

AMENDED IN SENATE OCTOBER 6, 2010

AMENDED IN ASSEMBLY APRIL 19, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1617

Introduced by Committee on Budget (Blumenfield (Chair))

January 11, 2010

~~An act relating to the Budget Act of 2010. An act to amend, repeal, and add Section 6322.1 of the Business and Professions Code, to add and repeal Section 367.6 of the Code of Civil Procedure, to amend Sections 12419.10, 25257, 25258, 25259, 70372, 76000, and 77206 of, to amend and repeal Section 70602 of, to amend, repeal, and add Sections 70603 and 70617 of, to add Sections 25259.7, 25259.8, 25259.9, 25259.95, 68106, and 72010 to, and to add and repeal Sections 68526, 70371.9, 70602.5, and 76000.3 of, and to add, repeal, and add Section 72011 to the Government Code, to amend Sections 1214 and 1463.02 of, and to amend, repeal, and add Sections 1463.007 and 1465.8 of, the Penal Code, and to amend Sections 40510.5 and 42007 of, and to add Section 42008.7 to, the Vehicle Code, relating to courts, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1617, as amended, Committee on Budget. ~~Budget Act of 2010. Courts.~~

(1) Existing law specifies uniform fees for filing first papers in connection with specified civil proceedings, and states the intent of the Legislature to establish a moratorium on increases in filing fees until January 1, 2012.

This bill would extend that moratorium until July 1, 2013, but would impose a supplemental fee for filing first papers, until that date, subject to reduction if the amount of the General Fund appropriation to the Trial Court Trust Fund is decreased from the amount appropriated in the 2010–11 fiscal year. The supplemental fees collected pursuant to these provisions would be deposited into the Trial Court Trust Fund. The bill would make other conforming changes.

(2) Existing law specifies various uniform fees for filing specified documents in connection with certain civil proceedings. The fee for filing a motion for summary judgment or summary adjudication of issues is \$200, and the fee for filing in the superior court an application to appear as counsel pro hac vice is \$250. Existing law provides that the entire fee collected for the pro hac vice application shall be transmitted to the state for deposit into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund.

This bill, until July 1, 2013, would increase each of those fees to \$500, and would provide for $\frac{1}{2}$ of the pro hac vice application fee to be transmitted to the state for deposit into the Trial Court Trust Fund. Until July 1, 2013, the bill also would require an attorney whose application to appear as counsel pro hac vice has been granted to pay an annual renewal fee of \$500 for each year that the attorney maintains pro hac vice status in the case in which the application was granted. The entire renewal fee would be transmitted to the state for deposit into the Trial Court Trust Fund.

(3) Existing law requires an added state court construction penalty of \$4.50 to be included in the total penalty, fine, or forfeiture, of every parking offense for which a penalty, fine, or forfeiture is imposed. Existing law requires those collected penalty payments to be deposited monthly with the county treasurer who in turn transmits those moneys to the Controller, as specified.

This bill would specify that in the event those payments were deposited in a local courthouse construction fund and expended pursuant to a specified provision, the county or processing agency would not be liable for the failure to transmit that penalty to the Controller during the 2008 calendar year.

The bill also would require the Judicial Council to conduct a pilot program until July 1, 2013, to assess the benefits and impacts of requiring all subcontractors with bids in excess of \$500,000 to pay for employee health expenses for construction field employees working in California, and giving quality points to a proposing construction

manager at risk that pays for those employee health expenses, as specified. The bill would require the Administrative Office of the Courts to issue a report in connection with the pilot program on or before July 1, 2015.

(4) Existing law provides that, in all general civil cases, except as specified, a party that has provided notice may appear by telephone at specified conferences, hearings, and proceedings. Existing law establishes the Trial Court Trust Fund to fund trial court operations, as specified.

This bill would require the Judicial Council, on or before July 1, 2011, to establish statewide, uniform fees to be paid by a party for appearing by telephone, in addition to any other fees paid to vendors and courts, as specified. The bill would provide that until July 1, 2013, if a vendor or court later receives a fee or a portion of a fee for appearance by telephone that was previously waived, that fee would be distributed, as specified. The bill would also require the Judicial Council, on or before July 1, 2011, and periodically thereafter as appropriate, to enter into one or more master agreements with a vendor or vendors to provide for telephone appearances in civil cases. The bill would limit the methods by which a court may make telephone appearances available to a party.

The bill, until July 1, 2013, would also require each vendor or court that provides for appearances by telephone to transmit \$20, for each fee received for providing telephone appearance services, to the State Treasury for deposit in the Trial Court Trust Fund, except as specified. Until July 1, 2013, the bill would require that if the vendor or court receives a portion of the fee, as specified, the vendor or court shall transmit only the proportionate share of the amount, as specified. The bill would require vendors to transmit, as specified, an amount equal to the total amount of revenue received by all courts for providing appearances for the 2009–10 fiscal year. The bill would require that the \$20 fee or the proportionate share collected in that quarter be transmitted within 15 days after the end of each calendar quarter. The bill would require the Judicial Council to allocate the amount collected for specified purposes.

The bill would also require trial courts to provide written notification to the public by conspicuous posting within or about its facilities, on its public Internet Web site, and to the Judicial Council not less than 60 days prior to closing any courtroom or closing or reducing the hours of clerks' offices during regular business hours, as specified. The bill

would require the Judicial Council, within 15 days of receiving notice from a trial court, to conspicuously post on its Internet Web site and provide the chairs and vice chairs of specified legislative committees a copy of the notice.

(5) Existing law authorizes any department, officer, or employee of a county or a judicial district in the county, charged by law with the collection of any county or district tax assessment, penalty, cost, license fees, or any judicial district fine, assessment, or penalty, or any money, which is due and payable to the county or district for any reason, to apply to the board of supervisors for a discharge from accountability for the collection thereof if the amount is too small to justify the cost of collection, the likelihood of collection does not warrant the expense involved, or the amount thereof has been otherwise lawfully compromised or adjusted.

This bill would additionally authorize any collection program that is operated by a court to apply to the presiding judge of the court, or another designated judge, for a similar discharge of accountability, as specified. The bill would authorize the Judicial Council, by rule of court, to establish the process by which applications would be submitted and reviewed or the standards for ordering a discharge. The bill would provide that responsibility for collection of court-ordered debt or bail be demonstrated by a written agreement between the county and the court. The bill would authorize the court to transfer responsibility for discharging court-ordered debt or bail to the county by written agreement, if the court is responsible for collecting court-ordered debt or bail.

(6) Existing law authorizes a county board of supervisors to make an order discharging a department, officer, or employee from further accountability and direct the county auditor to adjust any charge against the department, officer, or employee in a like amount. That discharge from accountability does not constitute a release of any person from liability for payment of any amount.

This bill would require the county, within 45 days after the end of the month in which any discharge from accountability is approved, to report to the superior court the discharge from accountability for any court-ordered debt or bail that the county would otherwise have been responsible for collecting. The bill would require the report to include the following for each debt discharged: the case number, whether the case is an infraction, misdemeanor, or felony, the amount of the debt discharged, and the number of years since the debt became delinquent.

(7) Existing law authorizes any county or court that implements a comprehensive program to identify and collect various delinquent fees and penalties to deduct and deposit in the county treasury or the trial court operations fund the cost of operating that program from any revenues collected prior to distributing the revenues to other governmental entities, as specified.

This bill, on and after July 1, 2012, would provide that once debt becomes delinquent, as specified, it continues to be delinquent and may be subject to collection by a comprehensive collection program. The bill would also modify the meaning of a comprehensive collection program.

(8) Existing law authorizes the clerk of the court to accept a payment and forfeiture of at least 25% of the total bail amount for each infraction violation of the Vehicle Code prior to the date on which the defendant promised to appear, or prior to the expiration of any lawful continuance of that date, or upon receipt of information that an action has been filed and prior to the scheduled court date, if specified circumstances exist. Those circumstances include that the charge is of a nonparking infraction.

This bill would instead authorize the clerk of the court to accept a payment and forfeiture of at least 10% of the total bail amount. The bill would extend that authorization for any infraction violation of the Vehicle Code.

(9) Existing law requires the clerk of the court to accept from a person ordered or permitted to attend a traffic violator school a payment of at least 25% of a specified fee upon filing a written agreement by the defendant to pay the remainder of the fee according to an installment payment schedule of no more than 90 days as agreed upon with the court. When a defendant fails to make an installment payment of the fee according to an installment agreement, the court may convert the fee to bail, declare it forfeited, and report the forfeiture as a conviction, as specified.

This bill will instead authorize the clerk of the court to accept a payment of at least 10% of the fee. The bill would specify that for the purposes of reporting a conviction pursuant to that provision, the date that the court declares the bail forfeited would be reported as the date of conviction.

The bill would also establish a one-time amnesty program for fines and bail meeting certain requirements to accept, in full satisfaction of any eligible fine or bail, 50% of the fine or bail amount, between

January 1, 2012, and June 30, 2012. The bill would also require the Judicial Council to adopt guidelines for the amnesty program no later than November 1, 2011. The bill would require the Judicial Council to submit a report to the Legislature on or before December 31, 2012, summarizing the information provided by each court or county.

(10) Existing law requires a levy in each county of an additional penalty in the amount of \$7 for every \$10, or part of \$10, upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. Existing law reduces that \$7 additional penalty in each county by the additional penalty amount assessed by the county for the local courthouse construction fund, as specified.

This bill would modify the additional penalty assessed by certain counties, as specified.

(11) Existing law requires the Controller, to the extent feasible, to offset any amount overdue and unpaid for a fine, penalty, assessment, bail, vehicle parking penalty, or court-ordered reimbursement for court-related services, from a person or entity, against any amount owing the person or entity by a state agency on a claim for a refund from the Franchise Tax Board under the Personal Income Tax Law or the Bank and Corporation Tax Law, or from winnings in the California State Lottery.

This bill would additionally require an offset against a cash payment of a claim for unclaimed property held by the state.

(12) Existing law requires that a fee of \$30 be imposed on every conviction for a criminal offense, including traffic offenses, to ensure and maintain adequate funding for court security. Existing law requires the court fee to be reduced to \$20 on July 1, 2011.

This bill would instead raise the court fee to \$40 until July 1, 2011, at which time the court fee would be reduced to \$30, and on July 1, 2013, the court fee would be further reduced to \$20.

(13) Existing law requires the Judicial Council, on or after July 1, 2009, to establish a task force to evaluate criminal and traffic-related court-ordered debts imposed against adult and juvenile offenders. Among other things, the task force would be required to make recommendations to the Judicial Council no later than June 30, 2010, regarding the priority in which court-ordered debts should be satisfied.

This bill would require the Judicial Council to establish that task force before June 30, 2011, and would add as members of the task force

a county public defender and a city attorney appointed by the Speaker of the Assembly and a defense attorney in private practice and a district attorney appointed by the Senate Committee on Rules. The bill would also require the task force to make those recommendations to the Judicial Council and the Legislature no later than June 30, 2011.

(14) Existing law authorizes the Judicial Council to regulate the budget and fiscal management of the trial courts, and requires the Judicial Council to adopt regulations for recordkeeping and accounting by the courts ensuring that all revenues and expenditures relating to court operations are known. At the request of the Legislature, the Controller may perform and publish financial and fiscal compliance audits of the reports of court revenues and expenditures. The Controller is required to report the results of these audits to the Legislature and the Judicial Council, and the Judicial Council or its representative may perform audits and reviews of all court financial records wherever they may be located.

This bill would, instead, authorize the Judicial Council or its representatives to inspect, review, and perform comprehensive oversight and analysis of court financial records wherever they may be located, and to investigate allegations of financial impropriety or mismanagement. The bill also would require a specified auditing entity, not earlier than July 1, 2011, and not later than December 15, 2012, to establish a pilot program to audit 6 trial courts, as specified, and, on or before December 15, 2013, to commence an audit of the trial courts, including a review of all funds within the trial court's administration or control. The bill would require the audit of each trial court at least once every 4 years. The bill would require the auditing entity to compile the trial court audit findings and report the results of these audits to the Legislature, the Judicial Council, and the Department of Finance no later than April 1 of each year. The bill would provide that the audit be paid for from funds of the local trial court being audited.

This bill also would require the auditing entity, as specified, on or before December 15, 2013, and biennially thereafter, to perform an audit of the Administrative Office of the Courts, including a review of all funds under the administration, jurisdiction, or control of the Administrative Office of the Courts. The bill would require the auditing entity to provide a copy of the final audit report to the Legislature, the Judicial Council, and the Department of Finance upon issuance.

The bill would also require the Judicial Council to conduct an analysis of the cost incurred by trial courts related to the default prove up process, as defined, and report on the different methods trial courts use in processing filings related to the default prove up process as well as the revenue generated by these filings. The bill would require Judicial Council to provide its report to the Assembly Committee on Budget and the Senate Committee on Budget and Fiscal Review by June 30, 2012. The bill would require the Legislative Analyst's Office to review that report, consult with stakeholders, consider the best practices of other states, and make any recommendations to increase efficiency, streamline the processes and turnaround times for filing documents related to the default prove up process, and assess whether any changes should be made to the fee structure for filings related to the process. The bill would require the Legislative Analyst's Office to provide its recommendations to the Assembly Committee on Budget and the Senate Committee on Budget and Fiscal Review by September 30, 2011.

(15) Existing law establishes the Trial Court Trust Fund for services provided to the court or courts by the Administrative Office of the Courts or payment for services or property of any kind contracted for by the court or courts or on behalf of the courts by the Administrative Office of the Courts.

This bill would provide, commencing 60 days after the enactment of the Budget Act of 2010, and until July 1, 2013, that for each parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of \$3 shall be included in the total penalty, fine, or forfeiture, as specified. The bill would require the county treasurer to transmit the penalty to the Treasurer for deposit in the Trial Court Trust Fund, as specified.

Because the bill would increase the duties of county employees, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

(16) This bill would declare that it is to take effect immediately as an urgency statute.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2010.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: ~~no~~^{yes}.

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

1 SECTION 1. Section 6322.1 of the Business and Professions
2 Code is amended to read:

3 6322.1. (a) Until the end of the moratorium described in
4 Section 70601 of the Government Code, the board of supervisors
5 of any county may increase, as provided in this section, the amount
6 distributed to its county law library fund from the uniform filing
7 fees listed in Section 6321 whenever it determines that the increase
8 is necessary to defray the expenses of the law library.

9 Any increase in the amount distributed to the law library fund
10 in any county under this subdivision shall not be effective until
11 January 1 of the next year after the adoption by the board of
12 supervisors of the increase. The amount of the increase in any
13 calendar year shall be no greater than three dollars (\$3) over the
14 previous calendar year. A copy of the action of the board of
15 supervisors that establishes the increase shall be provided to the
16 Administrative Office of the Courts as soon as it becomes available
17 but no later than December 15 of the year before the increased
18 distribution goes into effect.

19 (b) Distribution changes after January 1, 2008, shall be
20 determined by the process described in Section 70601 of the
21 Government Code.

