



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

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Judicial Council: Legislation Committee
Report

Agenda Item Type

Oral Report

Submitted by

Legislation Committee
Hon. Marla O. Anderson, Chair

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Contact

Cory T. Jasperson, Director
916-323-3121, cory.jasperson@jud.ca.gov

Executive Summary

The Legislation Committee represents the Judicial Council's position with other agencies and entities, such as the Legislature, the Governor's Office, the State Bar of California, local government, local bar associations, and other court-related professional associations. The committee determines positions consistent with the council's policy goals and oversees advocacy for those positions. This report summarizes the committee's activities since the last Judicial Council internal committee written report, which was submitted for the council's December 2, 2022, business meeting.

2023–2024 Legislative Session

Since the February 17, 2023, deadline for introduction of bills, Governmental Affairs staff have been reviewing the 2,987 newly introduced bills to identify those of interest to, and that impact the judicial branch.

The Legislation Committee's primary focus during this time has been continuing to provide input and take positions on legislations.

Governmental Affairs staff are currently tracking 755 bills and have provided technical drafting assistance on over 100 bills so far during the first year of the 2023–2024 Legislative Session. Further, the Legislation Committee has taken formal positions on 27 bills.

Following are highlights from some of the top bills that staff are tracking.

Remote proceedings

- SB 21 (Umberg) and SB 22 (Umberg) extend the June 30, 2023, sunset on civil remote proceedings to 2026. These provisions were included in SB 133, the courts trailer bill in time to maintain the authority to hold remote proceedings in civil matters.
- SB 99 (Umberg) extends the January 1, 2024, sunset on criminal remote proceedings to 2028.
- AB 1214 (Maienschein) extends the January 1, 2024, sunset on criminal remote proceedings to 2026 (differs significantly from existing law).

Civil

- SB 71 (Umberg) increases the small claims threshold from \$10,000 to \$12,500 and the limited civil threshold to from \$25,000 to \$35,000.
- SB 652 (Umberg) clarifies standards for expert testimony in response to a recent appellate case. Council staff worked with other civil court stakeholders to ensure that the new provision was narrowly tailored to focus on cases involving medical causation.

Family/probate/mental health

- AB 1755 (Judiciary Committee) and SB 343 (Skinner) are two companion bills to implement new federal regulatory changes in Title IV-D child support enforcement cases. These bills include recommended changes from the most recent Judicial Council child support guideline review report and will bring California into conformity with federal law.
- SB 459 (Rubio) would require the council to create forms for parties to seek modifications of Domestic Violence Prevention Act protective orders by January 1, 2025.
- SB 280 (Laird) requires a professional conservator to file a comprehensive plan for a conservatee within 10 days of a hearing to continue or terminate a conservatorship.

Criminal law and procedure

There are a number of bills this year that would expand the authority of the court to recall and resentence, including the following:

- SB 94 (Cortese) allows individuals serving a sentence of life without parole for offenses committed prior to June 5, 1990, to petition the court for resentencing if they have served at least 25 years in custody.
- AB 600 (Ting) authorizes judges to recall a sentence in any case in which applicable sentencing law has changed and removes the requirement that the district attorney or Attorney General's office must concur.

- AB 1310 (McKinnor) allows a petition for recall and resentencing for a person sentenced on or before January 1, 2018, whose sentence included the imposition of a term for specified firearm enhancements.

Mental health

- SB 35 (Umberg) is cleanup legislation to clarify the provisions of the Community Assistance, Recovery, and Empowerment Act that the first round of courts is preparing to implement later this year.

Key Deadlines

The Legislature adjourned for summer recess on July 14 and will reconvene on August 14. A few other key deadlines include the following:

- September 1 is the last day for fiscal committees to meet and report bills; and
- September 14 is the last day for the Legislature to pass bills.

The deadline for the Governor to sign or veto bills is October 14.

The Legislation Committee anticipates it will meet several times between now and the end of the legislative session to address last-minute bills and amendments. The committee will keep the council informed of the progress of council-sponsored legislation, and other bills of interest to the judicial branch, at the next council meeting.

