

AMENDED IN SENATE APRIL 26, 1995

SENATE BILL

No. 1102

Introduced by Senator Dills

February 24, 1995

An act to amend Sections 73391.5, 73393, 73395, 73399.3, 74020, 74021, and 74641 of, to add Sections 74020.1, 74021.1, 74031, 74640.1, 74640.2, 74641.2, and 74641.3 to, and to repeal and add Section 74640 of, the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1102, as amended, Dills. Courts.

~~(1) Existing~~

Existing law provides for the number and duties of the judges and attachés of the municipal courts in Kings, Placer, and Santa Barbara Counties, as specified. Operative January 1, 1995, justice courts were eliminated and merged into municipal courts.

This bill would revise provisions for the consolidation of the Kings County Municipal Court, provide for the judges of the Kings County Municipal Court to serve as presiding judge on a rotating basis, and provide for the sheriff to act as ex officio marshal in Kings County, to become operative January 1, 1996; establish a countywide Placer County Municipal Court with a Tahoe Division with one additional judge; establish a Northern Santa Barbara Municipal Court with one additional judge and one additional commissioner; provide for the succession to office and election of judges of the Northern Santa Barbara Municipal Court; and provide for the selection

of trial jurors in Placer and Santa Barbara Counties, as specified. The bill would impose a state-mandated local program by requiring new duties of local officials.

~~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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:~~

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 73391.5 of the Government
2 Code is amended to read:
3 73391.5. The board of supervisors may, at any time,
4 request a determination by the Judicial Council as to
5 whether the countywide judicial workload justifies a
6 countywide municipal court with four judges. If the
7 Judicial Council so determines, the board of supervisors
8 may consolidate the Avenal Municipal Court with the
9 Kings County Municipal Court District. On the effective
10 date of the consolidation and thereafter, the Kings
11 County Municipal Court District will consist of the
12 Avenal, Corcoran, Hanford, and Lemoore Divisions, and
13 all provisions of this article shall apply to the Kings
14 County Municipal Court District as so formed.



1 SEC. 2. Section 73393 of the Government Code is
2 amended to read:

3 73393. On the operative date of this article, the
4 Municipal Court Judge of the Hanford Municipal Court
5 District and the Justice Court Judges of the Corcoran and
6 Lemoore Judicial Districts shall assume the positions of
7 Municipal Court Judges of the Hanford, Corcoran, and
8 Lemoore Divisions, respectively. On the operative date
9 of the consolidation of the Avenal Municipal Court within
10 the Kings County Municipal Court District, the
11 Municipal Court Judge of the Avenal Municipal Court
12 shall assume the position of Municipal Court Judge of the
13 Avenal Division of the Kings County Municipal Court
14 District. Judges shall be elected for six-year terms
15 beginning in 2000.

16 SEC. 3. Section 73395 of the Government Code is
17 amended to read:

18 73395. Each of the judges shall serve an annual term
19 as the presiding judge of the Kings County Municipal
20 Court on a rotating basis in the following order: Avenal,
21 Corcoran, Hanford, and Lemoore. The annual term of the
22 presiding judge shall commence on July 1, 1996, and on
23 each following July 1. As an alternative, the judges of the
24 Kings County Municipal Court may by majority vote
25 select another method for choosing the presiding judge
26 of the court, but in no event shall the term of the presiding
27 judge be longer than one year, and no judge shall serve
28 successive terms as presiding judge. The presiding judge
29 of the district shall formulate rules and regulations not
30 inconsistent with law or rules and regulations adopted
31 and prescribed by the Judicial Council for transfer of
32 cases, assignment of judges, scheduling of vacation of
33 judges, and other administrative matters such as will
34 promote uniformity of procedures and efficiency and
35 economy in the business of the district. Those rules and
36 regulations shall be administered by the court executive
37 officer under the supervision and control of the presiding
38 judge of the district. Any rules and regulations adopted
39 pursuant to Section 72002.1 shall be adopted by a majority
40 vote of the judges of the district.

