

AMENDED IN SENATE AUGUST 1, 2016

AMENDED IN SENATE JUNE 21, 2016

AMENDED IN ASSEMBLY MARCH 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2101

Introduced by Assembly Member Gordon

February 17, 2016

An act to add and repeal Section 177.6 of the Code of Civil Procedure, and to amend Section 68085.1 of the Government Code, relating to court sanctions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2101, as amended, Gordon. Sanctions: jurors.

Existing law authorizes a judicial officer to impose reasonable money sanctions, not to exceed \$1,500, payable to the court, for any violation of a lawful court order by a person, done without good cause or substantial justification. For purposes of this provision, the term "person" includes a witness, a party, or a party's attorney.

Existing law requires that certain fees and fines collected by superior courts, including the money sanctions described above, be deposited into a bank account established by the Administrative Office of the Courts for distribution, as specified, with the balance transmitted to the State Treasury for deposit in the Trial Court Trust Fund and other funds as required by law.

This bill would require the Judicial Council to solicit courts for participation in a pilot project in which judicial officers of participating counties would be authorized by the bill to impose reasonable monetary sanctions, not to exceed \$1,500, on an impaneled juror for any knowing

violation of a lawful court order, done without good cause or substantial justification, that is supported by clear and convincing evidence. The bill would require that these monetary sanctions be deposited into a bank account for distribution, as described above, with the balance deposited into the Trial Court Trust Fund and other funds. The bill would require the Judicial Council to conduct an evaluation of the pilot project and report the results to the Governor and the Legislature on or before January 1, 2021. The bill would repeal these provisions on January 1, 2022.

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

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

1 SECTION 1. Section 177.6 is added to the Code of Civil
 2 Procedure, to read:
 3 177.6. (a) Notwithstanding any other law, a judicial officer of
 4 a court selected pursuant to subdivision (c) for participation in the
 5 pilot project established pursuant to this section may impose
 6 reasonable monetary sanctions, not to exceed one thousand five
 7 hundred dollars (\$1,500), payable to the court, on an impaneled
 8 juror for any knowing violation of a lawful court order, done
 9 without good cause or substantial justification, that is supported
 10 by clear and convincing evidence.
 11 (b) Sanctions shall not be imposed pursuant to this section except
 12 on notice contained in a party’s moving or responding papers, or
 13 on the court’s own motion, after notice and an opportunity to be
 14 heard. An order imposing sanctions shall be in writing and shall
 15 recite in detail the conduct or circumstances justifying the order.
 16 (c) On or before July 1, 2017, the Judicial Council shall solicit
 17 the participation of a representative sample of courts, taking into
 18 account size, geography, and other factors identified by the council,
 19 for participation in a pilot project to evaluate the effectiveness of
 20 this section. This section applies only to those courts participating
 21 in the pilot project.
 22 (d) The Judicial Council shall conduct an evaluation of the pilot
 23 project established pursuant to this section and shall report the
 24 results of the pilot project to the Governor and the Legislature on
 25 or before January 1, 2021. The report shall also examine whether
 26 the imposition of sanctions affects the number of prospective jurors

1 who report for jury duty. The report shall be submitted in
2 compliance with Section 9795 of the Government Code.

3 (e) This section shall remain in effect only until January 1, 2022,
4 and as of that date is repealed, unless a later enacted statute, that
5 is enacted before January 1, 2022, deletes or extends that date.

6 ~~SEC. 2.—Section 68085.1 of the Government Code, as amended~~
7 ~~by Section 19 of Chapter 41 of the Statutes of 2012, is amended~~
8 ~~to read:~~

9 ~~68085.1. (a) This section applies to all fees and fines that are~~
10 ~~collected on or after January 1, 2006, under all of the following:~~

11 ~~(1) Sections 177.5, 177.6, 209, 403.060, 491.150, 631.3,~~
12 ~~683.150, 704.750, 708.160, 724.100, 1134, 1161.2, 1218, and~~
13 ~~1993.2 of, subdivision (g) of Section 411.20 and subdivisions (e)~~
14 ~~and (g) of Section 411.21 of, subdivision (b) of Section 631 of,~~
15 ~~and Chapter 5.5 (commencing with Section 116.110) of Title 1 of~~
16 ~~Part 1 of, the Code of Civil Procedure.~~

