

CALIFORNIA LAW REVISION COMMISSION

TENTATIVE RECOMMENDATION

Statutes Made Obsolete by Trial Court Restructuring (Part 6): Court Facilities

February 2019

The purpose of this tentative recommendation is to solicit public comment on the Commission's tentative conclusions. A comment submitted to the Commission will be part of the public record. The Commission will consider the comment at a public meeting when the Commission determines what, if any, recommendation it will make to the Legislature. It is just as important to advise the Commission that you approve the tentative recommendation as it is to advise the Commission that you believe revisions should be made to it.

COMMENTS ON THIS TENTATIVE RECOMMENDATION SHOULD BE RECEIVED BY THE COMMISSION NOT LATER THAN **May 1, 2019.**

The Commission will often substantially revise a proposal in response to comment it receives. Thus, this tentative recommendation is not necessarily the recommendation the Commission will submit to the Legislature.

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SUMMARY OF TENTATIVE RECOMMENDATION

In the past, California had several types of trial courts (superior courts, municipal courts, and justice courts). Those courts were county-operated, funded primarily by the counties, and largely staffed with county employees. Court facilities belonged to the counties, which were responsible for building and maintaining them.

Around the turn of the century, three major reforms of California's trial court system occurred:

- (1) *Trial court unification.* Municipal and justice courts were eliminated; all trial court operations were consolidated in the superior court in each county.
- (2) *Lockyer-Isenberg Trial Court Funding Act.* Under this Act, the state assumed full responsibility for funding and operating the trial courts, instead of placing that responsibility primarily on the counties.
- (3) *Trial Court Employment Protection and Governance Act.* This Act established a new personnel system for trial court employees, in which they became employees of the court itself, instead of the county or state.

At the request of the Legislature, the Law Revision Commission helped to draft the extensive constitutional and statutory revisions necessary to implement these major reforms. Since then, the Commission has done much additional work to update the codes to reflect the restructuring of the trial courts.

The Trial Court Funding Act did not resolve issues relating to court facilities. Instead, it created a task force on court facilities, which made recommendations that became the basis for the Trial Court Facilities Act enacted in 2002.

Under the Trial Court Facilities Act, the judicial branch became primarily responsible for court facilities. The Act specified a process for transferring the court facilities in each county to the state. By 2009, all of those transfers were essentially complete.

Many statutes relating to court facilities now appear to be obsolete, in whole or in part. The Commission studied this area and tentatively recommends various statutory revisions to remove obsolete material, as detailed herein. The Commission seeks comment on its proposed revisions.

This recommendation was prepared pursuant to Government Code Section 71674 and Resolution Chapter 158 of the Statutes of 2018.

STATUTES MADE OBSOLETE BY TRIAL
COURT RESTRUCTURING (PART 6):
COURT FACILITIES

1 California’s trial court system was dramatically restructured around the turn of the
2 century. Issues relating to court facilities were resolved later; development and
3 implementation of a new approach to court facilities was essentially completed by 2009.

4 As a result, many code provisions relating to court facilities may now be obsolete, in
5 whole or in part. The Law Revision Commission¹ studied this area and tentatively
6 recommends various statutory revisions to remove material made obsolete by trial court
7 restructuring.

8 The Commission explains its proposed revisions below, after providing some
9 background information. The Commission invites comments on its proposed revisions.

10 Unless otherwise indicated, all statutory references are to the Government Code.

11 **Background**

12 To provide context for the Commission’s proposed reforms, it is necessary to present
13 background information on:

- 14 • Trial court restructuring.
15 • Related reforms pertaining to court facilities.
16 • The Commission’s role in these matters.

17 Those topics are discussed in order here.

18 ***Restructuring of California’s Trial Court System***

19 Historically, each county had a superior court, as well as one or more municipal or
20 justice courts with limited jurisdiction.² The trial courts were county-operated, funded

1. Any California Law Revision Commission document referred to in this tentative recommendation can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

2. See former Cal. Const. art. VI, §§ 4, 5; *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm’n Reports 1, 21 (1994) (hereafter “*TCU: Constitutional Revision*”) (“In each county there is a superior court and one or more municipal or justice courts depending on population.” (footnotes omitted)); see also *id.* at 71-72 (showing text of former Cal. Const. art. §§ 4, 5 & proposed revisions); 2 B. Witkin, *California Procedure Courts* §164, at 236-37 (5th ed. 2008).

1 primarily by the counties, and largely staffed with county employees.³ Court facilities
2 belonged to the counties, which were responsible for building and maintaining them.⁴

3 Around the turn of the century, three major reforms occurred:

4 *Trial court unification.* Justice courts were eliminated statewide through a
5 ballot measure approved by the voters in 1994.⁵ Four years later, the voters
6 approved a measure that permitted trial court unification on a county-by-county
7 basis: On a vote of a majority of the municipal court judges and a majority of the
8 superior court judges in a county, the municipal and superior courts in that county
9 could unify their operations in the superior court.⁶ By early 2001, the trial courts
10 in all of California’s 58 counties had unified.⁷ Each county now has a unified
11 superior court, which handles all trial court operations in that county.

12 *Lockyer-Isenberg Trial Court Funding Act.* Under this 1997 legislation,⁸ the
13 state assumed full responsibility for funding trial court operations.⁹ The goal was
14 to eliminate disparities in funding from county to county, helping to ensure equal
15 service in courts across the state.¹⁰

16 *Trial Court Employment Protection and Governance Act (“TCEPGA”).* This
17 legislation was enacted in 2000.¹¹ It established a new personnel system for trial
18 court employees, in which they are employed by the superior court itself (not by
19 the county or the state).¹²

20 ***Treatment of Trial Court Facilities***

21 The above-described trial restructuring reforms did not resolve the proper treatment of
22 trial court facilities. Instead, the Trial Court Funding Act created the Task Force on Court
23 Facilities, which was “charged to review and report the status of court facilities

3. See, e.g., Senate Committee on Judiciary Analysis of AB 233 (June 10, 1997); *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm’n Reports 51, 76-79 (1998) (hereafter, “TCU: Revision of Codes”; J. Clark Kelso, Analysis of Existing Court Staffing Statutes (DRAFT: Jan. 24, 2000) (on file with Commission).

4. See, e.g., *Statutes Made Obsolete by Trial Court Restructuring: Part 2* (hereafter, “TCR: Part 2”), 33 Cal. L. Revision Comm’n Reports 169, 177 (2003) (“Court facilities have historically been county structures.”).

5. See 1994 Cal. Stat. res. ch. 113 (SCA 7 (Dills)) (Prop. 191, approved Nov. 8, 1994).

6. See 1996 Cal. Stat. res. ch. 36 (SCA 4 (Lockyer)) (Prop. 220, approved June 2, 1998).

7. See <https://www.courts.ca.gov/documents/unidate.pdf>.

8. 1997 Cal. Stat. ch. 850; see generally Sections 77000-77655.

9. See Section 77200 (“On and after July 1, 1997, the state shall assume sole responsibility for the funding of court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007.”).

10. See Section 77100(c) (“Local funding of trial courts may create disparities in the availability of the courts for the resolution of disputes and the dispensation of justice.”); see also Section 77100(d) (“The method of funding trial courts should not create financial barriers to the fair and proper resolution of civil and criminal actions.”).

11. 2000 Cal. Stat. ch. 1010; see generally Sections 71600-71675.

12. See, e.g., Senate Committee on Judiciary Analysis of SB 2140 (May 9, 2000).

1 throughout the state, and to make recommendations for specific funding responsibilities
2 among the entities of government (i.e., state and/or county) with regards to court facilities
3 maintenance and construction.”¹³

4 The task force visited court facilities throughout the state and submitted its final report
5 to the Legislature in 2001, as required by statute.¹⁴ It found that many of the facilities
6 were in poor condition and in need of repair, renovation, or maintenance.¹⁵

7 The overarching recommendation of the task force was that “responsibility for trial
8 court facilities funding and operation be shifted from the counties to the state.”¹⁶ The task
9 force gave four main reasons for that recommendation, which the Legislature endorsed in
10 the Trial Court Facilities Act, enacted in 2002.¹⁷ A key theme was that *the judiciary*
11 should control both court operations and court facilities:

12 (1) The *judicial branch* of government is now wholly responsible for its
13 programs and operations, with the exception of trial court facilities. The *judiciary*
14 should have the responsibility for all of its functions related to its operations and
15 staff, including facilities.

16 (2) *Uniting responsibility for operations and facilities* increases the likelihood
17 that operational costs will be considered when facility decisions are made, and
18 enhances economical, efficient, and effective court operations.

19 (3) The state, being solely responsible for creating new judicial positions, drives
20 the need for new court facilities.

21 (4) Equal access to justice is a key underpinning of our society and the rule of
22 law. It is also a paramount goal of the Judicial Council, the policymaking body of
23 the judicial branch. The state can best ensure uniformity of access to all court
24 facilities in California.¹⁸

25 Consistent with those findings, the Trial Court Facilities Act grants the judicial branch
26 broad authority with respect to court facilities, while still ensuring that other voices are
27 heard and taken into account.¹⁹

28 Of particular note, the Act set a deadline for each county to negotiate agreements
29 transferring its court facilities (and responsibility for maintaining those facilities) to the
30 state.²⁰ The court facility transfers took longer than expected, but they were essentially
31 completed by the end of 2009.²¹

13. Senate Committee on Judiciary Analysis of SB 1732 (April 16, 2002), p. 1.

14. See Section 77654; Senate Committee on Judiciary Analysis of SB 1732 (April 16, 2002), p. 2.

15. See Senate Committee on Judiciary Analysis of SB 1732 (April 16, 2002), p. 2.

16. 2002 Cal. Stat. ch. 1082, § 1 (legislative findings for the Trial Court Facilities Act).

17. 2002 Cal. Stat. ch. 1082 (SB 1732 (Escutia)); see generally Sections 70301-70403.

18. 2002 Cal. Stat. ch. 1082, § 1 (emphasis added). For further background on the Trial Court Facilities Act, see Assembly Committee on Judiciary Analysis of SB 1732 (June 25, 2002); Senate Committee on Judiciary Analysis of SB 1732 (April 16, 2002).

19. See, e.g., Section 70391.

20. See former Section 70321 (2002 Cal. Stat. ch. 1082, § 4) (“The Judicial Council, in consultation with the superior court of each county and the county shall enter into agreements concerning the transfer of

1 Some of the court facility situations were complex. For example, there were
2 courthouses with historical significance, ones that were subject to a bonded indebtedness,
3 facilities that were in bad repair or seismically unsafe, buildings that were used by a court
4 but also for other purposes (e.g., a city hall, jail, or district attorney’s office), and various
5 other complications. The unusual situations received special treatment as needed.²²

6 ***Role of the Law Revision Commission in Trial Court Restructuring***

7 At the direction of the Legislature, the Law Revision Commission was involved in trial
8 court restructuring from the outset. In 1993-94, the Commission helped to draft the
9 constitutional revisions necessary to accomplish trial court unification.²³ It later drafted
10 the extensive statutory revisions necessary to accommodate county-by-county
11 unification.²⁴

12 After the trial courts in all counties unified, the Commission prepared a massive report
13 proposing further statutory revisions (and a few constitutional revisions) to reflect the
14 elimination of the municipal courts. As requested by the Legislature, that 2001 report also
15 included proposed legislation to reflect the enactment of the Trial Court Funding Act and
16 the TCEPGA.²⁵

17 Since then, the Commission has continued to review the codes and periodically
18 recommend revisions to reflect trial court unification, enactment of the Trial Court
19 Funding Act, and enactment of the TCEPGA.²⁶ Virtually all of the Commission’s
20 proposed legislation on trial court restructuring has become law.²⁷

responsibility for court facilities from that county to the Judicial Council.... Transfer of responsibility may occur not earlier than July 1, 2004, and not later than June 30, 2007.”).

21. See, e.g., Section 70321 (“The Judicial Council, in consultation with the superior court of each county and the county shall enter into agreements concerning the transfer of responsibility for court facilities from that county to the Judicial Council.... Transfer of responsibility may occur not earlier than July 1, 2004, and not later than December 31, 2009.”).

22. See, e.g., Sections 70325 (building subject to bonded indebtedness), 70326 (deficient building), 70327-70328 (seismically unsafe building), 70329 (historical building), 70331 (building with ongoing construction project), 70341-70344 (shared use building).

23. See *TCU: Constitutional Revision*, *supra* note 2; see also 1993 Cal. Stat. res. ch. 96; *Trial Court Unification: Transitional Provisions for SCA 3*, 24 Cal. L. Revision Comm’n Reports 627 (1994).

24. See *TCU: Revision of Codes*, *supra* note 3; see also 1997 Cal. Stat. res. ch. 102; 1998 Cal. Stat. res. ch. 91; *Report of the California Law Revision Commission on Chapter 344 of the Statutes of 1999 (Senate Bill 210)*, 29 Cal. L. Revision Comm’n Reports 657 (1999).

25. See *Statutes Made Obsolete by Trial Court Restructuring: Part 1*, 32 Cal. L. Revision Comm’n Reports 1 (2002) (hereafter, “*TCR: Part 1*”).

26. See *TCR: Part 2*, *supra* note 4; *Statutes Made Obsolete by Trial Court Restructuring: Part 3*, 36 Cal. L. Revision Comm’n Reports 341 (2006) (hereafter, “*TCR: Part 3*”); *Trial Court Restructuring: Appellate Jurisdiction of Bail Forfeiture*, 37 Cal. L. Revision Comm’n Reports 149 (2007) (hereafter, “*TCR: Bail Forfeiture (2007)*”); *Statutes Made Obsolete by Trial Court Restructuring: Part 4*, 37 Cal. L. Revision Comm’n Reports 171 (2007) (hereafter, “*TCR: Part 4*”); *Trial Court Restructuring: Transfer of Case Based on Lack of Jurisdiction*, 37 Cal. L. Revision Comm’n Reports 195 (2007); *Statutes Made Obsolete by Trial Court Restructuring: Part 5*, 39 Cal. L. Revision Comm’n Reports 109 (2009) (hereafter, “*TCR: Part 5*”); *Trial Court Restructuring: Rights and Responsibilities of the County as Compared to the Superior*

1 Throughout this work, the Legislature, the Governor, and the general public made the
2 key policy decisions; the Commission was not involved in such decision-making. Instead,
3 the Commission’s role was to use its drafting expertise to conform the codes and the
4 California Constitution to the new policies governing California’s trial court system,
5 without disrupting other existing policy choices.²⁸

6 Because court facilities issues were unsettled, the Commission did not address such
7 issues in its 2001 report or later work on trial court restructuring.²⁹ Recently, however,
8 the Commission turned to those issues and reached preliminary conclusions on how to
9 update various court facilities statutes to reflect the trial court restructuring reforms,
10 including the enactment and implementation of the Trial Court Facilities Act.³⁰

Court (Part 1), 39 Cal. L. Revision Comm’n Reports 157 (2009) (hereafter, *TCR: Court & County #1*); *Trial Court Restructuring: Appellate Jurisdiction of Bail Forfeiture*, 41 Cal. L. Revision Comm’n Reports 265 (2011) (hereafter, “*TCR: Bail Forfeiture (2011)*”); *Trial Court Restructuring: Writ Jurisdiction in a Small Claims Case*, 41 Cal. L. Revision Comm’n Reports 315 (2011) (hereafter, “*TCR: Writ Jurisdiction*”); see also *Civil Procedure: Technical Corrections*, 30 Cal. L. Revision Comm’n Reports 479 (2000); *Authority of Court Commissioner*, 33 Cal. L. Revision Comm’n Reports 673 (2003).

27. See 1998 Cal. Stat. ch. 931 (implementing recommendation on *TCU: Revision of Codes*); 1999 Cal. Stat. ch. 344 (implementing follow-up legislation recommended by Commission); 2002 Cal. Stat. ch. 784 (implementing statutory revisions in recommendation on *TCR: Part 1*); 2002 Cal. Stat. res. ch. 88 (ACA 15 (Wayne)) (Prop. 48, approved Nov. 5, 2002) (implementing constitutional revisions in recommendation on *TCR: Part 1*); 2003 Cal. Stat. ch. 149 (implementing recommendation on *TCR: Part 2*); 2007 Cal. Stat. ch. 43 (implementing recommendation on *TCR: Part 3*); 2008 Cal. Stat. ch. 56 (implementing recommendations on *TCR: Part 4* and *Transfer of Case Based on Lack of Jurisdiction*); 2010 Cal. Stat. ch. 212, §§ 2, 3, 6, 7, 8, 10, 11, 12 (partially implementing recommendation on *TCR: Part 5*); 2012 Cal. Stat. ch. 470 (implementing recommendations on *TCR: Court & County #1*, *TCR: Writ Jurisdiction*, and *TCR: Bail Forfeiture (2011)*, and partially implementing recommendation on *TCR: Part 5*); see also 2001 Cal. Stat. ch. 44 (implementing recommendation on *Civil Procedure: Technical Corrections*); 2004 Cal. Stat. ch. 49 (implementing recommendation on *Authority of Court Commissioner*).

28. See *TCU: Constitutional Revision*, *supra* note 2, at 13 (“The Commission has not been authorized to report to the Legislature concerning the wisdom or desirability of trial court unification, and has not considered the question.”); *TCU: Revision of Codes*, *supra* note 3, at 60 (“[T]he Commission has narrowly limited its recommendations to generally preserve existing procedures in the context of unification. The objective of the proposed revisions is to preserve existing rights and procedures despite unification, with no disparity of treatment between a party appearing in municipal court and a similarly situated party appearing in superior court as a result of unification of the municipal and superior courts in the county.”); 2000 Cal. Stat. ch. 1010, § 14 (enacting Section 71674, which only directed Commission to “determine whether any provisions of law are obsolete as a result of the enactment of [the TCEPGA], the enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997 ..., or the implementation of trial court unification, and ... recommend to the Legislature any amendments to remove those obsolete provisions.”); 2002 Cal. Stat. ch. 784, § 360 (amending Section 71674 to continue Commission’s authority to “determine whether any provisions of law are obsolete as a result of the enactment of [the TCEPGA], the enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997 ..., or the implementation of trial court unification, and ... recommend to the Legislature any amendments to remove those obsolete provisions.”).

29. See *TCR: Part 1*, *supra* note 25, at 21; *TCR: Part 2*, *supra* note 4, at 176-77.

30. Materials relating to the development of the Commission’s preliminary conclusions (including staff memoranda and minutes of Commission meetings) are available at <http://www.clrc.ca.gov/J1405.html>.

