

AMENDED IN SENATE AUGUST 22, 1995

AMENDED IN SENATE JULY 17, 1995

AMENDED IN SENATE JULY 6, 1995

AMENDED IN ASSEMBLY APRIL 25, 1995

AMENDED IN ASSEMBLY APRIL 17, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 737**

**Introduced by Assembly Member Hauser**

February 22, 1995

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An act to amend Section 199.2 of the Code of Civil Procedure, and to amend Sections 73117, 73348, 73353, 73358, 73665.5, 74020, 74021, 74922, 74925, and 74926.5 of, ~~and to amend and renumber Section 70142.13 of,~~ to add ~~Section~~ Sections 68114.8 and 74020.5 ~~and to,~~ to add Article 29.6 (commencing with Section 74720) to Chapter 10 of Title 8 ~~to of,~~ and to repeal and add Article 11.6 (commencing with Section 73750) and Article 12.3 (commencing with Section 73784) of Chapter 10 of Title 8 of, the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 737, as amended, Hauser. Municipal courts.

(1) Existing law establishes the Humboldt Judicial District and makes provisions for the number and classification of certain of the officers and employees thereof, including constables and marshals. Existing law prescribes the

compensation and benefits for the position of marshal of the municipal court.

This bill would prescribe the salary and benefits of the current marshals, thereby imposing a state-mandated local program.

*(2) Existing law specifies the number, classification, and compensation of municipal court personnel in San Bernardino and Contra Costa Counties.*

*This bill would revise those provisions. The bill would also specify the compensation of official court reporters in the Superior Court of San Bernardino County.*

(3) Existing law establishes a Placer County Municipal Court comprised of specified portions of the county. The California Constitution provides that courts formerly known as justice courts shall constitute municipal courts, as specified.

This bill would eliminate the justice court formerly known as the Tahoe Judicial District, create a countywide municipal court, and provide for a division of that court comprised of the territory of the former Tahoe Judicial District, as specified. The bill would provide that the judge of the former Tahoe Judicial District shall succeed to office as municipal court judge for the Tahoe Division. The bill would also make related changes with respect to the territorial selection of jurors for the superior and municipal court within Placer County, thereby imposing a state-mandated local program by requiring a higher level of service of local officials.

(3)

(4) Existing law provides for a Madera County Municipal Court District in the County of Madera, as well as a municipal court in the Madera-Chowchilla Judicial District in the County of Madera.

This bill would repeal these provisions and create a countywide Madera County Municipal Court District, as specified. Among other things, the bill would provide that the district shall be comprised of 4 divisions, as specified, each with one judge to be elected by the residents of that division. The bill would also provide for a marshal for each district and provide that the clerical employees for the superseded justice courts shall become the clerical employees of the municipal



court district, as specified. The bill would also make related changes.

~~(4)~~

(5) Existing law establishes the Mount San Hedrin Municipal Court District.

This bill would eliminate that provision and instead establish the Mendocino County Municipal Court District which shall consist of 6 divisions and have 7 judges. The bill would provide that the current judge of each judicial district of the municipal court district shall succeed to the judicial positions of the new municipal court district, and provide for the personnel of the new court district.

~~(5)~~

(6) Under existing law, there are 3 justice court districts in the County of Siskiyou.

This bill would establish the Siskiyou County Municipal Court District, having 3 judges, which shall supersede those justice court districts. The bill would, among other things, provide that the incumbent judges shall succeed to the judicial positions of the new municipal court district, provide for the maintenance of court facilities, and provide that the officers, employees, and attachés of the municipal court shall be entitled to the same benefits, as specified, as those granted to other county employees.

~~(6)~~

(7) *Existing law specifies the compensation of municipal court employees in Tulare County.*

*This bill would revise the compensation provisions of court officers and employees in Tulare County.*

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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



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

1 SECTION 1. Section 199.2 of the Code of Civil  
2 Procedure is amended to read:  
3 199.2. In Placer County prospective jurors residing in  
4 the Tahoe Division of the Placer County Municipal Court,  
5 except as otherwise provided in this section, shall only be  
6 included in trial court venires for sessions of the superior  
7 court held within that division. However, each  
8 prospective juror residing in the county shall be given the  
9 opportunity to elect to serve on juries with respect to  
10 trials held anywhere in the county in accordance with the  
11 rules of the superior court, which shall afford to each  
12 eligible resident of the county an opportunity for  
13 selection as a trial jury venireman. Additionally, nothing  
14 in this section shall preclude the superior or municipal  
15 court, in its discretion, from ordering a countywide  
16 venire in the interest of justice.

17 *SEC. 1.2. Section 68114.8 is added to the Government*  
18 *Code, to read:*  
19 *68114.8. Notwithstanding Section 69906, in the*  
20 *Superior Court of San Bernardino County, the official*  
21 *court reporters shall be compensated at Step E of the*  
22 *range set forth in the San Bernardino County code for*  
23 *court reporters, unless determined otherwise by a*  
24 *majority of the judges of the superior court. Effective pay*  
25 *period one of each year, official court reporters will be*  
26 *credited with 160 hours of vacation leave time for the*  
27 *reporters' immediate use. Official court reporters who*  
28 *are hired after the beginning of pay period one shall be*  
29 *credited with vacation leave hours on a pro rata basis.*  
30 *Official court reporters who terminate after the*  
31 *beginning of pay period one shall reimburse the county*  
32 *for vacation time used in excess of the pro rata amount*  
33 *earned while employed during the year. Amounts*  
34 *reimbursable may be deducted from court reporter*  
35 *compensation which is payable after notice is given by*  
36 *the court reporter of termination. Official court reporters*  
37 *in regular positions budgeted less than 80 hours per pay*



1 *period or in job-share positions shall receive vacation*  
2 *accumulation on a pro rata basis.*

3 *SEC. 1.3. Section 70142.13 of the Government Code,*  
4 *as added by Chapter 716 of the Statutes of 1991, is*  
5 *amended to read:*

6 70142.13. (a) In lieu of appointing a juvenile court  
7 referee pursuant to Section 247 of the Welfare and  
8 Institutions Code, the judges of the superior court in  
9 Tulare County, by majority vote, may appoint a court  
10 commissioner. The superior court may provide that the  
11 commissioner, in addition to the powers and duties  
12 specified in Section 259 of the Code of Civil Procedure,  
13 shall perform the duties of a probate commissioner  
14 appointed pursuant to Section 69897 and, if appointed by  
15 the presiding judge of the juvenile court, shall perform  
16 the duties of a juvenile court referee as specified in  
17 Section 247 of the Welfare and Institutions Code.

