



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 ♦ Sacramento, California 95814-3393
Telephone 916-323-3121 ♦ Fax 916-323-4347 ♦ TDD 415-865-4272

MEMORANDUM

TO: Honorable Ronald M. George
Members of the Policy Coordination and Liaison Committee
William C. Vickrey, Administrative Director of the Courts

FROM: Curtis L. Child, Director
Office of Governmental Affairs

DATE: April 22, 2009

RE: Status of 2009 legislation considered by the Policy Coordination and Liaison Committee

Following is the status report on 2009 legislation considered by the Judicial Council's Policy Coordination and Liaison Committee (PCLC) during the 2009-2010 legislative session. The bills are listed in numerical order by house (Assembly and Senate) and are indexed by subject matter. The second column, "description" summarizes the relevant portions of the bill—and the version of the bill—on which the PCLC position is based. The description column also includes an updated summary to reflect the most current version of the bill. The "Judicial Council position" column tracks the council's initial position and any subsequent change to that position.

The text of all versions of a bill, committee analyses, vote information, history, and bill status can be found on the Legislature's website (including past session information) at: <http://www.leginfo.ca.gov/bilinfo.html>

JUDICIAL COUNCIL OF CALIFORNIA
Policy Coordination and Liaison Committee Action on 2008 Legislation
and Status of Bills

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JUDICIAL COUNCIL OF CALIFORNIA
Policy Coordination and Liaison Committee Action on 2009 Legislation
and Status of Bills

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 22, 2009
AB 5 (Daniel Pone)	<u>AB 5 (Evans) – Civil discovery: Electronic Discovery Act</u> As introduced Among other things, adds definitions of “electronic” and “electronically stored information” to the Civil Discovery Act. Amends the act to expressly authorize the discovery of electronically stored information, and authorizes the “copying, testing or sampling” of such information. Allows a party to specify the form in which electronically stored information is to be produced, and if no form is specified, the responding party must produce the information in the form or forms in which it is ordinarily maintained or in a form that is reasonably usable. Establishes procedures for motions to compel and motions for protective orders relating to the discovery of electronically stored information. Sets forth a procedure for handling disputes over the production of electronically stored information that is subject to claims of privilege or attorney work-product protection.	Sponsor	Judicial Council, California Defense Counsel and Consumer Attorneys of California	In Senate
AB 12 (Tracy Kenny)	<u>AB 12 (Beall) – California Fostering Connections to Success Act</u> As amended April 13, 2009 Sets forth the procedures for transitioning the Kin-GAP program to a program with federal financial participation. Requires that new guardianship assistance payment agreements be negotiated with current and future guardians. Sets forth procedures for providing foster care support to youth ages 18-21.	Sponsor	Judicial Council, Children’s Law Center, California Alliance of Child & Family Services, California Youth Connection Youth Law Center, County Welfare Directors Association, John Burton Foundation for Children without Homes, and SEIU	Assembly Appropriations Committee
AB 131 (Tracy Kenny)	<u>AB 131 (Evans) – Juvenile proceedings: costs</u> As amended March 24, 2009 Authorizes the Judicial Council to implement a cost recovery program to collect reimbursements from parents for the cost of dependency counsel, and directs that the recovered funds be used to reduce caseloads for attorneys. Requires the Judicial Council to develop a statewide standard for determining the ability of parents to pay.	Sponsor	Judicial Council	Assembly Appropriations Committee— suspense file.