1 Those preliminary conclusions are described below. The discussion starts with the
2 court facility statutes in Chapter 10 of Title 8 of the Government Code and then turns to
3 other court facility statutes.

4 The Commission’s work on trial court restructuring is ongoing. It will address other
5 unresolved matters as time permits.³¹

6 **Chapter 10 of Title 8 (Sections 73301-74988)**³²

7 Chapter 10 of Title 8 of the Government Code (Sections 73301 to 74988) contains
8 many old statutes relating to court facilities.³³ Much of the chapter appears to be obsolete.

9 The discussion below (1) describes some history of the chapter, (2) identifies “typical”
10 articles in the chapter and explains why they appear to be obsolete, and (3) explains why
11 some of the other articles also require revisions to reflect trial court restructuring.

12 ***History***

13 Aside from Article 1, each article currently in Chapter 10 of Title 8 pertains to a
14 particular county or one or more judicial districts within a county (generally, municipal
15 court districts). In the past, most of these articles consisted of many sections, in which the
16 Legislature (acting pursuant to a constitutional requirement) prescribed in detail the
17 number, qualifications, and compensation of municipal court judges, officers, and
18 employees.³⁴

19 Due to trial court unification and the enactment of the TCEPGA, almost all of that
20 material became obsolete.³⁵ For that reason, all but one of these articles was repealed in
21 2002, on the Commission’s recommendation.³⁶

22 However, some of the articles in Chapter 10 of Title 8 contained a small amount of
23 material that was not yet clearly obsolete. For example, it would have been premature to
24 delete court facility provisions, because policy-makers had not yet resolved the proper

31. For a description of the trial court restructuring projects that remained unfinished as of February 1, 2018, see Commission Staff Memorandum 2018-5. For information on recent progress, see www.clrc.ca.gov/J1405.html.

32. Section 24261 is similar in important ways to some of the statutes in Chapter 10 of Title 8, so it is also discussed here. See *infra* notes 87-91 & accompanying text.

33. Chapter 10 of Title 8 is entitled “Other Municipal Courts Districts.” That title is misleading and potentially confusing. There no longer are any municipal court districts and some of the provisions in Chapter 10 expressly relate to superior courts (see, e.g., Sections 74602, 74820.2, 74820.3, 74984, 74988).

The Commission recommends renaming the chapter “County-Specific Provisions.” See proposed amendment of Chapter 10 heading & Comment *infra*.

34. See *TCR: Part 1, supra* note 25, at 16-17; see also Tentative Recommendation on *Statutes Made Obsolete by Trial Court Restructuring* (Nov. 2001) (hereafter, “2001 TR”), pp. 383-584.

35. See *TCR: Part 1, supra* note 25, at 16-17.

36. See 2002 Cal. Stat. ch. 784, §§ 403-405, 407-411, 413-415, 417, 419-421, 423-424, 426, 428, 430, 432, 434, 436-438, 440-442, 444-446, 448-450, 452, 454-457, 459, 461, 463, 465, 481-485, 487, 489, 491, 493, 495, 497; see also *TCR: Part 1, supra* note 25, at 355-421. Article 32.3 relating to San Joaquin County (former Gov’t Code §§ 74820 *et seq.*) was not repealed in its entirety, but much of it was repealed. See 2002 Cal. Stat. ch. 784, §§ 466, 470-480; see also *TCR: Part 1, supra* note 25, at 402-09.

1 treatment of court facilities. To preserve that material, each such article was
2 simultaneously reenacted in a much-reduced form, as recommended by the
3 Commission.³⁷

4 ***Typical Articles (Butte, Fresno, Glenn, Humboldt, Imperial, Kings, Marin, Mariposa,***
5 ***Mendocino, Monterey, Napa, Santa Barbara, Siskiyou, Yolo, and Yuba Counties)***

6 Many of the reenacted articles consist of only two code sections:

- 7 (1) A section that describes one or more municipal court districts.
8 (2) A section on court facilities and sessions in those districts.³⁸

9 Articles in this category include the ones pertaining to Butte,³⁹ Fresno,⁴⁰ Glenn,⁴¹
10 Humboldt,⁴² Imperial,⁴³ Kings,⁴⁴ Marin,⁴⁵ Mariposa,⁴⁶ Mendocino,⁴⁷ Napa,⁴⁸ Santa
11 Barbara,⁴⁹ Siskiyou,⁵⁰ Yolo,⁵¹ and Yuba⁵² Counties.

37. See 2002 Cal. Stat. ch. 784, §§ 406, 412, 416, 418, 422, 425, 427, 429, 431, 433, 435, 439, 443, 447, 451, 453, 458, 460, 462, 464, 486, 488, 490, 492, 494, 496; see also *TCR: Part 1, supra* note 25, at 357-58, 360-61, 363-64, 365-67, 369-70, 371-72, 372-75, 365-76, 377-78, 378-79, 379-80, 382-83, 385, 387-88, 391-92, 392-93, 396, 397-98, 399, 400-01, 412, 414-15, 416-17, 417-18, 419-20.

38. For example, “Article 3. Kings County” consists of the following provisions:

73390. This article applies to the municipal court for the County of Kings. The court referred to in this article shall be the successor of the court to be established by the consolidation of the Corcoran, Hanford, and Lemoore Judicial Districts by the Board of Supervisors of the County of Kings, and it shall be known as the Kings County Municipal Court.

73396. Facilities for the court shall be maintained in the Cities of Hanford, Corcoran, Lemoore, and (if incorporated pursuant to Section 73391.5) Avenal, and in such other locations within the County of Kings as are designated by the board of supervisors. The court shall hold sessions at each facility as business requires. At the direction of the court, arraignment of criminal defendants who are in custody at the Kings County Jail facility shall be held in the court facility located in Hanford.

39. Article 37 (Sections 74934-74935.5).

40. Article 10.5 (Sections 73698-73698.6).

41. Article 30.1 (Sections 74760-74764).

42. Article 9.5 (Sections 73660-73661).

43. Article 11.5 (Sections 73730-73732).

44. Article 3 (Sections 73390-73396).

45. Article 12 (Sections 73770-73771).

46. Article 12.2 (Sections 73783.1-73783.3).

47. Article 12.3 (Sections 73784-73784.10).

48. Article 38 (Sections 74948-74950).

49. Article 28 (Sections 74640-74640.2).

50. Article 29.6 (Sections 74720-74724).

51. Article 39 (Sections 74960-74962).

52. Article 35.5 (Sections 74915-74916).

1 For one or more of the following reasons, these “typical” articles now appear to be
2 obsolete:

3 *Municipal courts no longer exist.* The municipal and superior courts in every
4 county have unified their operations in the superior court,⁵³ which serves the
5 entire county.⁵⁴ Consequently, statutory descriptions of municipal courts or their
6 districts⁵⁵ are generally obsolete.

7 *Superior court sessions are governed by other law.* Soon after the trial court
8 restructuring reforms, the Legislature enacted a provision on superior court
9 sessions, which serves to facilitate the objectives of those reforms.⁵⁶ That
10 provision, now codified as Section 69740,⁵⁷ authorizes each superior court to
11 determine the number and location of sessions of the court. It expressly overrides
12 any other law on the subject.⁵⁸

13 Accordingly, statutory language that conflicts with or duplicates Section 69740
14 should be repealed. A good example is a section relating to Humboldt County,
15 which says: “In order that the citizens of the county may have convenient access

53. See <https://www.courts.ca.gov/documents/unidate.pdf>.

54. See Cal. Const. art. VI, § 4 (“In each county there is a superior court of one or more judges.”).

A few sections in Chapter 10 of Title 8 state that jurors for a particular municipal court “shall be drawn from the entire county.” See Sections 73783.3, 74916(b). Because municipal courts no longer exist and every superior court serves the entire county, there is no need to retain those county-specific statements that jurors “shall be drawn from the entire county.”

55. See, e.g., Sections 74640 (“There are in the County of Santa Barbara two municipal court districts, known as the Santa Barbara Municipal Court and the North Santa Barbara Municipal Court.”), 74760 (“The Glenn County Municipal Court District shall supersede the Glenn County Judicial District and shall embrace the entire County of Glenn.”), 74915 (“This article applies to the municipal court established in a judicial district embracing the County of Yuba. This court shall be known as the Yuba County Municipal Court.”).

56. See 2002 Cal. Stat. ch. 1008, § 25.

57. The provision was initially codified as Section 69645, but was later renumbered on the Commission’s recommendation. See *TCR: Part 2, supra* note 4, at 175-76.

58. Section 69740 provides:

69740. (a) *Notwithstanding any other provision of law*, each trial court shall determine the number and location of sessions of the court necessary for the prompt disposition of the business before the court. In making this determination, the court shall consider, among other factors, the impact of this provision on court employees pursuant to Section 71634, the availability and adequacy of facilities for holding the court session at the specific location, any applicable security issues, and the convenience to the parties and the public served by the court. Nothing in this section precludes a session from being held in a building other than a courthouse.

(b) In appropriate circumstances, upon agreement of the presiding judges of the courts, and in the discretion of the court, the location of a session may be outside the county, except that the consent of the parties shall be necessary to the holding of a criminal jury trial outside the county. The venue of a case for which session is held outside the county pursuant to this section shall be deemed to be the home county of the court in which the matter was filed. Nothing in this section shall provide a party with the right to seek a change of venue unless otherwise provided by statute. No party shall have any right to request the court to exercise its discretion under this section.

(c) The Judicial Council may adopt rules to address an appropriate mechanism for sharing of expenses and resources between the court holding the session and the court hosting the session.

(Emphasis added.)

1 to the court, the ... locations where sessions of the court may be held other than in
2 the county seat shall be as determined by the board of supervisors.”⁵⁹

3 *Counties and their boards of supervisors are no longer responsible for trial*
4 *court facilities.* Some provisions in Chapter 10 of Title 8 give the local board of
5 supervisors authority over trial court facilities. For example, a statute pertaining to
6 Mendocino County says: “The location of permanent court facilities ... shall be as
7 determined by the board of supervisors.”⁶⁰ Now that court facilities belong to the
8 state and counties are no longer responsible for them, such statutory language is
9 obsolete.⁶¹

10 *Statutes specifying court locations are inconsistent with the Trial Court*
11 *Facilities Act and other recent developments relating to court facilities.* Chapter
12 10 of Title 8 also includes some provisions that make it mandatory to have a court
13 facility in a particular location. For example, one section states that facilities for
14 the Central Valley Municipal Court “shall be maintained in the Cities of Coalinga,
15 Firebaugh, Fowler, Kerman, Kingsburg, Parlier, Selma, Reedley, and Sanger, and
16 the communities of Caruthers and Riverdale; and in such other locations within
17 the County of Fresno as are designated by the board of supervisors...”⁶²

18 Requirements like these appear to be inconsistent with the more recently
19 enacted Trial Court Facilities Act, which gives the judicial branch broad authority
20 to determine court locations and specifies a process for the judicial branch to use
21 in making such determinations. In particular, Section 70391 expressly gives the
22 Judicial Council control over court facilities, while also specifying some
23 constraints (such as requirements to consult or cooperate with trial courts,
24 counties, or others about various matters).⁶³

59. Section 73661. Chapter 10 of Title 8 contains many other provisions that conflict with or duplicate Section 69740. See, e.g., Sections 73396 (“... The court shall hold sessions at each facility as business requires. At the direction of the court, arraignment of criminal defendants who are in custody at the Kings County Jail facility shall be held in the court facility located in Hanford.”), 73732 (“... The court shall determine the nature and frequency of sessions held at additional court locations designated by the board of supervisors.”).

60. Section 73784.10.

61. There are many other examples in Chapter 10 of Title 8. See, e.g., Sections 74916(a) (“Facilities for the court shall be maintained at the county seat and at court facilities provided elsewhere as determined by ordinance adopted by the board of supervisors...”), 74962 (“Facilities for the court shall be maintained at or near the county seat and at court facilities provided elsewhere as determined by ordinance adopted by the board of supervisors.”).

62. Section 73698.6. There are many other examples. See, e.g., Sections 73561 (facilities for the Monterey County Municipal Court “shall be maintained in the Cities of Salinas and Monterey and at court facilities provided elsewhere in accordance with law”), 74935.5 (“There shall be maintained in both the City of Gridley and the Town of Paradise branch court facilities ...”).

63. In key part, Section 70391 provides:

70391. The Judicial Council, as the policymaking body for the judicial branch, shall have the following responsibilities and authorities with regard to court facilities, in addition to any other responsibilities or authorities established by law:

(a) Exercise *full* responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities the title of which is held by the state, including, but not limited to, the acquisition and development of facilities.

1 Other recent legislation on court facilities further confirms that the Legislature
2 and the Governor have vested broad authority for such matters in the judiciary,
3 while imposing procedural constraints to ensure that other voices are heard and
4 taken into account.⁶⁴ That new approach apparently overrides the earlier statutes
5 specifying precisely where court facilities must be located. Indeed, the Legislature
6 and the Governor recently approved sales of court facilities in some places where
7 a municipal courthouse is mandatory under provisions in Chapter 10 of Title 8.⁶⁵

(b) Exercise *the full range* of policymaking authority over trial court facilities, including, but not limited to, planning, construction, acquisition, and operation, to the extent not expressly otherwise limited by law.

(c) *Dispose of surplus court facilities* following the transfer of responsibility under Article 3 (commencing with Section 70321), *subject to all of the following*

(e) Establish policies, procedures, and guidelines for ensuring that the courts have adequate and sufficient facilities, including, but not limited to, facilities planning, acquisition, construction, design, operation, and maintenance.

(f) *Establish and consult with local project advisory groups on the construction of new trial court facilities*, including the trial court, the county, the local sheriff, state agencies, bar groups, including, but not limited to, the criminal defense bar, and members of the community.

(g) *Manage court facilities in consultation with the trial courts.*

(h) Allocate appropriated funds for court facilities maintenance and construction, subject to the other provisions of this chapter.

(i) Manage shared-use facilities to the extent required by the agreement under Section 70343.

(j) Prepare funding requests for court facility construction, repair, and maintenance.

(k) Implement the design, bid, award, and construction of all court construction projects, except as delegated to others.

(l) Provide for capital outlay projects that may be built with funds appropriated or otherwise available for these purposes as follows:

(1) Approve five-year and master plans for each district.

(2) Establish priorities for construction.

(3) *Recommend to the Governor and the Legislature the projects to be funded by the State Court Facilities Construction Fund.*

(4) *Submit the cost of projects proposed to be funded to the Department of Finance for inclusion in the Governor's Budget.*

(m) *In carrying out its responsibilities and authority under this section, the Judicial Council shall consult with the local court for:*

(1) Selecting and contracting with facility consultants.

(2) Preparing and reviewing architectural programs and designs for court facilities.

(3) Preparing strategic master and five-year capital facilities plans.

(4) Major maintenance of a facility.

(Emphasis added.)

64. For example, Section 68106 requires a trial court to give the public notice and an opportunity to submit comments before closing any courtroom. The section also requires advance notice to the Legislature. For further information on this legislation, see 2012 Cal. Stat. ch. 41, § 22, 2011 Cal. Stat. ch. 687, § 1; 2010 Cal. Stat. ch. 720, § 13; Senate Committee on Judiciary Analysis of AB 973 (June 21, 2011); Assembly Committee on Judiciary Analysis of AB 973 (April 12, 2011); Senate Rules Committee Analysis of SB 857 (Oct. 6, 2010), p. 2.

65. In particular,

- *Compare* Section 73396 (facilities for Kings County Municipal Court “shall be maintained in the Cities of ... Corcoran, Lemoore, and ... Avenal”) with <http://www.kings.courts.ca.gov> (Kings County Superior Court is located in Hanford). See also <https://www.lsi.org/kings-court-closures>; http://hanfordsentinel.com/news/local/corcoran-avenal-courts-slated-to-close/article_dc484536-e22e-5604-84af-61fe2e186dd.html.

1 The Commission thus recommends that the typical articles in Chapter 10 of Title 8 (the
2 articles pertaining to Butte, Fresno, Glenn, Humboldt, Imperial, Kings, Marin, Mariposa,
3 Mendocino, Monterey, Napa, Santa Barbara, Siskiyou, Yolo, and Yuba Counties) be
4 repealed.⁶⁶

5 ***Variations That Also Warrant Revisions (Madera, Merced, San Diego, and San Luis Obispo***
6 ***Counties; “General Provisions”; Section 24261)***

7 A few articles in Chapter 10 of Title 8 differ from the typical articles described above.
8 Some of the atypical articles also appear to warrant revisions:

- 9 • *Madera County*. The article on Madera County is similar to the typical
10 articles and suffers from some of the same flaws,⁶⁷ but it also includes a
11 stand-alone section on transportation of prisoners by the Madera County
12 sheriff.⁶⁸ To the best of the Commission’s knowledge, that section remains
13 current and should be retained. The rest of the article should be repealed.⁶⁹
- 14 • *Merced County*. The article on Merced County is similar to the typical
15 articles and suffers from the same flaws,⁷⁰ but it also includes a section
16 relating to the marshal of the Merced County Municipal Court.⁷¹ There no
17 longer is a marshal in Merced County,⁷² so the whole article can be
18 repealed.⁷³
- 19 • *North County Judicial District (San Diego County)*. The article on the North
20 County Judicial District in San Diego County is similar to the typical

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- *Compare* Section 73698.6 (facilities for Central Valley Municipal Court District of Fresno County) with <http://www.fresno.courts.ca.gov/courthouses> (locations of Fresno County Superior Court). See also <http://articles.latimes.com/2012/jul/23/local/la-me-court-cuts-20120723>; <http://abc30.com/archive/8755339>.

66. See proposed repeals of Sections 73390-73396, 73560-73561, 73660-73661, 73698-73698.6, 73730-73732, 73770-73771, 73783.1-73783.3, 73784-73784.10, 74640-74640.2, 74720-74724, 74760-74764, 74915-74916, 74934-74935.5, 74948-74950 & 74960-74962 & Comments *infra*.

67. See Sections 73750, 73756.

68. See Section 73758.

69. See proposed repeals of Sections 73750 & 73756 & Comments *infra*.

70. See Sections 73790, 73792.

71. See Section 73796.

72. See Section 26638.15; Merced County Ordinance No. 1687 (effective Jan. 15, 2003); Merced County Bd. of Supervisors, Minutes (Dec. 3, 2002), pp. 4, 16; see also Section 69921.5. To make certain that repealing Section 73796 would have no adverse effect on any former marshal, deputy marshal, or family member, the proposed legislation would include a savings clause. See proposed uncodified provision *infra*.

