

AMENDED IN SENATE SEPTEMBER 2, 2005

AMENDED IN SENATE AUGUST 30, 2005

AMENDED IN SENATE AUGUST 16, 2005

AMENDED IN SENATE JUNE 28, 2005

AMENDED IN SENATE JUNE 15, 2005

AMENDED IN ASSEMBLY APRIL 18, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1742

**Introduced by Committee on Judiciary (Jones (Chair), Evans,
Laird, Levine, Lieber, and Montanez)**

March 2, 2005

An act to amend Section 6321 of the Business and Professions Code, to amend Section 43.55 of the Civil Code, to amend Sections 116.230, 116.330, 116.340, 116.780, 128.7, 396b, 415.21, 425.115, 998, 1141.21, and 1540 of, and to repeal and add Section 116.725 of, the Code of Civil Procedure, to amend Sections 811.9, 905, 910.4, 11135, 68085, 68085.1, 68085.4, 68086, 68086.1, 68090.8, 68511.3, 70601, 70626, 70640, 77207.5, and 77209 of, and to add Sections 905.7 and 68085.9 to, the Government Code, to amend Section 123.6 of the Labor Code, to amend Section 1214.1 of the Penal Code, and to amend Sections 16020 and 16058.1 of the Vehicle Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1742, as amended, Committee on Judiciary. Courts.

(1) Under existing law, no liability or cause of action arises against a peace officer making an arrest pursuant to a warrant of arrest regular

upon its face, if the peace officer acts without malice and in reasonable belief that the person arrested is the one referred to in the warrant.

This bill would provide that the term “warrant of arrest regular upon its face” includes both a paper arrest warrant issued pursuant to a judicial order and a judicial order entered into an automated warrant system by authorized law enforcement or court personnel, as specified.

(2) Existing law governs procedures in the small claims court. These provisions set forth various time periods for scheduling cases for hearing and specifies methods for service of the claim and order on a defendant. These provisions state that they may not be construed to prevent a court from correcting a clerical error in a judgment or setting aside and vacating a judgment on the ground of an incorrect or erroneous legal basis for the decision.

This bill would provide that, when a claim is filed, the case shall be scheduled for hearing no earlier than 20 days and not more than 70 days from the date of the order, thereby eliminating the various time periods. The bill would require that proof of service of the claim and order be filed at least 5 days before the hearing. The bill would authorize a party to make only one motion to correct a clerical error or set aside and vacate a judgment and provide that a party may have 30 days after the clerk mails notice of entry of judgment to the parties to make that motion.

(3) Existing law requires, until January 1, 2006, that all pleadings filed with a court be signed, except as specified, and that the filing of any paper with a court certifies that specified conditions have been satisfied. Existing law also specifies sanctions for violation of these requirements.

This bill would delete the repeal date of January 1, 2006, contained in these provisions and thereby extend indefinitely the operation of these provisions.

(4) *Existing law authorizes a court in a proceeding for dissolution of marriage or legal separation and prior to the determination of a motion for a change of venue, to consider and make all necessary and proper orders in connection with motions for allowance of temporary spousal support, support of children, and counsel fees and costs.*

This bill would revise that provision to additionally apply to proceedings under the Uniform Parentage Act and to authorize the court to consider and determine motions to determine custody of and

visitation with children in any of the proceedings to which the provision applies prior to determining the motion for a change of venue.

(5) Existing law requires a person to be granted access to a staffed gated community for a reasonable time period for the purpose of performing lawful service of process, as specified.

This bill would also authorize access to a staffed gated community for the purpose of serving a subpoena.

~~(5)~~

(6) Existing law also governs offers by a party to compromise a dispute that is to be resolved by trial or arbitration.

This bill would require a written offer to compromise to include a statement of the offer and a provision that allows the accepting party to indicate acceptance of the offer by signing a statement that the offer is accepted, as specified. The bill would also require that any acceptance of the offer, whether made on the document containing the offer or on a separate document of acceptance, to be in writing and signed by the accepting party or his or her counsel, as specified.

~~(6)~~

(7) Existing law, the Unclaimed Property Law, governs the disposition of unclaimed property, including the escheat of certain property to the state. Those provisions set forth procedures whereby a person may file a claim to the property or to the net proceeds from its sale. Those provisions also specify the procedures for transferring the property from the holder of the property to the state and for administering the property. The Controller administers property that has escheated to the state, and is required to adopt guidelines and forms to provide specific instructions to assist owners, as defined, in filing claims with the state.

This bill would further define “owner” for purposes of those provisions to include a public administrator, as specified.

~~(7)~~

(8) Existing law sets forth the procedure for filing a claim against a statewide public entity, as specified.

This bill would specify that these procedures also apply to claims against a judicial branch entity, *and would make a statement of legislative intent in that regard.* ~~The bill would also provide that for a 2-year period ending on January 1, 2008, a failure to timely present a tort claim against a judicial branch entity shall be presumed to~~

~~constitute excusable neglect for purposes of relieving the claimant of specified claim presentation requirements.~~

~~(8) Existing law authorizes a court in a proceeding for dissolution of marriage or legal separation and prior to the determination of a motion for a change of venue, to consider and make all necessary and proper orders in connection with motions for allowance of temporary spousal support, support of children, and counsel fees and costs.~~

~~This bill would revise that provision to additionally apply to proceedings under the Uniform Parentage Act and to authorize the court to consider and determine motions to determine custody of and visitation with children in any of the proceedings to which the provision applies prior to determining the motion for a change of venue.~~

~~(9) Existing law provides that no person in the state shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to, discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.~~

~~This bill would clarify that those provisions apply to the California State University, and would make a statement of legislative intent in that regard.~~

~~(10) The Uniform Civil Fees and Standard Fee Schedule Act of 2005, as of January 1, 2006, establishes a uniform schedule of filing fees and other civil fees for the superior courts. Among other things, the act generally increases the filing fees for civil actions and proceedings, including, but not limited to, those fees related to small claims court, motions, appeals, judgments, the filing of the first paper in a civil action or proceeding in the superior court, in a limited civil case, and in complex cases, and in family law and probate matters, and fees for various certifications, recordings, filings, and the authentication of documents. The act also authorizes the court to charge a reasonable fee for videoconferencing, providing services or products, if approved by the Judicial Council, and handling funds held in trust for noncourt parties or entities. The act provides that none of these civil fees may be changed before January 1, 2008, except as specified.~~

~~This bill would make nonsubstantive technical changes to that act, and would make conforming changes to related provisions. The bill~~

would also make related changes with regard to law library fees in Los Angeles County, law library funds, the Administrative Office of the Courts, court reporters, and the definition of “automated administrative systems” in the context of the act.

~~(10)~~

(11) Certain changes made by this bill to Section 116.230 of the Code of Civil Procedure and Section 68085.1 of the Government Code would only become operative if AB 1459 or SB 422 is enacted and becomes effective on or before January 1, 2006, and increases the jurisdictional limit of the small claims court.

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

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

1 SECTION 1. Section 6321 of the Business and Professions
2 Code, as added by Section 7 of Chapter 75 of the Statutes of
3 2005, is amended to read:

4 6321. (a) On and after January 1, 2006, as described in
5 Section 68085.1 of the Government Code, the Administrative
6 Office of the Courts shall make monthly distributions from
7 superior court filing fees to the law library fund in each county in
8 the amounts described in this section and Section 6322.1. From
9 each first paper filing fee as provided under Section 70611,
10 70612, 70613, 70614, or 70670 of the Government Code, each
11 first paper or petition filing fee in a probate matter as provided
12 under Section 70650, 70651, 70652, 70653, 70654, 70655,
13 70656, or 70658 of the Government Code, Section 103470 of the
14 Health and Safety Code, or Section 7660 of the Probate Code,
15 each filing fee for a small claim or limited civil case appeal as
16 provided under Section 116.760 of the Code of Civil Procedure
17 or Section 70621 of the Government Code, and each vehicle
18 forfeiture petition fee as provided under subdivision (e) of
19 Section 14607.6 of the Vehicle Code, that is collected in each of
20 the following counties, the amount indicated in this subdivision
21 shall be paid to the law library fund in that county:

23	Jurisdiction	Amount
24	Alameda.....	\$31.00
25	Alpine.....	4.00

1	Amador.....	20.00
2	Butte.....	29.00
3	Calaveras.....	26.00
4	Colusa.....	17.00
5	Contra Costa.....	29.00
6	Del Norte.....	20.00
7	El Dorado.....	26.00
8	Fresno.....	31.00
9	Glenn.....	20.00
10	Humboldt.....	40.00
11	Imperial.....	20.00
12	Inyo.....	20.00
13	Kern.....	21.00
14	Kings.....	23.00
15	Lake.....	23.00
16	Lassen.....	25.00
17	Los Angeles.....	18.00
18	Madera.....	26.00
19	Marin.....	32.00
20	Mariposa.....	27.00
21	Mendocino.....	26.00
22	Merced.....	23.00
23	Modoc.....	20.00
24	Mono.....	20.00
25	Monterey.....	25.00
26	Napa.....	20.00
27	Nevada.....	23.00
28	Orange.....	29.00
29	Placer.....	29.00
30	Plumas.....	20.00
31	Riverside.....	26.00
32	Sacramento.....	44.00
33	San Benito.....	20.00
34	San Bernardino.....	23.00
35	San Diego.....	35.00
36	San Francisco.....	36.00
37	San Joaquin.....	23.00
38	San Luis Obispo.....	31.00
39	San Mateo.....	32.50
40	Santa Barbara.....	35.00

1	Santa Clara.....	26.00
2	Santa Cruz.....	29.00
3	Shasta.....	20.00
4	Sierra.....	20.00
5	Siskiyou.....	26.00
6	Solano.....	26.00
7	Sonoma.....	29.00
8	Stanislaus.....	18.00
9	Sutter.....	7.00
10	Tehama.....	20.00
11	Trinity.....	20.00
12	Tulare.....	29.00
13	Tuolumne.....	20.00
14	Ventura.....	26.00
15	Yolo.....	29.00
16	Yuba.....	7.00

17

18 (b) If a board of supervisors in any county acted before
19 January 1, 2006, to increase the law library fee in that county
20 effective January 1, 2006, the amount distributed to the law
21 library fund in that county under subdivision (a) shall be
22 increased by the amount that the board of supervisors acted to
23 increase the fee, up to three dollars (\$3). Notwithstanding
24 subdivision (b) of Section 6322.1, as it read on January 1, 2005,
25 the maximum increase permitted under this subdivision in Los
26 Angeles County is three dollars (\$3), rather than two dollars (\$2).

27 SEC. 2. Section 43.55 of the Civil Code is amended to read:

28 43.55. (a) There shall be no liability on the part of, and no
29 cause of action shall arise against, any peace officer who makes
30 an arrest pursuant to a warrant of arrest regular upon its face if
31 the peace officer in making the arrest acts without malice and in
32 the reasonable belief that the person arrested is the one referred
33 to in the warrant.

34 (b) As used in this section, a “warrant of arrest regular upon its
35 face” includes both of the following:

36 (1) A paper arrest warrant that has been issued pursuant to a
37 judicial order.

38 (2) A judicial order that is entered into an automated warrant
39 system by law enforcement or court personnel authorized to
40 make those entries at or near the time the judicial order is made.

1 SEC. 3. Section 116.230 of the Code of Civil Procedure, as
2 added by Section 19 of Chapter 75 of the Statutes of 2005, is
3 amended to read:

4 116.230. (a) In a small claims case, the clerk of the court
5 shall charge and collect only those fees authorized under this
6 chapter.

7 (b) If the party filing a claim has filed 12 or fewer small
8 claims in the state within the previous 12 months, the filing fee is
9 the following:

10 (1) Thirty dollars (\$30) if the amount of the demand is one
11 thousand five hundred dollars (\$1,500) or less.

12 (2) Fifty dollars (\$50) if the amount of the demand is more
13 than one thousand five hundred dollars (\$1,500) but less than or
14 equal to five thousand dollars (\$5,000).

15 (3) Seventy-five (\$75) if the amount of the demand is more
16 than five thousand dollars (\$5,000).

17 (c) If the party has filed more than 12 other small claims in the
18 state within the previous 12 months, the filing fee is one hundred
19 dollars (\$100).

20 (d) Each party filing a claim shall file a declaration with the
21 claim stating whether that party has filed more than 12 other
22 small claims in the state within the last 12 months.

23 (e) The clerk of the court shall deposit fees collected under
24 this section into a bank account established for this purpose by
25 the Administrative Office of the Courts and maintained under
26 rules adopted by or trial court financial policies and procedures
27 authorized by the Judicial Council under subdivision (a) of
28 Section 77206 of the Government Code. The deposits shall be
29 made as required under Section 68085.1 of the Government Code
30 and trial court financial policies and procedures authorized by the
31 Judicial Council.

32 (f) The Administrative Office of the Courts shall distribute six
33 dollars (\$6) of each thirty dollar (\$30) fee, eight dollars (\$8) of
34 each fifty dollar (\$50) fee, ten dollars (\$10) of each seventy-five
35 dollar (\$75) fee, and fourteen dollars (\$14) of each one hundred
36 dollar (\$100) fee collected under subdivision (b) or (c) to a
37 special account in the county in which the court is located to be
38 used for the small claims advisory services described in Section
39 116.940. The Administrative Office of the Courts shall also
40 distribute two dollars (\$2) of each seventy-five dollar (\$75) fee

1 collected under subdivision (b) to the law library fund in the
2 county in which the court is located. Records of these moneys
3 shall be available for inspection by the public on request.

