



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-005

For business meeting on January 22, 2021

Title

Judicial Council: 2021 Legislative
Priorities

Agenda Item Type

Action Required

Effective Date

January 22, 2021

**Rules, Forms, Standards, or Statutes
Affected**

None

Date of Report

December 21, 2020

Recommended by

Legislation Committee
Hon. Marla O. Anderson, Chair

Contact

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

Executive Summary

Each year, the Judicial Council sponsors legislation and adopts legislative priorities to further key council objectives and establishes priorities for the upcoming legislative year. In past years, the council's legislative priorities have focused on implementing efficiencies in the courts, investing in the judicial branch, and securing critically needed judgeships. Staff recommends that the Legislation Committee recommend to the Judicial Council a similar approach for the 2021 legislative year.

Recommendation

The Legislation Committee recommends that the Judicial Council approve the following legislative priorities for 2021:

1. Advocate for the following:
 - a. Continued investment in the judicial branch to include stable and reliable funding for courts to address annual cost increases in baseline operations and plan for the future; and

- b. Sufficient resources to improve physical access to the courts by keeping courts open, to expand access by increasing the ability of court users to conduct branch business online, to restore programs and services that were reduced over the past few years, and to continue to implement innovations in programs and services;
2. Increase the number of judgeships and judicial officers in superior courts by:
 - a. Seeking funding for the remaining authorized but unfunded judgeships (see table, page 4), to be allocated to the courts with the greatest need based on the most recently approved Judicial Needs Assessment; and
 - b. Advocating for legislative ratification of the Judicial Council's authority to convert vacant subordinate judicial officer (SJO) positions to judgeships in eligible courts;
3. Seek legislative authorization, if needed and authorized by the Judicial Council in 2021, for the disposition of unused courthouses in a fair market value transaction, with the proceeds to be directed to the Immediate and Critical Needs Account of the State Court Facilities Construction Fund established by Senate Bill 1407 (Perata; Stats. 2008, ch. 311) or any other Judicial Council facilities fund authorized by the Legislature;
4. Continue to sponsor or support legislation to improve judicial branch operational efficiencies, including cost-savings and cost-recovery measures as well as the ability to conduct proceedings remotely in order to expand safe and reliable access to justice;
5. Sponsor legislation to amend the Code of Civil Procedure to recognize Native American Day and/or additional or other ethnic or racial group as a judicial holiday;
6. Advocate for legislation to implement pretrial detention reform; and
7. Delegate to the Legislation Committee the authority to take positions or provide comments on behalf of the Judicial Council on proposed legislation (state and federal), administrative rules or regulations, and proposals by other bodies or agencies after evaluating input from council advisory bodies, council staff, and the courts, provided that the input is consistent with the council's established policies and precedents.

Relevant Previous Council Action

The council has taken a variety of actions over the past years related to the above recommendations. A description of recent key actions in these areas follows.

Budget

In 2009 and 2010, the council adopted as a key legislative priority for the following year advocating to secure sufficient funding for the judicial branch to allow the courts to meet their constitutional and statutory obligations and provide appropriate and necessary services to the public. In 2011, the council adopted as a key legislative priority for 2012 advocating against

further budget reductions and for sufficient resources to allow trial courts to be in a position to reopen closed courts and restore critical staffing, programs, and services that were reduced or eliminated in the preceding several years. Another key legislative priority for 2012 was to advocate for a combination of solutions to restore funding for a portion of the funding eliminated from the branch budget since 2008.

In 2013, the council adopted a key legislative priority of advocating to achieve budget stability for the judicial branch, including advocating against further budget reductions and for sufficient resources to allow courts to be in a position to reopen closed courthouses; restore court facility construction and maintenance projects; and restore critical staff, programs, and services that were reduced or eliminated in the preceding four years.

Annually since 2014, the council has included similar priorities to achieve budget stability for the judicial branch, including advocating for

- sufficient fund balances to allow courts to manage cash flow challenges;
- a method for stable and reliable funding for courts to address annual cost increases in baseline operations;
- sufficient additional resources to allow courts to improve physical access to the courts by keeping courts open and to expand access by increasing the ability of court users to conduct branch business online; and
- restoration of programs and services that were reduced or eliminated in the preceding few years.

