

Memorandum 2001-88

Statutes Made Obsolete by Trial Court Restructuring (Draft of Tentative Recommendation)

INTRODUCTION

This memorandum presents for Commission approval a draft tentative recommendation on statutes made obsolete by trial court restructuring. Our objective at the meeting is to approve the tentative recommendation to circulate for comment, subject to any revisions that appear appropriate.

The Exhibit to this memorandum is the staff draft tentative recommendation. The 607-page draft can be downloaded in Adobe Acrobat format from the Commission's website (www.clrc.ca.gov). Look for the link following the entry for this memorandum in the online agenda (www.clrc.ca.gov/agenda.html).

This memorandum notes a few outstanding issues requiring Commission attention before the tentative recommendation is approved for distribution. A few other issues will be raised at the Commission meeting in separate or supplemental memoranda. See, e.g., Memorandum 2001-96 (official reporters).

ISSUES

Court Executive or Administrative Officer

The Commission has noted statutory references to a court "administrative officer" and requested staff research on the question whether these references might be deleted as a pre-unification artifact of trial court coordination.

The staff's research indicates that, while most courts have an executive officer, a half-dozen have an administrative officer. The Trial Court Employment Protection and Governance Act specifically authorizes a chief administrative officer — "Each trial court may appoint an executive or administrative officer who shall hold office at the pleasure of the trial court and shall exercise such administrative powers and perform such other duties as may be required by the trial court." Gov't Code § 71620(b).

The staff does not believe we need to add a provision in the statutes to the effect that “executive officer” includes “administrative officer”. As far as we can tell from a quick review, the statutes where a reference to both could be important already include such a reference.

Deposit of Local Court Rules

Existing law provides that local court rules must be filed with the Judicial Council, for deposit with each county law library or county clerk. Code Civ. Proc. § 575.1. At the September meeting the Commission decided to propose revision to require deposit with the law library and clerk of the court.

We have received a note from Gary Cramer of the California Court Reporters Association supporting this revision. “Reporters do have occasion to review local court rules. In Los Angeles the county law library is open and available later, for longer hours and more days per week than the courthouse. However, the courthouse is open earlier than the law library. Having access to both would provide more convenient access to the local court rules.”

On the other hand, we have correspondence from the Administrative Office of the Courts opposed to this revision. Under court rules the court executive officer can delegate responsibility to maintain local rules to the law library. A law library is a better place to view local rules than a court clerk’s office, where they may be less accessible. According to Cara Vonk of AOC, clerks do not like to maintain local rules. One court has informed them that they simply dump the local rules in a box because they are understaffed and cannot maintain them.

AOC would like to move from paper copies of local rules to web-based access. Electronic posting is complex and needs to be carefully superintended. The Judicial Council is currently considering amendments to Rule 981, which would provide for web posting of local rules, with technical assistance made available to the public. Paper would no longer be required.

AOC would prefer to see Code of Civil Procedure Section 575.1 amended simply to read that local rules must be filed as provided by the Judicial Council. “This would give us the greatest flexibility to do away with paper where appropriate and deal with technological issues as they change over time.”

If we were to implement AOC’s suggestion, Section 575.1(b) could be amended along the following lines;

After a majority of the judges have officially adopted the rules,
~~61 copies or a greater number~~ copies of the rules, as specified by

Judicial Council rule, shall be filed with the Judicial Council as required by Section 68071 of the Government Code. The Except as otherwise provided by Judicial Council rule, the Judicial Council shall deposit a copy of each rule and amendment with each county law library or county clerk and the clerk of each superior court where it shall be made available for public examination. The local rules shall also be published for general distribution in accordance with rules adopted by the Judicial Council. Each court shall make its local rules available for inspection and copying in every location of the court that generally accepts filing of papers. The court may impose a reasonable charge for copying the rules and may impose a reasonable page limit on copying. The rules shall be accompanied by a notice indicating where a full set of the rules may be purchased.

Comment. Subdivision (b) of Section 575.1 is amended to provide the Judicial Council greater authority in determining the manner of dissemination of local rules, which may include electronic filing and publication. *Cf.* Cal. Rules Ct. 981 (local court rules).

The Commission needs to determine the policy on this one. A middle ground would be to require deposit with the county law library and give the Judicial Council control of other deposits, publications, and electronic postings. A minimal revision — sidestepping policy changes — would simply substitute the court clerk for the county clerk and leave the rest of the provision alone.

Trial Court Unification Studies

The Law Revision Commission and Judicial Council are engaged in a number of substantive studies of judicial procedure in the wake of unification. Specific authority for this is found in Government Code Section 70219:

70219. On submission by the California Law Revision Commission of its report to the Governor and Legislature pursuant to Resolution Chapter 102 of the Statutes of 1997 recommending statutory changes that may be necessitated by court unification, the Judicial Council and the California Law Revision Commission shall study and make recommendations to the Governor and Legislature on the issues identified in the report as appropriate for future study, including consideration of the experience in counties in which the courts have unified. Each agency shall assume primary or joint responsibility for the studies and recommendations as outlined in the report, and each agency shall consult with the other in the studies and recommendations. This section does not limit any authority of the Judicial Council or the California Law Revision

Commission to conduct studies and make recommendations authorized or directed by law.

This provision was repealed by SB 1191 (Speier), enacted as 2001 Cal. Stat. ch. 745, operative January 1, 2002. The repeal was part of an effort to clean out of the codes about 400 obsolete statutory reporting requirements.

While the report referred to in Section 70219 has been delivered, the studies directed by the section have not been completed. The section is not technically necessary, since the Commission has adequate — in fact broader — authority for the same purpose in its general resolution of authority.

Nonetheless, the staff thinks statutory authorization of the major studies in progress — civil procedure and criminal procedure revisions for the unified trial court system — would be helpful. (The Commission has basically completed all the smaller studies assigned to it.) We have discussed this matter with Judicial Council staff, but have not yet decided on replacement language, if any.

The trial court restructuring bill would be an appropriate vehicle to reinstate a statutory directive on the matter. The staff envisions something along the following lines:

70219. (a) The Judicial Council and the California Law Revision Commission shall jointly study and make recommendations to the Governor and Legislature reexamining the three-track civil procedure system of unlimited civil cases, limited civil cases, and small claims cases and the underlying policies of the system in light of unification of the trial courts.

(b) The California Law Revision Commission shall study and make recommendations to the Governor and Legislature reexamining criminal procedures, and in particular procedures that require motions or other preliminary proceedings before a magistrate or superior court judge and an opportunity for review by another superior court judge, in light of unification of the trial courts.

(c) This section does not limit any authority of the Judicial Council or the California Law Revision Commission to conduct studies and make recommendations authorized or directed by law.

Comment. Section 70219 replaces former Section 70219 with more specific direction as to major studies mandated by the former provision.

UNRESOLVED ISSUES

Many statutes cannot be disposed of until stakeholders resolve underlying policy and fiscal issues. The major categories of unresolved issues are identified below, along with examples of suspect provisions and their proposed treatment in the tentative recommendation.

Sessions and Facilities

Many statutes relate to court sessions and court facilities. Historically, trial courts evolved as county-level institutions. Court facilities were constructed and maintained by counties based in large measure on the needs of the local judiciary and government. Consequently, court sessions and facilities are interconnected issues. Indeed, many of the suspect statutes require action by a county's board of supervisors before sessions may be held at a particular location.

The Trial Court Funding Act of 1997 transferred responsibility for funding of court operations from the counties to the state. However, the Act did not alter county responsibility for court facilities pending study of the issue by the Task Force on Court Facilities. The Task Force recommends the transfer of trial court facility responsibility to the state over a three-year period.

The Task Force report does not address sessions issues. Nevertheless, any resolution of sessions issues may depend on the funding mechanisms established with regard to trial court facilities. We understand that the Judicial Council may be investigating the matter and developing an approach to the sessions issues.

The draft tentative recommendation generally leaves sessions and facilities statutes unchanged. The draft includes Notes attached to facilities and sessions statutes, to the following effect:

Note. Issues involving sessions and facilities are still unsettled. This section may need to be preserved [or revised] on completion of (1) the study and recommendation by the task force on court facilities, and (2) negotiations among other interested parties. The Commission solicits comments on these issues.

Some sessions and facilities provisions occur in a chapter or article that is being repealed. In that case, the provision is reenacted in order to preserve it until an appropriate final disposition can be determined. See, e.g., the provisions relating to San Luis Obispo County — Article 27 (commencing with Section 74602) of Chapter 10 of Title 8 of the Government Code.

A few sessions and facilities statutes can be amended to reflect trial court unification without substantive effect. These changes are relatively straightforward and are implemented in the tentative recommendation. For example:

Gov't Code § 69510 (amended). Superior court sessions at location of facility

SEC. _____. Section 69510 of the Government Code is amended to read:

69510. A majority of the judges of a superior court may order sessions of the court to be held at any place ~~where a municipal court holds sessions within the county or, in a county in which there is no municipal court,~~ where there is a court facility. The order shall be filed with the county clerk of the court and published as the judges may prescribe.

Comment. Section 69510 is amended to reflect unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution. See Gov't Code § 70212(b) (preexisting court locations retained as superior court locations).

The section is also amended to reflect elimination of the county clerk's role as ex officio clerk of the superior court. See former Gov't Code § 26800 (county clerk acting as clerk of superior court). The powers, duties, and responsibilities formerly exercised by the county clerk as ex officio clerk of the court are delegated to the court administrative or executive officer, and the county clerk is relieved of those powers, duties, and responsibilities. See Government Code Sections 69840 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

Fees and Fines

While the Trial Court Funding Act identified and disposed of many court-related fees and fines, a number remain unaddressed. Many statutes still provide for fees collected by court officers to be transmitted to the county treasury for deposit in the general fund. An audit of court-related fees that were not addressed in the Trial Court Funding Act is being conducted by the Bureau of State Audits. The Judicial Council notes:

The purpose of the audit is to help ensure that revenue from these fees is consistently and equitably distributed between local agencies and the courts.

...

The Legislature has approved a recommendation by the Legislative Analyst's Office that an audit determine the total amount of revenue generated by undesignated fees, the disposition

of revenues collected by the trial courts and local governments, and the amount of revenues remitted to the state.

Upcoming Audit of Undesignated Fees, Capitol Connection (Cal. Jud. Council), Oct. 1, 2001, at 8.

As with sessions and facilities statutes, the tentative recommendation defers treatment of questionable fee and fine provisions. A Note accompanies suspect sections explaining the unsettled nature of the issues and soliciting comments.

Fee and fine provisions that are clearly obsolete would be revised or repealed. For example:

Bus. & Prof. Code § 25762 (amended). Fines and forfeitures of bail
SEC. ____ . Section 25762 of the Business and Professions Code is amended to read:

25762. All fines and forfeitures of bail imposed for a violation of this division and collected in any court ~~other than a municipal court~~ shall be paid to the county treasurer of the county in which the court is held.

~~All fines and forfeitures of bail imposed for violation of this division and collected upon conviction or upon forfeiture of bail, together with money deposited as bail, in any municipal court shall be deposited with the county treasurer of the county in which the court is situated and the money deposited shall be distributed and disposed of pursuant to Section 1463 of the Penal Code.~~

Comment. Section 25762 is amended to reflect unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

In some instances, the suspect provision is located within an article or chapter that is being recommended for repeal. This is particularly true with regard to court reporter and municipal court articles. A Note alerting the reader to the unsettled issues has been included. See, e.g., the proposed treatment of Gov't Code § 73443 (fees collected by municipal court officers or attaches in Kern County). These provisions could be repealed, or they may require reenactment, depending on the comments received.

Bank Accounts

The Commission has previously heard concerns over possible deletion of the provision in Section 68084 that permits a municipal court or marshal to deposit funds in a bank account rather than with the county treasurer.

Gov't Code § 68084. Deposits in court

68084. When any money is deposited with the clerk or judge of any court pursuant to any action or proceeding in the court, or pursuant to any order, decree, or judgment of the court, or when any money is to be paid to the treasurer pursuant to any provision of this title or the Code of Civil Procedure, that money shall be deposited as soon as practicable after the receipt thereof with the treasurer and a duplicate receipt of the treasurer for it shall be filed with the auditor. The certificate of the auditor that a duplicate receipt has been filed is necessary before the clerk, judge, or party required to deposit the money is entitled to a discharge of the obligation imposed upon the clerk, judge, or party to make the deposit.

When any money so deposited is to be withdrawn or paid out, the order directing the payment or withdrawal shall require the auditor to draw a warrant for it and the treasurer to pay it. In any city governed by a charter, such withdrawals shall be made pursuant to the charter.

Notwithstanding any other provision of law, any municipal court, or marshal of that court, may elect, with prior approval of the county auditor, to deposit in a bank account or deposit in a savings and loan association pursuant to Section 53679 all moneys deposited with that court, or with the clerk thereof, or received by a marshal. All moneys received and disbursed through that account or on deposit shall be properly accounted for under those procedures the Controller may deem necessary, and shall be subject to periodic settlement with the county auditor as required by law.

Superior courts have been depositing former municipal court funds in bank accounts since unification on the basis of a legal opinion issued by the Office of General Counsel, Administrative Office of the Courts. That opinion states that a unified superior court may continue to deposit former municipal court funds into a private bank account, but that there is no statutory authority to place other funds into such accounts. Based on the unsettled nature of this issue, the Commission decided to leave Section 68084 unchanged.

AB 223, sponsored by the Judicial Council, has been signed by the Governor and chaptered (2001 Cal. Stat. ch. 812). Among other things, it adds a new subdivision (j) to Section 77009:

(j) Notwithstanding any other provision of law, including, but not limited to, this section, the Judicial Council may establish trial court operations funds separate from the county treasury. The operations funds may supersede those provided for under this

section and may require the courts to include any or all money under the control of the court in the funds.

Whether or not this provision provides the necessary legal authority to enable elimination of the bank account language from Section 68084 is unclear. We would continue to defer the matter until it has been resolved.

A similar approach would be taken to Government Code Section 53679:

Gov't Code § 53679 . Deposits

53679. So far as possible, all money belonging to a local agency under the control of any of its officers or employees other than the treasurer or a judge or officer of a municipal court shall, and **all money coming into the possession of a judge or officer of a municipal court may, be deposited as active deposits in the state or national bank, inactive deposits in the state or national bank or state or federal association, federal or state credit union, or federally insured industrial loan company in this state selected by the officer, employee, or judge of the court.** For purposes of this section, an officer or employee of a local agency and a judge or officer of a municipal court are prohibited from depositing local agency funds or money coming into their possession into a state or federal credit union if an officer or employee of the local agency, or a judge or officer of a municipal court, also serves on the board of directors, or any committee appointed by the board of directors, or the credit committee or supervisory committee, of the particular state or federal credit union. Such money is subject to this article except:

(a) Deposits in an amount less than that insured pursuant to federal law are not subject to this article.

For deposits in excess of the amount insured under any federal law a contract in accordance with Section 53649 is required and the provisions of this article shall apply.

(b) Interest is not required on money deposited in an active deposit by a judge or officer of a municipal court.

(c) Interest is not required on money deposited in an active deposit by an officer having control of a revolving fund created pursuant to Chapter 2 (commencing with Section 29300) of Division 3 of Title 3.

(d) Interest is not required on money deposited in an active deposit by an officer having control of a special fund established pursuant to Articles 5 (commencing with Section 29400) or 6 (commencing with Section 29430) of Chapter 2 of Division 3 of Title 3.

Judicial Benefits

There are a few statutes that entitle judges to receive county-provided fringe benefits. For example:

Gov't Code § 69909. Benefits for superior court judges in Riverside County

69909. (a) In the County of Riverside, in addition to any other compensation and benefits, each judge of the superior court shall receive the county flexible benefits plan.

(b) Subject to approval by the board of supervisors, each judge of the superior court shall receive long-term disability insurance to the same extent as provided by the County of Riverside for other elected county officials.

Under Section 77003 and Rule 810 of the Rules of Court, salaries and benefits for superior court judges and staff are considered “court operations.” The Trial Court Employment Protection and Governance Act contains a number of provisions regarding trial court employee benefits, including the right of court employees to continue participating in county benefit plans (with reimbursement by the court). See Sections 71624-71629. A similar enactment does not presently exist with regard to judicial benefits. To complicate matters, the affected counties and courts often have differing opinions regarding the obsolescence of the statutes in question.

In July, the Judicial Council announced a Task Force on Judicial Service which is charged with studying and developing best practices (locally and nationally) on a number of issues relating to judges, including benefits. We would defer taking any action with regard to existing statutes that authorize county benefits for superior court judges until the issues have been resolved by the Task Force and interested parties. Where a judicial benefits statute falls within a municipal court article or chapter proposed for repeal, a Note is included alerting the reader that the issue is unsettled and the statute may need to be preserved, and soliciting comment.

Peace Officer Standards and Training

The Commission on Peace Officer Standards and Training (POST) develops and implements standards, training, education, and certification programs to increase the effectiveness of law enforcement, particularly “local” law enforcement. See Penal Code Sections 13500-13553.

By statute, marshals and deputy marshals of the municipal courts have been subject to Commission standards. They have also been eligible to participate in training and certification programs (and to receive grants to defray the costs of such programs). This is because, as county employees, they were traditionally considered to be “local” law enforcement officers.

An issue has arisen regarding the status of marshals and deputy marshals who are now employed by the superior court. The issue does not exist with regard to marshals and deputy marshals who remain county employees. Representatives of the POST Commission have indicated they would like time to study the matter and arrive at a satisfactory solution. There are issues involving, at a minimum, the types of training (and subsidization) that can be provided to different categories of law enforcement.

The draft tentative recommendation preserves without change the reference in Penal Code Section 13510 to “marshals or deputy marshals of a municipal court” pending further investigation and recommendation by the POST Commission and other stakeholders. Conforming changes to related sections may also be necessary.

Local Venue

Several statutes involve localized venue in the judicial district in which a cause of action arose. Under unification, judicial districts are extinguished and venue in a limited civil case is simply the proper county under normal venue rules. One unintended consequence of unification, perhaps, is loss of provisions for a lawsuit to be filed in an appropriate local venue.

The Commission staff and Judicial Council staff have been working to develop a plan to address these issues. The Administrative Office of the Courts is contemplating a Joint Working Group on Sub-County Venue Issues to study the propriety of preserving in some manner the local venue provisions. The issue is also intertwined to some degree with sessions and facilities questions.

For the purpose of soliciting comments, the tentative recommendation would revise some of the venue provisions to eliminate obsolete judicial district and municipal court references, with a Note drawing attention to the issue. For example:

Code Civ. Proc. § 392 (amended). Venue in real property actions
SEC. ____ . Section 392 of the Code of Civil Procedure is amended
to read:

392. ~~(1)~~ Subject to the power of the court to transfer actions and proceedings as provided in this title, the county in which the real property, that is the subject of the action, or some part thereof, is situated, is the proper county for the trial of the following actions:

(a) For the recovery of real property, or of an estate or interest therein, or for the determination in any form, of that right or interest, and for injuries to real property;

(b) For the foreclosure of all liens and mortgages on real property.