4 (g) The remainder of the fees collected under subdivisions (b)
5 and (c) shall be transmitted monthly to the Controller for deposit
6 in the Trial Court Trust Fund.

7 (h) This section and Section 116.940 shall not be applied in
8 any manner that results in a reduction of the level of services, or
9 the amount of funds allocated for providing the services
10 described in Section 116.940, that are in existence in each county
11 during the 2004-05 fiscal year. Nothing in this section shall
12 preclude the county from procuring other funding to comply with
13 the requirements of Section 116.940.

14 SEC. 4. Section 116.330 of the Code of Civil Procedure is
15 amended to read:

16 116.330. (a) When a claim is filed, the clerk shall schedule
17 the case for hearing and shall issue an order directing the parties
18 to appear at the time set for the hearing with witnesses and
19 documents to prove their claim or defense. The case shall be
20 scheduled for hearing no earlier than 20 days but not more than
21 70 days from the date of the order.

22 (b) In lieu of the method of setting the case for hearing
23 described in subdivision (a), at the time a claim is filed the clerk
24 may do all of the following:

25 (1) Cause a copy of the claim to be mailed to the defendant by
26 any form of mail providing for a return receipt.

27 (2) On receipt of proof that the claim was served as provided
28 in paragraph (1), issue an order scheduling the case for hearing in
29 accordance with subdivision (a) and directing the parties to
30 appear at the time set for the hearing with witnesses and
31 documents to prove their claim or defense.

32 (3) Cause a copy of the order setting the case for hearing and
33 directing the parties to appear, to be served upon the parties by
34 any form of mail providing for a return receipt.

35 SEC. 5. Section 116.340 of the Code of Civil Procedure is
36 amended to read:

37 116.340. (a) Service of the claim and order on the defendant
38 may be made by any one of the following methods:

1 (1) The clerk may cause a copy of the claim and order to be
2 mailed to the defendant by any form of mail providing for a
3 return receipt.

4 (2) The plaintiff may cause a copy of the claim and order to be
5 delivered to the defendant in person.

6 (3) The plaintiff may cause service of a copy of the claim and
7 order to be made by substituted service as provided in
8 subdivision (a) or (b) of Section 415.20 without the need to
9 attempt personal service on the defendant. For these purposes,
10 substituted service as provided in subdivision (b) of Section
11 415.20 may be made at the office of the sheriff or marshal who
12 shall deliver a copy of the claim and order to any person
13 authorized by the defendant to receive service, as provided in
14 Section 416.90, who is at least 18 years of age, and thereafter
15 mailing a copy of the claim and order to the defendant's usual
16 mailing address.

17 (4) The clerk may cause a copy of the claim to be mailed, the
18 order to be issued, and a copy of the order to be mailed as
19 provided in subdivision (b) of Section 116.330.

20 (b) Service of the claim and order on the defendant shall be
21 completed at least 15 days before the hearing date if the
22 defendant resides within the county in which the action is filed,
23 or at least 20 days before the hearing date if the defendant resides
24 outside the county in which the action is filed.

25 (c) Proof of service of the claim and order shall be filed with
26 the small claims court at least five days before the hearing.

27 (d) Service by the methods described in subdivision (a) shall
28 be deemed complete on the date that the defendant signs the mail
29 return receipt, on the date of the personal service, as provided in
30 Section 415.20, or as established by other competent evidence,
31 whichever applies to the method of service used.

32 (e) Service shall be made within this state, except as provided
33 in subdivisions (f) and (g).

34 (f) The owner of record of real property in California who
35 resides in another state and who has no lawfully designated agent
36 in California for service of process may be served by any of the
37 methods described in this section if the claim relates to that
38 property.

39 (g) A nonresident owner or operator of a motor vehicle
40 involved in an accident within this state may be served pursuant

1 to the provisions on constructive service in Sections 17450 to
2 17461, inclusive, of the Vehicle Code without regard to whether
3 the defendant was a nonresident at the time of the accident or
4 when the claim was filed. Service shall be made by serving both
5 the Director of the California Department of Motor Vehicles and
6 the defendant, and may be made by any of the methods
7 authorized by this chapter or by registered mail as authorized by
8 Section 17454 or 17455 of the Vehicle Code.

9 (h) If an action is filed against a principal and his or her
10 guaranty or surety pursuant to a guarantor or suretyship
11 agreement, a reasonable attempt shall be made to complete
12 service on the principal. If service is not completed on the
13 principal, the action shall be transferred to the court of
14 appropriate jurisdiction.

15 SEC. 6. Section 116.725 of the Code of Civil Procedure is
16 repealed.

17 SEC. 7. Section 116.725 is added to the Code of Civil
18 Procedure, to read:

19 116.725. (a) A motion to correct a clerical error in a
20 judgment or to set aside and vacate a judgment on the ground of
21 an incorrect or erroneous legal basis for the decision may be
22 made as follows:

- 23 (1) By the court on its own motion at any time.
- 24 (2) By a party within 30 days after the clerk mails notice of
25 entry of judgment to the parties.

26 (b) Each party may file only one motion to correct a clerical
27 error or to set aside and vacate the judgment on the ground of an
28 incorrect or erroneous legal basis for the decision.

29 SEC. 8. Section 116.780 of the Code of Civil Procedure is
30 amended to read:

31 116.780. (a) The judgment of the superior court after a
32 hearing on appeal is final and not appealable.

33 (b) Article 6 (commencing with Section 116.610) on
34 judgments of the small claims court applies to judgments of the
35 superior court after a hearing on appeal, except as provided in
36 subdivisions (c) and (d).

37 (c) For good cause and where necessary to achieve substantial
38 justice between the parties, the superior court may award a party
39 to an appeal reimbursement of (1) attorney's fees actually and
40 reasonably incurred in connection with the appeal, not exceeding

1 one hundred fifty dollars (\$150), and (2) actual loss of earnings
2 and expenses of transportation and lodging actually and
3 reasonably incurred in connection with the appeal, not exceeding
4 one hundred fifty dollars (\$150).

5 SEC. 9. Section 128.7 of the Code of Civil Procedure is
6 amended to read:

7 128.7. (a) Every pleading, petition, written notice of motion,
8 or other similar paper shall be signed by at least one attorney of
9 record in the attorney's individual name, or, if the party is not
10 represented by an attorney, shall be signed by the party. Each
11 paper shall state the signer's address and telephone number, if
12 any. Except when otherwise provided by law, pleadings need not
13 be verified or accompanied by affidavit. An unsigned paper shall
14 be stricken unless omission of the signature is corrected promptly
15 after being called to the attention of the attorney or party.

16 (b) By presenting to the court, whether by signing, filing,
17 submitting, or later advocating, a pleading, petition, written
18 notice of motion, or other similar paper, an attorney or
19 unrepresented party is certifying that to the best of the person's
20 knowledge, information, and belief, formed after an inquiry
21 reasonable under the circumstances, all of the following
22 conditions are met:

23 (1) It is not being presented primarily for an improper purpose,
24 such as to harass or to cause unnecessary delay or needless
25 increase in the cost of litigation.

26 (2) The claims, defenses, and other legal contentions therein
27 are warranted by existing law or by a nonfrivolous argument for
28 the extension, modification, or reversal of existing law or the
29 establishment of new law.

30 (3) The allegations and other factual contentions have
31 evidentiary support or, if specifically so identified, are likely to
32 have evidentiary support after a reasonable opportunity for
33 further investigation or discovery.

34 (4) The denials of factual contentions are warranted on the
35 evidence or, if specifically so identified, are reasonably based on
36 a lack of information or belief.

37 (c) If, after notice and a reasonable opportunity to respond, the
38 court determines that subdivision (b) has been violated, the court
39 may, subject to the conditions stated below, impose an
40 appropriate sanction upon the attorneys, law firms, or parties that

1 have violated subdivision (b) or are responsible for the violation.
2 In determining what sanctions, if any, should be ordered, the
3 court shall consider whether a party seeking sanctions has
4 exercised due diligence.

5 (1) A motion for sanctions under this section shall be made
6 separately from other motions or requests and shall describe the
7 specific conduct alleged to violate subdivision (b). Notice of
8 motion shall be served as provided in Section 1010, but shall not
9 be filed with or presented to the court unless, within 21 days after
10 service of the motion, or any other period as the court may
11 prescribe, the challenged paper, claim, defense, contention,
12 allegation, or denial is not withdrawn or appropriately corrected.
13 If warranted, the court may award to the party prevailing on the
14 motion the reasonable expenses and attorney's fees incurred in
15 presenting or opposing the motion. Absent exceptional
16 circumstances, a law firm shall be held jointly responsible for
17 violations committed by its partners, associates, and employees.

18 (2) On its own motion, the court may enter an order describing
19 the specific conduct that appears to violate subdivision (b) and
20 directing an attorney, law firm, or party to show cause why it has
21 not violated subdivision (b), unless, within 21 days of service of
22 the order to show cause, the challenged paper, claim, defense,
23 contention, allegation, or denial is withdrawn or appropriately
24 corrected.

25 (d) A sanction imposed for violation of subdivision (b) shall
26 be limited to what is sufficient to deter repetition of this conduct
27 or comparable conduct by others similarly situated. Subject to the
28 limitations in paragraphs (1) and (2), the sanction may consist of,
29 or include, directives of a nonmonetary nature, an order to pay a
30 penalty into court, or, if imposed on motion and warranted for
31 effective deterrence, an order directing payment to the movant of
32 some or all of the reasonable attorney's fees and other expenses
33 incurred as a direct result of the violation.

34 (1) Monetary sanctions may not be awarded against a
35 represented party for a violation of paragraph (2) of subdivision
36 (b).

37 (2) Monetary sanctions may not be awarded on the court's
38 motion unless the court issues its order to show cause before a
39 voluntary dismissal or settlement of the claims made by or
40 against the party that is, or whose attorneys are, to be sanctioned.

1 (e) When imposing sanctions, the court shall describe the
2 conduct determined to constitute a violation of this section and
3 explain the basis for the sanction imposed.

4 (f) In addition to any award pursuant to this section for
5 conduct described in subdivision (b), the court may assess
6 punitive damages against the plaintiff upon a determination by
7 the court that the plaintiff's action was an action maintained by a
8 person convicted of a felony against the person's victim, or the
9 victim's heirs, relatives, estate, or personal representative, for
10 injuries arising from the acts for which the person was convicted
11 of a felony, and that the plaintiff is guilty of fraud, oppression, or
12 malice in maintaining the action.

13 (g) This section shall not apply to disclosures and discovery
14 requests, responses, objections, and motions.

15 (h) A motion for sanctions brought by a party or a party's
16 attorney primarily for an improper purpose, such as to harass or
17 to cause unnecessary delay or needless increase in the cost of
18 litigation, shall itself be subject to a motion for sanctions. It is the
19 intent of the Legislature that courts shall vigorously use its
20 sanctions authority to deter that improper conduct or comparable
21 conduct by others similarly situated.

22 (i) This section shall apply to a complaint or petition filed on
23 or after January 1, 1995, and any other pleading, written notice of
24 motion, or other similar paper filed in that matter.

25 SEC. 10. Section 396b of the Code of Civil Procedure is
26 amended to read:

27 396b. (a) Except as otherwise provided in Section 396a, if an
28 action or proceeding is commenced in a court having jurisdiction
29 of the subject matter thereof, other than the court designated as
30 the proper court for the trial thereof, under this title, the action
31 may, notwithstanding, be tried in the court where commenced,
32 unless the defendant, at the time he or she answers, demurs, or
33 moves to strike, or, at his or her option, without answering,
34 demurring, or moving to strike and within the time otherwise
35 allowed to respond to the complaint, files with the clerk, a notice
36 of motion for an order transferring the action or proceeding to the
37 proper court, together with proof of service, upon the adverse
38 party, of a copy of those papers. Upon the hearing of the motion
39 the court shall, if it appears that the action or proceeding was not

1 commenced in the proper court, order the action or proceeding
2 transferred to the proper court.

3 (b) In its discretion, the court may order the payment to the
4 prevailing party of reasonable expenses and attorney's fees
5 incurred in making or resisting the motion to transfer whether or
6 not that party is otherwise entitled to recover his or her costs of
7 action. In determining whether that order for expenses and fees
8 shall be made, the court shall take into consideration (1) whether
9 an offer to stipulate to change of venue was reasonably made and
10 rejected, and (2) whether the motion or selection of venue was
11 made in good faith given the facts and law the party making the
12 motion or selecting the venue knew or should have known. As
13 between the party and his or her attorney, those expenses and
14 fees shall be the personal liability of the attorney not chargeable
15 to the party. Sanctions shall not be imposed pursuant to this
16 subdivision except on notice contained in a party's papers, or on
17 the court's own noticed motion, and after opportunity to be
18 heard.