18 (b) Any commissioner appointed pursuant to this  
19 section shall have been admitted to practice law in  
20 California for not less than five years, shall hold office at  
21 the pleasure of the superior court, and shall not engage  
22 in the private practice of law.

23 (c) The salary of the commissioner for all duties  
24 performed pursuant to this section shall be up to ~~80~~ 85  
25 percent of the annual salary of a judge of a superior court.  
26 The commissioner shall be a member of the Tulare  
27 County Retirement System and shall receive vacation,  
28 sick leave, and fringe benefits ~~identical to those provided~~  
29 ~~Tulare County judicial management employees as~~  
30 *determined by the board of supervisors.*

31 (d) Notwithstanding subdivision (c) of Section 77202,  
32 the court commissioner position shall be counted in  
33 determining the number of subordinate judicial positions  
34 in the county and shall be considered as part of the court  
35 operations for the county for purposes of Sections 77003  
36 and 77204.

37 *SEC. 1.4. Section 70142.13 of the Government Code,*  
38 *as added by Chapter 720 of the Statutes of 1991, is*  
39 *amended and renumbered to read:*

40 ~~70142.13.~~



1 70142.16. (a) In the County of Placer, the court  
2 commissioner appointed pursuant to Section 70141 shall  
3 hold office at the pleasure of a majority of the judges.  
4 Subject to subdivision (c), the superior court may provide  
5 that the commissioner, in addition to the duties  
6 prescribed in Section 259 of the Code of Civil Procedure,  
7 shall perform the duties of a probate commissioner  
8 appointed pursuant to Section 69897 of the Government  
9 Code. The superior court may also authorize the  
10 commissioner to perform the duties of a juvenile court  
11 referee appointed pursuant to Section 247 of the Welfare  
12 and Institutions Code, and other duties as specified by the  
13 superior court.

14 (b) The superior court shall not appoint a  
15 commissioner pursuant to Section 70141 unless there is a  
16 prior finding by the board of supervisors that there are  
17 sufficient funds for this purpose.

18 (c) Any commissioner authorized to perform  
19 additional duties pursuant to this section shall have been  
20 admitted to practice law in California for not less than five  
21 years, but in no case shall a commissioner engage in the  
22 practice of law during his or her period of service as a  
23 commissioner.

24 (d) Any commissioner authorized to perform  
25 additional duties pursuant to this section shall receive  
26 compensation pursuant to a salary recommended by the  
27 superior court and approved annually by the board of  
28 supervisors. The presiding judge of the superior court  
29 shall specify the days, hours, and court locations for the  
30 commissioner.

31 (e) The commissioner appointed pursuant to Section  
32 70141 shall not be counted in the calculation of trial court  
33 funding pursuant to Sections 77200 and 77202, and the  
34 salary for this position shall not be considered as a part of  
35 court operations for Placer County for purposes of  
36 Sections 77203 and 77204.

37 *SEC. 1.5. Section 73117 of the Government Code is*  
38 *amended to read:*

39 73117. Official reporters in the Municipal Court of the  
40 San Bernardino County Municipal Court District



1 appointed pursuant to Section 72194 shall be attachés of  
 2 such court and in lieu of any other compensation  
 3 provided by law for services in reporting testimony and  
 4 proceedings in such court shall receive—a salary *and*  
 5 *vacation leave time* in the same—~~sum monthly or per diem~~  
 6 *amount* as is—~~paid~~ *received by* the official reporters of the  
 7 Superior Court of the County of San Bernardino, which  
 8 shall be charged against the general fund of the county.  
 9 Official reporters of the courts of the San Bernardino  
 10 County Municipal Court District, other than official  
 11 reporters pro tempore, shall be entitled to the same sick  
 12 leave benefits as classified employees of the County of San  
 13 Bernardino, and shall be subject to the same regulations  
 14 governing the accrual and use of such benefits as apply to  
 15 county employees, to the extent that Section 5 of Article  
 16 VI of the California Constitution is not violated.

17 *SEC. 1.6. Section 73348 of the Government Code is*  
 18 *amended to read:*

19 73348. (a) In Contra Costa County, the annual salary  
 20 of each regular official reporter shall be based on a  
 21 four-step salary plan with one-year increments. Effective  
 22 January 1, ~~1994~~ 1995, the four salary steps are as follows:

23 Step 1. ~~Forty-six~~ *Forty-seven* thousand one hundred  
 24 ~~sixty-four~~ dollars—~~(\$46,164)~~ *(\$47,100)*.

25 Step 2. ~~Forty-eight~~ *Forty-nine* thousand four  
 26 ~~hundred-sixty-eight~~ *fifty-two* dollars—~~(\$48,468)~~ *(\$49,452)*.

27 Step 3. ~~Fifty~~ *Fifty-one* thousand—~~eight~~ *nine* hundred  
 28 ~~ninety-two~~ *twenty-four* dollars—~~(\$50,892)~~ *(\$51,924)*.

29 Step 4. ~~Fifty-three~~ *Fifty-four* thousand—~~four~~ *five*  
 30 ~~hundred-thirty-six~~ *sixteen* dollars—~~(\$53,436)~~ *(\$54,516)*.

31 The step of entry to the above schedule shall be Step 1.  
 32 However, the judges of the court may appoint a court  
 33 reporter to a duly allocated exempt position at a higher  
 34 step if, in the opinion of the appointing judge, an  
 35 individual to be appointed has the experience and  
 36 qualifications to entitle that individual to the higher  
 37 initial step, and if the higher initial salary has the approval  
 38 of the presiding judge of the court and the board of  
 39 supervisors, but in no case may the initial salary be above  
 40 the third step of the salary range. Except as provided



1 below, official reporters shall advance to the next higher  
2 step on the salary plan annually. The compensation of  
3 each official reporter pro tempore shall be an amount  
4 which is equivalent to 1.05 times the daily wage of the  
5 fourth step in the salary range for full-time official  
6 reporters in Contra Costa County for each day the  
7 reporter actually is on duty under order of the court  
8 which per diem rate shall apply when an official reporter  
9 is appointed pursuant to Section 869 of the Penal Code.