~~(2) The proper court for the trial of any such action, in the county hereinabove designated as the proper county, shall be determined as follows:~~

~~If there is a municipal court, having jurisdiction of the subject matter of the action, established in the city and county or judicial district in which the real property that is the subject of the action, or some part thereof, is situated, that court is the proper court for the trial of the action; otherwise any court in the county having jurisdiction of the subject matter of the action, is a proper court for the trial thereof.~~

Comment. Section 392 is amended to reflect unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

☞ **Note.** This provision raises issues relating to local venue. The Commission and the Judicial Council are studying this area and may propose further revisions to address local venue issues. The Commission solicits comment on the proper treatment of this provision.

CONCLUSION

Notes in the tentative recommendation draft alert reviewers to the unresolved nature of outstanding issues. Depending on the comments we receive and the progress of the stakeholders to resolve the issues, some of the questionable statutes may in fact turn out to be ripe for disposition. In any event, a significant number will require further study and will not be included in the Commission's final recommendation to the Legislature.

Once the Commission has approved a tentative recommendation, we will prepare the document to distribute for comment. Because of the size of the document, we do not anticipate a general mailing of the hard copy text of the proposed revisions, but we will email it to interested persons and will make it available for downloading from our website.

Another means we have discussed of disseminating the text is to have a preprint bill introduced for that purpose. We have sent the text of the draft tentative recommendation to Legislative Counsel to begin the process of preparing it in form for bill introduction. The Legislative Counsel draft could be used for introduction of the bill in preprint form.

A problem with the preprint bill approach is that it would fail to pick up provisions that are unchanged but that are set out in the tentative recommendation for purposes of eliciting comment. Nor would include the text of chapters and articles being repealed in toto, or Notes interspersed throughout the tentative recommendation calling attention to issues and soliciting comment. (The preprint bill would be supplemented, however, with annotations in the tentative recommendation, that could help fill these gaps.)

Another problem with the preprint bill approach is that the bill would be far larger than the handful of pages of a normal preprint bill. We have discussed the preprint concept with the chief counsel for the Senate Judiciary Committee, who is concerned that the bill is too big to be useful in preprint form. He suggests that the bill could be introduced in early January and still receive wide dissemination before hearings are held in the spring. But this would defeat our purpose to circulate a tentative recommendation before a bill is introduced.

The staff suggests we hold off deciding whether to introduce a preprint bill until Legislative Counsel has prepared the actual text of the draft and we see what size it winnows down to after deleting leadlines, comments, notes, text of repealed chapters and articles, etc. Also, in view of the short comment deadline, we may need to disseminate the tentative recommendation immediately without waiting for production of a bill draft by Legislative Counsel.

We anticipate a comment deadline of December 31, 2001. We would consider comments at the Commission's January 17-18, 2002, meeting, before finalizing a recommendation to the Legislature on the matter.

Respectfully submitted,

Nathaniel Sterling
Executive Secretary

STATUTES MADE OBSOLETE
BY TRIAL COURT RESTRUCTURING

SUMMARY OF TENTATIVE RECOMMENDATION

1 In the late 1990's, California's trial court system was substantially restructured through
2 state funding of trial court operations, trial court unification, and reforms relating to trial
3 court employment. As a result, hundreds of statutes are now obsolete. The Law Revision
4 Commission proposes amendment or repeal of the obsolete provisions to reflect the
5 restructuring of the trial court system.

6 In addition to the numerous revisions proposed in this recommendation, other statutes
7 require amendment or repeal but are not included here because stakeholders have not yet
8 reached agreement on key issues, further research is necessary in light of the complexity
9 of the law, or additional time is required to prepare appropriate revisions due to the sheer
10 volume of statutory material involved. The Commission will continue its work on statutes
11 made obsolete by trial court restructuring with the objective of recommending further
12 cleansing of the statutes from time to time.

13 This recommendation was prepared pursuant to Government Code Section 71674.

STATUTES MADE OBSOLETE BY TRIAL COURT RESTRUCTURING

INTRODUCTION

1 The Legislature has directed the California Law Revision Commission to recommend
2 the repeal of statutes made obsolete by trial court funding reform, trial court unification,
3 and trial court employment reform.¹ The recommendation is due by January 1, 2002.

4 The Law Revision Commission submits this recommendation in fulfillment of the
5 legislative directive. In addition to the numerous revisions proposed, many other statutes
6 require amendment or repeal but are not included in this recommendation because
7 stakeholders have not yet reached agreement on key issues, further research is required
8 due to complexity of the law, or additional time is required to prepare appropriate
9 revisions due to the sheer volume of statutory material involved.

10 For these reasons, the Law Revision Commission recommends that the January 1,
11 2002, deadline be removed from the statute. Elimination of the deadline will allow the
12 Commission to continue its work in this area and recommend further cleansing of the
13 statutes from time to time.

METHODOLOGY

14 The body of existing statutory material affected by trial court restructuring is immense.
15 Nearly every provision of Title 8 of the Government Code, relating to the organization
16 and government of the courts, requires review and evaluation. That Title alone occupies
17 several volumes of the annotated codes, comprising more than 2,000 statute sections.²
18 Trial court restructuring also affects provisions in other parts of the Government Code
19 and in other codes, particularly the Code of Civil Procedure and Penal Code.

20 To handle this massive amount of statutory material, the Commission has dealt with it
21 thematically, systematically examining different types of provisions: statutes dealing with
22 the number of judges, statutes dealing with the court clerk, statutes dealing with official
23 reporters, statutes unique to a specific county, and the like. The Commission prepared
24 preliminary drafts relating to each topic and sent them to interested persons and
25 organizations for review and comment. Drafts were circulated to courts, counties, labor
26 unions, professional associations, the Administrative Office of the Courts, and state bar
27 committees, among others.

28 After reviewing comments and making appropriate adjustments in the drafts, the
29 Commission assembled all the material into a comprehensive document: this tentative
30 recommendation on *Statutes Made Obsolete by Trial Court Restructuring*. To facilitate
31 review of the substantial volume of material, **the Commission has inserted Notes in**
32 **appropriate places in the draft calling attention to specific issues.** The Commission
33 has identified these matters as nonroutine and specifically solicits comment on potentially
34 problematic provisions.

1. Gov't Code § 71674. The directive is part of the Trial Court Employment Protection and Governance Act, operative January 1, 2001.

2. The reasons for this are historical. The California Constitution provides that the Legislature must prescribe the number, qualifications, and compensation of municipal court employees, as well as provide for the officers and employees of the superior courts. Cal. Const. art. VI, §§ 4, 5.

1 Although the proposed legislation was prepared during 2001, amendments are directed
2 towards the statutes as they will exist on January 1, 2002. The changes proposed would
3 be enacted during 2002 and become operative on January 1, 2003.

4 The deadline for comments on the tentative recommendation is December 31, 2001.
5 The Commission will review comments at its mid-January, 2002, meeting and make any
6 necessary revisions before submitting its report to the Legislature.

BACKGROUND

7 The restructuring of the trial court system during the late 1990's was monumental. It
8 included (1) the state's assumption of responsibility for trial court funding, (2) unification
9 of the justice courts, municipal courts, and superior courts, and (3) transfer of control of
10 trial court employment to the courts.

11 These enactments override a massive statutory structure that is now at odds with the
12 governing law. To date, the only systematic effort to conform existing statutes to the new
13 law is the Law Revision Commission's overhaul of the codes in 1998 to accommodate
14 trial court unification.³ Even that effort is incomplete, since municipal courts still existed
15 at the time.⁴ County-specific statutes dealing with individual municipal courts in the
16 various counties were not addressed at that time, pending resolution of employment
17 issues. Many statutes still reflect a dual court system.

Trial Court Funding

18 The major event in trial court funding reform was enactment of the Trial Court Funding
19 Act of 1997.⁵ That legislation consolidated funding of the trial courts at the state level.

20 Under the new system the state has assumed full responsibility for funding trial court
21 operations.⁶ The Judicial Council annually submits a trial court budget to the Governor
22 for inclusion in the state budget, which is intended to meet the needs of all trial courts.
23 The Judicial Council administers the budgetary allotment by making payments to the
24 courts.

25 The counties annually make a contribution to the state, based on fiscal year 1994-95
26 levels, with a mechanism for adjustment to correct inequities. The counties are required
27 to continue funding court facilities and court-related costs that are not considered part of
28 court operations, such as indigent defense, pretrial release, and probation costs. Growth in
29 revenues from fines is split between the counties and the state's Trial Court Improvement
30 Fund.

31 The funding reform also contemplates a decentralized system of trial court
32 management. The Judicial Council is required to adopt rules of court to promote such a
33 system.

34 To the extent that existing statutes are inconsistent with this scheme, they need to be
35 reformed. For example, some statutes still vest control over court operations in county
36 boards of supervisors. These statutes are inconsistent with the concepts of state control of

3. *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51 (1998). See 1998 Cal. Stat. ch. 931; see also 1999 Cal. Stat. ch. 344.

4. Unification proceeded on a county by county basis. The municipal and superior courts in Kings County unified on February 8, 2001, eliminating the last remaining municipal courts.

5. See Gov't Code §§ 77000-77655.

6. *Cf.* Gov't Code § 77003 and Cal. R. Ct. 810 ("court operations").

1 trial court funding and court control of court operations. However, county control of
2 some of these matters may still be appropriate. It is necessary to treat the issues on a
3 section by section basis.

Trial Court Unification

4 The California Constitution was amended in 1998 to permit the municipal and superior
5 courts in each county to unify.⁷ As of February 8, 2001, the courts in all of California's
6 58 counties have unified.

7 Although many of the key statutes have been revised to accommodate unification of the
8 trial courts, two significant chores remain in the wake of unification. Now that all courts
9 have unified, the general statutes should be cleansed of remnants relating to the former
10 municipal courts. In addition, various county-specific statutes relating to individual
11 municipal courts must be repealed or recast. To a large extent, this involves eliminating
12 superseded employment statutes for the courts.

Trial Court Employment Protection and Governance

13 The Trial Court Employment Protection and Governance Act was adopted effective
14 January 1, 2001.⁸ It establishes the basis for a new personnel system for employees of
15 California's trial courts. Under the act, trial court employees become employees of the
16 court, not of the state or county. The employees may be considered county employees for
17 the purpose of certain benefits. The local court is given control over budget and personnel
18 decisions.

19 The act maintains employees' current classifications and salaries, and current levels of
20 benefits. It provides discipline for cause and due process hearing procedures as part of the
21 employment protection system. It establishes a personnel system based on merit, for
22 purposes of employment selection and advancement. It does not alter the means by which
23 memoranda of understanding and personnel policies, procedures, and plans are modified.

24 More than half of Title 8 of the Government Code (organization and governance of
25 courts) is devoted to detailed statutes governing employment in every former municipal
26 court. These statutes have been rendered largely obsolete by the enactment of trial court
27 funding, unification, and employment reforms. They are ripe for repeal.

SPECIFIC ISSUES

28 Due to the volume of obsolete statutory material proposed for amendment or repeal, it
29 is impossible to detail here every type of revision being proposed. For each section being
30 revised, the Commission has prepared commentary citing relevant constitutional or
31 statutory provisions relating to trial court restructuring. The general approach proposed
32 for certain types of statutes, and the proposed resolution of key substantive issues, is
33 described below.

7. Cal. Const. art. VI, § 5(e).

8. See Gov't Code §§ 71600-71674.

California Constitution

1 A number of provisions of the California Constitution reflect a trial court structure that
2 included municipal courts.⁹ The constitutional provisions should be amended to reflect
3 unification of the trial courts.

4 The proposed legislation includes repeal of Article VI, Section 23, of the Constitution,
5 containing transitional provisions for trial court unification. The transitional provisions
6 have little effect now that unification is complete, and in any event there remain statutory
7 transitional provisions that are more complete.¹⁰

Judges

8 The California Constitution requires the Legislature to prescribe the number of judges
9 in each county.¹¹ The Legislature has prescribed the number of judges in various
10 counties,¹² but the statutes are incorrect as a result of unification of the courts.¹³

11 As part of this project, the Commission recommends that the statutes be corrected to
12 conform to the actual number of superior court judgeships in each county after unification
13 with the municipal courts. The corresponding municipal court statutes should be repealed.

14 Many statutes refer to “the judge” or judges of the superior court, to the presiding judge
15 or “senior judge” of the court, or to the presiding judge or “sole judge” of the court.¹⁴
16 Every superior court now has a presiding judge¹⁵ and, as a result of unification, every
17 superior court has at least two judgeships. The proposed legislation would clean up
18 language reflective of an earlier era.

Subordinate Judicial Officers

19 The California Constitution authorizes the Legislature to provide for subordinate
20 judicial officers.¹⁶ Subordinate judicial officers include commissioners and referees. The
21 Legislature has provided for subordinate judicial officers through a number of statutes.¹⁷

9. See Cal. Const. art. VI, §§ 1 (judicial power), 5 (municipal court), 6 (Judicial Council), 8 (Commission on Judicial Performance), 10 (original jurisdiction), 15 (qualifications of judges), 16 (election of judges), and 23 (transitional provisions).

10. See Gov’t Code §§ 70200-70218.

11. Cal. Const. art. VI, §§ 4, 5.

12. Gov’t Code §§ 69580-69620 (superior court), 72600-74997 (municipal court).

13. On unification of the superior and municipal courts in a county, the previously selected municipal court judges become superior court judges. Cal. Const. art. VI, § 23(b); Gov’t Code § 70211(a). Until revised by statute, the total number of judgeships in the unified superior court equals the previously authorized number of judgeships in the municipal court and superior court combined. Gov’t Code § 70211(a).

14. See, e.g., Code Civ. Proc. § 404.9; Gov’t Code §§ 23396, 68115, 68546, 69753, 71341, 72190, 72190.1, 72190.2, 72196; Penal Code §§ 924.4, 6031.1; Welf. & Inst. Code § 1737.

15. Gov’t Code § 69508.5 (presiding judge).

16. Cal. Const. Art. VI, § 22 (“The Legislature may provide for the appointment by trial courts of record of officers such as commissioners to perform subordinate judicial duties.”)

The proposed legislation would revise Government Code Section 71601(i) to eliminate the implication that a commissioner serving as a temporary judge acts under auspices of Article 1, Section 22. The authority of a temporary judge is derived from Article 1, Section 21, of the California Constitution (temporary judges). See also Code Civ. Proc. § 259(e) (powers of court commissioners); Fam. Code § 4251(b) (powers of child support commissioners).

17. See, e.g., Gov’t Code §§ 70140-70148 (court commissioners).

1 The Trial Court Employment Protection and Governance Act has established far-
2 reaching provisions relating to subordinate judicial officers that appear to eclipse much of
3 existing law relating to authorization and appointment of subordinate judicial officers.¹⁸
4 Pursuant to this statute the Legislature has exercised its constitutional authority to
5 “provide for” appointment of subordinate judicial officers by delegating the matter to the
6 courts, subject to the control of the Judicial Council. This renders obsolete much of the
7 existing statutory structure relating to subordinate judicial officers, which should be
8 repealed.

Court Clerks

9 Many statutes relating to trial court operations involve the county clerk. These statutes
10 date from an era when the county clerk was ex officio clerk of the superior court.¹⁹

11 These statutes are now obsolete. Pursuant to statutory authority,²⁰ every superior court
12 now has an executive or administrative officer who serves as court clerk. Moreover, the
13 shift of trial court funding from the county to the state renders inappropriate statutes that
14 impose court-related duties on the county clerk.²¹ The proposed legislation revises
15 statutes designating the “county clerk” as the relevant officer for court-related functions.
16 These provisions would refer instead to the “court clerk.” The statutes will operate
17 satisfactorily regardless of whether the particular function is performed by the county
18 clerk, court executive officer, or another court appointee.

Official Reporters

19 The Legislature has enacted an extensive body of law governing official reporters and
20 official reporters pro tempore in each county. Issues covered include appointment, tenure,
21 compensation, benefits, and the like.²² The statutes are remarkably detailed and diverse.

22 To a large extent these provisions are superseded by the Trial Court Employment
23 Protection and Governance Act. For example, statutes providing that superior court or
24 municipal court official reporters hold office “during the pleasure” of the appointing
25 court, as well as municipal court statutes providing civil service protections to official
26 reporters, are generally superseded by the employment protection provisions of the new
27 law.²³

28 It should be noted, however, that not all official reporters are court employees. Some,
29 particularly those appointed as official reporters pro tempore, are not necessarily
30 employees and may be subject to different governing principles.

31 Moreover, some provisions governing official reporters cannot necessarily be
32 considered obsolete. General statutes dealing with fees and allocation of costs, for
33 example, appear to reflect deliberate policy choices regarding not only compensation of

18. Gov’t Code § 71622.

19. See, e.g., former Cal Const. art. I, § 4.

20. Cf. Gov’t Code §§ 26800, 69898.

21. See Gov’t Code § 77200.

22. See, e.g., Gov’t Code §§ 69941-69959 (general provisions governing superior court reporters throughout state).

23. Compare, e.g., Gov’t Code § 69941 (“at pleasure” tenure of superior court reporters) with Gov’t Code §§ 71620 (trial court personnel), 71640-71645 (employment selection and advancement), 71650-71658 (employment protection system), 71673 (authority of court).

1 court reporters, but the costs of court reporting to the court and to the parties.²⁴ These
2 provisions should be preserved in the law.²⁵

3 Several issues relating to official reporters have been the subject of extended debate. In
4 particular, it is unsettled whether the basic compensation and benefit-setting mechanism
5 of the Trial Court Employment Protection and Governance Act supersedes specific
6 statutes relating to compensation in individual counties. The individual county statutes
7 are obsolete and are in need of revision, if not outright repeal, since most of them still
8 appear to involve county boards of supervisors in the bargaining process. This scheme is
9 no longer appropriate for court employees under state funding and court control. To
10 resolve this matter and permit repeal of hundreds of obsolete statutes concerning official
11 reporter compensation, the Law Revision Commission recommends [*to be determined at*
12 *November 2001 Commission meeting*].

