



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-134

For business meeting on September 19, 2023

Title

Trial Court Budget: Allocation
Methodologies for Senate Bill 154 and
Senate Bill 101 Backfill Funding

Agenda Item Type

Action Required

Effective Date

September 19, 2023

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

August 24, 2023

Recommended by

Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair

Contact

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Executive Summary

The Trial Court Budget Advisory Committee recommends the Judicial Council approve the allocation methodologies to provide trial court backfill funding for (1) fee waiver changes included in the 2022 Budget Act (Senate Bill 154) for 2022–23 and ongoing, and (2) the elimination of certain criminal fees included in the 2023 Budget Act (Senate Bill 101) for 2023–24 and ongoing.

Recommendation

The Trial Court Budget Advisory Committee recommends the Judicial Council, effective September 19, 2023:

1. Approve the five-year revenue collection methodology for allocation of the \$689,000 backfill funding (Senate Bill 154) to the trial courts for 2022–23 and ongoing, as outlined in Attachment A. In 2023–24, trial courts will receive a total of \$1.4 million, which includes the annual backfill amount for 2022–23 and 2023–24; and
2. Approve the five-year average revenue collection methodology for allocation of the \$826,000 backfill funding (Senate Bill 101) to the trial courts for 2023–24 and ongoing.

These recommendations were presented to the Judicial Branch Budget Committee on August 7, 2023 and approved for consideration by the Judicial Council.

Relevant Previous Council Action

No previous action relevant to this recommendation was taken by the Judicial Council.

Analysis/Rationale

Assembly Bill (AB) 199 (Ch. 57, Stats. 2022)¹ expands eligibility for civil filing fee waivers by increasing the poverty threshold from 125 percent to 200 percent to qualify for automatic waivers on various filing fees. Accordingly, the 2022 Budget Act (Senate Bill (SB) 154, Ch. 43, Stats. 2022)² provides up to \$18 million in funding for revenue loss resulting from AB 199.

Judicial Council Budget Services staff worked with the Department of Finance to determine the estimated backfill need for revenue loss resulting from AB 199 that is not already addressed through existing backfill methodologies. In May 2023, the final amount was determined to be \$1.6 million. Of this amount, \$689,000 is designated for the trial courts. The balance will be distributed to county law libraries.

AB 134 (Ch. 47, Stats. 2023),³ the 2023–24 public safety trailer bill, repeals criminal administrative fees related to a change of plea or set-aside verdict and record sealing. The 2023 Budget Act (SB 101, Ch. 12, Stats. 2023)⁴ includes up to \$826,000 to backfill trial courts for revenue loss resulting from AB 134.

Methodology for allocation of SB 154 backfill funding

Judicial Council Budget Services staff, in consultation with the Department of Finance, developed a methodology to determine the amount of trial court revenue backfill needed, which uses revenue collection data comprised of all affected filing fees under AB 199 over the five-year period from 2017–18 through 2021–22, as outlined in Table 1 below.

Table 1. Trial court revenue collections associated with AB 199

Fiscal Year	Revenue Collected
2017–18	\$23,048,000
2018–19	\$22,100,000
2019–20	\$17,682,000
2020–21	\$21,080,000
2021–22	\$18,638,000
Total	\$102,548,000

¹ AB 199 is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB199.

² SB 154 is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB154.

³ AB 134 is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB134.

⁴ SB 101 is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB101.

The five-year revenue data amount of \$102.5 million is used as the percentage base to proportionally allocate the \$689,000 backfill funding to the trial courts. This allocation methodology, as outlined in Attachment A, provides a detailed breakdown by court.

Methodology for allocation of SB 101 backfill funding

Judicial Council Budget Services staff, again in consultation with the Department of Finance, developed a methodology to determine the amount of backfill funding for criminal fees affected under SB 101 to be allocated to the trial courts. The \$826,000 is based on the five-year average, from 2016–17 through 2020–21, of revenue collection data for these fees, as outlined in Table 2 below.

Table 2. Trial court revenue collections associated with SB 101

Fiscal Year	Revenue Collected
2016–17	\$955,000
2017–18	\$889,000
2018–19	\$834,000
2019–20	\$647,000
2020–21	\$807,000
5-Year Average	\$826,000

Attachment B provides a detailed breakdown of the \$826,000 by individual court based on the five-year average of actual collection data.