1 SEC. 4. Section 73399.3 of the Government Code is
2 amended to read:

3 73399.3. Notwithstanding any other provision of law,
4 upon the consolidation authorized pursuant to Section
5 73391.5 the incumbent constable of the Avenal Justice
6 Court shall become an employee of the Sheriff's
7 Department in Kings County in a classification specified
8 by the board of supervisors for the balance of the term he
9 or she would have served as constable. He or she shall not
10 suffer any diminution in salary or benefits during that
11 time. Effective January 1, 1996, the position of Constable
12 of the Avenal Justice Court is hereby abolished. The
13 sheriff shall serve as the ex officio marshal of the Avenal
14 Municipal Court until such time as the board of
15 supervisors consolidates the Avenal Municipal Court with
16 the Kings County Municipal Court District, at which time
17 the sheriff shall serve in the Avenal Division as set forth
18 in Section 73399.2.

19 SEC. 5. Section 74020 of the Government Code is
20 amended to read:

21 74020. This article shall be applicable to the municipal
22 court hereby established for the geographical area
23 encompassing the entire County of Placer formerly
24 consisting of the Roseville-Rocklin, Loomis-Lincoln,
25 Auburn-Colfax, and Foresthill Judicial Districts. There
26 shall be a single municipal court district known as the
27 Placer County Municipal Court District.

28 SEC. 6. Section 74020.1 is added to the Government
29 Code, to read:

30 74020.1. The Placer County Municipal Court shall
31 include a Tahoe Division comprising the territory within
32 the former Tahoe Judicial District. The judge of the
33 former Tahoe Justice Court shall automatically succeed to
34 office as the Municipal Court Judge for the Tahoe
35 Division, in the manner further provided in this article.

36 SEC. 7. Section 74021 of the Government Code is
37 amended to read:

38 74021. There shall be four judges and one
39 commissioner. The salary of the commissioner shall be 75
40 percent of that of a municipal court judge. The Placer



1 County Municipal Court shall provide circuit judge
2 services to all branch courts established by the board of
3 supervisors. The frequency and extent of such services
4 shall be dependent upon the needs of the community and
5 shall lie within the sound discretion of the court.

6 SEC. 8. Section 74021.1 is added to the Government
7 Code, to read:

8 74021.1. For purposes of the qualification and election
9 of a judge for the Tahoe Division, the “division” referred
10 to in Section 74020.1 is and shall continue to be the
11 “district” referred to in subdivision (b) of Section 16 of
12 Article VI of the California Constitution.

13 SEC. 9. Section 74031 is added to the Government
14 Code, to read:

15 74031. Trial jurors for each session of the Tahoe
16 Division of the Placer County Municipal Court District
17 shall be selected from persons residing within the
18 territory of the former Tahoe Justice Court which
19 comprises the division. Trial jurors for each session of all
20 other divisions of the district may be selected from
21 persons residing anywhere within the district, excluding
22 those persons residing within the Tahoe Division
23 boundaries.

24 SEC. 10. Section 74640 of the Government Code is
25 repealed.

26 SEC. 11. Section 74640 is added to the Government
27 Code, to read:

28 74640. There are in the County of Santa Barbara two
29 municipal court districts, known as the Santa Barbara
30 Municipal Court and the Northern Santa Barbara
31 Municipal Court.

32 SEC. 12. Section 74640.1 is added to the Government
33 Code, to read:

34 74640.1. The Northern Santa Barbara Municipal
35 Court is comprised of three divisions, embracing that
36 territory in the county which was specified to be within
37 the Santa Maria Municipal Court District, the Lompoc
38 Municipal Court District, and the Solvang Justice Court
39 District as they existed on December 31, 1994; and with
40 such modifications to division boundaries as may



1 thereafter be made by the board of supervisors, after
2 public hearing, or by operation of law.

3 SEC. 13. Section 74640.2 is added to the Government
4 Code, to read:

5 74640.2. In order that the citizens residing in each
6 division of the Northern Santa Barbara Municipal Court
7 may have convenient access to the court, sufficient court
8 facilities, including staff and other necessary personnel,
9 shall be maintained in each division at the following sites
10 or as otherwise designated by the board of supervisors:

11 (a) In the Santa Maria Division, in the City of Santa
12 Maria.