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 22, 2009
AB 170 (Donna Hershkowitz)	<u>AB 170 (Mendoza) – Court reporters: rough draft transcript</u> As introduced Treats “real time” transcripts (referred to in the legislation as “the instant visual display of testimony”) in the same manner as rough draft transcripts by providing that real time transcripts cannot be used, cited, distributed, or transcribed as the official certified transcript, and cannot be used or cited to rebut or contradict the official certified transcript. Sunsets January 1, 2017, reverting to the now-existing law unless the sunset date is removed or extended by subsequent legislation.	Support	California Court Reporters Association	In Senate
AB 250 (June Clark)	<u>AB 250 (Miller) – Criminal procedure: withdrawal of plea waivers</u> As introduced Requires a criminal defendant's withdrawal of a waiver of his or her speedy trial time limits to be done in open court.	Support	California District Attorneys Association	Assembly Public Safety Committee
AB 273 (Janus Norman)	<u>AB 273 (Anderson) – Collections</u> As introduced Requires the superior courts to submit all unpaid court-ordered debt to the Franchise Tax Board, regardless of the amount, if the debt is at least 90 days delinquent. Allows the Franchise Tax Board to include in the total amount owed by the debtor that is subject to collection, the “actual and reasonable cost of collection.”	Oppose	Author	Assembly Revenue and Taxation Committee
AB 447 (June Clark)	<u>AB 447 (Nestande) – Criminal procedure: trial counsel: inability to pay</u> As introduced Makes mandatory on the court and defendant several provisions permissive under current law relating to the court’s determination of a defendant’s ability to pay for counsel.	Oppose	Riverside County District Attorney	Assembly Public Safety Committee
AB 612 (Tracy Kenny)	<u>AB 612 (Beall) – Custody and visitation: nonscientific theories</u> As introduced Prohibits the consideration of a “nonscientific theory” in a child custody matter, as defined, and disallows the admission into evidence of any child custody evaluation report which includes a nonscientific theory.	Oppose	Center for Judicial Excellence	Assembly Judiciary Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 22, 2009
AB 663 (Janus Norman)	<p><u>AB 663 (Jones) – Legal aid: court interpreters</u></p> <p>As amended April 15, 2009 Requires the Judicial Council to establish a working group to identify and develop best practices to expand the use of interpreters in civil proceedings and to implement a three-year pilot project in up to five courts to provide interpreters in civil proceedings. Also requires the Judicial Council to enter into one or more master agreements with telephonic appearance providers to provide uniformity in the fees charged and requires fifteen dollars per appearance to support the cost of the civil interpreter pilot project.</p> <p>Limits the use of the term legal aid.</p>	Sponsor interpreter related provisions; no position on legal aid provision	Judicial Council	Assembly Appropriations Committee
AB 712 (Daniel Pone)	<p><u>AB 712 (Evans) – Small claims court: equitable relief</u></p> <p>As amended April 13, 2009 Specifies that a small claims court has jurisdiction over an action for an injunction or other equitable relief when a statute expressly authorizes a small claims court to award that relief. Expressly provides that this legislation does not expand and is not encouraging the expansion of the jurisdiction of the small claims court.</p>	<p>Support, as proposed to be amended</p> <p>Update: <i>As amended April 13, 2009</i> <i>Support</i></p>	Author	Assembly Floor
AB 839 (Daniel Pone)	<p><u>AB 839 (Emmerson) – Medi-Cal providers: remedies</u></p> <p>As amended March 26, 2009 Requires Medi-Cal service providers with a complaint or grievance concerning the processing or payment of money that the provider alleges is payable under the Medi-Cal program to follow specified Department of Health Care Services complaint procedures. Providers may seek “appropriate judicial remedies” to appeal the department’s decision. AB 839 would instead specify that the provider who has complied with these procedures may, within the time period prescribed in existing law, file a petition for a writ of mandate pursuant to Section 1085 of the Code of Civil Procedure (CCP) in the superior court.</p>	Support	Department of Health Care Services	Assembly Judiciary Committee
AB 908 (June Clark)	<p><u>AB 908 (Berryhill, T.) – Probation: cost of services</u></p> <p>As introduced Requires the court, if probation is granted, to order the payment of the reasonable costs of any probation supervision or conditional sentence as a condition of probation.</p>	Oppose	Chief Probation Officers of California	Assembly Public Safety Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 22, 2009
AB 938 (Tracy Kenny)	<u>AB 938 (Committee on Judiciary) – Dependent children: relative caregivers and foster parents</u> As amended April 20, 2009 Requires that social workers immediately investigate the identity and location of all adult grandparents and other relatives of a child after the child is detained, and notify the relatives that the child has been removed from his or her parents, and the means by which the relative might participate in the care of the child. Requires that parties to dependency cases have an opportunity to confer with their counsel and review reports before a proceeding, and requires the court to inquire about whether this opportunity has been provided, and continue the hearing to allow conferring when the opportunity has not been provided.	Sponsor	Judicial Council	Assembly Human Services Committee
AB 942 (Donna Hershkowitz)	<u>AB 942 (Committee on Judiciary) – Judicial needs assessment and subordinate judicial officer conversions</u> As amended April 13, 2009 Requires the Judicial Council to prepare and submit to the Legislature a Judicial Needs Assessment that revises the time study specifically for family and juvenile law, and thus re-evaluates the overall judicial need. Authorizes the Judicial Council to convert up to an additional 10 subordinate judicial officer positions (SJOs) to judgeships each year, upon vacancy, if the conversion of these additional positions will result in a judge being assigned to a family or juvenile law assignment previously presided over by a subordinate judicial officer.	Support	Author	Assembly Appropriations Committee
AB 996 (Janus Norman)	<u>AB 996 (Anderson) – Hours of operation</u> As introduced Authorizes the courts to operate on a continuous and ongoing basis, 24 hours per day, seven days per week.	Oppose	Author	Assembly Judiciary Committee
AB 1338 (June Clark)	<u>AB 1338 (Anderson) – Arraignment courts</u> As introduced Authorizes the presiding judge of the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender, to establish and conduct an arraignment court program. Also authorizes the presiding judge of the superior court to establish extended hours for the operation of an arraignment court program, and would require the proceeds of any pecuniary orders issued during those extended hours to be distributed by the court among the participating prosecutorial, defense, probation, and arresting agencies.	Oppose unless clarified and funded	Author	Assembly Appropriations Committee
SB 59 (June Clark)	<u>SB 59 (Huff) – Criminal procedure: trials: continuances</u> As introduced Adds cases involving the California Street Terrorism Enforcement and Prevention Act to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.	Oppose	Sacramento County District Attorney's Office, Gang Unit	Senate Public Safety Committee