The above allocation methodologies were approved by the Trial Court Budget Advisory Committee at its meeting on July 6, 2023⁵ and the Judicial Branch Budget Committee at its meeting on August 7, 2023.⁶

Policy implications

There are no policy implications to consider for the recommended methodologies.

Comments

Circulation for public comment was not required for this proposal.

Alternatives considered

No alternatives were considered as the recommendations were developed in consultation with the Department of Finance and are based on historical revenue collections for the related fees.

⁵ Trial Court Budget Advisory Com. meeting report (July 6, 2023), www.courts.ca.gov/documents/tcbac-20230706-materials.pdf.

⁶ Judicial Branch Budget Com. meeting report (Aug. 7, 2023), www.courts.ca.gov/documents/jbbc-20230807-materials.pdf.

Fiscal and Operational Impacts

The recommendations would ensure funding stability in the allocations received by the trial courts as the backfill funding would cover the loss of fee revenue due to AB 199 and AB 134.

Attachments and Links

1. Attachment A: *Trial Court SB 154 Backfill Allocation for 2022–23 and Ongoing*
2. Attachment B: *Trial Court SB 101 Backfill Allocation for 2023–24 and Ongoing*

Trial Court SB 154 Backfill Allocation for 2022-23 and Ongoing

Attachment A

Court	Total Revenue Collected from 2017-18 through 2021-22 by Court				% of Total (D/ Total D)	Proposed SB 154 Backfill Allocation (E * \$689,000)
	Trial Court Trust Fund Revenue	Dispute Resolution Revenue	Small Claims Advisory Revenue	Total Revenue Collected		
	A	B	C	D (SUM (A+B+C))		
Alameda	\$2,386,917	-	-	\$2,386,917	2.328%	\$16,047
Alpine	44,109	-	-	44,109	0.043%	\$297
Amador	77,937	-	-	77,937	0.076%	\$524
Butte	241,550	-	-	241,550	0.236%	\$1,624
Calaveras	94,864	-	-	94,864	0.093%	\$638
Colusa	21,719	-	-	21,719	0.021%	\$146
Contra Costa	1,540,851	-	-	1,540,851	1.503%	\$10,359
Del Norte	73,629	-	1,306	74,936	0.073%	\$504
El Dorado	1,092,501	-	12,164	1,104,666	1.077%	\$7,426
Fresno	1,461,078	813,296	89,994	2,364,369	2.306%	\$15,895
Glenn	59,583	-	900	60,483	0.059%	\$407
Humboldt	1,113,132	-	7,981	1,121,113	1.093%	\$7,537
Imperial	374,321	-	9,858	384,179	0.375%	\$2,583
Inyo	66,053	-	623	66,676	0.065%	\$448
Kern	1,033,870	776,147	113,880	1,923,897	1.876%	\$12,934
Kings	465,088	-	5,388	470,476	0.459%	\$3,163
Lake	171,236	-	-	171,236	0.167%	\$1,151
Lassen	70,615	-	-	70,615	0.069%	\$475
Los Angeles	26,561,130	-	-	26,561,130	25.901%	\$178,566
Madera	430,506	-	14,532	445,038	0.434%	\$2,992
Marin	697,239	-	27,078	724,317	0.706%	\$4,869
Mariposa	57,149	-	-	57,149	0.056%	\$384
Mendocino	184,237	-	4,515	188,752	0.184%	\$1,269
Merced	561,347	193,664	-	755,011	0.736%	\$5,076
Modoc	136,644	-	618	137,262	0.134%	\$923
Mono	289,328	-	-	289,328	0.282%	\$1,945
Monterey	1,410,802	268,612	48,291	1,727,704	1.685%	\$11,615
Napa	230,291	108,665	-	338,955	0.331%	\$2,279
Nevada	147,055	-	-	147,055	0.143%	\$989
Orange	14,296,032	-	469,764	14,765,796	14.399%	\$99,268
Placer	981,140	-	25,074	1,006,214	0.981%	\$6,765
Plumas	49,564	-	-	49,564	0.048%	\$333
Riverside	6,634,602	-	323,186	6,957,788	6.785%	\$46,776
Sacramento	2,796,284	-	152,366	2,948,649	2.875%	\$19,823
San Benito	252,242	-	3,024	255,266	0.249%	\$1,716
San Bernardino	5,238,043	-	-	5,238,043	5.108%	\$35,214
San Diego	4,700,128	-	360,452	5,060,580	4.935%	\$34,021
San Francisco	2,595,627	-	83,574	2,679,201	2.613%	\$18,012
San Joaquin	805,343	-	-	805,343	0.785%	\$5,414
San Luis Obispo	574,132	-	-	574,132	0.560%	\$3,860
San Mateo	2,390,668	544,149	58,361	2,993,178	2.919%	\$20,123
Santa Barbara	909,451	-	-	909,451	0.887%	\$6,114
Santa Clara	4,841,160	-	164,812	5,005,972	4.882%	\$33,654
Santa Cruz	401,722	-	-	401,722	0.392%	\$2,701
Shasta	273,942	-	10,741	284,683	0.278%	\$1,914
Sierra	3,685	-	-	3,685	0.004%	\$25
Siskiyou	91,715	-	-	91,715	0.089%	\$617
Solano	1,241,091	402,030	38,854	1,681,975	1.640%	\$11,308
Sonoma	1,089,648	-	33,826	1,123,475	1.096%	\$7,553
Stanislaus	1,099,918	439,233	-	1,539,151	1.501%	\$10,347
Sutter	238,687	-	-	238,687	0.233%	\$1,605
Tehama	95,714	-	15,303	111,017	0.108%	\$746
Trinity	57,051	-	-	57,051	0.056%	\$384
Tulare	854,565	330,186	56,256	1,241,007	1.210%	\$8,343
Tuolumne	119,516	-	5,418	124,935	0.122%	\$840
Ventura	2,382,322	-	-	2,382,322	2.323%	\$16,016
Yolo	294,359	-	-	294,359	0.287%	\$1,979
Yuba	130,588	-	-	130,588	0.127%	\$878
Total	\$96,533,719	\$3,875,983	\$2,138,140	\$102,547,842	100%	\$689,000

