

AMENDED IN ASSEMBLY APRIL 26, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 848**

**Introduced by Assembly Member Isenberg**

February 22, 1995

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An act to amend Section 68112 of, *and to add Section 68112.5 to, the Government Code, and to amend Section 1462.2 of the Penal Code*, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 848, as amended, Isenberg. Courts: trial court coordination plan.

(1) Existing law required the adoption by superior, municipal, and justice courts and the approval by the Judicial Council of a trial court coordination plan on or before March 1, 1992. Existing law requires each trial court to submit an updated coordination plan to the Judicial Council on or before March 1, 1995, and every other year thereafter. Operative January 1, 1995, justice courts were eliminated and merged into municipal courts.

This bill would make conforming changes in the above described provisions relating to coordination plans by eliminating references to justice courts.

(2) *Existing law provides for subordinate judicial officers who are authorized to perform specified functions for the trial courts.*

*This bill would provide that in a county in which the approved trial court coordination plan so provides,*

*subordinate judicial officers may be cross-assigned between trial courts within the same county, as specified.*

*(3) Existing law specifies the proper municipal court for the trial of misdemeanor actions.*

*This bill would revise those provisions to provide for transfer of a misdemeanor action to another municipal court within the same county pursuant to the approved trial court coordination plan if misdemeanor actions are pending against the defendant in more than one judicial district within the same county, as specified.*

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

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

1 SECTION 1. Section 68112 of the Government Code  
 2 is amended to read:  
 3 68112. (a) On or before March 1, 1992, each superior  
 4 and municipal court in each county, in consultation with  
 5 the local bar, shall prepare and submit to the Judicial  
 6 Council for review and approval a trial court coordination  
 7 plan designed to achieve maximum utilization of judicial  
 8 and other court resources and statewide cost reductions  
 9 in court operations of at least 3 percent in the 1992–93  
 10 fiscal year, a further 2 percent in the 1993–94 fiscal year,  
 11 and a further 2 percent in the 1994–95 fiscal year, as  
 12 applicable. The cost reduction shall be based on the prior  
 13 year actual expenditures, plus any amount reduced from  
 14 the budget for court operations by a county as a result of  
 15 any reduction in state funding made pursuant to Section  
 16 13308, increased by the percentage change in population  
 17 for the prior calendar year and the Department of  
 18 Commerce implicit price deflator for state and local  
 19 government for the prior calendar year. The  
 20 coordination plan for each court shall be reviewed and  
 21 approved by the Judicial Council on or before July 1, 1992.  
 22 Thereafter, commencing in 1995 each court shall submit  
 23 an updated coordination plan to the Judicial Council  
 24 every other year on or before March 1, for review and  
 25 approval by July 1. Any plan disapproved by the Judicial



1 Council shall be revised and resubmitted within 60 days  
2 of notification of disapproval. The Judicial Council may  
3 by rule exempt any court from the requirement of filing  
4 a new coordination plan for any year if the court has (1)  
5 totally consolidated administrative functions under a  
6 single administrative entity, and (2) adopted and  
7 implemented a coordination plan in which the  
8 participating superior court and each participating  
9 municipal court share each other's work so that cases in  
10 the participating courts are substantially assigned  
11 without regard to whether a judge is on the superior court  
12 or the municipal court, and which provides for  
13 procedures that implement that sharing of work.

14 (b) The coordination plan shall take into consideration  
15 the elements of those plans specified in standards adopted  
16 by the Judicial Council and applicable case processing  
17 time standards adopted by the Judicial Council. The  
18 standards adopted by the Judicial Council shall include,  
19 but not be limited to, the following:

20 (1) The use of blanket cross-assignments allowing  
21 judges to hear civil, criminal, or other types of cases  
22 within the jurisdiction of another court.

23 (2) The coordinated or joint use of subordinate judicial  
24 officers to hear or try matters.

25 (3) The coordinated, joint use, sharing or merger of  
26 court support staff among trial courts within a county or  
27 across counties. In a county with a population of less than  
28 100,000 the coordination plan need not involve merger of  
29 superior and municipal court staffs if the court can  
30 reasonably demonstrate that the maintenance of separate  
31 administrative staffs would be more cost-effective and  
32 provide better service.