13 (b) In the Lompoc Division, in the City of Lompoc.

14 (c) In the Solvang Division, in the City of Solvang.

15 SEC. 14. Section 74641 of the Government Code is
16 amended to read:

17 74641. Each of the municipal court districts in the
18 County of Santa Barbara shall have the following number
19 of judges and commissioners:

- 20
- 21 (a) Santa Barbara 4 judges
- 22 (b) Northern Santa Barbara:
- 23 (1) Santa Maria Division 2 judges and 1 commissioner
- 24 (2) Lompoc Division 1 judge
- 25 (3) Solvang Division 1 judge
- 26

27 SEC. 15. Section 74641.2 is added to the Government
28 Code, to read:

29 74641.2. (a) In the Northern Santa Barbara Judicial
30 District, judges shall be eligible for offices in the district
31 as follows:

32 (1) In the Santa Maria Division, the two judges of the
33 Santa Maria Judicial District shall automatically become
34 the two judges of the Santa Maria Division.

35 (2) In the Lompoc Division, the judge of the Lompoc
36 Judicial District shall automatically become the judge of
37 the Lompoc Division.

38 (3) In the Solvang Division, the judge of the Solvang
39 Judicial District shall automatically become the judge of
40 the Solvang Division.



1 (b) The time for election and qualification of the
2 successor to any judge who becomes the judge of a
3 division pursuant to this section shall be that previously
4 fixed by law for the election and qualification of the
5 successors for the court and office superseded, had those
6 courts not been superseded. The judge of each division
7 shall be elected by the electors resident within that
8 division, and not from the Northern Santa Barbara
9 Judicial District at large. However, any otherwise
10 qualified candidate is eligible to be elected to any division
11 if he or she resides within the boundaries of the district
12 as a whole.

13 SEC. 16. Section 74641.3 is added to the Government
14 Code, to read:

15 74641.3. Trial jurors for each session of the courts of
16 the district shall be selected from persons residing within
17 the divisions in which the sessions are held. Upon
18 adoption of a rule pertaining thereto by the judges, any
19 division may use the same jury panel as that summoned
20 for service in the North County Division of the Superior
21 Court. When selected from the superior court panel,
22 persons selected for jury duty in a municipal court
23 division need not be residents of that division. Nothing in
24 this article shall be interpreted to in any way limit the
25 authority of the court to adopt local rules for purposes of
26 selecting trial jurors pursuant to Section 203 of the Code
27 of Civil Procedure.

28 SEC. 17. Sections 1 to 4, inclusive, of this act shall
29 become operative on January 1, 1996.

30 ~~SEC. 18. Notwithstanding Section 17610 of the~~
31 ~~Government Code, if the Commission on State Mandates~~
32 ~~determines that this act contains costs mandated by the~~
33 ~~state, reimbursement to local agencies and school~~
34 ~~districts for those costs shall be made pursuant to Part 7~~
35 ~~(commencing with Section 17500) of Division 4 of Title~~
36 ~~2 of the Government Code. If the statewide cost of the~~
37 ~~claim for reimbursement does not exceed one million~~
38 ~~dollars (\$1,000,000), reimbursement shall be made from~~
39 ~~the State Mandates Claims Fund.~~



1 ~~Notwithstanding Section 17580 of the Government~~
2 ~~Code, unless otherwise specified, the provisions of this act~~
3 ~~shall become operative on the same date that the act~~
4 ~~takes effect pursuant to the California Constitution.~~

5 *SEC. 18. No reimbursement is required by this act*
6 *pursuant to Section 6 of Article XIII B of the California*
7 *Constitution because the only costs that may be incurred*
8 *by a local agency or school district are the result of a*
9 *program for which legislative authority was requested by*
10 *that local agency or school district, within the meaning of*
11 *Section 17556 of the Government Code and Section 6 of*
12 *Article XIII B of the California Constitution.*

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