Judgeships and SJO conversions

The Judicial Council has sponsored numerous bills to authorize and fund additional judgeships. In 2005, the council sponsored Senate Bill 56 (Dunn; Stats. 2006, ch. 390), which authorized the first 50 of the 150 critically needed judgeships. Full funding was provided in the Budget Act of 2007, and judges were appointed to each of the 50 judgeships created by SB 56.

In 2007, the council secured the second set of 50 new judgeships (Assem. Bill 159 [Jones]; Stats. 2007, ch. 722), with funding to have allowed appointments to begin in June 2008. However, because of budget constraints, the funding was delayed until July 2009, allowing the state to move the fiscal impact from fiscal year (FY) 2007–08 to FY 2009–10. The Governor included funding for the second set of judgeships in the proposed Budget Act of 2009, but the funding ultimately was made subject to what has been called the “federal stimulus trigger.” This trigger was “pulled,” and the funding for the new judgeships and the various other items made contingent on the trigger was not provided.

Almost every year since then, the Judicial Council has sponsored one or more bills to authorize funding for new judgeships (see the table below).

Judicial Council–Sponsored Legislation to Authorize or Fund Additional Judgeships

Year	Bill No.	Author	Purpose	Result
2008	SB 1150	Corbett	Authorize third set of new judgeships	Held in Senate Appropriations Committee
2009	SB 377	Corbett	Authorize third set of new judgeships	Held in Senate Appropriations Committee
2011, 2012	AB 1405	Committee on Judiciary	Authorize third set of new judgeships	Did not move forward
2014	SB 1190	Jackson	Authorize third set of new judgeships*	Held in Senate Appropriations Committee
2015	SB 229	Roth	Fund 12 of 50 previously authorized judgeships†	Vetoed by Governor Brown
2016	SB 1023	Committee on Judiciary	Fund 12 of 50 previously authorized judgeships†	Held in Senate Appropriations Committee
2016	AB 2341	Obernolte	Reallocate judgeships‡	Held in Senate Appropriations Committee
2017	SB 38	Roth	Authorize judgeships	Held in Assembly Appropriations Committee
2017	SB 39	Roth	Reallocate judgeships	Held in Senate Appropriations Committee
2017	AB 414	Medina	Reallocate judgeships	Did not move forward
2019	SB 16	Roth	Fund 25 of 50 previously authorized judgeships ¹	Held in Senate Appropriations Committee

* SB 1190 also sought to secure funding for the second set of 50 new judgeships approved in 2007 but not yet funded.

† SB 229 sought to appropriate \$5 million for the funding.

‡ Specifically, AB 2341 sought to reallocate up to five vacant judgeships from courts with more authorized judgeships than their assessed judicial need to courts with fewer judgeships than their assessed judicial need. The allocation of the vacant judgeships would be based on a methodology approved by the Judicial Council and under criteria contained in Government Code section 69614(b).

With regard to subordinate judicial officer conversions, existing law allows the Judicial Council to convert a total of 162 SJO positions, upon vacancy, to judgeships. The statute caps the number that may be converted each year at 16 and requires the council to seek legislative ratification to exercise its authority to convert positions in any given year. For the past five years, that legislative ratification took the form of language included in the annual Budget Act. The council converted the maximum 16 positions in each fiscal year from 2006–07 through 2010–2011; 20 in

¹ Although SB 16 was held in the Senate Appropriations Committee, that same year the Budget Act of 2019 (Assem. Bill 74; Stats. 2019, ch. 23) provided \$30.4 million in funding for 25 judgeships, leaving the remaining 23 of the 50 judgeships authorized in 2007 (Assem. Bill 159 [Jones]; Stats. 2007, ch. 722.) unfunded.

FY 2011–12;² 13 in FY 2012–13; 11 in FY 2013–14; 9 in FY 2014–15; 11 in FY 2015–16; 6 in both FY 2016–17 and FY 2017–18; 15 in FY 2018–19; and one in FY 2019–20. So far in FY 2020–21, one position has been converted.