22 (c) (1) In an action or proceeding in which a claim for money
23 damages falls within the monetary jurisdiction of the small claims
24 court and is filed by an assignee who is prohibited from filing or
25 maintaining a claim pursuant to Section 116.420 of the Code of
26 Civil Procedure, the uniform filing fee shall be reduced by
27 ~~twenty-four dollars (\$24)~~ *forty-four dollars (\$44)* to one hundred
28 eighty-one dollars (\$181) if the complaint contains a declaration
29 under penalty of perjury, executed by the party requesting the
30 reduction in fees, that the case qualifies for the lower fee because
31 the claim for money damages will not exceed the monetary
32 jurisdiction of small claims court and is filed by an assignee of the
33 claim.

(2) When the uniform filing fee is reduced as provided under this subdivision, the amount distributed from each uniform filing fee to the law library fund in the county shall be as follows:

Jurisdiction	Amount
Alameda.....	\$12.00
Alpine.....	1.00
Amador.....	6.00
Butte.....	12.00
Calaveras.....	7.00
Colusa.....	12.00
Contra Costa.....	8.00
Del Norte.....	6.00
El Dorado.....	9.00
Fresno.....	9.00
Glenn.....	6.00
Humboldt.....	12.00
Imperial.....	12.00
Inyo.....	6.00
Kern.....	12.00
Kings.....	12.00
Lake.....	12.00
Lassen.....	12.00
Los Angeles.....	5.00
Madera.....	12.00
Marin.....	12.00
Mariposa.....	4.00
Mendocino.....	12.00
Merced.....	12.00
Modoc.....	6.00
Mono.....	6.00
Monterey.....	10.00
Napa.....	12.00
Nevada.....	7.00
Orange.....	8.00
Placer.....	7.00
Plumas.....	6.00
Riverside.....	12.00
Sacramento.....	8.50
San Benito.....	6.00

1	San Bernardino.....	12.00
2	San Diego.....	12.00
3	San Francisco.....	12.00
4	San Joaquin.....	10.00
5	San Luis Obispo.....	12.00
6	San Mateo.....	12.00
7	Santa Barbara.....	12.00
8	Santa Clara.....	8.00
9	Santa Cruz.....	12.00
10	Shasta.....	8.50
11	Sierra.....	9.00
12	Siskiyou.....	8.00
13	Solano.....	9.00
14	Sonoma.....	12.00
15	Stanislaus.....	6.50
16	Sutter.....	1.00
17	Tehama.....	9.00
18	Trinity.....	6.00
19	Tulare.....	12.00
20	Tuolumne.....	2.00
21	Ventura.....	12.00
22	Yolo.....	10.00
23	Yuba.....	7.00

24
25 The increases described in subdivision (a) do not apply to the
26 law library distributions in this subdivision.

27 (3) Notwithstanding subdivision (d) of Section 68085.4 of the
28 Government Code, when the uniform filing fee is reduced as
29 provided in this subdivision, the amounts distributed to dispute
30 resolution programs, the State Court Facilities Construction Fund,
31 the Judges' Retirement Fund, children's waiting rooms, and the
32 Equal Access Fund shall remain as provided under subdivisions
33 (b) and (c) of Section 68085.4 of the Government Code and shall
34 not be changed. Only the amounts distributed to the Trial Court
35 Trust Fund, the law libraries, and the Immediate and Critical Needs
36 Account of the State Court Facilities Construction Fund shall be
37 adjusted. The amount distributed from each uniform filing fee
38 under this section to the Immediate and Critical Needs Account
39 of the State Court Facilities Construction Fund, established in
40 Section 70371.5, shall be eleven dollars (\$11). If the fee is further

1 reduced below one hundred eighty-one dollars (\$181), as with a
2 partial waiver or partial payment, the proportional reductions
3 described in subdivision (g) of Section 68085.1 of the Government
4 Code shall apply.

5 (d) Distributions under this section to the law library fund in
6 each county shall be used only for the purposes authorized by this
7 chapter.

8 (e) As used in this section and Section 6321, “law library fund”
9 includes a law library account described in the second paragraph
10 of Section 6320.

11 (f) *This section shall become inoperative on July 1, 2013, and,*
12 *as of January 1, 2014, is repealed, unless a later enacted statute,*
13 *that becomes operative on or before January 1, 2014, deletes or*
14 *extends the dates on which it becomes inoperative and is repealed.*

15 SEC. 2. Section 6322.1 is added to the Business and Professions
16 Code, to read:

17 6322.1. (a) *Until the end of the moratorium described in*
18 *Section 70601 of the Government Code, the board of supervisors*
19 *of any county may increase, as provided in this section, the amount*
20 *distributed to its county law library fund from the uniform filing*
21 *fees listed in Section 6321 whenever it determines that the increase*
22 *is necessary to defray the expenses of the law library.*

23 *Any increase in the amount distributed to the law library fund*
24 *in any county under this subdivision shall not be effective until*
25 *January 1 of the next year after the adoption by the board of*
26 *supervisors of the increase. The amount of the increase in any*
27 *calendar year shall be no greater than three dollars (\$3) over the*
28 *previous calendar year. A copy of the action of the board of*
29 *supervisors that establishes the increase shall be provided to the*
30 *Administrative Office of the Courts as soon as it becomes available*
31 *but no later than December 15 of the year before the increased*
32 *distribution goes into effect.*

33 (b) *Distribution changes after January 1, 2008, shall be*
34 *determined by the process described in Section 70601 of the*
35 *Government Code.*

36 (c) (1) *In an action or proceeding in which a claim for money*
37 *damages falls within the monetary jurisdiction of the small claims*
38 *court and is filed by an assignee who is prohibited from filing or*
39 *maintaining a claim pursuant to Section 116.420 of the Code of*
40 *Civil Procedure, the uniform filing fee shall be reduced by*

twenty-four dollars (\$24) to one hundred eighty-one dollars (\$181) if the complaint contains a declaration under penalty of perjury, executed by the party requesting the reduction in fees, that the case qualifies for the lower fee because the claim for money damages will not exceed the monetary jurisdiction of small claims court and is filed by an assignee of the claim.

(2) When the uniform filing fee is reduced as provided under this subdivision, the amount distributed from each uniform filing fee to the law library fund in the county shall be as follows:

<i>Jurisdiction</i>	<i>Amount</i>
<i>Alameda</i>	<i>\$12.00</i>
<i>Alpine</i>	<i>1.00</i>
<i>Amador</i>	<i>6.00</i>
<i>Butte</i>	<i>12.00</i>
<i>Calaveras</i>	<i>7.00</i>
<i>Colusa</i>	<i>12.00</i>
<i>Contra Costa</i>	<i>8.00</i>
<i>Del Norte</i>	<i>6.00</i>
<i>El Dorado</i>	<i>9.00</i>
<i>Fresno</i>	<i>9.00</i>
<i>Glenn</i>	<i>6.00</i>
<i>Humboldt</i>	<i>12.00</i>
<i>Imperial</i>	<i>12.00</i>
<i>Inyo</i>	<i>6.00</i>
<i>Kern</i>	<i>12.00</i>
<i>Kings</i>	<i>12.00</i>
<i>Lake</i>	<i>12.00</i>
<i>Lassen</i>	<i>12.00</i>
<i>Los Angeles</i>	<i>5.00</i>
<i>Madera</i>	<i>12.00</i>
<i>Marin</i>	<i>12.00</i>
<i>Mariposa</i>	<i>4.00</i>
<i>Mendocino</i>	<i>12.00</i>
<i>Merced</i>	<i>12.00</i>
<i>Modoc</i>	<i>6.00</i>
<i>Mono</i>	<i>6.00</i>
<i>Monterey</i>	<i>10.00</i>
<i>Napa</i>	<i>12.00</i>
<i>Nevada</i>	<i>7.00</i>

1	Orange.....	8.00
2	Placer.....	7.00
3	Plumas.....	6.00
4	Riverside.....	12.00
5	Sacramento.....	8.50
6	San Benito.....	6.00
7	San Bernardino.....	12.00
8	San Diego.....	12.00
9	San Francisco.....	12.00
10	San Joaquin.....	10.00
11	San Luis Obispo.....	12.00
12	San Mateo.....	12.00
13	Santa Barbara.....	12.00
14	Santa Clara.....	8.00
15	Santa Cruz.....	12.00
16	Shasta.....	8.50
17	Sierra.....	9.00
18	Siskiyou.....	8.00
19	Solano.....	9.00
20	Sonoma.....	12.00
21	Stanislaus.....	6.50
22	Sutter.....	1.00
23	Tehama.....	9.00
24	Trinity.....	6.00
25	Tulare.....	12.00
26	Tuolumne.....	2.00
27	Ventura.....	12.00
28	Yolo.....	10.00
29	Yuba.....	7.00

31 *The increases described in subdivision (a) do not apply to the*
32 *law library distributions in this subdivision.*

33 *(3) Notwithstanding subdivision (d) of Section 68085.4 of the*
34 *Government Code, when the uniform filing fee is reduced as*
35 *provided in this subdivision, the amounts distributed to dispute*
36 *resolution programs, the State Court Facilities Construction Fund,*
37 *the Judges' Retirement Fund, children's waiting rooms, and the*
38 *Equal Access Fund shall remain as provided under subdivisions*
39 *(b) and (c) of Section 68085.4 of the Government Code and shall*
40 *not be changed. Only the amounts distributed to the Trial Court*

1 *Trust Fund, the law libraries, and the Immediate and Critical*
2 *Needs Account of the State Court Facilities Construction Fund*
3 *shall be adjusted. The amount distributed from each uniform filing*
4 *fee under this section to the Immediate and Critical Needs Account*
5 *of the State Court Facilities Construction Fund, established in*
6 *Section 70371.5, shall be eleven dollars (\$11). If the fee is further*
7 *reduced below one hundred eighty-one dollars (\$181), as with a*
8 *partial waiver or partial payment, the proportional reductions*
9 *described in subdivision (g) of Section 68085.1 of the Government*
10 *Code shall apply.*

11 *(d) Distributions under this section to the law library fund in*
12 *each county shall be used only for the purposes authorized by this*
13 *chapter.*

14 *(e) As used in this section and Section 6321, "law library fund"*
15 *includes a law library account described in the second paragraph*
16 *of Section 6320.*

17 *(f) This section shall become operative on July 1, 2013.*

18 SEC. 3. *Section 367.6 is added to the Code of Civil Procedure,*
19 *to read:*

20 367.6. *(a) On or before July 1, 2011, the Judicial Council*
21 *shall establish statewide, uniform fees to be paid by a party for*
22 *appearing by telephone, which shall supersede any fees paid to*
23 *vendors and courts under existing agreements and procedures.*
24 *The fees to be paid for telephone appearances shall include:*

25 *(1) A fee for providing the telephone appearance service*
26 *pursuant to a timely request to the vendor or court.*

27 *(2) An additional fee for providing services if the request is*
28 *made shortly before the hearing, as defined by the Judicial Council.*

29 *(3) A fee for canceling a telephone appearance request.*

30 *(b) If a party has received a waiver of fees pursuant to Article*
31 *6 (commencing with Section 68630) of Chapter 2 of Title 8 of the*
32 *Government Code, neither a vendor nor a court shall charge that*
33 *party any of the fees authorized by this section, subject to the*
34 *following:*

35 *(1) The vendor or court that provides the telephone appearance*
36 *service shall have a lien, as provided by rule of court, on any*
37 *judgment, including a judgment for costs, that the party may*
38 *receive, in the amount of the fee that the party would have paid*
39 *for the telephone appearance.*

1 (2) If the vendor or court later receives a fee or a portion of a
2 fee for appearance by telephone that was previously waived, that
3 fee shall be distributed consistent with Section 72011 of the
4 Government Code.

5 (c) The fee described in this section shall be a recoverable cost
6 under Section 1033.5 of the Code of Civil Procedure.

7 (d) This section shall become inoperative on July 1, 2013, and,
8 as of January 1, 2014, is repealed, unless a later enacted statute,
9 that becomes operative on or before January 1, 2014, deletes or
10 extends the dates on which it becomes inoperative and is repealed.

11 SEC. 4. Section 367.6 is added to the Code of Civil Procedure,
12 to read:

13 367.6. (a) On or before July 1, 2011, the Judicial Council
14 shall establish statewide, uniform fees to be paid by a party for
15 appearing by telephone, which shall supersede any fees paid to
16 vendors and courts under existing agreements and procedures.
17 The fees to be paid for telephone appearances shall include:

18 (1) A fee for providing the telephone appearance service
19 pursuant to a timely request to the vendor or court.

20 (2) An additional fee for providing services if the request is
21 made shortly before the hearing, as defined by the Judicial Council.

22 (3) A fee for canceling a telephone appearance request.

23 (b) If a party has received a waiver of fees pursuant to Article
24 6 (commencing with Section 68630) of Chapter 2 of Title 8 of the
25 Government Code, neither a vendor nor a court shall charge that
26 party any of the fees authorized by this section, however, the vendor
27 or court that provides the telephone appearance service shall have
28 a lien, as provided by rule of court, on any judgment, including a
29 judgment for costs, that the party may receive, in the amount of
30 the fee that the party would have paid for the telephone
31 appearance.

32 (c) The fee described in this section shall be a recoverable cost
33 under section 1033.5 of the Code of Civil Procedure.

34 (d) This section shall become operative on July 1, 2013.

35 SEC. 5. Section 12419.10 of the Government Code is amended
36 to read:

37 12419.10. (a) (1) The Controller shall, to the extent feasible,
38 offset any amount overdue and unpaid for a fine, penalty,
39 assessment, bail, vehicle parking penalty, or court-ordered
40 reimbursement for court-related services, from a person or entity,

1 against any amount owing the person or entity by a state agency
 2 on a claim for a refund from the Franchise Tax Board under the
 3 Personal Income Tax Law or the Bank and Corporation Tax Law
 4 or, from winnings in the California State Lottery, *or a cash*
 5 *payment of a claim for unclaimed property held by the state.*
 6 Standards and procedures for submission of requests for offsets
 7 shall be as prescribed by the Controller. Whenever insufficient
 8 funds are available to satisfy an offset request, the Controller, after
 9 first applying the amounts available to any amount due a state
 10 agency, may allocate the balance among any other requests for
 11 offset.

12 (2) Any request for an offset for a vehicle parking penalty shall
 13 be submitted within three years of the date the penalty was
 14 incurred. This three year maximum term for refund offsets for
 15 parking tickets applies to requests submitted to the Controller on
 16 or after January 1, 2004.

17 (b) Once an offset request for a vehicle parking penalty is made,
 18 a local agency may not accrue additional interest charges, collection
 19 charges, penalties, or other charges on or after the date that the
 20 offset request is made. Payment of an offset request for a vehicle
 21 parking penalty shall be made on the condition that it constitutes
 22 full and final payment of that offset.

23 (c) The Controller shall deduct and retain from any amount
 24 offset in favor of a city or county an amount sufficient to reimburse
 25 the Controller, the Franchise Tax Board, the California State
 26 Lottery, and the Department of Motor Vehicles for their
 27 administrative costs of processing the offset payment.