13 The issue of electronic reporting is also highly politicized. The proposed legislation
14 seeks to avoid disturbing the status quo on the matter.²⁶

Sheriffs and Marshals

15 Historically, sheriffs, marshals, and constables each served a different trial court.
16 Sheriffs were associated with the superior court, marshals with the municipal court, and
17 constables with the justice court. Each of these officers has non-court, as well as court-
18 related, functions. In the aftermath of trial court funding reform, the courts contract
19 directly for the provision of court security services.²⁷

20 Consolidation of sheriff and marshal operations has been an ongoing process.²⁸ In most
21 counties, the sheriff has assumed operations formerly performed by the marshal. In four
22 counties the marshal's office currently performs services for the superior court.²⁹ The
23 consolidation statutes may continue to serve functions in some counties to the extent that
24 they guarantee continuing rights of former marshal personnel. The proposed legislation
25 accommodates this situation by generally preserving the existing consolidation statutes
26 but adding a 15-year sunset clause to each of the statutes.³⁰

24. See, e.g., Gov't Code § 69950 (transcription fees).

25. Some provisions relating to court reporters should be simplified and clarified without substantive change, as recommended in the Commission's proposal on *Cases in Which Court Reporter is Required*. These nonsubstantive revisions have been incorporated in this tentative recommendation on *Statutes Made Obsolete by Trial Court Restructuring*.

26. For example, the proposed legislation would preserve the provision of Government Code Section 70141.11 (subordinate judicial officers in Contra Costa County) to the effect that, "Any court reporting functions for the commissioner may be by electronic or mechanical means and devices."

27. Gov't Code § 77212.5 (contracts for court security services). This provision is limited to courts for which sheriff-provision of services is required by law. Trial courts that employ marshals are not required to hire sheriffs under this section, nor are they required to enter into agreements with sheriffs.

28. See, e.g., Gov't Code §§ 26625-26625.15 (Contra Costa County), 26630-26637 (Ventura County), 26638.1-26638.11 (Sacramento County), 26639-26639.3 (Los Angeles County), 26639.5-26639.6 (Solano County), 72110 (Riverside County), 72114.2 (San Diego County), 72115 (San Bernardino County), 72116 (Shasta County).

29. These are the counties of Merced, San Benito, Shasta, and Trinity.

30. The proposed legislation recognizes a few variants to accommodate circumstances in particular counties. For example, the sunset clause in San Diego County would be five years; there would be no sunset clause for Shasta County.

County-Specific Municipal Court Statutes

1 More than half of Title 8 of the Government Code (Organization and Government of
2 Courts) — in excess of 1,000 statute provisions — is devoted to details of structure and
3 employment in the municipal courts in various judicial districts in the state. That
4 voluminous legislation is the result of the constitutional requirement that the Legislature
5 prescribe the number, qualifications, and compensation of judges, officers, and
6 employees of the municipal courts.³¹ With unification of the trial courts in every county,
7 and with the elimination of the municipal courts on unification, these statutes are now
8 largely obsolete.³²

9 The transitional provisions for trial court unification make clear that, pending further
10 legislative action, municipal court personnel become superior court personnel. The
11 transitional provisions also preserve the salaries, benefits, and employment rights of
12 municipal court personnel.³³

13 The Legislature has now acted to provide a statewide structure for trial court
14 employees, officers, and other personnel.³⁴ The Trial Court Employment Protection and
15 Governance Act generally supersedes comparable county-specific provisions, such as
16 statutes governing authority to hire, classification, compensation, labor relations,
17 employment selection and advancement, employment protection, and personnel files. The
18 act eclipses the unification transitional provisions; the detailed county-specific municipal
19 court statutes may now be repealed.

General Municipal Court Statutes

20 In addition to county-specific statutes governing the various municipal courts,³⁵ there
21 are statutes that refer to municipal courts generally. Now that all municipal and superior
22 courts have unified, general statutory references to municipal courts should be corrected.
23 The groundwork for much of the necessary revision has already been accomplished, by
24 referring to limited civil cases and to misdemeanor and infraction cases rather than to the
25 municipal court, and by referring to unlimited civil cases and to felony cases rather than
26 to the superior court.³⁶ The conversion now should be completed throughout the codes.³⁷

31. Cal. Const. art. VI, § 5(c).

32. See Cal. Const. art. VI, § 5(e). Statutes governing unification prevail over contrary county-specific statutes relating to the municipal courts. Gov't Code § 70215.

33. See Cal. Const. art. VI, § 23; Gov't Code §§ 70210-70218.

34. See Gov't Code §§ 71600-71674 (Trial Court Employment Protection and Governance Act).

35. See discussion immediately above.

36. See *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51 (1998).

37. For examples of various types of corrective legislation proposed in this recommendation, see, e.g., Bus. & Prof. Code § 6079.1 (judges of State Bar Court); Code Civ. Proc. §§ 84 (process), 85.1 (original jurisdiction), 116.210 (small claims division), 575 (promulgation of rules by Judicial Council), 1132 (confession of judgment).

Some municipal court references need to be retained, particularly in the retirement context, because they have continuing utility. See, e.g., Gov't Code §§ 22825.2 (vesting of retirement benefits on ten years of state service), 26625.8 (credit for bailiff-related services in municipal court), 31640 (county service for purposes of County Employees Retirement Law). See also Penal Code § 190.7 (record of capital case on appeal). See also Gov't Code §§ 71042.5 (preservation of judicial districts for purposes of publication), 71042.6 (map to establish district boundaries). The Commission plans to study issues relating to publication of legal notice. See *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51, 85-86 (1998).

County-Specific Superior Court Statutes

1 Although the Legislature is not constitutionally obligated to enact detailed staffing
2 statutes for superior courts,³⁸ the Legislature has enacted a number of statutes for superior
3 courts, particularly in the larger counties.³⁹

4 Generally, the statutes provide court appointment authority for specified positions at
5 specified salaries, with the possibility of establishing additional titles only with county
6 approval. When salaries are not set by the statute, they are generally set by joint action of
7 the court and county. Positions are typically “at will” and exempt from civil service.

8 The superior court staffing statutes substantially overlap and are largely inconsistent
9 with the Trial Court Employment Protection and Governance Act. Under the Trial Court
10 Employment Protection and Governance Act, authority to establish titles is granted
11 exclusively to the court,⁴⁰ and salaries are set by the court.⁴¹ Most employees are covered
12 by the employment protection system.

13 The county-specific superior court statutes are thus contrary to basic principles of local
14 court authority and state trial court funding, rendering them obsolete. The proposed
15 legislation would repeal the obsolete provisions.

16 Jury Venires

17 The Code of Civil Procedure authorizes smaller-than-countywide jury venires in
18 counties where sessions of the superior court are held outside the county seat.⁴² These
19 venires are based on municipal court districts.

20 A number of statutes also prescribe special rules for superior court jury venires in
21 physically isolated areas of specified counties.⁴³ These venires are based on supervisorial
22 districts or on municipal court districts.

23 The proposed legislation would replace these obsolete provisions with a general statute
24 that incorporates the various existing standards in one comprehensive section, and
25 enables the courts to adopt governing local rules. There would be a one year deferred
26 operative date to enable courts to adopt local rules.

Transitional Issues

27 A substantial amount of the statutory material made obsolete by trial court restructuring
28 relates to employment status, rights, and benefits. Although much of this material is now
29 obsolete, currently effective memoranda of understanding may be based on the statutes.
30 To help assure trial court employees that repeal of obsolete statutes does not jeopardize
31 their current rights, the proposed legislation includes a saving clause that continues the

38. See Cal. Const. art. VI, § 4 (Legislature shall “provide for” officers and employees of superior court).

39. There are approximately 160 county-specific superior court staffing statutes. See Gov’t Code §§ 69890-70148. About 38 of the statutes dealing with trial court employees other than court reporters are found in Article 8 of Chapter 5 of Title 8 of the Government Code (§§ 69890-69915). Approximately 25 statutes dealing with subordinate judicial officers are found in Article 13 of Chapter 5 of Title 8 of the Government Code (§§ 70141-70148). The remaining 100 or so statutes dealing with court reporters are contained in Articles 9 through 12.8 of Chapter 5 of Title 8 of the Government Code (§§ 69941-70139).

40. Gov’t Code § 71620.

41. Gov’t Code § 71623.

42. Code Civ. Proc. § 198.5.

43. See, e.g., Code Civ. Proc. §§ 199-199.5 (El Dorado, Placer, Nevada, and Santa Barbara counties).

1 effect of the repealed statutes to the extent that a current employment right may be based
2 on them.

3 In addition, many statutes govern ongoing retirement benefits of former employees of
4 superseded courts and offices. Because they have continuing effect, they are preserved
5 intact notwithstanding apparently obsolete language in them.⁴⁴

MATTERS NOT COVERED IN THIS RECOMMENDATION

6 Many statutes that require amendment or repeal are not included in this
7 recommendation because stakeholders have not yet reached agreement on key issues,
8 further research is required due to complexity of the law, or additional time is required to
9 prepare appropriate revisions due to the sheer volume of statutory material involved. A
10 few of the major unresolved matters are indicated below.

Trial Court Facilities

11 Responsibility for trial court facilities is a complex matter. The Legislature has
12 established a Task Force on Court Facilities.⁴⁵ The Task Force is charged with
13 identifying needs related to trial and appellate court facilities, and options and
14 recommendations for funding maintenance, improvements, and expansion of court
15 facilities, including specific responsibilities of each entity of government.⁴⁶ Because the
16 policies in this area have yet to be determined, and the Legislature has yet to act on the
17 matter, it is not possible to clean up statutes relating to facilities.

Trial Court Sessions

18 The numerous statutes relating to general and special court sessions require separate
19 and careful treatment. Sessions are tied to court facilities, which have historically been
20 county structures. Under trial court unification procedures, municipal court locations are
21 preserved as superior court locations until superseding legislation is enacted. Statutes
22 requiring a session in a particular location are dependent in part on control of that facility;
23 they are problematic in part because they implicate the need to maintain facilities where
24 sessions are mandated. In addition, statutes requiring a session in a particular location
25 may serve the function of ensuring convenient access for citizens in remote parts of a
26 county. These provisions are not dealt with in this recommendation.

Local Venue

27 A number of statutes require venue in the particular judicial district within the county
28 in which the cause of action arose.⁴⁷ Elimination of judicial districts through unification
29 raises the question whether provisions of this sort should be preserved in some fashion.
30 The Administrative Office of the Courts has organized a Joint Working Group on Sub-
31 County Venue Issues. The proposed legislation solicits comment concerning the
32 appropriate disposition of such provisions.

44. See, e.g., note 37, *supra*.

45. Gov't Code § 77650.

46. The Task Force issued its final report on October 1, 2001.

47. See, e.g., Code Civ. Proc. § 392 (venue for certain proceedings involving real property).

Fees and Fines Paid to County

1 Many statutes provide that fees and fines collected by court officers are transmitted to
2 the county treasury for deposit in the general fund.⁴⁸ Other statutes allow the county to
3 obtain reimbursement of expenses incurred by the court.⁴⁹ Although these funds are
4 generated by court processes or are court-related in nature, the statutes were not revised
5 as part of trial court funding reform. The shift of trial court funding from the counties to
6 the state was accomplished in a comprehensive negotiated agreement that identified
7 specific responsibilities and funding arrangements for each party. Revenues not
8 specifically shifted from the county to the state continue to go to the county.

9 Mechanisms are in place to attempt to resolve some of these issues. A Joint Court-
10 County Working Group on Trial Court Funding has been seeking to address the matter.
11 The Bureau of State Audits is conducting an audit of revenues governed by these statutes.
12 It is premature to attempt to revise the statutes until these processes have been completed.

Duties of County

13 Generally, the proposed legislation implements the transfer of court governance from
14 the county to the courts by proposing appropriate conforming revisions in statutes that
15 impose court-related duties on the county. However, some of the court-related duties
16 directly affect costs to the courts and counties.⁵⁰ Just as issues related to court-generated
17 fees cannot yet be resolved,⁵¹ issues related to court-generated costs cannot yet be
18 resolved. Issues on fees and costs should be dealt with comprehensively, rather than
19 piecemeal. The Commission has not recommended disposition of these matters, pending
20 a consensus among the stakeholders.

Personnel Not Covered by Trial Court Employment Protection and Governance Act

21 Although statutes governing compensation of court employees generally are superseded
22 by the Trial Court Employment Protection and Governance Act, this is not necessarily
23 true of statutes governing compensation of judges.⁵² Judges are not treated as
24 “employees” for purposes of the act.⁵³ The proposed legislation does not address this
25 matter, pending development of proposals by the Judicial Council’s Task Force on
26 Judicial Service.⁵⁴

27 [*Discussion of official reporters pro tempore depends on action taken at the November*
28 *2001 Commission meeting.*]

48. See, e.g., Bus. & Prof. Code § 25762 (fines and forfeitures of bail).

49. See, e.g., Prob. Code §§ 1513.1, 1851.5 (county may assess county expenses incurred for cost of court investigation of a guardianship or conservatorship estate).

50. For example, the propriety of continued county liability for criminal witness fees is in question. See, e.g., Gov’t Code §§ 29603 (payments to jurors and witnesses), 72232 (“Witnesses and jurors in criminal cases shall be paid by the county in the manner provided for the payment of such fees in the county or city and county in which any such municipal court is situated.”); Penal Code § 1329 (court may “direct the county auditor to draw his warrant upon the county treasurer in favor of such witness for witness’ fees”).

51. See discussion of “Fees and Fines Paid to County” immediately above.

52. See, e.g., Gov’t Code §§ 69907 (San Diego County), 69909 (Riverside County).

53. Gov’t Code § 71601(m).

54. A provision governing business-related travel expenses of trial court judges was enacted in 2001. See Gov’t Code § 69505.

CONCLUSION

1 The sheer bulk of statutory material involved in this project presents significant
2 challenges in ensuring that it receives adequate review by interested persons and
3 organizations. To this end, **the Commission has added Notes at appropriate points in**
4 **the draft.** These Notes solicit comment on non-routine, problematic matters.

5 This is a tentative recommendation and is not the final recommendation that the
6 Commission will submit to the Legislature. This document has been prepared to assist
7 persons in the review of the material. The Commission seeks comments to help ensure
8 that any legislation enacted on the matter is sound.

9 The proposed revisions are directed to the statutes as they will exist during 2002, after
10 legislation enacted in 2001 becomes operative.

11 Due to the size of the project, and the statutory deadline associated with it, this tentative
12 recommendation does not purport to deal with all statutes made obsolete by trial court
13 unification. Many statutes are not yet ripe for revision. Others are ripe for revision but
14 require more time and care to address. The fact that this recommendation does not
15 address a particular statute should not be construed to indicate that the Commission has
16 decided that the statute should be preserved over the general restructuring provisions.
17 These statutes may be the subject of a future recommendation by the Commission.

CONTENTS

CONSTITUTION	29
Art. VI, § 1 (amended). Judicial power	29
Art. VI, § 5 (repealed). Municipal court	29
Art. VI, § 6 (amended). Judicial Council	29
Art. VI, § 8 (amended). Commission on Judicial Performance	30
Art. VI, § 10 (amended). Original jurisdiction	31
Art. VI, § 15 (amended). Qualifications of judges	31
Art. VI, § 16 (amended). Election of judges	32
Art. VI, § 23 (repealed). Transitional provision	32
BUSINESS AND PROFESSIONS CODE	33
§ 470.3 (amended). Fee for filing first paper in civil action	33
§ 6079.1 (amended). Judges of State Bar Court	34
§ 6152 (amended). Runners and cappers	35
§ 6302.5 (amended). Board of law library trustees of Los Angeles County	36
§ 6321 (amended). Filing fee	36
§ 6322 (amended). First appearance fee	36
§ 6341 (amended). Law library branches	36
§ 6405 (amended). Bond of legal document assistant or unlawful detainer assistant	37
§ 6412.1 (amended). Remedies	38
§ 6455 (amended). Violations	38
§ 12606 (amended). Deceptive packaging	39
§ 12606.2 (amended). Misleading food containers	40
§ 17511.12 (amended). Bond of telephonic seller	41
§ 22391 (amended). Deposit in lieu of bond of invention developer	44
§ 22455 (amended). Bond or deposit of professional photocopier	45
§ 25762 (amended). Fines and forfeitures of bail	46
CIVIL CODE	46
§ 52.1 (amended). Protection of rights guaranteed by federal or state constitution	46
§ 798.61 (amended). Abandoned mobilehomes	48
§ 1181 (amended). Proof of acknowledgment of instrument	50
§ 1780 (amended). Action for unlawful method, act, or practice	50
§ 1789.24 (amended). Deposit in lieu of bond of credit services organization	51
§ 1812.10 (amended). Action on contract or installment account	52
§ 1812.105 (amended). Deposit in lieu of bond of discount buying organization	53
§ 1812.503 (amended). Bond or deposit of employment agency	54
§ 1812.510 (amended). Bond or deposit of employment counseling service	55
§ 1812.515 (amended). Bond or deposit of job listing service	57
§ 1812.525 (amended). Bond or deposit of nurses' registry	59
§ 1812.600 (amended). Bond or deposit of auctioneer or auction company	61
§ 2924j (amended). Proceeding to discharge trustee and distribute proceeds of sale under deed of trust	62
§ 2984.4 (amended). Action on contract or purchase order	64
CODE OF CIVIL PROCEDURE	65
§ 17 (amended). Words and phrases	65
§ 32.5 (amended). Jurisdictional classification	66
§ 34 (repealed). Application of code provisions to trial courts	66
§ 38 (unchanged). Judicial district	66
§ 73e (amended). Session at location of juvenile hall	67
§ 75 (amended). Superior court with one judge	67
§ 77 (amended). Appellate division	68
§§ 81-84 (repealed). Municipal courts	69

§ 85 (amended). Limited civil cases	69
§ 85.1 (repealed). Original jurisdiction	70
§ 86.1 (amended). Long-Term Care, Health, Safety, and Security Act	70
§ 116.210 (amended). Small claims division	71
§ 116.250 (amended). Small claims court sessions	71
§ 116.940 (amended). Advisory services	71
§ 116.950 (amended). Advisory committee	72
§ 134 (amended). Court closure on judicial holidays	73
§ 166 (amended). Authority of superior court judge	74
§ 170.5 (amended). Definitions	74
§ 170.6 (amended). Prejudice against party or attorney	75
§ 170.9 (amended). Gifts to judges	77
§ 179 (amended). Taking and certifying acknowledgments, affidavits, or depositions	79
§ 194 (amended). Definitions	79
§ 195 (amended). Jury commissioner	80
§ 198.5 (amended). Superior court venires	81
§ 199 (repealed). El Dorado County venires	81
§ 199.2 (repealed). Placer County venires	82
§ 199.3 (repealed). Nevada County venires	82
§ 199.5 (repealed). Santa Barbara County venires	83
§ 200 (repealed). Municipal court jury pools	83
§ 201 (amended). Jury panels	83
§ 215 (amended). Fees and mileage for jurors	84
§ 217 (amended). Food, lodging, and necessities for jurors in criminal cases	84
§ 234 (amended). Alternate jurors	84
§ 259 (amended). Powers of court commissioners	85
§ 269 (amended). Reporting of cases	86
§ 271 (added). Computer-readable transcripts	88
§ 274a (amended). Reporting and transcription of proceedings	88
§ 274c (repealed). Reporting of limited civil cases and misdemeanor and infraction cases	89
§ 392 (amended). Venue in real property actions	89
§ 393 (amended). Venue in actions for statutory penalty or forfeiture and against public officers	90
§ 394 (amended). Venue in action against county, city, or local agency	90
§ 395 (amended). Venue in actions generally	92
§ 396 (amended). Court without jurisdiction	93
§ 396a (unchanged). Statement of jurisdictional facts	94
§ 402 (repealed). Transfer for convenience of municipal court	95
§ 402.5 (repealed). Change of venue in limited civil case	95
§ 403 (amended). Transfer and coordination of noncomplex cases	95
§ 403.010 (amended). Effect of chapter	96
§ 404 (amended). Petition for coordination of complex cases	96
§ 404.3 (amended). Order coordinating actions	97
§ 404.9 (amended). Delegation of duties by presiding judge	97
§ 422.30 (amended). Caption	98
§ 575 (amended). Promulgation of rules by Judicial Council	98
§ 575.1 (amended). Local court rules	98
§ 594 (amended). Bringing issues to trial or hearing	99
§ 628 (amended). Entry upon receipt of verdict	100
§ 632 (amended). Statement of decision	100
§ 655 (repealed). Application of article	100
§ 668 (amended). Judgment book	100
§ 670 (amended). Judgment roll	100
§ 688.010 (unchanged). Jurisdictional requirements	101