In contrast to Merced County, Shasta County still has a marshal and the article on Shasta County focuses entirely on the marshal. That article (Sections 74984-74988) should be retained.

The article on San Joaquin County (Sections 74820-74820.3) also focuses on court security, not court facilities. The Commission will address it in a separate tentative recommendation relating to marshals.

73. See proposed repeal of Sections 73790-73796 & Comments *infra*.

- 1 articles and suffers from the same flaws,⁷⁴ but it also includes a section on
2 judicial benefits,⁷⁵ which pertains to the municipal court district identified in
3 the introductory section.⁷⁶ Those two sections should be retained, because
4 the Commission has deferred work on the intersection of trial court
5 restructuring and judicial benefits.⁷⁷ The other section should be repealed.⁷⁸
- 6 • *San Luis Obispo*. The article on San Luis Obispo County consists of a single
7 section, which pertains to the local superior court (not a municipal court).⁷⁹
8 Like the typical articles, that section specifies a court location⁸⁰ and
9 addresses court sessions.⁸¹ The article thus appears to be obsolete for the
10 reasons discussed above.⁸²
 - 11 • *General Provisions (Section 73301)*. Article 1 is entitled “General
12 Provisions” and consists of a single provision (Section 73301), which was
13 enacted in 1953,⁸³ just after the California Constitution was amended to
14 replace various types of inferior courts with municipal and justice courts.⁸⁴
15 The section was intended to protect employees of superseded courts who
16 succeeded to positions in newly created municipal courts. In all likelihood, it
17 is obsolete. It pertains to employees of courts that were long ago superseded
18 by municipal courts, which in turn were eliminated through trial court
19 unification around the turn of the century. The Commission thus tentatively
20 recommends that Article 1 be repealed.⁸⁵ To make certain there would be no

74. See Sections 73950, 73956. Unlike comparable sections in the typical articles, Section 73956 contains some material relating to the local marshal. That material does not concern employment terms and it is obsolete because San Diego County no longer has any marshals.

75. See Section 73952.

76. The introductory section (Section 73950) says: “This article applies to the Municipal Court of the North County Judicial District.”

77. Similarly, the articles on the El Cajon Judicial District (Sections 73640-73642), Riverside County (Sections 74130-74145), the South Bay Judicial District (Sections 74740-74742), and the San Diego Judicial District (Sections 74340-74342) should be retained. Each of those articles focuses solely on judicial benefits.

78. See proposed repeal of Section 73956 *infra*.

79. See Section 74602.

80. The first sentence of Section 74602 states: “Facilities for the San Luis Obispo County Superior Court shall be maintained in the City of San Luis Obispo, and may be maintained at any other location within the county.”

81. The last three sentences of Section 74602 state:

74602.... The court may hold sessions at each facility, as business requires. At the direction of the presiding judge, any subordinate judicial officer may perform his or her duties at any court location. At the direction of the court, arraignment of criminal defendants who are in custody at the San Luis Obispo County Jail facility shall be held at that facility.

82. See *supra* notes 56-59 & 62-66 & accompanying text.

83. For the final 1953 version of Section 73301, see 1953 Cal. Stat. ch. 1623, § 1.

84. For background on this reform, see 2 B. Witkin, California Procedure *Courts* §§ 163-164, at 235-37 (5th ed. 2008).

85. See proposed repeal of Sections 73301-73301 *infra*.

1 adverse effect on any former court employee or family member, the
2 proposed legislation would include a savings clause.⁸⁶

3 One other provision is worth mentioning here. Section 24261 is not located in Chapter
4 10 of Title 8, but it is similar to some of the provisions in that chapter because it specifies
5 a court location⁸⁷ and imposes requirements regarding court sessions.⁸⁸ Those aspects of
6 the section are obsolete for the reasons explained above.⁸⁹

7 The remainder of the section requires superior court judges to “establish rules ... for
8 the dispatch of official business” That language is unnecessary, because another
9 provision addresses the same subject more thoroughly.⁹⁰ Like much of the material in
10 Chapter 10 of Title 8, Section 24261 appears to be ripe for repeal.⁹¹

11 **Other Court Facilities Statutes**

12 Aside from Chapter 10 of Title 8, the codes contain many other statutes relating to
13 court facilities, some of which appear to need revisions to reflect trial court restructuring.
14 The Commission’s proposed revisions fall into several groups (with some instances of
15 overlap):

- 16 • Revisions relating to the Task Force on Court Facilities.
- 17 • Obsolete references to the municipal courts.
- 18 • Revisions necessitated by the transfer of responsibility for trial court
19 operations and facilities.
- 20 • Updates due to changes in the status of Courthouse Construction Funds or
21 similar matters.

22 The Commission discusses each group of proposed reforms in the order listed. The
23 Commission then turns to the possibility of updating the Trial Court Facilities Act itself.

24 ***Completion of Report by the Task Force on Court Facilities (Sections 77650-77655; Section*** 25 ***77201.3)***

26 As previously discussed, the Task Force on Court Facilities completed its assigned
27 work long ago.⁹² Consequently, the article governing it (Sections 77650-77655) is largely

86. See proposed uncodified provision *infra*. This savings clause would be identical to the savings clause in the big trial court restructuring bill that was enacted in 2002 on the Commission’s recommendation. See 2002 Cal. Stat. ch. 784, § 622; see also *TCR: Part 1, supra* note 25, at 20, 566.

87. The first clause states that “judges of the superior court shall have chambers at the county seat”

88. Section 24261 says that superior court rules shall “establish ... hours for the dispatch of official business” and “must require that the courts shall be open for the transaction of judicial business on days on which an election is held throughout the State where county offices are open for the transaction of county business during such election days pursuant to ordinance.”

89. See *supra* notes 56-59 & 62-66 & accompanying text.

90. See Section 68070.

91. See proposed repeal of Section 24261 & Comment *infra*.

92. See *supra* notes 13-19 & accompanying text.

1 obsolete. The Commission tentatively recommends repealing all but one section in the
2 article.⁹³

3 The remaining section (Section 77655) makes the findings of the task force
4 inadmissible in “any action brought by trial courts to compel a county to provide facilities
5 that the trial court contends are necessary and suitable.” In case that section might still
6 have some utility, the Commission recommends amending it to read clearly as a stand-
7 alone section.⁹⁴

8 The proposed amendment would also update a cross-reference to a provision that was
9 moved to the Trial Court Facilities Act in 2002.⁹⁵ A similar correction should be made in
10 Section 77201.3, which relates to county remittances (not to the Task Force on Court
11 Facilities).⁹⁶

12 ***Obsolete References to Municipal Courts (Gov’t Code §§ 25351.3, 25560.4, 71002, 71383,***
13 ***76219)***

14 In addition to the obsolete municipal court references already discussed, the
15 Commission tentatively determined that several other court facility statutes contain
16 municipal court references that are obsolete. Those statutes are discussed below.

- 17 • *Section 25351.3.* Among other things, subdivision (a) of Section 25351.3
18 permits a board of supervisors to “[a]cquire land for and construct, lease,
19 sublease, build, furnish, refurnish, or repair buildings for *municipal* or
20 superior courts”⁹⁷ Similarly, subdivision (c) says that “leases for
21 *municipal* or superior courts ... may be entered into without advertising for
22 bids”⁹⁸ Because municipal courts no longer exist, Section 25351.3
23 should be amended to delete its references to such courts. In addition,
24 subdivision (e) should be revised to reflect that counties and their boards of
25 supervisors are no longer required to “provide adequate quarters for
26 courts.”⁹⁹ The Commission does not know whether it is still correct to say
27 that “leases for ... superior courts ... may be entered into without
28 advertising for bids” Comments on that point would be especially
29 helpful.
- 30 • *Section 25560.4.* Under specified circumstances, Section 25560.4 permits a
31 board of supervisors to dedicate unused parkland “for the erection and

93. See proposed repeals of Sections 77650, 77651, 77652, 77653 & 77654 & Comments *infra*.

94. See proposed amendment of Section 77655 & Comment *infra*.

95. See *id.* Section 77655 cross-refers to “Section 68073,” which no longer exists. When the Trial Court Facilities Act was enacted, former Section 68073 was repealed and renumbered as Section 70311. See 2002 Cal. Stat. ch. 1082, § 3; see also Section 70311(e).

96. See proposed amendment of Section 77201.3 & Comment *infra*. Like Sections 77655 and 77201.3, Section 77201 cross-refers to “Section 68073.” As specified in Section 77200(a), however, Section 77201 only applied until June 30, 1998. Section 68073 was not renumbered until much later, so it appears unnecessary and inappropriate to amend Section 77201 to reflect the renumbering of Section 68073.

97. Emphasis added.

98. Emphasis added.

99. See proposed amendment of Section 25351.3 & Comment *infra*.

1 maintenance of one or more buildings to house any *municipal* or superior
2 court”¹⁰⁰ At a minimum, this municipal court reference is obsolete and
3 should be deleted.¹⁰¹ Because counties are no longer responsible for
4 providing court facilities, it also seems possible that Section 25560.4 is
5 entirely obsolete and should be repealed. The Commission would
6 particularly appreciate comments on this possibility.

- 7 • *Sections 71002 and 71383.* Section 71002 says that the board of supervisors
8 of each county is responsible for providing facilities, supplies, and
9 equipment for the local municipal court(s). The section is obsolete because
10 municipal courts no longer exist and counties are no longer responsible for
11 providing court facilities or funding court operations. Other provisions
12 contain comparable language pertaining to the superior courts,¹⁰² so Section
13 71002 can simply be repealed.¹⁰³ There is no need to amend it to apply to
14 the superior courts instead of the municipal courts. Section 71383 should
15 also be repealed, because it merely defines a term for purposes of Section
16 71002.¹⁰⁴

17 The Commission also seeks input on Section 76219, which establishes detailed rules
18 regarding use of the Courthouse Construction Fund established in Los Angeles County.
19 In many places, the section still refers to municipal courts and municipal court districts.
20 Those references probably should be revised in some manner to reflect trial court
21 unification.

22 The Commission does not know precisely how to do that, because it is not familiar
23 with the status of the various court construction projects in Los Angeles County and their
24 financing. Thus, the Commission has included the text of Section 76219 in this tentative
25 recommendation, but it has not proposed any revisions. An accompanying Note requests
26 comments on how to update the section.¹⁰⁵

27 ***Transfer of Responsibility for Trial Court Operations and Facilities (Code Civ. Proc. § 216;***
28 ***Gov’t Code §§ 14672.5, 68073.5, 69504)***

29 Many of the revisions discussed above relate to the transfer of responsibility for trial
30 court operations and facilities from the counties to the state. In addition to those

100. Emphasis added.

101. See proposed amendment of Section 25560.4 & Comment *infra*.

102. See Sections 70301(d), 70311-70312.

103. See proposed repeal of Section 71002 & Comment *infra*.

104. See proposed repeal of Section 71383 & Comment *infra*. The Commission searched the codes to determine whether any conforming revisions would be necessary to reflect the repeal of Section 71383. The only section that cross-refers to Section 71383 is Penal Code Section 1463.5, which mentions “the audit performed pursuant to Section 71383 of the Government Code.” The current version of Section 71383 has nothing to do with audits (it defines “board of supervisors”), so the cross-reference in Penal Code Section 1463.5 appears to be incorrect. For that reason, the Commission has not included a conforming revision of Penal Code Section 1463.5 in this tentative recommendation. Comments on how to correct its erroneous cross-reference to Section 71383 would be particularly helpful.

105. See Section 76219 (unchanged) & accompanying Note *infra*.

1 revisions, the Commission proposes to revise some other court facility statutes for similar
2 reasons.

3 In particular, Code of Civil Procedure Section 216 requires the board of supervisors of
4 each county to provide jury deliberation rooms, which “which shall have suitable
5 furnishings, equipment, and supplies, and shall also have restroom accommodations for
6 male and female jurors.” Because counties are no longer responsible for trial court
7 operations and facilities, the Commission tentatively recommends amending the section
8 to require each court to provide jury deliberation rooms, instead of the board of
9 supervisors.¹⁰⁶

10 Similarly, Section 69504 says that the “board of supervisors of each county shall
11 purchase and provide for the installation of the Flag of the United States and the Bear
12 Flag of California in each superior courtroom in the county.” The Commission proposes
13 to replace “board of supervisors” with “superior court,” to reflect the transfer of
14 responsibilities under the Trial Court Funding Act.¹⁰⁷ Although that appears to be the
15 correct approach,¹⁰⁸ the Commission welcomes comments on whether the statute should
16 require the Judicial Council to pay for superior court flags and installation fees (instead of
17 the superior courts), and, if so, why.

18 The following county-specific statutes also require revisions to reflect the shift in
19 responsibilities for trial court operations and facilities:

- 20 • *Los Angeles County (and possibly Orange and Riverside Counties)*. Under
21 Section 68073.5, the *board of supervisors* in a county “having a population
22 of 3,000,000 or more” may give court personnel the same access to dining
23 and parking facilities in or adjacent to *court* buildings in the county that
24 county personnel receive in or adjacent to *other county* buildings.
25 Historically, Los Angeles was the only county with a population over
26 3,000,000; Orange and Riverside Counties would also qualify if the statute
27 refers to current population figures instead of the historical figures that are
28 used to classify the counties.¹⁰⁹ In any case, Section 68073.5 appears to be
29 obsolete due to the transfers of court buildings from the counties to the state.
30 The Commission tentatively recommends that it be repealed.¹¹⁰
- 31 • *Sacramento County*. Under specified circumstances, Section 14672.5
32 authorizes the state to lease a particular parcel of property to the City of
33 Folsom (located in Sacramento County) for up to fifty years for a “police
34 station, *courthouse*, or city hall.¹¹¹ The property in question is not currently
35 being leased to the City of Folsom for a courthouse, and such a lease would
36 not seem to be necessary for the future either. Under the Trial Court

106. See proposed amendment of Code Civ. Proc. § 216 & Comment *infra*.

107. See proposed amendment of Section 69504 & Comment *infra*.

108. See sources cited in proposed Section 69504 Comment *infra*.

109. Compare Sections 28020 & 28022 with http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/documents/E-1_2018PressRelease.pdf.

110. See proposed repeal of Section 68073.5 & Comment *infra*.

111. Emphasis added.

1 Facilities Act, the state is responsible for court facilities, not the counties,
2 much less the City of Folsom. Accordingly, Section 14672.5 should be
3 amended to delete the reference to a courthouse.¹¹²

4 A special set of statutes that warrant reevaluation in light of the transfer of
5 responsibility for court operations and facilities is comprised of the ones relating to
6 Courthouse Construction Funds. Those statutes are discussed below.

7 ***Status of Courthouse Construction Funds and Related Matters (Gov't Code §§ 6250, 70624,***
8 ***76000, 76101.5, 76106, 76110, 76223, 76225)***¹¹³

9 As authorized by statute,¹¹⁴ many counties established Courthouse Construction Funds
10 to finance construction of court facilities. Under the Trial Court Facilities Act, any
11 amount in a county's Courthouse Construction Fund must be transferred to the state¹¹⁵ at
12 the *later* of the following dates:

13 (1) The date of the last transfer of responsibility for court facilities from the
14 county to the Judicial Council or December 31, 2009, whichever is earlier.

15 (2) The date of the final payment of the bonded indebtedness for any court
16 facility that is paid from that fund is retired.¹¹⁶

17 Because all of the court facilities transfers are complete and it is well past December
18 31, 2009, the trigger for transferring a Courthouse Construction Fund is now when a
19 county makes "the final payment of the bonded indebtedness for any court facility that is
20 paid from that fund" That date will vary from county to county: Some counties still
21 have a Courthouse Construction Fund; others do not.¹¹⁷

22 The Commission reviewed the statutes referring to Courthouse Construction Funds to
23 determine whether any of them need revisions to reflect (1) transfer of such a fund to the
24 state or (2) other aspects of trial court restructuring. In addition to the Los Angeles
25 provision previously discussed (Section 76219), a number of other such statutes appear to
26 warrant attention.

27 Some of those statutes apply to all counties. In particular,

112. See proposed amendment of Section 14672.5 & Comment *infra*.

113. Section 76219 concerns use of the Courthouse Construction Funds in Los Angeles County. It is discussed under "Obsolete References to Municipal Courts" *supra*.

114. See Section 76100.

115. Specifically, counties are supposed to transfer such amounts to the State Court Facilities Construction Fund.

116. Section 70402(a) (emphasis added).

117. See generally Judicial Council of California, *Receipts and Expenditures from Local Courthouse Construction Funds: Report to the Budget and Fiscal Committees of the Legislature* (12/18/17) (hereafter, "CCF Report"), Attachment 12. A copy of this report is attached to the First Supplement to Commission Staff Memorandum 2018-31.

The most recent data in the report is for the period from 7/1/15 to 6/30/16. The report shows that many Courthouse Construction Funds still existed at the end of that period. According to Judicial Council staff participating in this study, that remains true.

- 1 • *Section 76000*. Subdivision (e) of Section 76000 says that a particular
2 penalty “shall be reduced in each county by the additional penalty amount
3 assessed by the county for the local courthouse construction fund established
4 by Section 76100 as of January 1, 1998, *when the money in that fund is*
5 *transferred to the state under Section 70402.*”¹¹⁸ The same provision also
6 includes a table specifying how much each county shall charge, which was
7 last updated in 2010.¹¹⁹ That table appears to need updating, because some
8 Courthouse Construction Funds seem to have been transferred to the state
9 since 2010.¹²⁰ The Commission does not yet have sufficient information to
10 determine how to update the table. It would appreciate comments on that
11 matter and on whether Section 76000 requires any other revisions to reflect
12 trial court restructuring.¹²¹

- 13 • *Section 76106*. For each Courthouse Construction Fund or other fund
14 established pursuant to the chapter entitled “County Penalties,”¹²² Section
15 76106 requires the local board of supervisors to adopt a resolution specifying
16 the penalty amounts to be deposited in the fund. Among other things, the
17 resolution “shall state that the implementation of the applicable sections is
18 necessary to the county for the establishment of adequate *courtroom* or
19 criminal justice facilities or other authorized purposes of the fund.”¹²³ Because
20 counties are no longer responsible for providing court facilities, it occurred to
21 the Commission that Section 76106’s reference to courtroom facilities might
22 at some point become obsolete.¹²⁴ The Commission is not sure when, if ever,
23 that might occur. Information on that point would be helpful. Because it lacks
24 such information, the Commission is not proposing any changes to Section
25 76106 at this time.¹²⁵

- 26 • *Section 76110*. In specified circumstances, Section 76110 authorizes transfers
27 of “excess deposits” from a Courthouse Construction Fund or a Criminal
28 Justice Facilities Construction Fund to the county general fund. Among other
29 requirements, such a transfer “shall not occur until the need for *courthouse*

118. Emphasis added.

119. See 2010 Cal. Stat. ch. 720, § 26.

120. In fiscal year 2013-2014, for instance, Butte and Yuba counties reportedly paid off the bonded indebtedness for court facilities funded through their Courthouse Construction Funds. See *CCF Report*, *supra* note 117, at Attachment 10, n.3. Presumably, those counties thereafter transferred the balance in their Courthouse Construction Funds to the state, as required by Section 70402(a). That development would seem to require an adjustment of the amounts for those counties in the table in Section 76000(e).