10 Irrespective of the step of the salary range to which  
11 initially appointed, an official court reporter shall be  
12 eligible for advancement to the next higher step in the  
13 salary range after six months' service, and thereafter shall  
14 advance on the salary range based on annual reviews.

15 (b) During the hours which the court is open for the  
16 transaction of judicial business, the regular official  
17 reporter shall perform the duties required by law. When  
18 not engaged in the performance of any other duty  
19 imposed upon him or her by law, he or she shall render  
20 stenographic or clerical assistance to the judge of the  
21 court to which he or she is assigned as the judge may  
22 direct.

23 (c) The board of supervisors shall adjust the salary of  
24 regular official reporters as part of its regular review of  
25 county employee compensation. The adjustment shall be  
26 to that salary level closest to the average percentage  
27 adjustment in basic salaries of the county classes of  
28 superior court clerk, legal clerk, secretary, and clerk  
29 (experienced level). The reporter salary adjustment shall  
30 be effective on the same day as the effective date of the  
31 board's action as to all of the aforesaid county  
32 classifications, but for official reporters of each municipal  
33 court district shall be effective only until January 1 of the  
34 second year following the calendar year in which the  
35 adjustment is made. The compensation of each official  
36 reporter pro tempore shall remain at the rate specified in  
37 subdivision (a) for the days he or she actually is on duty  
38 until changed by the board of supervisors at the same  
39 time and on the same basis as regular official reporters.



1 SEC. 1.8. Section 73353 of the Government Code is  
2 amended to read:

3 73353. Effective January 1,—1994 1995, classes of  
4 positions provided in Section 73351 are allocated to the  
5 salary schedule as follows:

	Salary	Pay
Class Title	Schedule	Level
9 <del>Deputy Clerk—Beginning Level</del>	<del>C5-1249</del>	<del>1584-1925</del>
10 <del>Deputy Clerk—Experienced Level</del>	<del>C5-1394</del>	<del>1831-2226</del>
11 <del>Deputy Clerk—Senior Level</del>	<del>XB-1553</del>	<del>2044-2609</del>
12 <del>Deputy Clerk—Specialist Level</del>	<del>XC-1654</del>	<del>2261-2886</del>
13 <del>Deputy Clerk—DEO I</del>	<del>C5-1317</del>	<del>1695-2061</del>
14 <del>Deputy Clerk—DEO H</del>	<del>C5-1414</del>	<del>1868-2270</del>
15 <del>Deputy Clerk—Courtroom Clerk</del>	<del>C5-1816</del>	<del>2792-3393</del>
16 <del>Court Operations Coordinator H</del>	<del>C5-2083</del>	<del>3646-4431</del>
17 <del>Court Operations Coordinator I</del>	<del>C5-1986</del>	<del>3309-4022</del>
18 <del>District Court Manager III</del>	<del>C1-2412</del>	<del>6156 F</del>
19 <del>District Court Manager H</del>	<del>C5-2302</del>	<del>4538-5515</del>
20 <del>District Court Manager I</del>	<del>C5-2162</del>	<del>3945-4795</del>
21 <del>Court Probation Officer</del>	<del>C5-1915</del>	<del>3082-3746</del>
22 <del>Municipal Court Collection Agent</del>	<del>C5-1662</del>	<del>2393-2909</del>
23 <del>Municipal Court Accounting Specialist</del>	<del>XB-1755</del>	<del>2499-3192</del>
24 <del>Municipal Court Division Supervisor</del>	<del>C5-1841</del>	<del>2862-3479</del>
25 <del>Municipal Court Program Assistant</del>	<del>C5-1847</del>	<del>2880-3500</del>
26 <del>Municipal Court Operations and Training Manager</del>	<del>C5-2033</del>	<del>3468-4215</del>
27 <del>Municipal Court Management Analyst</del>	<del>C5-2107</del>	<del>3734-4539</del>
28 <del>Municipal Court Systems and Facilities Manager</del>	<del>C5-2176</del>	<del>4001-4863</del>
30 <del>Municipal Court Fiscal and Administrative Manager</del>	<del>C5-2199</del>	<del>4094-4976</del>
32 <del>County Municipal Court Administrator</del>	<del>C1-2573</del>	<del>7231 F</del>
33		
	Salary	Pay
Class Title	Schedule	Level
36 <i>Deputy Clerk—Beginning Level</i>	<i>C5-1270</i>	<i>1618-1966</i>
37 <i>Deputy Clerk—Experienced Level</i>	<i>C5-1414</i>	<i>1868-2270</i>
38 <i>Deputy Clerk—Senior Level</i>	<i>XB-1572</i>	<i>2085-2663</i>
39 <i>Deputy Clerk—Specialist Level</i>	<i>XC-1686</i>	<i>2334-2982</i>
40 <i>Deputy Clerk—DEO I</i>	<i>C5-1337</i>	<i>1730-2102</i>