28 (d) Notwithstanding Chapter 3.5 (commencing with Section
 29 6250) of Division 7 of Title 1, or any other provision of law, the
 30 social security number of any person obtained pursuant to Section
 31 4150, 4150.2, or 12800 of the Vehicle Code is not a public record
 32 and shall only be provided by the Department of Motor Vehicles
 33 to an authorized agency for the sole purpose of making an offset
 34 pursuant to this section for any unpaid vehicle parking penalty or
 35 any unpaid fine, penalty, assessment, or bail of which the
 36 Department of Motor Vehicles has been notified pursuant to
 37 subdivision (a) of Section 40509 of the Vehicle Code or Section
 38 1803 of the Vehicle Code, responding to information requests from
 39 the Franchise Tax Board for the purpose of tax administration, and
 40 responding to requests for information from an agency, operating

1 pursuant to and carrying out the provisions of, Part A (Aid to
2 Families with Dependent Children), or Part D (Child Support and
3 Establishment of Paternity) of Subchapter IV of Chapter 7 of Title
4 42 of the United States Code. As used in this section, “authorized
5 agency” means the Controller, the Franchise Tax Board, or the
6 California Lottery Commission.

7 *SEC. 6. Section 25257 of the Government Code is amended to*
8 *read:*

9 25257. (a) Any department, officer, or employee of a county
10 ~~or a judicial district in the county~~, charged by law with the
11 collection of any county or district tax assessment, penalty, cost,
12 license fees, ~~or any judicial district fine, assessment, or penalty~~,
13 or any money, which is due and payable to the county or district
14 for any reason, may apply to the board of supervisors for a
15 discharge from accountability for the collection thereof if the
16 amount is too small to justify the cost of collection, the likelihood
17 of collection does not warrant the expense involved, or the amount
18 thereof has been otherwise lawfully compromised or adjusted.

19 (b) *Any collection program that is operated by a county may*
20 *apply to the board of supervisors for a discharge from*
21 *accountability for the court-ordered debt or bail that it would*
22 *otherwise be responsible for collecting, if the amount is too small*
23 *to justify the cost of collection or the likelihood of collection does*
24 *not warrant the expense involved. Responsibility for collection of*
25 *court-ordered debt or bail shall be demonstrated by a written*
26 *agreement between the county and the court. If the court is*
27 *responsible for collecting court-ordered debt or bail, the court*
28 *may transfer responsibility for discharging court-ordered debt or*
29 *bail to the county by written agreement.*

30 *SEC. 7. Section 25258 of the Government Code is amended to*
31 *read:*

32 25258. The application for a discharge from accountability
33 under Section 25257 shall include:

34 (a) The amount owing.

35 (b) Except where disclosure of such information is prohibited
36 by state or federal law, the names of the assessees or persons liable
37 and the amounts owed by each, which may be by reference to
38 specific documents incorporated thereby in the application.

39 (c) The estimated cost of collection, or a statement that the
40 likelihood of collection does not warrant the expense involved, or

1 a specific reference to the official records establishing that the
2 amount owed has been compromised or adjusted. If requested by
3 the board of supervisors, the applicant shall furnish such additional
4 information as the board deems necessary to determine that the
5 request for discharge is justified.

6 (d) Any other fact warranting the discharge, except where the
7 board of supervisors determines that the circumstances do not
8 warrant the furnishing of detailed information.

9 (e) A verification by the applicant that the facts stated in the
10 application are true and correct, which may be made on information
11 and belief.

12 SEC. 8. *Section 25259 of the Government Code is amended to*
13 *read:*

14 25259. The board of supervisors may make an order
15 discharging the department, officer, or employee from further
16 accountability and direct the county auditor to adjust any charge
17 against ~~said~~ the department, officer, or employee in a like amount.
18 ~~Such~~ The discharge from accountability does not constitute a
19 release of any person from liability for payment of any amount.
20 *Within 45 days after the end of the month in which any discharge*
21 *from accountability is approved, the county shall report to the*
22 *superior court the discharge from accountability for any*
23 *court-ordered debt or bail that the county would otherwise have*
24 *been responsible for collecting. The report shall include the*
25 *following for each debt discharged: the case number; whether the*
26 *case is an infraction, misdemeanor, or felony; the amount of the*
27 *debt discharged; and the number of years since the debt became*
28 *delinquent.*

29 SEC. 9. *Section 25259.7 is added to the Government Code, to*
30 *read:*

31 25259.7. *Any collection program that is operated by a court*
32 *may apply to the presiding judge of the court for a discharge from*
33 *accountability for any court-ordered debt or bail that it would*
34 *otherwise be responsible for collecting, if the amount is too small*
35 *to justify the cost of collection or the likelihood of collection does*
36 *not warrant the expense involved. Responsibility for collection of*
37 *court-ordered debt or bail shall be demonstrated by a written*
38 *agreement between the county and the court. If the county is*
39 *responsible for collecting court-ordered debt or bail, the county*

1 may transfer responsibility for discharging court-ordered debt or
2 bail to the court by written agreement.

3 SEC. 10. Section 25259.8 is added to the Government Code,
4 to read:

5 25259.8. (a) The application for a discharge from
6 accountability under Section 25259.7 shall include the following:

7 (1) The amount owing.

8 (2) The names of the persons liable and the amounts owed by
9 each, which may be by reference to specific documents
10 incorporated in the application, except where disclosure of that
11 information is prohibited by state or federal law.

12 (3) The estimated cost of collection, or a statement that the
13 likelihood of collection does not warrant the expense involved. If
14 requested by the presiding judge, the applicant shall furnish the
15 additional information as deemed necessary to determine that the
16 request for discharge is justified.

17 (4) Any other fact warranting the discharge, except where the
18 presiding judge determines that the circumstances do not warrant
19 the furnishing of detailed information.

20 (5) A verification that the facts stated in the application are true
21 and correct, which may be made on information and belief.

22 (b) The Judicial Council, by rule of court, may require that
23 additional information be included in the application.

24 SEC. 11. Section 25259.9 is added to the Government Code,
25 to read:

26 25259.9. (a) The presiding judge may make an order
27 discharging the collection program from further accountability.
28 The order shall have the same effect as a discharge from
29 accountability under Section 25259, which relieves the applicant
30 from any further responsibility for collecting the discharged debt,
31 and does not constitute a release of any person from liability for
32 payment of any amount. Upon making an order of discharge, the
33 presiding judge shall direct the clerk of court to enter record of
34 the discharge in the court case file for each debt and to post a copy
35 of the order of discharge on the court's Internet Web site for a
36 period of not less than three weeks.

37 (b) Within 45 days after the end of the month in which any
38 discharge from accountability is approved, the court shall report
39 to the county the discharge from accountability for any
40 court-ordered debt or bail that the court would otherwise have

1 *been responsible for collecting. The report shall include for each*
2 *debt discharged: the case number; whether the case is an*
3 *infraction, misdemeanor, or felony; the amount of the debt*
4 *discharged; and the number of years since the debt became*
5 *delinquent.*

6 *(c) The Judicial Council, by rule of court, may establish the*
7 *process by which applications under Section 25259.7 are submitted*
8 *and reviewed or the standards for ordering a discharge.*

9 *SEC. 12. Section 25259.95 is added to the Government Code,*
10 *to read:*

11 *25259.95. The presiding judge may authorize and designate*
12 *another judge in the court to exercise the powers of the presiding*
13 *judge set forth in Sections 25259.7, 25259.8, and 25259.9.*

14 *SEC. 13. Section 68106 is added to the Government Code, to*
15 *read:*

16 *68106. (a) (1) In making appropriations for the support of*
17 *the trial courts, the Legislature recognizes the importance of*
18 *increased revenues from litigants and lawyers, including increased*
19 *revenues from civil filing fees. It is therefore the intent of the*
20 *Legislature that, to the extent practicable, access to court services*
21 *for civil litigants be preserved in the allocation of resources by*
22 *and for trial courts.*

23 *(2) Furthermore, it is the intent of the Legislature in enacting*
24 *the Budget Act of 2010, which includes increases in civil and*
25 *criminal court fees and penalties, that trial courts remain open to*
26 *the public on all days except judicial holidays, Saturdays, and*
27 *Sundays, and except as authorized pursuant to Section 68115.*

28 *(b) Trial courts shall provide written notification to the public*
29 *by conspicuous posting within or about its facilities, on its public*
30 *Internet Web site, and to the Judicial Council, not less than 60*
31 *days prior to closing any courtroom, or closing or reducing the*
32 *hours of clerks' offices during regular business hours on any day*
33 *except judicial holidays, Saturdays, and Sundays, and except as*
34 *authorized pursuant to Section 68115. The notification shall*
35 *include the scope of the closure or reduction in hours, and the*
36 *financial constraints or other reasons that make the closure or*
37 *reduction necessary. Within 15 days of receipt of a notice from a*
38 *trial court, the Judicial Council shall conspicuously post on its*
39 *Internet Web site and provide the chairs and vice chairs of the*
40 *Committees on Judiciary, the Chair of the Assembly Committee*

1 on Budget, and the Chair of the Senate Committee on Budget and
2 Fiscal Review a copy of any notice received pursuant to this
3 subdivision. The Legislature intends to review the information
4 obtained pursuant to this section to ensure that California trial
5 courts remain open and accessible to the public.

6 (c) Nothing in this section is intended to affect, limit, or
7 otherwise interfere with regular court management
8 decisionmaking, including calendar management and scheduling
9 decisions.

10 SEC. 14. Section 68526 is added to the Government Code, to
11 read:

12 68526. (a) The Judicial Council shall conduct an analysis of
13 the cost incurred by trial courts related to the default prove up
14 process and report on the different methods trial courts use in
15 processing filings related to the default prove up process, as well
16 as the revenue generated by these filings. The Judicial Council
17 shall also compare the processes used by trial courts in filings
18 related to the default prove up process to best practices used in
19 other states, including, but not limited to, the use of electronic
20 filing.

21 (b) The Legislative Analyst's Office shall review the Judicial
22 Council report, consult with stakeholders, consider the best
23 practices of other states, and make any recommendations to
24 increase efficiency, streamline the processes and turnaround times
25 for filing documents related to the default prove up process, and
26 assess whether any changes should be made to the fee structure
27 for filings related to the process. In conducting its analysis, the
28 Legislative Analyst's Office shall consider, among other factors
29 it deems relevant, whether electronic filing could be implemented
30 as a tool to improve the efficiency and turnaround times of the
31 default prove up process.

32 (c) The Judicial Council shall provide its report to the Assembly
33 Committee on Budget, the Senate Committee on Budget and Fiscal
34 Review, and the Legislative Analyst's Office by September 30,
35 2011. The Legislative Analyst's Office shall provide the Assembly
36 Committee on Budget and the Senate Committee on Budget and
37 Fiscal Review its recommendations no later than June 30, 2012.

38 (d) For the purposes of this section, the following definitions
39 apply:

1 (1) “Collections case” means an action for recovery of money
2 owed in a sum stated to be certain that is not more than twenty-five
3 thousand dollars (\$25,000), exclusive of interest and attorney’s
4 fees, arising from a transaction in which property, services, or
5 money were acquired on credit. “Collections case” does not
6 include an action seeking tort damages, punitive damages, recovery
7 of real property or personal property, a prejudgment writ of
8 attachment, or any action filed pursuant to the Family Code.

9 (2) “Default prove up process” means a request for entry of
10 default filed pursuant to Section 585 of the Code of Civil Procedure
11 in a collections case.

12 (e) This section shall become inoperative on July 1, 2013, and,
13 as of January 1, 2014, is repealed, unless a later enacted statute,
14 that becomes operative on or before January 1, 2014, deletes or
15 extends the dates on which it becomes inoperative and is repealed.

16 SEC. 15. Section 70371.9 is added to the Government Code,
17 to read:

18 70371.9. (a) The Judicial Council shall conduct a pilot
19 program until July 1, 2013, to assess the benefits and impacts of
20 both of the following:

21 (1) Requiring all subcontractors with bids in excess of five
22 hundred thousand dollars (\$500,000) to pay for employee health
23 care expenditures for their construction field employees working
24 in California.

25 (2) Giving two quality points out of 100 quality points to a
26 proposing construction manager at risk that pays for employee
27 health care expenditures for its construction field employees
28 working in California.

29 (b) The Judicial Council shall, after consulting with applicable
30 stakeholders, select three courthouse construction projects from
31 those funded by the Immediate and Critical Needs Account
32 established by Section 70371.5 to implement the pilot program,
33 including one project with estimated construction costs in excess
34 of two hundred million dollars (\$200,000,000), one project with
35 estimated construction costs between one hundred million dollars
36 (\$100,000,000) and two hundred million dollars (\$200,000,000),
37 and one project with estimated construction costs between
38 seventy-five million dollars (\$75,000,000) and one hundred million
39 dollars (\$100,000,000).

1 (c) *The Administrative Office of Courts shall provide two quality*
2 *points out of a total 100 quality points to construction managers*
3 *at risk that submit proposals and certify that they are qualified.*

4 (1) *A proposer qualifies for the two quality points pursuant to*
5 *this subdivision if, for the six-month period immediately preceding*
6 *submission of the proposal, the proposer's aggregate California*
7 *employee health care expenditures were equal to at least 6.5*
8 *percent of that proposer's aggregate California social security*
9 *wages.*

10 (2) *A proposer shall receive two quality points by certifying*
11 *that it qualifies for the two points on a form provided by the*
12 *Administrative Office of the Courts.*

13 (3) *Any proposer that certifies that it qualifies for the two quality*
14 *points shall provide to the Administrative Office of the Courts,*
15 *upon request, sufficient records to show that the proposer is*
16 *qualified. The failure to supply the records within a reasonable*
17 *time, as specified by the Administrative Office of the Courts, may*
18 *result in the proposer's disqualification.*

19 (d) (1) *A subcontractor shall not be awarded a subcontract in*
20 *excess of five hundred thousand dollars (\$500,000) on a project*
21 *under the pilot program unless, for the six-month period*
22 *immediately preceding the effective date of the subcontract, the*
23 *subcontractor's aggregate California employee health care*
24 *expenditures were equal to at least 6.5 percent of that*
25 *subcontractor's aggregate California social security wages. The*
26 *Administrative Office of the Courts may waive this requirement if*
27 *no economically feasible bid is received.*

28 (2) *Each subcontractor awarded a subcontract in excess of five*
29 *hundred thousand dollars (\$500,000) on a project under the pilot*
30 *program shall submit to the construction manager at risk, prior*
31 *to execution of its subcontract, a statement on a form provided by*
32 *the Administrative Office of the Courts certifying that it has*
33 *complied with the requirement in paragraph (1).*

34 (3) *A subcontractor awarded a subcontract in excess of five*
35 *hundred thousand dollars (\$500,000) on a project under the pilot*
36 *program shall provide to the construction manager at risk, upon*
37 *request, sufficient records to show that the proposer has complied*
38 *with paragraph (1).*

39 (e) *In order to evaluate the benefits of this pilot program,*
40 *including the potential improvement of health care coverage for*

1 construction field employees, potential savings to the State of
2 California from not having to pay for health care for uninsured
3 workers and their dependents, and other impacts, including
4 potential increased project costs, the Administrative Office of the
5 Courts shall collect and analyze data to assess the impact of
6 subdivisions (b) and (c) and issue a report summarizing the data
7 and analysis on or before July 1, 2015. The Administrative Office
8 of the Courts may contract with third-party consultants in
9 collecting and analyzing the data and preparing the report.

