

AMENDED IN ASSEMBLY APRIL 23, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1293**

---

---

**Introduced by Assembly Member Bloom**

February 22, 2013

---

---

An act to amend Sections 70375 and 76000 of, and to add Section 70662 to, to the Government Code, to amend Sections 817, 1305, and 1463.001 of the Penal Code, and to amend Section 19210 of the Public Contract Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1293, as amended, Bloom. Courts.

(1) Existing law authorizes each county to establish a local courthouse construction fund for the purpose of assisting the county in the acquisition, rehabilitation, construction, and financing of court facilities. Existing law authorizes each county to collect an additional penalty in the amount of \$7 for every \$10, or part of \$10, upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses for deposit in various county funds at the direction of the board of supervisors, including the local courthouse construction fund. Existing law provides for the transfer of the funds in any county's courthouse construction fund to the State Court Facilities Construction Fund as part of the transition of funding of courthouses from the counties to the state upon the occurrence of specified events. Existing law requires a reduction of the \$7 additional penalty by an additional penalty amount assessed by a county for the local courthouse construction fund when

~~the moneys in that local courthouse construction fund are transferred to the State Court Facilities Construction Fund.~~

~~This bill would provide that after moneys in the local courthouse construction fund are transferred to the State Court Facilities Construction Fund, a specified portion of the \$7 additional penalty shall instead be transmitted to the State Court Facilities Construction Fund to be used for maintenance of court facilities. The bill would make additional conforming changes.~~

~~(2) The~~

~~The Uniform Civil Fees and Standard Fee Schedule Act of 2005 establishes a uniform schedule of filing fees and other civil fees for the superior courts throughout the state. The act establishes certain uniform filing fees for probate proceedings, including, among others, the first petition for letters of administration or letters testamentary.~~

~~This bill would establish a filing fee of \$40 for a request for special notice, as specified, and would require that this fee be in addition to any other fee charged for a paper filed concurrently with a request for special notice.~~

~~(3) Existing law requires that a declaration in support of the warrant of probable cause for arrest be a sworn statement made in writing. Existing law also authorizes the magistrate to take an oral statement under oath under specified conditions that provide for the use of facsimile transmission equipment or electronic mail if certain conditions are met, including, but not limited to, the inclusion of the declarant's digital signature.~~

~~This bill would specify that the declaration may be made by telephone and computer server and that the signature may be an electronic signature, and would make conforming changes.~~

~~Existing law requires the magistrate to print related electronic documents and sign the warrant if the warrant is granted.~~

~~This bill would delete the requirement that these documents be printed and would specify that the magistrate's signature may be in the form of an electronic signature.~~

~~(4) Existing law sets forth conditions procedures for the court to declare the forfeiture of a bail bond and for reinstatement of a forfeited bail bond.~~

~~This bill would authorize the court to require payment of an administrative fee of \$65 payable to the court for reinstatement of a forfeited bail bond to cover the costs of the process.~~

~~(5) Existing law, except as provided, requires that all fines and forfeitures imposed and collected for crimes other than parking offenses resulting from a filing in a court be deposited with the county treasurer and distributed as provided.~~

~~This bill would authorize each superior court to deposit the fines and forfeitures that it collects into its Trial Court Operations Fund instead of with the county treasurer and distribute the funds as provided.~~

~~(6) Existing law commencing not earlier than July 1, 2011, and not later than December 15, 2012, requires the State Auditor to establish a pilot program to audit 6 trial courts, as provided.~~

~~This bill would suspend these requirements until an appropriation is made by the Legislature expressly for this purpose.~~

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

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

1     ~~SECTION 1.—Section 70375 of the Government Code is~~  
2     ~~amended to read:~~

3     ~~70375. (a) This article shall take effect on January 1, 2003,~~  
4     ~~and the fund, penalty, and fee assessment established by this article~~  
5     ~~shall become operative on January 1, 2003, except as otherwise~~  
6     ~~provided in this article.~~

7     ~~(b) The authority for all of the following shall expire~~  
8     ~~proportionally on the June 30th following the date of transfer of~~  
9     ~~responsibility for facilities from the county to the Judicial Council,~~  
10    ~~except so long as money is needed to pay for construction provided~~  
11    ~~for in those sections and undertaken prior to the transfer of~~  
12    ~~responsibility for facilities from the county to the Judicial Council:~~