1	<i>Deputy Clerk-DEO II</i>	<i>C5-1434</i>	<i>1906-2316</i>
2	<i>Deputy Clerk-Courtroom Clerk</i>	<i>C5-1836</i>	<i>2848-3462</i>
3	<i>Court Operations Coordinator II</i>	<i>C5-2103</i>	<i>3719-4521</i>
4	<i>Court Operations Coordinator I</i>	<i>C5-2006</i>	<i>3375-4103</i>
5	<i>District Court Manager III</i>	<i>C1-2432</i>	<i>6281F</i>
6	<i>District Court Manager II</i>	<i>C5-2322</i>	<i>4629-5627</i>
7	<i>District Court Manager I</i>	<i>C5-2194</i>	<i>4073-4951</i>
8	<i>Court Probation Officer</i>	<i>C5-1947</i>	<i>3182-3868</i>
9	<i>Municipal Court Collection Agent</i>	<i>C5-1682</i>	<i>2442-2968</i>
10	<i>Municipal Court Computer Systems</i>		
11	<i>Technician</i>	<i>C5-1752</i>	<i>2619-3183</i>
12	<i>Municipal Court Accounting Specialist</i>	<i>XB-1766</i>	<i>2549-3256</i>
13	<i>Municipal Court Division Supervisor</i>	<i>C5-1861</i>	<i>2920-3349</i>
14	<i>Municipal Court Program Assistant</i>	<i>C5-1867</i>	<i>2938-3571</i>
15	<i>Municipal Court Operations and</i>		
16	<i>Training Manager</i>	<i>C5-2053</i>	<i>3538-4300</i>
17	<i>Municipal Court Management Analyst</i>	<i>C5-2127</i>	<i>3809-4630</i>
18	<i>Municipal Court Systems and Facilities</i>		
19	<i>Manager</i>	<i>C5-2196</i>	<i>4081-4961</i>
20	<i>Municipal Court Fiscal and</i>		
21	<i>Administrative Manager</i>	<i>C5-2219</i>	<i>4176-5076</i>
22	<i>County Municipal Court Administrator</i>	<i>C1-2593</i>	<i>7377 F</i>

23     *SEC. 1.9. Section 73358 of the Government Code is*  
24 *amended to read:*

25     73358. The total number of positions authorized for  
26 operation of municipal courts in Contra Costa County is  
27 as follows:

28		
29		Number of
30	Class Title	Positions
31	Deputy clerk–(deep class), including beginning,	
32	experienced, senior, and specialist levels	230
33	Deputy clerk–DEO I or II	26
34	Deputy clerk–courtroom clerk	18
35	Court operations coordinator II	2
36	Court operations coordinator I	2
37	District court manager III	1
38	District court manager II	2
39	District court manager I	1
40	Court probation officer	4



1	Municipal court division supervisor	15
2	<i>Municipal court computer systems technician</i>	<i>1</i>
3	Municipal court accounting specialist	1
4	Municipal court <del>collections</del> collection agent	2
5	Municipal court program assistant	1
6	Municipal court operations and training manager	1
7	Municipal court management analyst	1
8	Municipal court systems and facilities manager	1
9	Municipal court fiscal and administrative manager	1
10	County municipal court administrator	1

11 SEC. 2. Section 73665.5 of the Government Code is  
 12 amended to read:

13 73665.5. (a) There shall be one marshal for each  
 14 division of the district. Upon the effective date of this  
 15 chapter:

16 (1) The elected constable of the North Humboldt  
 17 Judicial District shall continue in office as the marshal of  
 18 the North Humboldt Division until the expiration of his  
 19 or her current elected term of office. Until the expiration  
 20 of his or her current term, the marshal shall receive the  
 21 same salary and benefits to which he or she was entitled  
 22 as constable.

23 (2) The elected marshal of the Eureka Judicial District  
 24 shall continue in office as the marshal of the Eureka  
 25 Division until the expiration of his or her current elected  
 26 term of office. Until the expiration of his or her current  
 27 term, the marshal shall receive the same salary and  
 28 benefits to which he or she was entitled as marshal.

29 (3) The elected constable on the Eel River Judicial  
 30 District shall continue in office as the marshal of the Eel  
 31 River Division until the expiration of his or her current  
 32 elected term in office. Until the expiration of his or her  
 33 current term, the marshal shall receive the same salary  
 34 and benefits to which he or she was entitled as constable.

35 (4) The marshal may appoint in his or her division,  
 36 with the approval of the presiding judge and the  
 37 concurrence of the board of supervisors, the following  
 38 officers:  
 39



1 (A) In the North Humboldt Division, one deputy  
2 marshal and one legal office assistant I/II.

3 (B) In the Eureka Division, one chief deputy marshal,  
4 three deputy marshals I/II, one senior legal office  
5 assistant, and one legal office assistant I/II.

6 (C) In the Eel River Division, one deputy marshal and  
7 one legal office assistant I/II.

8 This paragraph is not intended, and shall not be  
9 construed, to limit the county from changing the number  
10 or types of positions set forth herein.

11 (b) Notwithstanding any other provision of law, in the  
12 event of a vacancy in the position of marshal in any  
13 division, whether prior to or subsequent to the expiration  
14 of the then current term, an appointment to fill that  
15 vacancy shall be made by the presiding judge of that  
16 division with the concurrence of the board of supervisors.  
17 Each appointed marshal shall serve at the pleasure of the  
18 presiding judge and may be removed from office in  
19 accordance with any appropriate county personnel  
20 resolutions.

21 SEC. 3. Article 11.6 (commencing with Section  
22 73750) of Chapter 10 of Title 8 of the Government Code,  
23 as enacted by Chapter 762 of the Statutes of 1980, is  
24 repealed.

25 SEC. 4. Article 11.6 (commencing with Section  
26 73750) of Chapter 10 of Title 8 of the Government Code,  
27 as enacted by Chapter 1327 of the Statutes of 1990, is  
28 repealed.

29 SEC. 5. Article 11.6 (commencing with Section  
30 73750) is added to Chapter 10 of Title 8 of the  
31 Government Code, to read:

32

33 Article 11.6. Madera County

34

35 73750. There is in the County of Madera, on and after  
36 the effective date of this section, a single municipal court  
37 district known as the Madera County Municipal Court  
38 District.

39 73751. The Madera County Municipal Court District  
40 shall consist of the following divisions, embracing the



1 territory that is within the following judicial districts in  
2 the County of Madera on the effective date of this section,  
3 as those districts may later be modified by the board of  
4 supervisors or by operation of law:

5 (a) Madera Division, that territory within the Madera  
6 Judicial District.

7 (b) Borden Division, that territory within the Borden  
8 Judicial District.

9 (c) Chowchilla Division, that territory within the  
10 Chowchilla Judicial District.

11 (d) Sierra Division, that territory within the Sierra  
12 Judicial District.