§ 701.530 (amended). Notice of sale of personal property	101
§ 701.540 (amended). Notice of sale of interest in real property	102
§ 904.1 (amended). Taking appeal	103
§ 904.2 (amended). Taking appeal in limited civil case	104
§ 904.5 (amended). Small claims appeals	104
§ 1052 (repealed). Register of civil actions in municipal court	104
§ 1052.5 (repealed). Alternative methods of keeping register of actions	105
§ 1060 (amended). Declaration of rights and duties	105
§ 1068 (amended). Courts authorized to grant writ of review	106
§ 1085 (amended). Courts authorized to grant writ of mandate	106
§ 1103 (amended). Courts authorized to grant writ of prohibition	106
§ 1132 (amended). Confession of judgment	106
§ 1141.11 (amended). Arbitration of at-issue civil actions	107
§ 1141.12 (amended). Arbitration	108
§ 1141.29 (repealed). Judicial Council report	108
§ 1161.2 (amended). Case court records	108
§ 1208.5 (amended). Satisfaction of liens for expense of keeping abused, abandoned or neglected animals	110
§ 1281.5 (amended). Application to stay pending arbitration	110
§ 1420 (amended). Escheat	111
§ 1710.20 (amended). Filing of application	112
§ 1775.1 (amended). Definitions	112
§ 2015.3 (amended). Certificate of sheriff, marshal, or court clerk	112
CORPORATIONS CODE	112
§ 420 (amended). Transfer of shares	112
ELECTIONS CODE	113
§ 2212 (amended). Report of persons convicted of felonies	113
§ 13109 (amended). Order of offices on ballot	114
FAMILY CODE	115
§ 4252 (amended). Appointment of child support commissioners and Judicial Council standards	115
§ 7122 (amended). Declaration of emancipation	117
§ 7134 (amended). Revocation of emancipation	117
GOVERNMENT CODE	117
§ 811.9 (amended). Representation, defense, and indemnification of trial court judges, judicial officers, court executive officers, and employees	117
§ 945.3 (amended). Civil action against peace officer or public entity	118
§ 990.2 (amended). Authority to insure court officer or attaché	119
§ 1770 (amended). Vacancy before expiration of term	119
§ 3501.5 (amended). Public agency	120
§ 6103.5 (amended). Filing and service of process fees included in judgment	120
§ 6520 (amended). San Diego Courthouse, Jail, and Related Facilities Development Agency	121
§ 6701 (amended). Holiday falling on Saturday or Sunday	122
§ 6704 (amended). Saturday as holiday	122
§ 12965 (amended). Accusation or civil action for unlawful employment practice	122
§ 12980 (amended). Complaint, accusation, and civil action for housing discrimination	124
§ 12989 (amended). Civil action instead of administrative proceeding	126
§ 15422 (amended). Substitute for county public defender	127
§ 16265.2 (amended). County costs of eligible programs, county costs of justice programs, and general purpose revenues	127
§ 20437 (amended). “County peace officer” as including constables, marshals, and deputies	129
§ 20440 (amended). County peace officer	129

§ 22754.35 (amended). Benefits of municipal and justice court judges	129
§ 23220 (amended). Effect of boundary change on pending cases	130
§ 23296 (repealed). Effect of boundary change on municipal court districts	130
§ 23396 (repealed). Superior court officers, attachés and other employees	130
§ 23398 (repealed). Effect of creating new county on municipal court districts	130
§ 23579 (repealed). Effect of consolidating counties on municipal court districts	131
§ 25100.5 (amended). Clerk of the board of supervisors	131
§ 25351.3 (unchanged). Acquisition, rental, and improvement of real property and facilities	131
§ 25560.4 (unchanged). Dedication of unused park lands for court buildings	133
§ 26299.008 (unchanged). Court facilities	133
§ 26524 (repealed). Representation of court or judge by district attorney	133
§ 26608.3 (amended). Service of writs, notices and other process by marshal	133
§ 26608.4 (repealed). Service of writs, notices and other process	134
§ 26608.5 (repealed). Service of writs, notices and other process	134
§ 26625 (amended). Short title	135
§ 26625.1 (repealed). Operation of §§ 26625.2 to 26625.10	135
§ 26625.2 (amended). Court security bureau	135
§ 26625.3 (amended). Court security oversight committee	136
§ 26625.4 (amended). Appointing authority	136
§ 26625.10 (repealed). Marshal’s office abolished	137
§ 26625.11 (repealed). Operation of §§ 26625.12 to 26625.15	137
§ 26625.12 (repealed). Deputy sheriffs’ status	137
§ 26625.13 (repealed). Status of sheriff department employees	137
§ 26625.14 (repealed). Seniority	138
§ 26625.15 (repealed). Peace officer status	138
§ 26626 (added). Repeal of article	138
§§ 26630-26637 (repealed). Ventura County Court Services Consolidation Act	138
§ 26638.2 (amended). Consolidation of marshal and sheriff departments	140
§ 26638.4 (amended). Sheriff to provide court-related services	140
§ 26638.5 (amended). Notice and process and court security services	141
§ 26638.6. (amended). Court security services unit	141
§ 26638.7 (amended). Chief deputy of court security services unit	141
§ 26638.8 (amended). Written policies	142
§ 26638.9 (amended). Complaints, budget, and staffing	143
§ 26638.10 (amended). Independent review team	143
§ 26638.11 (amended). No limitation or impairment of power to secure court-related services	144
§ 26638.12 (added). Repeal of article	144
§ 26639.2 (amended). Bailiff courtroom assignment	145
§ 26639.4 (added). Repeal of article	145
§ 26639.7 (added). Repeal of article	145
§ 26665 (amended). Service of writs or other process	145
§ 26667 (repealed). Consolidation of duplicate services	146
§ 26668 (repealed). Consolidation of court-related services	146
§ 26671.1 (amended). Consolidation of sheriff and marshal offices	147
§ 26671.4 (amended). Court-related services	147
§ 26671.5 (amended). Quality of service and bailiff assignments	147
§ 26671.6 (amended). Court services oversight committee	148
§ 26671.8 (amended). No limitation or impairment of power to secure court-related services	148
§ 26672 (added). Repeal of article	148
§ 26800 (repealed). County clerk acting as clerk of superior court	149
§ 26806 (amended). Foreign language interpreters	149

§ 26827.1 (amended). Fee for clerk’s preparation of order or decree in probate proceeding in Los Angeles County	150
§ 27647 (repealed). Representation of court or judge by county counsel	150
§ 27706 (amended). Duties of public defender	151
§ 29603 (amended). Payments to jurors and witnesses	151
§ 29610 (amended). Convention expenses	152
§ 31469 (amended). “Employee” defined	152
§ 31520 (amended). Board of retirement	153
§ 31554 (repealed). Participation in county retirement plan by superior court employees	153
§ 31555 (repealed). Participation in county retirement plan by municipal court employees	153
§ 31662.6 (amended). Retirement age of safety members	154
§ 31663 (amended). Retirement age of sheriff, undersheriff, marshal and other officers	154
§ 50920 (amended). “Peace officer” defined	154
§ 53069.4 (amended). Violation of ordinance	155
§ 53075.6 (amended). Impoundment for operating as taxicab near airport or international border without taxicab certificate, license, or permit	156
§ 53075.61 (amended). Impoundment by transportation inspector for operating as taxicab without taxicab certificate, license, or permit	156
§ 53200.3 (repealed). County group insurance	157
§ 53214.5 (repealed). County deferred compensation plans	157
§ 53679 (unchanged). Deposits	157
§ 61601.1 (amended). Abatement of graffiti	158
§ 68071 (amended). Effective date of trial court rules	158
§ 68072 (amended). Effective date of rules of Judicial Council, Supreme Court, or court of appeal	159
§ 68073 (amended). Responsibility for court operations and facilities	159
§ 68073.5 (unchanged). Use of county facilities in or adjacent to court buildings in Los Angeles County	160
§ 68074.1 (amended). Manner of affixing seal	160
§ 68077 (repealed). Seal of municipal court	160
§ 68082 (amended). Practice of law by court officers	160
§ 68083 (repealed). Conversion of municipal court judgeship	161
§ 68084 (unchanged). Deposits in court	161
§ 68086 (amended). Fees for reporting services	162
§ 68090.7 (amended). Fee for automating recordkeeping system and converting document system to micrographics	163
§ 68093 (amended). Witness fees	163
§ 68096 (repealed). Witness fees and mileage in Tuolumne County	164
§ 68098 (amended). Witness fees in criminal cases	164
§ 68105 (amended). Certified shorthand reporter who intends to become citizen	164
§ 68108 (repealed). Unpaid furlough days	165
§ 68112 (repealed). Trial court coordination plans	165
§ 68112.5 (repealed). Cross-assignment of subordinate judicial officers	167
§ 68114 (repealed). Single presiding judge	167
§ 68114.5 (repealed). Single executive committee	167
§ 68114.6 (repealed). Powers and duties of court executive officer	167
§ 68114.8 (repealed). Official reporters in San Bernardino County	168
§ 68114.9 (repealed). Cross-deputization	169
§ 68115 (amended). Emergency court operations	169
§ 68152 (amended). Retention of court records	170
§ 68202 (amended). Annual salary of judges	174
§ 68206.2 (amended). Reimbursement for salary and per diem of substitute judge	174
§ 68520 (repealed). Reporting requirements	174
§ 68525 (amended). Records and reports of official reporter	175

§ 68540 (repealed). Additional compensation for municipal court judge assigned to superior court	175
§ 68542 (repealed). Expenses for travel to another county	175
§ 68542.5 (repealed). Expenses for travel within county	175
§ 68546 (repealed). Assignment of municipal court attachés to superior court	176
§ 68551 (amended). Institutes and seminars	176
§ 68562 (amended). Certification of court interpreters	176
§ 68611 (repealed). Report on exemplary delay reduction program	178
§ 68618.5 (repealed). Exemplary trial court delay reduction programs in Sonoma, Humboldt, Napa, Yolo, Fresno, San Joaquin, and Santa Barbara Counties	178
§ 68620 (amended). Delay reduction program for limited civil cases	178
§ 69508.5 (amended). Presiding judge	179
§ 69510 (amended). Superior court sessions at location of facility	179
§ 69510.5 (amended). Sessions at any location within Orange County	180
§ 69510.6 (amended). Sessions at Crestmoor High School in San Mateo County	180
§ 69580 (amended). Number of judges in Alameda County	180
§ 69580.3 (added). Number of judges in Alpine County	180
§ 69580.7 (added). Number of judges in Amador County	181
§ 69581 (amended). Number of judges in Butte County	181
§ 69581.3 (added). Number of judges in Calaveras County	181
§ 69581.7 (added). Number of judges in Colusa County	181
§ 69582 (amended). Number of judges in Contra Costa County	181
§ 69582.3 (added). Number of judges in Del Norte County	181
§ 69582.5 (amended). Number of judges in El Dorado County	182
§ 69583 (amended). Number of judges in Fresno County	182
§ 69583.5 (added). Number of judges in Glenn County	182
§ 69584 (amended). Number of judges in Humboldt County	182
§ 69584.5 (amended). Number of judges in Imperial County	182
§ 69584.7 (added). Number of judges in Inyo County	182
§ 69585 (amended). Number of judges in Kern County	183
§ 69585.5 (amended). Number of judges in Kings County	183
§ 69585.7 (amended). Number of judges in Lake County	183
§ 69585.9 (added). Number of judges in Lassen County	183
§ 69586 (amended). Number of judges in Los Angeles County	183
§ 69587 (amended). Number of judges in Madera County	184
§ 69588 (amended). Number of judges in Marin County	184
§ 69588.3 (added). Number of judges in Mariposa County	184
§ 69589 (amended). Number of judges in Merced County	184
§ 69589.3 (added). Number of judges in Modoc County	184
§ 69589.7 (added). Number of judges in Mono County	184
§ 69590 (amended). Number of judges in Monterey County	185
§ 69590.5 (amended). Number of judges in Napa County	185
§ 69590.7 (amended). Number of judges in Nevada County	185
§ 69591 (amended). Number of judges in Orange County	185
§ 69591.3 (added). Number of judges in Placer County	185
§ 69591.7 (added). Number of judges in Plumas County	185
§ 69592 (amended). Number of judges in Riverside County	186
§ 69593 (amended). Number of judges in Sacramento County	186
§ 69593.5 (added). Number of judges in San Benito County	186
§ 69594 (amended). Number of judges in San Bernardino County	186
§ 69595 (amended). Number of judges in San Diego County	186
§ 69595.5 (amended). Concurrent daily sessions	186
§ 69596 (amended). Number of judges in City and County of San Francisco	187
§ 69598 (amended). Number of judges in San Joaquin County	187

§ 69598.5 (added). Number of judges in San Luis Obispo County	187
§ 69599 (amended). Number of judges in San Mateo County	187
§ 69599.5 (amended). Number of judges in Santa Barbara County	188
§ 69600 (amended). Number of judges in Santa Clara County	188
§ 69600.5 (added). Number of judges in Santa Cruz County	188
§ 69601 (amended). Number of judges in Shasta County	188
§ 69601.3 (added). Number of judges in Sierra County	188
§ 69601.7 (added). Number of judges in Siskiyou County	189
§ 69602 (amended). Number of judges in Solano County	189
§ 69603 (amended). Number of judges in Sonoma County	189
§ 69604 (amended). Number of judges in Stanislaus County	189
§ 69604.3 (added). Number of judges in Sutter County	189
§ 69604.5 (added). Number of judges in Tehama County	189
§ 69604.7 (added). Number of judges in Trinity County	190
§ 69605 (amended). Number of judges in Tulare County	190
§ 69605.5 (amended). Number of judges in Tuolumne County	190
§ 69606 (amended). Number of judges in Ventura County	190
§ 69607 (repealed). Number of judges in Tehama County	190
§ 69608 (repealed). Number of judges in Mendocino County	190
§ 69609 (repealed). Number of judges in Placer County	191
§ 69610 (amended). Number of judges in Yolo County	191
§ 69611 (amended). Number of judges in Yuba County	191
§ 69613 (repealed). Number of judges in San Luis Obispo County	191
§ 69614 (repealed). Number of judges in Santa Cruz County	191
§ 69615 (repealed). Number of judges in Sutter County	191
§ 69640 (unchanged). “District” defined	192
§ 69641 (unchanged). Division of county	192
§ 69642 (unchanged). Locations of superior court sessions	192
§ 69643 (unchanged). Change of boundaries	192
§ 69644 (unchanged). Minimum population	192
§ 69646 (unchanged). Changes in locations of superior court sessions	192
§ 69647 (unchanged). Court’s quarters	192
§ 69648 (repealed). Traveling expenses in county with population exceeding 4,000,000	192
§ 69649 (amended). Superior court sessions in Los Angeles County	193
§ 69650 (unchanged). Change of boundaries by legislature	193
§ 69688.7 (added). Number of judges in Mendocino County	193
§ 69741 (amended). Regular and special sessions	194
§ 69743 (amended). Superior court additional sessions	194
§ 69744 (amended). Superior court sessions at various locations	194
§ 69744.5 (amended). Superior Court sessions in particular locations	195
§ 69746.5 (repealed). Sessions in judicial district in Kern County	196
§ 69749.3 (unchanged). Sessions in Palm Springs	196
§ 69749.4 (unchanged). Sessions in Indian Wells Valley area of northeast Kern County	196
§ 69750 (repealed). Travel within county to city where not regularly assigned	197
§ 69752 (unchanged). Sessions in cities other than county seat	197
§ 69753 (repealed). Superior court session at municipal court location	197
§ 69801 (repealed). Extra sessions in San Bernardino County	198
§ 69840 (added). Powers, duties, and responsibilities of clerk of court	198
§ 69890 (repealed). Secretary to the judges	199
§ 69891.1 (repealed). Secretary to the judges in Solano County	199
§ 69891.5 (repealed). Salary of judicial secretary or stenographer in Sonoma County	199
§ 69892 (repealed). Judicial secretaries	200
§ 69892.1 (repealed). Court executive officer/clerk in Los Angeles County	200
§ 69893.5 (repealed). Court personnel in Sacramento County	201