Overview of Committee Meetings

The Legislation Committee met 11 times since the January council meeting, eight by video and three times by voting by email, taking positions on behalf of the Judicial Council on 26 separate pieces of legislation.

- On February 9, the committee took a sponsor if amended position on SB 75 (Roth), Courts: judgeships, which authorizes 26 new judgeships, subject to appropriation. The bill requires the Judicial Council to allocate these positions in accordance with the 2022 Judicial Needs Assessment, while specifically including Riverside and San Bernardino Counties.
- On March 2, the committee adopted Judicial Council sponsorship on AB 959 (McCarty), Courts, which authorizes the courts to dispose of the Plumas/Sierra Regional Courthouse, the Gordon D. Schaber Sacramento County Courthouse, the Modesto Main Courthouse/Hall of Records, and the Ceres Superior Court (Stanislaus County).
- On March 9, the committee took support positions on SB 21 (Umberg), Civil actions: remote proceedings, and SB 22 (Umberg), Courts: remote proceedings; and an oppose unless amended to remove the 365-day expedited review provision on SB 239 (Dahle),

California Environmental Quality Act (CEQA): housing development projects: judicial proceedings.

- On March 21, the committee voted by email and took an oppose position on AB 1214 (Maienschein), Courts: remote technology
- On April 6, the committee took an oppose unless funded and amended position on AB 875 (Gabriel), Courts: data reporting, which requires courts to conduct unlawful detainer case reviews and report specified information to the Judicial Council.
- On April 7, the committee voted by email and took an oppose unless amended position on both SB 861 (Dahle), California Environmental Quality Act (CEQA): water conveyance or storage projects: judicial review, and SB 794 (Niello), CEQA: judicial challenge: identification of contributors: housing projects; and a support position on SB 662 (Rubio), Courts: court reporters.
- On May 4, the committee took positions on the following bills: a support position on SB 9, Raising the Age for Extended Foster Care Act of 2023; an oppose position on AB 560 (Bennett), Sustainable Groundwater Management Act: groundwater adjudication; and an oppose unless amended and funded position on AB 1758, Court records: fees.
- On May 18, the committee took positions on the following legislation: support if funded and note concerns on AB 881 (Ting), Jury duty, which gives courts the ability to increase juror pay in civil or criminal cases.
- The committee deferred action until released from appropriations committee on SB 492 (Eggman), Pretrial diversion for veterans, which adds felony offenses, as specified, to the pretrial diversion program for a defendant who was, or currently is, a member of the armed forces of the United States; and an oppose unless funded position on SB 763 (Durazo), Criminal records, which extends automatic conviction record relief for specified felony convictions that occurred on or after January 1, 1973, rather than on or after January 1, 2005.
- On June 8, the committee took a support position on AB 806 (Maienschein), Criminal procedure: crimes in multiple jurisdictions; no position on ACA 8 (Wilson) Slavery; oppose position on SB 420 (Becker), Electricity: electrical transmission facility project; and no position on SB 599 (Caballero), Visitation rights.
- On June 22, the committee took a support position on AB 1139 (Garcia), Recognition of tribal court money judgements: tribal sales taxes; oppose unless amended positions on the following bills: SB 331 (Rubio), Child custody: child abuse and safety; SB 651 (Grove), Water storage and recharge: California Environmental Quality Act; AB 304 (Holden), Domestic violence: probation; AB 1032 (Pacheco) Courts: court interpreters; and took a

support if amended position on AB 432 (Fong), California court interpreter workforce pilot program.

- On July 6, the committee voted by email and took an oppose position on SB 619 (Padilla), State energy resources conservation and development commission: certification of facilities: electrical transmission project.

For further information on any of the bills the Legislation Committee has taken a position on, please refer to the Governmental Affairs Status Chart: <http://www.courts.ca.gov/4121.htm#legcharts>.

Position and fiscal letters on legislation are available on the Governmental Affairs webpage www.courts.ca.gov/position-letters.htm, which is a valuable resource throughout the legislative year.