13 73752. (a) There shall be one judge for each division.  
14 Upon the effective date of this article the judges of the  
15 former Madera, Borden, Chowchilla, and Sierra Judicial  
16 Districts automatically shall become the judges of the  
17 Madera, Borden, Chowchilla, and Sierra Divisions,  
18 respectively, of the Madera County Municipal Court  
19 District.

20 (b) The time for election and qualification of the  
21 successor to any judge who becomes a judge of the district  
22 pursuant to this article shall be that previously fixed by  
23 law for election and qualification of the successors for the  
24 courts and offices superseded, had those courts not been  
25 superseded.

26 (c) The judge of each division shall be elected by the  
27 electors resident within that division, and not from the  
28 district at large. However, any otherwise qualified  
29 candidate is eligible to be elected to any division if he or  
30 she resides within the district as a whole.

31 73753. The board may by ordinance modify or enlarge  
32 the divisions created by this chapter. This section shall not  
33 be construed to limit or be limited by existing provisions  
34 of law conferring authority upon the board to revise  
35 district boundaries or to consolidate districts.

36 73754. As used in this article:

37 (a) Except as otherwise provided, for purposes of  
38 qualification and election of judges, “division” as used in  
39 this chapter means the “District” referred to in



1 subdivision (b) of Section 16 of Article VI of the California  
2 Constitution.

3 (b) "Board" means the Board of Supervisors of the  
4 County of Madera.

5 (c) "County" means the County of Madera.

6 (d) "District" means the Madera County Municipal  
7 Court District.

8 73755. The judges of the district shall, by majority  
9 vote, elect one of their members to serve as presiding  
10 judge and shall formulate rules and regulations consistent  
11 with those of the Judicial Council for transfer of cases,  
12 assignment of judges, scheduling of vacation of judges,  
13 and other administrative matters to promote uniformity  
14 of procedures, efficiency, and economy in the business of  
15 the district.

16 73756. (a) Facilities for the district shall be  
17 maintained at the court facilities provided within each  
18 division. The presiding judge shall determine the nature  
19 and frequency of sessions held at the court facilities  
20 within each division.

21 (b) Trial jurors for each session of the courts of the  
22 district shall be selected from persons residing within the  
23 divisions in which those sessions are held.

24 73757. (a) For the period from January 1, 1996, to  
25 January 5, 1997, inclusive, there shall be one marshal for  
26 each division within the district. Any person serving as an  
27 elected constable in any of the justice court districts  
28 previously in existence at the time of the creation of the  
29 district shall, until the expiration of his or her elected  
30 term in office, be entitled to carry out the duties of the  
31 office of marshal of the division encompassing the former  
32 justice court district in which he or she was serving, under  
33 the same terms and conditions of employment and  
34 compensation as were previously provided prior to the  
35 creation of the district. Notwithstanding any other  
36 provision of law, in the event of a vacancy in the position  
37 of marshal prior to January 6, 1997, the board shall make  
38 an appointment. Each marshal, with the approval of the  
39 board, may appoint any necessary deputy marshals and



1 clerks. The board shall designate the positions, job titles,  
2 and salary ranges for these positions by resolution.

3 (b) On and after January 6, 1997, there shall be one  
4 marshal for the district who shall be appointed by a  
5 majority of the judges of the municipal and superior  
6 courts, with the concurrence of the board of supervisors.  
7 The marshal shall serve at the pleasure of the judges of the  
8 municipal and superior courts. The marshal shall receive  
9 as compensation a salary equivalent to that of a sergeant  
10 in the Madera County Sheriff's Department and may be  
11 appointed at any salary step within the equivalent salary  
12 range of a sheriff's sergeant.

13 (c) Notwithstanding any other provision of law,  
14 effective January 6, 1997, the office of the Marshal of the  
15 Madera County Municipal Court District shall serve both  
16 the municipal and superior courts of Madera County. The  
17 marshal shall possess the rights and powers and perform  
18 the duties imposed upon marshals of municipal courts  
19 generally, and within Madera County, the marshal shall  
20 exercise all powers and perform all duties imposed upon  
21 sheriffs with respect to proceedings in superior court.

22 (d) Effective January 6, 1997, the marshal may appoint  
23 Deputy Marshals I/II up to six and one-half full-time  
24 equivalent (FTE) positions. Deputy marshals shall serve  
25 at the pleasure of the marshal. The position of Deputy  
26 Marshal II shall receive a salary set by the board of  
27 supervisors at not less than the salary for a Deputy Sheriff  
28 I (Basic POST) and Deputy Marshal I shall receive a  
29 salary set by the board of supervisors at 10 percent less  
30 than the salary for a Deputy Marshal II. The marshal's  
31 office shall have not less than two half-time Office  
32 Assistant I/II positions which shall be paid at the  
33 then-current salary range designated in the Madera  
34 County Salary Resolution for Office Assistant I/II  
35 positions. The marshal, with the approval of the judges of  
36 the municipal and superior courts and the board of  
37 supervisors, may appoint such additional deputy marshals  
38 and office assistants as may be necessary. The board of  
39 supervisors shall designate the positions, job titles, and  
40 salary ranges for such positions by resolution. The



1 marshal’s office shall be treated as a county department  
2 for all budgetary purposes.

3 75758. Each marshal shall be responsible for the  
4 transportation of prisoners held in the county’s ~~Adult~~  
5 ~~Correctional Facility~~ *adult correctional facility* to and  
6 from necessary court appearances, medical trips, and  
7 transfers to or from local, state, or federal correctional  
8 facilities. To meet this responsibility, each marshal shall  
9 contract with the county department of corrections,  
10 pursuant to Section 831.6 of the Penal Code, to provide  
11 these transportation services by qualified personnel of  
12 the county department of corrections.

13 73759. (a) All clerical employees of the superseded  
14 justice courts on the effective date of this chapter shall  
15 become clerical employees of the municipal court  
16 district, with no loss of salary, benefits, or civil service  
17 status, as follows:

18 (1) Borden Division:

19 (A) One Municipal Court Supervisor II who shall  
20 receive the salary specified in range 14.

21 (B) Two Municipal Court Clerks III who shall receive  
22 the salary specified in range 11.

23 (C) Two and one-half Municipal Court Clerks II who  
24 shall receive the salary specified in range 9.5.