121. Although the Commission does not yet have sufficient information to update the table in Section 76000, it has included a proposed amendment of that section in this tentative recommendation, because there is an incorrect cross-reference in subdivision (d). See proposed amendment of Section 76000 & Comment *infra*.

122. Sections 76000-76252.

123. Emphasis added.

124. Even though there are some shared use facilities (ones that serve both court and county functions), counties are not responsible for funding the court-related parts of those facilities.

125. See Section 76106 (unchanged) & accompanying Note *infra*.

1 *construction* or the construction of criminal justice facilities has been met.¹²⁶
2 Because counties are no longer responsible for providing court facilities and a
3 county is supposed to transfer the remainder of its Courthouse Construction
4 Fund to the state upon repaying the bonded indebtedness,¹²⁷ it occurred to the
5 Commission that Section 76110’s reference to a Courthouse Construction
6 Fund might at some point be obsolete. The Commission is not sure when that
7 would be, so it is not proposing any change to Section 76110 at this time.
8 Information on the matter would be helpful.¹²⁸

9 The Commission also found some county-specific provisions that refer to a Courthouse
10 Construction Fund and seem to require revisions to reflect trial court restructuring. Those
11 provisions are as follows:

- 12 • *Lassen and Los Angeles Counties.* Section 76101.5 authorizes “a county of
13 the first class or a county of the 47th class” (i.e., Los Angeles County¹²⁹ or
14 Lassen County¹³⁰) to transfer deposits from its Courthouse Construction
15 Fund to its Criminal Justice Facilities Construction Fund and vice versa.
16 Lassen County no longer has a Courthouse Construction Fund,¹³¹ so the
17 Commission recommends amending this section to delete the reference to “a
18 county of the 47th class.”¹³²
- 19 • *Merced County.* Section 76225 says that if Merced County does not transfer
20 certain court facilities to the state on or before April 1, 2007, it must pay the
21 state back for the construction funds used for those facilities. Merced
22 County met the specified deadline, so the section should be repealed.¹³³
23 Along similar lines, Section 76223(e) should be revised to reflect that the
24 event it describes as a contingency (enactment of legislation that transfers
25 responsibility for court facilities to the state and also permits transfer of
26 associated bonded indebtedness and revenue sources) has actually
27 occurred.¹³⁴
- 28 • *San Bernardino County.* Section 70624 authorizes a filing fee surcharge in
29 San Bernardino County to supplement that county’s Courthouse
30 Construction Fund. Collection of that surcharge “shall terminate upon
31 repayment of the amortized costs incurred, or 30 years from the sale of the
32 bond, whichever occurs first.”¹³⁵ According to Judicial Council staff, San
33 Bernardino County recently paid off the debt for the courthouse construction
34 projects in question. That development might mean that (1) the surcharge

126. Emphasis added.

127. See Section 70402.

128. See Section 76110 (unchanged) & accompanying Note *infra*.

129. See Sections 28020, 28022, 28085.

130. See Sections 28020, 28068, 28085.

131. See *CCF Report, supra* note 117, at Attachment 12.

132. See proposed amendment of Section 76101.5 & Comment *infra*.

133. See proposed repeal of Section 76225 & Comment *infra*.

134. See proposed amendment of Section 76223 & Comment *infra*.

135. Section 70624(b).

1 under Section 70624 should cease pursuant to the express terms of that
2 section, (2) San Bernardino County should transfer the remainder of its
3 Courthouse Construction Fund to the state pursuant to Section 70402, and
4 (3) upon completion of that transfer, Section 70624 would be ripe for repeal.
5 Apparently, however, there is an unresolved issue regarding this matter and
6 there are ongoing discussions about it between the county and the Judicial
7 Council. To allow for resolution of that issue while ensuring that Section
8 70624 is eventually repealed, the Commission tentatively proposes to add a
9 five-year sunset clause to the section.¹³⁶

- 10 • *San Diego County.* Another statute that refers to a Courthouse Construction
11 Fund is Section 6250,¹³⁷ which permits the San Diego City Council and the
12 Board of Supervisors of San Diego County to create, by joint powers
13 agreement, a redevelopment agency to be known as the “San Diego
14 Courthouse, Jail, and Related Facilities Development Agency.” The
15 section’s reference to a Courthouse Construction Fund is not out-of-date,
16 because San Diego County apparently still has such a fund.¹³⁸ However, the
17 section is obsolete for other reasons: (1) the contemplated new agency does
18 not appear to have been created and if it were created, it would have the
19 powers and duties of a redevelopment agency, but redevelopment agencies
20 no longer exist, and (2) the section allocates substantial control over
21 courthouse planning and construction to the city, county, and contemplated
22 agency, but that is inconsistent with the broad allocation of such power to
23 the judicial branch in the Trial Court Facilities Act.¹³⁹ The Commission thus
24 recommends that Section 6250 be repealed.¹⁴⁰

25 ***Reexamination of the Trial Court Facilities Act (Gov’t Code §§ 70301-70508)***

26 In addition to examining the statutes discussed above, the Commission considered the
27 possibility of updating the Trial Court Facilities Act to reflect that some of the events it
28 requires (such as the court facilities transfers) have already occurred. On close
29 examination, however, the Commission realized that the obsolete material is closely
30 entangled with statutory material that remains current. The Commission therefore
31 concluded that it would be unduly complicated and burdensome to update the Act at this
32 time.¹⁴¹

136. See proposed amendment of Section 70624 & Comment *infra*.

137. See Section 6250(d).

138. See *CCF Report, supra* note 117, at Attachment 12.

139. See proposed repeal of Section 6250 & Comment *infra*.

140. See 2012 Cal. Stat. ch. 5 (1st Ex. Sess.); *California Redevelopment Ass’n v. Matosantos*, 53 Cal. 4th 241, 267 P.3d 580, 135 Cal. Rptr. 3d 683 (2011).

141. See Commission Staff Memorandum 2018-63; Minutes (Dec. 2018), p. 5. The Commission also took a look at the San Joaquin County Regional Justice Facility Financing Act (Sections 26290-26293.4), the Orange County Regional Justice Facilities Act (Sections 26295-26298.58), and the County Regional Justice Facilities Financing Act (Sections 26299.000-26299.083). The Commission will address those Acts separately, not in this tentative recommendation.

1 The chapter containing the Trial Court Facilities Act also contains a separately-enacted
2 section that created a Task Force on County Law Libraries.¹⁴² That section (Section
3 70394) should be repealed because the task force report was due long ago and the task
4 force no longer exists.¹⁴³

5 Although the task force was created to find a stable funding source for law libraries,
6 concerns regarding law library funding persist.¹⁴⁴ The Commission is not authorized to
7 study that matter and does not propose to address it here.

8 **Request for Comments**

9 The Commission seeks public comment on its tentative recommendation. It encourages
10 comments on any aspect of the proposal, but it would especially appreciate comments on
11 the issues identified in the Notes that accompany some of the proposed legislation.

12 Comments can be in any format and can be emailed to bgaal@clrc.ca.gov. Comments
13 supporting the proposed revisions are just as important as comments suggesting changes
14 or expressing other views.

15 The Commission also welcomes comments on other statutes that require revisions to
16 reflect trial court restructuring, regardless of whether they relate to court facilities.
17 Comments from knowledgeable persons are invaluable in the Commission's study
18 process.

142. Section 70394 was enacted as 2003 Cal. Stat. ch. 394, §§ 1, 2.

143. Under Section 70394, the task force report was due "on or before January 1, 2005."

144. See Letter from Sandra Levin (Council of California County Law Librarians) to the Commission (Nov. 30, 2018) (attached to First Supplement to Commission Staff Memorandum 2018-63, Exhibit pp. 1-4).

Contents

CODE OF CIVIL PROCEDURE	25
§ 216 (amended). Jury deliberation rooms	25
GOVERNMENT CODE	25
§ 6520 (repealed). San Diego Courthouse, Jail, and Related Facilities Development Agency	25
§ 14672.5 (amended). Lease of unimproved property to City of Folsom for police station, courthouse, or city hall	26
§ 24261 (repealed). Superior court chambers, rules, and hours of operation	26
§ 25351.3 (amended). Acquisition, rental, improvement, furnishing, and repair of real property and facilities	27
§ 25560.4 (amended). Dedication of unused parkland for court facility	29
§ 68073.5 (repealed). Dining and parking facilities in or adjacent to court building in county with population over three million	29
§ 69504 (amended). Flags for courtrooms	30
§ 70394 (repealed). Task Force on County Law Libraries	30
§ 70624 (amended). Surcharge in San Bernardino County	31
§ 71002 (repealed). Municipal court facilities, supplies, and equipment	32
§ 71383 (repealed). “Board of supervisors”	32
Heading of Chapter 10 (commencing with Section 73301) (amended)	32
§§ 73301-73301 (repealed). General provisions	32
§§ 73390-73396 (repealed). Kings County	33
§§ 73560-73561 (repealed). Monterey County	33
§§ 73660-73661 (repealed). Humboldt County	34
§§ 73698-73698.6 (repealed). Fresno County	34
§§ 73730-73732 (repealed). Imperial County	35
§ 73750 (repealed). Madera County Municipal Court District	35
§ 73756 (repealed). Court facilities and sessions	36
§§ 73770-73771 (repealed). Marin County	36
§§ 73783.1-73783.3 (repealed). Mariposa County	36
§§ 73784-73784.10 (repealed). Mendocino County	37
§§ 73790-73796 (repealed). Merced County	37
§ 73956 (repealed). Court facilities and sessions	38
§§ 74602-74602 (repealed). San Luis Obispo County	38
§§ 74640-74640.2 (repealed). Santa Barbara County	39
§§ 74720-74724 (repealed). Siskiyou County	39
§§ 74760-74764 (repealed). Glenn County	40
§§ 74915-74916 (repealed). Yuba County	40
§§ 74934-74935.5 (repealed). Butte County	41
§§ 74948-74950 (repealed). Napa County	41
§§ 74960-74962 (repealed). Yolo County	42
§ 76000 (amended). Added penalties	42
§ 76101.5 (amended). Transfers between Courthouse Construction Fund and Criminal Justice Facilities Fund in county of 1st or 47th class	44
§ 76106 (unchanged). Resolution specifying payment amounts	45
§ 76110 (unchanged). Transfer of excess deposits to county general fund	45
§ 76219 (unchanged). Courthouse Construction Fund for Los Angeles County	46
§ 76223 (amended). Construction of court facilities in Merced County	48
§ 76225 (repealed). Reimbursement of court construction funds in Merced County if transfers do not occur on time	49
§ 77201.3 (amended). County remittances commencing on July 1, 2006	49
§ 77650 (repealed). Task Force on Court Facilities	53
§ 77651 (repealed). Composition of task force	53
§ 77652 (repealed). Staff support for task force and guidelines for procedures and practices	54
§ 77653 (repealed). Duties of task force	54

Contents (cont'd)

§ 77654 (repealed). Timeline for task force	55
§ 77655 (amended). Inadmissibility of task force findings	56
UNCODIFIED	57
Uncodified (added). Savings clause — rights and benefits	57

PROPOSED LEGISLATION

CODE OF CIVIL PROCEDURE

§ 216 (amended). Jury deliberation rooms

SEC. _____. Section 216 of the Code of Civil Procedure is amended to read:

216. (a) At each court facility where jury cases are heard, the ~~board of supervisors~~ court shall provide a deliberation room or rooms for use of jurors when they have retired for deliberation. The deliberation rooms shall be designed to minimize unwarranted intrusions by other persons in the court facility, shall have suitable furnishings, equipment, and supplies, and shall also have restroom accommodations for male and female jurors.

~~(b) If the board of supervisors neglects to provide the facilities required by this section, the court may order the sheriff or marshal to do so, and the expenses incurred in carrying the order into effect, when certified by the court, are a county charge.~~

~~(c)~~ (b) Unless authorized by the jury commissioner, jury assembly facilities shall be restricted to use by jurors and jury commissioner staff.

Comment. Section 216 is amended to reflect enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

GOVERNMENT CODE

§ 6520 (repealed). San Diego Courthouse, Jail, and Related Facilities Development Agency

SEC. _____. Section 6520 of the Government Code is repealed.

~~6520. (a) Notwithstanding any other provision of law, the Board of Supervisors of San Diego County and the City Council of the City of San Diego may create by joint powers agreement, the San Diego Courthouse, Jail, and Related Facilities Development Agency, hereinafter referred to as “the agency,” which shall have all the powers and duties of a redevelopment agency pursuant to Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code as well as all the powers of a joint powers agency pursuant to this chapter, with respect to the acquisition, construction, improvement, financing, and operation of a combined courthouse-criminal justice facility, including a parking garage, and other related improvements, hereinafter referred to as “the facility.”~~

~~(b) The agency shall be governed by a board of directors composed of one city council member and one citizen designated by the San Diego City Council; one supervisor and one citizen designated by the San Diego County Board of Supervisors; two citizens appointed by the presiding judge of the superior court effective during his or her term of presidency; the Sheriff of San Diego County; the president or designee of the San Diego County Bar Association; and one citizen designated by the District Attorney of San Diego~~

1 County; all of whom shall serve at the pleasure of the appointing power and without
2 further compensation.

3 (e) ~~The City of San Diego and the County of San Diego shall each have the power of~~
4 ~~nonconcurrence over any action taken by the board of directors, provided that a motion~~
5 ~~for reconsideration is made by a member of the board of directors immediately following~~
6 ~~the vote of the board of directors approving such action, and further provided that the city~~
7 ~~council or the board of supervisors votes to nullify such action, by a majority vote of its~~
8 ~~membership, within 30 days.~~

9 (d) ~~The county may transfer to the agency county funds in either a Courthouse~~
10 ~~Temporary Construction Fund or a County Criminal Justice Facility Temporary~~
11 ~~Construction Fund, or both, to be expended for purposes of the facility.~~

12 (e) ~~In addition to those funds, (1) the agency's governing body may allot up to 15~~
13 ~~percent of the fines and forfeitures received by the City of San Diego pursuant to Section~~
14 ~~1463 of the Penal Code from the service area of the downtown courts, as defined by the~~
15 ~~agency, for expenditure by the agency for the purposes specified in subdivision (a); (2)~~
16 ~~the City of San Diego and the County of San Diego may allot to the agency any state or~~
17 ~~federal funds received for purposes of the facility; and (3) the agency may expend any~~
18 ~~rent, parking fees, or taxes received on leasehold interests in the facility, for the purposes~~
19 ~~specified in subdivision (a).~~

20 **Comment.** Section 6520 is repealed to reflect:

21 (1) The enactment of the Lockyer-Isenberg Trial Court Funding Act, 1997 Cal. Stat. ch. 850
22 (see generally Sections 77000-77655) and the related Trial Court Facilities Act, 2002 Cal. Stat.
23 ch. 1082 (see generally Sections 70301-70508).

24 (2) The elimination of redevelopment agencies. See 2012 Cal. Stat. ch. 5 (1st Ex. Sess.);
25 California Redevelopment Ass'n v. Matosantos, 53 Cal. 4th 241, 267 P.3d 580, 135 Cal. Rptr. 3d
26 683 (2011).

27 **§ 14672.5 (amended). Lease of unimproved property to City of Folsom for police station,**
28 **courthouse, or city hall**

29 SEC. _____. Section 14672.5 of the Government Code is amended to read:

30 14672.5. Notwithstanding Section 14670, the Director of General Services, with the
31 consent of the Department of Corrections, may lease to the City of Folsom a parcel of
32 approximately five acres of unimproved real property situated in the County of
33 Sacramento within Rancho Rio de Los Americanos for a period not to exceed 50 years
34 for a police station, ~~courthouse~~, or city hall.

35 **Comment.** Section 14672.5 is amended to reflect the enactment of the Lockyer-Isenberg Trial
36 Court Funding Act, 1997 Cal. Stat. ch. 850 (see generally Sections 77000-77655) and the related
37 Trial Court Facilities Act, 2002 Cal. Stat. ch. 1082 (see generally Sections 70301-70508).

38 **§ 24261 (repealed). Superior court chambers, rules, and hours of operation**

39 SEC. _____. Section 24261 of the Government Code is repealed.

40 ~~24261. The judges of the superior court shall have chambers at the county seat and~~
41 ~~establish rules and hours for the dispatch of official business; provided that such rules~~
42 ~~must require that the courts shall be open for the transaction of judicial business on days~~

1 ~~on which an election is held throughout the State where county offices are open for the~~
2 ~~transaction of county business during such election days pursuant to ordinance.~~

3 **Comment.** Section 24261 is repealed to reflect:

4 (1) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
5 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
6 operations). See also Sections 68070 (court rules), 70311-70312 (responsibility for court
7 operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

8 (2) Enactment of Section 69740(a) (trial court to determine number and location of its
9 sessions).

10 **Note.** The Commission welcomes comments on any aspect of this tentative recommendation,
11 but it would especially appreciate comments on whether any part of Section 24261 needs to be
12 preserved in some manner.

13 The content of Section 24261 relates to courts, which are no longer county-run. If any of the
14 content remains useful, it should be placed with other material that relates to courts, not left in
15 “Title 3. Government of Counties.”

16 Due to the enactment of the Trial Court Funding Act and the Trial Court Facilities Act, the
17 Commission has tentatively determined that Section 24261’s requirement to “have [superior
18 court] chambers at the county seat” is obsolete. See Memorandum 2018-31, pp. 12-13; see also
19 Memorandum 2018-21, pp. 7-14. Given the judicial branch’s broad authority over court facilities
20 (see Sections 69740 and 70391), is there any reason to retain this requirement relating to superior
21 court chambers?