13    ~~(1) A filing fee surcharge in the County of Riverside established~~  
14    ~~pursuant to Section 70622.~~

15    ~~(2) A filing fee surcharge in the County of San Bernardino~~  
16    ~~established pursuant to Section 70624.~~

17    ~~(3) A filing fee surcharge in the City and County of San~~  
18    ~~Francisco established pursuant to Section 70625.~~

19    ~~(e) For purposes of subdivision (e), the term “proportionally”~~  
20    ~~means that proportion of the fee or surcharge that shall expire upon~~  
21    ~~the transfer of responsibility for a facility that is the same~~  
22    ~~proportion as the square footage that facility bears to the total~~  
23    ~~square footage of court facilities in that county.~~

1 ~~SEC. 2.~~

2 *SECTION 1.* Section 70662 is added to the Government Code,  
3 to read:

4 70662. The filing fee for a request for special notice pursuant  
5 to Sections 1250, 2700, and 17204 of the Probate Code is forty  
6 dollars (\$40). This fee shall be in addition to any other fee charged  
7 for a paper filed concurrently with a request for special notice.

8 ~~SEC. 3.~~ Section 76000 of the Government Code is amended  
9 to read:

10 76000. ~~(a) (1) In each county there shall be levied an~~  
11 ~~additional penalty in the amount of seven dollars (\$7) for every~~  
12 ~~ten dollars (\$10), or part of ten dollars (\$10), upon every fine,~~  
13 ~~penalty, or forfeiture imposed and collected by the courts for all~~  
14 ~~criminal offenses, including all offenses involving a violation of~~  
15 ~~the Vehicle Code or any local ordinance adopted pursuant to the~~  
16 ~~Vehicle Code.~~

17 ~~(2) This additional penalty shall be collected together with and~~  
18 ~~in the same manner as the amounts established by Section 1464~~  
19 ~~of the Penal Code. These moneys shall be taken from fines and~~  
20 ~~forfeitures deposited with the county treasurer prior to any division~~  
21 ~~pursuant to Section 1463 of the Penal Code. Except as provided~~  
22 ~~in subdivision (c), the county treasurer shall deposit those amounts~~  
23 ~~specified by the board of supervisors by resolution in one or more~~  
24 ~~of the funds established pursuant to this chapter. However, deposits~~  
25 ~~to these funds shall continue through whatever period of time is~~  
26 ~~necessary to repay any borrowings made by the county on or before~~  
27 ~~January 1, 1991, to pay for construction provided for in this~~  
28 ~~chapter.~~

29 ~~(3) This additional penalty does not apply to the following:~~

30 ~~(A) Any restitution fine.~~

31 ~~(B) Any penalty authorized by Section 1464 of the Penal Code~~  
32 ~~or this chapter.~~

33 ~~(C) Any parking offense subject to Article 3 (commencing with~~  
34 ~~Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.~~

35 ~~(D) The state surcharge authorized by Section 1465.7 of the~~  
36 ~~Penal Code.~~

37 ~~(b) In each authorized county, if the board of supervisors has~~  
38 ~~adopted a resolution stating that the implementation of this~~  
39 ~~subdivision is necessary to the county for the purposes authorized,~~  
40 ~~with respect to each authorized fund established pursuant to Section~~

1 76100 or 76101, for every parking offense where a parking penalty,  
2 fine, or forfeiture is imposed, an added penalty of two dollars and  
3 fifty cents (\$2.50) shall be included in the total penalty, fine, or  
4 forfeiture. Except as provided in subdivision (c), for each parking  
5 case collected in the courts of the county, the county treasurer shall  
6 place in each authorized fund two dollars and fifty cents (\$2.50).  
7 These moneys shall be taken from fines and forfeitures deposited  
8 with the county treasurer prior to any division pursuant to Section  
9 1463.009 of the Penal Code. The judges of the county shall increase  
10 the bail schedule amounts as appropriate to reflect the added  
11 penalty provided for by this section. In those cities, districts, or  
12 other issuing agencies which elect to accept parking penalties, and  
13 otherwise process parking violations pursuant to Article 3  
14 (commencing with Section 40200) of Chapter 1 of Division 17 of  
15 the Vehicle Code, that city, district, or issuing agency shall observe  
16 the increased bail amounts as established by the court reflecting  
17 the added penalty provided for by this section. Each agency that  
18 elects to process parking violations shall pay to the county treasurer  
19 two dollars and fifty cents (\$2.50) for each fund for each parking  
20 penalty collected on each violation which is not filed in court.  
21 Those payments to the county treasurer shall be made monthly,  
22 and the county treasurer shall deposit all those sums in the  
23 authorized fund. An issuing agency shall not be required to  
24 contribute revenues to any fund in excess of those revenues  
25 generated from the surcharges established in the resolution adopted  
26 pursuant to this chapter, except as otherwise agreed upon by the  
27 local governmental entities involved.