33 (4) The assignment of civil, criminal, or other types of  
34 cases for hearing or trial, regardless of jurisdictional  
35 boundaries, to any available judicial officer.

36 (5) The assignment of any type of case to a judge for  
37 all purposes commencing with the filing of the case and  
38 regardless of jurisdictional boundaries.

39 (6) The establishment of separate calendars or  
40 divisions to hear a particular type of case.



1 (7) In rural counties, the use of all court facilities for  
2 hearings and trials of all types of cases and to accept for  
3 filing documents in any case before any court in the  
4 county participating in the coordination plan.

5 (8) The coordinated or joint use of alternative dispute  
6 resolution programs such as arbitration.

7 (9) The unification of the trial courts within a county  
8 to the maximum extent permitted by the Constitution.

9 (10) The joint development of automated accounting  
10 and case-processing systems, including joint use of  
11 moneys available under Section 68090.8.

12 (c) In preparing coordination plans a court or courts  
13 in a county may petition the Judicial Council to permit  
14 division of the court or courts into smaller administrative  
15 units where a courtwide plan would impose an undue  
16 burden because of the number of judges or the physical  
17 location of the divisions of the court or courts.

18 (d) In preparing coordination plans, the courts are  
19 strongly encouraged to develop a plan that includes all  
20 superior and municipal courts in the county.

21 *SEC. 2. Section 68112.5 is added to the Government*  
22 *Code, to read:*

23 *68112.5. Notwithstanding any other provision of law,*  
24 *in those counties with approved coordination plans*  
25 *pursuant to Section 68112 that so provide, the subordinate*  
26 *judicial officers of a trial court, by agreement between*  
27 *trial courts within the same county, may be cross-assigned*  
28 *to any other trial court within the same county and, when*  
29 *so assigned, shall exercise all of the powers and perform*  
30 *all of the duties authorized by law to be performed by any*  
31 *subordinate judicial officer of that court.*

32 *SEC. 3. Section 1462.2 of the Penal Code is amended*  
33 *to read:*

34 ~~1462.2. Except as otherwise provided in the Vehicle~~  
35 ~~Code, the proper court for the trial of criminal cases~~  
36 ~~amounting to misdemeanor shall be determined as~~  
37 ~~follows: Any municipal or justice court, having~~  
38 ~~jurisdiction of the subject matter of the case, established~~  
39 ~~in the county within which the offense charged was~~  
40 ~~committed, is the proper court for the trial of the case;~~



1 otherwise, the court having jurisdiction of the subject  
2 matter, nearest to the place where the offense was  
3 committed, is the proper court for the trial of the case.

4 (a) Except as otherwise provided in the Vehicle Code, a  
5 misdemeanor action shall be filed in the municipal court  
6 for the judicial district in which the offense was  
7 committed.

8 (b) A misdemeanor action may be transferred to a  
9 municipal court for any other judicial district in the  
10 county to implement the courts' coordination plan  
11 approved pursuant to Section 68112 of the Government  
12 Code. If misdemeanor actions are pending against the  
13 defendant in more than one district in the county, upon  
14 the motion of any party, the actions shall be transferred  
15 to one municipal court within the county for  
16 arraignment, trial, and disposition. The court to which the  
17 case or cases are transferred under this subdivision is the  
18 proper court.

19 (c) If an action or proceeding is commenced in a court  
20 having jurisdiction of the subject matter ~~thereof~~ other  
21 than the court herein designated as the proper court for  
22 the trial specified in subdivision (a), the action may,  
23 notwithstanding, be tried in the court where the action  
24 was commenced, unless the defendant, at the time he or  
25 she pleads, requests an order transferring the action or  
26 proceeding to the proper court. If after ~~such~~ the request  
27 it appears that the action or proceeding was not  
28 commenced in the proper court, the court shall order the  
29 action or proceeding transferred to the proper court. The  
30 judge ~~must~~ shall, at the time of arraignment, inform the  
31 defendant of his or her right to be tried in the district  
32 wherein the offense was committed, except as provided  
33 in subdivision (b).

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