10 (f) For purposes of this section, the following terms have the
11 following meanings:

12 (1) "Aggregate California employee health care expenditures"
13 means all amounts paid by a proposer or subcontractor to its
14 construction field employees in California or to a third party on
15 behalf of a proposer's or subcontractor's construction field
16 employees in California, for the purpose of providing health care
17 services to the construction field employees or reimbursing the
18 cost of those services for the construction field employees,
19 including, but not limited to, all of the following:

20 (A) Contributions on behalf of employees to a health savings
21 account, as defined under Section 223 of the Internal Revenue
22 Code, or to any other account having substantially the same
23 purpose or effect without regard to whether the contributions
24 qualify for a tax deduction or are excludable from employee
25 income.

26 (B) Reimbursement to employees for expenses incurred in the
27 purchase of health care services.

28 (C) Payments to a third party for the purpose of providing health
29 care services for employees.

30 (D) Payments pursuant to a collective bargaining agreement
31 for the purpose of providing health care services for employees.

32 (E) Costs incurred in the direct delivery of health care services
33 to employees.

34 (2) "Aggregate California social security wages" means the
35 aggregate amount of wages paid to all of a proposer's or
36 subcontractor's construction field employees in California, not
37 including any wages that are above the federal social security
38 contribution and benefit base, sometimes referred to as the social
39 security wage base, for the year in which they are paid.

1 (3) “Construction field employees” means a proposer’s or
2 subcontractor’s workers who perform construction labor at
3 construction jobsites.

4 (4) “Health care services” means medical care, services, or
5 goods that qualify as tax deductible medical care expenses under
6 Section 213 of the Internal Revenue Code, or medical care,
7 services, or goods having substantially the same purpose or effect
8 as those deductible expenses.

9 (g) This section shall become inoperative on July 1, 2015, and,
10 as of January 1, 2016, is repealed, unless a later enacted statute
11 that is enacted before January 1, 2016, deletes or extends the dates
12 on which it becomes operative and is repealed.

13 SEC. 16. Section 70372 of the Government Code is amended
14 to read:

15 70372. (a) (1) Except as otherwise provided in subdivision
16 (b) of Section 70375 and in this article, there shall be levied a state
17 court construction penalty, in the amount of five dollars (\$5) for
18 every ten dollars (\$10), or part of ten dollars (\$10), upon every
19 fine, penalty, or forfeiture imposed and collected by the courts for
20 all criminal offenses, including, but not limited to, all offenses
21 involving a violation of a section of the Fish and Game Code, the
22 Health and Safety Code, or the Vehicle Code or any local ordinance
23 adopted pursuant to the Vehicle Code. This penalty is in addition
24 to any other state or local penalty, including, but not limited to,
25 the penalty provided by Section 1464 of the Penal Code and
26 Section 76000.

27 (2) The amount of the court construction penalty may be reduced
28 by a county as provided in subdivision (b) of Section 70375.

29 (3) This construction penalty does not apply to the following:

30 (A) Any restitution fine.

31 (B) Any penalty authorized by Section 1464 of the Penal Code
32 or Chapter 12 (commencing with Section 76000) of Title 8.

33 (C) Any parking offense subject to Article 3 (commencing with
34 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

35 (D) The state surcharge authorized by Section 1465.7 of the
36 Penal Code.

37 (4) Any bail schedule adopted pursuant to Section 1269b of the
38 Penal Code or adopted by the Judicial Council pursuant to Section
39 40310 of the Vehicle Code may include the necessary amount to
40 pay the penalty established by this section, the penalties authorized

by Section 1464 of the Penal Code and Chapter 12 (commencing with Section 76000) of Title 8, and the surcharge authorized by Section 1465.7 of the Penal Code for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine. After a determination by the court of the amount due, the clerk of the court shall collect the penalty and transmit it immediately to the county treasury and the county treasurer shall transmit these sums as provided in subdivision (f).

(b) In addition to the penalty provided by subdivision (a), for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added state court construction penalty of four dollars and fifty cents (\$4.50) shall be included in the total penalty, fine, or forfeiture. These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1462.3 or 1463.009 of the Penal Code. In those cities, districts, or other issuing agencies which elect to accept parking penalties, and otherwise process parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the added penalty provided for by this subdivision. Each agency that elects to process parking violations shall pay to the county treasurer four dollars and fifty cents (\$4.50) for the parking penalty imposed by this subdivision for each violation that is not filed in court. Those payments to the county treasurer shall be made monthly, and the county treasurer shall transmit these sums as provided in paragraph (2) of subdivision (f). *In the event these payments were deposited in a local courthouse construction fund and expended pursuant to the provisions of Chapter 592 of the Statutes of 2003, no county or processing agency shall be liable for the failure to transmit the payments to the Controller during the 2008 calendar year.*

(c) If multiple offenses are involved, the state court construction penalty under subdivision (a) shall be based upon the total fine or bail for each case. If a fine is suspended, in whole or in part, the state court construction penalty under subdivision (a) shall be reduced in proportion to the suspension.

(d) If any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making the deposit shall also deposit a sufficient amount

1 to include the state court construction penalty prescribed by
2 subdivision (a) for forfeited bail. If bail is returned, the state court
3 construction penalty paid thereon pursuant to subdivision (a) shall
4 also be returned.

5 (e) In any case where a person convicted of any offense, to
6 which this section applies, is in prison until the fine is satisfied,
7 the judge may waive all or any part of the state court construction
8 penalty, the payment of which would work a hardship on the person
9 convicted or his or her immediate family.

10 (f) (1) Within 45 days after the end of the month that moneys
11 are deposited in the county treasury pursuant to subdivision (a),
12 the county treasurer shall transmit the moneys to the Controller,
13 to be deposited as follows:

14 (A) The total to be deposited pursuant to subdivision (a) shall
15 be multiplied by a fraction as follows:

16 (i) The numerator is the amount imposed as of January 1, 1998,
17 as an additional penalty on every ten dollars (\$10), or part of ten
18 dollars (\$10), upon every fine, penalty, or forfeiture, if any, for
19 deposit into the local courthouse construction fund in that county
20 established pursuant to Sections 76000 and 76100. The numerator
21 shall be expressed in whole dollars and fractions of a dollar.

22 (ii) The denominator is five dollars (\$5).

23 (B) The resulting amount shall be deposited in the Immediate
24 and Critical Needs Account of the State Court Facilities
25 Construction Fund, established in Section 70371.5.

26 (C) The remaining amount of the deposit shall be deposited in
27 the State Court Facilities Construction Fund.

28 (2) Within 45 days after the end of the month that moneys are
29 deposited in the county treasury pursuant to subdivision (b), the
30 county treasurer shall transmit the moneys to the Controller to be
31 deposited as follows: one-third of the total amount shall be
32 deposited in the State Court Facilities Construction Fund and
33 two-thirds of the total amount shall be deposited in the Immediate
34 and Critical Needs Account of the State Court Facilities
35 Construction Fund, established in Section 70371.5.

36 *SEC. 17. Section 70602 of the Government Code is amended*
37 *to read:*

38 70602. (a) It is the intent of the Legislature to establish a
39 moratorium on increases in filing fees until ~~January 1, 2012~~ July
40 1, 2013. No filing fee provided for in this chapter may be changed

1 before ~~January 1, 2012~~ July 1, 2013, except as provided in Section
2 70602.5.

3 ~~(b) Notwithstanding subdivision (a), due to the economic crisis~~
4 ~~facing California in the 2009–10 fiscal year, a first paper filing fee~~
5 ~~increase is included in conjunction with the Budget Act of 2009.~~
6 ~~This increase shall not be construed to otherwise affect the~~
7 ~~moratorium created pursuant to subdivision (a).~~

8 *(b) This section shall become inoperative on July 1, 2013, and,*
9 *as of January 1, 2014, is repealed, unless a later enacted statute,*
10 *that becomes operative on or before January 1, 2014, deletes or*
11 *extends the dates on which it becomes inoperative and is repealed.*

12 SEC. 18. Section 70602.5 is added to the Government Code,
13 to read:

14 70602.5. (a) Notwithstanding any other law, due to the severity
15 of the continuing economic crisis facing the State of California, it
16 is the intent of the Legislature to supplement, until July 1, 2013,
17 certain first paper filing fees as provided below:

18 (1) A supplemental fee of forty dollars (\$40) shall be collected
19 for filing any first paper subject to the uniform fee that is set at
20 three hundred fifty-five dollars (\$355) under Sections 70611,
21 70612, 70650, 70651, 70652, 70653, 70655, 70658, and 70670.
22 The total fee collected under these sections, which includes the
23 supplemental fee, shall be deposited and distributed as provided
24 in Sections 68085.3 and 68086.1, as applicable.

25 (2) A supplemental fee of forty dollars (\$40) shall be collected
26 for filing any first paper subject to the uniform fee that is set at
27 three hundred thirty dollars (\$330) under Sections 70613, 70614,
28 and 70621. The total fee collected under these sections, which
29 includes the supplemental fee, shall be deposited and distributed
30 as provided in Sections 68085.4 and 68086.1, as applicable.

31 (3) A supplemental fee of twenty dollars (\$20) shall be collected
32 for filing any first paper subject to the uniform fee that is set at
33 two hundred five dollars (\$205) under Sections 70613, 70614,
34 70621, 70654, and 70656 of this code, and Section 103470 of the
35 Health and Safety Code. The total fee collected under these
36 sections, which includes the supplemental fee, shall be deposited
37 and distributed as provided in Section 68085.4.

38 (b) If the amount of the General Fund transfer to the Trial Court
39 Trust Fund is decreased in excess of 10 percent from the amount
40 appropriated in the 2010–11 fiscal year and is not offset by another

1 source of noncourt fee revenue, then the amount of the
2 supplemental fees provided in paragraphs (1), (2), and (3) of
3 subdivision (a) shall be decreased proportionally. The Judicial
4 Council shall adopt and publish a schedule setting the fees
5 resulting from the decrease.

6 (c) This section shall become inoperative on July 1, 2013, and,
7 as of January 1, 2014, is repealed, unless a later enacted statute,
8 that becomes operative on or before January 1, 2014, deletes or
9 extends the dates on which it becomes inoperative and is repealed.

10 SEC. 19. Section 70603 of the Government Code is amended
11 to read:

12 70603. (a) Except as provided in this section, the fees charged
13 for filings and services under this chapter are intended to be
14 uniform statewide and to be the only allowable fees for those
15 services and filings. The only charges that may be added to the
16 fees in this chapter are the following:

17 (1) In a complex case, the fee provided for in Section 70616
18 may be added to the first paper and first responsive paper filing
19 fees in Sections 70611, 70612, 70613, and 70614.

20 (2) In an unlawful detainer action subject to Section 1161.2 of
21 the Code of Civil Procedure, a charge of fifteen dollars (\$15) as
22 provided under that section may be added to the fee in Section
23 70613 for filing a first appearance by a plaintiff.

24 (3) In Riverside County, a surcharge as provided in Section
25 70622 may be added to the first paper and first responsive paper
26 filing fees in Sections 70611, 70612, 70613, 70614, 70650, 70651,
27 70652, 70653, 70655, and 70670.

28 (4) In San Bernardino County, a surcharge as provided in
29 Section 70624 may be added to the first paper and first responsive
30 paper filing fees in Sections 70611, 70612, 70613, 70614, 70650,
31 70651, 70652, 70653, 70655, and 70670. This paragraph applies
32 to fees collected under Sections 70611, 70612, 70613, 70614,
33 70650, 70651, 70652, 70653, 70655, and 70670, beginning January
34 1, 2006.

35 (5) In the City and County of San Francisco, a surcharge as
36 provided in Section 70625 may be added to the first paper and first
37 responsive paper filing fees in Sections 70611, 70612, 70613,
38 70614, 70650, 70651, 70652, 70653, 70655, and 70670.

39 (b) Notwithstanding paragraph (1) of subdivision (c) of Section
40 68085.3 and paragraph (1) of subdivision (c) of Section 68085.4,

1 when a charge for courthouse construction in the ~~County or City~~
2 and County of San Francisco; *or in the Counties of Riverside;* or
3 San Bernardino is added to the uniform filing fee as provided under
4 paragraph (3), (4), or (5) of subdivision (a), the amount distributed
5 to the State Court Facilities Construction Fund under Section
6 68085.3 or 68085.4 shall be reduced by an amount equal to the
7 charge added under paragraph (3), (4), or (5) of subdivision (a),
8 up to the amount that would otherwise be distributed to the State
9 Court Facilities Construction Fund. If the amount added under
10 paragraph (3), (4), or (5) of subdivision (a) is greater than the
11 amount that would be distributed to the State Court Facilities
12 Construction Fund under Section 68085.3 or 68085.4, no
13 distribution shall be made to the State Court Facilities Construction
14 Fund, but the amount charged to the party may be greater than the
15 amount of the uniform fee otherwise allowed, in order to collect
16 the surcharge under paragraph (3), (4), or (5) of subdivision (a).

17 (c) If a filing fee is reduced by ~~twenty-four dollars (\$24)~~
18 *forty-four dollars (\$44)* under subdivision (c) of Section 6322.1
19 of the Business and Professions Code, and a courthouse
20 construction surcharge is added to the filing fee as provided under
21 paragraph (3), (4), or (5) of subdivision (a), the amount distributed
22 to the State Court Facilities Construction Fund under Section
23 68085.4 shall be reduced as provided in subdivision (b). If the
24 amount added under paragraph (3), (4), or (5) of subdivision (a)
25 is greater than the amount that would be distributed to the State
26 Court Facilities Construction Fund under Section 68085.4, no
27 distribution shall be made to the State Court Facilities Construction
28 Fund, but the amount charged to the party may be greater than one
29 hundred eighty-one dollars (\$181), in order to collect the surcharge
30 under paragraph (3), (4), or (5) of subdivision (a).

31 (d) *This section shall become inoperative on July 1, 2013, and,*
32 *as of January 1, 2014, is repealed, unless a later enacted statute,*
33 *that becomes operative on or before January 1, 2014, deletes or*
34 *extends the dates on which it becomes inoperative and is repealed.*

35 SEC. 20. Section 70603 is added to the Government Code, to
36 read:

37 70603. (a) *Except as provided in this section, the fees charged*
38 *for filings and services under this chapter are intended to be*
39 *uniform statewide and to be the only allowable fees for those*

1 services and filings. The only charges that may be added to the
2 fees in this chapter are the following:

3 (1) In a complex case, the fee provided for in Section 70616
4 may be added to the first paper and first responsive paper filing
5 fees in Sections 70611, 70612, 70613, and 70614.

6 (2) In an unlawful detainer action subject to Section 1161.2 of
7 the Code of Civil Procedure, a charge of fifteen dollars (\$15) as
8 provided under that section may be added to the fee in Section
9 70613 for filing a first appearance by a plaintiff.

