

Senate Bill No. 162

CHAPTER 963

An act to add Section 68083 to the Government Code, relating to courts.

[Approved by Governor October 16, 1995. Filed
with Secretary of State October 16, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

SB 162, Lockyer. Courts: municipal and superior court judges.

Existing law specifies the number of municipal and superior court judgeships for each county.

This bill would authorize the Governor, upon the occurrence of a vacancy in a municipal court judgeship, to reduce the number of municipal court judgeships and increase the number of superior court judgeships by one, as specified.

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

SECTION 1. Section 68083 is added to the Government Code, to read:

68083. (a) Upon the occurrence of a vacancy in a municipal court judgeship, other than the sole remaining municipal court judgeship for the county, if the Governor finds there are sufficient funds for the conversion of a municipal court judgeship into a superior court judgeship and finds that the administration of justice would be advanced by such a conversion, the number of municipal court judges for the county shall then be reduced by one and the number of superior court judges for the county shall be increased by one. Prior to making a determination, the Governor shall consider the following factors:

- (1) The geographic separation of the two courts.
- (2) The fiscal impact of the conversion.

(3) The existence of a coordination plan approved pursuant to Section 68112 of the Government Code that permits blanket cross-assignment of superior court judges and municipal court judges to assist in the timely processing of cases before all of the courts in the county.

(b) For purposes of this section, a vacancy in a municipal court judgeship shall be deemed to occur only upon the appointment or election of a municipal court judge to another office, or to a court other than a superior court judgeship which was created within three years pursuant to this section, upon the removal or death of the municipal court judge holding that judgeship, or upon the



resignation or retirement of a municipal court judge who is 65 years of age or older.

(c) The Governor's finding shall become effective when received by the Secretary of State.

(d) When a finding by the Governor that a position should be reallocated takes effect, the Judicial Council shall reallocate to the superior court the funding in support of the municipal court salary and the chamber staff positions as well as any other required funding.