17 ~~(2) Section 3112 of the Family Code.~~

18 ~~(3) Section 31622 of the Food and Agricultural Code.~~

19 ~~(4) Subdivision (d) of Section 6103.5, Sections 68086 and~~
20 ~~68086.1, subdivision (d) of Section 68511.3, Sections 68926.1 and~~
21 ~~69953.5, and Chapter 5.8 (commencing with Section 70600).~~

22 ~~(5) Section 103470 of the Health and Safety Code.~~

23 ~~(6) Subdivisions (b) and (c) of Section 166 and Section 1214.1~~
24 ~~of the Penal Code.~~

25 ~~(7) Sections 1835, 1851.5, 2343, 7660, and 13201 of the Probate~~
26 ~~Code.~~

27 ~~(8) Sections 14607.6 and 16373 of the Vehicle Code.~~

28 ~~(9) Section 71386 of this code, Sections 304, 7851.5, and 9002~~
29 ~~of the Family Code, and Section 1513.1 of the Probate Code, if~~
30 ~~the reimbursement is for expenses incurred by the court.~~

31 ~~(10) Section 3153 of the Family Code, if the amount is paid to~~
32 ~~the court for the cost of counsel appointed by the court to represent~~
33 ~~a child.~~

34 ~~(b) On and after January 1, 2006, each superior court shall~~
35 ~~deposit all fees and fines listed in subdivision (a), as soon as~~
36 ~~practicable after collection and on a regular basis, into a bank~~
37 ~~account established for this purpose by the Administrative Office~~
38 ~~of the Courts. Upon direction of the Administrative Office of the~~
39 ~~Courts, the county shall deposit civil assessments under Section~~
40 ~~1214.1 of the Penal Code and any other money it collects under~~

1 the sections listed in subdivision (a) as soon as practicable after
 2 collection and on a regular basis into the bank account established
 3 for this purpose and specified by the Administrative Office of the
 4 Courts. The deposits shall be made as required by rules adopted
 5 by, and financial policies and procedures authorized by, the Judicial
 6 Council under subdivision (a) of Section 77206. Within 15 days
 7 after the end of the month in which the fees and fines are collected,
 8 each court, and each county that collects any fines or fees under
 9 subdivision (a), shall provide the Administrative Office of the
 10 Courts with a report of the fees by categories as specified by the
 11 Administrative Office of the Courts. The Administrative Office
 12 of the Courts and any court may agree upon a time period greater
 13 than 15 days, but in no case more than 30 days after the end of the
 14 month in which the fees and fines are collected. The fees and fines
 15 listed in subdivision (a) shall be distributed as provided in this
 16 section.

17 (e) (1) Within 45 calendar days after the end of the month in
 18 which the fees and fines listed in subdivision (a) are collected, the
 19 Administrative Office of the Courts shall make the following
 20 distributions:

21 (A) To the small claims advisory services, as described in
 22 subdivision (f) of Section 116.230 of the Code of Civil Procedure.

23 (B) To dispute resolution programs, as described in subdivision
 24 (b) of Section 68085.3 and subdivision (b) of Section 68085.4.

25 (C) To the county law library funds, as described in Sections
 26 116.230 and 116.760 of the Code of Civil Procedure, subdivision
 27 (b) of Section 68085.3, subdivision (b) of Section 68085.4, and
 28 Section 70621 of this code, and Section 14607.6 of the Vehicle
 29 Code.

30 (D) To the courthouse construction funds in the Counties of
 31 Riverside, San Bernardino, and San Francisco, as described in
 32 Sections 70622, 70624, and 70625.

33 (2) If any distribution under this subdivision is delinquent, the
 34 Administrative Office of the Courts shall add a penalty to the
 35 distribution as specified in subdivision (i).