Additionally, legislation enacted in 2010 (Assem. Bill 2763; Stats. 2010, ch. 690) expedites conversions by authorizing up to 10 additional conversions per year, if the conversion results in a judge’s being assigned to a family or juvenile law assignment previously presided over by an SJO. This legislation requires that the ratification for these additional 10 positions be secured through legislation separate from the annual budget act. Since 2011, the Judicial Council has sponsored the following legislation to secure ratification of these additional SJO conversions:

Senate Bill 405 (Stats. 2011, ch. 705)	Assembly Bill 1519 (Stats. 2015, ch. 416)
Assembly Bill 1403 (Stats. 2013, ch. 510)	Assembly Bill 2882 (Stats. 2016, ch. 474)
Assembly Bill 2745 (Stats. 2014, ch. 311)	Assembly Bill 1692 (Stats. 2017, ch. 330)

In total, 157 of the 162 SJO positions have been converted; only 5 remain.

Disposition of vacant courthouses

In December 2015, the Judicial Council approved sponsorship of a proposal to authorize the disposition of the San Pedro Courthouse as nonsurplus property, with proceeds of its sale to be placed in the Immediate and Critical Needs Account (ICNA) of the State Court Facilities Construction Fund.

In February 2016, the Judicial Council authorized and approved the sale of the Corning Courthouse to Tehama County and the Chico Courthouse to Butte County in fair market value transactions, with proceeds from those sales treated in the same manner as in the final form of legislative authorization for disposition of the San Pedro Courthouse. The Judicial Council sponsored the legislation authorizing disposition of the San Pedro Courthouse (Assem. Bill 1900 [Jones-Sawyer]; Stats. 2016, ch. 510, codified at Gov. Code, § 70395).

In December 2016, the Judicial Council authorized and approved the sale of the Clovis, Firebaugh, and Reedley Courthouses in Fresno County and the Avenal and Corcoran Courthouses in Kings County as nonsurplus properties, with proceeds from those sales directed to ICNA. The Judicial Council sponsored Senate Bill 403 (Canella; Stats. 2017, ch. 358) authorizing the sale of the Avenal, Chico, Clovis, Corcoran, Corning, Firebaugh, and Reedley Courthouses.

Most recently, the Judicial Council authorized the sale of the West Los Angeles Courthouse and the Mental Health Courthouse in Los Angeles, with proceeds from those sales directed to ICNA.

² The total number of conversions in FY 2011–12 exceeds 16 because of the enactment of Senate Bill 405 (Stats. 2011, ch. 705), which increased the number of allowable conversions in specific circumstances for that fiscal year.

The authorizing legislation, Assembly Bill 2309 (Bloom; Stats. 2018, ch. 536), was signed by the Governor on September 19, 2018.

Efficiencies

To address the budget crisis faced by the branch, in April 2012 the Judicial Council approved for sponsorship 17 legislative proposals for trial court operational efficiencies, cost recovery, and new revenue. An additional 6 efficiency proposals were approved for sponsorship in April 2013. Several noncontroversial and relatively minor measures were successfully enacted into law, while several remaining efficiencies were rejected by the Legislature,³ including one seeking to eliminate the requirement that courts destroy infraction records relating to possession or transport of marijuana.⁴ The Budget Act of 2019 includes \$13.901 million in FY 2019–20 and \$2.929 million in FY 2020–21 to support the increased workload for the trial courts as a result of the enactment of Assembly Bill 1793 (Stats. 2018, ch. 993), which requires sentence modification of past cannabis conviction cases under the Control, Regulate, and Tax Adult Use of Marijuana Act of 2016, also known as Proposition 64.

Rule 10.12(a) of the California Rules of Court authorizes the Legislation Committee to act for the council by:

- (1) Taking a position on behalf of the council on pending legislative bills, after evaluating input from the council advisory bodies and Judicial Council staff, and any other input received from the courts, provided that the position is consistent with the council’s established policies and precedents;
- (2) Making recommendations to the council on all proposals for council-sponsored legislation and on an annual legislative agenda after evaluating input from council advisory bodies and Judicial Council staff, and any other input received from the courts; and
- (3) Representing the council’s position before the Legislature and other bodies or agencies and acting as liaison with other governmental entities, the bar, the media, the judiciary, and the public regarding council-sponsored legislation, pending legislative bills, and the council’s legislative positions and agendas.