25 (2) Chowchilla Division:

26 (A) One Municipal Court Supervisor I who shall  
27 receive the salary specified in range 13.

28 (B) Two Municipal Court Clerks III who shall receive  
29 the salary specified in range 11.

30 (C) One Municipal Court Clerks II who shall receive  
31 the salary specified in range 9.5.

32 (3) Madera Division:

33 (A) One Municipal Court Supervisor II who shall  
34 receive the salary specified in range 14.

35 (B) Two Municipal Court Clerks III who shall receive  
36 the salary specified in range 11.

37 (C) Six and one-quarter Municipal Court Clerks II  
38 who shall receive the salary specified in range 9.5.

39 (D) One Office Assistant I who shall receive the salary  
40 specified in range 4.5.



1 (E) One Interpreter/Clerk (Spanish) who shall  
2 receive the salary specified in range 14.

3 (4) Sierra Division:

4 (A) One Municipal Court Supervisor I who shall  
5 receive the salary specified in range 14.

6 (B) Two Municipal Court Clerks III who shall receive  
7 the salary specified in range 11.

8 (C) Two Municipal Court Clerks II who shall receive  
9 the salary specified in range 9.5.

10 (b) Notwithstanding the provisions of this article and  
11 Article 4 (commencing with Section 72150), whenever  
12 the business of the court or other emergency requires a  
13 greater number of employees or reclassification of  
14 employees in order to effectively carry out the duties and  
15 functions of the court, a majority of judges of the district  
16 may, with the approval of the board, establish new  
17 positions or reclassify existing positions for officers,  
18 attachés, and employees in addition to those provided by  
19 this article. The order and approval establishing these  
20 positions shall designate the position, title, and salary  
21 range for each position.

22 (c) At the request of the judges of the district, the  
23 county personnel department shall assist in the  
24 recruitment and examination of court personnel.  
25 Personnel hired or appointed as official reporters, official  
26 interpreters, staff attorneys, administrators, or other  
27 nonclerical positions on or after the effective date of this  
28 article shall serve at the pleasure of the majority of the  
29 judges of the district. Other provisions of the county civil  
30 service or personnel rules or procedures shall not be  
31 applicable to those court employees unless made  
32 applicable by local court rule. For all court personnel,  
33 benefits other than salary shall be the same as are now or  
34 may be later provided to equivalent county  
35 classifications, as that equivalency is determined by  
36 agreement of the majority of the judges of the district and  
37 the board, but shall not exceed those provided for  
38 equivalent county classifications. To the extent necessary  
39 to implement the intent of this subdivision, court  
40 employees shall be deemed county employees for



1 inclusion in those benefit programs provided to county  
2 employees as a group or groups. All court employees,  
3 except pro tempore court reporters, shall be included in  
4 the county's retirement system if otherwise eligible  
5 under statutory and retirement system membership  
6 requirements.

7 (d) Any adjustment of the number, classification, or  
8 compensation of employees pursuant to this section shall  
9 be effective only until January 1 of the second year  
10 following the year in which the adjustment is made,  
11 unless ratified by the Legislature.

12 73760. (a) Whenever a reference is made to a  
13 numbered salary range in any section of this article, the  
14 schedule of monthly salaries found in the salary resolution  
15 for the county in effect on the effective date of this article  
16 shall apply.

17 (b) In the event the board amends the county salary  
18 resolution or adopts a new resolution to provide for a  
19 change in compensation for the ranges or steps, those  
20 changes shall be effective for the municipal court  
21 employees under this article on the effective date of the  
22 act of the board or the effective date of this section,  
23 whichever is earlier, and shall remain effective only until  
24 January 1 of the second year following the year in which  
25 the change is made, unless ratified by the Legislature.

26 73761. The officers, employees, and attachés of the  
27 municipal court district shall be entitled to the same  
28 vacation, sick leave, and similar benefits and privileges as  
29 those granted to other county employees under the  
30 ordinances and resolutions of the board.

31 73762. Official reporters shall be appointed by and  
32 serve at the pleasure of the majority of the judges of the  
33 municipal court district pursuant to Section 72194. The  
34 salary of each official reporter shall be at the rates  
35 provided by Section 70045.12, which shall be charged  
36 against the general fund of the county.

37 73763. All matters affecting the employment,  
38 appointment, promotion, demotion, termination,  
39 transfer, layoff, or discipline of municipal court officers,  
40 employees, or attachés that are not specifically



1 determined by this article shall be governed and  
2 regulated by the then-current ordinances and resolutions  
3 of the county ~~Civil Service Commission~~ *civil service*  
4 *commission* and the board.

5 73764. Except as otherwise provided by resolution of  
6 the board, all officers, employees, and attachés of the  
7 municipal court district shall devote their full time to the  
8 performance of their duties.

9 73765. Notwithstanding the provisions of this article  
10 and Article 4 (commencing with Section 72150) of  
11 Chapter 8, the officers, employees, and attachés of the  
12 municipal court district may be paid increased  
13 compensation, not to exceed 25 percent of the amounts  
14 specified in this article, in order to equalize their  
15 compensation with that paid to county employees with  
16 commensurate duties and responsibilities. These  
17 increases may be made upon the recommendation of a  
18 majority of the judges of the municipal court district with  
19 the approval of the board and may be made operative at  
20 the same time as the higher compensation becomes  
21 operative for similar county positions. Any pay increase  
22 authorized by this section shall only be effective until  
23 January 1 of the second calendar year after the calendar  
24 year in which the change occurs, unless ratified by the  
25 Legislature.

26 73766. Except as otherwise provided by resolution of  
27 the board or by this article, all fees collected by court  
28 officers and attachés, including the marshals and any  
29 deputy marshals, shall be deposited in the county  
30 treasury. Notwithstanding any other provision of law, the  
31 marshals and any deputy marshals shall be entitled to  
32 retain all fees paid to them for their services for the period  
33 between January 1, 1996, and January 5, 1997.

34 73767. For purposes of this article, the terms  
35 “officers,” “employees,” and “attachés” of the municipal  
36 court district include the officers and employees of the  
37 marshal’s office created herein.