10 (3) In Riverside County, a surcharge as provided in Section
11 70622 may be added to the first paper and first responsive paper
12 filing fees in Sections 70611, 70612, 70613, 70614, 70650, 70651,
13 70652, 70653, 70655, and 70670.

14 (4) In San Bernardino County, a surcharge as provided in
15 Section 70624 may be added to the first paper and first responsive
16 paper filing fees in Sections 70611, 70612, 70613, 70614, 70650,
17 70651, 70652, 70653, 70655, and 70670. This paragraph applies
18 to fees collected under Sections 70611, 70612, 70613, 70614,
19 70650, 70651, 70652, 70653, 70655, and 70670, beginning January
20 1, 2006.

21 (5) In the City and County of San Francisco, a surcharge as
22 provided in Section 70625 may be added to the first paper and
23 first responsive paper filing fees in Sections 70611, 70612, 70613,
24 70614, 70650, 70651, 70652, 70653, 70655, and 70670.

25 (b) Notwithstanding paragraph (1) of subdivision (c) of Section
26 68085.3 and paragraph (1) of subdivision (c) of Section 68085.4,
27 when a charge for courthouse construction in the City and County
28 of San Francisco or in the Counties of Riverside or San Bernardino
29 is added to the uniform filing fee as provided under paragraph
30 (3), (4), or (5) of subdivision (a), the amount distributed to the
31 State Court Facilities Construction Fund under Section 68085.3
32 or 68085.4 shall be reduced by an amount equal to the charge
33 added under paragraph (3), (4), or (5) of subdivision (a), up to
34 the amount that would otherwise be distributed to the State Court
35 Facilities Construction Fund. If the amount added under paragraph
36 (3), (4), or (5) of subdivision (a) is greater than the amount that
37 would be distributed to the State Court Facilities Construction
38 Fund under Section 68085.3 or 68085.4, no distribution shall be
39 made to the State Court Facilities Construction Fund, but the
40 amount charged to the party may be greater than the amount of

1 the uniform fee otherwise allowed, in order to collect the surcharge
2 under paragraph (3), (4), or (5) of subdivision (a).

3 (c) If a filing fee is reduced by twenty-four dollars (\$24) under
4 subdivision (c) of Section 6322.1 of the Business and Professions
5 Code, and a courthouse construction surcharge is added to the
6 filing fee as provided under paragraph (3), (4), or (5) of
7 subdivision (a), the amount distributed to the State Court Facilities
8 Construction Fund under Section 68085.4 shall be reduced as
9 provided in subdivision (b). If the amount added under paragraph
10 (3), (4), or (5) of subdivision (a) is greater than the amount that
11 would be distributed to the State Court Facilities Construction
12 Fund under Section 68085.4, no distribution shall be made to the
13 State Court Facilities Construction Fund, but the amount charged
14 to the party may be greater than one hundred eighty-one dollars
15 (\$181), in order to collect the surcharge under paragraph (3), (4),
16 or (5) of subdivision (a).

17 (d) This section shall become operative on July 1, 2013.

18 SEC. 21. Section 70617 of the Government Code is amended
19 to read:

20 70617. (a) Except as provided in subdivisions (d) and (e), the
21 uniform fee for filing a motion, application, or any other paper
22 requiring a hearing subsequent to the first paper, is forty dollars
23 (\$40). Papers for which this fee shall be charged include the
24 following:

25 (1) A motion listed in paragraphs (1) to (12), inclusive, of
26 subdivision (a) of Section 1005 of the Code of Civil Procedure.

27 (2) A motion or application to continue a trial date.

28 (3) An application for examination of a third person controlling
29 defendant's property under Section 491.110 or 491.150 of the
30 Code of Civil Procedure.

31 (4) Discovery motions under Title 4 (commencing with Section
32 2016.010) of Part 4 of the Code of Civil Procedure.

33 (5) A motion for a new trial of any civil action or special
34 proceeding.

35 (6) An application for an order for a judgment debtor
36 examination under Section 708.110 or 708.160 of the Code of
37 Civil Procedure.

38 (7) An application for an order of sale of a dwelling under
39 Section 704.750 of the Code of Civil Procedure.

(8) An ex parte application that requires a party to give notice of the ex parte appearance to other parties.

(b) There shall be no fee under subdivision (a) or (c) for filing any of the following:

(1) A motion, application, demurrer, request, notice, or stipulation and order that is the first paper filed in an action and on which a first paper filing fee is paid.

(2) An amended notice of motion.

(3) A civil case management statement.

(4) A request for trial de novo after judicial arbitration.

(5) A stipulation that does not require an order.

(6) A request for an order to prevent civil harassment.

(7) A request for an order to prevent domestic violence.

(8) A request for entry of default or default judgment.

(9) A paper requiring a hearing on a petition for emancipation of a minor.

(10) A paper requiring a hearing on a petition for an order to prevent abuse of an elder or dependent adult.

(11) A paper requiring a hearing on a petition for a writ of review, mandate, or prohibition.

(12) A paper requiring a hearing on a petition for a decree of change of name or gender.

(13) A paper requiring a hearing on a petition to approve the compromise of a claim of a minor.

(c) The fee for filing the following papers not requiring a hearing is twenty dollars (\$20):

(1) A request, application, or motion for, or a notice of, the continuance of a hearing or case management conference. The fee shall be charged no more than once for each continuance. The fee shall not be charged if the continuance is required by the court.

(2) A stipulation and order.

(3) A request for an order authorizing service of summons by posting or by publication under Section 415.45 or 415.50 of the Code of Civil Procedure.

(d) The fee for filing a motion for summary judgment or summary adjudication of issues is ~~two hundred dollars (\$200)~~ *five hundred dollars (\$500)*.

(e) (1) The fee for filing in the superior court an application to appear as counsel pro hac vice is ~~two hundred fifty dollars (\$250)~~ *five hundred dollars (\$500)*. This fee is in addition to any other

1 fee required of the applicant. ~~The entire Two hundred fifty dollars~~
2 ~~(\$250) of the fee collected under this subdivision paragraph shall~~
3 ~~be transmitted to the state for deposit into the Immediate and~~
4 ~~Critical Needs Account of the State Court Facilities Construction~~
5 ~~Fund, established in Section 70371.5. The remaining two hundred~~
6 ~~fifty dollars (\$250) of the fee shall be transmitted to the state for~~
7 ~~deposit into the Trial Court Trust Fund, established in Section~~
8 ~~68085.~~

9 (2) An attorney whose application to appear as counsel pro hac
10 vice has been granted shall pay to the superior court, on or before
11 the anniversary of the date the application was granted, an annual
12 renewal fee of five hundred dollars (\$500) for each year that the
13 attorney maintains pro hac vice status in the case in which the
14 application was granted. ~~The entire fee collected under this~~
15 ~~paragraph shall be transmitted to the state for deposit into the~~
16 ~~Trial Court Trust Fund, established in Section 68085.~~

17 (f) Regardless of whether each motion or matter is heard at a
18 single hearing or at separate hearings, the filing fees required by
19 subdivisions (a), (c), (d), and (e) apply separately to each motion
20 or other paper filed. The Judicial Council may publish rules to
21 give uniform guidance to courts in applying fees under this section.

22 (g) ~~This section shall become inoperative on July 1, 2013, and,~~
23 ~~as of January 1, 2014, is repealed, unless a later enacted statute,~~
24 ~~that becomes operative on or before January 1, 2014, deletes or~~
25 ~~extends the dates on which it becomes inoperative and is repealed.~~

26 SEC. 22. Section 70617 is added to the Government Code, to
27 read:

28 70617. (a) Except as provided in subdivisions (d) and (e), the
29 uniform fee for filing a motion, application, or any other paper
30 requiring a hearing subsequent to the first paper, is forty dollars
31 (\$40). Papers for which this fee shall be charged include the
32 following:

33 (1) A motion listed in paragraphs (1) to (12), inclusive, of
34 subdivision (a) of Section 1005 of the Code of Civil Procedure.

35 (2) A motion or application to continue a trial date.

36 (3) An application for examination of a third person controlling
37 defendant's property under Section 491.110 or 491.150 of the
38 Code of Civil Procedure.

39 (4) Discovery motions under Title 4 (commencing with Section
40 2016.010) of Part 4 of the Code of Civil Procedure.

1 (5) A motion for a new trial of any civil action or special
2 proceeding.

3 (6) An application for an order for a judgment debtor
4 examination under Section 708.110 or 708.160 of the Code of Civil
5 Procedure.

6 (7) An application for an order of sale of a dwelling under
7 Section 704.750 of the Code of Civil Procedure.

8 (8) An ex parte application that requires a party to give notice
9 of the ex parte appearance to other parties.

10 (b) There shall be no fee under subdivision (a) or (c) for filing
11 any of the following:

12 (1) A motion, application, demurrer, request, notice, or
13 stipulation and order that is the first paper filed in an action and
14 on which a first paper filing fee is paid.

15 (2) An amended notice of motion.

16 (3) A civil case management statement.

17 (4) A request for trial de novo after judicial arbitration.

18 (5) A stipulation that does not require an order.

19 (6) A request for an order to prevent civil harassment.

20 (7) A request for an order to prevent domestic violence.

21 (8) A request for entry of default or default judgment.

22 (9) A paper requiring a hearing on a petition for emancipation
23 of a minor.

24 (10) A paper requiring a hearing on a petition for an order to
25 prevent abuse of an elder or dependent adult.

26 (11) A paper requiring a hearing on a petition for a writ of
27 review, mandate, or prohibition.

28 (12) A paper requiring a hearing on a petition for a decree of
29 change of name or gender.

30 (13) A paper requiring a hearing on a petition to approve the
31 compromise of a claim of a minor.

32 (c) The fee for filing the following papers not requiring a
33 hearing is twenty dollars (\$20):

34 (1) A request, application, or motion for, or a notice of, the
35 continuance of a hearing or case management conference. The
36 fee shall be charged no more than once for each continuance. The
37 fee shall not be charged if the continuance is required by the court.

38 (2) A stipulation and order.

1 (3) A request for an order authorizing service of summons by
2 posting or by publication under Section 415.45 or 415.50 of the
3 Code of Civil Procedure.

4 (d) The fee for filing a motion for summary judgment or
5 summary adjudication of issues is two hundred dollars (\$200).

6 (e) The fee for filing in the superior court an application to
7 appear as counsel pro hac vice is two hundred fifty dollars (\$250).

8 This fee is in addition to any other fee required of the applicant.

9 The entire fee collected under this subdivision shall be transmitted
10 to the state for deposit into the Immediate and Critical Needs
11 Account of the State Court Facilities Construction Fund,
12 established in Section 70371.5.

13 (f) Regardless of whether each motion or matter is heard at a
14 single hearing or at separate hearings, the filing fees required by
15 subdivisions (a), (c), (d), and (e) apply separately to each motion
16 or other paper filed. The Judicial Council may publish rules to
17 give uniform guidance to courts in applying fees under this section.

18 (g) This section shall become operative on July 1, 2013.

19 (Amended by Stats. 2008, Ch. 311, Sec. 13.5. Effective January
20 1, 2009.)

21 SEC. 23. Section 72010 is added to the Government Code, to
22 read:

23 72010. (a) On or before July 1, 2011, and periodically
24 thereafter as appropriate, the Judicial Council shall enter into
25 one or more master agreements with a vendor or vendors to
26 provide for telephone appearances in civil cases under Section
27 367.5 of the Code of Civil Procedure or as otherwise authorized
28 by law.

29 (b) Each master agreement shall include the following:

30 (1) The amount of the fees to be paid by a party for a telephone
31 appearance.

32 (2) The amounts to be deposited in the Trial Court Trust Fund
33 described in Section 72011.

34 (3) A requirement that the vendor submit a quarterly report
35 setting forth the number of fees collected, number of liens
36 established, and the amount collected from previously waived fees
37 pursuant to Section 367.6 of the Code of Civil Procedure.

38 (4) A statement that the vendor shall indemnify and hold the
39 court harmless from claims arising from a failure or interruption
40 of services.

1 (5) Other terms as the Judicial Council deems appropriate,
2 including, but not limited to, the services and equipment to be
3 provided by vendors to the courts and the assistance to be provided
4 by vendors to callers.

5 (c) A court may make telephone appearances available to a
6 party only through one or more of the following methods:

7 (1) An agreement with one or more of the vendors under the
8 master agreements provided by this section.

9 (2) An agreement entered into between a court and a vendor
10 prior to July 1, 2011, and which has not expired. If a contract is
11 subject to cancellation by a court after July 1, 2011, that court
12 shall exercise its option to cancel the contract as soon after July
13 1, 2011, as is legally possible to do so.

14 (3) Direct provision by the court of telephone appearance
15 services to a party. If the court provides the services directly, the
16 court shall collect the fees for telephone appearances adopted by
17 the Judicial Council in accordance with Section 367.6 of the Code
18 of Civil Procedure and the master agreement or agreements
19 entered into pursuant to this section. A judicial officer may, in his
20 or her discretion, waive telephone appearance fees for parties
21 appearing directly by telephone in that judicial officer's courtroom.

22 SEC. 24. Section 72011 is added to the Government Code, to
23 read:

24 72011. (a) For each fee received for providing telephone
25 appearance services, each vendor or court that provides for
26 appearances by telephone shall transmit twenty dollars (\$20) to
27 the State Treasury for deposit in the Trial Court Trust Fund
28 established pursuant to Section 68085. If the vendor or court
29 receives a portion of the fee as authorized under paragraph (2) of
30 subdivision (b) of Section 367.6 of the Code of Civil Procedure,
31 the vendor or court shall transmit only the proportionate share of
32 the amount required under this section. This section shall apply
33 regardless of whether the Judicial Council has established the
34 statewide uniform fee pursuant to Section 367.6 of the Code of
35 Civil Procedure, or entered into one or more master agreements
36 pursuant to Section 72010. This section shall not apply when a
37 vendor or court does not receive a fee.

38 (b) The amounts described in subdivision (a) shall be transmitted
39 within 15 days after the end of each calendar quarter for fees
40 collected in that quarter.

1 (c) Vendors shall also transmit an amount equal to the total
2 amount of revenue received by all courts from all vendors for
3 providing telephonic appearances for the 2009–10 fiscal year.

4 (d) The amounts set forth in subdivision (c) shall be apportioned
5 by the Judicial Council among the vendors with which the Judicial
6 Council has a master agreement pursuant to Section 72010. Within
7 15 days of receiving notice from the Judicial Council of its
8 apportioned amount, each vendor shall transmit that amount to
9 the State Treasury for deposit in the Trial Court Trust Fund.

10 (e) The Judicial Council shall allocate the amount collected
11 pursuant to subdivisions (c) and (d) for the purpose of preventing
12 significant disruption in services in courts that previously received
13 revenues from vendors for providing telephone appearance
14 services. The Judicial Council shall determine the method and
15 amount of the allocation to each eligible court.

16 (f) This section shall become inoperative on July 1, 2013, and,
17 as of January 1, 2014, is repealed, unless a later enacted statute,
18 that becomes operative on or before January 1, 2014, deletes or
19 extends the dates on which it becomes inoperative and is repealed.