Analysis/Rationale

Policy implications

The mission of the Judicial Council includes providing leadership for improving the quality of justice and advancing the consistent, independent, impartial, and accessible administration of justice. Among the guiding principles underlying this mission is a commitment to meet the needs

³ See Attachment A for a list of efficiency and cost-recovery measures approved and rejected by the Legislature.

⁴ Health & Saf. Code, § 11361.5.

of the public, which includes reinvestment in our justice system to preserve and improve access to justice, which Californians expect and deserve.

Further, Chief Justice Tani G. Cantil-Sakauye has proposed a framework to increase public access to the courts. Her vision, entitled Access 3D, combines strategies from the courts—actions that will ensure greater public access—with a reasonable reliance on funds reinvested into the judicial branch. Access 3D is a multidimensional approach to ensuring that Californians have access to the justice system they demand and deserve. The three dimensions of access are improved physical access, by keeping courts open and operating during hours that benefit the public; increased remote access, by increasing the ability of court users to conduct branch business online; and enhanced equal access, by serving people of all languages, abilities, and needs, reflecting California’s diversity. The proposed 2021 legislative priorities continue to support the goals of Access 3D.

Finally, the 2021 legislative priority concerning legislation to recognize Native American Day and/or additional ethnic or racial groups as a judicial holiday furthers the Judicial Council’s mission, and, specifically, furthers the Judicial Council’s Strategic Plan’s commitment to “remove all barriers to access and fairness by being responsive to the state’s cultural, ethnic, socioeconomic, linguistic, physical, gender, and age diversities, and to all people.” Furthermore, it supports the Chief Justice’s direction to address bias and racism and the Judicial Council’s ongoing efforts to evaluate its practices, policies, and procedures and identify opportunities to remove barriers to access and fairness as well as to address conscious and unconscious bias, including racism.

The 2021 legislative priorities mention Native American Day and/or additional ethnic or racial groups specifically because the setting of state holidays is a policy decision appropriately within the purview of the legislature. The legislature has, at Government Code section 6700, listed the holidays for the state of California. Because Native American Day is one of those specifically established state holidays, legislation sponsored by the Judicial Council to recognize Native American Day as a judicial holiday is appropriately limited in scope to effects on the judicial branch. It also does not place the Judicial Council in the position of deciding whether Native American Day should be a holiday as the legislature has already done that, it only says that the judicial branch will no longer exclude it from the holidays it observes.⁵ (See Code of Civ. Procedure, § 135, which specifically excludes “Native American Day” from the days designated as judicial holidays.) Therefore, a legislative priority focused on Native American Day specifically is narrowly tailored to a specific problem unique to the judicial branch and respectful of the constitutional tenet of separation of powers.

⁵ When the legislature approved AB 1973 (Hernández; Stats. 2014, ch. 537) recognizing Native American Day as an official state holiday (but not a paid day off for state agencies and departments because those days are determined through collective bargaining and MOUs with the state), the legislature overlooked the cross-reference in CCP 135 and inadvertently created a paid day off in the judicial branch. The legislature corrected this oversight in the public safety budget trailer bill (SB 85 Committee on Budget and Fiscal Review; Stats. 2015, ch. 26) by clarifying that Native American Day is not a court holiday, thereby aligning the judicial branch with all other branches of state government.

Current law designates “Columbus Day” as a judicial holiday. Columbus Day is a holiday that commemorates the landing of Christopher Columbus in the Americas in 1492. But, throughout its history, Columbus Day and the man who inspired it have generated controversy, and many alternatives to the holiday have been proposed since the 1970s, including Indigenous Peoples' Day and Native American Day. According to the Pew Research Center, only 21 states and the federal government give their employees a paid day off for Columbus Day. The California legislature added the fourth Friday of September as the Native American Day state holiday in 2014. (See AB 1973 (Hernandez) Stat. 2014, ch. 537.)

In 2018, Senate Bill 1490 was introduced to create a holiday recognizing other groups impacted by colonialism by changing Columbus Day to “Indigenous Peoples’ Day,” but that bill failed to pass. Legislative committee analysis noted that there was already a Native American Day holiday and opposition to wholly eliminating Columbus Day as a recognized holiday.

