hundred dollars*
4 *(\$300)*, together with the subpoena, shall be tendered to the person
5 accepting the subpoena for each day that the peace officer,
6 firefighter, state employee, trial court employee, or specified county
7 employee is required to remain in attendance pursuant to the
8 subpoena.

9 (c) If the actual expenses should later prove to be less than the
10 amount tendered, the excess of the amount tendered shall be
11 refunded.

12 (d) If the actual expenses should later prove to be more than the
13 amount deposited, the difference shall be paid to the public entity
14 by the party at whose request the subpoena is issued.

15 (e) If a court continues a proceeding on its own motion, no
16 additional witness fee shall be required prior to the issuance of a
17 subpoena or the making of an order directing the peace officer,
18 firefighter, state employee, or trial court employee to appear on
19 the date to which the proceeding is continued.

20 (f) For the purposes of the payment of the salary or other
21 compensation of a volunteer firefighter pursuant to subdivision
22 (a), a volunteer firefighter who is subpoenaed to appear as a witness
23 in connection with a matter regarding an event or transaction ~~which~~
24 *that* he or she has perceived or investigated in the course of his or
25 her duties as a volunteer firefighter, shall be deemed to be entitled
26 to reasonable compensation evidenced by the compensation paid
27 to firefighters in jurisdictions with similar geographic and economic
28 characteristics. However, the requirements of subdivision (a) and
29 of this subdivision are not applicable if a volunteer firefighter will
30 receive his or her regular salary or other compensation pursuant
31 to the policy of his or her regular employer, for the periods during
32 which compensation is required under subdivision (a).

33 ~~SECTION 1. Section 69921 of the Government Code is~~
34 ~~amended to read:~~

35 ~~69921. For purposes of this article:~~

36 (a) ~~“Contract law enforcement template” means a document~~
37 ~~that is contained in the Administrative Office of the Courts’~~
38 ~~financial policies and procedures manual that accounts for and~~
39 ~~further defines allowable costs, as described in paragraphs (4) to~~
40 ~~(7), inclusive, of subdivision (a) of Section 69927.~~

- 1 (b) ~~“Court attendant” means a nonarmed, nonlaw enforcement~~
- 2 ~~employee of the superior court who performs those functions~~
- 3 ~~specified by the court, except those functions that may only be~~
- 4 ~~performed by armed and sworn personnel. A court attendant is not~~
- 5 ~~a peace officer or a public safety officer.~~
- 6 (e) ~~“Court security plan” means a plan that is provided by the~~
- 7 ~~superior court to the Administrative Office of the Courts that~~
- 8 ~~includes a law enforcement security plan and all other court~~
- 9 ~~security matters.~~
- 10 (d) ~~“Law enforcement security plan” means a plan that is~~
- 11 ~~provided by a sheriff or marshal that includes policies and~~
- 12 ~~procedures for providing public safety and law enforcement~~
- 13 ~~services to the court.~~
- 14 (e) ~~“Superior court law enforcement functions” means all of the~~
- 15 ~~following:~~
- 16 (1) ~~Bailiff functions, as defined in Sections 830.1 and 830.36~~
- 17 ~~of the Penal Code, in criminal and noncriminal actions, including,~~
- 18 ~~but not limited to, attending courts.~~
- 19 (2) ~~Taking charge of a jury, as provided in Sections 613 and~~
- 20 ~~614 of the Code of Civil Procedure.~~
- 21 (3) ~~Patrolling hallways and other areas within court facilities.~~
- 22 (4) ~~Overseeing prisoners in holding cells within court facilities.~~
- 23 (5) ~~Escorting prisoners in holding cells within court facilities.~~
- 24 (6) ~~Providing security screening within court facilities.~~
- 25 (7) ~~Providing enhanced security for bench officers and court~~
- 26 ~~personnel, as agreed upon by the court and the sheriff or marshal.~~

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