20 SEC. 25. Section 72011 is added to the Government Code, to
21 read:

22 72011. (a) Vendors that provide for appearances by telephone
23 shall transmit an amount equal to, and not to exceed, the total
24 amount of revenue received by all courts from all vendors for
25 providing telephone appearances for the 2009–10 fiscal year.

26 (b) The amount set forth in subdivision (a) shall be apportioned
27 by the Judicial Council among the vendors with which the Judicial
28 Council has a master agreement pursuant to Section 72010. Within
29 15 days of receiving notice from the Judicial Council of its
30 apportioned amount, each vendor shall transmit that amount to
31 the State Treasury for deposit in the Trial Court Trust Fund
32 established pursuant to Section 68085.

33 (c) The Judicial Council shall allocate the amount collected
34 pursuant to subdivisions (a) and (b) for the purpose of preventing
35 significant disruption in services in courts that previously received
36 revenues from vendors for providing telephone appearance
37 services. The Judicial Council shall determine the method and
38 amount of the allocation to each eligible court.

39 (d) This section shall become operative on July 1, 2013.

1 *SEC. 26. Section 76000 of the Government Code is amended*
2 *to read:*

3 76000. (a) (1) Except as otherwise provided elsewhere in this
4 section, in each county there shall be levied an additional penalty
5 in the amount of seven dollars (\$7) for every ten dollars (\$10), or
6 part of ten dollars (\$10), upon every fine, penalty, or forfeiture
7 imposed and collected by the courts for all criminal offenses,
8 including all offenses involving a violation of the Vehicle Code
9 or any local ordinance adopted pursuant to the Vehicle Code.

10 (2) This additional penalty shall be collected together with and
11 in the same manner as the amounts established by Section 1464
12 of the Penal Code. These moneys shall be taken from fines and
13 forfeitures deposited with the county treasurer prior to any division
14 pursuant to Section 1463 of the Penal Code. The county treasurer
15 shall deposit those amounts specified by the board of supervisors
16 by resolution in one or more of the funds established pursuant to
17 this chapter. However, deposits to these funds shall continue
18 through whatever period of time is necessary to repay any
19 borrowings made by the county on or before January 1, 1991, to
20 pay for construction provided for in this chapter.

21 (3) This additional penalty does not apply to the following:

22 (A) Any restitution fine.

23 (B) Any penalty authorized by Section 1464 of the Penal Code
24 or this chapter.

25 (C) Any parking offense subject to Article 3 (commencing with
26 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

27 (D) The state surcharge authorized by Section 1465.7 of the
28 Penal Code.

29 (b) In each authorized county, provided that the board of
30 supervisors has adopted a resolution stating that the implementation
31 of this subdivision is necessary to the county for the purposes
32 authorized, with respect to each authorized fund established
33 pursuant to Section 76100 or 76101, for every parking offense
34 where a parking penalty, fine, or forfeiture is imposed, an added
35 penalty of two dollars and fifty cents (\$2.50) shall be included in
36 the total penalty, fine, or forfeiture. Except as provided in
37 subdivision (c), for each parking case collected in the courts of the
38 county, the county treasurer shall place in each authorized fund
39 two dollars and fifty cents (\$2.50). These moneys shall be taken
40 from fines and forfeitures deposited with the county treasurer prior

to any division pursuant to Section 1462.3 or 1463.009 of the Penal Code. The judges of the county shall increase the bail schedule amounts as appropriate to reflect the added penalty provided for by this section. In those cities, districts, or other issuing agencies which elect to accept parking penalties, and otherwise process parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the added penalty provided for by this section. Each agency which elects to process parking violations shall pay to the county treasurer two dollars and fifty cents (\$2.50) for each fund for each parking penalty collected on each violation which is not filed in court. Those payments to the county treasurer shall be made monthly, and the county treasurer shall deposit all those sums in the authorized fund. No issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges established in the resolution adopted pursuant to this chapter, except as otherwise agreed upon by the local governmental entities involved.

(c) The county treasurer shall deposit one dollar (\$1) of every two dollars and fifty cents (\$2.50) collected pursuant to subdivision (b) into the general fund of the county.

(d) The authority to impose the two-dollar-and-fifty-cent (\$2.50) penalty authorized by subdivision (b) shall be reduced to one dollar (\$1) as of the date of transfer of responsibility for facilities from the county to the Judicial Council pursuant to Article 3 (commencing with Section 70321) of Chapter 5.1, except as money is needed to pay for construction provided for in Section 76100 and undertaken prior to the transfer of responsibility for facilities from the county to the Judicial Council.

(e) The seven-dollar (\$7) additional penalty authorized by subdivision (a) shall be reduced in each county by the additional penalty amount assessed by the county for the local courthouse construction fund established by Section 76100 as of January 1, 1998, when the money in that fund is transferred to the state under Section 70402. The amount each county shall charge as an additional penalty under this section shall be as follows:

Alameda	\$5.00	Marin	\$5.00	San Luis Obispo	\$6.00
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					\$5.00
Alpine	\$5.00	Mariposa	\$2.00 \$2.50	San Mateo	\$4.75
Amador	\$5.00	Mendocino	\$7.00	Santa Barbara	\$3.50
Butte	\$6.00 \$7.00	Merced	\$5.00 \$4.75	Santa Clara	\$5.50
Calaveras	\$3.00	Modoc	\$4.00 \$3.50	Santa Cruz	\$7.00
Colusa	\$6.00	Mono	\$5.00 \$4.00	Shasta	\$3.50
Contra Costa	\$5.00	Monterey	\$5.00	Sierra	\$7.00
Del Norte	\$5.00 \$7.00	Napa	\$3.00	Siskiyou	\$5.00
El Dorado	\$5.00	Nevada	\$5.00 \$4.75	Solano	\$5.00
Fresno	\$7.00	Orange	\$3.50 \$5.29	Sonoma	\$5.00
Glenn	\$4.06 \$4.00	Placer	\$4.75	Stanislaus	\$5.00
Humboldt	\$5.00	Plumas	\$5.00 \$7.00	Sutter	\$3.00 \$6.00
Imperial	\$6.00	Riverside	\$4.60	Tehama	\$7.00
Inyo	\$4.00	Sacramento	\$5.00	Trinity	\$4.26 \$4.50
Kern	\$7.00	San Benito	\$5.00	Tulare	\$5.00
Kings	\$7.00	San Bernardino	\$5.00	Tuolumne	\$5.00 \$7.00
Lake	\$7.00	San Diego	\$5.00 \$7.00	Ventura	\$5.00
Lassen	\$2.00	San Francisco	\$6.99	Yolo	\$7.00
Los Angeles	\$5.00	San Joaquin	\$3.75	Yuba	\$3.00
Madera	\$7.00				

SEC. 27. Section 76000.3 is added to the Government Code, to read:

76000.3. (a) Notwithstanding any other provision of law, for each parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of three dollars (\$3) shall be imposed

1 in addition to the penalty, fine, or forfeiture set by the city, district,
2 or other issuing agency.

3 (b) For each infraction parking violation for which a penalty
4 or fine is collected in the courts of the county, the county treasurer
5 shall transmit the penalty imposed pursuant to subdivision (a) to
6 the Treasurer for deposit in the Trial Court Trust Fund established
7 by Section 68085. These moneys shall be taken from the penalties,
8 fines, and forfeitures deposited with the county treasurer prior to
9 any division pursuant to Section 1463.009 of the Penal Code. The
10 judges of the county shall increase the bail schedule amounts as
11 appropriate for infraction parking violations to reflect the added
12 penalty provided for by subdivision (a).

13 (c) In those cities, districts, or other issuing agencies which
14 elect to accept parking penalties, and otherwise process parking
15 violations pursuant to Article 3 (commencing with Section 40200)
16 of Chapter 1 of Division 17 of the Vehicle Code, that city, district,
17 or issuing agency shall collect the added penalty imposed by this
18 section. Each agency that elects to process parking violations shall
19 pay to the Treasurer for deposit in the Trial Court Trust Fund
20 three dollars (\$3) for each civil parking penalty collected on each
21 violation. Those payments to the Treasurer shall be made monthly.

22 (d) This section shall become operative 60 days after the
23 enactment of the Budget Act of 2010.

24 (e) This section shall become inoperative on July 1, 2013, and,
25 as of January 1, 2014, is repealed, unless a later enacted statute,
26 that becomes operative on or before January 1, 2014, deletes or
27 extends the dates on which it becomes inoperative and is repealed.

28 SEC. 28. Section 77206 of the Government Code is amended
29 to read:

30 77206. (a) Notwithstanding any other ~~provision of~~ law, the
31 Judicial Council may regulate the budget and fiscal management
32 of the trial courts. The Judicial Council, in consultation with the
33 Controller, shall maintain appropriate regulations for recordkeeping
34 and accounting by the courts. The Judicial Council shall seek to
35 ensure, by these provisions, ~~that (1) the fiscal affairs of the trial~~
36 ~~courts are managed efficiently, effectively, and responsibly, and~~
37 ~~(2) all moneys collected by the courts, including filing fees, fines,~~
38 ~~forfeitures, and penalties, and all revenues and expenditures relating~~
39 ~~to court operations are known. The Judicial Council may delegate~~

~~their authority under this section, when appropriate, to the Administrative Director of the Courts; both of the following:~~

~~(1) That the fiscal affairs of the trial courts are managed efficiently, effectively, and responsibly.~~

~~(2) That all moneys collected by the courts, including filing fees, fines, forfeitures, and penalties, and all revenues and expenditures relating to court operations are known.~~

~~The Judicial Council may delegate its authority under this section, when appropriate, to the Administrative Director of the Courts.~~

(b) Regulations, rules, and reporting requirements adopted pursuant to this chapter shall be exempt from review and approval or other processing by the Office of Administrative Law as provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(c) The Controller, at the request of the Legislature, may perform and publish financial and fiscal compliance audits of the reports of court revenues and expenditures. The Controller shall report the results of these audits to the Legislature and the Judicial Council. ~~The Judicial Council or its representative may perform audits and reviews of all court financial records wherever they may be located.~~

(d) The Judicial Council shall provide for the transmission of summary information concerning court revenues and expenditures to the Controller.

(e) The Judicial Council shall adopt rules to provide for reasonable public access to budget allocation and expenditure information at the state and local ~~level~~ levels.

(f) The Judicial Council shall adopt rules ensuring that, upon written request, the trial courts provide, in a timely manner, information relating to the administration of the courts, including financial information and other information that affects the wages, hours, and working conditions of trial court employees.

~~(g) (1) The Judicial Council or its representatives may do any of the following:~~

~~(A) Inspect, review, and perform comprehensive oversight and analysis of court financial records wherever they may be located.~~

~~(B) Investigate allegations of financial impropriety or mismanagement.~~

1 (2) The authority granted pursuant to this subdivision shall not
2 substitute for, or conflict with, the audits conducted pursuant to
3 subdivisions (h) and (i).

4 (h) (1) Commencing not earlier than July 1, 2011, and not later
5 than December 15, 2012, the entity contracted with pursuant to
6 subdivision (j) shall establish a pilot program to audit six trial
7 courts. That entity shall select the trial courts using the following
8 criteria:

9 (A) Two trial courts selected from counties with a population
10 of 200,000 or less.

11 (B) Two trial courts selected from counties with a population
12 greater than 200,000 and less than 750,000.

13 (C) Two trial courts selected from counties with a population
14 of 750,000 or greater.

15 The audits shall be performed in accordance with generally
16 accepted government auditing standards and shall determine the
17 trial court's compliance with governing statutes, rules, and
18 regulations relating to the revenues, expenditures, and fund
19 balances of all material and significant funds, including state
20 General Fund funds, funds generated from fees or fines, federal
21 funds, grants, and any other funds within the trial court's
22 administration or control. The audits required by this section shall
23 be in addition to any audit regularly conducted pursuant to any
24 other provision of law.

25 (2) Based on the results of the pilot program audits described
26 in paragraph (1), the entity contracted with pursuant to subdivision
27 (j) shall, on or before December 15, 2013, commence an audit of
28 the trial courts, provided that every trial court is audited in the
29 manner prescribed by this section at least once every four years.
30 The audits shall be performed in accordance with generally
31 accepted government auditing standards and shall determine the
32 trial court's compliance with governing statutes, rules, and
33 regulations relating to the revenues, expenditures, and fund
34 balances of all material and significant funds, including state
35 General Fund funds, funds generated from fees or fines, federal
36 funds, grants, or any other funds within the trial court's
37 administration or control. The audits required by this paragraph
38 shall be in addition to any audit regularly conducted pursuant to
39 any other provision of law.

1 (3) Notwithstanding Section 10231.5, the auditing entity shall
2 compile the trial court audit findings and report the results of these
3 audits to the Legislature, the Judicial Council, and the Department
4 of Finance no later than April 1 of each year. An audit report shall
5 not be considered final until the audited entity is provided a
6 reasonable opportunity to respond and the response is included
7 with, or incorporated into, the report.

8 (4) The reasonable and necessary contracted cost of the audit
9 conducted pursuant to this subdivision shall be paid from funds
10 of the local trial court being audited.

11 (i) (1) On or before December 15, 2013, and biennially
12 thereafter, the entity contracted with pursuant to subdivision (j)
13 shall perform an audit of the Administrative Office of the Courts
14 in accordance with generally accepted government auditing
15 standards and shall determine the Administrative Office of the
16 Court's compliance with governing statutes, rules, regulations,
17 and policies relating to the revenues, expenditures, and fund
18 balances of all material and significant funds under the
19 administration, jurisdiction, or control of the Administrative Office
20 of the Courts.

21 (2) Notwithstanding Section 10231.5, the auditing entity shall
22 provide a copy of the final audit report of the Administrative Office
23 of the Courts to the Legislature, the Judicial Council, and the
24 Department of Finance upon issuance. An audit report shall not
25 be considered final until the audited entity is provided a reasonable
26 opportunity to respond and the response is included with, or
27 incorporated into, the report.

28 (3) Any reasonable and necessary contracted costs incurred by
29 the auditing entity pursuant to this subdivision shall be reimbursed
30 by the Administrative Office of the Courts.

31 (j) The Administrative Office of the Courts shall contract with
32 the Controller to perform the audits described in subdivisions (h)
33 and (i), unless either the Bureau of State Audits or the Department
34 of Finance demonstrates that it can perform the audits pursuant
35 to the same timeframes, scope, and methodology as the Controller
36 for a cost that is less than that proposed by the Controller. In that
37 case, the Administrative Office of the Courts may contract with
38 the state entity named in this subdivision that is most cost effective.
39 The Administrative Office of the Courts shall provide written
40 notification to the chairs of the Senate Committee on Budget and

Fiscal Review, the Assembly Committee on Budget, and the Senate and Assembly Committees on Judiciary, if the Administrative Office of the Courts contracts with an entity other than the Controller. The contract period for any contract entered into pursuant to this section shall not exceed four years from the date of commencement.

(k) A report submitted pursuant to subdivision (h) or (i) shall be submitted in compliance with Section 9795.