§ 69893.7 (repealed). Court personnel in Yolo County	201
§ 69894 (repealed). Court personnel in Los Angeles County	202
§ 69894.1 (repealed). Salaries of court personnel in Los Angeles County	203
§ 69894.3 (repealed). Court personnel in counties over 2,000,000	203
§ 69894.4 (repealed). Expense allowances	204
§ 69894.5 (amended). Employment and assignment of officers or attachés as interpreters	205
§ 69894.6 (repealed). Official reporters in Los Angeles County	205
§ 69895 (repealed). Court executive officer in City and County of San Francisco	205
§ 69896 (repealed). Secretary serving as jury commissioner	206
§ 69897 (amended). Probate commissioners	206
§ 69898 (repealed). Appointment of court executive officer	206
§ 69899.5 (repealed). Court personnel in Orange County	207
§ 69900 (repealed). Court personnel in City and County of San Francisco	208
§ 69901 (repealed). Expense allowances	210
§ 69903 (repealed). Court officers and employees in Alameda County	210
§ 69903.3 (repealed). Extra compensation for administrative assistant and chief calendar deputy in Alameda County	211
§ 69904 (repealed). Court personnel in San Diego County	211
§ 69906 (repealed). Court personnel in San Bernardino County	212
§ 69907 (unchanged). Benefits for superior court judges in San Diego County	213
§ 69908 (repealed). Court personnel in Madera County	214
§ 69909 (unchanged) Benefits for superior court judges in Riverside County	214
§ 69911 (repealed). Court personnel in Kern County	215
§ 69912 (repealed). Deputy court clerk in San Luis Obispo County	216
§ 69915 (amended). Consolidation of court-related services	216
§ 69941 (amended). Appointment of official reporters	218
§ 69942 (amended). Qualifications of official reporter	219
§ 69944 (amended). Completion and filing of transcriptions of notes	219
§ 69945 (repealed). Excuse of official reporter	219
§ 69947 (repealed). Compensation of official reporter	220
§ 69947 (added). Compensation of official reporter	220
§ 69948 (repealed). Compensation in contested cases	221
§ 69948.5 (repealed). Compensation in Modoc County	222
§ 69949 (repealed). Fee for reporting default	222
§ 69950 (amended). Transcription fee	222
§ 69952 (amended). Payment from Trial Court Operations Fund	223
§ 69953.5 (amended). Daily transcript requiring more than one reporter	223
§ 69955 (amended). Reporting notes	224
§ 69956 (repealed). Stenographic or clerical assistance by reporter	225
§ 69957 (repealed). Assignment to municipal court	225
§ 69958 (repealed). Assignment to municipal court	225
§ 69959 (repealed). Assignment to municipal court	225
§§ 69990-69991 (repealed). Official reporters in Monterey, Santa Barbara, and Stanislaus Counties	226
§§ 69992-69992.2 (repealed). Official reporters in Santa Clara County	226
§ 69993 (repealed). Official reporters in San Joaquin County	227
§§ 69994-69994.9 (repealed). Official reporters in Sacramento County	227
§§ 69995-69999 (repealed). Official reporters and fees in Ventura County	229
§ 70000 (repealed). Official reporters in Calaveras County	231
§§ 70010-70017 (repealed). Official reporters in Orange County	231
§ 70025 (repealed). Official reporters in Riverside County	233
§§ 70040-70064 (repealed). Official reporters and fees in particular counties	233
§§ 70100-70104 (repealed). Alternative provisions for official reporters in Alameda County	253

§§ 70110-70113 (repealed). Official reporters in Tulare County	254
§§ 70125-70128 (repealed). Official reporters in Humboldt County	255
§§ 70130-70134 (repealed). Official reporters in Marin County	256
§§ 70136-70139 (repealed). Official reporters in Santa Cruz County	258
§§ 70140-70148 (repealed). Court commissioners	260
§ 70141.11 (added). Court commissioners	267
§ 70141.11. Court commissioners	267
§ 70214.5 (repealed). Conversion of Contra Costa County referees to commissioners	267
§ 70214.6 (repealed). Conversion of Santa Barbara County traffic referee to commissioner	268
§§ 71001-71009 (repealed). General provisions	268
§§ 71002 (added). General Provisions	270
§ 71002. Municipal court facilities	270
§§ 71040-71046 (repealed). Creation of judicial districts	270
§§ 71042.5-71042.6 (added). Preservation of judicial districts	272
§ 71042.5. Preservation of judicial districts for purpose of publication	272
§ 71042.6. Map to establish district boundaries	272
§§ 71080-71100 (repealed). Personnel, records, and cases of superseded courts	273
§ 71094 (added). Court superseded by municipal court	277
§ 71094. Service in court superseded by municipal court	277
§§ 71140-71145.1 (repealed). Qualifications, election, and term of office of judges and other personnel	277
§§ 71180-71184 (repealed). Filling of vacancies	278
§§ 71220-71221 (repealed). Salaries	280
§§ 71260-71280.5 (repealed). Clerk and marshal	281
§§ 71265-71267 (added). Clerk and marshal	284
§ 71265. Marshals' powers, duties, and liabilities	285
§ 71266. Fees to be collected by marshals	285
§ 71267. Revolving fund for marshal	285
§ 71305 (amended). Conditions of grant of benefits	285
§§ 71341-71342 (unchanged). Sessions of court	286
§ 71380 (amended). Uniform accounting system	286
§ 71381 (unchanged). Bank accounts, records, reports, and procedures	287
§ 71382 (amended). Willful failure to keep accounts	287
§ 71384 (amended). Deposit of money collected and audit of accounts	287
§ 71386 (amended). Acceptance of checks and money orders	287
§ 71601 (amended). Definitions	288
§ 71617 (unchanged). Application of chapter to municipal court	290
§ 71620 (amended). Trial court personnel	290
§ 71674 (amended). Law Revision Commission study	290
§§ 72000-72006 (repealed). General provisions	291
§ 72004 (added). General provisions	292
§ 72004. Fees collected	292
§ 72053.5 (repealed). Expenses of attending convention, school, conference, or meeting	293
§ 72110 (amended). Consolidation of court-related services	293
§ 72111 (repealed). Expenses	294
§ 72113 (repealed). Parity with county employees	295
§ 72114.1 (repealed). Effect of consolidation on marshal's office personnel	295
§ 72114.2 (amended). Consolidation of court-related services	296
§ 72115 (amended). Consolidation of court-related services	298
§ 72116 (amended). Consolidation of court-related services	299
§ 72150 (repealed). Additional deputies	300
§ 72151 (repealed). Selection and compensation of additional deputies	301
§ 72190 (amended). Court commissioners	301
§ 72190.1 (amended). Arraignments	302

§ 72190.2 (amended). Bench warrants	302
§ 72190.5 (repealed). Authorization of unauthorized positions	302
§ 72191 (repealed). Powers of municipal court jury commissioner	303
§ 72192 (repealed). Appointment of commissioner or jury commissioner	303
§ 72194 (repealed). Municipal court reporters	303
§ 72194.5 (amended). Use of electronic equipment	303
§ 72195 (repealed). Municipal court reporters	304
§ 72196 (repealed). Assignment to municipal court	304
§ 72197 (repealed). Duties on assignment to municipal court	304
§ 72198 (repealed). Compensation on assignment to municipal court	305
§ 72199 (repealed). Daily transcript requiring more than one reporter	305
§§ 72230-72232 (repealed). Witness and juror fees	305
§§ 72270-72274 (repealed). Departments	306
§ 72301 (amended). Bail	306
§ 72400 (repealed). Traffic referees	307
§ 72403 (amended). Powers and duties	307
§ 72404 (repealed). Salary	307
§ 72405 (repealed). Cross assignment of commissioner	308
§ 72406 (repealed). Grandfather clause	308
§ 72407 (unchanged). Retired annuitants	308
§ 72408 (repealed). Santa Barbara County	309
§ 72450 (repealed). Traffic trial commissioners	309
§§ 72600-72784 (repealed). Los Angeles County municipal court districts	310
§§ 73075-73096.1 (repealed). Alameda County municipal court districts	342
§§ 73100-73122 (repealed). San Bernardino County Municipal Court District	350
§ 73300 (repealed). Salary payments	357
§ 73301 (amended). Prior service in court superseded by municipal court	357
§ 73330 (repealed). Calaveras County consolidated courts	357
§§ 73340-73366 (repealed). Contra Costa County municipal court districts	358
§§ 73390-73399.7 (repealed). Kings County Municipal Court	366
§§ 73400-73408 (repealed). Hanford Judicial District	369
§§ 73430-73443 (repealed). Kern County municipal court districts	371
§§ 73480-73490 (repealed). Lodi Municipal Court District	377
§§ 73520-73530 (repealed). San Mateo County Judicial District	379
§§ 73560-73572 (repealed). Monterey County Municipal Court District	383
§§ 73580-73587 (repealed). Lake County Municipal Court	386
§§ 73600-73608 (repealed). El Dorado County Municipal Court	387
§§ 73640-73650 (repealed). El Cajon Municipal Court District	390
§§ 73660-73668 (repealed). Humboldt County Municipal Court District	399
§§ 73665-73666 (added). Humboldt County	402
§ 73665. Consolidation of marshal and sheriff offices	402
§ 73666. Employees of marshal's office	403
§§ 73671-73679.5 (repealed). Northern Solano Judicial District	403
§§ 73680-73697 (repealed). Consolidated Fresno Municipal Court District	408
§§ 73698-73699.6 (repealed). Central Valley Municipal Court District	412
§§ 73701-73714 (repealed). Manteca-Ripon-Escalon-Tracy Municipal Court District	415
§§ 73730-73743 (repealed). Imperial County Municipal Court	416
§§ 73750-73767 (repealed). Madera County Municipal Court District	420
§ 73757 (added). Madera County	424
§ 73757. Consolidation of court-related services	424
§§ 73770-73783 (repealed). Marin County Municipal Court	425
§§ 73783.1-73783.9 (repealed). Mariposa County Municipal Court District	428
§§ 73784-73785 (repealed). Mendocino County Municipal Court District	430
§§ 73790-73802 (repealed). Merced County Municipal Court	432

§ 73796 (added). Merced County	435
§ 73796. Marshal	435
§§ 73820-73828 (repealed). Nevada County Municipal Court	435
§§ 73870-73877 (repealed). North Sacramento Municipal Court District	437
§§ 73950-73960 (repealed). North County Municipal Court District	439
§§ 74010-74014 (repealed). Marshal of Orange County	448
§§ 74020-74030 (repealed). Placer County Municipal Court	451
§§ 74130-74145 (repealed). Riverside County municipal court districts	453
§§ 74190-74201 (repealed). Sacramento Municipal Court District	458
§§ 74205-74212 (repealed). South Sacramento County Municipal Court District	463
§§ 74340-74353 (repealed). San Diego Municipal Court District	465
§§ 74355-74359.2 (repealed). San Diego County Pretrial Services Unit personnel	476
§§ 74500-74521 (repealed). City and County of San Francisco Municipal Court	479
§§ 74600-74613 (repealed). San Luis Obispo County Municipal Court	488
§ 74602 (added). San Luis Obispo County	492
§ 74602. Superior court sessions and facilities in San Luis Obispo County	492
§§ 74640-74649 (repealed). Santa Barbara County municipal court districts	492
§§ 74660-74673 (repealed). Santa Clara County Municipal Court	498
§§ 74690-74699 (repealed). Santa Cruz County Municipal Court	503
§§ 74700-74711 (repealed). Sonoma County Municipal Court	505
§§ 74720-74731 (repealed). Siskiyou County Municipal Court District	509
§§ 74740-74750 (repealed). South Bay Municipal Court District	511
§§ 74760-74767 (repealed). Glenn County Municipal Court District	518
§§ 74780-74792 (repealed). Stanislaus County Municipal Court	521
§ 74784 (added). Stanislaus County	526
§ 74784. Former marshal's office personnel in Stanislaus County	526
§§ 74800-74811 (repealed). Stockton Municipal Court District	527
§ 74820.1 (amended). Consolidation of court-related services	531
§ 74820.2 (amended). Court services division	532
§ 74820.3 (amended). Court services division positions and employees	532
§ 74820.4 (repealed). Effect of consolidation on personnel	532
§ 74820.5 (repealed). Transfers	533
§ 74820.6 (repealed). Marshal's office abolished	533
§ 74820.7 (repealed). Operation of §§ 74820.2 to 74820.6	534
§ 74820.8 (repealed). Marshal of the consolidated offices	534
§ 74820.9 (repealed). Salaries, benefits and ratings	534
§ 74820.10 (repealed). Status of sheriff employees	534
§ 74820.11 (repealed). Seniority	534
§ 74820.12 (repealed). Peace officer status	535
§ 74820.13 (repealed). Operation of §§ 74820.8 to 74820.12	535
§ 74820.14 (repealed). Service of process and notice functions	535
§§ 74830-74839 (repealed). Sutter County Municipal Court	535
§§ 74840-74851 (repealed). Vallejo-Benicia Judicial District	537
§§ 74860-74868 (repealed). Tehama County Municipal Court	542
§§ 74900-74913 (repealed). Ventura County Municipal Court	543
§§ 74915-74919 (repealed). Yuba County Municipal Court	549
§§ 74920-74926.7 (repealed). Tulare County Municipal Court District	550
§§ 74934-74945 (repealed). Butte County municipal court districts	556
§§ 74948-74958 (repealed). Napa County Municipal Court	559
§§ 74960-74973 (repealed). Yolo County Municipal Court	562
§§ 74980-74991 (repealed). Shasta County Municipal Court	565
§§ 74984-74988 (added). Shasta County	568
§ 74984. Marshal of the Shasta County Superior Court	568
§ 74985. Benefits for county employees in the Shasta County marshal's office	569

§ 74988. Status of marshal and employees of office of the marshal	569
§§ 74993-74997 (repealed). Tuolumne County Municipal Court District	569
§ 75002 (unchanged). “Judge” defined	570
§ 75029.1 (unchanged). Right to elect to receive credit for prior service	570
§ 75076.2 (amended). Part-time service	570
§ 75095.5 (repealed). Election under specified circumstances	571
§ 75103 (amended). Deduction for Judges’ Retirement Fund	571
§ 75502 (unchanged). Definitions	571
§ 75602 (amended). Deduction for Judges’ Retirement System II Fund	572
§ 76101.5 (unchanged). Transfer of deposits between funds in Los Angeles and Lassen Counties	572
§ 76200 (amended). Alameda County courthouse construction fund	573
§ 76219 (unchanged). Los Angeles County courthouse construction fund	573
§ 76238 (amended). City and County of San Francisco courthouse construction fund	575
§ 76245 (amended). Shasta County courthouse and criminal justice facilities construction funds	575
§ 77003 (amended). “Court operations” defined	576
§ 77007 (amended). “Trial court” defined	577
§ 77008 (amended). Filing fees defined	577
§ 77210 (unchanged). Retired municipal court judge	577
§ 82011 (amended). “Code reviewing body” defined	577
§ 84215 (amended). Filing of campaign statements	578
§ 91013.5 (amended). Civil action	579
HEALTH AND SAFETY CODE	579
§ 102247 (amended). Health statistics special fund	579
§ 103625 (amended). Certified copies	580
PENAL CODE	582
§ 190.9 (amended). Record in death penalty cases	582
§ 412 (amended). Boxing contests	583
§ 413 (amended). Spectator at prohibited boxing contest	585
§ 830.1 (amended). Peace officers	585
§ 869 (amended). Deposition or testimony before magistrate	586
§ 870 (amended). Transcript of deposition	587
§ 896 (amended). Selection of grand jurors	588
§ 900 (amended). Duties of clerk	588
§ 903.2 (unchanged). Jury commissioner	589
§ 904 (amended). Drawing of grand jury	589
§ 924.4 (amended). Grand jury succession	589
§ 938.1 (amended). Transcript of investigation	590
§ 938.3 (amended). Payment of reporter	590
§ 1089 (amended). Alternate jurors	591
§ 1203.6 (amended). Adult probation officer	591
§ 1237.5 (amended). Required documents for appeal	592
§ 1269b (amended). Bail	592
§ 1539 (amended). Report of hearing	594
§ 3075 (amended). Board of parole commissioners	594
§ 3085.1 (amended). Contra Costa County alternate public member	595
§ 3607 (amended). Return of death warrant	595
§ 4301 (amended). Membership of county advisory committee on adult detention	595
§ 4303 (amended). Committee member expenses	595
§ 4304 (amended). Committee report	596
§ 6031.1 (amended). Biennial inspections of local detention facilities	596
§ 13510 (unchanged). Rules of minimum standards	596
PROBATE CODE	598

§ 1513 (amended). Investigation and report on proposed guardianship	598
§ 1821 (amended). Petition and supplemental information	599
§ 1826 (amended). Court investigator’s duties	601
§ 1827.5 (amended). Assessment of proposed limited conservatee	602
§ 1851 (amended). Review by court investigator	603
VEHICLE CODE	604
§ 40508.6 (amended). Administrative assessments	604
WELFARE AND INSTITUTIONS CODE	604
§ 246 (amended). Designation of juvenile court judge	604
§ 247 (repealed). Juvenile court referees	605
§ 255 (amended). Juvenile hearing officers	605
§ 270 (amended). County officers	606
§ 1737 (amended). Commitment recall and resentencing	607
UNCODIFIED	607
Uncodified (added). Saving clause — rights and benefits	607
Uncodified (added). Effect of act — court reporting services	607

PROPOSED LEGISLATION

☞ **Note.** The code sections set out in the proposed legislation incorporate legislative changes made in 2001.

CONSTITUTION

Art. VI, § 1 (amended). Judicial power

SEC. _____. Section 1 of Article 6 of the Constitution is amended to read:

1. The judicial power of this State is vested in the Supreme Court, courts of appeal, and superior courts, ~~and municipal courts~~, all of which are courts of record.

Comment. Section 1 is amended to reflect unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

Art. VI, § 5 (repealed). Municipal court

SEC. _____. Section 5 of Article 6 of the Constitution is repealed.

~~5. (a) Each county shall be divided into municipal court districts as provided by statute, but a city may not be divided into more than one district. Each municipal court shall have one or more judges. Each municipal court district shall have no fewer than 40,000 residents; provided that each county shall have at least one municipal court district. The number of residents shall be determined as provided by statute.~~

~~(b) On the operative date of this subdivision, all existing justice courts shall become municipal courts, and the number, qualifications, and compensation of judges, officers, attaches, and employees shall continue until changed by the Legislature. Each judge of a part-time municipal court is deemed to have agreed to serve full time and shall be available for assignment by the Chief Justice for the balance of time necessary to comprise a full-time workload.~~

~~(c) The Legislature shall provide for the organization and prescribe the jurisdiction of municipal courts. It shall prescribe for each municipal court the number, qualifications, and compensation of judges, officers, and employees.~~

~~(d) Notwithstanding subdivision (a), any city in San Diego County may be divided into more than one municipal court district if the Legislature determines that unusual geographic conditions warrant such division.~~

~~(e) Notwithstanding subdivision (a), the municipal and superior courts shall be unified upon a majority vote of superior court judges and a majority vote of municipal court judges within the county. In those counties, there shall be only a superior court.~~

Comment. Section 5 is repealed to reflect unification of the municipal and superior courts pursuant to former subdivision (e).

This repeal deletes the requirement of subdivision (a) that each county be divided into municipal court districts as provided by statute. Statutes provide the manner of creation of judicial districts, and these statutes have continuing relevance for legal publication purposes. See Gov't Code §§ 71042.5, 71042.6. These statutes are not affected by repeal of Section 5.

Art. VI, § 6 (amended). Judicial Council

SEC. _____. Section 6 of Article 6 of the Constitution is amended to read:

1 6. The Judicial Council consists of the Chief Justice and one other judge of the
2 Supreme Court, 3 judges of courts of appeal, ~~5~~ 10 judges of superior courts, ~~5~~ judges of
3 municipal courts, 2 nonvoting court administrators, and such other nonvoting members as
4 determined by the voting membership of the council, each appointed by the Chief Justice
5 for a 3-year term pursuant to procedures established by the council; 4 members of the
6 State Bar appointed by its governing body for 3-year terms; and one member of each
7 house of the Legislature appointed as provided by the house. ~~Vacancies in the~~
8 ~~memberships on the Judicial Council otherwise designated for municipal court judges~~
9 ~~shall be filled by judges of the superior court in the case of appointments made when~~
10 ~~fewer than 10 counties have municipal courts.~~

11 Council membership terminates if a member ceases to hold the position that qualified
12 the member for appointment. A vacancy shall be filled by the appointing power for the
13 remainder of the term.