Other prior and related legislation in recent years includes: (partial list)

ACR 146 (Weber, Stats. 2020, ch. 4) / SCR 5 (Bradford, Stats. 2019, ch. 10) commemorates January 15th as "Dr. Martin Luther King, Jr. Day" (companion resolutions are adopted annually in both the Senate and Assembly)

AB 177 (Low, 2019) proposed the first Tuesday after the first Monday in November of each year in which a statewide or national election is held as a state holiday. (Held in Assembly Appropriations Committee)

SB 383 (Stone, 2019) proposed the day after Thanksgiving, or "Yom Kippur," whichever day is chosen by the employee, as a state holiday. (Failed in Senate Government Organization Committee)

SCR 145 (Bradford, Stats. 2018, ch. 112) Recognizes June 19th as "Juneteenth" also known as “Juneteenth Independence Day,” “Emancipation Day,” “Emancipation Celebration,” and “Freedom Day,” and urges the people of California to join in celebrating Juneteenth as a day to honor and reflect on the significant role that African Americans have played in the history of the United States (resolution adopted annually in the legislature)

AB 1023 (Brough, 2017) proposed February 6th "Ronald Reagan Day" as a state holiday. (Failed in Assembly Public Employees, Retirement, and Social Security Committee)

AB 3042 (Santiago, 2018) proposed that school districts, county offices of education, and charter schools could designate May 1 as a holiday known as "International Workers' Day," if they also combined Lincoln Day and Washington Day into a single "Presidents' Day" (Failed on the Assembly Floor)

SB 984 (Polanco, Stats. 2000, ch. 213) established March 31st "Cesar Chavez Day" as a paid holiday for state employees

AB 1953 (Baca, Stats. 1998, ch. 637) renamed "American Indian Day" to "Native American Day" and authorized the State Board of Education to adopt a model curriculum guide related to "Native American Day" (pertains to schools)

Existing law also requires the Governor to proclaim other days in honor of various groups, individuals, or events. These days include: (partial list)

- September 28th as “Cabrillo Day.”
- January 15th as “Dr. Martin Luther King, Jr., Day.”
- March 7th as “Arbor Day.”
- February 19th as “A Day of Remembrance: Japanese American Evacuation.”
- First Sunday in October as “Stepparents Day.”
- April 21st as “John Muir Day.”
- March 30th as “Welcome Home Vietnam Veterans Day.”
- December 7th as “Pearl Harbor Day.”
- Month of February as “Black History Month.”
- Third Saturday in June as “Juneteenth National Freedom Day: A Day of Observance.”
- April 24th as “California Day of Remembrance of the Armenian Genocide.”
- May 22nd as “Harvey Milk Day.”
- January 30th as “Fred Korematsu Day of Civil Liberties and the Constitution.”
- February 6th as “Ronald Reagan Day.”
- January 23rd as “Ed Roberts Day.”
- October 25th as “Larry Itliong Day.”
- First Friday in May as “Space Day.”
- March 20th or the following day as “Nowrūz Day,” the day of the astronomical Northward equinox.

Considering other or additional ethnic groups to include in the observance of a judicial holiday furthers the Judicial Council’s mission, and, specifically, furthers the Judicial Council’s Strategic Plan’s commitment to “remove all barriers to access and fairness by being responsive to the state’s cultural, ethnic, socioeconomic, linguistic, physical, gender, and age diversities, and to all people.” Furthermore, it supports the Chief Justice’s direction to address bias and racism and the Judicial Council’s ongoing efforts to evaluate its practices, policies, and procedures and identify opportunities to remove barriers to access and fairness as well as to address conscious and unconscious bias, including racism.