22 Due primarily to the enactment of Section 69740 (giving each trial court broad, overriding
23 authority to schedule court sessions), the Commission has also tentatively determined that
24 Section 24261’s requirements relating to hours of operation are obsolete. See Memorandum
25 2018-31, p. 13. Is that assessment correct? Is there any need to preserve Section 24261’s
26 requirement relating to statewide elections? If so, should that be done in Section 69740?

27 Finally, the Commission has tentatively decided *not* to relocate Section 24261’s requirement
28 that superior court judges “establish rules ... for the dispatch of official business.” Relocation of
29 this material does not appear necessary because Section 68070 is similar in content.

30 **The Commission encourages stakeholders and other interested persons to consider**
31 **these points and share their views.**

32 **§ 25351.3 (amended). Acquisition, rental, improvement, furnishing, and repair of real**
33 **property and facilities**

34 SEC. _____. Section 25351.3 of the Government Code is amended to read:

35 25351.3. In addition to its other powers and duties, the board of supervisors may do
36 any or all of the following:

37 (a) Acquire land for and construct, lease, sublease, build, furnish, refurbish, or repair
38 buildings for ~~municipal~~ or superior courts and for convention and exhibition halls, trade
39 and industrial centers, auditoriums, opera houses, music halls and centers, motion picture
40 and television museums, and related facilities used for public assembly purposes for the
41 use, benefit and enjoyment of the public, including offstreet parking places for motor
42 vehicles, ways of ingress and egress, and any other facilities and improvements necessary
43 or convenient for their use.

44 (b) Acquire land and construct buildings, structures and facilities thereon, in whole or
45 in part, with county funds or it may, by contract or lease with any nonprofit association or
46 corporation, provide for the acquisition of land or the construction of buildings, structures

1 and facilities, or all or any part thereof, for public assembly purposes, upon the terms the
2 board may determine.

3 (c) Lease, pursuant to Section 25371, any real property owned by the county and
4 available for public assembly purposes to any person, firm, corporation, or nonprofit
5 association or corporation for public assembly purposes, with the person, firm,
6 corporation, or nonprofit association or corporation to lease the real property, as
7 improved, back to the county for use for the purposes stated in the lease. Any lease
8 authorized by the board under this subdivision, except leases for ~~municipal~~ or superior
9 courts, which may be entered into without advertising for bids, shall be awarded to the
10 lowest responsible bidder after public competitive bidding conducted in the manner
11 determined by the board. Notice inviting bids shall be published pursuant to Section 6066
12 in a newspaper as the board may direct.

13 (d) Enter into a lease or sublease, without advertising for bids therefor, of buildings,
14 structures, and facilities or any of them with any nonprofit association or corporation
15 which agrees to use the buildings, structures, and facilities so leased to it for the public
16 assembly purposes for which they were or are to be built; or contract, without advertising,
17 for bids with any nonprofit association or corporation for the maintenance, operation, and
18 management of the buildings, structures, and facilities, or any part thereof used for public
19 assembly purposes, including the scheduling and promotion of events therein, for a
20 specified term, not to exceed 40 years, upon terms and conditions as may be agreed upon.
21 The leases, subleases, or contracts shall provide that, at least annually, there shall be paid
22 to the county the net revenue, if any, from the operation and use of the facilities,
23 remaining after the payment of expenses and costs, if any, for maintenance, operation or
24 management, interest, and principal payments upon loans to the nonprofit corporation or
25 association for purposes of maintenance, operation, or management, and any other
26 expenses, and after providing maintenance and operation reserves. The lease, sublease, or
27 contract shall also provide that, upon its expiration, all of the assets of the nonprofit
28 association or corporation after payment or discharge of its indebtedness and liabilities
29 shall be transferred to the county.

30 (e) If the county has a population in excess of 4,000,000, without advertising for bids
31 therefor, grant any real property owned by the county, or lease, for a term not to exceed
32 99 years, any real property owned by the county, to any city, district, or other public
33 entity for any of the above public assembly purposes, without consideration, except the
34 agreement of the grantee or lessee to use the real property for the public assembly
35 purposes specified, and upon terms and conditions which may be agreed upon by the
36 board and the grantee or lessee.

37 The amendment to this section enacted by Chapter 755 of the Statutes of 1963 shall not
38 be construed to ~~affect or modify the~~ have affected or modified the then-existing duty of
39 any county or board of supervisors to provide adequate quarters for ~~courts~~ but is courts.
40 That amendment was intended to provide an alternative method of financing the
41 acquisition of property and buildings for use for courthouse purposes.

42 **Comment.** Section 25351.3 is amended to reflect:

1 (1) Unification of the municipal and superior courts pursuant to former Section 5(e) of Article
2 VI of the California Constitution.

3 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
4 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
5 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
6 70391 (Judicial Council responsibility & authority for court facilities).

7 **Note.** Section 25351.3(c) permits a board of supervisors to enter into certain types of leases.
8 Any lease so authorized shall be awarded to the lowest responsible bidder after public
9 competitive bidding, *except* a lease for a trial court, “which may be entered into without
10 advertising for bids ...” Is this exception from the public competitive bidding process obsolete?
11 If so, why?

12 **The Commission welcomes comments on any aspect of this tentative recommendation,**
13 **but it would especially appreciate comments on this matter.**

14 **§ 25560.4 (amended). Dedication of unused parkland for court facility**

15 SEC. _____. Section 25560.4 of the Government Code is amended to read:

16 25560.4. The board of supervisors of any county may, by a four-fifths vote of the
17 members, use or dedicate any portion of any land acquired by the county by means of
18 special assessment proceedings for park purposes, for the erection and maintenance of
19 one or more buildings to house ~~any municipal or a~~ superior court, or one or more
20 departments or divisions ~~of any one or more of such courts~~ thereof, if the portion of the
21 land to be so used or dedicated has not been used by the public for park purposes for a
22 period of more than 10 years.

23 **Comment.** Section 25560.4 is amended to reflect unification of the municipal and superior
24 courts pursuant to former Article VI, Section 5(e), of the California Constitution.

25 **Note.** In specified circumstances, Section 25560.4 authorizes a county to dedicate unused
26 parkland “for the erection and maintenance of one or more buildings to house any ... superior
27 court, or one or more departments or divisions” of such a court. Counties are no longer
28 responsible for providing court facilities, so this grant of authority might not be used much in the
29 future. See Sections 70311-70312 (responsibility for court operations & facilities), 70391
30 (Judicial Council responsibility & authority for court facilities).

31 Should Section 25560.4 be repealed instead of amended as shown above? Are there
32 circumstances in which it would remain useful?

33 **The Commission welcomes comments on any aspect of this tentative recommendation,**
34 **but it would especially appreciate comments on this matter.**

35 **§ 68073.5 (repealed). Dining and parking facilities in or adjacent to court building in**
36 **county with population over three million**

37 SEC. _____. Section 68073.5 of the Government Code is repealed.

38 ~~68073.5. In any county having a population of 3,000,000 or more, the board of~~
39 ~~supervisors may, with respect to any dining facility, or garage or other vehicular parking~~
40 ~~facility, in or adjacent to the county courthouse and other court buildings in said county,~~
41 ~~provide the courts occupying such buildings and the judges, officers of the court, attachés~~
42 ~~and jurors quartered therein, with the same accommodations as to use, access, occupancy~~
43 ~~and, excepting jurors, with the same participation in the operational administration~~
44 ~~thereof, as are furnished, made available to, or enjoyed by the departments, officers and~~

1 ~~employees of the county with respect to similar facilities in or adjacent to other county~~
2 ~~buildings.~~

3 **Comment.** Section 68073.5 is repealed to reflect enactment of the Trial Court Funding Act of
4 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations”
5 defined), 77200 (state funding of trial court operations). See also Sections 70311-70312
6 (responsibility for court operations & facilities), 70391 (judicial branch responsibility &
7 authority for court facilities).

8 **§ 69504 (amended). Flags for courtrooms**

9 SEC. _____. Section 69504 of the Government Code is amended to read:

10 69504. The ~~board of supervisors~~ superior court of each county shall purchase and
11 provide for the installation of the Flag of the United States and the Bear Flag of
12 California in each superior courtroom in the county.

13 **Comment.** Section 69504 is amended to reflect enactment of the Trial Court Funding Act of
14 1997 and the related Trial Court Facilities Act of 2002. See Sections 68073.1 (“The court shall
15 assume responsibility for any ... equipment for which is title is transferred to the court pursuant
16 to this section, including ... replacement of such ... equipment.”); 77003 (“court operations”
17 defined), 68085 (purposes of Trial Court Trust Fund include funding of trial court operations);
18 77200 (state funding of trial court operations); Cal. R. Ct. 10.810, Function 10 (“equipment ...
19 and furnishings”). See also Sections 68507 (Secretary of Judicial Council to purchase and
20 provide for installation of flags in appellate courts); 70311-70312 (responsibility for court
21 operations & facilities), 70391 (judicial branch responsibility & authority for court facilities).

22 **Note.** The above amendment would make clear that boards of supervisors are no longer
23 responsible for purchasing and providing courtroom flags. The Commission is not sure where
24 that responsibility properly rests. On the Judicial Council? On each superior court?

25 **The Commission welcomes comments on any aspect of this tentative recommendation,**
26 **but it would especially appreciate comments on this matter.**

27 **§ 70394 (repealed). Task Force on County Law Libraries**

28 SEC. _____. Section 70394 of the Government Code is repealed.

29 ~~70394. (a) The Judicial Council shall establish a task force on county law libraries. The~~
30 ~~task force is charged with identifying the needs related to county law library operations~~
31 ~~and facilities, and identifying and making recommendations for funding county law~~
32 ~~library operations, facility improvements, and expansion.~~

33 ~~(b) The task force shall consist of three representatives from the judicial branch of~~
34 ~~government, as selected by the Administrative Director of the Courts, three~~
35 ~~representatives of the counties, as selected by the California State Association of~~
36 ~~Counties, and three county law library administrators, as selected by the Council of~~
37 ~~California County Law Librarians. The Administrative Director of the Courts shall~~
38 ~~designate one of these representatives as chairperson of the task force.~~

39 ~~(c) The Administrative Office of the Courts shall provide staff support for the task~~
40 ~~force and shall develop guidelines for procedures and practices for the task force.~~

41 ~~(d) The duties of the task force shall include all of the following:~~

42 ~~(1) Review the state of existing county law libraries.~~

43 ~~(2) Examine existing standards for county law library operations.~~

1 ~~(3) Document the funding mechanisms currently available for the maintenance and~~
2 ~~operation of county law library facilities.~~

3 ~~(4) Recommend funding sources and financing mechanisms for support of county law~~
4 ~~library operations and facility maintenance.~~

5 ~~(e) The task force shall be appointed on or before March 1, 2004. The task force shall~~
6 ~~submit its report and recommendations to the Judicial Council and the Legislature on or~~
7 ~~before January 1, 2005.~~

8 ~~(f) The Judicial Council shall implement this section using existing resources. Any~~
9 ~~costs for counties and county law librarians to assist in the implementation of this section~~
10 ~~shall be at county or county law librarians' expense, respectively.~~

11 **Comment.** Section 70394 is repealed because the task force it created no longer exists.

12 **§ 70624 (amended). Surcharge in San Bernardino County**

13 SEC. _____. Section 70624 of the Government Code is amended to read:

14 70624. (a) In addition to the uniform filing fee authorized pursuant to Section 70611,
15 70612, 70613, 70614, 70650, 70651, 70652, 70653, 70655, or 70670, after giving notice
16 and holding a public hearing on the proposal, the Board of Supervisors of San Bernardino
17 County may impose a surcharge not to exceed thirty-five dollars (\$35) for the filing in
18 superior court of (1) a complaint, petition, or other first paper in a civil, family, or probate
19 action or special proceeding, and (2) a first paper on behalf of any defendant, respondent,
20 intervenor, or adverse party. The county shall notify in writing the superior court and the
21 Administrative Office of the Courts of any change in a surcharge under this section. If a
22 surcharge under this section is imposed on a filing fee, the distribution that would
23 otherwise be made to the State Court Facilities Construction Fund under subdivision (c)
24 of Section 68085.3 or subdivision (c) of Section 68085.4 shall be reduced as provided in
25 Section 70603. This section shall apply to fees collected under Sections 70611, 70612,
26 70613, 70614, 70650, 70651, 70652, 70653, 70655, and 70670, beginning January 1,
27 2006.

28 (b) The surcharge shall be in an amount determined to be necessary by the board of
29 supervisors to supplement the Courthouse Construction Fund, to be deposited in that fund
30 and used solely for the purposes authorized for expenditures from that fund, including,
31 but not limited to, earthquake retrofitting, renovation, and remodeling of all portions of
32 the Central San Bernardino Courthouse in need of retrofitting, renovation, or remodeling,
33 whether or not necessitated by the retrofitting work, including the original courthouse
34 built in 1926 and all subsequent additions thereto. Expenditures made from the
35 Courthouse Construction Fund that are funded from the surcharge shall be made in order
36 of priority to ensure that all necessary earthquake retrofitting of the Central San
37 Bernardino Courthouse will be completed. Collection of the surcharge authorized by this
38 section shall terminate upon repayment of the amortized costs incurred, or 30 years from
39 the sale of the bond, whichever occurs first. However, the surcharge shall not apply in
40 instances in which no filing fee is charged or the filing fee is waived. If the amortized
41 costs have been repaid, or 30 years have passed since the sale of the bond, the county
42 shall notify in writing the superior court and the Administrative Office of the Courts.

1 (c) This section shall remain in effect only until January 1, 2026, and as of that date is
2 repealed, unless a later enacted statute that is enacted on or before January 1, 2026,
3 deletes or extends that date.

4 **Comment.** Section 70624 is amended to add a sunset clause.

5 **§ 71002 (repealed). Municipal court facilities, supplies, and equipment**

6 SEC. _____. Section 71002 of the Government Code is repealed.

7 ~~71002. The board of supervisors shall provide suitable quarters for the municipal~~
8 ~~courts, including heating, lighting, and janitorial services, and shall supply them with~~
9 ~~furniture, books, and supplies necessary for carrying out their duties, including supplies~~
10 ~~and equipment for the preparation and maintenance of duplicate records of the court or a~~
11 ~~division of the court when sessions are held at more than one place.~~

12 **Comment.** Section 71002 is repealed to reflect:

13 (1) Unification of the municipal and superior courts pursuant to former Article VI, Section
14 5(e), of the California Constitution.

15 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
16 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
17 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
18 70391 (Judicial Council responsibility & authority for court facilities).

19 **§ 71383 (repealed). “Board of supervisors”**

20 SEC. _____. Section 71383 of the Government Code is repealed.

21 ~~71383. As used in Section 71002, “board of supervisors” means county or city and~~
22 ~~county.~~

23 **Comment.** Section 71383 is repealed to reflect the repeal of Section 71002.

24 **Heading of Chapter 10 (commencing with Section 73301) (amended)**

25 SEC. _____. The heading of Chapter 10 (commencing with Section 73301) of Title 8 of
26 the Government Code is amended to read:

27 CHAPTER 10. ~~OTHER MUNICIPAL COURTS DISTRICTS~~
28 COUNTY-SPECIFIC PROVISIONS

29 **Comment.** The heading of Chapter 10 is amended to properly reflect the current content of the
30 chapter. Municipal courts as separate entities no longer exist. They were eliminated through trial
31 court unification, which occurred on a county-by-county basis. See former Cal. Const. art. VI,
32 Section 5(e). The last remaining municipal courts were eliminated on February 8, 2001, when the
33 trial courts in Kings County unified their operations in the superior court.

34 **§§ 73301-73301 (repealed). General provisions**

35 SEC. _____. Article 1 (commencing with Section 73301) of Chapter 10 of Title 8 of the
36 Government Code is repealed.

37 **Comment.** The article comprised of Section 73301 is repealed as obsolete. Section 73301
38 pertains to employees of courts that were long ago superseded by municipal courts, which in turn
39 were eliminated through trial court unification, a process that was completed in early 2001.

1 **Note.** The text of the repealed article is set out below.

2 Article 1. General Provisions

3 73301. Persons who succeeded to positions in the municipal court upon its establishment
4 shall receive credit for continuous prior service in superseded courts and in the sheriff's
5 department or constabulary of the county, and, in addition to the minimum rate, such persons
6 shall receive the annual increments commensurate with such years of prior service up to the
7 maximum rate set. This section applies to municipal courts provided for in former Articles 3, 7,
8 12, 13, 15, 18, 22, 23, 29, 31, and 32 of this chapter.

9 §§ 73390-73396 (repealed). Kings County

10 SEC. _____. Article 3 (commencing with Section 73390) of Chapter 10 of Title 8 of the
11 Government Code is repealed.

12 **Comment.** Sections 73390-73396 are repealed to reflect:

13 (1) Unification of the municipal and superior courts in Kings County pursuant to former
14 Article VI, Section 5(e), of the California Constitution, effective February 8, 2001.

15 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
16 Act of 2002. See Sections 77003 ("court operations" defined), 77200 (state funding of trial court
17 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
18 70391 (Judicial Council responsibility & authority for court facilities).

19 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
20 sessions).

21 (4) The incorporation of Avenal and the repeal of former Section 73391.5 (see 2002 Cal. Stat.
22 ch. 784, § 405).

23 **Note.** The text of the repealed article is set out below.

24 Article 3. Kings County

25 73390. This article applies to the municipal court for the County of Kings. The court referred
26 to in this article shall be the successor of the court to be established by the consolidation of the
27 Corcoran, Hanford, and Lemoore Judicial Districts by the Board of Supervisors of the County of
28 Kings, and it shall be known as the Kings County Municipal Court.

29 73396. Facilities for the court shall be maintained in the Cities of Hanford, Corcoran,
30 Lemoore, and (if incorporated pursuant to Section 73391.5) Avenal, and in such other locations
31 within the County of Kings as are designated by the board of supervisors. The court shall hold
32 sessions at each facility as business requires. At the direction of the court, arraignment of
33 criminal defendants who are in custody at the Kings County Jail facility shall be held in the court
34 facility located in Hanford.

