

Introduced by Senator Jackson

February 20, 2014

An act to amend Sections 69104, 69614, and 69614.2 of, and to add Section 69614.4 to, the Government Code, relating to courts, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1190, as amended, Jackson. Courts: judgeships.

(1) Existing law specifies the number of judges for the superior court of each county and for each division of each district of the court of appeal. Existing law provides that the Court of Appeal for the Fourth Appellate District consists of 3 divisions. Existing law requires that one of these divisions hold its regular sessions in the San ~~Bernadino/Riverside~~ *Bernardino/Riverside* area and further requires this division to have 7 judges.

This bill would increase the number of judges in the division of the Fourth Appellate District of the Court of Appeal located in the San ~~Bernadino/Riverside~~ *Bernardino/Riverside* area to 9 judges. *The bill would appropriate an unspecified sum from the General Fund to the judicial branch for the purpose of funding those additional appellate court judgeships and accompanying staff, thereby making an appropriation.*

(2) Existing law 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. 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 for allocation of judgeships. Existing law authorizes 50 additional judges, upon appropriation by the Legislature, to be allocated to the various county superior courts, pursuant to uniform criteria approved by the Judicial Council.

This bill would appropriate an unspecified sum from the General Fund to the judicial branch for the purpose of funding the cost of those additional judgeships described above, *thereby making an appropriation*. The bill would also authorize 50 additional judges, upon appropriation by the Legislature in the annual Budget Act of moneys expressly identified for the purpose of initially funding the costs of additional new judges, to be allocated to the various superior courts, pursuant to the uniform criteria approved by the Judicial Council.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
 State-mandated local program: no.

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

1 SECTION 1. Section 69104 of the Government Code is
 2 amended to read:
 3 69104. The Court of Appeal for the Fourth Appellate District
 4 consists of three divisions. One division shall hold its regular
 5 sessions at San Diego and shall have 10 judges. One division shall
 6 hold its regular sessions in the San Bernardino/Riverside area and
 7 shall have nine judges. One division shall hold its regular sessions
 8 in Orange County and shall have eight judges.
 9 SEC. 2. Section 69614 of the Government Code is amended
 10 to read:
 11 69614. (a) Upon appropriation by the Legislature in the
 12 2006–07 fiscal year, there shall be 50 additional judges allocated
 13 to the various superior courts pursuant to the uniform criteria
 14 described in subdivision (b) for determining the need for additional
 15 superior court judges.
 16 (b) The judges shall be allocated, in accordance with the uniform
 17 standards for factually determining additional judicial need in each
 18 ~~county, as updated and approved by the Judicial Council, pursuant~~
 19 *county, as approved by the Judicial Council in August 2001, and*
 20 *as modified and approved by the Judicial Council in August 2004*
 21 *and December 2011, pursuant to the Update of Judicial Needs*
 22 *Study, based on the following criteria:*

1 (1) Court filings data averaged over a period of three years.

2 (2) Workload standards that represent the average amount of
3 time of bench and nonbench work required to resolve each case
4 type.

5 (3) A ranking methodology that provides consideration for
6 courts that have the greatest need relative to their current
7 complement of judicial officers.

8 (c) (1) The Judicial Council shall report to the Legislature and
9 the Governor on or before November 1 of every even-numbered
10 year on the factually determined need for new judgeships in each
11 superior court using the uniform criteria for allocation of judgeships
12 described in subdivision (b), as updated and applied to the average
13 of the prior three years' filings.

14 (2) On or before November 30, 2011, the Judicial Council shall
15 provide to the Legislature a special assessment of the need for new
16 judgeships in the family law and juvenile law assignments for each
17 superior court.

18 (3) The Judicial Council shall report, beginning with the report
19 due to the Legislature on November 1, 2012, on the implementation
20 and effect of subparagraph (C) of paragraph (1) of subdivision (c)
21 of Section 69615.

22 SEC. 3. Section 69614.2 of the Government Code is amended
23 to read:

24 69614.2. Upon appropriation by the Legislature in the 2014–15
25 fiscal year, there shall be 50 additional judges allocated to the
26 various county superior courts, pursuant to the uniform criteria
27 described in subdivision (b) of Section 69614, as updated and
28 approved by the ~~Judicial Council on January 17, 2013~~. *Council*.

29 SEC. 4. Section 69614.4 is added to the Government Code, to
30 read:

31 69614.4. Upon appropriation by the Legislature in the annual
32 Budget Act of moneys expressly identified for the purpose of this
33 section, there shall be 50 additional judges allocated to the various
34 superior courts pursuant to the uniform criteria described in
35 subdivision (b) of Section 69614, as updated and approved by the
36 ~~Judicial Council on January 17, 2013~~. *Council*. A judgeship shall
37 not be created pursuant to this section unless funding for that
38 purpose is provided in the annual Budget Act.

39 SEC. 5. The sum of ____ dollars (\$____) is hereby appropriated
40 from the General Fund to the judicial branch for the purpose of

1 funding the cost of new judgeships and accompanying staff
2 pursuant to Section 69614.2.
3 *SEC. 6. The sum of ____ dollars (\$____) is hereby*
4 *appropriated from the General Fund to the judicial branch for the*
5 *purpose of funding the cost of new appellate court judgeships and*
6 *accompanying staff pursuant to Section 69104.*

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