Trial Court SB 101 Backfill Allocation for 2023-24 and Ongoing

Attachment B

Court	Total Revenue Collected by Penal Code 1203.4						% of Total	Proposed SB 101 Backfill Allocation
	2016-17	2017-18	2018-19	2019-20	2020-21	5-Year Total		
	A	B	C	D	E	F (SUM (A:E))	G (F/ Total F)	H (AVG (A:E))
Contra Costa	\$17,010	\$3,870	\$360	\$720	\$90	\$22,050	0.534%	\$4,410
Del Norte	-	1,500	2,700	300	-	4,500	0.109%	\$900
El Dorado	225	-	-	-	4	229	0.006%	\$46
Fresno	486	-	-	321	333	1,140	0.028%	\$228
Kings	13,099	9,760	9,596	5,619	7,620	45,694	1.106%	\$9,139
Mariposa	420	1,200	600	660	660	3,540	0.086%	\$708
Mendocino	15,735	14,630	10,230	7,350	3,300	51,245	1.240%	\$10,249
Merced	11,131	8,130	6,900	8,250	9,493	43,903	1.063%	\$8,781
Merced	2,840	3,015	1,682	1,380	1,634	10,552	0.255%	\$2,110
Monterey	51,095	4,350	28,405	26,039	38,511	148,400	3.591%	\$29,680
Nevada	6,736	6,387	6,935	6,794	5,981	32,833	0.795%	\$6,567
Orange	330,383	371,702	334,509	251,618	329,675	1,617,887	39.155%	\$323,577
Placer	11,454	12,937	10,234	9,724	7,968	52,316	1.266%	\$10,463
Riverside	2,435	213	349	-	150	3,146	0.076%	\$629
Sacramento	140,036	123,805	118,268	109,085	95,683	586,877	14.203%	\$117,375
San Bernardino	150,168	142,970	113,134	86,181	132,377	624,830	15.122%	\$124,966
San Joaquin	39,170	32,785	31,500	19,640	34,780	157,875	3.821%	\$31,575
San Mateo	64,087	64,868	71,555	41,437	52,292	294,240	7.121%	\$58,848
Santa Barbara	29,277	36,381	33,456	21,801	23,778	144,692	3.502%	\$28,938
Santa Cruz	14,930	14,896	11,581	10,045	9,675	61,127	1.479%	\$12,225
Solano	16,872	16,155	16,255	13,925	24,432	87,639	2.121%	\$17,528
Sonoma	29,589	14,725	18,537	20,226	23,030	106,107	2.568%	\$21,221
Sutter	8,120	4,513	7,587	5,875	5,741	31,837	0.770%	\$6,367
Totals	\$955,000	\$889,000	\$834,000	\$647,000	\$807,000	\$4,132,000	100%	\$826,000