35 §§ 73560-73561 (repealed). Monterey County

36 SEC. _____. Article 7 (commencing with Section 73560) of Chapter 10 of Title 8 of the
37 Government Code is repealed.

38 **Comment.** Sections 73560-73561 are repealed to reflect:

39 (1) Unification of the municipal and superior courts in Monterey County pursuant to former
40 Article VI, Section 5(e), of the California Constitution, effective December 18, 2000.

41 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
42 Act of 2002. See Sections 77003 ("court operations" defined), 77200 (state funding of trial court
43 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
44 70391 (Judicial Council responsibility & authority for court facilities).

45 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
46 sessions).

Note. The text of the repealed article is set out below.

Article 7. Monterey County

73560. This article applies to the Monterey County Municipal Court District, which encompasses the entire County of Monterey.

73561. Facilities for the court shall be maintained in the Cities of Salinas and Monterey and at court facilities provided elsewhere in accordance with law. The court shall determine the nature and frequency of sessions held at court locations.

§§ 73660-73661 (repealed). Humboldt County

SEC. _____. Article 9.5 (commencing with Section 73660) of Chapter 10 of Title 8 of the Government Code is repealed.

Comment. Sections 73660-73661 are repealed to reflect:

(1) Unification of the municipal and superior courts in Humboldt County pursuant to former Article VI, Section 5(e), of the California Constitution, effective June 10, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

Note. The text of the repealed article is set out below.

Article 9.5. Humboldt County

73660. There is in the County of Humboldt a single municipal court district known as the Humboldt County Municipal Court District.

73661. In order that the citizens of the county may have convenient access to the court, the location of permanent court facilities and locations where sessions of the court may be held other than in the county seat shall be as determined by the board of supervisors.

§§ 73698-73698.6 (repealed). Fresno County

SEC. _____. Article 10.5 (commencing with Section 73698) of Chapter 10 of Title 8 of the Government Code is repealed.

Comment. Sections 73698-73698.6 are repealed to reflect:

(1) Unification of the municipal and superior courts in Fresno County pursuant to former Article VI, Section 5(e), of the California Constitution, effective July 1, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

Note. The text of the repealed article is set out below.

Article 10.5. Fresno County

73698. This article applies to the Central Valley Municipal Court District of Fresno County. The court referred to in this article shall become operative upon the consolidation of the

1 Coalinga, Firebaugh, Fowler-Caruthers, Kerman, Kingsburg-Riverdale, Parlier-Selma, Reedley-
2 Dunlap, and Sanger Judicial Districts by the Board of Supervisors of the County of Fresno.

3 73698.6. Facilities for the court shall be maintained in the Cities of Coalinga, Firebaugh,
4 Fowler, Kerman, Kingsburg, Parlier, Selma, Reedley, and Sanger, and the communities of
5 Caruthers and Riverdale; and in such other locations within the County of Fresno as are
6 designated by the board of supervisors. The court shall hold sessions at each facility as business
7 requires. At the direction of the court, arraignment of criminal defendants who are in custody at
8 the Fresno County Detention Facility shall be held at the court facility located at the Fresno
9 County Detention Facility.

10 **§§ 73730-73732 (repealed). Imperial County**

11 SEC. _____. Article 11.5 (commencing with Section 73730) of Chapter 10 of Title 8 of
12 the Government Code is repealed.

13 **Comment.** Sections 73730-73732 are repealed to reflect:

14 (1) Unification of the municipal and superior courts in Imperial County pursuant to former
15 Article VI, Section 5(e), of the California Constitution, effective June 22, 1998.

16 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
17 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
18 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
19 70391 (Judicial Council responsibility & authority for court facilities).

20 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
21 sessions).

22 **Note.** The text of the repealed article is set out below.

23 Article 11.5. Imperial County

24 73730. There is hereby created a municipal court district which embraces the entire County
25 of Imperial. This article applies to the municipal court established within the district, which shall
26 be known as the Imperial County Municipal Court.

27 73732. Facilities for the court shall be maintained, at or near the county seat and at court
28 facilities provided elsewhere as determined by ordinance adopted by the board of supervisors.
29 The court shall determine the nature and frequency of sessions held at additional court locations
30 designated by the board of supervisors.

31 **§ 73750 (repealed). Madera County Municipal Court District**

32 SEC. _____. Section 73750 of the Government Code is repealed.

33 ~~73750. There is in the County of Madera, on and after the effective date of this section,~~
34 ~~a single municipal court district known as the Madera County Municipal Court District.~~

35 **Comment.** Section 73750 is repealed to reflect:

36 (1) Unification of the municipal and superior courts in Madera County pursuant to former
37 Article VI, Section 5(e), of the California Constitution, effective July 1, 1998.

38 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
39 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
40 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
41 70391 (Judicial Council responsibility & authority for court facilities).

42 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
43 sessions).

1 **§ 73756 (repealed). Court facilities and sessions**

2 SEC. _____. Section 73756 of the Government Code is repealed.

3 ~~73756. Facilities for the district shall be maintained at the court facilities provided~~
4 ~~within each division. The presiding judge shall determine the nature and frequency of~~
5 ~~sessions held at the court facilities within each division.~~

6 **Comment.** Section 73756 is repealed to reflect:

7 (1) Unification of the municipal and superior courts in Madera County pursuant to former
8 Article VI, Section 5(e), of the California Constitution, effective July 1, 1998.

9 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
10 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
11 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
12 70391 (Judicial Council responsibility & authority for court facilities).

13 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
14 sessions).

15 **Note.** Section 73758, relating to transportation of prisoners, would remain in the codes
16 unchanged.

17 **§§ 73770-73771 (repealed). Marin County**

18 SEC. _____. Article 12 (commencing with Section 73770) of Chapter 10 of Title 8 of
19 the Government Code is repealed.

20 **Comment.** Sections 73770-73771 are repealed to reflect:

21 (1) Unification of the municipal and superior courts in Marin County pursuant to former
22 Article VI, Section 5(e), of the California Constitution, effective June 11, 1998.

23 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
24 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
25 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
26 70391 (Judicial Council responsibility & authority for court facilities).

27 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
28 sessions).

29 **Note.** The text of the repealed article is set out below.

30 Article 12. Marin County

31 73770. This article applies to the judicial district of the Marin County Municipal Court.

32 73771. A branch court shall be maintained at an appropriate location in the former Western
33 Judicial District.

34 **§§ 73783.1-73783.3 (repealed). Mariposa County**

35 SEC. _____. Article 12.2 (commencing with Section 73783.1) of Chapter 10 of Title 8
36 of the Government Code is repealed.

37 **Comment.** Sections 73783.1-73783.3 are repealed to reflect:

38 (1) Unification of the municipal and superior courts in Mariposa County pursuant to former
39 Article VI, Section 5(e), of the California Constitution, effective June 3, 1998.

40 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
41 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
42 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
43 70391 (Judicial Council responsibility & authority for court facilities).

44 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
45 sessions).

1 **Note.** The text of the repealed article is set out below.

2 Article 12.2. Mariposa County

3 73783.1. This article applies to the municipal court established in a judicial district
4 embracing the County of Mariposa.

5 73783.3. Facilities for the court shall be maintained at the county seat and at court facilities
6 provided elsewhere as determined by ordinance adopted by the board of supervisors. The court
7 shall determine the nature and frequency of sessions held at additional court locations designated
8 by the board of supervisors. Jurors shall be drawn from the entire county.

9 §§ 73784-73784.10 (repealed). Mendocino County

10 SEC. _____. Article 12.3 (commencing with Section 73784) of Chapter 10 of Title 8 of
11 the Government Code is repealed.

12 **Comment.** Sections 73784-73784.10 are repealed to reflect:

13 (1) Unification of the municipal and superior courts in Mendocino County pursuant to former
14 Article VI, Section 5(e), of the California Constitution, effective August 3, 1998.

15 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
16 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
17 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
18 70391 (Judicial Council responsibility & authority for court facilities).

19 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
20 sessions).

21 **Note.** The text of the repealed article is set out below.

22 Article 12.3. Mendocino County

23 73784. This article applies to and establishes the Mendocino County Municipal Court
24 District, which shall embrace the entire County of Mendocino, and shall supersede the Anderson,
25 Arena, Long Valley, Round Valley, and Ten Mile Judicial Districts and the Mount San Hedrin
26 Municipal Court District.

27 73784.10. The location of permanent court facilities and locations where sessions of the
28 court may be held other than in the county seat shall be as determined by the board of
29 supervisors.

30 §§ 73790-73796 (repealed). Merced County

31 SEC. _____. Article 12.5 (commencing with Section 73790) of Chapter 10 of Title 8 of
32 the Government Code is repealed.

33 **Comment.** Sections 73790-73796 are repealed to reflect:

34 (1) Unification of the municipal and superior courts in Merced County pursuant to former
35 Article VI, Section 5(e), of the California Constitution, effective August 3, 1998.

36 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
37 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
38 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
39 70391 (Judicial Council responsibility & authority for court facilities).

40 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
41 sessions).

42 (4) Elimination of the marshal’s office in Merced County. See Section 26638.15; Merced
43 County Ordinance No. 1687 (effective Jan. 15, 2003); Merced County Bd. of Supervisors,
44 Minutes (Dec. 3, 2002), pp. 4, 16; see also Section 69921.5.

1 **Note.** The text of the repealed article is set out below.

2 Article 12.5. Merced County

3 73790. There is hereby created a municipal court district which embraces the entire County
4 of Merced. This article applies to the municipal court established within the district, which shall
5 be known as the Merced County Municipal Court.

6 73792. Facilities for the court shall be maintained at or near the county seat and at court
7 facilities provided elsewhere as determined by ordinance adopted by the board of supervisors.
8 The court shall determine the nature and frequency of sessions held at additional court locations
9 designated by the board of supervisors.

10 73796. There shall be one marshal of the Merced County Municipal Court. The marshal shall
11 receive a salary on range 68.5.

12 When a vacancy occurs in the office, a majority of the superior and municipal court judges
13 shall appoint the marshal and the marshal shall serve at their pleasure.

14 **§ 73956 (repealed). Court facilities and sessions**

15 SEC. _____. Section 73956 of the Government Code is repealed.

16 ~~73956. The headquarters of the municipal court and the clerk and marshal of the North
17 County Judicial District shall be located within the City of Vista or such other place as
18 shall be designated by the Board of Supervisors of the County of San Diego. The
19 municipal court shall hold sessions at its headquarters and at a department at a location
20 within the City of Escondido and at such other location or locations within the North
21 County Judicial District as shall be designated by the board of supervisors. The clerk and
22 marshal of the North County Judicial District shall maintain branch offices at a location
23 within the City of Escondido as shall be designated by the board of supervisors. The
24 Escondido branch office shall maintain the same office hours as the headquarters offices
25 and shall provide facilities for complete municipal court services, including the filing of
26 original complaints and other documents and the posting of bail, and the board of
27 supervisors shall provide facilities within the City of Escondido for the complete
28 transaction of business of the court including the holding of jury trials.~~

29 **Comment.** Section 73956 is repealed to reflect:

30 (1) Unification of the municipal and superior courts in San Diego County pursuant to former
31 Article VI, Section 5(e), of the California Constitution, effective December 1, 1998.

32 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
33 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
34 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
35 70391 (Judicial Council responsibility & authority for court facilities).

36 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
37 sessions).

38 (4) Elimination of the marshal’s office in the area.

39 **§§ 74602-74602 (repealed). San Luis Obispo County**

40 SEC. _____. Article 27 (commencing with Section 74602) of Chapter 10 of Title 8 of
41 the Government Code is repealed.

42 **Comment.** The article comprised of Section 74602 is repealed to reflect:

43 (1) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
44 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court

1 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
2 70391 (Judicial Council responsibility & authority for court facilities).

3 (2) Enactment of Section 69740(a) (trial court to determine number and location of its
4 sessions).

5 (3) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
6 71601(i) (“subordinate judicial officer”), (m) (“trial court employee”), 71634(d) (trial court has
7 right to determine assignments and transfers of trial court employees).

8 **Note.** The text of the repealed article is set out below.

9 Article 27. San Luis Obispo County

10 74602. Facilities for the San Luis Obispo County Superior Court shall be maintained in the
11 City of San Luis Obispo, and may be maintained at any other location within the county. The
12 court may hold sessions at each facility, as business requires. At the direction of the presiding
13 judge, any subordinate judicial officer may perform his or her duties at any court location. At the
14 direction of the court, arraignment of criminal defendants who are in custody at the San Luis
15 Obispo County Jail facility shall be held at that facility.

16 §§ 74640-74640.2 (repealed). Santa Barbara County

17 SEC. _____. Article 28 (commencing with Section 74640) of Chapter 10 of Title 8 of
18 the Government Code is repealed.

19 **Comment.** Sections 74640-74640.2 are repealed to reflect:

20 (1) Unification of the municipal and superior courts in Santa Barbara County pursuant to
21 former Article VI, Section 5(e), of the California Constitution, effective August 3, 1998.

22 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
23 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
24 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
25 70391 (Judicial Council responsibility & authority for court facilities).

26 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
27 sessions).

28 **Note.** The text of the repealed article is set out below.

29 Article 28. Santa Barbara County

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

32 74640.2. In order that the citizens residing in each division of the North Santa Barbara
33 County Municipal Court may have convenient access to the court, sufficient court facilities,
34 including staff and other necessary personnel, shall be maintained in each division at the
35 following sites or as otherwise designated by the board of supervisors:

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

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

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

39 §§ 74720-74724 (repealed). Siskiyou County

40 SEC. _____. Article 29.6 (commencing with Section 74720) of Chapter 10 of Title 8 of
41 the Government Code is repealed.

42 **Comment.** Sections 74720-74724 are repealed to reflect:

43 (1) Unification of the municipal and superior courts in Siskiyou County pursuant to former
44 Article VI, Section 5(e), of the California Constitution, effective June 4, 1998.

1 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
2 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
3 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
4 70391 (Judicial Council responsibility & authority for court facilities).

5 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
6 sessions).

7 **Note.** The text of the repealed article is set out below.

8 Article 29.6. Siskiyou County

9 74720. The Siskiyou County Municipal Court District shall supersede the Western,
10 Southeastern, and Dorris/Tulelake Judicial Districts and shall embrace the entire County of
11 Siskiyou.

12 74724. The court shall maintain facilities at Yreka, Dorris, Weed, and other locations
13 determined by the court. The court shall determine the nature and frequency of sessions to be
14 held at additional court locations.

15 **§§ 74760-74764 (repealed). Glenn County**

16 SEC. _____. Article 30.1 (commencing with Section 74760) of Chapter 10 of Title 8 of
17 the Government Code is repealed.

18 **Comment.** Sections 74760-74764 are repealed to reflect:

19 (1) Unification of the municipal and superior courts in Glenn County pursuant to former
20 Article VI, Section 5(e), of the California Constitution, effective July 31, 1998.

21 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
22 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
23 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
24 70391 (Judicial Council responsibility & authority for court facilities).

25 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
26 sessions).

27 **Note.** The text of the repealed article is set out below.

28 Article 30.1. Glenn County

29 74760. The Glenn County Municipal Court District shall supersede the Glenn County
30 Judicial District and shall embrace the entire County of Glenn.

31 74764. The court shall maintain facilities at Willows and other locations determined by the
32 court. The court shall determine the nature and frequency of sessions to be held at additional
33 court locations.

34 **§§ 74915-74916 (repealed). Yuba County**

35 SEC. _____. Article 35.5 (commencing with Section 74915) of Chapter 10 of Title 8 of
36 the Government Code is repealed.

37 **Comment.** Sections 74915-74916 are repealed to reflect:

38 (1) Unification of the municipal and superior courts in Yuba County pursuant to former
39 Article VI, Section 5(e), of the California Constitution, effective April 16, 1999.

40 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
41 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
42 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
43 70391 (Judicial Council responsibility & authority for court facilities).

44 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
45 sessions).

1 **Note.** The text of the repealed article is set out below.

2 Article 35.5. Yuba County

3 74915. This article applies to the municipal court established in a judicial district embracing
4 the County of Yuba. This court shall be known as the Yuba County Municipal Court.

5 74916. (a) Facilities for the court shall be maintained at the county seat and at court facilities
6 provided elsewhere as determined by ordinance adopted by the board of supervisors. The court
7 shall determine the nature and frequency of sessions held at additional court locations designated
8 by the board of supervisors.

9 (b) Jurors shall be drawn from the entire county.

10 **§§ 74934-74935.5 (repealed). Butte County**

11 SEC. _____. Article 37 (commencing with Section 74934) of Chapter 10 of Title 8 of
12 the Government Code is repealed.

13 **Comment.** Sections 74934-74935.5 are repealed to reflect:

14 (1) Unification of the municipal and superior courts in Butte County pursuant to former
15 Article VI, Section 5(e), of the California Constitution, effective June 3, 1998.

16 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
17 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
18 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
19 70391 (Judicial Council responsibility & authority for court facilities).

20 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
21 sessions).

22 **Note.** The text of the repealed article is set out below.

23 Article 37. Butte County

24 74934. This article applies only to municipal courts established in the following judicial
25 districts in Butte County:

26 (a) A district embracing the Cities of Chico and Paradise, designated as the North Butte
27 County Judicial District headquartered in the City of Chico.

28 (b) A district embracing the Cities of Oroville, Biggs, and Gridley, designated as the South
29 Butte County Judicial District which is hereby created and shall be headquartered in the City of
30 Oroville.

31 74935.5. There shall be maintained in both the City of Gridley and the Town of Paradise
32 branch court facilities, including staff and other necessary personnel, so that the citizens of those
33 communities may utilize such facilities as needed for small claims, infractions (traffic), civil
34 matters, and misdemeanors.

35 **§§ 74948-74950 (repealed). Napa County**

36 SEC. _____. Article 38 (commencing with Section 74948) of Chapter 10 of Title 8 of
37 the Government Code is repealed.

38 **Comment.** Sections 74948-74950 are repealed to reflect:

39 (1) Unification of the municipal and superior courts in Napa County pursuant to former Article
40 VI, Section 5(e), of the California Constitution, effective June 3, 1998.

41 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
42 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
43 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
44 70391 (Judicial Council responsibility & authority for court facilities).

1 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
2 sessions).

3 (4) Repeal of former Section 71342. See 2003 Cal. Stat. ch. 149, § 59; 33 Cal. L. Revision
4 Comm'n Reports 169, 175-76, 224 (2003).

5 **Note.** The text of the repealed article is set out below.

6 Article 38. Napa County

7 74948. This article applies to the municipal court district which embraces the entire County
8 of Napa, which court shall be known as the Municipal Court for the County of Napa.