19 (c) The court in a proceeding for dissolution of marriage or
20 legal separation or under the Uniform Parentage Act (Part 3
21 (commencing with Section 7600) of Division 12 of the Family
22 Code) may, prior to the determination of the motion to transfer,
23 consider and determine motions for allowance of temporary
24 spousal support, support of children, and counsel fees and costs,
25 and motions to determine custody of and visitation with children,
26 and may make all necessary and proper orders in connection
27 therewith.

28 (d) In any case, if an answer is filed, the court may consider
29 opposition to the motion to transfer, if any, and may retain the
30 action in the county where commenced if it appears that the
31 convenience of the witnesses or the ends of justice will thereby
32 be promoted.

33 (e) If the motion to transfer is denied, the court shall allow the
34 defendant time to move to strike, demur, or otherwise plead if the
35 defendant has not previously filed a response.

36 SEC. 11. Section 415.21 of the Code of Civil Procedure is
37 amended to read:

38 415.21. (a) Notwithstanding any other provision of law, any
39 person shall be granted access to a gated community for a
40 reasonable period of time for the purpose of performing lawful

1 service of process or service of a subpoena, upon identifying to
2 the guard the person or persons to be served, and upon displaying
3 a current driver’s license or other identification, and one of the
4 following:

5 (1) A badge or other confirmation that the individual is acting
6 in his or her capacity as a representative of a county sheriff or
7 marshal.

8 (2) Evidence of current registration as a process server
9 pursuant to Chapter 16 (commencing with Section 22350) of
10 Division 8 of the Business and Professions Code.

11 (b) This section shall only apply to a gated community that is
12 staffed at the time service of process is attempted by a guard or
13 other security personnel assigned to control access to the
14 community.

15 SEC. 12. Section 425.115 of the Code of Civil Procedure is
16 amended to read:

17 425.115. (a) As used in this section:

18 (1) “Complaint” includes a cross-complaint.

19 (2) “Plaintiff” includes a cross-complainant.

20 (3) “Defendant” includes a cross-defendant.

21 (b) The plaintiff preserves the right to seek punitive damages
22 pursuant to Section 3294 of the Civil Code on a default judgment
23 by serving upon the defendant the following statement, or its
24 substantial equivalent:

25
26 NOTICE TO _____:

27 _____
(Insert name of defendant or cross-defendant)

28 _____ reserves the right to seek

29 (Insert name of plaintiff or cross-complainant)

30 \$ _____ in punitive damages

31 (Insert dollar amount)

32 when _____ seeks a judgment in the

33 (Insert name of plaintiff or

34 cross-complainant)

35 suit filed against you.

36 _____

37 (Insert name of attorney or

38 party appearing in propria persona)

39 _____ (Date)

1 (c) If the plaintiff seeks punitive damages pursuant to Section
2 3294 of the Civil Code, and if the defendant appears in the
3 action, the plaintiff shall not be limited to the amount set forth in
4 the statement served on the defendant pursuant to this section.

5 (d) A plaintiff who serves a statement on the defendant
6 pursuant to this section shall be deemed to have complied with
7 Sections 425.10 and 580 of this code and Section 3295 of the
8 Civil Code.

9 (e) The plaintiff may serve a statement upon the defendant
10 pursuant to this section, and may serve the statement as part of
11 the statement required by Section 425.11.

12 (f) The plaintiff shall serve the statement upon the defendant
13 pursuant to this section before a default may be taken, if the
14 motion for default judgment includes a request for punitive
15 damages.

16 (g) The statement referred to in subdivision (b) shall be served
17 by one of the following methods:

18 (1) If the party has not appeared in the action, the statement
19 shall be served in the same manner as a summons pursuant to
20 Article 3 (commencing with Section 415.10) of Chapter 4 of
21 Title 5 of Part 2 of the Code of Civil Procedure.

22 (2) If the party has appeared in the action, the statement shall
23 be served upon his or her attorney, or upon the party if he or she
24 has appeared without an attorney, either in the same manner as a
25 summons pursuant to Article 3 (commencing with Section
26 415.10) of Chapter 4 or in the manner provided by Chapter 5
27 (commencing with Section 1010) of Title 14.

28 SEC. 13. Section 998 of the Code of Civil Procedure is
29 amended to read:

30 998. (a) The costs allowed under Sections 1031 and 1032
31 shall be withheld or augmented as provided in this section.

32 (b) Not less than 10 days prior to commencement of trial or
33 arbitration (as provided in Section 1281 or 1295) of a dispute to
34 be resolved by arbitration, any party may serve an offer in
35 writing upon any other party to the action to allow judgment to
36 be taken or an award to be entered in accordance with the terms
37 and conditions stated at that time. The written offer shall include
38 a statement of the offer, containing the terms and conditions of
39 the judgment or award, and a provision that allows the accepting
40 party to indicate acceptance of the offer by signing a statement

1 that the offer is accepted. Any acceptance of the offer, whether
2 made on the document containing the offer or on a separate
3 document of acceptance, shall be in writing and shall be signed
4 by counsel for the accepting party or, if not represented by
5 counsel, by the accepting party.

6 (1) If the offer is accepted, the offer with proof of acceptance
7 shall be filed and the clerk or the judge shall enter judgment
8 accordingly. In the case of an arbitration, the offer with proof of
9 acceptance shall be filed with the arbitrator or arbitrators who
10 shall promptly render an award accordingly.

11 (2) If the offer is not accepted prior to trial or arbitration or
12 within 30 days after it is made, whichever occurs first, it shall be
13 deemed withdrawn, and cannot be given in evidence upon the
14 trial or arbitration.

15 (3) For purposes of this subdivision, a trial or arbitration shall
16 be deemed to be actually commenced at the beginning of the
17 opening statement of the plaintiff or counsel, and if there is no
18 opening statement, then at the time of the administering of the
19 oath or affirmation to the first witness, or the introduction of any
20 evidence.

21 (c) (1) If an offer made by a defendant is not accepted and the
22 plaintiff fails to obtain a more favorable judgment or award, the
23 plaintiff shall not recover his or her postoffer costs and shall pay
24 the defendant's costs from the time of the offer. In addition, in
25 any action or proceeding other than an eminent domain action,
26 the court or arbitrator, in its discretion, may require the plaintiff
27 to pay a reasonable sum to cover costs of the services of expert
28 witnesses, who are not regular employees of any party, actually
29 incurred and reasonably necessary in either, or both, preparation
30 for trial or arbitration, or during trial or arbitration, of the case by
31 the defendant.

32 (2) (A) In determining whether the plaintiff obtains a more
33 favorable judgment, the court or arbitrator shall exclude the
34 postoffer costs.

35 (B) It is the intent of the Legislature in enacting subparagraph
36 (A) to supersede the holding in *Encinitas Plaza Real v. Knight*,
37 209 Cal.App.3d 996, that attorney's fees awarded to the
38 prevailing party were not costs for purposes of this section but
39 were part of the judgment.

1 (d) If an offer made by a plaintiff is not accepted and the
2 defendant fails to obtain a more favorable judgment or award in
3 any action or proceeding other than an eminent domain action,
4 the court or arbitrator, in its discretion, may require the defendant
5 to pay a reasonable sum to cover postoffer costs of the services
6 of expert witnesses, who are not regular employees of any party,
7 actually incurred and reasonably necessary in either, or both,
8 preparation for trial or arbitration, or during trial or arbitration, of
9 the case by the plaintiff, in addition to plaintiff's costs.

10 (e) If an offer made by a defendant is not accepted and the
11 plaintiff fails to obtain a more favorable judgment or award, the
12 costs under this section, from the time of the offer, shall be
13 deducted from any damages awarded in favor of the plaintiff. If
14 the costs awarded under this section exceed the amount of the
15 damages awarded to the plaintiff the net amount shall be awarded
16 to the defendant and judgment or award shall be entered
17 accordingly.

18 (f) Police officers shall be deemed to be expert witnesses for
19 the purposes of this section. For purposes of this section,
20 "plaintiff" includes a cross-complainant and "defendant"
21 includes a cross-defendant. Any judgment or award entered
22 pursuant to this section shall be deemed to be a compromise
23 settlement.

24 (g) This chapter does not apply to either of the following:

25 (1) An offer that is made by a plaintiff in an eminent domain
26 action.

27 (2) Any enforcement action brought in the name of the people
28 of the State of California by the Attorney General, a district
29 attorney, or a city attorney, acting as a public prosecutor.

30 (h) The costs for services of expert witnesses for trial under
31 subdivisions (c) and (d) shall not exceed those specified in
32 Section 68092.5 of the Government Code.

33 (i) This section shall not apply to labor arbitrations filed
34 pursuant to memoranda of understanding under the Ralph C.
35 Dills Act (Chapter 10.3 (commencing with Section 3512) of
36 Division 4 of Title 1 of the Government Code).

37 SEC. 14. Section 1141.21 of the Code of Civil Procedure is
38 amended to read:

39 1141.21. (a) If the judgment upon the trial de novo is not
40 more favorable in either the amount of damages awarded or the

1 type of relief granted for the party electing the trial de novo than
2 the arbitration award, the court shall order that party to pay the
3 following nonrefundable costs and fees, unless the court finds in
4 writing and upon motion that the imposition of such costs and
5 fees would create such a substantial economic hardship as not to
6 be in the interest of justice:

7 (i) To the court, the compensation actually paid to the
8 arbitrator, less any amount paid pursuant to paragraph (iv).

9 (ii) To the other party or parties, all costs specified in Section
10 1033.5, and the party electing the trial de novo shall not recover
11 his or her costs.

12 (iii) To the other party or parties, the reasonable costs of the
13 services of expert witnesses, who are not regular employees of
14 any party, actually incurred or reasonably necessary in the
15 preparation or trial of the case.

16 (iv) To the other party or parties, the compensation paid by the
17 other party or parties to the arbitrator, pursuant to subdivision (b)
18 of Section 1141.28.

19 Such costs and fees, other than the compensation of the
20 arbitrator, shall include only those incurred from the time of
21 election of the trial de novo.

22 (b) If the party electing the trial de novo has proceeded in the
23 action in forma pauperis and has failed to obtain a more
24 favorable judgment, the costs and fees under paragraphs (ii) and
25 (iii) of subdivision (a) shall be imposed only as an offset against
26 any damages awarded in favor of that party.

27 (c) If the party electing the trial de novo has proceeded in the
28 action in forma pauperis and has failed to obtain a more
29 favorable judgment, the costs under paragraph (i) of subdivision
30 (a) shall be imposed only to the extent that there remains a
31 sufficient amount in the judgment after the amount offset under
32 subdivision (b) has been deducted from the judgment.

33 SEC. 15. Section 1540 of the Code of Civil Procedure is
34 amended to read:

35 1540. (a) Any person, excluding another state, who claims an
36 interest in property paid or delivered to the Controller under this
37 chapter may file a claim to the property or to the net proceeds
38 from its sale. The claim shall be on a form prescribed by the
39 Controller and shall be verified by the claimant.

1 (b) The Controller shall consider each claim within 180 days
2 after it is filed and may hold a hearing and receive evidence. The
3 Controller shall give written notice to the claimant if he or she
4 denies the claim in whole or in part. The notice may be given by
5 mailing it to the address, if any, stated in the claim as the address
6 to which notices are to be sent. If no address is stated in the
7 claim, the notice may be mailed to the address, if any, of the
8 claimant as stated in the claim. No notice of denial need be given
9 if the claim fails to state either an address to which notices are to
10 be sent or an address of the claimant.

11 (c) No interest shall be payable on any claim paid under this
12 chapter.

13 (d) For the purposes of this section, “owner” means the person
14 who had legal right to the property prior to its escheat, his or her
15 heirs, his or her legal representative, or a public administrator
16 acting pursuant to the authority granted in Sections 7660 and
17 7661 of the Probate Code.

18 (e) Following a public hearing, the Controller shall adopt
19 guidelines and forms that shall provide specific instructions to
20 assist owners in filing claims pursuant to this article.

21 SEC. 16. Section 811.9 of the Government Code is amended
22 to read:

23 811.9. (a) Notwithstanding any other provision of law,
24 judges, subordinate judicial officers, and court executive officers
25 of the superior courts are state officers for purposes of Part 1
26 (commencing with Section 810) to Part 7 (commencing with
27 Section 995), inclusive, and trial court employees are employees
28 of the trial court for purposes of Part 1 (commencing with
29 Section 810) to Part 7 (commencing with Section 995), inclusive.
30 The Judicial Council shall provide for representation, defense,
31 and indemnification of those individuals and the court pursuant
32 to Part 1 (commencing with Section 810) to Part 7 (commencing
33 with Section 995), inclusive. The Judicial Council shall provide
34 for that representation or defense through the county counsel, the
35 Attorney General, or other counsel. The county counsel and the
36 Attorney General may, but are not required to, provide
37 representation or defense for the Judicial Council. The fact that a
38 justice, judge, subordinate judicial officer, court executive
39 officer, court employee, the court, the Judicial Council, or the
40 Administrative Office of the Courts is or was represented or

1 defended by the county counsel, the Attorney General, or other
2 counsel shall not be the sole basis for a judicial determination of
3 disqualification of a justice, judge, subordinate judicial officer,
4 the county counsel, the Attorney General, or other counsel in
5 unrelated actions.