38 SEC. 6. Article 12.3 (commencing with Section  
39 73784) of Chapter 10 of Title 8 of the Government Code  
40 is repealed.



1 SEC. 7. Article 12.3 (commencing with Section  
2 73784) is added to Chapter 10 of Title 8 of the  
3 Government Code, to read:

4  
5  
6

Article 12.3. Mendocino County

7 73784. This article applies to and establishes the  
8 Mendocino County Municipal Court District, which shall  
9 embrace the entire County of Mendocino, and shall  
10 supersede the Anderson, Arena, Long Valley, Round  
11 Valley, and Ten Mile Judicial Districts and the Mount San  
12 Hedrin Municipal Court District.

13 73784.1. There is in the County of Mendocino one  
14 municipal court judicial district, known as the Mendocino  
15 County Municipal Court District which shall have seven  
16 judges.

17 73784.2. (a) The Mendocino County Municipal  
18 Court District shall consist of six divisions as follows:

19 Anderson Division, Arena Division, Long Valley  
20 Division, Mount San Hedrin Division, Round Valley  
21 Division, and Ten Mile Division. The Mount San Hedrin  
22 Division shall consist of two branches, Ukiah and Willits.

23 (b) The judicial boundaries of the Anderson Division  
24 shall be that of the former Anderson Judicial District.

25 (c) The judicial boundaries of the Arena Division shall  
26 be that of the former Arena Judicial District.

27 (d) The judicial boundaries of the Long Valley  
28 Division shall be that of the former Long Valley Judicial  
29 District.

30 (e) The judicial boundaries of the Mount San Hedrin  
31 Division shall be that of the former Mount San Hedrin  
32 Municipal Court District.

33 (f) The judicial boundaries of the Round Valley  
34 Division shall be that of the former Round Valley Judicial  
35 District.

36 (g) The judicial boundaries of the Ten Mile Division  
37 shall be that of the former Ten Mile Judicial District.

38 73784.3. Each of the judicial divisions shall have one  
39 judge with the exception of the Mount San Hedrin



1 Division, which shall have two judges, one for each  
2 branch.

3 73784.4. The current judge of each judicial district  
4 superseded by this section shall automatically become the  
5 judge of the newly formed judicial division.

6 73784.5. The time for election and qualifications of the  
7 successor to any judge who becomes a judge of a division  
8 pursuant to this section shall be that previously fixed by  
9 law for the election and qualification of the successors for  
10 the court and office superseded, had those courts not  
11 been superseded. The judge of each division shall be  
12 elected by the electors resident within that judicial  
13 division.

14 For the purposes of the qualification and election of  
15 judges, the “division” referred to in this article is and shall  
16 continue to be the “district” referred to in subdivision (b)  
17 of Section 16 of Article VI of the California Constitution.

18 73784.6. Each judge who was a judge of the part-time  
19 municipal court before the effective date of this section  
20 shall be available for the balance of time necessary to  
21 comprise a full-time workload.

22 73784.7. The sheriff shall provide bailiff and security  
23 services to the municipal court as requested by *the*  
24 municipal court.

25 73784.8. Except as provided in Section 73784.9, there  
26 shall be one marshal, who shall serve at the pleasure of the  
27 judges of the Mendocino County Municipal Court  
28 District. Upon the effective date of this section, the  
29 marshal of the superseded Mount San Hedrin Municipal  
30 Court District shall become the Marshal of the  
31 Mendocino County Municipal Court. The marshal shall  
32 be responsible for service of civil and criminal process,  
33 and for municipal court bailiff and security services as  
34 requested by judges.

35 73784.9. The elected constables of the former  
36 Anderson and Round Valley Judicial Districts shall  
37 continue in office as assistant marshals until the expiration  
38 of their then-current terms, at which time they may serve  
39 as assistant marshals under the direction and pleasure of  
40 the Marshal of the Mendocino County Municipal Court.



1 Each office of constable shall be abolished upon  
2 expiration of the term in effect on the effective date of  
3 this section, or any vacancy, whichever shall first occur,  
4 and the Marshal of the Mendocino County Municipal  
5 Court shall then succeed to the duties of the offices so  
6 abolished.

7 SEC. 8. Section 74020 of the Government Code is  
8 amended to read:

9 74020. This article shall be applicable to the municipal  
10 court hereby established for the geographical area  
11 encompassing the entire County of Placer, which shall  
12 hereby be known as the Placer County Municipal Court.

13 SEC. 9. Section 74020.5 is added to the Government  
14 Code, read:

15 74020.5. (a) For the purposes of the qualification and  
16 election of a judge for the Tahoe Division, the Tahoe  
17 Division shall constitute a district for purposes of  
18 subdivision (b) of Section 16 of Article VI of the California  
19 Constitution.

20 (b) The territory comprising the former Tahoe  
21 Judicial District shall constitute the Tahoe Division of the  
22 Placer County Municipal Court.

23 (c) Trial jurors for each session of the Tahoe Division  
24 shall be selected from persons residing within the  
25 division. Trial jurors for each session of all other courts of  
26 the Placer County Municipal Court shall be selected from  
27 persons residing within the county, excluding those  
28 persons residing within the division.

29 SEC. 10. Section 74021 of the Government Code is  
30 amended to read:

31 74021. There shall be four judges and one  
32 commissioner. The salary of the commissioner shall be 75  
33 percent of that of a municipal court judge. The judge of  
34 the Tahoe Judicial District shall succeed to office as  
35 municipal court judge for the Tahoe Division for the  
36 remainder of the term to which he or she was elected or  
37 appointed. The court shall provide circuit judge services  
38 to all branch courts established by the board of  
39 supervisors. The frequency and extent of such services



1 shall be dependent upon the needs of the community and  
2 shall lie within the sound discretion of the court.

3 SEC. 11. Article 29.6 (commencing with Section  
4 74720) is added to Chapter 10 of Title 8 of the  
5 Government Code, to read:

6

7

Article 29.6. Siskiyou County

8

9 74720. The Siskiyou County Municipal Court District  
10 shall supersede the Western, Southeastern, and  
11 Dorris/Tulelake Judicial Districts and shall embrace the  
12 entire County of Siskiyou.