SEC. 29. Section 1214 of the Penal Code is amended to read:

1214. (a) If the judgment is for a fine, including a restitution fine ordered pursuant to Section 1202.4, 1202.44, or 1202.45, or Section 1203.04 as operative on or before August 2, 1995, or Section 13967 of the Government Code, as operative on or before September 28, 1994, with or without imprisonment, or a diversion restitution fee ordered pursuant to Section 1001.90, the judgment may be enforced in the manner provided for the enforcement of money judgments generally. Any portion of a restitution fine or restitution fee that remains unsatisfied after a defendant is no longer on probation or parole or has completed diversion is enforceable by the California Victim Compensation and Government Claims Board pursuant to this section. Notwithstanding any other provision of law prohibiting disclosure, the state, as defined in Section 900.6 of the Government Code, a local public entity, as defined in Section 900.4 of the Government Code, or any other entity, may provide the California Victim Compensation and Government Claims Board any and all information to assist in the collection of unpaid portions of a restitution fine for terminated probation or parole cases, or of a restitution fee for completed diversion cases. For purposes of the preceding sentence, “state, as defined in Section 900.6 of the Government Code,” and “any other entity” shall not include the Franchise Tax Board.

(b) In any case in which a defendant is ordered to pay restitution, the order to pay restitution (1) is deemed a money judgment if the defendant was informed of his or her right to have a judicial determination of the amount and was provided with a hearing, waived a hearing, or stipulated to the amount of the restitution ordered, and (2) shall be fully enforceable by a victim as if the restitution order were a civil judgment, and enforceable in the same manner as is provided for the enforcement of any other money judgment. Upon the victim’s request, the court shall provide the victim in whose favor the order of restitution is entered with a

1 certified copy of that order and a copy of the defendant's disclosure
2 pursuant to paragraph (4) of subdivision (f) of Section 1202.4,
3 affidavit or information pursuant to paragraph (5) of subdivision
4 (f) of Section 1202.4, or report pursuant to paragraph (7) of
5 subdivision (f) of Section 1202.4. The court also shall provide this
6 information to the district attorney upon request in connection with
7 an investigation or prosecution involving perjury or the veracity
8 of the information contained within the defendant's financial
9 disclosure. In addition, upon request, the court shall provide the
10 California Victim Compensation and Government Claims Board
11 with a certified copy of any order imposing a restitution fine or
12 order and a copy of the defendant's disclosure pursuant to
13 paragraph (4) of subdivision (f) of Section 1202.4, affidavit or
14 information pursuant to paragraph (5) of subdivision (f) of Section
15 1202.4, or report pursuant to paragraph (7) of subdivision (f) of
16 Section 1202.4. A victim shall have access to all resources available
17 under the law to enforce the restitution order, including, but not
18 limited to, access to the defendant's financial records, use of wage
19 garnishment and lien procedures, information regarding the
20 defendant's assets, and the ability to apply for restitution from any
21 fund established for the purpose of compensating victims in civil
22 cases. Any portion of a restitution order that remains unsatisfied
23 after a defendant is no longer on probation or parole is enforceable
24 by the victim pursuant to this section. Victims and the California
25 Victim Compensation and Government Claims Board shall inform
26 the court whenever an order to pay restitution is satisfied.

27 (c) Except as provided in subdivision (d), and notwithstanding
28 the amount in controversy limitation of Section 85 of the Code of
29 Civil Procedure, a restitution order or restitution fine that was
30 imposed pursuant to Section 1202.4 in any of the following cases
31 may be enforced in the same manner as a money judgment in a
32 limited civil case:

- 33 (1) In a misdemeanor case.
34 (2) In a case involving violation of a city or town ordinance.
35 (3) In a noncapital criminal case where the court has received
36 a plea of guilty or nolo contendere.

37 (d) Chapter 3 (commencing with Section 683.010) of Division
38 1 of Title 9 of Part 2 of the Code of Civil Procedure shall not apply
39 to *any of the following*:

- 40 (1) A judgment for any fine ~~or~~.

1 (2) ~~Any restitution-ordered fine or restitution order imposed~~
2 pursuant to Section 1202.4, 1202.44, or 1202.45, or Section
3 1203.04, as operative on or before August 2, 1995, or Section
4 13967 of the Government Code, as operative on or before
5 September 28, 1994, ~~or to a.~~

6 (3) Any diversion restitution fee ordered pursuant to Section
7 1001.90.

8 SEC. 30. Section 1463.007 of the Penal Code is amended to
9 read:

10 1463.007. Notwithstanding any other provision of law, any
11 county or court that implements or has implemented a
12 comprehensive program to identify and collect delinquent fees,
13 fines, forfeitures, penalties, and assessments, including, but not
14 limited to, public defender fees, with or without a warrant having
15 been issued against the alleged violator, if the base fees, fines,
16 forfeitures, penalties, and assessments are delinquent, may deduct
17 and deposit in the county treasury or in the trial court operations
18 fund the cost of operating that program, excluding capital
19 expenditures, from any revenues collected thereby prior to making
20 any distribution of revenues to other governmental entities required
21 by any other provision of law. Any county or court may establish
22 a minimum base fee, fine, forfeiture, penalty, or assessment amount
23 for inclusion in the program. This section applies to costs incurred
24 by a court or a county on or after June 30, 1997, and prior to the
25 implementation of a time payments agreement, and shall supersede
26 any prior law to the contrary. This section does not apply to a
27 defendant who is paying fees, fines, forfeitures, penalties, or
28 assessments through time payments, unless he or she is delinquent
29 in making payments according to the agreed-upon payment
30 schedule. For purposes of this section, a comprehensive collection
31 program is a separate and distinct revenue collection activity and
32 shall include at least 10 of the following components:

- 33 (a) Monthly bill or account statements to all debtors.
34 (b) Telephone contact with delinquent debtors to apprise them
35 of their failure to meet payment obligations.
36 (c) Issuance of warning letters to advise delinquent debtors of
37 an outstanding obligation.
38 (d) Requests for credit reports to assist in locating delinquent
39 debtors.

- 1 (e) Access to Employment Development Department
2 employment and wage information.
- 3 (f) The generation of monthly delinquent reports.
- 4 (g) Participation in the Franchise Tax Board's Interagency
5 Intercept Collections Program.
- 6 (h) The use of Department of Motor Vehicle information to
7 locate delinquent debtors.
- 8 (i) The use of wage and bank account garnishments.
- 9 (j) The imposition of liens on real property and proceeds from
10 the sale of real property held by a title company.
- 11 (k) The filing of a claim or the filing of objections to the
12 inclusion of outstanding fines and forfeitures in bankruptcy
13 proceedings.
- 14 (l) Coordination with the probation department to locate debtors
15 who may be on formal or informal probation.
- 16 (m) The initiation of driver's license suspension actions where
17 appropriate.
- 18 (n) The capability to accept credit card payments.
- 19 (o) Participation in the Franchise Tax Board's Court-Ordered
20 Debt Collections Program.
- 21 (p) Contracting with one or more private debt collectors.
- 22 (q) The use of local, regional, state, or national skip tracing or
23 locator resources or services to locate delinquent debtors.
- 24 (r) *This section shall become inoperative on July 1, 2012, and,*
25 *as of January 1, 2013, is repealed, unless a later enacted statute,*
26 *that becomes operative on or before January 1, 2013, deletes or*
27 *extends the dates on which it becomes inoperative and is repealed.*
- 28 SEC. 31. Section 1463.007 is added to the Penal Code, to read:
- 29 1463.007. (a) *Notwithstanding any other provision of law,*
30 *any county or court that operates a comprehensive collection*
31 *program may deduct the costs of operating that program, excluding*
32 *capital expenditures, from any revenues collected under that*
33 *program. The costs shall be deducted before any distribution of*
34 *revenues to other governmental entities required by any other*
35 *provision of law. Any county or court operating a comprehensive*
36 *collection program may establish a minimum base fee, fine,*
37 *forfeiture, penalty, or assessment amount for inclusion in the*
38 *program.*
- 39 (b) *Once debt becomes delinquent, it continues to be delinquent*
40 *and may be subject to collection by a comprehensive collection*

1 program. Debt is delinquent and subject to collection by a
2 comprehensive collection program if any of the following
3 conditions is met:

4 (1) A defendant does not post bail or appear on or before the
5 date on which he or she promised to appear, or any lawful
6 continuance of that date, if that defendant was eligible to post and
7 forfeit bail.

8 (2) A defendant does not pay the amount imposed by the court
9 on or before the date ordered by the court, or any lawful
10 continuance of that date.

11 (3) A defendant has failed to make an installment payment on
12 the date specified by the court.

13 (c) For the purposes of this section, a “comprehensive collection
14 program” is a separate and distinct revenue collection activity
15 that meets each of the following criteria:

16 (1) The program identifies and collects amounts arising from
17 delinquent court-ordered debt, whether or not a warrant has been
18 issued against the alleged violator.

19 (2) The program complies with the requirements of subdivision
20 (b) of Section 1463.010.

21 (3) The program engages in each of the following activities:

22 (A) Attempts telephone contact with delinquent debtors for whom
23 the program has a phone number to inform them of their delinquent
24 status and payment options.

25 (B) Notifies delinquent debtors for whom the program has an
26 address in writing of their outstanding obligation within 95 days
27 of delinquency.

28 (C) Generates internal monthly reports to track collections data,
29 such as age of debt and delinquent amounts outstanding.

30 (D) Uses Department of Motor Vehicles information to locate
31 delinquent debtors.

32 (E) Accepts payment of delinquent debt by credit card.

33 (4) The program engages in at least five of the following
34 activities:

35 (A) Sends delinquent debt to the Franchise Tax Board’s
36 Court-Ordered Debt Collections Program.

37 (B) Sends delinquent debt to the Franchise Tax Board’s
38 Interagency Intercept Collections Program.

39 (C) Initiates driver’s license suspension or hold actions when
40 appropriate.

1 (D) Contracts with one or more private debt collectors to collect
2 delinquent debt.

3 (E) Sends monthly bills or account statements to all delinquent
4 debtors.

5 (F) Contracts with local, regional, state, or national skip tracing
6 or locator resources or services to locate delinquent debtors.

7 (G) Coordinates with the probation department to locate debtors
8 who may be on formal or informal probation.

9 (H) Uses Employment Development Department employment
10 and wage information to collect delinquent debt.

11 (I) Establishes wage and bank account garnishments where
12 appropriate.

13 (J) Places liens on real property owned by delinquent debtors
14 when appropriate.

15 (K) Uses an automated dialer or automatic call distribution
16 system to manage telephone calls.

17 (d) This section shall become operative on July 1, 2012.

18 SEC. 32. Section 1463.02 of the Penal Code is amended to
19 read:

20 1463.02. (a) On or ~~after July 1, 2009~~ before June 30, 2011,
21 the Judicial Council shall establish a task force to evaluate criminal
22 and traffic-related court-ordered debts imposed against adult and
23 juvenile offenders. The task force shall be comprised of the
24 following members:

25 (1) Two members appointed by the California State Association
26 of Counties.

27 (2) Two members appointed by the League of California Cities.

28 (3) Two court executives, two judges, and two Administrative
29 Office of the Courts employees appointed by the Judicial Council.

30 (4) One member appointed by the Controller.

31 (5) One member appointed by the Franchise Tax Board.

32 (6) One member appointed by the California Victim
33 Compensation and Government Claims Board.

34 (7) One member appointed by the Department of Corrections
35 and Rehabilitation.

36 (8) One member appointed by the Department of Finance.

37 (9) One member appointed by each house of the Legislature.

38 (10) A county public defender and a city attorney appointed by
39 the Speaker of the Assembly.

(11) *A defense attorney in private practice and a district attorney appointed by the Senate Committee on Rules.*

(b) The Judicial Council shall designate a chairperson for the task force. The task force shall, among other duties, do all of the following:

(1) Identify all criminal and traffic-related court-ordered fees, fines, forfeitures, penalties, and assessments imposed under law.

(2) Identify the distribution of revenue derived from those debts *and the expenditures made by those entities that benefit from the revenues.*

(3) Consult with state and local entities that would be affected by a simplification and consolidation of criminal and traffic-related court-ordered debts.

(4) Evaluate and make recommendations to the Judicial Council *and the Legislature* for consolidating and simplifying the imposition of criminal and traffic-related court-ordered debts and the distribution of the revenue derived from those debts with the goal of improving the process for those entities that benefit from the revenues, ~~but with no intention of redistributing funds in a way that will have a detrimental effect on those entities and recommendations, if any, for adjustment to the court-ordered debts.~~

(c) The task force also shall document recent annual revenues from the various penalty assessments and surcharges and, to the extent feasible, evaluate the extent to which the amount of each penalty assessment and surcharge impacts total annual revenues, *imposition of criminal sentences*, and the actual amounts assessed.

(d) The task force also shall evaluate and make recommendations to the Judicial Council *and the Legislature* on or before June 30, ~~2010~~ 2011, regarding the priority in which court-ordered debts should be satisfied and the use of comprehensive collection programs authorized pursuant to Section 1463.007, including associated cost-recovery practices.

SEC. 33. *Section 1465.8 of the Penal Code, as amended by Section 5 of Chapter 342 of the Statutes of 2009, is amended to read:*

1465.8. (a) (1) To ensure and maintain adequate funding for court security, a fee of ~~thirty dollars (\$30)~~ *forty dollars (\$40)* shall be imposed on every conviction for a criminal offense, including a traffic offense, except parking offenses as defined in subdivision

(i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.

(2) For the purposes of this section, “conviction” includes the dismissal of a traffic violation on the condition that the defendant attend a court-ordered traffic violator school, as authorized by Sections 41501 and 42005 of the Vehicle Code. This security fee shall be deposited in accordance with subdivision (d), and may not be included with the fee calculated and distributed pursuant to Section 42007 of the Vehicle Code.

(b) This fee shall be in addition to the state penalty assessed pursuant to Section 1464 and may not be included in the base fine to calculate the state penalty assessment as specified in subdivision (a) of Section 1464. The penalties authorized by Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, and the state surcharge authorized by Section 1465.7, do not apply to this fee.

(c) When bail is deposited for an offense to which this section applies, and for which a court appearance is not necessary, the person making the deposit shall also deposit a sufficient amount to include the fee prescribed by this section.

(d) Notwithstanding any other provision of law, the fees collected pursuant to subdivision (a) shall all be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund. The fees collected pursuant to this section shall not be subject to subdivision (e) of Section 1203.1d, but shall be disbursed under subdivision (b) of Section 1203.1d.

(e) The Judicial Council shall provide for the administration of this section.

(f) This section shall remain in effect only until July 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2011, deletes or extends that date.

SEC. 34. Section 1465.8 of the Penal Code, as added by Section 30 of Chapter 22 of the Fourth Extraordinary Session of the Statutes of 2009, is amended to read:

1465.8. (a) (1) To ensure and maintain adequate funding for court security, a fee of ~~twenty~~ *thirty* dollars ~~(\$20)~~ *(\$30)* shall be imposed on every conviction for a criminal offense, including a traffic offense, except parking offenses as defined in subdivision

(i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.