6 (b) To promote the cost-effective, prompt, and fair resolution
7 of actions, proceedings, and claims affecting the trial courts, the
8 Judicial Council shall adopt rules of court requiring the
9 Administrative Office of the Courts to manage actions,
10 proceedings, and claims that affect the trial courts and involve
11 superior courts, superior court judges, subordinate judicial
12 officers, court executive officers, or trial court employees in
13 consultation with the affected courts and individuals. The
14 Administrative Office of the Courts' management of these
15 actions, proceedings, and claims shall include, but not be limited
16 to, case management and administrative responsibilities such as
17 selection of counsel and making strategic and settlement
18 decisions.

19 (c) Nothing in this section shall be construed to affect the
20 employment status of subordinate judicial officers, court
21 executive officers, and trial court employees related to any
22 matters not covered by subdivision (a).

23 SEC. 17. Section 905 of the Government Code is amended to
24 read:

25 905. There shall be presented in accordance with Chapter 1
26 (commencing with Section 900) and Chapter 2 (commencing
27 with Section 910) of this part all claims for money or damages
28 against local public entities except:

29 (a) Claims under the Revenue and Taxation Code or other
30 statute prescribing procedures for the refund, rebate, exemption,
31 cancellation, amendment, modification or adjustment of any tax,
32 assessment, fee or charge or any portion thereof, or of any
33 penalties, costs or charges related thereto.

34 (b) Claims in connection with which the filing of a notice of
35 lien, statement of claim, or stop notice is required under any
36 provision of law relating to mechanics', laborers' or
37 materialmen's liens.

38 (c) Claims by public employees for fees, salaries, wages,
39 mileage or other expenses and allowances.

1 (d) Claims for which the workers' compensation authorized by
2 Division 4 (commencing with Section 3200) of the Labor Code is
3 the exclusive remedy.

4 (e) Applications or claims for any form of public assistance
5 under the Welfare and Institutions Code or other provisions of
6 law relating to public assistance programs, and claims for goods,
7 services, provisions or other assistance rendered for or on behalf
8 of any recipient of any form of public assistance.

9 (f) Applications or claims for money or benefits under any
10 public retirement or pension system.

11 (g) Claims for principal or interest upon any bonds, notes,
12 warrants, or other evidences of indebtedness.

13 (h) Claims that relate to a special assessment constituting a
14 specific lien against the property assessed and that are payable
15 from the proceeds of the assessment, by offset of a claim for
16 damages against it or by delivery of any warrant or bonds
17 representing it.

18 (i) Claims by the state or by a state department or agency or by
19 another local public entity or by a judicial branch entity.

20 (j) Claims arising under any provision of the Unemployment
21 Insurance Code, including but not limited to claims for money or
22 benefits, or for refunds or credits of employer or worker
23 contributions, penalties, or interest, or for refunds to workers of
24 deductions from wages in excess of the amount prescribed.

25 (k) Claims for the recovery of penalties or forfeitures made
26 pursuant to Article 1 (commencing with Section 1720) of
27 Chapter 1 of Part 7 of Division 2 of the Labor Code.

28 (l) Claims governed by the Pedestrian Mall Law of 1960, Part
29 1 (commencing with Section 11000) of Division 13 of the Streets
30 and Highways Code.

31 SEC. 18. Section 905.7 is added to the Government Code, to
32 read:

33 905.7. ~~(a)~~—All claims against a judicial branch entity for
34 money or damages based upon an express contract or for an
35 injury for which the judicial branch entity is liable shall be
36 presented in accordance with Chapter 1 (commencing with
37 Section 900) and Chapter 2 (commencing with Section 910) of
38 this part. ~~The provisions of this section are declaratory of existing~~
39 ~~law.~~

1 ~~(b) For a two-year period ending on January 1, 2008, a failure~~
2 ~~to timely present a claim against a judicial branch entity pursuant~~
3 ~~to Section 911.2 shall be presumed to constitute excusable~~
4 ~~neglect. The judicial branch entity may rebut this presumption by~~
5 ~~showing that the party responsible for presenting the claim knew~~
6 ~~or should have known that the claim against the judicial branch~~
7 ~~entity was required to be presented pursuant to Section 911.2.~~
8 ~~This paragraph shall remain operative only until January 1, 2008,~~
9 ~~and as of that date is no longer operative.~~

10 SEC. 19. Section 910.4 of the Government Code is amended
11 to read:

12 910.4. The board shall provide forms specifying the
13 information to be contained in claims against the state or a
14 judicial branch entity. The person presenting a claim shall use the
15 form in order that his or her claim is deemed in conformity with
16 Sections 910 and 910.2. A claim may be returned to the person if
17 it was not presented using the form. Any claim returned to a
18 person may be resubmitted using the appropriate form.

19 SEC. 20. Section 11135 of the Government Code is amended
20 to read:

21 11135. (a) No person in the State of California shall, on the
22 basis of race, national origin, ethnic group identification,
23 religion, age, sex, color, or disability, be unlawfully denied full
24 and equal access to the benefits of, or be unlawfully subjected to
25 discrimination under, any program or activity that is conducted,
26 operated, or administered by the state or by any state agency, is
27 funded directly by the state, or receives any financial assistance
28 from the state. *Notwithstanding Section 11000, this section*
29 *applies to the California State University.*

30 (b) With respect to discrimination on the basis of disability,
31 programs and activities subject to subdivision (a) shall meet the
32 protections and prohibitions contained in Section 202 of the
33 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132),
34 and the federal rules and regulations adopted in implementation
35 thereof, except that if the laws of this state prescribe stronger
36 protections and prohibitions, the programs and activities subject
37 to subdivision (a) shall be subject to the stronger protections and
38 prohibitions.

39 (c) (1) As used in this section, “disability” means any mental
40 or physical disability as defined in Section 12926.

1 (2) The Legislature finds and declares that the amendments
2 made to this act are declarative of existing law. The Legislature
3 further finds and declares that in enacting Senate Bill 105 of the
4 2001–02 Regular Session (Chapter 1102 of the Statutes of 2002),
5 it was the intention of the Legislature to apply subdivision (d) to
6 the California State University in the same manner that
7 subdivisions (a), (b), and (c) of this section already applied to the
8 California State University, notwithstanding Section 11000. In
9 clarifying that the California State University is subject to
10 paragraph (2) of subdivision (d), it is not the intention of the
11 Legislature to increase the cost of developing or procuring
12 electronic and information technology. The California State
13 University shall, however, in determining the cost of developing
14 or procuring electronic or information technology, consider
15 whether technology that meets the standards applicable pursuant
16 to paragraph (2) of subdivision (d) will reduce the long-term cost
17 incurred by the California State University in providing access or
18 accommodations to future users of this technology who are
19 persons with disabilities, as required by existing law, including
20 this section, Title II of the Americans with Disabilities Act of
21 1990 (42 U.S.C. Sec. 12101 and following), and Section 504 of
22 the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794).

23 (d) (1) The Legislature finds and declares that the ability to
24 utilize electronic or information technology is often an essential
25 function for successful employment in the current work world.

26 (2) In order to improve accessibility of existing technology,
27 and therefore increase the successful employment of individuals
28 with disabilities, particularly blind and visually impaired and
29 deaf and hard-of-hearing persons, state governmental entities, in
30 developing, procuring, maintaining, or using electronic or
31 information technology, either indirectly or through the use of
32 state funds by other entities, shall comply with the accessibility
33 requirements of Section 508 of the Rehabilitation Act of 1973, as
34 amended (29 U.S.C. Sec. 794d), and regulations implementing
35 that act as set forth in Part 1194 of Title 36 of the Federal Code
36 of Regulations.

37 (3) Any entity that contracts with a state or local entity subject
38 to this section for the provision of electronic or information
39 technology or for the provision of related services shall agree to
40 respond to, and resolve any complaint regarding accessibility of

1 its products or services that is brought to the attention of the
2 entity.

3 ~~SEC. 20.~~

4 *SEC. 21.* Section 68085 of the Government Code, as
5 amended by Section 101 of Chapter 75 of the Statutes of 2005, is
6 amended to read:

7 68085. (a) (1) There is hereby established the Trial Court
8 Trust Fund, the proceeds of which shall be apportioned at least
9 quarterly for the purpose of funding trial court operations, as
10 defined in Section 77003. Apportionment payments may not
11 exceed 30 percent of the total annual apportionment to the Trial
12 Court Trust Fund for state trial court funding in any 90-day
13 period.

14 (2) The apportionment payments shall be made by the
15 Controller. The final payment from the Trial Court Trust Fund
16 for each fiscal year shall be made on or before August 31 of the
17 subsequent fiscal year.

18 (3) If apportionment payments are made on a quarterly basis,
19 the payments shall be on July 15, October 15, January 15, and
20 April 15. In addition to quarterly payments, a final payment from
21 the Trial Court Trust Fund for each fiscal year may be made on
22 or before August 31 of the subsequent fiscal year.

23 (4) Notwithstanding any other provision of law, in order to
24 promote statewide efficiency, the Judicial Council may authorize
25 the direct payment or reimbursement or both of actual costs from
26 the Trial Court Trust Fund or the Trial Court Improvement Fund
27 to fund administrative infrastructure within the Administrative
28 Office of the Courts, such as legal services, financial services,
29 information systems services, human resource services, and
30 support services, for one or more participating courts upon
31 appropriation of funding for these purposes in the annual Budget
32 Act. The amount of appropriations from the Trial Court
33 Improvement Fund under this subdivision may not exceed 20
34 percent of the amount deposited in the Trial Court Improvement
35 Fund pursuant to subdivision (a) of Section 77205. Upon prior
36 written approval of the Director of Finance, the Judicial Council
37 may also authorize an increase in any reimbursements or direct
38 payments in excess of the amount appropriated in the annual
39 Budget Act. For any increases in reimbursements or direct
40 payments within the fiscal year that exceed two hundred

1 thousand dollars (\$200,000), the Director of Finance shall
2 provide notification in writing of any approval granted under this
3 section, not less than 30 days prior to the effective date of that
4 approval, to the chairperson of the committee in each house of
5 the Legislature that considers appropriations, the chairpersons of
6 the committees and the appropriate subcommittees in each house
7 of the Legislature that consider the annual Budget Act, and the
8 Chairperson of the Joint Legislative Budget Committee, or not
9 sooner than whatever lesser time the Chairperson of the Joint
10 Legislative Budget Committee, or his or her designee, may in
11 each instance, determine. The direct payment or reimbursement
12 of costs from the Trial Court Trust Fund may be supported by the
13 reduction of a participating court's allocation from the Trial
14 Court Trust Fund to the extent that the court's expenditures for
15 the program are reduced and the court is supported by the
16 program. The Judicial Council shall provide the affected trial
17 courts with quarterly reports on expenditures from the Trial
18 Court Trust Fund incurred as authorized by this subdivision. The
19 Judicial Council shall establish procedures to provide for the
20 administration of this paragraph in a way that promotes the
21 effective, efficient, reliable, and accountable operation of the trial
22 courts.

23 (b) Notwithstanding any other provision of law, the fees listed
24 in subdivision (c) shall all be deposited upon collection in a
25 special account in the county treasury, and transmitted monthly
26 to the Controller for deposit in the Trial Court Trust Fund.

27 (c) (1) Except as specified in subdivision (d), this section
28 applies to all fees collected on or before December 31, 2005,
29 pursuant to Sections 631.3, 116.230, and 403.060 of the Code of
30 Civil Procedure and Sections 26820.4, 26823, 26826, 26826.01,
31 26827, 26827.4, 26830, 26832.1, 26833.1, 26835.1, 26836.1,
32 26837.1, 26838, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4,
33 26862, 68086, 72055, 72056, 72056.01, and 72060.

34 (2) Notwithstanding any other provision of law, except as
35 specified in subdivision (d) of this section and subdivision (a) of
36 Section 68085.7, this section applies to all fees and fines
37 collected on or before December 31, 2005, pursuant to Sections
38 116.390, 116.570, 116.760, 116.860, 177.5, 491.150, 704.750,
39 708.160, 724.100, 1134, 1161.2, and 1218 of the Code of Civil
40 Procedure, Sections 26824, 26828, 26829, 26834, and 72059 of

1 the Government Code, and subdivisions (b) and (c) of Section
2 166 and Section 1214.1 of the Penal Code.

3 (3) If any of the fees provided for in this subdivision are
4 partially waived by court order, and the fee is to be divided
5 between the Trial Court Trust Fund and any other fund, the
6 amount of the partial waiver shall be deducted from the amount
7 to be distributed to each fund in the same proportion as the
8 amount of each distribution bears to the total amount of the fee.

9 (d) This section does not apply to that portion of a filing fee
10 collected pursuant to Section 26820.4, 26826, 26827, 72055, or
11 72056 that is allocated for dispute resolution pursuant to Section
12 470.3 of the Business and Professions Code, the county law
13 library pursuant to Section 6320 of the Business and Professions
14 Code, the Judges' Retirement Fund pursuant to Section 26822.3,
15 automated recordkeeping or conversion to micrographics
16 pursuant to Sections 26863 and 68090.7, and courthouse
17 financing pursuant to Section 76238. This section also does not
18 apply to fees collected pursuant to subdivisions (a) and (c) of
19 Section 27361.

20 (e) This section applies to all payments required to be made to
21 the State Treasury by any county or city and county pursuant to
22 Section 77201, 77201.1, or 77205.