13 74721. There shall be three judges.

14 74722. The present judicial incumbents in the  
15 superseded judicial districts shall succeed to the judicial  
16 positions of the new municipal court district.

17 74723. The time for election and qualifications of the  
18 successor to any judge who becomes a judge of the  
19 municipal court shall be that previously fixed by law for  
20 the election and qualifications of successors. The judges  
21 of the district shall be elected at large by the electors  
22 resident within the district. Any otherwise qualified  
23 candidate is eligible to be elected if he or she resides  
24 within the district.

25 74724. The court shall maintain facilities at Yreka,  
26 Dorris, Weed, and other locations determined by the  
27 court. The court shall determine the nature and  
28 frequency of sessions to be held at additional court  
29 locations.

30 74725. Trial jurors for each session of the courts of the  
31 district shall be selected from the persons residing within  
32 the district.

33 74726. The officers, employees, and attachés of the  
34 municipal court shall be entitled to the same vacation,  
35 sick leave, and similar benefits and privileges as those  
36 granted to other employees of the county. Incumbent  
37 officers, employees, and attachés of the superseded courts  
38 shall retain all accrued benefits and privileges.

39 74727. (a) All matters affecting the employment of  
40 the officers, employees, and attachés that are not



1 specifically determined by this article or another  
2 provision of state law shall be governed by the current  
3 personnel ordinance of the County of Siskiyou.

4 (b) The Board of Supervisors of the County of Siskiyou  
5 may adjust the salaries paid to employees of the municipal  
6 court as part of its county employee compensation plan.  
7 Any adjustment shall be effective on the same date as the  
8 effective date of the action of the board to adjust  
9 compensation of other county employees. Any  
10 adjustment shall be effective only until January 1 of the  
11 second year following the year in which the adjustment  
12 is made, unless ratified by the Legislature.

13 74728. The Siskiyou County Sheriff shall be ex officio  
14 marshal.

15 74729. There shall be three deputy marshals. Any  
16 person lawfully and rightfully holding the office of  
17 constable on November 8, 1994, is entitled to serve as  
18 deputy marshal, with the same compensation and the  
19 same terms of employment he or she had as a constable,  
20 for the remainder of his or her elected or appointed term.

21 74730. So long as a new position of deputy marshal is  
22 occupied by a person who occupied the position of a  
23 constable prior to November 8, 1995, the relationship of  
24 the new deputy marshal to the County of Siskiyou shall  
25 remain the same as the relationship of such person  
26 occupying the office of constable was prior to November  
27 8, 1994. Nothing shall be interpreted as waiving any rights  
28 the County of Siskiyou may have with regard to, or  
29 changing the status of, any person occupying the position  
30 of constable prior to November 8, 1994, or as affecting the  
31 rights of any person claiming a right to occupy the  
32 position of constable prior to November 8, 1994, except to  
33 the extent permitted by Proposition 191 amending  
34 Section 5 of Article VI of the California Constitution.

35 74731. Except as otherwise provided, the designated  
36 deputies of the Sheriff of Siskiyou County shall act as ex  
37 officio deputy marshals of the Siskiyou County Municipal  
38 Court.

39 SEC. 12. *Section 74922 of the Government Code is*  
40 *amended to read:*



1 74922. The then current personnel rules and  
2 ordinances of the county shall govern the hiring date;  
3 increases within range; salary on promotion, transfer, or  
4 demotion; salary on position reclassification, obligations  
5 and benefits and discipline of municipal court officers and  
6 attachés.

7 All other matters affecting the employment of such  
8 municipal court officers and attachés which are not  
9 specifically determined by this article or other provisions  
10 of state law shall be ~~governed and regulated by the then~~  
11 ~~current personnel rules, ordinances, and resolutions of as~~  
12 *determined* by the board of supervisors.

13 *SEC. 13. Section 74925 of the Government Code is*  
14 *amended to read:*

15 74925. Notwithstanding Section 72190, a majority of  
16 the judges of the district may appoint one commissioner  
17 who shall hold office at the pleasure of a majority of the  
18 judges. The commissioner shall serve all the divisions by  
19 agreement of the judges. The commissioner shall receive  
20 a salary of not less than 70 nor more than 80 percent of the  
21 salary of a judge of the municipal court. The salary shall  
22 be determined by the board of supervisors within this  
23 range. The commissioner shall possess the same  
24 qualifications as the law requires of a judge of the  
25 municipal court and shall not engage in the private  
26 practice of law. The commissioner shall be an ex officio  
27 deputy clerk of the court and shall receive ~~the same~~  
28 *vacation, sick leave, and fringe benefits as granted to*  
29 ~~other attachés of the court~~ *determined by the board of*  
30 *supervisors.*

31 Membership in the Tulare County Retirement System  
32 shall be optional at the election of the commissioner. The  
33 commissioner shall make an irrevocable election whether  
34 or not to participate in the retirement system no later  
35 than 60 days after appointment to the position.

36 *SEC. 14. Section 74926.5 of the Government Code is*  
37 *amended to read:*

38 74926.5. The officers and attachés of the municipal  
39 courts, except regular official reporters and reporters pro  
40 tempore, shall be entitled to the same vacation, sick leave,



1 leave of absence, and similar benefits and privileges as are  
2 provided for the employees of the County of Tulare  
3 under ordinances and resolutions of the board of  
4 supervisors in effect on January 1, 1991, *or as thereafter*  
5 *revised or amended by the board of supervisors.*

6 *SEC. 15.* No reimbursement is required by this act  
7 pursuant to Section 6 of Article XIII B of the California  
8 Constitution because the only costs that may be incurred  
9 by a local agency or school district are the result of a  
10 program for which legislative authority was requested by  
11 that local agency or school district, within the meaning of  
12 Section 17556 of the Government Code and Section 6 of  
13 Article XIII B of the California Constitution.

14 Notwithstanding Section 17580 of the Government  
15 Code, unless otherwise specified, the provisions of this act  
16 shall become operative on the same date that the act  
17 takes effect pursuant to the California Constitution.

18 \_\_\_\_\_

19 CORRECTIONS

20 **Text — Page 10.**

21 \_\_\_\_\_

22