28 (e) The county treasurer shall deposit one dollar (\$1) of every  
29 two dollars and fifty cents (\$2.50) collected pursuant to subdivision  
30 (b) into the general fund of the county.

31 (d) The authority to impose the two-dollar-and-fifty-cent (\$2.50)  
32 penalty authorized by subdivision (b) shall be reduced to one dollar  
33 (\$1) as of the date of transfer of responsibility for facilities from  
34 the county to the Judicial Council pursuant to Article 3  
35 (commencing with Section 70321) of Chapter 5.7, except as money  
36 is needed to pay for construction provided for in Section 76100  
37 and undertaken prior to the transfer of responsibility for facilities  
38 from the county to the Judicial Council.

39 (e) After money in the local courthouse construction fund,  
40 established by Section 76100, is transferred to the state under

1 Section 70402, the amount of the seven-dollar (\$7) additional  
 2 penalty authorized by subdivision (a) that is set forth in the chart  
 3 below shall be transmitted to the State Court Facilities Construction  
 4 Fund to be used for maintenance of court facilities.

5						
6	Alameda	\$1.65	Marin	\$0.00	San Luis Obispo	\$2.00
7	Alpine	\$0.00	Mariposa	\$0.00	San Mateo	\$2.25
8	Amador	\$2.00	Mendocino	\$0.00	Santa Barbara	\$2.52
9	Butte	\$0.00	Merced	\$2.25	Santa Clara	\$1.50
10	Calaveras	\$4.00	Modoc	\$0.00	Santa Cruz	\$0.00
11	Colusa	\$0.66	Mono	\$2.09	Shasta	\$3.50
12	Contra Costa	\$1.72	Monterey	\$2.00	Sierra	\$0.00
13	Del Norte	\$0.00	Napa	\$4.00	Siskiyou	\$1.98
14	El Dorado	\$2.00	Nevada	\$2.25	Solano	\$2.00
15	Fresno	\$0.00	Orange	\$1.61	Sonoma	\$1.97
16	Glenn	\$3.00	Placer	\$2.25	Stanislaus	\$2.00
17	Humboldt	\$1.82	Plumas	\$0.00	Sutter	\$1.00
18	Imperial	\$1.00	Riverside	\$2.03	Tehama	\$0.00
19	Inyo	\$3.00	Sacramento	\$2.00	Trinity	\$0.00
20	Kern	\$0.00	San Benito	\$1.85	Tulare	\$2.00
21	Kings	\$0.00	San Bernardino	\$1.95	Tuolumne	\$0.00
22	Lake	\$0.00	San Diego	\$0.00	Ventura	\$1.69
23	Lassen	\$1.69	San Francisco	\$0.01	Yolo	\$0.00
24	Los Angeles	\$2.00	San Joaquin	\$3.25	Yuba	\$4.00
25	Madera	\$0.00				
26						

27 SEC. 4. Section 817 of the Penal Code is amended to read:

28 817. (a) (1) When a declaration of probable cause is made by  
 29 a peace officer of this state, in accordance with subdivision (b) or  
 30 (c), the magistrate, if, and only if, satisfied from the declaration  
 31 that there exists probable cause that the offense described in the  
 32 declaration has been committed and that the defendant described  
 33 therein has committed the offense, shall issue a warrant of probable  
 34 cause for the arrest of the defendant.

35 (2) The warrant of probable cause for arrest shall not begin a  
 36 complaint process pursuant to Section 740 or 813. The warrant of  
 37 probable cause for arrest shall have the same authority for service  
 38 as set forth in Section 840 and the same time limitations as that of  
 39 an arrest warrant issued pursuant to Section 813.