Currently, Government Code section 6700 lists all California state holidays. This list includes both Columbus Day and Native American Day. Judicial holidays are set by Code of Civil Procedure section 135, which ties judicial holidays to the list in section 6700 of the Government Code but specifically excludes Admissions Day and Native American Day. As noted above, paid

days off in the executive branch are determined in collective bargaining, and paid days off in the legislative branch are determined by the legislature—not by what is listed in statute. Further, all executive branch agencies, as well as the legislature, do not receive a paid day off for Columbus Day, Columbus Day was eliminated as a state civil service holiday in 2009 (see SBX3 8 (Ducheny) Stats, 2009, ch. 4), and it does not appear as a state holiday on CalHR’s or individual state agency’s webpages. Here are the 2020 State holidays posted by CalHR:

- Wednesday, January 1 New Year’s Day
- Monday, January 20 Martin Luther King Jr. Day
- Monday, February 17 Presidents’ Day
- Tuesday, March 31 Cesar Chavez Day
- Monday, May 25 Memorial Day
- Saturday, July 4 Independence Day
- Monday, September 7 Labor Day
- Wednesday, November 11 Veterans Day
- Thursday, November 26 Thanksgiving Day
- Friday, November 27 Day after Thanksgiving
- Friday, December 25 Christmas Day

Conversely, because judicial holidays are set in statute and tied to the holidays listed in Government Code section 6700, without a statutory amendment Columbus Day must continue to be a paid judicial holiday. By maintaining a paid holiday for Columbus Day while other state government entities do not, the judicial branch may appear insensitive to the surrounding controversy and centuries of damage and marginalization perpetrated against Native Americans and other ethnic groups. Further, adopting this legislative priority does not make a policy determination by creating or eliminating a state holiday or deciding what state holidays should exist as that is the role of the legislature; rather, it is shifting which state holiday the judiciary observes collectively.

Comments

This proposal did not circulate for public comment.

Alternatives considered

No alternatives were considered.

Fiscal and Operational Impacts

The public expects and deserves access to California’s courts. Providing timely access to high-quality justice is the cornerstone of Access 3D. The key to the success of Access 3D is a robust reinvestment in the courts. Adoption of the proposed legislative priorities will allow Judicial Council staff to support the goals of Access 3D.

Sponsoring legislation to make Native American Day a judicial holiday would not have a fiscal effect or create an additional paid judicial holiday because it would simply replace Columbus Day with Native American Day, thus maintaining the same number of paid judicial holidays.

The recommendations support many of the council's strategic plan goals, including Goal I, Access, Fairness, and Diversity, by seeking to secure funding to provide access to the courts for all Californians and being responsive to the state's cultural and ethnic diversity; Goal II, Independence and Accountability, by seeking to secure sufficient judicial branch resources to ensure accessible, safe, efficient, and effective services to the public; and Goal IV, Quality of Justice and Service to the Public, by seeking funding to continue critical programs to meet the needs of court users.

Attachments and Links

1. Attachment A: *Efficiencies and Cost-Recovery Proposals Approved or Rejected by the Legislature*

Efficiencies and Cost-Recovery Proposals Approved or Rejected by the Legislature

Approved by the Legislature

Senate Bill 75 (Stats. 2013, ch. 31), a trailer bill of the Budget Act of 2013, includes the following efficiency/cost-recovery proposals:

- Increase the statutory fee from \$10 to \$15 for a clerk to mail service of a claim and order on a defendant in small claims actions.
- Prohibit the Franchise Tax Board and the State Controller from conditioning submission of court-ordered debt to the Tax Intercept Program on the court's or county's providing the defendant's social security number, while still allowing the social security number to be released if the Franchise Tax Board believes it would be necessary to provide accurate information.
- Increase the fee from \$20 to \$50 for exemplification of a record or other paper on file with the court.
- Modify the process for evaluating the ability of a parent or guardian to reimburse the court for the cost of court-appointed counsel in dependency matters.

Assembly Bill 619 (Stats. 2013, ch. 452) revised the formula for assessing interest and penalties for delinquent payments to the State Court Facilities Construction Fund to conform to the existing statute governing interest and penalties for late payments to the Trial Court Trust Fund by using the Local Agency Investment Fund rate.

Assembly Bill 648 (Stats. 2013, ch. 454) clarified language from the prior year that created a new \$30 fee for court reporters in civil proceedings lasting one hour or less.

Assembly Bill 1004 (Stats. 2013, ch. 460) allowed magistrates' signatures on arrest warrants to be in the form of digital signatures.

Assembly Bill 1293 (Stats. 2013, ch. 382) established a new \$40 probate fee for filing a request for special notice in certain proceedings.

Assembly Bill 1352 (Stats. 2013, ch. 274) streamlined court records retention provisions.