23 (f) Notwithstanding any other provision of law, no agency
24 may take action to change the amounts allocated to any of the
25 funds described in subdivision (a), (b), (c), or (d).

26 (g) The Judicial Council shall reimburse the Controller for the
27 actual administrative costs that will be incurred under this
28 section. Costs reimbursed under this section shall be determined
29 on an annual basis in consultation with the Judicial Council.

30 (h) Any amounts required to be transmitted by a county or city
31 and county to the state pursuant to this section shall be remitted
32 to the Controller no later than 45 days after the end of the month
33 in which the fees were collected. This remittance shall be
34 accompanied by a remittance advice identifying the collection
35 month and the appropriate account in the Trial Court Trust Fund
36 to which it is to be deposited. Any remittance that is not made by
37 the county or city and county in accordance with this section
38 shall be considered delinquent, and subject to the penalties
39 specified in this section.

1 (i) Upon receipt of any delinquent payment required pursuant
2 to this section, the Controller shall calculate a penalty on any
3 delinquent payment by multiplying the amount of the delinquent
4 payment at a daily rate equivalent to 1 ½ percent per month for
5 the number of days the payment is delinquent. Notwithstanding
6 Section 77009, any penalty on a delinquent payment that a court
7 is required to reimburse to a county's general fund pursuant to
8 this section and Section 24353 shall be paid from the Trial Court
9 Operations Fund for that court.

10 (j) Penalty amounts calculated pursuant to subdivision (i) shall
11 be paid by the county to the Trial Court Trust Fund no later than
12 45 days after the end of the month in which the penalty was
13 calculated.

14 (k) The Trial Court Trust Fund shall be invested in the Surplus
15 Money Investment Fund and all interest earned shall be allocated
16 to the Trial Court Trust Fund quarterly and shall be allocated
17 among the courts in accordance with the requirements of
18 subdivision (a). The specific allocations shall be specified by the
19 Judicial Council.

20 (l) It is the intent of the Legislature that the revenues required
21 to be deposited into the Trial Court Trust Fund be remitted as
22 soon after collection by the courts as possible.

23 (m) Except for subdivisions (a) and (k), this section does not
24 apply to fees and fines that are listed in subdivision (a) of Section
25 68085.1 that are collected on or after January 1, 2006.

26 ~~SEC. 21.~~

27 *SEC. 22.* Section 68085.1 of the Government Code is
28 amended to read:

29 68085.1. (a) This section applies to all fees and fines that are
30 collected on or after January 1, 2006, under all of the following:

31 (1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,
32 704.750, 708.160, 724.100, 1134, 1161.2, and 1218 of,
33 subdivision (g) of Section 411.20 and subdivisions (c) and (g) of
34 Section 411.21 of, and Chapter 5.5 (commencing with Section
35 116.110) of Title 1 of Part 1 of, the Code of Civil Procedure.

36 (2) Section 31622 of the Food and Agricultural Code.

37 (3) Sections 68086 and 68086.1, subdivision (d) of Section
38 68511.3, Sections 68926.1 and 69953.5, and Chapter 5.8
39 (commencing with Section 70600).

40 (4) Section 103470 of the Health and Safety Code.

1 (5) Subdivisions (b) and (c) of Section 166 and Section 1214.1
2 of the Penal Code.

3 (6) Sections 1835, 1851.5, 2343, 7660, and 13201 of the
4 Probate Code.

5 (7) Sections 14607.6, 16373, and 40230 of the Vehicle Code.

6 (8) Section 71386 of this code and Section 1513.1 of the
7 Probate Code, if the reimbursement is for expenses incurred by
8 the court.

9 (b) On and after January 1, 2006, each superior court shall
10 deposit all fees and fines listed in subdivision (a), as soon as
11 practicable after collection and on a regular basis, into a bank
12 account established for this purpose by the Administrative Office
13 of the Courts. Upon direction of the Administrative Office of the
14 Courts, the county shall deposit civil assessments under Section
15 1214.1 of the Penal Code and any other money it collects under
16 the sections listed in subdivision (a) as soon as practicable after
17 collection and on a regular basis into the bank *account*
18 established for this purpose and specified by the Administrative
19 Office of the Courts. The deposits shall be made as required by
20 rules adopted by, and financial policies and procedures
21 authorized by, the Judicial Council under subdivision (a) of
22 Section 77206. Within 15 days after the end of the month in
23 which the fees and fines are collected, each court, and each
24 county that collects any fines or fees under subdivision (a), shall
25 provide the Administrative Office of the Courts with a report of
26 the fees by categories as specified by the Administrative Office
27 of the Courts. The fees and fines listed in subdivision (a) shall be
28 distributed as provided in this section.

29 (c) (1) Within 45 calendar days after the end of the month in
30 which the fees and fines listed in subdivision (a) are collected,
31 the Administrative Office of the Courts shall make the following
32 distributions:

33 (A) To the small claims advisory services, as described in
34 subdivision (f) of Section 116.230 of the Code of Civil
35 Procedure.

36 (B) To dispute resolution programs, as described in
37 subdivision (b) of Section 68085.3 and subdivision (b) of Section
38 68085.4.

39 (C) To the county law library funds, as described in Section
40 116.760 of the Code of Civil Procedure, subdivision (b) of

1 Section 68085.3, subdivision (b) of Section 68085.4, and Section
2 70621 of this code, and Section 14607.6 of the Vehicle Code.

3 (D) To the courthouse construction funds in the Counties of
4 Riverside, San Bernardino, and San Francisco, as described in
5 Sections 70622, 70624, and 70625.

6 (2) If any distribution under this subdivision is delinquent, the
7 Administrative Office of the Courts shall add a penalty to the
8 distribution as specified in subdivision (i).

9 (d) Within 45 calendar days after the end of the month in
10 which the fees and fines listed in subdivision (a) are collected,
11 the amounts remaining after the distributions in subdivision (c)
12 shall be transmitted to the State Treasury for deposit in the Trial
13 Court Trust Fund and other funds as required by law. This
14 remittance shall be accompanied by a remittance advice
15 identifying the collection month and the appropriate account in
16 the Trial Court Trust Fund or other fund to which it is to be
17 deposited. Upon the receipt of any delinquent payment required
18 under this subdivision, the Controller shall calculate a penalty as
19 provided under subdivision (i).

20 (e) From the money transmitted to the State Treasury under
21 subdivision (d), the Controller shall make deposits as follows:

22 (1) Into the State Court Facilities Construction Fund, the
23 Judges' Retirement Fund, and the Equal Access Fund, as
24 described in subdivision (c) of Section 68085.3 and subdivision
25 (c) of Section 68085.4.

26 (2) Into the Health Statistics Special Fund, as described in
27 subdivision (b) of Section 70670 of this code and Section 103730
28 of the Health and Safety Code.

29 (3) Into the Family Law Trust Fund, as described in Section
30 70674.

31 (4) The remainder of the money shall be deposited into the
32 Trial Court Trust Fund.

33 (f) The amounts collected by each superior court under
34 Section 116.232, subdivision (g) of Section 411.20, and
35 subdivision (g) of Section 411.21 of the Code of Civil Procedure,
36 subdivision (d) of Section 68511.3 and Sections 68926.1,
37 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386 of this
38 code, and Sections 1513.1, 1835, 1851.5, and 2343 of the Probate
39 Code, shall be added to the monthly apportionment for that court
40 under subdivision (a) of Section 68085.

1 (g) If any of the fees provided in subdivision (a) are partially
2 waived by court order or otherwise reduced, and the fee is to be
3 divided between the Trial Court Trust Fund and any other fund or
4 account, the amount of the reduction shall be deducted from the
5 amount to be distributed to each fund in the same proportion as
6 the amount of each distribution bears to the total amount of the
7 fee. If the fee is paid by installment payments, the amount
8 distributed to each fund or account from each installment shall
9 bear the same proportion to the installment payment as the full
10 distribution to that fund or account does to the full fee.

11 (h) Except as provided in Sections 470.5 and 6322.1 of the
12 Business and Professions Code, and Sections 70622, 70624, and
13 70625 of this code, no agency may take action to change the
14 amounts allocated to any of the funds described in subdivision
15 (c), (d), or (e).

16 (i) The amount of the penalty on any delinquent payment
17 under subdivision (c) or (d) shall be calculated by multiplying the
18 amount of the delinquent payment at a daily rate equivalent to
19 1½ percent per month for the number of days the payment is
20 delinquent. The penalty shall be paid from the Trial Court Trust
21 Fund.

22 (j) If a delinquent payment under subdivision (c) or (d) results
23 from a delinquency by a superior court under subdivision (b), the
24 court shall reimburse the Trial Court Trust Fund for the amount
25 of the penalty. Notwithstanding Section 77009, any penalty on a
26 delinquent payment that a court is required to reimburse pursuant
27 to this section shall be paid from the court operations fund for
28 that court. The penalty shall be paid by the court to the Trial
29 Court Trust Fund no later than 45 days after the end of the month
30 in which the penalty was calculated. If the penalty is not paid
31 within the specified time, the Administrative Office of the Courts
32 may reduce the amount of a subsequent monthly allocation to the
33 court by the amount of the penalty on the delinquent payment.

34 ~~SEC. 22.~~

35 *SEC. 23.* Section 68085.1 of the Government Code is
36 amended to read:

37 68085.1. (a) This section applies to all fees and fines that are
38 collected on or after January 1, 2006, under all of the following:

39 (1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,
40 704.750, 708.160, 724.100, 1134, 1161.2, and 1218 of,

1 subdivision (g) of Section 411.20 and subdivisions (c) and (g) of
2 Section 411.21 of, and Chapter 5.5 (commencing with Section
3 116.110) of Title 1 of Part 1 of, the Code of Civil Procedure.

4 (2) Section 31622 of the Food and Agricultural Code.

5 (3) Sections 68086 and 68086.1, subdivision (d) of Section
6 68511.3, Sections 68926.1 and 69953.5, and Chapter 5.8
7 (commencing with Section 70600).

8 (4) Section 103470 of the Health and Safety Code.

9 (5) Subdivisions (b) and (c) of Section 166 and Section 1214.1
10 of the Penal Code.

11 (6) Sections 1835, 1851.5, 2343, 7660, and 13201 of the
12 Probate Code.

13 (7) Sections 14607.6, 16373, and 40230 of the Vehicle Code.

14 (8) Section 71386 of this code and Section 1513.1 of the
15 Probate Code, if the reimbursement is for expenses incurred by
16 the court.

17 (b) On and after January 1, 2006, each superior court shall
18 deposit all fees and fines listed in subdivision (a), as soon as
19 practicable after collection and on a regular basis, into a bank
20 account established for this purpose by the Administrative Office
21 of the Courts. Upon direction of the Administrative Office of the
22 Courts, the county shall deposit civil assessments under Section
23 1214.1 of the Penal Code and any other money it collects under
24 the sections listed in subdivision (a) as soon as practicable after
25 collection and on a regular basis into the bank *account*
26 established for this purpose and specified by the Administrative
27 Office of the Courts. The deposits shall be made as required by
28 rules adopted by, and financial policies and procedures
29 authorized by, the Judicial Council under subdivision (a) of
30 Section 77206. Within 15 days after the end of the month in
31 which the fees and fines are collected, each court, and each
32 county that collects any fines or fees under subdivision (a), shall
33 provide the Administrative Office of the Courts with a report of
34 the fees by categories as specified by the Administrative Office
35 of the Courts. The fees and fines listed in subdivision (a) shall be
36 distributed as provided in this section.

37 (c) (1) Within 45 calendar days after the end of the month in
38 which the fees and fines listed in subdivision (a) are collected,
39 the Administrative Office of the Courts shall make the following
40 distributions:

1 (A) To the small claims advisory services, as described in
2 subdivision (f) of Section 116.230 of the Code of Civil
3 Procedure.

4 (B) To dispute resolution programs, as described in
5 subdivision (b) of Section 68085.3 and subdivision (b) of Section
6 68085.4.

7 (C) To the county law library funds, as described in Sections
8 116.230 and 116.760 of the Code of Civil Procedure, subdivision
9 (b) of Section 68085.3, subdivision (b) of Section 68085.4, and
10 Section 70621 of this code, and Section 14607.6 of the Vehicle
11 Code.

12 (D) To the courthouse construction funds in the Counties of
13 Riverside, San Bernardino, and San Francisco, as described in
14 Sections 70622, 70624, and 70625.

15 (2) If any distribution under this subdivision is delinquent, the
16 Administrative Office of the Courts shall add a penalty to the
17 distribution as specified in subdivision (i).

18 (d) Within 45 calendar days after the end of the month in
19 which the fees and fines listed in subdivision (a) are collected,
20 the amounts remaining after the distributions in subdivision (c)
21 shall be transmitted to the State Treasury for deposit in the Trial
22 Court Trust Fund and other funds as required by law. This
23 remittance shall be accompanied by a remittance advice
24 identifying the collection month and the appropriate account in
25 the Trial Court Trust Fund or other fund to which it is to be
26 deposited. Upon the receipt of any delinquent payment required
27 under this subdivision, the Controller shall calculate a penalty as
28 provided under subdivision (i).