36 (d) Within 45 calendar days after the end of the month in which
 37 the fees and fines listed in subdivision (a) are collected, the
 38 amounts remaining after the distributions in subdivision (c) shall
 39 be transmitted to the State Treasury for deposit in the Trial Court
 40 Trust Fund and other funds as required by law. This remittance

1 shall be accompanied by a remittance advice identifying the
2 collection month and the appropriate account in the Trial Court
3 Trust Fund or other fund to which it is to be deposited. Upon the
4 receipt of any delinquent payment required under this subdivision,
5 the Controller shall calculate a penalty as provided under
6 subdivision (i).

7 (e) From the money transmitted to the State Treasury under
8 subdivision (d), the Controller shall make deposits as follows:

9 (1) Into the State Court Facilities Construction Fund, the Judges'
10 Retirement Fund, and the Equal Access Fund, as described in
11 subdivision (c) of Section 68085.3 and subdivision (c) of Section
12 68085.4.

13 (2) Into the Health Statistics Special Fund, as described in
14 subdivision (b) of Section 70670 of this code and Section 103730
15 of the Health and Safety Code.

16 (3) Into the Family Law Trust Fund, as described in Section
17 70674.

18 (4) Into the Immediate and Critical Needs Account of the State
19 Court Facilities Construction Fund, established in Section 70371.5,
20 as described in Sections 68085.3, 68085.4, and 70657.5, and
21 subdivision (e) of Section 70617.

22 (5) The remainder of the money shall be deposited into the Trial
23 Court Trust Fund.

24 (f) The amounts collected by each superior court under Section
25 116.232, subdivision (g) of Section 411.20, and subdivision (g) of
26 Section 411.21 of the Code of Civil Procedure, Sections 304, 3112,
27 3153, 7851.5, and 9002 of the Family Code, subdivision (d) of
28 Section 6103.5, subdivision (d) of Section 68511.3 and Sections
29 68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386
30 of this code, and Sections 1513.1, 1835, 1851.5, and 2343 of the
31 Probate Code shall be added to the monthly apportionment for that
32 court under subdivision (a) of Section 68085.

33 (g) If any of the fees provided in subdivision (a) are partially
34 waived by court order or otherwise reduced, and the fee is to be
35 divided between the Trial Court Trust Fund and any other fund or
36 account, the amount of the reduction shall be deducted from the
37 amount to be distributed to each fund in the same proportion as
38 the amount of each distribution bears to the total amount of the
39 fee. If the fee is paid by installment payments, the amount
40 distributed to each fund or account from each installment shall

1 bear the same proportion to the installment payment as the full
2 distribution to that fund or account does to the full fee. If a court
3 collects a fee that was incurred before January 1, 2006, under a
4 provision that was the predecessor to one of the paragraphs
5 contained in subdivision (a), the fee may be deposited as if it were
6 collected under the paragraph of subdivision (a) that corresponds
7 to the predecessor of that paragraph and distributed in prorated
8 amounts to each fund or account to which the fee in subdivision
9 (a) must be distributed.

10 (h) Except as provided in Sections 470.5 and 6322.1 of the
11 Business and Professions Code, and Sections 70622, 70624, and
12 70625 of this code, no agency may take action to change the
13 amounts allocated to any of the funds described in subdivision (c);
14 (d), or (e).

15 (i) The amount of the penalty on any delinquent payment under
16 subdivision (c) or (d) shall be calculated by multiplying the amount
17 of the delinquent payment at a daily rate equivalent to 1 ½ percent
18 per month for the number of days the payment is delinquent. The
19 penalty shall be paid from the Trial Court Trust Fund. Penalties
20 on delinquent payments under subdivision (d) shall be calculated
21 only on the amounts to be distributed to the Trial Court Trust Fund
22 and the State Court Facilities Construction Fund, and each penalty
23 shall be distributed proportionately to the funds to which the
24 delinquent payment was to be distributed.

25 (j) If a delinquent payment under subdivision (c) or (d) results
26 from a delinquency by a superior court under subdivision (b), the
27 court shall reimburse the Trial Court Trust Fund for the amount
28 of the penalty. Notwithstanding Section 77009, any penalty on a
29 delinquent payment that a court is required to reimburse pursuant
30 to this section shall be paid from the court operations fund for that
31 court. The penalty shall be paid by the court to the Trial Court
32 Trust Fund no later than 45 days after the end of the month in
33 which the penalty was calculated. If the penalty is not paid within
34 the specified time, the Administrative Office of the Courts may
35 reduce the amount of a subsequent monthly allocation to the court
36 by the amount of the penalty on the delinquent payment.