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SB 209 (Daniel Pone)	<u>SB 209 (Corbett and Harman) – Civil actions: disabled access</u> As introduced Requires a Certified Access Specialist inspection report filed with the court to remain confidential and allows disclosure only to the parties to the action, the parties’ attorneys, and others necessary to the settlement of the case. Requires the report to remain confidential throughout the stay issued by the court and until the conclusion of the claim, unless there is a showing of good cause by any party.	Support	Authors	In Assembly
SB 210 (June Clark)	<u>SB 210 (Runner) – Traffic violator schools: regulation</u> As proposed to be amended Consolidates all traffic violator school programs under the licensing authority of the Department of Motor Vehicles.	Support	Author	In Senate
SB 259 (Daniel Pone)	<u>SB 259 (Benoit) – Common interest developments: elections</u> As introduced Provides that, if a court voids any results of a homeowners’ association election for one or more Common Interest Development (CID) board members, the court shall not invalidate a decision of the board that was reached after the board was seated pursuant to that election unless the court finds that the action of the board was contrary to law or the governing documents.	Oppose	Community Associations Institute	Senate Judiciary Committee
SB 308 (Daniel Pone)	<u>SB 308 (Harman) – Professional fiduciaries</u> As introduced Specifies how individuals are counted to determine whether a person is a professional fiduciary under the Professional Fiduciaries Act, including that those individuals related to the fiduciary would not be counted and that individuals or trustors who are related to each other would be counted as one individual.	Support	California Judges Association	Senate Floor
SB 319 (June Clark)	<u>SB 319 (Harman) – Jury service</u> As amended April 2, 2009 Eliminates the sunset and reporting requirement on provisions allowing courts to impose monetary sanctions for failure to appear in response to a jury summons. Decreases the amount of time that must elapse before a compliance action may be initiated. Allows sanctions to be deposited into the Trial Court Trust Fund without designation for a specific purpose.	Sponsor	Judicial Council	Senate Floor
SB 377 (Donna Hershkowitz)	<u>SB 377 (Corbett) – Courts: judgeships</u> As introduced Authorizes 50 new judgeships, upon appropriation by the Legislature, to be allocated to the superior courts pursuant to the methodology adopted by the Judicial Council.	Sponsor	Judicial Council	Senate Appropriations Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 22, 2009
SB 432 (June Clark)	<u>SB 432 (Runner) – Crime victims’ restitution</u> As introduced Authorizes the court and the counties, when a person who has been ordered to pay restitution to a victim is also sentenced to a term of imprisonment in state prison, to provide the victim’s contact information to the Department of Corrections and Rehabilitation, along with the restitution order, to enable the department to distribute the restitution collected on the victim’s behalf.	Oppose unless amended to delete courts from the newly-created authority to provide victim contact information to California Department of Corrections and Rehabilitation.	California Department of Corrections and Rehabilitation	Senate Public Safety Committee
SB 556 (Janus Norman and Daniel Pone)	<u>SB 556 (Committee on Judiciary) – Courts</u> As amended April 15, 2009 Clarifies that a court is authorized to charge the same fees for post-judgment motions related to the enforcement of a small claims judgment as a court charges for the enforcement of a regular civil judgment. Clarifies that a court is authorized to submit unpaid bail amount to the Franchise Tax Board Court-Ordered Debt Collection program. Requires a court to escheat unclaimed victim restitution to the State Restitution Fund.	Sponsor	Judicial Council	Senate Floor
SBX2 11 (Curtis Child)	<u>SBX2 11 (Steinberg) – Judges: employment benefits</u> As introduced Preserves local supplemental judicial benefits as they were in place July 1, 2008. Provides immunity to judges who received the benefits in the past. Requires the Judicial Council to report to the Legislature by December 31, 2009, on benefit inconsistencies.	Sponsor	Judicial Council	Signed into law (Stats. 2009, ch. 9)
SBX2 12 (Curtis Child/Janus Norman)	<u>SBX2 12 (Steinberg) – Court facilities financing</u> As introduced Provides for the continuous appropriation of fine and fee revenue created by SB 1407 (Stats. 2007, ch. 311) to support the cost of site acquisitions and preliminary drawings for new courthouse construction projects. Creates an expedited process for authorizing trial court capital outlay projects.	Sponsor	Judicial Council	Signed into law (Stats. 2009, ch. 10)

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