



# Judicial Council of California

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## Subject Details (With Text)

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### Title

#### Judicial Council: 2016 Legislative Priorities (Action Required)

#### Summary

Each year, the Judicial Council authorizes sponsorship of legislation to further key council objectives and establishes priorities for the upcoming legislative year. For the 2016 legislative year, the Policy Coordination and Liaison Committee (PCLC) recommends an approach that follows the Chief Justice's Access 3D framework: (1) advocate for investment in our justice system to preserve access to justice for all Californians, including a method to provide stable and reliable funding; (2) advocate to secure new judgeships for communities most in need and ratify the authority of the council to convert vacant subordinate judicial officer positions to judgeships in eligible courts; (3) advocate for a three-branch solution to ensure the fairness and efficiency of California's penalty assessment structure; (4) continue to sponsor legislation to improve judicial branch operational efficiencies, including cost savings and cost recovery measures; and (5) delegate to PCLC the authority to take positions or provide comments on behalf of the Judicial Council on proposed legislation, administrative rules, or regulations, after evaluating input from council advisory bodies and council staff, and any other input received from the courts, provided that the input is consistent with the council's established policies and precedents.

#### Recommendation

The PCLC recommends that the Judicial Council consider the following as legislative priorities in 2016:

1. Advocate budget stability for the judicial branch to include: (a) sufficient fund balances to allow courts to manage cash flow challenges; (b) a method for stable and reliable funding for courts to address annual cost increases in baseline operations and plan for the future; and (c) sufficient additional resources to allow courts 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, and to restore programs and services that were reduced or eliminated in the past few years. This includes seeking the extension of sunset dates on increased fees implemented in the fiscal year (FY) 2012-2013 budget:
  - \$15 or \$20 fee for various services, to be distributed to the Trial Court Trust Fund (Sargent Shriver project), expiring on July 1, 2017 (Gov. Code, § 68085.1)
  - \$40 probate fee enacted in 2013, expiring on January 1, 2019 (Gov. Code, § 70662)
2. Seek additional judgeships and subordinate judicial officer conversions.
  - (a) Work with the Administration and Legislature to address the concerns raised in the

- Governor's veto message of the judgeship bill (SB 229; Roth).
- (b) Secure funding for critically needed judgeships. Seek funding for 12 of the remaining 50 unfunded judgeships, assigned to the courts with the greatest need based on the most recently approved Judicial Needs Assessment. (See alternatives in the Comments section, below.)
  - (c) Secure funding for two additional justices in Division Two of the Fourth Appellate District (Riverside/San Bernardino). Seek funding for one additional justice in FY 2016-2017 and the second additional justice in FY 2017-2018.
  - (d) Advocate, as is done each year, for legislative ratification of the Judicial Council's authority to convert 16 subordinate judicial officer (SJO) positions in eligible courts to judgeships, and sponsor legislation for legislative ratification of the council's authority to convert up to 10 additional SJO positions to judgeships if the conversion will result in an additional judge sitting in a family or juvenile law assignment that was previously presided over by an SJO.
3. Advocate for a three-branch solution to ensure the fairness and efficiency of California's penalty assessment structure. The issue of state penalty assessments is a complex matter that requires attention of all three branches of government to implement long-term solutions.
  4. Continue to sponsor legislation to improve judicial branch operational efficiencies, including continued sponsorship of the following cost savings and cost recovery measures:
    - **Sentencing report deadlines (AB 1214; Achadjian):** Amends 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.
    - **Peremptory challenges (SB 213; Block):** Simplifies and reduces peremptory challenges in criminal misdemeanor cases. Would reduce and standardize the number of challenges at five for all misdemeanors, plus two challenges per side when two or more defendants are jointly tried.
    - **Retention of court records: driving offenses (AB 897; Gonzalez):** Would correct drafting errors in the rules governing retention of court files regarding certain misdemeanor traffic offenses.
    - **Annual Court Facilities Construction Fund Report:** Amend Government Code section 70371.8 to allow the annual report on the Immediate and Critical Needs Account of the State Court Facilities Construction Fund to be submitted to the Legislature by November 1 rather than March 1 each year so that actual revenue/expenditure figures can be included rather than projection estimates.
    - **Trial by written declaration:** Eliminates 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:** Amend Code of Civil Procedure section 177.5 to add jurors to the list of persons subject to sanctions.
  5. Delegate to PCLC the additional authority to take positions or provide comments on behalf of the Judicial Council on proposed legislation, administrative rules, or regulations, after evaluating input from council advisory bodies and council staff, and any other input received from the courts, provided that the input is consistent with the council's established policies and precedents.

### Speakers

Mr. Cory Jaspersen, Governmental Affairs