Senate Bill 378 (Stats. 2013, ch. 150) provided that an electronically digitized copy of an official record of conviction is admissible to prove a prior criminal act.

Senate Bill 843 (Stats. 2016, ch. 33), commencing January 1, 2017, and until January 1, 2021, granted a defendant six peremptory challenges in a criminal case if the offense charged is punishable with a maximum term of imprisonment of one year or less, and reduced the number of peremptory challenges that may be exercised separately by a defendant who is jointly tried from four to two in cases in which the maximum term of imprisonment is one year or less.

Required the Judicial Council to conduct a study and, on or before January 1, 2020, submit a report to the Legislature on the reduction in the number of peremptory challenges.

Assembly Bill 2232 (Stats. 2016, ch. 74) corrected drafting errors in the rules governing retention of court files regarding certain misdemeanor traffic offenses.

Rejected by the Legislature

- ***Administrative assessment for maintaining records of convictions under the Vehicle Code.*** Clarify that courts are required to impose the \$10 administrative assessment for *each conviction* of a violation of the Vehicle Code, not just upon a “subsequent” violation.
- ***Audits.*** Defer required audits until trial courts and the Judicial Council receive specified funding to cover the cost of the audits.
- ***Bail bond reinstatement.*** Authorize courts to charge a \$65 administrative fee to reinstate a bail bond after it has been revoked.
- ***Collections.*** Allow courts to retain and distribute collections rather than transferring collected funds to county treasuries with distribution instructions.
- ***Court costs for deferred entry of judgment.*** Clarify that the court can recoup its costs in processing a request or application for diversion or deferred entry of judgment.
- ***Court reporter requirement in nonmandated case types (Sen. Bill 1313; 2014 [Nielsen]).*** Repeal Government Code sections 70045.1, 70045.2, 70045.4, 70045.75, 70045.77, 70045.8, 70045.10, 70046.4, 70050.6, 70056.7, 70059.8, 70059.9, and 70063 to eliminate the unfunded mandate that the enumerated courts (Butte, El Dorado, Lake, Mendocino, Merced, Modoc, Mono, Monterey, Nevada, San Luis Obispo, Solano, Tehama, Trinity, and Tuolumne Counties) use court reporters in specified nonmandated case types.
- ***Destruction of records relating to possession or transportation of marijuana.*** Eliminate the requirement that courts destroy infraction records relating to possession or transport of marijuana.
- ***File search fee for commercial purposes.*** Allow courts to charge a \$10 fee to commercial enterprises, except media outlets that use the information for media purposes, for any file, name, or information search request.
- ***Marijuana possession infractions.*** Amend Penal Code section 1000(a) to exclude marijuana possession, per Health and Safety Code section 11357(b), from eligibility for deferred entry of judgment.
- ***Notice of mediation.*** Amend Family Code section 3176 to eliminate the requirement for service by certified, return receipt requested, postage-prepaid mail for notice of mediation, and clarify that the court is responsible for sending the notice.

- ***Notice of subsequent DUI.*** Repeal Vehicle Code section 23622(c) to eliminate the court's responsibility to provide notification of a subsequent DUI to courts that previously convicted the defendant of a DUI.
- ***Penalty assessments.*** Revise and redirect the \$7 penalty assessment from court construction funds to the State Court Facilities Construction Fund.
- ***Preliminary hearing transcripts.*** Clarify that preliminary hearing transcripts must be produced only when a defendant is held to answer the charge of homicide.
- ***Sentencing report deadlines (Assem. Bill 1214; 2015 [Achadjian]/Assem. Bill 2129; 2016 [Lackey]).*** Amend Penal Code section 1203 to require courts to find good cause before continuing a sentencing hearing for failure by the probation department to provide a sentencing report by the required deadlines.
- ***Trial by written declaration (Assem. Bill 2871; 2016 [Oberholte]).*** Eliminate the trial de novo option when the defendant in a Vehicle Code violation has not prevailed on his or her trial by written declaration.
- ***Monetary sanctions against jurors (Assem. Bill 2101; 2016 [Gordon]).*** Amend Code of Civil Procedure section 177.6 to add jurors to the list of persons subject to sanctions.