1 ~~(b) The declaration in support of the warrant of probable cause~~  
2 ~~for arrest shall be a sworn statement made in writing.~~

3 ~~(e) In lieu of the written declaration required in subdivision (b),~~  
4 ~~the magistrate may take an oral statement under oath under one of~~  
5 ~~the following conditions:~~

6 ~~(1) The oath shall be taken under penalty of perjury and recorded~~  
7 ~~and transcribed. The transcribed statement shall be deemed to be~~  
8 ~~the declaration for the purposes of this section. The recording of~~  
9 ~~the sworn oral statement and the transcribed statement shall be~~  
10 ~~certified by the magistrate receiving it and shall be filed with the~~  
11 ~~clerk of the court. In the alternative, the sworn oral statement may~~  
12 ~~be recorded by a certified court reporter who shall certify the~~  
13 ~~transcript of the statement, after which the magistrate receiving it~~  
14 ~~shall certify the transcript, which shall be filed with the clerk of~~  
15 ~~the court.~~

16 ~~(2) The oath is made using telephone and facsimile transmission~~  
17 ~~equipment, or made using telephone and electronic mail, or~~  
18 ~~telephone and computer server, under all of the following~~  
19 ~~conditions:~~

20 ~~(A) The oath is made during a telephone conversation with the~~  
21 ~~magistrate, after which the declarant shall sign his or her~~  
22 ~~declaration in support of the warrant of probable cause for arrest.~~  
23 ~~The declarant's signature shall be in the form of a digital signature~~  
24 ~~or electronic signature if electronic mail or computer server is used~~  
25 ~~for transmission to the magistrate. The proposed warrant and all~~  
26 ~~supporting declarations and attachments shall then be transmitted~~  
27 ~~to the magistrate utilizing facsimile transmission equipment,~~  
28 ~~electronic mail, or computer server.~~

29 ~~(B) The magistrate shall confirm with the declarant the receipt~~  
30 ~~of the warrant and the supporting declarations and attachments.~~  
31 ~~The magistrate shall verify that all the pages sent have been~~  
32 ~~received, that all pages are legible, and that the declarant's~~  
33 ~~signature, digital signature, or electronic signature is acknowledged~~  
34 ~~as genuine.~~

35 ~~(C) If the magistrate decides to issue the warrant, he or she shall:~~

36 ~~(i) Sign the warrant. The magistrate's signature may be in the~~  
37 ~~form of a digital signature or electronic signature if electronic mail~~  
38 ~~or computer server is used for transmission to the magistrate.~~

39 ~~(ii) Note on the warrant the exact date and time of the issuance~~  
40 ~~of the warrant.~~

1 (iii) Indicate on the warrant that the oath of the declarant was  
2 administered orally over the telephone.

3 The completed warrant, as signed by the magistrate, shall be  
4 deemed to be the original warrant.

5 (D) The magistrate shall transmit via facsimile transmission  
6 equipment, electronic mail, or computer server, the signed warrant  
7 to the declarant who shall telephonically acknowledge its receipt.  
8 The magistrate shall then telephonically authorize the declarant to  
9 write the words "duplicate original" on the copy of the completed  
10 warrant transmitted to the declarant and this document shall be  
11 deemed to be a duplicate original warrant.

12 (d) Before issuing a warrant, the magistrate may examine under  
13 oath the person seeking the warrant and any witness the person  
14 may produce, take the written declaration of the person or witness,  
15 and cause the person or witness to subscribe the declaration.

16 (e) A warrant of probable cause for arrest shall contain the  
17 information required pursuant to Sections 815 and 815a.

18 (f) A warrant of probable cause for arrest may be in substantially  
19 the following form:

20  
21 County of \_\_\_\_\_, State of California:

22  
23 The people of the State of California to any peace officer of the STATE:  
24 Proof by declaration under penalty of perjury having been made this day to  
25 me by \_\_\_\_\_,  
26 (name of affiant)

27  
28 I find that there is probable cause to believe that the crime(s)  
29 of \_\_\_\_\_  
30 (designate the crime/s)  
31 has (have) been committed by the defendant named and described below.