9 74950. Facilities for the court shall be maintained in the City of Napa, the City of Saint
10 Helena, the City of Calistoga, and in such other locations within the County of Napa as are
11 designated by the board of supervisors pursuant to the provisions of Section 71342. The court
12 shall hold sessions at each facility as business requires.

13 **§§ 74960-74962 (repealed). Yolo County**

14 SEC. _____. Article 39 (commencing with Section 74960) of Chapter 10 of Title 8 of
15 the Government Code is repealed.

16 **Comment.** Sections 74960-74962 are repealed to reflect:

17 (1) Unification of the municipal and superior courts in Yolo County pursuant to former Article
18 VI, Section 5(e), of the California Constitution, effective June 3, 1998.

19 (2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities
20 Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court
21 operations). See also Sections 70311-70312 (responsibility for court operations & facilities),
22 70391 (Judicial Council responsibility & authority for court facilities).

23 (3) Enactment of Section 69740(a) (trial court to determine number and location of its
24 sessions).

25 **Note.** The text of the repealed article is set out below.

26 Article 39. Yolo County

27 74960. This article applies to the municipal court established within the municipal court
28 district which embraces the entire territory of the County of Yolo lying within the exterior
29 boundaries of such county, which court shall be known as the Yolo County Municipal Court.

30 74962. Facilities for the court shall be maintained at or near the county seat and at court
31 facilities provided elsewhere as determined by ordinance adopted by the board of supervisors.
32 The court shall determine the nature and frequency of sessions held at additional court locations
33 designated by the board of supervisors.

34 **§ 76000 (amended). Added penalties**

35 SEC. _____. Section 76000 of the Government Code is amended to read:

36 76000. (a) (1) Except as otherwise provided elsewhere in this section, in each county
37 there shall be levied an additional penalty in the amount of seven dollars (\$7) for every
38 ten dollars (\$10), or part of ten dollars (\$10), upon every fine, penalty, or forfeiture
39 imposed and collected by the courts for all criminal offenses, including all offenses
40 involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the
41 Vehicle Code.

42 (2) This additional penalty shall be collected together with and in the same manner as
43 the amounts established by Section 1464 of the Penal Code. These moneys shall be taken

1 from fines and forfeitures deposited with the county treasurer prior to any division
2 pursuant to Section 1463 of the Penal Code. The county treasurer shall deposit those
3 amounts specified by the board of supervisors by resolution in one or more of the funds
4 established pursuant to this chapter. However, deposits to these funds shall continue
5 through whatever period of time is necessary to repay any borrowings made by the
6 county on or before January 1, 1991, to pay for construction provided for in this chapter.

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

8 (A) Any restitution fine.

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

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

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

13 (b) In each authorized county, provided that the board of supervisors has adopted a
14 resolution stating that the implementation of this subdivision is necessary to the county
15 for the purposes authorized, with respect to each authorized fund established pursuant to
16 Section 76100 or 76101, for every parking offense where a parking penalty, fine, or
17 forfeiture is imposed, an added penalty of two dollars and fifty cents (\$2.50) shall be
18 included in the total penalty, fine, or forfeiture. Except as provided in subdivision (c), for
19 each parking case collected in the courts of the county, the county treasurer shall place in
20 each authorized fund two dollars and fifty cents (\$2.50). These moneys shall be taken
21 from fines and forfeitures deposited with the county treasurer prior to any division
22 pursuant to Section 1462.3 or 1463.009 of the Penal Code. The judges of the county shall
23 increase the bail schedule amounts as appropriate to reflect the added penalty provided
24 for by this section. In those cities, districts, or other issuing agencies which elect to accept
25 parking penalties, and otherwise process parking violations pursuant to Article 3
26 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that
27 city, district, or issuing agency shall observe the increased bail amounts as established by
28 the court reflecting the added penalty provided for by this section. Each agency which
29 elects to process parking violations shall pay to the county treasurer two dollars and fifty
30 cents (\$2.50) for each fund for each parking penalty collected on each violation which is
31 not filed in court. Those payments to the county treasurer shall be made monthly, and the
32 county treasurer shall deposit all those sums in the authorized fund. No issuing agency
33 shall be required to contribute revenues to any fund in excess of those revenues generated
34 from the surcharges established in the resolution adopted pursuant to this chapter, except
35 as otherwise agreed upon by the local governmental entities involved.

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

38 (d) The authority to impose the two-dollar-and-fifty-cent (\$2.50) penalty authorized by
39 subdivision (b) shall be reduced to one dollar (\$1) as of the date of transfer of
40 responsibility for facilities from the county to the Judicial Council pursuant to Article 3
41 (commencing with Section 70321) of Chapter ~~5.1~~ 5.7, except as money is needed to pay
42 for construction provided for in Section 76100 and undertaken prior to the transfer of
43 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	\$5.00
Alpine	\$5.00	Mariposa	\$2.50	San Mateo	\$4.75
Amador	\$5.00	Mendocino	\$7.00	Santa Barbara	\$3.50
Butte	\$7.00	Merced	\$4.75	Santa Clara	\$5.50
Calaveras	\$3.00	Modoc	\$3.50	Santa Cruz	\$7.00
Colusa	\$6.00	Mono	\$4.00	Shasta	\$3.50
Contra Costa	\$5.00	Monterey	\$5.00	Sierra	\$7.00
Del Norte	\$7.00	Napa	\$3.00	Siskiyou	\$5.00
El Dorado	\$5.00	Nevada	\$4.75	Solano	\$5.00
Fresno	\$7.00	Orange	\$5.29	Sonoma	\$5.00
Glenn	\$4.00	Placer	\$4.75	Stanislaus	\$5.00
Humboldt	\$5.00	Plumas	\$7.00	Sutter	\$6.00
Imperial	\$6.00	Riverside	\$4.60	Tehama	\$7.00
Inyo	\$4.00	Sacramento	\$5.00	Trinity	\$4.50
Kern	\$7.00	San Benito	\$5.00	Tulare	\$5.00
Kings	\$7.00	San Bernardino	\$5.00	Tuolumne	\$7.00
Lake	\$7.00	San Diego	\$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				

Comment. Subdivision (d) of Section 76000 is amended to correct a cross-reference to a chapter in the Trial Court Facilities Act. This is not a substantive change.

Note. The above amendment would just correct an erroneous cross-reference. Are any further revisions of Section 76000 in order to reflect trial court restructuring? In particular, should the table in subdivision (e) be updated, and, if so, how? For discussion of this matter, see Memorandum 2018-31, pp. 27-28; First Supplement to Memorandum 2018-31, pp. 2-5.

The Commission welcomes comments on any aspect of this tentative recommendation, but it would especially appreciate comments on this matter.

§ 76101.5 (amended). Transfers between Courthouse Construction Fund and Criminal Justice Facilities Fund in county of 1st or 47th class

SEC. _____. Section 76101.5 of the Government Code is amended to read:

1 76101.5. Notwithstanding any other provision of this article or Article 3 (commencing
2 with Section 76200), following a public hearing, the board of supervisors of a county of
3 the first class ~~or a county of the 47th class which~~ that has established both a Courthouse
4 Construction Fund and a Criminal Justice Facilities Construction Fund pursuant to the
5 provisions of this chapter may by resolution provide for the transfer of deposits from one
6 fund to the other.

7 **Comment.** Section 76101.5 is amended to reflect:

8 (1) The enactment of the Lockyer-Isenberg Trial Court Funding Act, 1997 Cal. Stat. ch. 850
9 (see generally Sections 77000-77655) and the related Trial Court Facilities Act, 2002 Cal. Stat.
10 ch. 1082 (see generally Sections 70301-70508).

11 (2) The closure of the Courthouse Construction Fund for Lassen County.

12 The section is also amended to make a technical correction.

13 See Sections 28020 (Lassen County population is 14,960), 28068 (county with population of
14 more than 14,600 and less than 15,000 is county of 47th class), 28085 (when new federal census
15 is taken, county remains in old classification until reclassified by Legislature).

16 **§ 76106 (unchanged). Resolution specifying payment amounts**

17 76106. With respect to any fund established pursuant to this chapter, the penalty
18 amounts to be deposited in the fund shall be specified by resolution adopted by the board
19 of supervisors of each county consistent with the authorizations set forth in this article
20 and Article 3 (commencing with Section 76200). Each resolution shall state that the
21 implementation of the applicable sections is necessary to the county for the establishment
22 of adequate courtroom or criminal justice facilities or other authorized purposes of the
23 fund. The resolution shall set forth the amounts to be placed in the fund and shall instruct
24 the clerk of the board of supervisors to transmit, on the next business day following the
25 adoption of the resolution, a copy of the resolution to the clerk of each court in the
26 county.

27 **Note.** For each fund established pursuant to the chapter entitled “County Penalties” (Sections
28 76000-76252), Section 76106 requires the board of supervisors to adopt a resolution specifying
29 the penalty amounts to be deposited in the fund. Among other things, the resolution “shall state
30 that the implementation of the applicable sections is necessary to the county for the
31 establishment of adequate *courtroom* or criminal justice facilities or other authorized purposes of
32 the fund.” (Emphasis added.)

33 Counties are no longer responsible for providing court facilities, so it occurred to the
34 Commission that Section 76106’s reference to “courtroom” facilities might at some point
35 become obsolete. See Sections 70311-70312 (responsibility for court operations & facilities),
36 70391 (Judicial Council responsibility & authority for court facilities).

37 The Commission is not sure when, if ever, that might occur. **Information on that point**
38 **would be helpful.** Because it lacks such information, the Commission is not proposing any
39 changes to Section 76106 at this time.

40 **The Commission welcomes comments on any aspect of this tentative recommendation,**
41 **but it would especially appreciate comments on this matter.**

42 **§ 76110 (unchanged). Transfer of excess deposits to county general fund**

43 76110. Notwithstanding any other provision of this article or Article 3 (commencing
44 with Section 76200), the board of supervisors that has established a Courthouse
45 Construction Fund or a Criminal Justice Facilities Construction Fund pursuant to the

1 provisions of this chapter may, by resolution, provide for the transfer of excess deposits
2 from such a fund to the county general fund for the purposes of meeting the public safety
3 or emergency medical services needs of the county, provided that any transfer pursuant to
4 this section shall not interfere with the purposes for which the fund was created or impair
5 any obligations of the fund and shall not occur until the need for courthouse construction
6 or the construction of criminal justice facilities has been met.

7 **Note.** In specified circumstances, Section 76110 authorizes transfers of “excess deposits”
8 from a Courthouse Construction Fund or a Criminal Justice Facilities Construction Fund to the
9 county general fund. Among other requirements, such a transfer “shall not occur until the need
10 for *courthouse construction* or the construction of criminal justice facilities has been met.”
11 (Emphasis added.)

12 Counties are no longer responsible for providing court facilities, so it occurred to the
13 Commission that Section 76110’s reference to “courthouse construction” and its references to a
14 “Courthouse Construction Fund” might at some point become obsolete. See Sections 70311-
15 70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility &
16 authority for court facilities).

17 The Commission is not sure when, if ever, that might occur. **Information on that point**
18 **would be helpful.** Because it lacks such information, the Commission is not proposing any
19 changes to Section 76110 at this time.

20 **The Commission welcomes comments on any aspect of this tentative recommendation,**
21 **but it would especially appreciate comments on this matter.**

22 **§ 76219 (unchanged). Courthouse Construction Fund for Los Angeles County**

23 76219. (a) The Courthouse Construction Fund established in Los Angeles County
24 pursuant to Section 76100 shall be known as the Courthouse Construction Fund.

25 (b) All courtroom construction in the County of Los Angeles which utilizes moneys
26 from the Courthouse Construction Fund or moneys borrowed and owed against the
27 Courthouse Construction Fund shall be within the boundaries of the San Fernando Valley
28 Statistical Area and the Los Cerritos Municipal Court District, until the time that the
29 County of Los Angeles has spent a total of at least forty-three million dollars
30 (\$43,000,000) on courthouse construction within the San Fernando Valley Statistical
31 Area and at least eight million dollars (\$8,000,000) within the Los Cerritos Municipal
32 Court District for the Bellflower Courthouse.

33 (c) All courtroom construction in the County of Los Angeles which utilizes moneys
34 from the Courthouse Construction Fund or moneys borrowed against the Courthouse
35 Construction Fund shall be within the boundaries of the San Fernando Valley Statistical
36 Area, within the boundaries of the Los Cerritos Municipal Court District, within the
37 boundaries of the East Los Angeles Municipal Court District, within the Downey
38 Municipal Court District, within the community of Hollywood, or within the West Los
39 Angeles Branch of the Los Angeles Municipal Court District, until the time that the
40 County of Los Angeles has fulfilled the requirements of subdivision (b) and has
41 additionally spent at least sixteen million five hundred thousand dollars (\$16,500,000) on
42 courthouse construction within the East Los Angeles Municipal Court District, has spent
43 at least ten million dollars (\$10,000,000) on courthouse construction within the Downey
44 Municipal Court District, has commenced construction on a courthouse with at least six

1 courtrooms in the West San Fernando Valley, has commenced construction on a
2 courthouse with at least two courtrooms in the community of Hollywood, and has
3 commenced construction on a courthouse for the West Los Angeles Branch of the Los
4 Angeles Municipal Court District.

5 (d) All courtroom construction in the County of Los Angeles which utilizes moneys
6 from the Courthouse Construction Fund or moneys borrowed against the Courthouse
7 Construction Fund shall be within the boundaries of the San Fernando Valley Statistical
8 Area, within the boundaries of the Los Cerritos Municipal Court District, within the
9 boundaries of the East Los Angeles Municipal Court District, within the Downey
10 Municipal Court District, within the community of Hollywood, within the West Los
11 Angeles Branch of the Los Angeles Municipal Court District, within the Pasadena
12 Judicial District, within the Southeast Municipal Court District, within the South Bay
13 Judicial District, within the Santa Monica Judicial District, within the Antelope Valley
14 Judicial District, or within the Long Beach Judicial District until the time that the County
15 of Los Angeles has fulfilled the requirements of subdivisions (b) and (c), and has
16 commenced construction of new facilities or the expansion of existing facilities for the
17 municipal courts in the Pasadena Judicial District, the north and south branches of the
18 Southeast Municipal Court District, and the South Bay Judicial District, has commenced
19 construction on a courthouse for the superior court with at least 18 courtrooms in the
20 North Hollywood Redevelopment Project Area of the City of Los Angeles or
21 immediately adjacent thereto, and has commenced construction of new facilities for the
22 superior and municipal courts in the Santa Monica Judicial District, the Antelope Valley
23 Judicial District, and the Long Beach Judicial District.

24 (e) For purposes of this section, the San Fernando Valley Statistical Area includes all
25 land within the San Fernando Valley Statistical Area (as defined in subdivision (e) of
26 Section 11093) as well as the City of San Fernando, the City of Hidden Hills, and the
27 unincorporated areas of Los Angeles County located west of the City of Los Angeles,
28 east and south of the Ventura County line, and north of a line extended westerly from the
29 southern boundary of the San Fernando Valley Statistical Area (as defined in subdivision
30 (c) of Section 11093).

31 (f) The moneys of the Courthouse Construction Fund together with any interest earned
32 thereon shall be payable only for courtroom construction and land acquisition as
33 authorized in subdivision (b) and, after the requirement of subdivision (b) has been met,
34 shall be payable only for courtroom construction and land acquisition as authorized in
35 subdivision (c) and, after the requirements of subdivisions (b) and (c) have been met,
36 shall be payable only for courtroom construction and land acquisition as authorized in
37 subdivision (d).

38 (g) Deposits into the fund shall continue through and including either (1) the 25th year
39 after the initial calendar year in which the surcharge is selected or (2) whatever period of
40 time is necessary to repay any borrowings made by the county to pay for construction
41 provided for in this section, whichever time is longer.

42 (h) The resolution adopted by the Board of Supervisors of the County of Los Angeles
43 on September 2, 1980, stating that the provisions of Chapter 578 of the Statutes of 1980

1 are necessary to the establishment of adequate courtroom facilities in the County of Los
2 Angeles shall be deemed a resolution stating that the provisions of this section are
3 necessary to the establishment of adequate courtroom facilities in the county, and shall
4 satisfy the requirements of this section.

5 **Note.** In many places, Section 76219 still refers to municipal courts and municipal court
6 districts. It appears to need revisions to reflect trial court unification. The Commission is unsure
7 how to draft such revisions, because it is not familiar with the status of the various court
8 construction projects in Los Angeles County and their financing.

9 **The Commission welcomes comments on any aspect of this tentative recommendation,**
10 **but it would especially appreciate comments on this matter.**

11 **§ 76223 (amended). Construction of court facilities in Merced County**

12 SEC. _____. Section 76223 of the Government Code is amended to read:

13 76223. Notwithstanding any other provision of law, the following conditions pertain to
14 the construction of court facilities in Merced County by the County of Merced for any
15 construction pursuant to a written agreement entered into prior to January 1, 2004,
16 between the board of supervisors and the presiding judge of the superior court:

17 (a) Revenue received in Merced County from civil assessments for Failure to Appear,
18 pursuant to Section 1214.1 of the Penal Code, shall be available, in an annual amount not
19 to exceed the amount agreed upon by the board of supervisors and the presiding judge of
20 the superior court, for the purpose of augmenting other funds made available for
21 construction.

22 (b) The presiding judge of the superior court may agree to make available court funds,
23 up to a stated amount, other than funds received from the Trial Court Trust Fund or other
24 state sources, in the courthouse construction fund.

25 (c) The total amounts deposited under subdivision (a) may not exceed in any fiscal year
26 the amount payable on the construction costs less (1) any amounts paid by the courthouse
27 construction fund and (2) any other amounts paid from other sources except for any
28 amounts paid pursuant to subdivision (b).

29 (d) The total amounts deposited under subdivision (b) shall not exceed in any fiscal
30 year the amount payable on the construction costs less (1) any amounts paid by the
31 courthouse construction fund, (2) any amounts paid pursuant to subdivision (a) of this
32 section, and (3) any other amounts paid from other sources except for any amounts paid
33 pursuant to subdivision (b).

34 ~~(e) If legislation is passed and becomes effective transferring the responsibility for~~
35 ~~court facilities to the state, and the legislation permits the transfer of the bonded~~
36 ~~indebtedness or other encumbrance on court facilities together with revenue sources for~~
37 ~~payment of the bonded indebtedness or other encumbrance, the The revenue sources~~
38 ~~provided for by this section may also be transferred to the state.~~

39 (f) As used in this section, the costs of construction also includes the payment on the
40 bonded indebtedness or other encumbrance used to finance the construction.