37 (k) If a delinquent payment under subdivision (c) or (d) results
38 from a delinquency by a county in transmitting fees and fines listed
39 in subdivision (a) to the bank account established for this purpose,
40 as described in subdivision (b), the county shall reimburse the Trial

1 Court Trust Fund for the amount of the penalty. The penalty shall
2 be paid by the county to the Trial Court Trust Fund no later than
3 45 days after the end of the month in which the penalty was
4 calculated.

5 ~~(f) This section shall become operative on July 1, 2017.~~

6 ~~SEC. 3. Section 68085.1 of the Government Code, as amended~~
7 ~~by Section 22 of Chapter 913 of the Statutes of 2014, is amended~~
8 ~~to read:~~

9 ~~68085.1. (a) This section applies to all fees and fines that are~~
10 ~~collected on or after January 1, 2006, under all of the following:~~

11 ~~(1) Sections 177.5, 177.6, 209, 403.060, 491.150, 631.3,~~
12 ~~683.150, 704.750, 708.160, 724.100, 1134, 1161.2, 1218, and~~
13 ~~1993.2 of, subdivision (g) of Section 411.20 and subdivisions (e)~~
14 ~~and (g) of Section 411.21 of, subdivision (b) of Section 631 of,~~
15 ~~and Chapter 5.5 (commencing with Section 116.110) of Title 1 of~~
16 ~~Part 1 of, the Code of Civil Procedure.~~

17 ~~(2) Section 3112 of the Family Code.~~

18 ~~(3) Section 31622 of the Food and Agricultural Code.~~

19 ~~(4) Subdivision (d) of Section 6103.5, Sections 68086 and~~
20 ~~68086.1, subdivision (d) of Section 68511.3, Sections 68926.1 and~~
21 ~~69953.5, and Chapter 5.8 (commencing with Section 70600).~~

22 ~~(5) Section 103470 of the Health and Safety Code.~~

23 ~~(6) Subdivisions (b) and (c) of Section 166 and Section 1214.1~~
24 ~~of the Penal Code.~~

25 ~~(7) Sections 1835, 1851.5, 2343, 7660, and 13201 of the Probate~~
26 ~~Code.~~

27 ~~(8) Sections 14607.6 and 16373 of the Vehicle Code.~~

28 ~~(9) Section 71386 of this code, Sections 304, 7851.5, and 9002~~
29 ~~of the Family Code, and Section 1513.1 of the Probate Code, if~~
30 ~~the reimbursement is for expenses incurred by the court.~~

31 ~~(10) Section 3153 of the Family Code, if the amount is paid to~~
32 ~~the court for the cost of counsel appointed by the court to represent~~
33 ~~a child.~~

34 ~~(b) On and after January 1, 2006, each superior court shall~~
35 ~~deposit all fees and fines listed in subdivision (a), as soon as~~
36 ~~practicable after collection and on a regular basis, into a bank~~
37 ~~account established for this purpose by the Administrative Office~~
38 ~~of the Courts. Upon direction of the Administrative Office of the~~
39 ~~Courts, the county shall deposit civil assessments under Section~~
40 ~~1214.1 of the Penal Code and any other money it collects under~~

1 the sections listed in subdivision (a) as soon as practicable after
 2 collection and on a regular basis into the bank account established
 3 for this purpose and specified by the Administrative Office of the
 4 Courts. The deposits shall be made as required by rules adopted
 5 by, and financial policies and procedures authorized by, the Judicial
 6 Council under subdivision (a) of Section 77206. Within 15 days
 7 after the end of the month in which the fees and fines are collected,
 8 each court, and each county that collects any fines or fees under
 9 subdivision (a), shall provide the Administrative Office of the
 10 Courts with a report of the fees by categories as specified by the
 11 Administrative Office of the Courts. The Administrative Office
 12 of the Courts and any court may agree upon a time period greater
 13 than 15 days, but in no case more than 30 days after the end of the
 14 month in which the fees and fines are collected. The fees and fines
 15 listed in subdivision (a) shall be distributed as provided in this
 16 section.