32  
33 Therefore, you are commanded to arrest  
34 \_\_\_\_\_ and to bring the defendant  
35 (name of defendant)

36 before any magistrate in \_\_\_\_\_ County pursuant to Sections 821, 825, 826,  
37 and 848 of the Penal Code.

38  
39 Defendant is admitted to bail in the amount of \_\_\_\_\_ dollars (\$\_\_\_\_\_).

40

1 Time Issued: \_\_\_\_\_ - \_\_\_\_\_ -  
2 (Signature of the Judge)

3 Dated: \_\_\_\_\_ Judge of the \_\_\_\_\_ Court  
4

5 ~~(g) An original warrant of probable cause for arrest or the~~  
6 ~~duplicate original warrant of probable cause for arrest shall be~~  
7 ~~sufficient for booking a defendant into custody.~~

8 ~~(h) Once the defendant named in the warrant of probable cause~~  
9 ~~for arrest has been taken into custody, the agency which obtained~~  
10 ~~the warrant shall file a "certificate of service" with the clerk of the~~  
11 ~~issuing court. The certificate of service shall contain all of the~~  
12 ~~following:~~

- 13 ~~(1) The date and time of service.~~
- 14 ~~(2) The name of the defendant arrested.~~
- 15 ~~(3) The location of the arrest.~~
- 16 ~~(4) The location where the defendant was incarcerated.~~

17 ~~SEC. 5. Section 1305 of the Penal Code is amended to read:~~

18 ~~1305. (a) A court shall in open court declare forfeited the~~  
19 ~~undertaking of bail or the money or property deposited as bail if,~~  
20 ~~without sufficient excuse, a defendant fails to appear for any of~~  
21 ~~the following:~~

- 22 ~~(1) Arraignment.~~
- 23 ~~(2) Trial.~~
- 24 ~~(3) Judgment.~~
- 25 ~~(4) Any other occasion prior to the pronouncement of judgment~~  
26 ~~if the defendant's presence in court is lawfully required.~~
- 27 ~~(5) To surrender himself or herself in execution of the judgment~~  
28 ~~after appeal.~~

29 ~~However, the court shall not have jurisdiction to declare a~~  
30 ~~forfeiture and the bail shall be released of all obligations under the~~  
31 ~~bond if the case is dismissed or if no complaint is filed within 15~~  
32 ~~days from the date of arraignment.~~

33 ~~(b) If the amount of the bond or money or property deposited~~  
34 ~~exceeds four hundred dollars (\$400), the clerk of the court shall,~~  
35 ~~within 30 days of the forfeiture, mail notice of the forfeiture to the~~  
36 ~~surety or the depositor of money posted instead of bail. At the~~  
37 ~~same time, the court shall mail a copy of the forfeiture notice to~~  
38 ~~the bail agent whose name appears on the bond. The clerk shall~~  
39 ~~also execute a certificate of mailing of the forfeiture notice and~~  
40 ~~shall place the certificate in the court's file. If the notice of~~

1 forfeiture is required to be mailed pursuant to this section, the  
2 180-day period provided for in this section shall be extended by  
3 a period of five days to allow for the mailing.

4 If the surety is an authorized corporate surety, and if the bond  
5 plainly displays the mailing address of the corporate surety and  
6 the bail agent, then notice of the forfeiture shall be mailed to the  
7 surety at that address and to the bail agent, and mailing alone to  
8 the surety or the bail agent shall not constitute compliance with  
9 this section.

10 The surety or depositor shall be released of all obligations under  
11 the bond if any of the following conditions apply:

12 (1) The clerk fails to mail the notice of forfeiture in accordance  
13 with this section within 30 days after the entry of the forfeiture.

14 (2) The clerk fails to mail the notice of forfeiture to the surety  
15 at the address printed on the bond.

16 (3) The clerk fails to mail a copy of the notice of forfeiture to  
17 the bail agent at the address shown on the bond.

18 (e) (1) If the defendant appears either voluntarily or in custody  
19 after surrender or arrest in court within 180 days of the date of  
20 forfeiture or within 180 days of the date of mailing of the notice  
21 if the notice is required under subdivision (b), the court shall, on  
22 its own motion at the time the defendant first appears in court on  
23 the case in which the forfeiture was entered, direct the order of  
24 forfeiture to be vacated and the bond exonerated. If the court fails  
25 to so act on its own motion, then the surety's or depositor's  
26 obligations under the bond shall be immediately vacated and the  
27 bond exonerated. An order vacating the forfeiture and exonerating  
28 the bond may be made on terms that are just and do not exceed  
29 the terms imposed in similar situations with respect to other forms  
30 of pretrial release.