14 The council may appoint an Administrative Director of the Courts, who serves at its
15 pleasure and performs functions delegated by the council or the Chief Justice, other than
16 adopting rules of court administration, practice and procedure.

17 To improve the administration of justice the council shall survey judicial business and
18 make recommendations to the courts, make recommendations annually to the Governor
19 and Legislature, adopt rules for court administration, practice and procedure, and perform
20 other functions prescribed by statute. The rules adopted shall not be inconsistent with
21 statute.

22 The Chief Justice shall seek to expedite judicial business and to equalize the work of
23 judges. The Chief Justice may provide for the assignment of any judge to another court
24 but only with the judge's consent if the court is of lower jurisdiction. A retired judge who
25 consents may be assigned to any court.

26 Judges shall report to the council as the Chief Justice directs concerning the condition
27 of judicial business in their courts. They shall cooperate with the council and hold court
28 as assigned.

29 **Comment.** Section 6 is amended to reflect unification of the municipal and superior courts
30 pursuant to Article VI, Section 5(e), of the California Constitution.

31 **Art. VI, § 8 (amended). Commission on Judicial Performance**

32 SEC. ____ . Section 8 of Article 6 of the Constitution is amended to read:

33 8. (a) The Commission on Judicial Performance consists of one judge of a court of
34 appeal, ~~one judge of a superior court, and one judge of a municipal court~~ and two judges
35 of superior courts, each appointed by the Supreme Court; 2 members of the State Bar of
36 California who have practiced law in this State for 10 years, each appointed by the
37 Governor; and 6 citizens who are not judges, retired judges, or members of the State Bar
38 of California, 2 of whom shall be appointed by the Governor, 2 by the Senate Committee
39 on Rules, and 2 by the Speaker of the Assembly.

40 Except as provided in subdivisions (b) and (c), all terms are for 4 years. No member
41 shall serve more than 2 4-year terms, or for more than a total of 10 years if appointed to
42 fill a vacancy. ~~A vacancy in the membership on the Commission on Judicial Performance~~
43 ~~otherwise designated for a municipal court judge shall be filled by a judge of the superior~~
44 ~~court in the case of an appointment made when fewer than 10 counties have municipal~~
45 ~~courts.~~

46 (b) Commission membership terminates if a member ceases to hold the position that
47 qualified the member for appointment. A vacancy shall be filled by the appointing power
48 for the remainder of the term. A member whose term has expired may continue to serve

1 until the vacancy has been filled by the appointing power. ~~Appointing powers may~~
2 ~~appoint members who are already serving on the commission prior to March 1, 1995, to a~~
3 ~~single 2-year term, but may not appoint them to an additional term thereafter.~~

4 (c) To create staggered terms among the members of the Commission on Judicial
5 Performance, the following members shall be appointed, as follows:

6 (1) Two members appointed by the Supreme Court to a term commencing March 1,
7 1995, shall each serve a term of 2 years and may be reappointed to one full term.

8 (2) One attorney appointed by the Governor to a term commencing March 1, 1995,
9 shall serve a term of 2 years and may be reappointed to one full term.

10 (3) One citizen member appointed by the Governor to a term commencing March 1,
11 1995, shall serve a term of 2 years and may be reappointed to one full term.

12 (4) One member appointed by the Senate Committee on Rules to a term commencing
13 March 1, 1995, shall serve a term of 2 years and may be reappointed to one full term.

14 (5) One member appointed by the Speaker of the Assembly to a term commencing
15 March 1, 1995, shall serve a term of 2 years and may be reappointed to one full term.

16 (6) All other members shall be appointed to full 4-year terms commencing March 1,
17 1995.

18 **Comment.** Subdivision (a) of Section 8 is amended reflect unification of the municipal and
19 superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

20 Subdivision (b) is amended to delete obsolete language.

21 **Art. VI, § 10 (amended). Original jurisdiction**

22 SEC. _____. Section 10 of Article 6 of the Constitution is amended to read:

23 10. The Supreme Court, courts of appeal, superior courts, and their judges have original
24 jurisdiction in habeas corpus proceedings. Those courts also have original jurisdiction in
25 proceedings for extraordinary relief in the nature of mandamus, certiorari, and
26 prohibition. The appellate division of the superior court has original jurisdiction in
27 proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition
28 directed to the superior court in causes subject to its appellate jurisdiction.

29 Superior courts have original jurisdiction in all other causes ~~except those given by~~
30 ~~statute to other trial courts.~~

31 The court may make such comment on the evidence and the testimony and credibility
32 of any witness as in its opinion is necessary for the proper determination of the cause.

33 **Comment.** Section 10 is amended to reflect unification of the municipal and superior courts
34 pursuant to Article VI, Section 5(e), of the California Constitution. This amendment does not
35 affect the power of the Legislature to establish divisions within the superior court, such as the
36 small claims court or the juvenile court, or to create administrative tribunals that make
37 adjudicative decisions, subject to judicial review.

38 **Art. VI, § 15 (amended). Qualifications of judges**

39 SEC. _____. Section 15 of Article 6 of the Constitution is amended to read:

40 15. A person is ineligible to be a judge of a court of record unless for ~~5 years~~
41 ~~immediately preceding selection to a municipal court or 10 years immediately preceding~~
42 ~~selection to other courts,~~ the person has been a member of the State Bar or served as a
43 judge of a court of record in this State. ~~A judge eligible for municipal court service may~~
44 ~~be assigned by the Chief Justice to serve on any court.~~

45 **Comment.** Section 15 is amended to reflect unification of the municipal and superior courts
46 pursuant to Article VI, Section 5(e), of the California Constitution.

1 **Art. VI, § 16 (amended). Election of judges**

2 SEC. ____ . Section 16 of Article 6 of the Constitution is amended to read:

3 16. (a) Judges of the Supreme Court shall be elected at large and judges of courts of
4 appeal shall be elected in their districts at general elections at the same time and places as
5 the Governor. Their terms are 12 years beginning the Monday after January 1 following
6 their election, except that a judge elected to an unexpired term serves the remainder of the
7 term. In creating a new court of appeal district or division the Legislature shall provide
8 that the first elective terms are 4, 8, and 12 years.

9 (b) ~~(1) In counties in which there is no municipal court, judges~~ Judges of superior
10 courts shall be elected in their counties at general elections except as otherwise necessary
11 to meet the requirements of federal law. In the latter case the Legislature, by two-thirds
12 vote of the membership of each house thereof, with the advice of judges within the
13 affected court, may provide for their election by the system prescribed in subdivision (d),
14 or by any other arrangement. The Legislature may provide that an unopposed
15 incumbent's name not appear on the ballot.

16 ~~(2) In counties in which there is one or more municipal court districts, judges of~~
17 ~~superior and municipal courts shall be elected in their counties or districts at general~~
18 ~~elections. The Legislature may provide that an unopposed incumbent's name not appear~~
19 ~~on the ballot.~~

20 (c) Terms of judges of superior courts are 6 years beginning the Monday after January
21 1 following their election. A vacancy shall be filled by election to a full term at the next
22 general election after the second January 1 following the vacancy, but the Governor shall
23 appoint a person to fill the vacancy temporarily until the elected judge's term begins.

24 (d) Within 30 days before August 16 preceding the expiration of the judge's term, a
25 judge of the Supreme Court or a court of appeal may file a declaration of candidacy to
26 succeed to the office presently held by the judge. If the declaration is not filed, the
27 Governor before September 16 shall nominate a candidate. At the next general election,
28 only the candidate so declared or nominated may appear on the ballot, which shall present
29 the question whether the candidate shall be elected. The candidate shall be elected upon
30 receiving a majority of the votes on the question. A candidate not elected may not be
31 appointed to that court but later may be nominated and elected.

32 The Governor shall fill vacancies in those courts by appointment. An appointee holds
33 office until the Monday after January 1 following the first general election at which the
34 appointee had the right to become a candidate or until an elected judge qualifies. A
35 nomination or appointment by the Governor is effective when confirmed by the
36 Commission on Judicial Appointments.

37 Electors of a county, by majority of those voting and in a manner the Legislature shall
38 provide, may make this system of selection applicable to judges of superior courts.

39 **Comment.** Section 16 is amended to reflect unification of the municipal and superior courts
40 pursuant to Article VI, Section 5(e), of the California Constitution.

41 **Art. VI, § 23 (repealed). Transitional provision**

42 SEC. ____ . Section 23 of Article 6 of the Constitution is repealed.

43 ~~23. (a) The purpose of the amendments to Sections 1, 4, 5, 6, 8, 10, 11, and 16, of this~~
44 ~~article, and the amendments to Section 16 of Article I, approved at the June 2, 1998,~~
45 ~~primary election is to permit the Legislature to provide for the abolition of the municipal~~
46 ~~courts and unify their operations within the superior courts. Notwithstanding Section 8 of~~
47 ~~Article IV, the implementation of, and orderly transition under, the provisions of the~~
48 ~~measure adding this section may include urgency statutes that create or abolish offices or~~

1 change the salaries, terms, or duties of offices, or grant franchises or special privileges, or
2 create vested rights or interests, where otherwise permitted under this Constitution.

3 (b) ~~When the superior and municipal courts within a county are unified, the judgeships~~
4 ~~in each municipal court in that county are abolished and the previously selected~~
5 ~~municipal court judges shall become judges of the superior court in that county. The term~~
6 ~~of office of a previously selected municipal court judge is not affected by taking office as~~
7 ~~a judge of the superior court. The 10-year membership or service requirement of Section~~
8 ~~15 does not apply to a previously selected municipal court judge. Pursuant to Section 6,~~
9 ~~the Judicial Council may prescribe appropriate education and training for judges with~~
10 ~~regard to trial court unification.~~

11 (c) ~~Except as provided by statute to the contrary, in any county in which the superior~~
12 ~~and municipal courts become unified, the following shall occur automatically in each~~
13 ~~preexisting superior and municipal court:~~

14 (1) ~~Previously selected officers, employees, and other personnel who serve the court~~
15 ~~become the officers and employees of the superior court.~~

16 (2) ~~Preexisting court locations are retained as superior court locations.~~

17 (3) ~~Preexisting court records become records of the superior court.~~

18 (4) ~~Pending actions, trials, proceedings, and other business of the court become pending~~
19 ~~in the superior court under the procedures previously applicable to the matters in the court~~
20 ~~in which the matters were pending.~~

21 (5) ~~Matters of a type previously within the appellate jurisdiction of the superior court~~
22 ~~remain within the jurisdiction of the appellate division of the superior court.~~

23 (6) ~~Matters of a type previously subject to rehearing by a superior court judge remain~~
24 ~~subject to rehearing by a superior court judge, other than the judge who originally heard~~
25 ~~the matter.~~

26 (7) ~~Penal Code procedures that necessitate superior court review of, or action based on,~~
27 ~~a ruling or order by a municipal court judge shall be performed by a superior court judge~~
28 ~~other than the judge who originally made the ruling or order.~~

29 **Comment.** Section 23 is repealed to reflect completion of the process of unification of the
30 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.
31 Statutory transitional provisions for trial court unification based on this section are more
32 complete. See Gov't Code §§ 70200-70219.

33 BUSINESS AND PROFESSIONS CODE

34 § 470.3 (amended). Fee for filing first paper in civil action

35 SEC. ____ . Section 470.3 of the Business and Professions Code is amended to read:

36 470.3. (a) Except as provided in subdivision (b), a fee of not less than one dollar (\$1)
37 and not more than eight dollars (\$8) may be added to the total fees collected and fixed
38 pursuant to Sections 26820.4, 26826, 26827, 68090, 72055, and 72056 of the
39 Government Code for the filing of a first paper in a civil action in superior ~~or municipal~~
40 court, other than a small claims action.

41 (b) A fee of not less than one dollar (\$1) and not more than three dollars (\$3) may be
42 added to the total fees collected and fixed pursuant to Sections 26820.4, 26826, 26827,
43 68090, 72055, and 72056 of the Government Code for the filing of a first paper in a civil
44 action in superior ~~or municipal~~ court, for those cases where the monetary damages do not
45 exceed the sum of two thousand five hundred dollars (\$2,500). To facilitate the
46 computation of the correct fee pursuant to this section, the complaint shall contain a
47 declaration under penalty of perjury executed by a party requesting a reduction in fees

1 that the case filed qualifies for the lower fee because claim for money damages will not
2 exceed the sum of two thousand five hundred dollars (\$2,500).

3 (c) The fees described in subdivisions (a) and (b) shall only be utilized for the support
4 of the dispute resolution programs authorized by this chapter.

5 (d) A county may carry over moneys received from the additional fees authorized
6 pursuant to subdivisions (a) and (b), that shall be deposited in a special fund created for
7 those purposes, until such time as the county elects to fund a dispute resolution program.
8 Records of those fees shall be available for inspection by the public, upon request.

9 **Comment.** Subdivisions (a) and (b) of Section 470.3 are amended to reflect unification of the
10 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

11 **§ 6079.1 (amended). Judges of State Bar Court**

12 SEC. ____ Section 6079.1 of the Business and Professions Code is amended to read:

13 6079.1. (a) The Supreme Court shall appoint a presiding judge of the State Bar Court.
14 In addition, five hearing judges shall be appointed, two by the Supreme Court, one by the
15 Governor, one by the Senate Committee on Rules, and one by the Speaker of the
16 Assembly, to efficiently decide any and all regulatory matters pending before the Hearing
17 Department of the State Bar Court. The presiding judge and all other judges of that
18 department shall be appointed for a term of six years and may be reappointed for
19 additional six-year terms. Any judge appointed under this section shall be subject to
20 admonition, censure, removal, or retirement by the Supreme Court upon the same
21 grounds as provided for judges of courts of record of this state.

22 (b) Judges of the State Bar Court appointed under this section shall not engage in the
23 private practice of law. The State Bar Court shall be broadly representative of the ethnic,
24 sexual, and racial diversity of the population of California and composed in accordance
25 with Sections 11140 and 11141 of the Government Code. Each judge:

26 (1) Shall have been a member of the State Bar for at least five years.

27 (2) Shall not have any record of the imposition of discipline as an attorney in California
28 or any other jurisdiction.

29 (3) Shall meet such other requirements as may be established by subdivision (d) of
30 Section 12011.5 of the Government Code.

31 (c) Applicants for appointment or reappointment as a State Bar Court judge shall be
32 screened by an applicant evaluation committee as directed by the Supreme Court. The
33 committee, appointed by the Supreme Court, shall submit evaluations and
34 recommendations to the appointing authority and the Supreme Court as provided in Rule
35 961 of the California Rules of Court, or as otherwise directed by the Supreme Court. The
36 committee shall submit no fewer than three recommendations for each available position.

37 (d) For judges appointed pursuant to this section or Section 6086.65, the board shall fix
38 and pay reasonable compensation and expenses and provide adequate supporting staff
39 and facilities. Hearing judges shall be paid ~~the same salary as municipal court judges~~
40 91.3225 percent of the salary of a superior court judge. The presiding judge shall be paid
41 the same salary as a superior court judge.

42 (e) From among the members of the State Bar or retired judges, the Supreme Court or
43 the board may appoint pro tempore judges to decide matters in the Hearing Department of
44 the State Bar Court when a judge of the State Bar Court is unavailable to serve without
45 undue delay to the proceeding. Subject to modification by the Supreme Court, the board
46 may set the qualifications, terms, and conditions of service for pro tempore judges and
47 may, in its discretion, compensate some or all of them out of funds appropriated by the
48 board for this purpose.

1 (f) A judge or pro tempore judge appointed under this section shall hear every
2 regulatory matter pending in the Hearing Department of the State Bar Court as to which
3 the taking of testimony or offering of evidence at trial has not commenced, and when so
4 assigned, shall sit as the sole adjudicator, except for rulings that are to be made by the
5 presiding judge of the State Bar Court or referees of other departments of the State Bar
6 Court.

7 (g) Any judge or pro tempore judge of the State Bar Court as well as any employee of
8 the State Bar assigned to the State Bar Court shall have the same immunity that attaches
9 to judges in judicial proceedings in this state. Nothing in this subdivision limits or alters
10 the immunities accorded the State Bar, its officers and employees, or any judge or referee
11 of the State Bar Court as they existed prior to January 1, 1989. This subdivision does not
12 constitute a change in, but is cumulative with, existing law.

13 (h) Nothing in this section shall be construed to prohibit the board from appointing
14 persons to serve without compensation to arbitrate fee disputes under Article 13
15 (commencing with Section 6200) of this chapter or to monitor the probation of a member
16 of the State Bar, whether those appointed under Section 6079, as added by Chapter 1114
17 of the Statutes of 1986, serve in the State Bar Court or otherwise.

18 **Comment.** Section 6079.1 is amended to convert the basis of a hearing judge's salary from that
19 of a municipal court judge to that of a superior court judge. This change anticipates that municipal
20 court judge salaries will not be maintained after abolition of the municipal courts through
21 unification. A municipal court judge's salary is approximately 91.3225 percent of a superior court
22 judge's salary. See former Gov't Code § 68202 (1984 Cal. Stat. ch. 1758, § 3); see also Gov't
23 Code § 68203.

24 **§ 6152 (amended). Runners and cappers**

25 SEC. _____. Section 6152 of the Business and Professions Code is amended to read:

26 6152. (a) It is unlawful for:

27 (1) Any person, in an individual capacity or in a capacity as a public or private
28 employee, or for any firm, corporation, partnership or association to act as a runner or
29 capper for any attorneys or to solicit any business for any attorneys in and about the state
30 prisons, county jails, city jails, city prisons, or other places of detention of persons, city
31 receiving hospitals, city and county receiving hospitals, county hospitals, ~~municipal~~
32 ~~courts~~, superior courts, or in any public institution or in any public place or upon any
33 public street or highway or in and about private hospitals, sanitariums or in and about any
34 private institution or upon private property of any character whatsoever.

35 (2) Any person to solicit another person to commit or join in the commission of a
36 violation of subdivision (a).

37 (b) A general release from a liability claim obtained from any person during the period
38 of the first physical confinement, whether as an inpatient or outpatient, in a clinic or
39 health facility, as defined in Sections 1203 and 1250 of the Health and Safety Code, as a
40 result of the injury alleged to have given rise to the claim and primarily for treatment of
41 the injury, is presumed fraudulent if the release is executed within 15 days after the
42 commencement of confinement or prior to release from confinement, whichever occurs
43 first.

44 (c) Nothing in this section shall be construed to prevent the recommendation of
45 professional employment where that recommendation is not prohibited by the Rules of
46 Professional Conduct of the State Bar of California.