17 (e) (1) Within 45 calendar days after the end of the month in
 18 which the fees and fines listed in subdivision (a) are collected, the
 19 Administrative Office of the Courts shall make the following
 20 distributions:

21 (A) To the small claims advisory services, as described in
 22 subdivision (f) of Section 116.230 of the Code of Civil Procedure.

23 (B) To dispute resolution programs, as described in subdivision
 24 (b) of Section 68085.3 and subdivision (b) of Section 68085.4.

25 (C) To the county law library funds, as described in Sections
 26 116.230 and 116.760 of the Code of Civil Procedure, subdivision
 27 (b) of Section 68085.3, subdivision (b) of Section 68085.4, and
 28 Section 70621 of this code, and Section 14607.6 of the Vehicle
 29 Code.

30 (D) To the courthouse construction funds in the Counties of
 31 Riverside, San Bernardino, and San Francisco, as described in
 32 Sections 70622, 70624, and 70625.

33 (E) Commencing July 1, 2011, to the Trial Court Trust Fund,
 34 as described in subdivision (e) of Section 70626, to be used by the
 35 Judicial Council to implement and administer the civil
 36 representation pilot program under Section 68651.

37 (2) If any distribution under this subdivision is delinquent, the
 38 Administrative Office of the Courts shall add a penalty to the
 39 distribution as specified in subdivision (i).

1 ~~(d) Within 45 calendar days after the end of the month in which~~
2 ~~the fees and fines listed in subdivision (a) are collected, the~~
3 ~~amounts remaining after the distributions in subdivision (c) shall~~
4 ~~be transmitted to the State Treasury for deposit in the Trial Court~~
5 ~~Trust Fund and other funds as required by law. This remittance~~
6 ~~shall be accompanied by a remittance advice identifying the~~
7 ~~collection month and the appropriate account in the Trial Court~~
8 ~~Trust Fund or other fund to which it is to be deposited. Upon the~~
9 ~~receipt of any delinquent payment required under this subdivision,~~
10 ~~the Controller shall calculate a penalty as provided under~~
11 ~~subdivision (i).~~

12 ~~(e) From the money transmitted to the State Treasury under~~
13 ~~subdivision (d), the Controller shall make deposits as follows:~~

14 ~~(1) Into the State Court Facilities Construction Fund, the Judges’~~
15 ~~Retirement Fund, and the Equal Access Fund, as described in~~
16 ~~subdivision (e) of Section 68085.3 and subdivision (e) of Section~~
17 ~~68085.4.~~

18 ~~(2) Into the Health Statistics Special Fund, as described in~~
19 ~~subdivision (b) of Section 70670 of this code and Section 103730~~
20 ~~of the Health and Safety Code.~~

21 ~~(3) Into the Family Law Trust Fund, as described in Section~~
22 ~~70674.~~

23 ~~(4) Into the Immediate and Critical Needs Account of the State~~
24 ~~Court Facilities Construction Fund, established in Section 70371.5,~~
25 ~~as described in Sections 68085.3, 68085.4, and 70657.5, and~~
26 ~~subdivision (e) of Section 70617.~~

27 ~~(5) The remainder of the money shall be deposited into the Trial~~
28 ~~Court Trust Fund.~~

29 ~~(f) The amounts collected by each superior court under Section~~
30 ~~116.232, subdivision (g) of Section 411.20, and subdivision (g) of~~
31 ~~Section 411.21 of the Code of Civil Procedure, Sections 304, 3112,~~
32 ~~3153, 7851.5, and 9002 of the Family Code, subdivision (d) of~~
33 ~~Section 6103.5, subdivision (d) of Section 68511.3 and Sections~~
34 ~~68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386~~
35 ~~of this code, and Sections 1513.1, 1835, 1851.5, and 2343 of the~~
36 ~~Probate Code shall be added to the monthly apportionment for that~~
37 ~~court under subdivision (a) of Section 68085.~~

38 ~~(g) If any of the fees provided in subdivision (a) are partially~~
39 ~~waived by court order or otherwise reduced, and the fee is to be~~
40 ~~divided between the Trial Court Trust Fund and any other fund or~~