31 (2) If, within the county where the case is located, the defendant  
32 is surrendered to custody by the bail or is arrested in the underlying  
33 case within the 180-day period, and is subsequently released from  
34 custody prior to an appearance in court, the court shall, on its own  
35 motion, direct the order of forfeiture to be vacated and the bond  
36 exonerated. If the court fails to so act on its own motion, then the  
37 surety's or depositor's obligations under the bond shall be  
38 immediately vacated and the bond exonerated. An order vacating  
39 the forfeiture and exonerating the bond may be made on terms that

1 are just and do not exceed the terms imposed in similar situations  
2 with respect to other forms of pretrial release.

3 ~~(3) If, outside the county where the case is located, the defendant~~  
4 ~~is surrendered to custody by the bail or is arrested in the underlying~~  
5 ~~case within the 180-day period, the court shall vacate the forfeiture~~  
6 ~~and exonerate the bail.~~

7 ~~(4) (A) In lieu of exonerating the bond, the court may order the~~  
8 ~~bail reinstated and the defendant released on the same bond if both~~  
9 ~~of the following conditions are met:~~

10 ~~(i) The bail is given prior notice of the reinstatement.~~

11 ~~(ii) The bail has not surrendered the defendant.~~

12 ~~(B) The court may require payment of an administrative fee of~~  
13 ~~sixty-five dollars (\$65) payable to the court for reinstatement of a~~  
14 ~~bail bond to cover the costs of the process.~~

15 ~~(d) In the case of a permanent disability, the court shall direct~~  
16 ~~the order of forfeiture to be vacated and the bail or money or~~  
17 ~~property deposited as bail exonerated if, within 180 days of the~~  
18 ~~date of forfeiture or within 180 days of the date of mailing of the~~  
19 ~~notice, if notice is required under subdivision (b), it is made~~  
20 ~~apparent to the satisfaction of the court that both of the following~~  
21 ~~conditions are met:~~

22 ~~(1) The defendant is deceased or otherwise permanently unable~~  
23 ~~to appear in the court due to illness, insanity, or detention by~~  
24 ~~military or civil authorities.~~

25 ~~(2) The absence of the defendant is without the connivance of~~  
26 ~~the bail.~~

27 ~~(e) In the case of a temporary disability, the court shall order~~  
28 ~~the tolling of the 180-day period provided in this section during~~  
29 ~~the period of temporary disability, provided that it appears to the~~  
30 ~~satisfaction of the court that the following conditions are met:~~

31 ~~(1) The defendant is temporarily disabled by reason of illness,~~  
32 ~~insanity, or detention by military or civil authorities.~~

33 ~~(2) Based upon the temporary disability, the defendant is unable~~  
34 ~~to appear in court during the remainder of the 180-day period.~~

35 ~~(3) The absence of the defendant is without the connivance of~~  
36 ~~the bail.~~

37 ~~The period of the tolling shall be extended for a reasonable period~~  
38 ~~of time, at the discretion of the court, after the cessation of the~~  
39 ~~disability to allow for the return of the defendant to the jurisdiction~~  
40 ~~of the court.~~

1 (f) ~~In all cases where a defendant is in custody beyond the~~  
2 ~~jurisdiction of the court that ordered the bail forfeited, and the~~  
3 ~~prosecuting agency elects not to seek extradition after being~~  
4 ~~informed of the location of the defendant, the court shall vacate~~  
5 ~~the forfeiture and exonerate the bond on terms that are just and do~~  
6 ~~not exceed the terms imposed in similar situations with respect to~~  
7 ~~other forms of pretrial release.~~

