

AMENDED IN ASSEMBLY APRIL 29, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1313**

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**Introduced by Assembly Member Donnelly**

*(Principal coauthor: Assembly Member Brown)*

*(Coauthors: Assembly Members Fox, Grove, Hagman, Harkey, Jones,  
Linder, Morrell, Olsen, and Wagner)*

*(Coauthors: Senators Emmerson and Knight)*

February 22, 2013

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An act to add Section 69614.5 to the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1313, as amended, Donnelly. 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.

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~~ *moderate to large* courts in the Inland Empire  
7 and Central Valley where historic underfunding and rapid  
8 population growth have outstripped judicial resources.  
9 (c) This is not just an isolated occurrence as many other counties  
10 throughout ~~the~~ *this* 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 of  
25 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.  
30 (c) This section shall apply until the ratio of judges to population  
31 in an individual county reaches 90 percent of the Judicial Council’s  
32 recommendation of assessed judicial need for that ~~country~~ *county*.

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

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