

AMENDED IN SENATE APRIL 27, 2011

SENATE BILL

No. 848

Introduced by Senator Emmerson

(Coauthor: Senator Dutton)

*(Coauthors: Assembly Members Cook, Jeffries, Miller, Nestande, and
Torres)*

February 18, 2011

An act to amend Sections 69100 and 69104 of, to amend, renumber, and add Section 69107 of, and to add Section 69111 to, the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 848, as amended, Emmerson. Court of appeal districts.

The California Constitution requires the Legislature to divide the state into districts, each containing a court of appeal with one or more divisions. Under existing statutory law, the state is divided into 6 court of appeal districts. The 4th Appellate District consists of the Counties of Inyo, San Bernardino, Riverside, Orange, San Diego, and Imperial, which consists of 3 divisions. One division consists of 10 judges and holds its regular session in San Diego, a 2nd division consists of 7 judges and holds its regular sessions in the San Bernardino/Riverside area, and a 3rd division consists of 8 judges and holds its regular sessions in Orange County.

This bill would reorganize the court of appeal districts into 7 districts by removing the Counties of San Bernardino, Inyo, and Riverside from the 4th Appellate District and creating a 7th Appellate District consisting of those districts. The 7th Appellate District would consist of one division of 7 judges and would hold its regular sessions in the San Bernardino/Riverside area, and the 4th Appellate District would

thereafter consist of 2 divisions that *would* hold regular sessions in the Counties of San Diego and Orange.

Existing law provides that upon the creation of a new court of appeal district or division, the Governor shall appoint judges to serve on that court, and specifies the procedures to be followed for the election of the judges.

This bill would specify that those provisions would not apply to the creation of the 7th Appellate District, and that the existing justices of the division of the 4th Appellate District that would be reorganized as the 7th Appellate District would serve as the judges of the new district. The bill would specify that the terms of office of those judges would not be affected by the reorganization, and would also specify that no action by the Commission on Judicial Appointments would be necessary. The bill would specify that the judge serving as the currently presiding judge in the division of the 4th Appellate District that would create the new court of appeal district would serve as the administrative presiding judge of the new district.

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

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

- 1 SECTION 1. Section 69100 of the Government Code is
- 2 amended to read:
- 3 69100. The state is divided into seven court of appeal districts
- 4 designated and constituted as follows:
- 5 (a) The Counties of San Francisco, Marin, Sonoma, Napa,
- 6 Solano, Lake, Mendocino, Humboldt, Del Norte, Contra Costa,
- 7 Alameda, and San Mateo shall constitute the First Appellate
- 8 District.
- 9 (b) The Counties of San Luis Obispo, Santa Barbara, Ventura,
- 10 and Los Angeles shall constitute the Second Appellate District.
- 11 (c) The Counties of Siskiyou, Modoc, Trinity, Shasta, Lassen,
- 12 Tehama, Plumas, Colusa, Glenn, Butte, Sierra, Sutter, Yuba,
- 13 Nevada, Yolo, Placer, Sacramento, El Dorado, San Joaquin,
- 14 Amador, Calaveras, Alpine, and Mono shall constitute the Third
- 15 Appellate District.
- 16 (d) The Counties of Orange, San Diego, and Imperial shall
- 17 constitute the Fourth Appellate District.

(e) The Counties of Stanislaus, Tuolumne, Merced, Mariposa, Madera, Fresno, Kings, Tulare, and Kern shall constitute the Fifth Appellate District.

(f) The Counties of Santa Clara, Santa Cruz, Monterey, and San Benito shall constitute the Sixth Appellate District.

(g) The Counties of San Bernardino, Inyo, and Riverside shall constitute the Seventh Appellate District.

SEC. 2. Section 69104 of the Government Code is amended to read:

69104. The Court of Appeal for the Fourth Appellate District consists of two divisions. One division shall hold its regular sessions ~~at~~ *in* San Diego and shall have 10 judges. One division shall hold its regular sessions in Orange County and shall have eight judges.

SEC. 3. Section 69107 of the Government Code is amended and renumbered to read:

69110. Upon the creation of a new court of appeal district or division, the Governor shall appoint, pursuant to subdivision (d) of Section 16 of Article VI of the Constitution, three or more persons to serve as judges thereof as provided in the legislation creating the district or division. The judges of said district or division elected at the first general election at which they had the right to become candidates shall so classify themselves by lot that the term of office for at least one of them expires at the end of four years, at least one of them at the end of eight years, and at least one of them at the end of 12 years, and entry of such classification shall be made in the minutes of said district or division, signed by each of the judges thereof, and a duplicate thereof filed in the office of the Secretary of State.

SEC. 4. Section 69107 is added to the Government Code, to read:

69107. The Court of Appeal for the Seventh Appellate District consists of one division having seven judges and shall hold its regular sessions in the San Bernardino/Riverside area.

SEC. 5. Section 69111 is added to the Government Code, to read:

69111. The provisions in Section 69110 shall not apply to the creation of the Seventh Appellate District. The existing judges of the division of the Fourth Appellate District that is reorganized as the Seventh Appellate District shall serve as justices of the new

1 district upon creation of the district. Those judges shall not be
2 affected by the reorganization, and no action shall be required by
3 the Commission on Judicial Appointments. The currently presiding
4 judge of the division of the Fourth Appellate District that is
5 reorganized as the Seventh Appellate District shall serve as the
6 administrative presiding judge of the new district.

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