1 (d) Nothing in this section shall be construed to mean that a public defender or assigned
2 counsel may not make known his or her services as a criminal defense attorney to persons
3 unable to afford legal counsel whether those persons are in custody or otherwise.

4 **Comment.** Subdivision (a) of Section 6152 is amended to reflect unification of the municipal
5 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

6 **§ 6302.5 (amended). Board of law library trustees of Los Angeles County**

7 SEC. _____. Section 6302.5 of the Business and Professions Code is amended to read:

8 6302.5. Notwithstanding any other provision of law, in Los Angeles County
9 appointments made by judges of the superior court ~~or municipal court~~ shall be for a term
10 of four years, and appointments made by the board of supervisors of the county shall be
11 for a term of two years.

12 Trustees who are incumbents on the effective date of this section shall be considered to
13 have started their terms on the effective date of this section.

14 At the first regular meeting following the effective date of this section, the members
15 appointed by the judiciary shall classify themselves by lot so that three members shall
16 serve for four years, and two members for two years. Thereafter, the term of office of
17 each member so appointed shall be four years.

18 At the first regular meeting following the effective date of this section, the members
19 appointed by the board of supervisors shall classify themselves by lot so that one member
20 shall serve for two years, and one member for one year. Thereafter the term of office of
21 each member so appointed shall be two years.

22 **Comment.** Section 6302.5 is amended to reflect unification of the municipal and superior
23 courts in Los Angeles County pursuant to Article VI, Section 5(e), of the California Constitution,
24 effective January 22, 2000.

25 **§ 6321 (amended). Filing fee**

26 SEC. _____. Section 6321 of the Business and Professions Code is amended to read:

27 6321. On the commencement in, or the removal to, the superior court of any county in
28 this state, of any civil action, proceeding, or appeal, ~~and on the commencement in, or~~
29 ~~removal to, the municipal court in any county, of any civil action or proceeding,~~ the party
30 instituting such proceeding, or filing the first papers, shall pay to the clerk of the court,
31 for the law library, on filing the first papers, the sum of one dollar (\$1) as costs, in
32 addition to the fees fixed by law.

33 **Comment.** Section 6321 is amended to reflect unification of the municipal and superior courts
34 pursuant to Article VI, Section 5(e), of the California Constitution.

35 **§ 6322 (amended). First appearance fee**

36 SEC. _____. Section 6322 of the Business and Professions Code is amended to read:

37 6322. Thereafter, any defendant, respondent, adverse party, or intervening party, on
38 making a first appearance in a superior ~~or municipal~~ court, or any number of defendants,
39 respondents, or parties, appearing jointly, shall pay to the clerk of the court, for the law
40 library, the sum of one dollar (\$1) as costs, in addition to the fees fixed by law.

41 **Comment.** Section 6322 is amended to reflect unification of the municipal and superior courts
42 pursuant to Article VI, Section 5(e), of the California Constitution.

43 **§ 6341 (amended). Law library branches**

44 SEC. _____. Section 6341 of the Business and Professions Code is amended to read:

1 6341. Any board of law library trustees may establish and maintain a branch of the law
2 library in any city in the county, other than the county seat, in which a session of the
3 superior court ~~or of a municipal court is held, or in which a municipal court has been~~
4 ~~authorized by statute but has not yet begun to operate.~~ In any city constituting the county
5 seat, any board of law library trustees may establish and maintain a branch of the law
6 library at any location therein where four or more judges ~~of the municipal court, or of the~~
7 ~~superior court in a county in which there is no municipal court,~~ are designated to hold
8 sessions more than 10 miles distant from the principal office of the court. In any city and
9 county any board of law library trustees may establish and maintain branches of the law
10 library. A branch is in all respects a part of the law library and is governed accordingly.

11 **Comment.** Section 6341 is amended to reflect unification of the municipal and superior courts
12 pursuant to Article VI, Section 5(e), of the California Constitution.

13 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need further
14 revision upon completion of (1) the study and recommendation by the task force on court
15 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
16 on these issues.

17 **§ 6405 (amended). Bond of legal document assistant or unlawful detainer assistant**

18 SEC. _____. Section 6405 of the Business and Professions Code is amended to read:

19 6405. (a)(1) An application for a certificate of registration by an individual shall be
20 accompanied by a bond of twenty-five thousand dollars (\$25,000) executed by a
21 corporate surety qualified to do business in this state and conditioned upon compliance
22 with this chapter. The total aggregate liability on the bond shall be limited to twenty-five
23 thousand dollars (\$25,000). An application for secondary registration shall meet all of the
24 requirements of this subdivision, except that in place of posting another original bond or
25 cash deposit, the applicant shall include a certified copy of the bond or cash deposit
26 posted in the county in which the applicant filed the primary registration.

27 (2) An application for a certificate of registration by a partnership or corporation shall
28 be accompanied by a bond of twenty-five thousand dollars (\$25,000) executed by a
29 corporate surety qualified to do business in this state and conditioned upon compliance
30 with this chapter. The total aggregate liability on the bond shall be limited to twenty-five
31 thousand dollars (\$25,000). An application for a certificate of registration by a person
32 employed by a partnership or corporation shall be accompanied by a bond of twenty-five
33 thousand dollars (\$25,000) only if the partnership or corporation has not posted a bond of
34 twenty-five thousand dollars (\$25,000) as required by this subdivision. An application for
35 secondary registration shall meet all of the requirements of this subdivision, except that in
36 place of posting another original bond or cash deposit, the applicant shall include a
37 certified copy of the bond or cash deposit posted in the county in which the applicant
38 filed the primary registration.

39 (3) The bond may be terminated pursuant to Section 995.440 of, and Article 13
40 (commencing with Section 996.310) of Chapter 2 of Title 14 of Part 2 of, the Code of
41 Civil Procedure.

42 (b) The county clerk shall, upon filing of the bond, deliver the bond forthwith to the
43 county recorder for recording. The recording fee specified in Section 27361 of the
44 Government Code shall be paid by the registrant. The fee may be paid to the county clerk
45 who shall transmit it to the recorder.

46 (c) The fee for filing, canceling, revoking, or withdrawing the bond is seven dollars
47 (\$7).

1 (d) The county recorder shall record the bond and any notice of cancellation,
2 revocation, or withdrawal of the bond, and shall thereafter mail the instrument, unless
3 specified to the contrary, to the person named in the instrument and, if no person is
4 named, to the party leaving it for recording. The recording fee specified in Section 27361
5 of the Government Code for notice of cancellation, revocation, or withdrawal of the bond
6 shall be paid to the county clerk, who shall transmit it to the county recorder.

7 (e) In lieu of the bond required by subdivision (a), a registrant may deposit twenty-five
8 thousand dollars (\$25,000) in cash with the county clerk .

9 (f) If the certificate is revoked, the bond or cash deposit shall be returned to the bonding
10 party or depositor subject to subdivision (g) and the right of a person to recover against
11 the bond or cash deposit under Section 6412.

12 (g) The county clerk may retain a cash deposit until the expiration of three years from
13 the date the registrant has ceased to do business, or three years from the expiration or
14 revocation date of the registration, in order to ensure there are no outstanding claims
15 against the deposit. A judge of a ~~municipal~~ or superior court may order the return of the
16 deposit prior to the expiration of three years upon evidence satisfactory to the judge that
17 there are no outstanding claims against the deposit.

18 (h) The bond required by this section shall be in favor of the State of California for the
19 benefit of any person who is damaged as a result of the violation of this chapter or by the
20 fraud, dishonesty, or incompetency of an individual, partnership, or corporation registered
21 under this chapter. The bond required by this section shall also indicate the name of the
22 county in which it will be filed.

23 **Comment.** Subdivision (g) of Section 6405 is amended to reflect unification of the municipal
24 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

25 **§ 6412.1 (amended). Remedies**

26 SEC. ____ . Section 6412.1 of the Business and Professions Code is amended to read:

27 6412.1. (a) Any person injured by the unlawful act of a legal document assistant or
28 unlawful detainer assistant shall retain all rights and remedies cognizable under law. The
29 penalties, relief, and remedies provided in this chapter are not exclusive, and do not affect
30 any other penalties, relief, and remedies provided by law.

31 (b) Any person injured by a violation of this chapter by a legal document assistant or
32 unlawful detainer assistant may file a complaint and seek redress in any ~~municipal~~ or
33 superior court for injunctive relief, restitution, and damages. Attorney's fees shall be
34 awarded to the prevailing plaintiff.

35 (c) This section shall remain in effect only until January 1, 2003, or the date the director
36 suspends the requirements of this chapter applicable to legal document assistants pursuant
37 to Section 6416, whichever first occurs, and as of that date is repealed, unless a later
38 enacted statute, that is enacted before that date, deletes or extends that date.

39 **Comment.** Subdivision (b) of Section 6412.1 is amended to reflect unification of the municipal
40 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

41 **§ 6455 (amended). Violations**

42 SEC. ____ . Section 6455 of the Business and Professions Code is amended to read:

43 6455. (a) Any consumer injured by a violation of this chapter may file a complaint and
44 seek redress in any ~~municipal~~ or superior court for injunctive relief, restitution, and
45 damages. Attorney's fees shall be awarded in this action to the prevailing plaintiff.

46 (b) Any person who violates the provisions of Section 6451 or 6452 is guilty of an
47 infraction for the first violation, which is punishable upon conviction by a fine of up to

1 two thousand five hundred dollars (\$2,500) as to each consumer with respect to whom a
2 violation occurs, and is guilty of a misdemeanor for the second and each subsequent
3 violation, which is punishable upon conviction by a fine of two thousand five hundred
4 dollars (\$2,500) as to each consumer with respect to whom a violation occurs, or
5 imprisonment in a county jail for not more than one year, or by both that fine and
6 imprisonment. Any person convicted of a violation of this section shall be ordered by the
7 court to pay restitution to the victim pursuant to Section 1202.4 of the Penal Code.

8 **Comment.** Subdivision (a) of Section 6455 is amended to reflect unification of the municipal
9 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

10 **§ 12606 (amended). Deceptive packaging**

11 SEC. ____ Section 12606 of the Business and Professions Code is amended to read:

12 12606. (a) No container wherein commodities are packed shall have a false bottom,
13 false sidewalls, false lid or covering, or be otherwise so constructed or filled, wholly or
14 partially, as to facilitate the perpetration of deception or fraud.

15 (b) No container shall be made, formed, or filled as to be misleading. A container that
16 does not allow the consumer to fully view its contents shall be considered to be filled as
17 to be misleading if it contains nonfunctional slack fill. Slack fill is the difference between
18 the actual capacity of a container and the volume of product contained therein.
19 Nonfunctional slack fill is the empty space in a package that is filled to less than its
20 capacity for reasons other than the following:

21 (1) Protection of the contents of the package.

22 (2) The requirements of machines used for enclosing the contents of the package.

23 (3) Unavoidable product settling during shipping and handling.

24 (4) The need to utilize a larger than required package or container to provide adequate
25 space for the legible presentation of mandatory and necessary labeling information, such
26 as those based on the regulations adopted by the Food and Drug Administration or state
27 or federal agencies under federal or state law, laws or regulations adopted by foreign
28 governments, or under an industrywide voluntary labeling program.

29 (5) The fact that the product consists of a commodity that is packaged in a decorative or
30 representational container where the container is part of the presentation of the product
31 and has value that is both significant in proportion to the value of the product and
32 independent of its function to hold the product, such as a gift combined with a container
33 that is intended for further use after the product is consumed, or durable commemorative
34 or promotional packages.

35 (6) An inability to increase the level of fill or to further reduce the size of the package,
36 such as where some minimum package size is necessary to accommodate required
37 labeling, discourage pilfering, facilitate handling, or accommodate tamper-resistant
38 devices.

39 (7) The product container bears a reasonable relationship to the actual amount of
40 product contained inside, and the dimensions of the actual product container, the product,
41 or the amount of product therein is visible to the consumer at the point of sale, or where
42 obvious secondary use packaging is involved.

43 (8) The dimensions of the product or immediate product container are visible through
44 the exterior packaging, or where the actual size of the product or immediate product
45 container is clearly and conspicuously depicted on the exterior packaging, accompanied
46 by a clear and conspicuous disclosure that the representation is the “actual size” of the
47 product or the immediate product container.

1 (9) The presence of any head space within an immediate product container necessary to
2 facilitate the mixing, adding, shaking, or dispensing of liquids or powders by consumers
3 prior to use.

4 (10) The exterior packaging contains a product delivery or dosing device if the device
5 is visible, or a clear and conspicuous depiction of the device appears on the exterior
6 packaging, or it is readily apparent from the conspicuous exterior disclosures or the
7 nature and name of the product that a delivery or dosing device is contained in the
8 package.

9 (11) The exterior packaging or immediate product container is a kit that consists of a
10 system, or multiple components, designed to produce a particular result that is not
11 dependent upon the quantity of the contents, if the purpose of the kit is clearly and
12 conspicuously disclosed on the exterior packaging.

13 (12) The exterior packaging of the product is routinely displayed using tester units or
14 demonstrations to consumers in retail stores, so that customers can see the actual,
15 immediate container of the product being sold, or a depiction of the actual size thereof
16 prior to purchase.

17 (13) The exterior packaging consists of single or multi-unit presentation boxes of
18 holiday or gift packages if the purchaser can adequately determine the quantity and sizes
19 of the immediate product container at the point of sale.

20 (14) The exterior packaging is for a combination of one purchased product, together
21 with a free sample or gift, wherein the exterior packaging is necessarily larger than it
22 would otherwise be due to the inclusion of the sample or gift, if the presence of both
23 products and the quantity of each product are clearly and conspicuously disclosed on the
24 exterior packaging.

25 (15) The exterior packaging or immediate product container encloses computer
26 hardware or software designed to serve a particular computer function, if the particular
27 computer function to be performed by the computer hardware or software is clearly and
28 conspicuously disclosed on the exterior packaging.

29 (c) Any sealer may seize a container that facilitates the perpetration of deception or
30 fraud and the contents of the container. By order of the ~~municipal~~ or superior court of the
31 ~~city or~~ county within which a violation of this section occurs, the containers seized shall
32 be condemned and destroyed or released upon such conditions as the court may impose to
33 insure against their use in violation of this chapter. The contents of any condemned
34 container shall be returned to the owner thereof if the owner furnishes proper facilities for
35 the return.

36 **Comment.** Subdivision (c) of Section 12606 is amended to reflect unification of the municipal
37 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

38 **§ 12606.2 (amended). Misleading food containers**

39 SEC. ____. Section 12606.2 of the Business and Professions Code is amended to read:

40 12606.2. (a) This section applies to food containers subject to Section 403 (d) of the
41 Federal Food, Drug and Cosmetic Act (21 U.S.C. Sec. 343 (d)), and Section 100.100 of
42 Title 21 of the Code of Federal Regulations. Section 12606 does not apply to food
43 containers subject to this section.

44 (b) No food containers shall be made, formed, or filled as to be misleading.

45 (c) A container that does not allow the consumer to fully view its contents shall be
46 considered to be filled as to be misleading if it contains nonfunctional slack fill. Slack fill
47 is the difference between the actual capacity of a container and the volume of product

1 contained therein. Nonfunctional slack fill is the empty space in a package that is filled to
2 less than its capacity for reasons other than the following:

- 3 (1) Protection of the contents of the package.
- 4 (2) The requirements of the machines used for enclosing the contents in the package.
- 5 (3) Unavoidable product settling during shipping and handling.
- 6 (4) The need for the package to perform a specific function, such as where packaging
7 plays a role in the preparation or consumption of a food, if that function is inherent to the
8 nature of the food and is clearly communicated to consumers.
- 9 (5) The fact that the product consists of a food packaged in a reusable container where
10 the container is part of the presentation of the food and has value that is both significant
11 in proportion to the value of the product and independent of its function to hold the food,
12 such as a gift product consisting of a food or foods combined with a container that is
13 intended for further use after the food is consumed or durable commemorative or
14 promotional packages.

15 (6) Inability to increase the level of fill or to further reduce the size of the package, such
16 as where some minimum package size is necessary to accommodate required food
17 labeling exclusive of any vignettes or other nonmandatory designs or label information,
18 discourage pilfering, facilitate handling, or accommodate ~~tamper-resistant~~ tamper-
19 resistant devices.

20 This section shall be interpreted consistent with the comments by the United States
21 Food and Drug Administration on the regulations contained in Section 100.100 of Title
22 21 of the Code of Federal Regulations, interpreting Section 403(d) of the Federal Food,
23 Drug and Cosmetic Act (21 U.S.C. Sec. 343(d)), as those comments are reported on
24 pages 64123 to 64137, inclusive, of Volume 58 of the Federal Register.

25 (d) If the requirements of this section do not impose the same requirements as are
26 imposed by Section 403(d) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. Sec.
27 343(d)), or any regulation promulgated pursuant thereto, then this section is not operative
28 to the extent that it is not identical to the federal requirements, and for this purpose those
29 federal requirements are incorporated into this section and shall apply as if they were set
30 forth in this section.

31 (e) Any sealer may seize any container that is in violation of this section and the
32 contents of the container. By order of the ~~municipal or~~ superior court of the ~~city or~~ county
33 within which a violation of this section occurs, the containers seized shall be condemned
34 and destroyed or released upon any conditions that the court may impose to ensure
35 against their use in violation of this chapter. The contents of any condemned container
36 shall be returned to the owner thereof if the owner furnishes proper facilities for the
37 return.

38 **Comment.** Subdivisions (c) and (d) of Section 12606.2 are amended to make technical
39 changes.

40 Subdivision (e) is amended to reflect unification of the municipal and superior courts pursuant
41 to Article VI, Section 5(e), of the California Constitution.

42 **§ 17511.12 (amended). Bond of telephonic seller**

43 SEC. ____ Section 17511.12 of the Business and Professions Code is amended to read:

44 17511.12. (a) Every telephonic seller shall maintain a bond issued by a surety company
45 admitted to do business in this state. The bond shall be in the amount of one hundred
46 thousand dollars (\$100,000) in favor of the State of California for the benefit of any
47 person suffering pecuniary loss in a transaction commenced during the period of bond
48 coverage with a telephonic seller who violated this chapter. The bond shall include

1 coverage for the payment of the portion of any judgment, including a judgment entered
2 pursuant to Section 17203 or 17535, that provides for restitution to any person suffering
3 pecuniary loss, notwithstanding whether the surety is joined or served in the action or
4 proceeding. A copy of the bond shall be filed with the Consumer Law Section of the
5 Department of Justice. This bond shall not be required of any cable television operator
6 franchised or licensed pursuant to Section 53066 of the Government Code.