29 (e) From the money transmitted to the State Treasury under
30 subdivision (d), the Controller shall make deposits as follows:

31 (1) Into the State Court Facilities Construction Fund, the
32 Judges' Retirement Fund, and the Equal Access Fund, as
33 described in subdivision (c) of Section 68085.3 and subdivision
34 (c) of Section 68085.4.

35 (2) Into the Health Statistics Special Fund, as described in
36 subdivision (b) of Section 70670 of this code and Section 103730
37 of the Health and Safety Code.

38 (3) Into the Family Law Trust Fund, as described in Section
39 70674.

1 (4) The remainder of the money shall be deposited into the
2 Trial Court Trust Fund.

3 (f) The amounts collected by each superior court under
4 Section 116.232, subdivision (g) of Section 411.20, and
5 subdivision (g) of Section 411.21 of the Code of Civil Procedure,
6 subdivision (d) of Section 68511.3 and Sections 68926.1,
7 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386 of this
8 code, and Sections 1513.1, 1835, 1851.5, and 2343 of the Probate
9 Code, shall be added to the monthly apportionment for that court
10 under subdivision (a) of Section 68085.

11 (g) If any of the fees provided in subdivision (a) are partially
12 waived by court order or otherwise reduced, and the fee is to be
13 divided between the Trial Court Trust Fund and any other fund or
14 account, the amount of the reduction shall be deducted from the
15 amount to be distributed to each fund in the same proportion as
16 the amount of each distribution bears to the total amount of the
17 fee. If the fee is paid by installment payments, the amount
18 distributed to each fund or account from each installment shall
19 bear the same proportion to the installment payment as the full
20 distribution to that fund or account does to the full fee.

21 (h) Except as provided in Sections 470.5 and 6322.1 of the
22 Business and Professions Code, and Sections 70622, 70624, and
23 70625 of this code, no agency may take action to change the
24 amounts allocated to any of the funds described in subdivision
25 (c), (d), or (e).

26 (i) The amount of the penalty on any delinquent payment
27 under subdivision (c) or (d) shall be calculated by multiplying the
28 amount of the delinquent payment at a daily rate equivalent to
29 1½ percent per month for the number of days the payment is
30 delinquent. The penalty shall be paid from the Trial Court Trust
31 Fund.

32 (j) If a delinquent payment under subdivision (c) or (d) results
33 from a delinquency by a superior court under subdivision (b), the
34 court shall reimburse the Trial Court Trust Fund for the amount
35 of the penalty. Notwithstanding Section 77009, any penalty on a
36 delinquent payment that a court is required to reimburse pursuant
37 to this section shall be paid from the court operations fund for
38 that court. The penalty shall be paid by the court to the Trial
39 Court Trust Fund no later than 45 days after the end of the month
40 in which the penalty was calculated. If the penalty is not paid

1 within the specified time, the Administrative Office of the Courts
2 may reduce the amount of a subsequent monthly allocation to the
3 court by the amount of the penalty on the delinquent payment.

4 ~~SEC. 23.~~

5 *SEC. 24.* Section 68085.4 of the Government Code is
6 amended to read:

7 68085.4. (a) Fees collected under Sections 70613, 70614,
8 70654, 70656, and 70658 of this code, Section 103470 of the
9 Health and Safety Code, and Section 7660 of the Probate Code,
10 shall be deposited in a bank account established by the
11 Administrative Office of the Courts for deposit of fees collected
12 by the courts.

13 (b) For each three hundred dollar (\$300) fee and each one
14 hundred eighty dollar (\$180) fee listed in subdivision (a), the
15 Administrative Office of the Courts shall distribute specified
16 amounts in each county as follows:

17 (1) To the county law library fund, the amount described in
18 Sections 6321 and 6322.1 of the Business and Professions Code.

19 (2) To the account to support dispute resolution programs, the
20 amount described in Section 470.5 of the Business and
21 Professions Code.

22 (c) The remainder of the fees in subdivision (a) shall be
23 transmitted monthly to the Treasurer for deposit. For each three
24 hundred dollar (\$300) fee and each one hundred eighty dollar
25 (\$180) fee listed in subdivision (a), the Controller shall make
26 deposits as follows:

27 (1) To the State Court Facilities Construction Fund, as
28 provided in Article 6 (commencing with Section 70371) of
29 Chapter 5.7, twenty-five dollars (\$25) if the fee is three hundred
30 dollars (\$300), and twenty dollars (\$20) if the fee is one hundred
31 eighty dollars (\$180).

32 (2) To the Judges' Retirement Fund, as established in Section
33 75100, two dollars and fifty cents (\$2.50).

34 (3) To the Trial Court Trust Fund for use as part of the Equal
35 Access Fund program administered by the Judicial Council, four
36 dollars and eighty cents (\$4.80).

37 (4) To the Trial Court Trust Fund, as provided in Section
38 68085.1, the remainder of the fee.

39 (d) If any of the fees listed in subdivision (a) are reduced or
40 partially waived, the amount of the reduction or partial waiver

1 shall be deducted from the amount to be distributed to each fund
2 or account in the same proportion as the amount of each
3 distribution bears to the total amount of the fee.

4 (e) As used in this section, “law library fund” includes a law
5 library account described in Section 6320 of the Business and
6 Professions Code.

7 ~~SEC. 24.~~

8 *SEC. 25.* Section 68085.9 is added to the Government Code,
9 to read:

10 68085.9. Notwithstanding any other provision of law
11 requiring a trial court or officer of a trial court to deposit money
12 received by the court or officer into the county treasury or with
13 the county treasurer, including, but not limited to, Sections
14 24353, 68085, 68085.5, and 68101 of this code and Section
15 1463.001 of the Penal Code, the court or officer, with the consent
16 of the county and the Administrative Director of the Courts, may
17 deposit all money required to be deposited into the county
18 treasury or with the county treasurer into a bank account
19 established by the Administrative Office of the Courts separate
20 from the county treasury. Money collected pursuant to Section
21 68085.1 shall be deposited as provided in that section. The
22 Judicial Council, with the consent of the county, may require the
23 court and officer to deposit money into a bank account
24 established by the Administrative Office of the Courts separate
25 from the county treasury.

26 ~~SEC. 25.~~

27 *SEC. 26.* Section 68086 of the Government Code, as
28 amended by Section 106 of Chapter 75 of the Statutes of 2005, is
29 amended to read:

30 68086. (a) The following provisions apply in superior court:

31 (1) In addition to any other fee required in civil actions or
32 cases, for each proceeding lasting more than one hour, a fee
33 equal to the actual cost of providing that service shall be charged
34 per one-half day of services to the parties, on a pro rata basis, for
35 the services of an official court reporter on the first and each
36 succeeding judicial day those services are provided pursuant to
37 Section 269 of the Code of Civil Procedure.

38 (2) All parties shall deposit their pro rata shares of these fees
39 with the clerk of the court as specified by the court, but not later
40 than the conclusion of each day’s court session.

1 (3) For purposes of this section, “one-half day” means any
2 period of judicial time, in excess of one hour but not more than
3 four hours, during either the morning or afternoon court session.

4 (4) The costs for the services of the official court reporter shall
5 be recoverable as taxable costs by the prevailing party as
6 otherwise provided by law.

7 (5) The Judicial Council shall adopt rules to ensure all of the
8 following:

9 (A) That parties are given adequate and timely notice of the
10 availability of an official court reporter.

11 (B) That if an official court reporter is not available, a party
12 may arrange for the presence of a certified shorthand reporter to
13 serve as an official pro tempore reporter, the costs therefore
14 recoverable as provided in paragraph (4).

15 (C) That if the services of an official pro tempore reporter are
16 utilized pursuant to subparagraph (B), no other charge will be
17 made to the parties.

18 (b) The fees collected pursuant to this section shall be used
19 only to pay the cost for services of an official court reporter in
20 civil proceedings.

21 (c) The Judicial Council shall report on or before February 1
22 of each year to the Joint Legislative Budget Committee on the
23 fees collected by ~~the court~~ courts pursuant to this section and
24 Section 68086.1, and the total amount spent for services of
25 official court reporters in civil proceedings statewide in the prior
26 fiscal year.

27 ~~SEC. 26.~~

28 *SEC. 27.* Section 68086.1 of the Government Code is
29 amended to read:

30 68086.1. (a) Commencing January 1, 2006, for each three
31 hundred twenty dollar (\$320) fee collected under Section 70611,
32 70612, or 70670, twenty-five dollars (\$25) of the amount
33 distributed to the Trial Court Trust Fund shall be used for
34 services of an official court reporter in civil proceedings.

35 (b) Commencing January 1, 2006, for each three hundred
36 dollar (\$300) fee collected under subdivision (a) of Section
37 70613 or subdivision (a) of Section 70614, twenty-five dollars
38 (\$25) of the amount distributed to the Trial Court Trust Fund
39 shall be used for services of an official court reporter in civil
40 proceedings.

1 (c) It is the intent of the Legislature, in approving the
2 twenty-five dollar (\$25) distribution out of each filing fee listed
3 in subdivisions (a) and (b), to continue an incentive to courts to
4 use the services of an official court reporter in civil proceedings.
5 However, nothing in this section shall affect the Judicial
6 Council’s authority to allocate these revenues to replace
7 reductions in the General Fund appropriation to the Trial Court
8 Trust Fund.

9 (d) The portion of the distribution to the Trial Court Trust
10 Fund to be used for services of an official court reporter in civil
11 proceedings pursuant to subdivisions (a) and (b) shall be used
12 only in trial courts that utilize the services of an official court
13 reporter in civil proceedings.

14 ~~SEC. 27.~~

15 *SEC. 28.* Section 68090.8 of the Government Code, as
16 amended by Section 111 of Chapter 75 of the Statutes of 2005, is
17 amended to read:

18 68090.8. (a) (1) The Legislature finds that the management
19 of civil and criminal cases, including traffic cases, and the
20 accounting for funds in the trial courts requires these courts to
21 implement appropriate levels of administrative automation.

22 (2) The purpose of this section is to make a fund available for
23 the development of automated administrative systems, including
24 automated accounting, automated data collection through case
25 management systems, and automated case-processing systems for
26 the trial courts, together with funds to train operating personnel,
27 and for the maintenance and enhancement of the systems. As
28 used in this paragraph, “automated administrative systems” does
29 not include electronic reporting systems for use in a courtroom.

30 (3) Automated data collection shall provide the foundation for
31 planning, research, and evaluation programs that are generated
32 from within and outside of the judicial branch. This system shall
33 be a resource to the courts, the Judicial Council and its
34 committees, the Administrative Office of the Courts, the
35 Legislature, the Governor, and the public. During the
36 developmental stage and prior to the implementation of the
37 system, the Legislature shall make recommendations to the
38 Judicial Council as to the breadth and level of detail of the data to
39 be collected.

1 (b) Prior to making any other required distribution, the county
 2 treasurer shall transmit 2 percent of all fines, penalties, and
 3 forfeitures collected in criminal cases, including, but not limited
 4 to, moneys collected pursuant to Chapter 12 (commencing with
 5 Section 76000) of Title 8 of this code, Section 13003 of the Fish
 6 and Game Code, Section 11502 of the Health and Safety Code,
 7 and Chapter 1 (commencing with Section 1427) of Title 11 of
 8 Part 2 of the Penal Code, into the Trial Court Improvement Fund
 9 established pursuant to Section 77209, to be used exclusively to
 10 pay the costs of automated systems for the trial courts, as
 11 described in paragraph (2) of subdivision (a). These systems shall
 12 meet Judicial Council performance standards, including
 13 production of reports as needed by the state, the counties, and
 14 local governmental entities.

15 ~~SEC. 28.~~

16 *SEC. 29.* Section 68511.3 of the Government Code, as
 17 amended by Section 113 of Chapter 75 of the Statutes of 2005, is
 18 amended to read:

19 68511.3. (a) The Judicial Council shall formulate and adopt
 20 uniform forms and rules of court for litigants proceeding in
 21 forma pauperis. These rules shall provide for all of the following:

22 (1) Standard procedures for considering and determining
 23 applications for permission to proceed in forma pauperis,
 24 including, in the event of a denial of permission, a written
 25 statement detailing the reasons for denial and an evidentiary
 26 hearing where there is a substantial evidentiary conflict.

27 (2) Standard procedures to toll relevant time limitations when
 28 a pleading or other paper accompanied by the application is
 29 timely lodged with the court and delay is caused due to the
 30 processing of the application to proceed in forma pauperis.

31 (3) Proceeding in forma pauperis at every stage of the
 32 proceedings at both the appellate and trial levels of the court
 33 system.

34 (4) The confidentiality of the financial information provided to
 35 the court by these litigants.

36 (5) That the court may authorize the clerk of the court, county
 37 financial officer, or other appropriate county officer to make
 38 reasonable efforts to verify the litigant’s financial condition
 39 without compromising the confidentiality of the application.

1 (6) That permission to proceed in forma pauperis be granted to
2 all of the following:

3 (A) Litigants who are receiving benefits pursuant to the
4 Supplemental Security Income (SSI) and State Supplemental
5 Payments (SSP) programs (Sections 12200 to 12205, inclusive,
6 of the Welfare and Institutions Code), the California Work
7 Opportunity and Responsibility to Kids Act (CalWORKs)
8 program (Chapter 2 (commencing with Section 11200) of Part 3
9 of Division 9 of the Welfare and Institutions Code), the Food
10 Stamp program (7 U.S.C. Sec. 2011 et seq.), or Section 17000 of
11 the Welfare and Institutions Code.

