

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1313

Introduced by Assembly Member Donnelly

February 22, 2013

An act to ~~amend Section 77003 of~~ *add Section 69614.5 to the Government Code*, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1313, as amended, Donnelly. ~~Trial court funding.~~ *Judgeships: allocation.*

Existing law specifies the number of judges of the superior court for each county, and allocates additional judgeships to the various counties in accordance with uniform standards for factually determining additional need in each county, as approved by the Judicial Council, and other specified criteria. Existing law requires the Judicial Council to report biennially to the Legislature and the Governor on the factually determined need for new judgeships in each superior court, using that uniform criteria.

This bill would require the Judicial Council, upon the availability of funding, to allocate 12 additional judges each fiscal year to those counties in which the current judicial position allocations are disproportionate to the Judicial Council's recommendation of assessed judicial need.

~~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. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *The judicial branch is a constitutionally guaranteed function*
4 *of government.*

5 (b) *The greatest need for judicial positions can be found in*
6 *moderate-to-large courts in the Inland Empire and Central Valley*
7 *where historic underfunding and rapid population growth have*
8 *outstripped judicial resources.*

9 (c) *This is not just an isolated occurrence as many other counties*
10 *throughout the state also suffer from a lack of funding and*
11 *positions.*

12 (d) *The lack of access to the courts creates, particularly with*
13 *respect to business and commercial litigation, which must take*
14 *secondary consideration to criminal and public safety matters, a*
15 *backlog of cases and the overall disuse of the justice system.*

16 (e) *A disparate lack of adequate judicial representation*
17 *exemplifies a real harm to the public’s safety, victims of crime,*
18 *and witnesses as well.*

19 SEC. 2. *Section 69614.5 is added to the Government Code, to*
20 *read:*

21 69614.5. (a) *Upon the availability of funding, the Judicial*
22 *Council shall allocate up to 12 additional judges each fiscal year*
23 *to those counties in which the current judicial position allocations*
24 *are disproportionate to the Judicial Council’s recommendation*
25 *of assessed judicial need.*

26 (b) *Allocation of judicial positions shall be made first to those*
27 *counties with the greatest disparity between their current judicial*
28 *position allocations and the Judicial Council’s recommendation*
29 *of assessed judicial need.*

1 (c) This section shall apply until the ratio of judges to population
2 in an individual county reaches 90 percent of the Judicial Council's
3 recommendation of assessed judicial need for that country.

4 (d) It shall be a top priority for the Judicial Council to fulfill
5 the requirements of this section.

6 SECTION 1. ~~Section 77003 of the Government Code is~~
7 amended to read:

8 77003. (a) As used in this chapter, "court operations" means
9 all of the following:

10 (1) ~~Salaries, benefits, and public agency retirement contributions~~
11 ~~for superior court judges and for subordinate judicial officers.~~

12 (A) ~~For purposes of this paragraph, the term "subordinate~~
13 ~~judicial officers" includes both of the following:~~

14 (i) ~~All commissioner or referee positions created prior to July~~
15 ~~1, 1997, including positions created in the municipal court prior~~
16 ~~to July 1, 1997, which thereafter became positions in the superior~~
17 ~~court as a result of unification of the municipal and superior courts~~
18 ~~in a county, and including those commissioner positions created~~
19 ~~pursuant to former Sections 69904, 70141, 70141.9, 70142.11,~~
20 ~~72607, 73794, 74841.5, and 74908.~~

21 (ii) ~~Any staff who provide direct support to commissioners.~~

22 (B) ~~"Subordinate judicial officers" does not include~~
23 ~~commissioners or staff who provide direct support to the~~
24 ~~commissioners whose positions were created after July 1, 1997,~~
25 ~~unless approved by the Judicial Council, subject to the availability~~
26 ~~of funding.~~

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

29 (3) ~~Court security, but only to the extent consistent with court~~
30 ~~responsibilities under Article 8.5 (commencing with Section 69920)~~
31 ~~of Chapter 5.~~

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

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

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

39 (7) ~~Subject to paragraph (1) of subdivision (d) of Section 77212,~~
40 ~~actual indirect costs for county and city and county general services~~

1 attributable to court operations, but specifically excluding, but not
2 limited to, law library operations conducted by a trust pursuant to
3 statute, courthouse construction, district attorney services,
4 probation services, indigent criminal defense, grand jury expenses
5 and operations, and pretrial release services.

6 ~~(8) Except as provided in subdivision (b), and subject to Article~~
7 ~~8.5 (commencing with Section 69920) of Chapter 5, other matters~~
8 ~~listed as court operations in Rule 10.810 of the California Rules~~
9 ~~of Court, as it read on January 1, 2007.~~

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