41 **Comment.** Section 76223 is amended to reflect enactment of the Trial Court Facilities Act,
42 2002 Cal. Stat. ch. 1082. See in particular Section 70321 (transfer of court facilities from county

1 to Judicial Council) and Section 70325(a)(2) (county may transfer revenue sources to state,
2 whereupon state becomes responsible for making payments on bonded indebtedness).

3 **§ 76225 (repealed). Reimbursement of court construction funds in Merced County if**
4 **transfers do not occur on time**

5 SEC. _____. Section 76225 of the Government Code is repealed.

6 ~~76225. If Merced County has not executed the transfer of its responsibilities and titles~~
7 ~~for the New Downtown Merced Courthouse, New Courts Building (Departments 1 to 3,~~
8 ~~inclusive), Jail Court (Department 4), Department 5 Modular, Departments 7 and 8~~
9 ~~Trailer, Adobe Building, Criminal Trailer, and Jury Assembly, to the state as required~~
10 ~~under Chapter 1082 of the Statutes of 2002, on or before April 1, 2007, then Merced~~
11 ~~County shall pay back to the state the construction funds used for these projects.~~

12 **Comment.** Section 76225 is repealed as obsolete.

13 **§ 77201.3 (amended). County remittances commencing on July 1, 2006**

14 SEC. _____. Section 77201.3 of the Government Code is amended to read:

15 77201.3. (a) Commencing with the 2006–07 fiscal year, and each fiscal year thereafter,
16 except as otherwise specifically provided in this section, each county shall remit to the
17 state the amounts described in this subdivision in four equal installments due on October
18 1, January 1, April 1, and May 1. The amounts listed in this subdivision are in lieu of the
19 amounts listed in subdivision (b) of Section 77201.1. However, for purposes of the
20 calculation required by subdivision (a) of Section 77205, the amounts in paragraph (2) of
21 subdivision (b) of Section 77201.1 shall be used.

22 (1) Each county shall remit to the state the amount listed below, which is based on an
23 amount expended by the respective county for court operations during the 1994–95 fiscal
24 year. The amount listed for Los Angeles County includes the twenty-three million five
25 hundred twenty-seven thousand nine hundred forty-nine dollars (\$23,527,949) increase
26 required by subdivision (g) of Section 77201.1.

Jurisdiction	Amount
Alameda	\$22,509,905
Alpine	—
Amador	—
Butte	—
Calaveras	—
Colusa	—
Contra Costa	11,974,535
Del Norte	—
El Dorado	—
Fresno	11,222,780
Glenn	—
Humboldt	—
Imperial	—

Inyo	—
Kern	9,234,511
Kings	—
Lake	—
Lassen	—
Los Angeles	198,858,596
Madera	—
Marin	—
Mariposa	—
Mendocino	—
Merced	—
Modoc	—
Mono	—
Monterey	4,520,911
Napa	—
Nevada	—
Orange	38,846,003
Placer	—
Plumas	—
Riverside	17,857,241
Sacramento	20,733,264
San Benito	—
San Bernardino	20,227,102
San Diego	43,495,932
San Francisco	19,295,303
San Joaquin	6,543,068
San Luis Obispo	—
San Mateo	12,181,079
Santa Barbara	6,764,792
Santa Clara	28,689,450
Santa Cruz	—
Shasta	—
Sierra	—
Siskiyou	—
Solano	6,242,661
Sonoma	6,162,466
Stanislaus	3,506,297
Sutter	—
Tehama	—
Trinity	—
Tulare	—

Tuolumne	—
Ventura	9,734,190
Yolo	—
Yuba	—

1 (2) (A) This paragraph sets forth the amount of the revenue maintenance of effort
2 payment as modified by the reductions in Sections 68085.2 and 68085.7, including, if
3 applicable, any adjustment made pursuant to paragraph (1) of subdivision (b) of Section
4 68085.8.

5

Jurisdiction	Amount
Alameda	\$7,529,814
Alpine	58,459
Amador	261,618
Butte	797,512
Calaveras	298,247
Colusa	394,002
Contra Costa	3,136,407
Del Norte	120,598
El Dorado	732,606
Fresno	3,536,164
Glenn	293,014
Humboldt	933,601
Imperial	1,075,275
Inyo	610,438
Kern	5,247,051
Kings	759,717
Lake	133,003
Lassen	379,561
Los Angeles	47,023,566
Madera	1,025,684
Marin	2,010,028
Mariposa	131,611
Mendocino	441,037
Merced	1,600,227
Modoc	103,798
Mono	409,747
Monterey	2,662,998
Napa	710,832
Nevada	1,197,947
Orange	15,603,484
Placer	835,467

Plumas	154,384
Riverside	7,108,548
Sacramento	1,829,692
San Benito	270,940
San Bernardino	3,325,704
San Diego	13,501,132
San Francisco	3,123,814
San Joaquin	2,158,803
San Luis Obispo	1,754,131
San Mateo	2,527,355
Santa Barbara	3,117,677
Santa Cruz	1,495,691
Shasta	574,383
Sierra	41,810
Siskiyou	482,082
Solano	1,931,765
Sonoma	1,439,187
Stanislaus	1,079,927
Sutter	644,174
Tehama	627,958
Trinity	102,233
Tulare	1,345,686
Tuolumne	277,573
Ventura	2,283,494
Yolo	464,030
Yuba	273,437

1 (B) The amount remitted by the County of Santa Clara shall be ten million nine
2 hundred sixty-one thousand two hundred ninety-three dollars (\$10,961,293) reduced as
3 described in clauses (i) and (ii).

4 (i) The amount remitted by the County of Santa Clara pursuant to this paragraph for
5 each fiscal year shall be reduced by an amount equal to one-half of the amount calculated
6 by subtracting the budget reduction for the Superior Court of Santa Clara County for that
7 fiscal year attributable to the reduction of the counties' payment obligation from thirty-
8 one million dollars (\$31,000,000) pursuant to subdivision (a) of Section 68085.6 from the
9 net civil assessments received in that county in that fiscal year. "Net civil assessments" as
10 used in this paragraph means the amount of civil assessments collected minus the costs of
11 collecting those civil assessments, under the guidelines of the Controller.

12 (ii) The reduction calculated pursuant to paragraph (i) shall not exceed two million five
13 hundred thousand dollars (\$2,500,000) in any fiscal year. If the reduction for a fiscal year
14 reaches two million five hundred thousand dollars (\$2,500,000), the amount that the
15 county is required to remit to the state under this paragraph in that fiscal year and in each

1 subsequent fiscal year shall be eight million four hundred sixty-one thousand two
2 hundred ninety-three dollars (\$8,461,293).

3 (b) Except as otherwise specifically provided in this section, county remittances
4 specified in subdivision (a) shall not be increased in subsequent years.

5 (c) Except for those counties with a population of 70,000, or less, on January 1, 1996,
6 the amount a county is required to remit pursuant to paragraph (1) of subdivision (a) shall
7 be adjusted by the amount equal to any adjustment resulting from the procedures in
8 subdivisions (c) and (d) of Section 77201 as that section read on June 30, 1998, to the
9 extent a county filed an appeal with the Controller with respect to the findings made by
10 the Department of Finance. This subdivision shall not be construed to establish a new
11 appeal process beyond what was provided by Section 77201, as that section read on June
12 30, 1998.

13 (d) Any change in statute or rule of court that either reduces the bail schedule or
14 redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount
15 that is less than (1) the fees, fines, and forfeitures retained by that county, and (2) the
16 county's portion of fines and forfeitures transmitted to the state in the 1994–95 fiscal
17 year, shall reduce that county's remittance specified in paragraph (2) of subdivision (a) by
18 an equal amount. Nothing in this subdivision is intended to limit judicial sentencing
19 discretion.

20 (e) Nothing in this section is intended to relieve a county of the responsibility to
21 provide necessary and suitable court facilities pursuant to Section ~~68073~~ 70311.

22 (f) Nothing in this section is intended to relieve a county of the responsibility for
23 justice-related expenses not included in Section 77003 which are otherwise required of
24 the county by law, including, but not limited to, indigent defense representation and
25 investigation, and payment of juvenile justice charges.

26 **Comment.** Section 77201.3 is amended to reflect the renumbering of former Section 68073
27 (see 2002 Cal. Stat. ch. 1082, § 3). This is not a substantive change.

28 **§ 77650 (repealed). Task Force on Court Facilities**

29 SEC. _____. Section 77650 of the Government Code is repealed.

30 ~~77650. The Task Force on Court Facilities is hereby established in state government
31 and charged with identifying the needs related to trial and appellate court facilities, and
32 options and recommendations for funding court facility maintenance, improvements, and
33 expansion, including the specific responsibilities of each entity of government.~~

34 **Comment.** Section 77650 is repealed as obsolete. The Task Force on Court Facilities
35 completed its assigned work and submitted its final report to the Legislature in 2001. Soon
36 afterwards, the Legislature enacted the Trial Court Facilities Act, which endorsed and
37 implemented the key recommendations of the Task Force on Court Facilities. See 2002 Cal. Stat.
38 ch. 1082.

39 **§ 77651 (repealed). Composition of task force**

40 SEC. _____. Section 77651 of the Government Code is repealed.

41 ~~77651. The task force shall be composed of 18 members, appointed as follows:~~

1 (a) Six members appointed by the Chief Justice who shall be from urban, suburban, and
2 rural courts. Four representatives may be either trial court judges or trial court
3 administrators. One representative shall be a justice of the courts of appeal.

4 (b) Six members appointed by the Governor from a list of nominees submitted by the
5 California State Association of Counties, who represent urban, suburban, and rural
6 counties. Four representatives may be either county supervisors or county administrators.
7 One representative shall be a person with court security responsibility.

8 (c) Two members appointed by the Senate Rules Committee, one of whom shall
9 represent the State Bar or an associated attorney organization, neither of whom would be
10 eligible for appointment under subdivision (a) or (b).

11 (d) Two members appointed by the Speaker of the Assembly, one of whom shall
12 represent the State Bar or an associated attorney organization, neither of whom would be
13 eligible for appointment under subdivision (a) or (b).

14 (e) The Director of General Services and the Director of Finance.

15 (f) The Chief Justice shall designate one of these representatives as the chairperson of
16 the task force.

17 **Comment.** Section 77651 is repealed as obsolete. The Task Force on Court Facilities
18 completed its assigned work and submitted its final report to the Legislature in 2001. Soon
19 afterwards, the Legislature enacted the Trial Court Facilities Act, which endorsed and
20 implemented the key recommendations of the Task Force on Court Facilities. See 2002 Cal. Stat.
21 ch. 1082.

22 **§ 77652 (repealed). Staff support for task force and guidelines for procedures and practices**

23 SEC. _____. Section 77652 of the Government Code is repealed.

24 ~~77652. The Judicial Council shall provide staff support for the task force and shall~~
25 ~~develop guidelines for procedures and practices for the task force. The Department of~~
26 ~~General Services, the Department of Finance, and the Legislative Analyst shall provide~~
27 ~~additional support, at the request of the Judicial Council. The California State Association~~
28 ~~of Counties is encouraged to provide additional staff support.~~

29 **Comment.** Section 77652 is repealed as obsolete. The Task Force on Court Facilities
30 completed its assigned work and submitted its final report to the Legislature in 2001. Soon
31 afterwards, the Legislature enacted the Trial Court Facilities Act, which endorsed and
32 implemented the key recommendations of the Task Force on Court Facilities. See 2002 Cal. Stat.
33 ch. 1082.

34 **§ 77653 (repealed). Duties of task force**

35 SEC. _____. Section 77653 of the Government Code is repealed.

36 ~~77653. The duties of the task force shall include all of the following:~~

37 (a) ~~Document the state of existing court facilities.~~

38 (b) ~~Document the need for new or modified court facilities and the extent to which~~
39 ~~current court facilities are fully utilized.~~

40 (c) ~~Document the funding mechanisms currently available for maintenance, operation,~~
41 ~~construction, and renovation of court facilities.~~

42 (d) ~~Examine existing standards for court facility construction.~~

1 ~~(e) Document the impacts of state actions on court facilities and other state and local~~
2 ~~justice system facilities.~~

3 ~~(f) Review and recommend operational changes which may mitigate the need for~~
4 ~~additional court facilities, including the implementation of methods to more fully utilize~~
5 ~~existing facilities.~~

6 ~~(g) Review and provide recommendations on concepts regarding security; operational~~
7 ~~flexibility; alternative dispute resolution; meeting space; special needs of children,~~
8 ~~families, victims, and disabled persons; technology; the dignity of the participants; and~~
9 ~~any other special needs of court facilities.~~

10 ~~(h) Recommend specific funding responsibilities among the various entities of~~
11 ~~government for support of trial court facilities and facility maintenance including, but not~~
12 ~~limited to, full state responsibility or continued county responsibility.~~

13 ~~(i) Recommend funding sources and financing mechanisms for support of court~~
14 ~~facilities and facility maintenance.~~

15 **Comment.** Section 77653 is repealed as obsolete. The Task Force on Court Facilities
16 completed its assigned work and submitted its final report to the Legislature in 2001. Soon
17 afterwards, the Legislature enacted the Trial Court Facilities Act, which endorsed and
18 implemented the key recommendations of the Task Force on Court Facilities. See 2002 Cal. Stat.
19 ch. 1082.

20 **§ 77654 (repealed). Timeline for task force**

21 SEC. _____. Section 77654 of the Government Code is repealed.

22 ~~77654. (a) The task force shall be appointed on or before October 1, 1997.~~

23 ~~(b) The task force shall meet and establish its operating procedures on or before~~
24 ~~September 1, 1998, and submit its plan for the entire review of court facilities by October~~
25 ~~1, 1998, to the Judicial Council, Legislature, and Governor.~~

26 ~~(c) The task force shall review all available court facility standards and make~~
27 ~~preliminary determinations of acceptable standards for construction, renovation, and~~
28 ~~remodeling of court facilities, and shall report those preliminary determinations to the~~
29 ~~Judicial Council, the Legislature, and the Governor in an interim report on or before July~~
30 ~~1, 1999.~~

31 ~~(d) The task force shall complete a survey of all trial and appellate court facilities in the~~
32 ~~state and report its findings to the Judicial Council, the Legislature, and the Governor in a~~
33 ~~second interim report on or before January 1, 2001. The report shall document all of the~~
34 ~~following:~~

35 ~~(1) The state of existing court facilities.~~

36 ~~(2) The need for new or modified court facilities.~~

37 ~~(3) The currently available funding options for constructing or renovating court~~
38 ~~facilities.~~

39 ~~(4) The impact which creating additional judgeships has upon court facility and other~~
40 ~~justice system facility needs.~~

41 ~~(5) The effects which trial court coordination and consolidation have upon court and~~
42 ~~justice system facilities needs.~~

1 ~~(6) Administrative and operational changes which can reduce or mitigate the need for~~
2 ~~added court or justice system facilities.~~

3 ~~(7) Recommendations for specific funding responsibilities among the entities of~~
4 ~~government including full state responsibility, full county responsibility, or shared~~
5 ~~responsibility.~~

6 ~~(8) A proposed transition plan if responsibility is to be changed.~~

7 ~~(9) Recommendations regarding funding sources for court facilities and funding~~
8 ~~mechanisms to support court facilities.~~

9 ~~(e) The interim reports shall be circulated for comment to the counties, the judiciary,~~
10 ~~the Legislature, and the Governor. The task force may also circulate these reports to users~~
11 ~~of the court facilities.~~

12 ~~(f) The task force shall submit a final report to the Judicial Council, the Legislature,~~
13 ~~and the Governor on or before July 1, 2001. The report shall include all elements of the~~
14 ~~interim reports incorporating any changes recommended by the task force in response to~~
15 ~~comments received.~~

16 ~~(g) Notwithstanding any other provision of law, during the period from July 1, 1997 to~~
17 ~~December 31, 2002, inclusive, the board of supervisors of each county shall be~~
18 ~~responsible for providing suitable and necessary facilities for judicial officers and court~~
19 ~~support staff for judicial positions created prior to July 1, 1996, to the extent required by~~
20 ~~Section 68073. The board of supervisors of each county shall also be responsible for~~
21 ~~providing suitable and necessary facilities for judicial officers and court support staff for~~
22 ~~judgeships authorized by statutes chaptered in 1996 to the extent required by Section~~
23 ~~68073, provided that the board of supervisors agrees that new facilities are either not~~
24 ~~required or that the county is willing to provide funding for court facilities. Unless a court~~
25 ~~and a county otherwise mutually agree, the state shall assume responsibility for suitable~~
26 ~~and necessary facilities for judicial officers and support staff for any judgeships~~
27 ~~authorized during the period from January 1, 1998, to December 31, 2002, inclusive.~~

28 **Comment.** Section 77654 is repealed as obsolete. The Task Force on Court Facilities
29 completed its assigned work and submitted its final report to the Legislature in 2001. Soon
30 afterwards, the Legislature enacted the Trial Court Facilities Act, which endorsed and
31 implemented the key recommendations of the Task Force on Court Facilities. See 2002 Cal. Stat.
32 ch. 1082.

33 **§ 77655 (amended). Inadmissibility of task force findings**

34 SEC. ____ . Section 77655 of the Government Code is amended to read:

35 77655. Notwithstanding any other provision of law, including Section ~~68073~~ 70311,
36 the findings of the ~~task force~~ Task Force on Court Facilities created by Section 48 of
37 Chapter 850 of the Statutes of 1997 shall not be considered or entered into evidence in
38 any action brought by trial courts to compel a county to provide facilities that the trial
39 court contends are necessary and suitable.

40 **Comment.** Section 77655 is amended to make it read clearly as a stand-alone section and
41 reflect the renumbering of former Section 68073 (see 2002 Cal. Stat. ch. 1082, § 3). This is not a
42 substantive change.

1

UNCODIFIED

2 **Uncodified (added). Savings clause — rights and benefits**

3 SEC. _____. If a right, privilege, duty, authority, or status, including but not limited to, a
4 qualification for office, salary range, or employment benefit, is based on a provision of
5 law repealed by this act, and if a statute, order, rule of court, memorandum of
6 understanding, or other legally effective instrument provides that the right, duty,
7 authority, or status continues for a period beyond the effective date of the repeal, that
8 provision of law continues in effect for that purpose, notwithstanding its repeal by this
9 act.