12 (B) Litigants whose monthly income is 125 percent or less of
13 the current monthly poverty line annually established by the
14 Secretary of Health and Human Services pursuant to the
15 Omnibus Budget Reconciliation Act of 1981, as amended.

16 (C) Other persons when in the court's discretion, this
17 permission is appropriate because the litigant is unable to
18 proceed without using money which is necessary for the use of
19 the litigant or the litigant's family to provide for the common
20 necessities of life.

21 (b) (1) Litigants who apply for permission to proceed in
22 forma pauperis pursuant to subparagraph (A) of paragraph (6) of
23 subdivision (a) shall declare under penalty of perjury that they
24 are receiving the benefits and may voluntarily provide the court
25 with their date of birth and social security number or their
26 Medi-Cal identification number to permit the court to verify the
27 applicant's receipt of public assistance. The court may require
28 any applicant, except a defendant in an unlawful detainer action,
29 who chooses not to disclose his or her social security number for
30 verification purposes to attach to the application documentation
31 of benefits to support the claim and all other financial
32 information on a form promulgated by the Judicial Council for
33 this purpose.

34 (2) Litigants who apply for permission to proceed in forma
35 pauperis pursuant to subparagraph (B) or (C) of paragraph (6) of
36 subdivision (a) shall file a financial statement under oath on a
37 form promulgated by, and pursuant to rules adopted by, the
38 Judicial Council.

1 (c) The forms and rules adopted by the Judicial Council shall
2 provide for the disclosure of the following information about the
3 litigant:

4 (1) Current street address.

5 (2) Occupation and employer.

6 (3) Monthly income and expenses.

7 (4) Address and value of any real property owned directly or
8 beneficially.

9 (5) Personal property with a value that exceeds five hundred
10 dollars (\$500).

11 The information furnished by the litigant shall be used by the
12 court in determining his or her ability to pay all or a portion of
13 the fees and costs.

14 (d) At any time after the court has granted a litigant
15 permission to proceed in forma pauperis and prior to final
16 disposition of the case, the clerk of the court, county financial
17 officer, or other appropriate county officer may notify the court
18 of any changed financial circumstances which may enable the
19 litigant to pay all or a portion of the fees and costs which had
20 been waived. The court may authorize the clerk of the court,
21 county financial officer, or other appropriate county officer to
22 require the litigant to appear before and be examined by the
23 person authorized to ascertain the validity of their indigent status.
24 However, no litigant shall be required to appear more than once
25 in any four-month period. A litigant proceeding in forma
26 pauperis shall notify the court within five days of any settlement
27 or monetary consideration received in settlement of this litigation
28 and of any other change in financial circumstances that affects
29 the litigant's ability to pay court fees and costs. After the litigant
30 either (1) appears before and is examined by the person
31 authorized to ascertain the validity of his or her indigent status or
32 (2) notifies the court of a change in financial circumstances, the
33 court may then order the litigant to pay to the court the sum and
34 in any manner the court believes is compatible with the litigant's
35 financial ability.

36 In any action or proceeding in which the litigant whose fees
37 and costs have been waived would have been entitled to recover
38 those fees and costs from another party to the action or
39 proceeding had they been paid, the court may assess the amount
40 of the waived fees and costs against the other party and order the

1 other party to pay that sum to the court or to the clerk and serving
2 and levying officers respectively, or the court may order the
3 amount of the waived fees and costs added to the judgment and
4 so identified by the clerk.

5 Execution may be issued on any order provided for in this
6 subdivision in the same manner as on a judgment in a civil
7 action. When an amount equal to the sum due and payable to the
8 clerk has been collected upon the judgment, these amounts shall
9 be remitted to the clerk within 30 days. Thereafter, when an
10 amount equal to the sum due to the serving and levying officers
11 has been collected upon the judgment, these amounts shall be due
12 and payable to those officers and shall be remitted within 30
13 days. If the remittance is not received by the clerk within 30 days
14 or there is a filing of a partial satisfaction of judgment in an
15 amount at least equal to the fees and costs payable to the clerk or
16 a satisfaction of judgment has been filed, notwithstanding any
17 other provision of law, the court may issue an abstract of
18 judgment, writ of execution, or both for recovery of those sums,
19 plus the fees for issuance and execution and an additional fee for
20 administering this section. The court shall establish a fee, not to
21 exceed actual costs of administering this subdivision and in no
22 case exceeding twenty-five dollars (\$25), which shall be added to
23 the writ of execution.

24 (e) Notwithstanding subdivision (a), a person who is sentenced
25 to imprisonment in a state prison or confined in a county jail and,
26 during the period of imprisonment or confinement, files a civil
27 action or notice of appeal of a civil action in forma pauperis shall
28 be required to pay the full amount of the filing fee to the extent
29 provided in this subdivision.

30 (1) In addition to the form required by this section for filing in
31 forma pauperis, an inmate shall file a copy of a statement of
32 account for any sums due to the inmate for the six-month period
33 immediately preceding the filing of the civil action or notice of
34 appeal of a civil action. This copy shall be certified by the
35 appropriate official of the Department of Corrections or a county
36 jail.

37 (2) Upon filing the civil action or notice of appeal of a civil
38 action, the court shall assess, and when funds exist, collect, as a
39 partial payment of any required court fees, an initial partial filing
40 fee of 20 percent of the greater of one of the following:

1 (A) The average monthly deposits to the inmate’s account.

2 (B) The average monthly balance in the inmate’s account for
3 the six-month period immediately preceding the filing of the civil
4 action or notice of appeal.

5 (3) After payment of the initial partial filing fee, the inmate
6 shall be required to make monthly payments of 20 percent of the
7 preceding month’s income credited to the inmate’s account. The
8 Department of Corrections shall forward payments from this
9 account to the clerk of the court each time the amount in the
10 account exceeds ten dollars (\$10) until the filing fees are paid.

11 (4) In no event shall the filing fee collected pursuant to this
12 subdivision exceed the amount of fees permitted by law for the
13 commencement of a civil action or an appeal of a civil action.

14 (5) In no event shall an inmate be prohibited from bringing a
15 civil action or appeal of a civil action solely because the inmate
16 has no assets and no means to pay the initial partial filing fee.

17 ~~SEC. 29.~~

18 *SEC. 30.* Section 70601 of the Government Code is amended
19 to read:

20 70601. (a) It is the intent of the Legislature to establish a
21 moratorium on increases in filing fees until January 1, 2008. No
22 fee provided for in this chapter may be changed before January 1,
23 2008, except as may be required by the following:

24 (1) Legislative implementation of recommendations of the
25 Task Force on County Law Libraries.

26 (2) Legislative implementation of recommendations for
27 changes to the graduated filing fee for petitions in probate
28 proceedings under subdivision (a) of Section 70650.

29 (b) The Judicial Council shall establish a Task Force on Civil
30 Fees, including, but not limited to, representatives from the trial
31 courts, the counties, the county law libraries, and the State Bar.
32 On or before February 1, 2007, the task force shall make
33 recommendations to the Judicial Council and the Legislature on
34 the following:

35 (1) The effectiveness of the uniform fee structure, any
36 operational or revenue problems, and how to address these
37 issues.

38 (2) Whether a fee differential should be implemented based on
39 the number of cases a party files in a year.

1 (3) A process to adjust fees in the future to accommodate
2 inflation and other factors affecting operating costs for trial
3 courts, county law libraries, and county programs that rely on
4 court fees.

5 ~~SEC. 30.~~

6 *SEC. 31.* Section 70626 of the Government Code is amended
7 to read:

8 70626. (a) The fee for each of the following services is
9 fifteen dollars (\$15). Amounts collected shall be distributed to
10 the Trial Court Trust Fund under Section 68085.1.

11 (1) Issuing a writ of attachment, a writ of mandate, a writ of
12 execution, a writ of sale, a writ of possession, a writ of
13 prohibition, or any other writ for the enforcement of any order or
14 judgment.

15 (2) Issuing an abstract of judgment.

16 (3) Issuing a certificate of satisfaction of judgment under
17 Section 724.100 of the Code of Civil Procedure.

18 (4) Certifying a copy of any paper, record, or proceeding on
19 file in the office of the clerk of any court.

20 (5) Taking an affidavit, except in criminal cases or adoption
21 proceedings.

22 (6) Acknowledgment of any deed or other instrument,
23 including the certificate.

24 (7) Recording or registering any license or certificate, or
25 issuing any certificate in connection with a license, required by
26 law, for which a charge is not otherwise prescribed.

27 (8) Issuing any certificate for which the fee is not otherwise
28 fixed.

29 (b) The fee for each of the following services is twenty dollars
30 (\$20). Amounts collected shall be distributed to the Trial Court
31 Trust Fund under Section 68085.1.

32 (1) Issuing an order of sale.

33 (2) Receiving and filing an abstract of judgment rendered by a
34 judge of another court and subsequent services based on it, unless
35 the abstract of judgment is filed under Section 704.750 or
36 708.160 of the Code of Civil Procedure.

37 (3) Filing a confession of judgment under Section 1134 of the
38 Code of Civil Procedure.

39 (4) Filing an application for renewal of judgment under
40 Section 683.150 of the Code of Civil Procedure.

1 (5) Issuing a commission to take a deposition in another state
2 or place under Section 2026.010 of the Code of Civil Procedure.

3 (6) Filing and entering an award under the Workers'
4 Compensation Law (Division 4 (commencing with Section 3200)
5 of the Labor Code).

6 (7) Filing an affidavit of publication of notice of dissolution of
7 partnership.

8 (8) Filing an appeal of a determination whether a dog is
9 potentially dangerous or vicious under Section 31622 of the Food
10 and Agricultural Code.

11 (9) Filing an affidavit under Section 13200 of the Probate
12 Code, together with the issuance of one certified copy of the
13 affidavit under Section 13202 of the Probate Code.

14 (10) Filing and indexing all papers for which a charge is not
15 elsewhere provided, other than papers filed in actions or special
16 proceedings, official bonds, or certificates of appointment.

17 ~~SEC. 31.~~

18 *SEC. 32.* Section 70640 of the Government Code is amended
19 to read:

20 70640. (a) It is the policy of the state that each court shall
21 endeavor to provide a children's waiting room in each courthouse
22 for children whose parents or guardians are attending a court
23 hearing as a litigant, witness, or for other court purposes as
24 determined by the court. To defray that expense, monthly
25 allocations for children's waiting rooms shall be added to the
26 monthly apportionment under subdivision (a) of Section 68085
27 for each court where a children's waiting room has been
28 established or where the court has elected to establish such a
29 service.

30 (b) The amount allocated to each court under this section shall
31 be equal to the following: for each first paper filing fee as
32 provided under Section 70611, 70612, 70613, 70614, or 70670,
33 and each first paper or petition filing fee in a probate matter as
34 provided under Section 70650, 70651, 70652, 70653, 70654,
35 70655, 70656, or 70658, the same amount as was required to be
36 collected as of December 31, 2005, to the Children's Waiting
37 Room Fund under former Section 26826.3 in the county in which
38 the court is located when a fee was collected for the filing of a
39 first paper in a civil action under former Section 26820.4.

1 (c) Notwithstanding any other provision of law, the court may
2 make expenditures from these allocations in payment of any cost,
3 excluding capital outlay, related to the establishment and
4 maintenance of the children’s waiting room, including personnel,
5 heat, light, telephone, security, rental of space, furnishings, toys,
6 books, or any other item in connection with the operation of a
7 children’s waiting room.

8 (d) If, as of January 1, 2006, there is a Children’s Waiting
9 Room Fund in the county treasury established under former
10 Section 26826.3, the county immediately shall transfer the
11 moneys in that fund to the court’s operations fund as a restricted
12 fund. By February 15, 2006, the county shall provide an
13 accounting of the fund to the Administrative Office of the Courts.

14 (e) After January 1, 2006, the court may apply to the Judicial
15 Council for an adjustment of the amount distributed to the fund
16 for each uniform filing fee. A court that wishes to establish a
17 children’s waiting room, and does not yet have a distribution
18 under this section, may apply to the Judicial Council for such a
19 distribution. Applications under this subdivision shall be made
20 according to trial court financial policies and procedures
21 authorized by the Judicial Council under subdivision (a) of
22 Section 77206. Adjustments and new distributions shall be
23 effective January 1 or July 1 of any year beginning January 1,
24 2006.

25 (f) The distribution to a court under this section per each filing
26 fee shall be not less than two dollars (\$2) and not more than five
27 dollars (\$5).

28 ~~SEC. 32.~~

29 *SEC. 33.* Section 77207.5 of the Government Code is
30 amended to read:

31 77207.5. (a) The Judicial Council shall make monthly
32 allocations to the trial courts from the Trial Court Trust Fund for
33 automated administrative systems as provided in this section.
34 These funds shall be used for the development and
35 implementation of automated systems as described in subdivision
36 (a) of Section 68090.8. As used in this subdivision, “automated
37 administrative systems” does not include electronic reporting
38 systems for use in a courtroom.

