

AMENDED IN ASSEMBLY APRIL 8, 1997
AMENDED IN ASSEMBLY MARCH 31, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1438

Introduced by Assembly Member Cardoza

February 28, 1997

An act to add and repeal Section 68085.5 of the Government Code, relating to courts, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1438, as amended, Cardoza. Trial Court Trust Fund.

Existing law establishes the Trial Court Trust Fund for the purpose of funding trial court operations.

This bill would ~~require~~, until July 1, 2001, ~~that~~ *authorize* any unexpended funds, not to exceed \$5,000,000, in the Trial Court Trust Fund for the 1996–97 fiscal year or any other available funds *to* be allocated by the Judicial Council for trial court facilities renovation, repair, and maintenance projects, as specified. The expenditure of these funds for purposes that are not defined court operations, would constitute an appropriation. The bill would also provide ~~until July 1, 2001~~, *that if the county retained share of any specified fines and forfeitures remitted by the trial courts of a county in excess of exceeds the amount remitted from of the fines and forfeitures collected in that county during the 1994–95 fiscal year, that excess* shall be deposited into the Trial Court Trust Fund, up

to the amount of any allocation made pursuant to ~~that provision~~ the bill. The bill would also provide that these provisions shall become operative only if AB 233 or SB 9 is enacted and takes effect on or before January 1, 1998.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 68085.5 is added to the
2 Government Code, to read:

3 68085.5. (a) Notwithstanding Section 68085, the
4 Judicial Council may allocate unexpended funds in the
5 Trial Court Trust Fund, or any other funds available for
6 allocation, for the 1996–97 fiscal year for trial court
7 facilities renovation, repair, and maintenance projects
8 approved by the Judicial Council subject to the conditions
9 in subdivision (d). The amount allocated pursuant to this
10 section shall not exceed five million dollars (\$5,000,000).

11 (b) The Judicial Council is authorized to allocate
12 moneys from the funds specified in subdivision (a) for
13 such projects as may be approved by the Judicial Council,
14 and shall be paid to the county therefor by the Controller.

15 (c) Notwithstanding Section 68085, beginning in the
16 1997–98 fiscal year and each year thereafter, ~~any fine and~~
17 ~~forfeiture revenue remitted to the state pursuant to~~
18 ~~Sections 27361 and 76000 of this code, Sections 1463.001~~
19 ~~and 1464 of the Penal Code, and Sections 42007, 42007.1,~~
20 ~~and 42008 of the Vehicle Code by the trial courts of a~~
21 ~~county that receives funds pursuant to this section in~~
22 ~~excess of the amount remitted during the 1994–95 fiscal~~
23 ~~year shall be deposited into the Trial Court Trust Fund,~~
24 ~~up to the amount of any allocation made pursuant to this~~
25 ~~section.~~ *if the county retained share of any fines and*
26 *forfeitures collected by the trial courts of a county that*
27 *receives funds pursuant to subdivision (a) exceeds the*
28 *fin*es and forfeitures collected during the 1994–95 fiscal
29 year, the excess fines and forfeitures which would
30 otherwise be retained by the county shall be instead be



1 *deposited in the Trial Court Trust Fund up to the amount*
2 *of any allocation made pursuant to this section.*

3 (d) Projects approved by the Judicial Council
4 pursuant to this section shall meet the following
5 conditions:

6 (1) The county has an environmental impact review
7 report certified if it is required for the project.

8 (2) The county board of supervisors has completed
9 and approved the plans and specifications for the project.

10 (3) The county has completed the architectural design
11 through a request for proposal process for the project.

12 (4) The county has completed any update of the
13 justice facility master plan that is necessary.

14 (5) The county has already completed a competitive
15 bid process for the project.

16 (6) The county has completed any and all land
17 acquisition, including all necessary condemnation and
18 relocation proceedings, for the project.

19 (7) The county has received Board of Corrections
20 approval for any holding facilities.

21 ~~(e) This section shall become inoperative on July 1,~~
22 ~~2001, and, as of January 1, 2002, is repealed, unless a later~~
23 ~~enacted statute, that becomes operative on or before~~
24 ~~January 1, 2002, deletes or extends the dates on which it~~
25 ~~becomes inoperative and is repealed.~~

26 *(e) Subdivisions (a), (b), and (d) shall become*
27 *inoperative on July 1, 2001. Subdivision (c) shall become*
28 *inoperative when all funds allocated to any county*
29 *pursuant to this section have been repaid.*

30 *SEC. 2. Section 1 of this act shall become operative*
31 *only if Assembly Bill 233 or Senate Bill 9 is enacted and*
32 *takes effect on or before January 1, 1998.*