1 account, the amount of the reduction shall be deducted from the
2 amount to be distributed to each fund in the same proportion as
3 the amount of each distribution bears to the total amount of the
4 fee. If the fee is paid by installment payments, the amount
5 distributed to each fund or account from each installment shall
6 bear the same proportion to the installment payment as the full
7 distribution to that fund or account does to the full fee. If a court
8 collects a fee that was incurred before January 1, 2006, under a
9 provision that was the predecessor to one of the paragraphs
10 contained in subdivision (a), the fee may be deposited as if it were
11 collected under the paragraph of subdivision (a) that corresponds
12 to the predecessor of that paragraph and distributed in prorated
13 amounts to each fund or account to which the fee in subdivision
14 (a) must be distributed.

15 (h) Except as provided in Sections 470.5 and 6322.1 of the
16 Business and Professions Code, and Sections 70622, 70624, and
17 70625 of this code, an agency shall not take action to change the
18 amounts allocated to any of the funds described in subdivision (c),
19 (d), or (e).

20 (i) The amount of the penalty on any delinquent payment under
21 subdivision (c) or (d) shall be calculated by multiplying the amount
22 of the delinquent payment at a daily rate equivalent to 1 ½ percent
23 per month for the number of days the payment is delinquent. The
24 penalty shall be paid from the Trial Court Trust Fund. Penalties
25 on delinquent payments under subdivision (d) shall be calculated
26 only on the amounts to be distributed to the Trial Court Trust Fund
27 and the State Court Facilities Construction Fund, and each penalty
28 shall be distributed proportionately to the funds to which the
29 delinquent payment was to be distributed.

30 (j) If a delinquent payment under subdivision (c) or (d) results
31 from a delinquency by a superior court under subdivision (b), the
32 court shall reimburse the Trial Court Trust Fund for the amount
33 of the penalty. Notwithstanding Section 77009, any penalty on a
34 delinquent payment that a court is required to reimburse pursuant
35 to this section shall be paid from the court operations fund for that
36 court. The penalty shall be paid by the court to the Trial Court
37 Trust Fund no later than 45 days after the end of the month in
38 which the penalty was calculated. If the penalty is not paid within
39 the specified time, the Administrative Office of the Courts may

1 reduce the amount of a subsequent monthly allocation to the court
2 by the amount of the penalty on the delinquent payment.

3 ~~(k) If a delinquent payment under subdivision (c) or (d) results
4 from a delinquency by a county in transmitting fees and fines listed
5 in subdivision (a) to the bank account established for this purpose,
6 as described in subdivision (b), the county shall reimburse the Trial
7 Court Trust Fund for the amount of the penalty. The penalty shall
8 be paid by the county to the Trial Court Trust Fund no later than
9 45 days after the end of the month in which the penalty was
10 calculated.~~

11 ~~(l) This section shall become inoperative on July 1, 2017, and,
12 as of January 1, 2018, is repealed, unless a later enacted statute,
13 that becomes operative on or before January 1, 2018, deletes or
14 extends the dates on which it becomes inoperative and is repealed.~~

15 *SEC. 2. Section 68085.1 of the Government Code is amended*
16 *to read:*

17 68085.1. (a) This section applies to all fees and fines that are
18 collected on or after January 1, 2006, under all of the following:

19 (1) Sections 177.5, 177.6, 209, 403.060, 491.150, 631.3,
20 683.150, 704.750, 708.160, 724.100, 1134, 1161.2, 1218, and
21 1993.2 of, subdivision (g) of Section 411.20 and subdivisions (c)
22 and (g) of Section 411.21 of, subdivision (b) of Section 631 of,
23 and Chapter 5.5 (commencing with Section 116.110) of Title 1 of
24 Part 1 of, the Code of Civil Procedure.

25 (2) Section 3112 of the Family Code.

26 (3) Section 31622 of the Food and Agricultural Code.

27 (4) Subdivision (d) of Section 6103.5, Sections 68086 and
28 68086.1, subdivision (d) of Section 68511.3, Sections 68926.1 and
29 69953.5, and Chapter 5.8 (commencing with Section 70600).