39 (b) The amount allocated annually to each trial court shall be
40 the amount stated in this subdivision, which is based on the

1 revenue collected in the local 2 percent automation funds in the
 2 1994-95 fiscal year. The amounts are as follows:

3	Jurisdiction	Amount
4	Alameda.....	\$424,792
5	Alpine.....	2,034
6	Amador.....	11,006
7	Butte.....	59,332
8	Calaveras.....	18,652
9	Colusa.....	13,708
10	Contra Costa.....	218,186
11	Del Norte.....	11,208
12	El Dorado.....	54,374
13	Fresno.....	181,080
14	Glenn.....	19,264
15	Humboldt.....	48,160
16	Imperial.....	67,678
17	Inyo.....	30,402
18	Kern.....	277,328
19	Kings.....	57,026
20	Lake.....	20,328
21	Lassen.....	20,156
22	Los Angeles.....	3,144,530
23	Madera.....	52,502
24	Marin.....	114,766
25	Mariposa.....	3,904
26	Mendocino.....	30,068
27	Merced.....	55,652
28	Modoc.....	6,134
29	Mono.....	12,446
30	Monterey.....	183,464
31	Napa.....	30,550
32	Nevada.....	49,946
33	Orange.....	923,882
34	Placer.....	77,378
35	Plumas.....	9,206
36	Riverside.....	532,226
37	Sacramento.....	340,254
38	San Benito.....	14,700
39	San Bernardino.....	435,474
40		

1	San Diego.....	718,442
2	San Francisco.....	272,528
3	San Joaquin.....	201,698
4	San Luis Obispo.....	130,020
5	San Mateo.....	329,518
6	Santa Barbara.....	162,858
7	Santa Clara.....	452,782
8	Santa Cruz.....	113,210
9	Shasta.....	44,394
10	Sierra.....	1,830
11	Siskiyou.....	37,000
12	Solano.....	119,364
13	Sonoma.....	119,004
14	Stanislaus.....	88,718
15	Sutter.....	37,382
16	Tehama.....	28,100
17	Trinity.....	7,648
18	Tulare.....	204,932
19	Tuolumne.....	16,642
20	Ventura.....	205,304
21	Yolo.....	48,556
22	Yuba.....	15,788

23

24 ~~SEC. 33.~~

25 *SEC. 34.* Section 77209 of the Government Code, as
26 amended by Section 142 of Chapter 75 of the Statutes of 2005, is
27 amended to read:

28 77209. (a) There is in the State Treasury the Trial Court
29 Improvement Fund.

30 (b) The Judicial Council shall reserve funds for projects by
31 transferring 1 percent of the amount appropriated for support for
32 operation of the trial courts to the Trial Court Improvement Fund.
33 At least one-half of this amount shall be set aside as a reserve
34 that shall not be allocated prior to March 15 of each year unless
35 allocated to a court or courts for urgent needs.

36 (c) Any funds in the Trial Court Improvement Fund that are
37 unencumbered at the end of the fiscal year shall be
38 reappropriated to the Trial Court Improvement Fund for the
39 following fiscal year.

1 (d) Moneys deposited in the Trial Court Improvement Fund
2 shall be placed in an interest bearing account. Any interest earned
3 shall accrue to the fund and shall be disbursed pursuant to
4 subdivision (e).

5 (e) Moneys deposited in the Trial Court Improvement Fund
6 may be disbursed for purposes of this section.

7 (f) Moneys deposited in the Trial Court Improvement Fund
8 pursuant to Section 68090.8 shall be allocated by the Judicial
9 Council for automated administrative system improvements
10 pursuant to that section and in furtherance of Rule 991 of the
11 California Rules of Court, as it read on July 1, 1996. As used in
12 this subdivision, “automated administrative system” does not
13 include electronic reporting systems for use in a courtroom.

14 (g) Moneys deposited in the Trial Court Improvement Fund
15 shall be administered by the Judicial Council. The Judicial
16 Council may, with appropriate guidelines, delegate to the
17 Administrative Director of the Courts the administration of the
18 fund. Moneys in the fund may be expended to implement trial
19 court projects approved by the Judicial Council. Expenditures
20 may be made to vendors or individual trial courts that have the
21 responsibility to implement approved projects.

22 (h) Notwithstanding other provisions of this section, the 2
23 percent automation fund moneys deposited in the Trial Court
24 Improvement Fund pursuant to Section 68090.8 shall be
25 allocated by the Judicial Council to statewide initiatives related
26 to trial court automation and their implementation. The Judicial
27 Council shall allocate the remainder of the moneys deposited in
28 the Trial Court Improvement Fund as specified in this section.

29 For the purposes of this subdivision, the term “2 percent
30 automation fund” means the fund established pursuant to Section
31 68090.8 as it read on June 30, 1996. *As used in this subdivision,*
32 *“statewide initiatives related to trial court automation and their*
33 *implementation” does not include electronic reporting systems*
34 *for use in a courtroom.*

35 (i) Royalties received from the publication of uniform jury
36 instructions shall be deposited in the Trial Court Improvement
37 Fund and used for the improvement of the jury system.

38 (j) The Judicial Council shall present an annual report to the
39 Legislature on the use of the Trial Court Improvement Fund. The
40 report shall include appropriate recommendations.

1 ~~SEC. 34.~~

2 *SEC. 35.* Section 123.6 of the Labor Code is amended to
3 read:

4 123.6. (a) All workers' compensation administrative law
5 judges employed by the administrative director and supervised
6 by the court administrator shall subscribe to the Code of Judicial
7 Ethics adopted by the Supreme Court pursuant to subdivision (m)
8 of Section 18 of Article VI of the California Constitution for the
9 conduct of judges and shall not otherwise, directly or indirectly,
10 engage in conduct contrary to that code or to the commentary to
11 the Code of Judicial Ethics.

12 In consultation with both the court administrator and the
13 Commission on Judicial Performance, the administrative director
14 shall adopt regulations to enforce this section. Existing
15 regulations shall remain in effect until new regulations based on
16 the recommendations of the court administrator and the
17 Commission on Judicial Performance have become effective. To
18 the extent possible, the rules shall be consistent with the
19 procedures established by the Commission on Judicial
20 Performance for regulating the activities of state judges, and, to
21 the extent possible, with the gift, honoraria, and travel
22 restrictions on legislators contained in the Political Reform Act
23 of 1974 (Title 9 (commencing with Section 81000) of the
24 Government Code). The court administrator shall have the
25 authority to enforce the rules adopted by the administrative
26 director.

27 (b) Honoraria or travel allowed by the court administrator, and
28 not otherwise prohibited by this section in connection with any
29 public or private conference, convention, meeting, social event,
30 or like gathering, the cost of which is significantly paid for by
31 attorneys who practice before the board, may not be accepted
32 unless the court administrator has provided prior approval in
33 writing to the workers' compensation administrative law judge
34 allowing him or her to accept those payments.

35 ~~SEC. 35.~~

36 *SEC. 36.* Section 1214.1 of the Penal Code is amended to
37 read:

38 1214.1. (a) In addition to any other penalty in infraction,
39 misdemeanor, or felony cases, the court may impose a civil
40 assessment of up to three hundred dollars (\$300) against any

1 defendant who fails, after notice and without good cause, to
2 appear in court for any proceeding authorized by law or who fails
3 to pay all or any portion of a fine ordered by the court. This
4 assessment shall be deposited in the Trial Court Trust Fund, as
5 provided in Section 68085.1 of the Government Code.

6 (b) The assessment shall not become effective until at least 10
7 calendar days after the court mails a warning notice to the
8 defendant by first-class mail to the address shown on the notice
9 to appear or to the defendant's last known address. If the
10 defendant appears within the time specified in the notice and
11 shows good cause for the failure to appear or for the failure to
12 pay a fine, the court shall vacate the assessment.

13 (c) If a civil assessment is imposed under this section, no
14 bench warrant or warrant of arrest shall be issued with respect to
15 the failure to appear at the proceeding for which the assessment
16 is imposed or the failure to pay the fine. An outstanding,
17 unserved bench warrant or warrant of arrest for a failure to
18 appear or for a failure to pay a fine shall be recalled prior to the
19 subsequent imposition of a civil assessment.

20 (d) The assessment imposed under subdivision (a) shall be
21 subject to the due process requirements governing defense and
22 collection of civil money judgments generally.

23 (e) Each court and county shall maintain the collection
24 program that was in effect on July 1, 2005, unless otherwise
25 agreed to by the court and county. If a court and a county do not
26 agree on a plan for the collection of civil assessments imposed
27 pursuant to this section, or any other collections under Section
28 1463.010, after the implementation of Sections 68085.6 and
29 68085.7 of the Government Code, the court or the county may
30 request arbitration by a third party mutually agreed upon by the
31 Administrative Director of the Courts and the California State
32 Association of Counties.

33 ~~SEC. 36.~~

34 *SEC. 37.* Section 16020 of the Vehicle Code is amended to
35 read:

36 16020. (a) Every driver and every owner of a motor vehicle
37 shall at all times be able to establish financial responsibility
38 pursuant to Section 16021, and shall at all times carry in the
39 vehicle evidence of the form of financial responsibility in effect
40 for the vehicle.

1 (b) “Evidence of financial responsibility” means any of the
2 following:

3 (1) A form issued by an insurance company or charitable risk
4 pool, as specified by the department pursuant to Section 4000.37.

5 (2) If the owner is a self-insurer, as provided in Section 16052
6 or a depositor, as provided in Section 16054.2, the certificate of
7 self-insurance or the assignment of deposit letter issued by the
8 department.

9 (3) An insurance covering note or binder pursuant to Section
10 382 or 382.5 of the Insurance Code.

11 (4) A showing that the vehicle is owned or leased by, or under
12 the direction of, the United States or any public entity, as defined
13 in Section 811.2 of the Government Code.

14 (c) For purposes of this section, “evidence of financial
15 responsibility” also may be obtained by a law enforcement
16 officer and court personnel from an electronic reporting system
17 when that system becomes available for use by law enforcement
18 officers.

19 (d) For purposes of this section, “evidence of financial
20 responsibility” also includes any of the following:

21 (1) The name of the insurance company and the number of an
22 insurance policy or surety bond that was in effect at the time of
23 the accident or at the time that evidence of financial
24 responsibility is required to be provided pursuant to Section
25 16028, if that information is contained in the vehicle registration
26 records of the department.

27 (2) The identifying motor carrier of property permit number
28 issued by the Department of the California Highway Patrol to the
29 motor carrier of property as defined in Section 34601, and
30 displayed on the motor vehicle in the manner specified by the
31 Department of the California Highway Patrol.

32 (3) The identifying number issued to the household goods
33 carrier, passenger stage carrier, or transportation charter party
34 carrier by the Public Utilities Commission and displayed on the
35 motor vehicle in the manner specified by the commission.

36 (4) The identifying number issued by the Interstate Commerce
37 Commission or its successor federal agency, if proof of financial
38 responsibility must be presented to the issuing agency as part of
39 the identification number issuance process, and displayed on the
40 motor vehicle in the manner specified by the issuing agency.

1 (e) Evidence of financial responsibility does not include any of
2 the identification numbers in paragraph (1), (2), (3), or (4) of
3 subdivision (d) if the carrier is currently suspended by the issuing
4 agency for lack or lapse of insurance or other form of financial
5 responsibility.

6 ~~SEC. 37.~~

7 *SEC. 38.* Section 16058.1 of the Vehicle Code is amended to
8 read:

9 16058.1. The department shall develop a method by which
10 law enforcement officers and court personnel, on and after July
11 1, 2006, may electronically verify that an insurance policy or
12 bond for a motor vehicle has been issued.

13 *SEC. 39.* *Section 905.7 of the Government Code, as added by*
14 *Section 18 of this act, shall be effective as to causes of action that*
15 *accrued on or after January 1, 2006. However, the enactment of*
16 *Section 905.7 of the Government Code does not change the*
17 *obligations and rights under the laws in existence at the time of*
18 *accrual of judicial branch entities or of persons whose causes of*
19 *action against a judicial branch entity accrued before January 1,*
20 *2006.*

21 *SEC. 40.* *It is the intent of the Legislature in amending*
22 *Section 11135 of the Government Code to construe and clarify*
23 *the meaning and effect of existing law and to reject the*
24 *interpretation given to the law in Garcia v. California State*
25 *University (Aug. 15, 2005, B178329) __ Cal.App.4th __ [2005*
26 *Cal. App. LEXIS 1267].*

27 ~~SEC. 38.~~

28 *SEC. 41.* The provisions of this act shall apply prospectively
29 only, *except with respect to the amendments made to Section*
30 *11135 of the Government Code.*

31 ~~SEC. 39.~~

32 *SEC. 42.* Section 3 of this bill shall only become operative if
33 AB 1459 or SB 422 is enacted and becomes effective on or
34 before January 1, 2006, and increases the jurisdictional limit of
35 the small claims court.

36 ~~SEC. 40.~~

37 *SEC. 43.* Section—22 23 of this bill shall only become
38 operative if AB 1459 or SB 422 is enacted and becomes effective
39 on or before January 1, 2006, and increases the jurisdictional

1 limit of the small claims court, in which case Section ~~21~~ 22 of
2 this bill shall not be operative.

O