8 (g) ~~In all cases of forfeiture where a defendant is not in custody~~  
9 ~~and is beyond the jurisdiction of the state, is temporarily detained,~~  
10 ~~by the bail agent, in the presence of a local law enforcement officer~~  
11 ~~of the jurisdiction in which the defendant is located, and is~~  
12 ~~positively identified by that law enforcement officer as the wanted~~  
13 ~~defendant in an affidavit signed under penalty of perjury, and the~~  
14 ~~prosecuting agency elects not to seek extradition after being~~  
15 ~~informed of the location of the defendant, the court shall vacate~~  
16 ~~the forfeiture and exonerate the bond on terms that are just and do~~  
17 ~~not exceed the terms imposed in similar situations with respect to~~  
18 ~~other forms of pretrial release.~~

19 (h) ~~In cases arising under subdivision (g), if the bail agent and~~  
20 ~~the prosecuting agency agree that additional time is needed to~~  
21 ~~return the defendant to the jurisdiction of the court, and the~~  
22 ~~prosecuting agency agrees to the tolling of the 180-day period, the~~  
23 ~~court may, on the basis of the agreement, toll the 180-day period~~  
24 ~~within which to vacate the forfeiture. The court may order tolling~~  
25 ~~for up to the length of time agreed upon by the parties.~~

26 (i) ~~As used in this section, “arrest” includes a hold placed on~~  
27 ~~the defendant in the underlying case while he or she is in custody~~  
28 ~~on other charges.~~

29 (j) ~~A motion filed in a timely manner within the 180-day period~~  
30 ~~may be heard within 30 days of the expiration of the 180-day~~  
31 ~~period. The court may extend the 30-day period upon a showing~~  
32 ~~of good cause. The motion may be made by the surety insurer, the~~  
33 ~~bail agent, the surety, or the depositor of money or property, any~~  
34 ~~of whom may appear in person or through an attorney.~~

35 (k) ~~In addition to any other notice required by law, the moving~~  
36 ~~party shall give the prosecuting agency a written notice at least 10~~  
37 ~~court days before a hearing held pursuant to subdivision (f), (g),~~  
38 ~~or (j), as a condition precedent to granting the motion.~~

39 ~~SEC. 6. Section 1463.001 of the Penal Code is amended to~~  
40 ~~read:~~

1 1463.001. Except as otherwise provided in this section, all  
2 fines and forfeitures imposed and collected for crimes other than  
3 parking offenses resulting from a filing in a court shall as soon as  
4 practicable after receipt thereof, be deposited with the county  
5 treasurer, and each month the total fines and forfeitures that have  
6 accumulated within the past month shall be distributed, as follows:  
7 (a) The state penalties, county penalties, special penalties,  
8 service charges, and penalty allocations shall be transferred to the  
9 proper funds as required by law.  
10 (b) The base fines shall be distributed, as follows:  
11 (1) Any base fines which are subject to specific distribution  
12 under any other section shall be distributed to the specified funds  
13 of the state or local agency.  
14 (2) Base fines resulting from county arrest not included in  
15 paragraph (1), shall be transferred into the proper funds of the  
16 county.  
17 (3) Base fines resulting from city arrests not included in  
18 paragraph (1), an amount equal to the applicable county  
19 percentages set forth in Section 1463.002, as modified by Section  
20 1463.28, shall be transferred into the proper funds of the county.  
21 Until July 1, 1998, the remainder of base fines resulting from city  
22 arrests shall be divided between each city and county, with 50  
23 percent deposited to the county's general fund, and 50 percent  
24 deposited to the treasury of the appropriate city, and thereafter the  
25 remainder of base fines resulting from city arrests shall be  
26 deposited to the treasury of the appropriate city.  
27 (4) In a county that had an agreement as of March 22, 1977,  
28 that provides for city fines and forfeitures to accrue to the county  
29 in exchange for sales tax receipts, base fines resulting from city  
30 arrests not included in paragraph (1) shall be deposited into the  
31 proper funds of the county.  
32 (e) Notwithstanding any other law, each superior court may  
33 deposit the fines and forfeitures that it collects into its Trial Court  
34 Operations Fund, instead of depositing the total amount with the  
35 county treasurer. In that case, the superior court shall make the  
36 distributions required in subdivision (a).  
37 (d) Each superior court and county shall keep a record of its  
38 deposits and its transmittals pursuant to this section.  
39 (e) The distribution specified in subdivision (b) applies to all  
40 funds subject thereto distributed on or after July 1, 1992, regardless

1 of whether the court has elected to allocate and distribute funds  
2 pursuant to Section 1464.8:

3 (f) ~~Any amounts remitted to the county or the court from~~  
4 ~~amounts collected by the Franchise Tax Board upon referral by a~~  
5 ~~county pursuant to Article 5.5 (commencing with Section 19280)~~  
6 ~~of Chapter 5 of Part 10.2 of Division 2 of the Revenue and Taxation~~  
7 ~~Code shall be allocated pursuant to this section.~~

8 SEC. 7. ~~Section 19210 of the Public Contract Code is amended~~  
9 ~~to read:~~

10 19210. (a) ~~Commencing not earlier than July 1, 2011, and not~~  
11 ~~later than December 15, 2012, the State Auditor shall establish a~~  
12 ~~pilot program to audit six trial courts. That entity shall select the~~  
13 ~~trial courts using the following criteria:~~

14 (1) ~~Two trial courts selected from counties with a population~~  
15 ~~of 200,000 or less.~~

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

18 (3) ~~Two trial courts selected from counties with a population~~  
19 ~~of 750,000 or greater.~~

20 The audits shall assess the implementation of this part by the  
21 judicial branch.

22 (b) ~~Based on the results of the pilot program audits described~~  
23 ~~in subdivision (a), the State Auditor shall, on or before December~~  
24 ~~15, 2013, commence an audit of the trial courts, provided that~~  
25 ~~every trial court is audited in the manner prescribed by this section~~  
26 ~~at least once every four years. The audits shall assess the~~  
27 ~~implementation of this part by the judicial branch. The audits~~  
28 ~~required by this paragraph shall be in addition to any audit regularly~~  
29 ~~conducted pursuant to any other provision of law.~~

30 (c) ~~Notwithstanding Section 10231.5 of the Government Code,~~  
31 ~~the State Auditor shall compile the trial court audit findings and~~  
32 ~~report the results of these audits to the Legislature, the Judicial~~  
33 ~~Council, and the Department of Finance no later than April 1 of~~  
34 ~~each year. An audit report shall not be considered final until the~~  
35 ~~audited entity is provided a reasonable opportunity to respond and~~  
36 ~~the response is included with, or incorporated into, the report.~~

37 (d) ~~The reasonable and necessary contracted cost of the audits~~  
38 ~~conducted pursuant to this section shall be paid from funds of the~~  
39 ~~local trial court being audited.~~

1 ~~(e) (1) On or before December 15, 2013, and biennially~~  
2 ~~thereafter, the State Auditor shall perform an audit of the~~  
3 ~~Administrative Office of the Courts, the Habeas Corpus Resource~~  
4 ~~Center, and the appellate courts to assess their implementation of~~  
5 ~~this part.~~

6 ~~(2) The State Auditor shall provide a copy of the final audit~~  
7 ~~report of the Administrative Office of the Courts to the Legislature,~~  
8 ~~the Judicial Council, and the Department of Finance upon issuance.~~  
9 ~~An audit report shall not be considered final until the audited entity~~  
10 ~~is provided a reasonable opportunity to respond and the response~~  
11 ~~is included with, or incorporated into, the report.~~

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

15 ~~(f) The State Auditor shall conduct the audits required pursuant~~  
16 ~~to this section in accordance with Chapter 6.5 (commencing with~~  
17 ~~Section 8543) of Division 1 of Title 2 of the Government Code.~~

18 ~~(g) If the State Auditor is selected as the auditing entity pursuant~~  
19 ~~to subdivision (j) of Section 77206 of the Government Code, then~~  
20 ~~the State Auditor may combine the results of any audit of a trial~~  
21 ~~court conducted pursuant to that section with an audit of the same~~  
22 ~~trial court conducted pursuant to this section. The State Auditor~~  
23 ~~may also combine the results of an audit of the Administrative~~  
24 ~~Office of the Courts pursuant to Section 77206 of the Government~~  
25 ~~Code with the results of an audit of the Administrative Office of~~  
26 ~~the Courts pursuant to this section.~~

27 ~~(h) A report submitted pursuant to this section shall be submitted~~  
28 ~~in compliance with Section 9795 of the Government Code.~~

29 ~~(i) The requirements of this section shall be suspended until an~~  
30 ~~appropriation is made by the Legislature expressly for this purpose.~~