30 (5) Section 103470 of the Health and Safety Code.

31 (6) Subdivisions (b) and (c) of Section 166 and Section 1214.1
32 of the Penal Code.

33 (7) Sections 1835, 1851.5, 2343, 7660, and 13201 of the Probate
34 Code.

35 (8) Sections 14607.6 and 16373 of the Vehicle Code.

36 (9) Section 71386 of this code, Sections 304, 7851.5, and 9002
37 of the Family Code, and Section 1513.1 of the Probate Code, if
38 the reimbursement is for expenses incurred by the court.

1 (10) Section 3153 of the Family Code, if the amount is paid to
2 the court for the cost of counsel appointed by the court to represent
3 a child.

4 (b) On and after January 1, 2006, each superior court shall
5 deposit all fees and fines listed in subdivision (a), as soon as
6 practicable after collection and on a regular basis, into a bank
7 account established for this purpose by the Administrative Office
8 of the Courts. Upon direction of the Administrative Office of the
9 Courts, the county shall deposit civil assessments under Section
10 1214.1 of the Penal Code and any other money it collects under
11 the sections listed in subdivision (a) as soon as practicable after
12 collection and on a regular basis into the bank account established
13 for this purpose and specified by the Administrative Office of the
14 Courts. The deposits shall be made as required by rules adopted
15 by, and financial policies and procedures authorized by, the Judicial
16 Council under subdivision (a) of Section 77206. Within 15 days
17 after the end of the month in which the fees and fines are collected,
18 each court, and each county that collects any fines or fees under
19 subdivision (a), shall provide the Administrative Office of the
20 Courts with a report of the fees by categories as specified by the
21 Administrative Office of the Courts. The Administrative Office
22 of the Courts and any court may agree upon a time period greater
23 than 15 days, but in no case more than 30 days after the end of the
24 month in which the fees and fines are collected. The fees and fines
25 listed in subdivision (a) shall be distributed as provided in this
26 section.

27 (c) (1) Within 45 calendar days after the end of the month in
28 which the fees and fines listed in subdivision (a) are collected, the
29 Administrative Office of the Courts shall make the following
30 distributions:

31 (A) To the small claims advisory services, as described in
32 subdivision (f) of Section 116.230 of the Code of Civil Procedure.

33 (B) To dispute resolution programs, as described in subdivision
34 (b) of Section 68085.3 and subdivision (b) of Section 68085.4.

35 (C) To the county law library funds, as described in Sections
36 116.230 and 116.760 of the Code of Civil Procedure, subdivision
37 (b) of Section 68085.3, subdivision (b) of Section 68085.4, and
38 Section 70621 of this code, and Section 14607.6 of the Vehicle
39 Code.

1 (D) To the courthouse construction funds in the Counties of
2 Riverside, San Bernardino, and San Francisco, as described in
3 Sections 70622, 70624, and 70625.

4 (E) Commencing July 1, 2011, to the Trial Court Trust Fund,
5 as described in subdivision (e) of Section 70626, to be used by the
6 Judicial Council to implement and administer the civil
7 representation pilot program under Section 68651.

8 (2) If any distribution under this subdivision is delinquent, the
9 Administrative Office of the Courts shall add a penalty to the
10 distribution as specified in subdivision (i).

11 (d) Within 45 calendar days after the end of the month in which
12 the fees and fines listed in subdivision (a) are collected, the
13 amounts remaining after the distributions in subdivision (c) shall
14 be transmitted to the State Treasury for deposit in the Trial Court
15 Trust Fund and other funds as required by law. This remittance
16 shall be accompanied by a remittance advice identifying the
17 collection month and the appropriate account in the Trial Court
18 Trust Fund or other fund to which it is to be deposited. Upon the
19 receipt of any delinquent payment required under this subdivision,
20 the Controller shall calculate a penalty as provided under
21 subdivision (i).

22 (e) From the money transmitted to the State Treasury under
23 subdivision (d), the Controller shall make deposits as follows:

24 (1) Into the State Court Facilities Construction Fund, the Judges’
25 Retirement Fund, and the Equal Access Fund, as described in
26 subdivision (c) of Section 68085.3 and subdivision (c) of Section
27 68085.4.