(2) For the purposes of this section, “conviction” includes the dismissal of a traffic violation on the condition that the defendant attend a court-ordered traffic violator school, as authorized by Sections 41501 and 42005 of the Vehicle Code. This security fee shall be deposited in accordance with subdivision (d), and may not be included with the fee calculated and distributed pursuant to Section 42007 of the Vehicle Code.

(b) This fee shall be in addition to the state penalty assessed pursuant to Section 1464 and may not be included in the base fine to calculate the state penalty assessment as specified in subdivision (a) of Section 1464. The penalties authorized by Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, and the state surcharge authorized by Section 1465.7, do not apply to this fee.

(c) When bail is deposited for an offense to which this section applies, and for which a court appearance is not necessary, the person making the deposit shall also deposit a sufficient amount to include the fee prescribed by this section.

(d) Notwithstanding any other provision of law, the fees collected pursuant to subdivision (a) shall all be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(e) The Judicial Council shall provide for the administration of this section.

(f) This section shall become operative on July 1, 2011.

(g) *This section shall become inoperative on July 1, 2013, and, as of January 1, 2014, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2014, deletes or extends the dates on which it becomes inoperative and is repealed.*

SEC. 35. Section 1465.8 is added to the Penal Code, to read:

1465.8. (a) (1) To ensure and maintain adequate funding for court security, a fee of twenty dollars (\$20) shall be imposed on every conviction for a criminal offense, including a traffic offense, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.

(2) For the purposes of this section, “conviction” includes the dismissal of a traffic violation on the condition that the defendant

1 attend a court-ordered traffic violator school, as authorized by
2 Sections 41501 and 42005 of the Vehicle Code. This security fee
3 shall be deposited in accordance with subdivision (d), and may
4 not be included with the fee calculated and distributed pursuant
5 to Section 42007 of the Vehicle Code.

6 (b) This fee shall be in addition to the state penalty assessed
7 pursuant to Section 1464 and may not be included in the base fine
8 to calculate the state penalty assessment as specified in subdivision
9 (a) of Section 1464. The penalties authorized by Chapter 12
10 (commencing with Section 76000) of Title 8 of the Government
11 Code, and the state surcharge authorized by Section 1465.7, do
12 not apply to this fee.

13 (c) When bail is deposited for an offense to which this section
14 applies, and for which a court appearance is not necessary, the
15 person making the deposit shall also deposit a sufficient amount
16 to include the fee prescribed by this section.

17 (d) Notwithstanding any other provision of law, the fees
18 collected pursuant to subdivision (a) shall all be deposited in a
19 special account in the county treasury and transmitted therefrom
20 monthly to the Controller for deposit in the Trial Court Trust Fund.

21 (e) The Judicial Council shall provide for the administration
22 of this section.

23 (f) This section shall become operative on July 1, 2013.

24 SEC. 36. Section 40510.5 of the Vehicle Code is amended to
25 read:

26 40510.5. (a) The clerk of the court may accept a payment and
27 forfeiture of at least 10 percent of the total bail amount for each
28 infraction violation of this code prior to the date on which the
29 defendant promised to appear, or prior to the expiration of any
30 lawful continuance of that date, or upon receipt of information that
31 an action has been filed and prior to the scheduled court date, if
32 all of the following circumstances exist:

33 (1) The defendant is charged with a ~~nonparking~~ *an* infraction
34 violation of this code or an infraction violation of an ordinance
35 adopted pursuant to this code.

36 (2) The defendant submits proof of correction, when proof of
37 correction is ~~required to be certified by the court~~ *mandatory* for a
38 correctable offense.

39 (3) The offense does not require an appearance in court.

1 (4) The defendant signs a written agreement to pay and forfeit
2 the remainder of the required bail according to an installment
3 schedule as agreed upon with the court. The Judicial Council shall
4 prescribe the form of the agreement for payment and forfeiture of
5 bail in installments for infraction violations.

6 (b) When a clerk accepts an agreement for payment and
7 forfeiture of bail in installments, the clerk shall continue the
8 appearance date of the defendant to the date to complete payment
9 and forfeiture of bail in the agreement.

10 (c) Except for subdivisions (b) and (c) of Section 1269b and
11 Section 1305.1, the provisions of Chapter 1 (commencing with
12 Section 1268) of Title 10 of Part 2 of the Penal Code do not apply
13 to an agreement to pay and forfeit bail in installments under this
14 section.

15 (d) For the purposes of reporting violations of this code to the
16 department under Section 1803, the date that the defendant signs
17 an agreement to pay and forfeit bail in installments shall be
18 reported as the date of conviction.

19 (e) When the defendant fails to make an installment payment
20 according to an agreement under subdivision (a) above, the court
21 may charge a failure to appear or pay under Section 40508 and
22 impose a civil assessment as provided in Section 1214.1 of the
23 Penal Code or issue an arrest warrant for a failure to appear.

24 (f) Payment of a bail amount under this section is forfeited when
25 collected and shall be distributed by the court in the same manner
26 as other fines, penalties, and forfeitures collected for infractions.

27 (g) The defendant shall pay to the clerk of the court or the
28 collecting agency a fee for the processing of installment accounts.
29 This fee shall equal the administrative and clerical costs, as
30 determined by the board of supervisors *or by the court*, except that
31 the fee shall not exceed thirty-five dollars (\$35).

32 *SEC. 37. Section 42007 of the Vehicle Code is amended to*
33 *read:*

34 42007. (a) (1) The clerk of the court shall collect a fee from
35 every person who is ordered or permitted to attend a traffic violator
36 school pursuant to Section 42005 or who attends any other
37 court-supervised program of traffic safety instruction. The fee shall
38 be in an amount equal to the total bail set forth for the eligible
39 offense on the uniform countywide bail schedule. As used in this
40 subdivision, "total bail" means the amount established pursuant

1 to Section 1269b of the Penal Code in accordance with the Uniform
2 Statewide Bail Schedule adopted by the Judicial Council, including
3 all assessments, surcharges, and penalty amounts. Where multiple
4 offenses are charged in a single notice to appear, the “total bail”
5 is the amount applicable for the greater of the qualifying offenses.
6 However, the court may determine a lesser fee under this
7 subdivision upon a showing that the defendant is unable to pay
8 the full amount.

9 The fee shall not include the cost, or any part thereof, of traffic
10 safety instruction offered by the school or other program.

11 (2) The clerk may accept from a defendant who is ordered or
12 permitted to attend traffic violator school a payment of at least 25
13 10 percent of the fee required by paragraph (1) upon filing a written
14 agreement by the defendant to pay the remainder of the fee
15 according to an installment payment schedule of no more than 90
16 days as agreed upon with the court. The Judicial Council shall
17 prescribe the form of the agreement for payment of the fee in
18 installments. When the defendant signs the Judicial Council form
19 for payment of the fee in installments, the court shall continue the
20 case to the date in the agreement to complete payment of the fee
21 and submit the certificate of completion of traffic violator school
22 to the court. The clerk shall collect a fee of up to thirty-five dollars
23 (\$35) to cover ~~the cost of~~ *administrative and clerical costs for*
24 processing an installment payment of the traffic violator school
25 fee under this paragraph.

26 (3) When a defendant fails to make an installment payment of
27 the fee according to an installment agreement, the court may
28 convert the fee to bail, declare it forfeited, and report the forfeiture
29 as a conviction under Section 1803. The court may also charge a
30 failure to pay under Section 40508 and impose a civil assessment
31 as provided in Section 1214.1 of the Penal Code or issue an arrest
32 warrant for a failure to pay. *For the purposes of reporting a*
33 *conviction under this subdivision to the department under Section*
34 *1803, the date that the court declares the bail forfeited shall be*
35 *reported as the date of conviction.*

36 (b) Revenues derived from the fee collected under this section
37 shall be deposited in accordance with Section 68084 of the
38 Government Code in the general fund of the county and, as may
39 be applicable, distributed as follows:

1 (1) In any county in which a fund is established pursuant to
2 Section 76100 or 76101 of the Government Code, the sum of one
3 dollar (\$1) for each fund so established shall be deposited with the
4 county treasurer and placed in that fund.

5 (2) In any county that has established a Maddy Emergency
6 Medical Services Fund pursuant to Section 1797.98a of the Health
7 and Safety Code, an amount equal to the sum of each two dollars
8 (\$2) for every seven dollars (\$7) that would have been collected
9 pursuant to Section 76000 of the Government Code and,
10 commencing January 1, 2009, an amount equal to the sum of each
11 two dollars (\$2) for every ten dollars (\$10) that would have been
12 collected pursuant to Section 76000.5 of the Government Code
13 with respect to those counties to which that section is applicable
14 shall be deposited in that fund. Nothing in the act that added this
15 paragraph shall be interpreted in a manner that would result in
16 either of the following:

17 (A) The utilization of penalty assessment funds that had been
18 set aside, on or before January 1, 2000, to finance debt service on
19 a capital facility that existed before January 1, 2000.

20 (B) The reduction of the availability of penalty assessment
21 revenues that had been pledged, on or before January 1, 2000, as
22 a means of financing a facility which was approved by a county
23 board of supervisors, but on January 1, 2000, is not under
24 construction.

25 (3) The amount of the fee that is attributable to Section 70372
26 of the Government Code shall be transferred pursuant to
27 subdivision (f) of that section.

28 (c) For fees resulting from city arrests, an amount equal to the
29 amount of base fines that would have been deposited in the treasury
30 of the appropriate city pursuant to paragraph (3) of subdivision
31 (b) of Section 1463.001 of the Penal Code shall be deposited in
32 the treasury of the appropriate city.

33 (d) As used in this section, "court-supervised program" includes,
34 but is not limited to, any program of traffic safety instruction the
35 successful completion of which is accepted by the court in lieu of
36 adjudicating a violation of this code.

37 (e) The clerk of the court, in a county that offers traffic school
38 shall include in any courtesy notice mailed to a defendant for an
39 offense that qualifies for traffic school attendance the following
40 statement:

1
2 NOTICE: If you are eligible and decide not to attend traffic
3 school your automobile insurance may be adversely affected.
4

5 (f) Notwithstanding any other provision of law, a county that
6 has established a Maddy Emergency Medical Services Fund
7 pursuant to Section 1797.98a of the Health and Safety Code shall
8 not be held liable for having deposited into the fund, prior to
9 January 1, 2009, an amount equal to two dollars (\$2) for every ten
10 dollars (\$10) that would have been collected pursuant to Section
11 76000.5 of the Government Code from revenues derived from
12 traffic violator school fees collected pursuant to this section.

13 SEC. 38. Section 42008.7 is added to the Vehicle Code, to
14 read:

15 42008.7. (a) The State of California continues to face a fiscal
16 and economic crisis affecting the state budget and the overall state
17 economy. In light of this crisis, a one-time infraction amnesty
18 program would do the following:

19 (1) Provide relief to individuals who have found themselves in
20 violation of a court-ordered obligation because they are financially
21 unable to pay traffic bail or fines.

22 (2) Provide increased revenue at a time when revenue is scarce
23 by encouraging payment of old fines that have remained unpaid.

24 (3) Allow courts and counties to resolve older delinquent cases
25 and focus limited resources on collecting on more recent cases.

26 (b) A one-time amnesty program for fines and bail meeting the
27 eligibility requirements set forth in subdivision (d) shall be
28 established in each county. Unless agreed otherwise by the court
29 and the county in writing, the government entities that are
30 responsible for the collection of delinquent court-ordered debt
31 shall be responsible for implementation of the amnesty program
32 as to that debt, maintaining the same division of responsibility in
33 place with respect to the collection of court-ordered debt under
34 subdivision (b) of Section 1463.010 of the Penal Code.

35 (c) As used in this section, the term “fine” or “bail” refers to
36 the total amounts due in connection with a specific violation, which
37 include, but are not limited to, the following:

38 (1) Base fine or bail, as established by court order, by statute,
39 or by the court’s bail schedule.

1 (2) *Penalty assessments imposed pursuant to Section 1464 of*
2 *the Penal Code and Sections 76000, 70372, 76104.6, 76104.7, and*
3 *76000.5 of the Government Code.*

4 (3) *Civil assessment imposed pursuant to Section 1214.1 of the*
5 *Penal Code.*

6 (4) *State surcharge imposed pursuant to Section 1465.7 of the*
7 *Penal Code.*

8 (5) *Court security fee imposed pursuant to Section 1465.8 of*
9 *the Penal Code.*

10 (d) *Violations are only eligible for amnesty if all of the following*
11 *requirements are met:*

12 (1) *The violation is an infraction violation filed with the court.*

13 (2) *The due date for payment of the fine or bail was on or before*
14 *January 1, 2009.*

15 (3) *The defendant does not owe victim restitution on any case*
16 *within the county.*

17 (4) *There are no outstanding misdemeanor or felony warrants*
18 *for the defendant within the county.*

19 (e) *Each amnesty program shall accept, in full satisfaction of*
20 *any eligible fine or bail, 50 percent of the fine or bail amount, as*
21 *defined in subdivision (c) of this section. Payment of a fine or bail*
22 *under an amnesty program implemented pursuant to this section*
23 *shall be accepted beginning January 1, 2012, and ending June 30,*
24 *2012. The Judicial Council shall adopt guidelines for the amnesty*
25 *program no later than November 1, 2011, and each program shall*
26 *be conducted in accordance with Judicial Council guidelines.*

27 (f) *No criminal action shall be brought against a person for a*
28 *delinquent fine or bail paid under the amnesty program.*

29 (g) *The total amount of funds collected under the amnesty*
30 *program shall as soon as practical after receipt thereof be*
31 *deposited in the county treasury or the account established under*
32 *Section 77009 of the Government Code. Any unreimbursed costs*
33 *of operating the amnesty program, excluding capital expenditures,*
34 *may be deducted from the revenues collected under the amnesty*
35 *program by the court or the county that incurred the expense of*
36 *operating the program. Notwithstanding Section 1203.1d of the*
37 *Penal Code, the remaining revenues collected under the amnesty*
38 *program shall be distributed on a pro rata basis in the same*
39 *manner as a partial payment distributed pursuant to Section 1462.5*
40 *of the Penal Code.*

1 (h) Each court or county implementing an amnesty program
2 shall file, not later than September 30, 2012, a written report with
3 the Judicial Council, on a form approved by the Judicial Council.
4 The report shall include information about the number of cases
5 resolved, the amount of money collected, and the operating costs
6 of the amnesty program. Notwithstanding Section 10231.5 of the
7 Government Code, on or before December 31, 2012, the Judicial
8 Council shall submit a report to the Legislature summarizing the
9 information provided by each court or county.

10 SEC. 39. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.

15 SEC. 40. This act is an urgency statute necessary for the
16 immediate preservation of the public peace, health, or safety within
17 the meaning of Article IV of the Constitution and shall go into
18 immediate effect. The facts constituting the necessity are:

19 In order to facilitate the timely passage of the Budget Act, to
20 make the necessary statutory changes to improve the state's ability
21 to address the General Fund shortfall, and to implement the Budget
22 Act of 2010, it is necessary that this act take effect immediately.

23 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
24 ~~changes relating to the Budget Act of 2010.~~