28 (2) Into the Health Statistics Special Fund, as described in
29 subdivision (b) of Section 70670 of this code and Section 103730
30 of the Health and Safety Code.

31 (3) Into the Family Law Trust Fund, as described in Section
32 70674.

33 (4) Into the Immediate and Critical Needs Account of the State
34 Court Facilities Construction Fund, established in Section 70371.5,
35 as described in Sections 68085.3, 68085.4, and 70657.5, and
36 subdivision (e) of Section 70617.

37 (5) The remainder of the money shall be deposited into the Trial
38 Court Trust Fund.

39 (f) The amounts collected by each superior court under Section
40 116.232, subdivision (g) of Section 411.20, and subdivision (g) of

1 Section 411.21 of the Code of Civil Procedure, Sections 304, 3112,
2 3153, 7851.5, and 9002 of the Family Code, subdivision (d) of
3 Section 6103.5, subdivision (d) of Section 68511.3 and Sections
4 68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386
5 of this code, and Sections 1513.1, 1835, 1851.5, and 2343 of the
6 Probate Code shall be added to the monthly apportionment for that
7 court under subdivision (a) of Section 68085.

8 (g) If any of the fees provided in subdivision (a) are partially
9 waived by court order or otherwise reduced, and the fee is to be
10 divided between the Trial Court Trust Fund and any other fund or
11 account, the amount of the reduction shall be deducted from the
12 amount to be distributed to each fund in the same proportion as
13 the amount of each distribution bears to the total amount of the
14 fee. If the fee is paid by installment payments, the amount
15 distributed to each fund or account from each installment shall
16 bear the same proportion to the installment payment as the full
17 distribution to that fund or account does to the full fee. If a court
18 collects a fee that was incurred before January 1, 2006, under a
19 provision that was the predecessor to one of the paragraphs
20 contained in subdivision (a), the fee may be deposited as if it were
21 collected under the paragraph of subdivision (a) that corresponds
22 to the predecessor of that paragraph and distributed in prorated
23 amounts to each fund or account to which the fee in subdivision
24 (a) must be distributed.

25 (h) Except as provided in Sections 470.5 and 6322.1 of the
26 Business and Professions Code, and Sections 70622, 70624, and
27 70625 of this code, an agency shall not take action to change the
28 amounts allocated to any of the funds described in subdivision (c),
29 (d), or (e).

30 (i) The amount of the penalty on any delinquent payment under
31 subdivision (c) or (d) shall be calculated by multiplying the amount
32 of the delinquent payment at a daily rate equivalent to 1 ½ percent
33 per month for the number of days the payment is delinquent. The
34 penalty shall be paid from the Trial Court Trust Fund. Penalties
35 on delinquent payments under subdivision (d) shall be calculated
36 only on the amounts to be distributed to the Trial Court Trust Fund
37 and the State Court Facilities Construction Fund, and each penalty
38 shall be distributed proportionately to the funds to which the
39 delinquent payment was to be distributed.

1 (j) If a delinquent payment under subdivision (c) or (d) results
2 from a delinquency by a superior court under subdivision (b), the
3 court shall reimburse the Trial Court Trust Fund for the amount
4 of the penalty. Notwithstanding Section 77009, any penalty on a
5 delinquent payment that a court is required to reimburse pursuant
6 to this section shall be paid from the court operations fund for that
7 court. The penalty shall be paid by the court to the Trial Court
8 Trust Fund no later than 45 days after the end of the month in
9 which the penalty was calculated. If the penalty is not paid within
10 the specified time, the Administrative Office of the Courts may
11 reduce the amount of a subsequent monthly allocation to the court
12 by the amount of the penalty on the delinquent payment.

13 (k) If a delinquent payment under subdivision (c) or (d) results
14 from a delinquency by a county in transmitting fees and fines listed
15 in subdivision (a) to the bank account established for this purpose,
16 as described in subdivision (b), the county shall reimburse the Trial
17 Court Trust Fund for the amount of the penalty. The penalty shall
18 be paid by the county to the Trial Court Trust Fund no later than
19 45 days after the end of the month in which the penalty was
20 calculated.