7 (b)(1) At least 10 days prior to the inception of any promotion offering a premium with
8 an actual market value or advertised value of five hundred dollars (\$500) or more, the
9 telephonic seller shall notify the Attorney General in writing of the details of the
10 promotion, describing the premium, its current market value, the value at which it is
11 advertised or held out to the customer, and the date the premium shall be awarded. All
12 premiums offered shall be awarded. The telephonic seller shall maintain an additional
13 bond for the total current market value or advertised value, whichever is greater, of the
14 premiums held out or advertised to be available to a purchaser or recipient. A copy of the
15 bond shall be filed with the Consumer Law Section of the Department of Justice. The
16 bond shall be for the benefit of any person entitled to the premium who did not receive it
17 within 30 days of the date disclosed to the Attorney General as the date on which the
18 premium would be awarded. The amount paid to a person under a bond required by this
19 subdivision shall not exceed the greater of the current market value or advertised or
20 represented value of the premium offered to that person. The bond shall include coverage
21 for the payment of any judgment, including a judgment entered pursuant to Section
22 17203 or 17535, that provides for payment of the value of premiums that were not timely
23 awarded, notwithstanding whether the surety is joined or served in the action or
24 proceeding. The bond shall also provide for payment upon motion by the Attorney
25 General pursuant to subdivision (d) in the event the seller fails to provide the Attorney
26 General with proof of the award of premiums as required in paragraph (2).

27 (2) Within 45 days after the date disclosed to the Attorney General for the award of
28 premiums, the seller shall provide to the Attorney General proof that all premiums were
29 awarded. The proof shall include the names, addresses, and telephone numbers of the
30 recipients of the premiums and the date or dates on which the premiums were awarded.
31 The bond shall be maintained until the seller files proof with the Attorney General as
32 required by this subdivision or until payment of the amount of the bond is ordered
33 pursuant to subdivision (d).

34 (c)(1) In addition to any other means for the enforcement of the surety's liability on a
35 bond required by this section, the surety's liability on the bond may be enforced by
36 motion, as provided in this subdivision, after a judgment has been obtained against the
37 seller.

38 (2) The Attorney General, district attorney, city attorney, or any other person who
39 obtained a judgment for restitution against the seller, as described in subdivision (a), may
40 file a motion in the court that entered the judgment to enforce liability on the bond
41 without first attempting to enforce the judgment against any party liable under the
42 judgment.

43 (3) The notice of motion, the motion, and a copy for the judgment shall be served on
44 the surety as provided in Chapter 5 (commencing with Section 1010) of Title 14 of Part 2
45 of the Code of Civil Procedure. The notice shall set forth the amount of the claim and a
46 brief statement indicating that the claim is covered by the bond. Service shall also be
47 made on the Consumer Law Section of the Department of Justice.

48 (4) The court shall grant the motion unless (A) the surety establishes that the claim is
49 not covered by the bond or (B) the court sustains an objection made by the Attorney

1 General that the grant of the motion might impair the rights of actual or potential
2 claimants or is not in the public interest.

3 (d)(1) In addition to any other means for the enforcement of the surety's liability on a
4 bond required by subdivision (b), the surety's liability on the bond may be enforced by
5 motion as provided in this subdivision.

6 (2) The Attorney General, district attorney, city attorney, or any person who claims the
7 premium, may file a motion in ~~a court of competent jurisdiction in~~ the superior court of
8 ~~the county or judicial district~~ from which the seller made an offer of a premium, in which
9 the seller maintains any office or place of business, or in which an offeree of the premium
10 resides. The motion shall set forth the nature of the seller's offer, the greater of the
11 current market value or advertised or represented value of the premium, the date by
12 which the premium should have been awarded, and the fact that the premium was not
13 awarded as represented.

14 (3) The notice of motion and motion shall be served on the surety as provided in
15 Chapter 5 (commencing with Section 1010) of Title 14 of Part 2 of the Code of Civil
16 Procedure.

17 (4) The court shall grant the motion unless the surety establishes that the claim is untrue
18 or is not covered by the bond.

19 (5) The Attorney General may file a motion in ~~a court of competent jurisdiction in~~ the
20 superior court of the county ~~or judicial district~~ from which the seller made an offer of a
21 premium, or in which an offeree of a premium resides, for the payment of the entire bond
22 if the seller fails to file proof with the Attorney General of the award of all premiums as
23 required by paragraph (2) of subdivision (b). The notice of motion and motion shall be
24 served as provided in Chapter 5 (commencing with Section 1010) of Title 14 of Part 2 of
25 the Code of Civil Procedure. The motion shall be granted if the Attorney General
26 establishes that the seller failed to file proof of making the timely award of all premiums.
27 The recovery on the bond shall be distributed pro rata to the promised recipients of the
28 premiums to the extent their identity is actually known to the Attorney General at the
29 time payment is made by the surety. The balance of the recovery shall be paid to any
30 judicially established consumer protection trust fund designated by the Attorney General
31 or as directed by the court under the cy pres doctrine.

32 (e) No stay of a motion filed pursuant to this section shall be granted pending the
33 determination of conflicting claims among beneficiaries. An order enforcing liability on a
34 bond may be enforced in the same manner as a money judgment pursuant to Title 9
35 (commencing with Section 680.010) of Part 2 of the Code of Civil Procedure. Nothing
36 herein affects the rights of the surety against the principal.

37 (f) The surety shall not be liable on the bond for payment of a judgment against a seller
38 for any violation of this chapter unless the action or proceeding is filed within two years
39 after the cancellation or termination of the bond, the termination of the seller's
40 registration, or the seller's cessation of business, whichever is later.

41 (g) The surety shall not be liable on a motion made pursuant to subdivision (d) unless
42 the motion is filed within two years of the date on which the seller represented the
43 premium was to have been awarded.

44 (h) For the purpose of this section, "judgment" includes a final order in a proceeding
45 for the termination of telephone service pursuant to Public Utilities Commission Tariff
46 Rule 31.

47 (i) Chapter 2 (commencing with Section 995.010) of Title 14 of Part 2 of the Code of
48 Civil Procedure shall apply to the enforcement of a bond given pursuant to this section

1 except to the extent of any inconsistency with this section, in which event this section
2 shall apply.

3 **Comment.** Subdivision (d) of Section 17511.12 is amended to reflect unification of the
4 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.
5 See Code Civ. Proc. § 38 (judicial districts).

6  **Note.** This provision raises issues relating to local venue. The Commission and the Judicial
7 Council are studying this area and may propose further revisions to address local venue issues.
8 The Commission solicits comment on the proper treatment of this provision.

9 **§ 22391 (amended). Deposit in lieu of bond of invention developer**

10 SEC. ____ . Section 22391 of the Business and Professions Code is amended to read:

11 22391. (a) When a deposit has been made in lieu of a bond pursuant to Section 995.710
12 of the Code of Civil Procedure, the person asserting a claim against the deposit shall, in
13 lieu of Section 996.430 of the Code of Civil Procedure, establish the claim by furnishing
14 evidence to the Secretary of State of a money judgment entered by a court together with
15 evidence that the claimant is a person described in Section 22390.

16 (b) When a person has established the claim with the Secretary of State, the Secretary
17 of State shall review and approve the claim and enter the date of approval thereon. The
18 claim shall be designated an “approved claim.”

19 (c) When the first claim against a particular deposit account has been approved, it shall
20 not be paid until the expiration of a period of 240 days after the date of its approval by the
21 Secretary of State. Subsequent claims that are approved by the Secretary of State within
22 the same 240-day period shall similarly not be paid until the expiration of the 240-day
23 period. Upon the expiration of the 240-day period, the Secretary of State shall pay all
24 approved claims from that 240-day period in full unless the deposit is insufficient, in
25 which case each approved claim shall be paid a pro rata share of the deposit.

26 (d) When the Secretary of State approves the first claim against a particular deposit
27 account after the expiration of a 240-day period, the date of approval of that claim shall
28 begin a new 240-day period to which subdivision (c) shall apply with respect to the
29 amount remaining in the deposit account.

30 (e) After a deposit account is exhausted, no further claims shall be paid by the Secretary
31 of State. Claimants who have had their claims paid in full or in part pursuant to
32 subdivisions (c) and (d) shall not be required to return funds received from the deposit for
33 the benefit of other claimants.

34 (f) When a deposit has been made in lieu of a bond, the amount of the deposit shall not
35 be subject to attachment, garnishment, or execution with respect to an action or judgment
36 against the invention developer, other than as to an amount no longer needed or required
37 for the purpose of this chapter which would otherwise be returned to the invention
38 developer by the Secretary of State.

39 (g) The Secretary of State shall retain a cash deposit for two years from the date the
40 Secretary of State receives written notification from the assignor of the deposit that the
41 assignor has ceased to engage in the business of an invention developer or has filed a
42 bond pursuant to Section 22389, provided that there are no outstanding claims against the
43 deposit. The written notice shall include all of the following: (1) name, address, and
44 telephone number of the assignor; (2) name, address, and telephone number of the bank at
45 which the deposit is located; (3) account number of the deposit; and (4) a statement
46 whether the assignor is ceasing to engage in the business of an invention developer or has
47 filed a bond with the Secretary of State. The Secretary of State shall forward an

1 acknowledgment of receipt of the written notification to the assignor at the address
2 indicated therein, specifying the date of receipt of the written notice and anticipated date
3 of release of the deposit.

4 (h) This section shall apply to all deposits retained by the Secretary of State.

5 (i) A judge of a ~~municipal~~ or superior court may order the return of the deposit prior to
6 the expiration of two years upon evidence satisfactory to the judge that there are no
7 outstanding claims against the deposit or order the Secretary of State to retain the deposit
8 for a sufficient period beyond the two years specified in subdivision (g) to resolve
9 outstanding claims against the deposit.

10 **Comment.** Subdivision (i) of Section 22391 is amended to reflect unification of the municipal
11 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

12 **§ 22455 (amended). Bond or deposit of professional photocopier**

13 SEC. ____ Section 22455 of the Business and Professions Code is amended to read:

14 22455. (a) A certificate of registration shall be accompanied by a bond of five thousand
15 dollars (\$5,000) which is executed by a corporate surety qualified to do business in this
16 state and conditioned upon compliance with the provisions of this chapter and all laws
17 governing the transmittal of confidential documentary information under the code
18 sections specified in Section 22450. The total aggregate liability on the bond shall be
19 limited to five thousand dollars (\$5,000). The bond may be terminated pursuant to the
20 provisions of Section 995.440 and Article 13 (commencing with Section 996.310) of
21 Chapter 2 of Title 14 of Part 2 of the Code of Civil Procedure.

22 (1) The county clerk shall, upon filing the bond, deliver the bond forthwith to the
23 county recorder for recording. The recording fee specified in Section 27361 of the
24 Government Code shall be paid by the registered professional photocopier. The fee may
25 be paid to the county clerk, who shall transmit it to the recorder.

26 (2) The fee for filing, canceling, revoking, or withdrawing the bond is seven dollars
27 (\$7).

28 (3) The county recorder shall record the bond and any notice of cancellation,
29 revocation, or withdrawal of the bond, and shall thereafter mail the instrument, unless
30 specified to the contrary, to the person named in the instrument and, if no person is
31 named, to the party leaving it for recording. The recording fee specified in Section 27361
32 of the Government Code for the notice of cancellation, revocation, or withdrawal of the
33 bond shall be paid to the county clerk, who shall transmit it to the county recorder.

34 (b) In lieu of the bond required by subdivision (a), a registrant may deposit five
35 thousand dollars (\$5,000) in cash with the county clerk.

36 (c) If the certificate is revoked, the bond or cash deposit shall be returned to the
37 bonding party or depositor subject to the provisions of subdivision (d) and the right of a
38 person to recover against the bond or cash deposit under Section 22459.

39 (d) The county clerk may retain a cash deposit until the expiration of three years from
40 the date the registrant has ceased to do business, or three years from the expiration or
41 revocation date of the registration, in order to ensure there are no outstanding claims
42 against the deposit. A judge of a ~~municipal~~ or superior court may order the return of the
43 deposit prior to the expiration of three years upon evidence satisfactory to the judge that
44 there are no outstanding claims against the deposit.

45 **Comment.** Subdivision (d) of Section 22455 is amended to reflect unification of the municipal
46 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

1 **§ 25762 (amended). Fines and forfeitures of bail**

2 SEC. _____. Section 25762 of the Business and Professions Code is amended to read:

3 25762. All fines and forfeitures of bail imposed for a violation of this division and
4 collected in any court ~~other than a municipal court~~ shall be paid to the county treasurer of
5 the county in which the court is held.

6 ~~All fines and forfeitures of bail imposed for violation of this division and collected~~
7 ~~upon conviction or upon forfeiture of bail, together with money deposited as bail, in any~~
8 ~~municipal court shall be deposited with the county treasurer of the county in which the~~
9 ~~court is situated and the money deposited shall be distributed and disposed of pursuant to~~
10 ~~Section 1463 of the Penal Code.~~

11 **Comment.** Section 25762 is amended to reflect unification of the municipal and superior courts
12 pursuant to Article VI, Section 5(e), of the California Constitution.

13 ☞ **Note.** The Commission is reviewing whether county treasury provisions remain viable, given
14 the enactment of the Trial Court Funding Act, the Trial Court Employment Protection and
15 Governance Act, and other changes to the structure of the trial courts. See Gov't Code §§ 77003
16 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
17 (state funding of trial court operations). These matters are also being examined by a Joint Court-
18 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
19 treatment of this provision.

20 **CIVIL CODE**

21 **§ 52.1 (amended). Protection of rights guaranteed by federal or state constitution**

22 SEC. _____. Section 52.1 of the Civil Code is amended to read:

23 52.1. (a) If a person or persons, whether or not acting under color of law, interferes by
24 threats, intimidation, or coercion, or attempts to interfere by threats, intimidation, or
25 coercion, with the exercise or enjoyment by any individual or individuals of rights
26 secured by the Constitution or laws of the United States, or of the rights secured by the
27 Constitution or laws of this state, the Attorney General, or any district attorney or city
28 attorney may bring a civil action for injunctive and other appropriate equitable relief in
29 the name of the people of the State of California, in order to protect the peaceable
30 exercise or enjoyment of the right or rights secured.

31 (b) Any individual whose exercise or enjoyment of rights secured by the Constitution
32 or laws of the United States, or of rights secured by the Constitution or laws of this state,
33 has been interfered with, or attempted to be interfered with, as described in subdivision
34 (a), may institute and prosecute in his or her own name and on his or her own behalf a
35 civil action for damages, including, but not limited to, damages under Section 52,
36 injunctive relief, and other appropriate equitable relief to protect the peaceable exercise or
37 enjoyment of the right or rights secured.

38 (c) An action brought pursuant to subdivision (a) or (b) may be filed either in the
39 superior court for the county in which the conduct complained of occurred or in the
40 superior court for the county in which a person whose conduct complained of resides or
41 has his or her place of business. An action brought by the Attorney General pursuant to
42 subdivision (a) also may be filed in the superior court for any county wherein the
43 Attorney General has an office, and in such a case, the jurisdiction of the court shall
44 extend throughout the state.

45 (d) If a court issues a temporary restraining order or a preliminary or permanent
46 injunction in an action brought pursuant to subdivision (a) or (b), ordering a defendant to

1 refrain from conduct or activities, the order issued shall include the following statement:
2 VIOLATION OF THIS ORDER IS A CRIME PUNISHABLE UNDER SECTION 422.9
3 OF THE PENAL CODE.

4 (e) The court shall order the plaintiff or the attorney for the plaintiff to deliver, or the
5 county clerk of the court to mail, two copies of any order, extension, modification, or
6 termination thereof granted pursuant to this section, by the close of the business day on
7 which the order, extension, modification, or termination was granted, to each local law
8 enforcement agency having jurisdiction over the residence of the plaintiff and any other
9 locations where the court determines that acts of violence against the plaintiff are likely to
10 occur. Those local law enforcement agencies shall be designated by the plaintiff or the
11 attorney for the plaintiff. Each appropriate law enforcement agency receiving any order,
12 extension, or modification of any order issued pursuant to this section shall serve
13 forthwith one copy thereof upon the defendant. Each appropriate law enforcement agency
14 shall provide to any law enforcement officer responding to the scene of reported violence,
15 information as to the existence of, terms, and current status of, any order issued pursuant
16 to this section.

17 (f) A court shall not have jurisdiction to issue an order or injunction under this section,
18 if that order or injunction would be prohibited under Section 527.3 of the Code of Civil
19 Procedure.

20 (g) An action brought pursuant to this section is independent of any other action,
21 remedy, or procedure that may be available to an aggrieved individual under any other
22 provision of law, including, but not limited to, an action, remedy, or procedure brought
23 pursuant to Section 51.7.

24 (h) In addition to any damages, injunction, or other equitable relief awarded in an
25 action brought pursuant to subdivision (b), the court may award the petitioner or plaintiff
26 reasonable attorney's fees.

27 (i) A violation of an order described in subdivision (d) may be punished either by
28 prosecution under Section 422.9 of the Penal Code, or by a proceeding for contempt
29 brought pursuant to Title 5 (commencing with Section 1209) of Part 3 of the Code of
30 Civil Procedure. However, in any such proceeding pursuant to the Code of Civil
31 Procedure, if it be determined that the person proceeded against is guilty of the contempt
32 charged, in addition to any other relief, a fine may be imposed not exceeding one
33 thousand dollars (\$ 1,000), or the person may be ordered imprisoned in a county jail not
34 exceeding six months, or the court may order both the imprisonment and fine.

35 (j) Speech alone is not sufficient to support an action brought pursuant to subdivision
36 (a) or (b), except upon a showing that the speech itself threatens violence against a
37 specific person or group of persons; and the person or group of persons against whom the
38 threat is directed reasonably fears that, because of the speech, violence will be committed
39 against them or their property and that the person threatening violence had the apparent
40 ability to carry out the threat.

41 (k) No order issued in any proceeding brought pursuant to subdivision (a) or (b) shall
42 restrict the content of any person's speech. An order restricting the time, place, or manner
43 of any person's speech shall do so only to the extent reasonably necessary to protect the
44 peaceable exercise or enjoyment of constitutional or statutory rights, consistent with the
45 constitutional rights of the person sought to be enjoined.

46 **Comment.** Section 52.1 is amended to reflect elimination of the county clerk's role as ex
47 officio clerk of the superior court. See former Gov't Code § 26800 (county clerk acting as clerk
48 of superior court). The powers, duties, and responsibilities formerly exercised by the county clerk
49 as ex officio clerk of the court are delegated to the court administrative or executive officer, and

1 the county clerk is relieved of those powers, duties, and responsibilities. See Gov't Code §§
2 69840 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

3 **§ 798.61 (amended). Abandoned mobilehomes**

4 SEC. ____ . Section 798.61 of the Civil Code is amended to read:

5 798.61. (a)(1) As used in this section, "abandoned mobilehome" means a mobilehome
6 about which all of the following are true:

7 (A) It is located in a mobilehome park on a site for which no rent has been paid to the
8 management for the preceding 60 days.

9 (B) It is unoccupied.

10 (C) A reasonable person would believe it to be abandoned.

11 (2) For purposes of this section:

12 (A) "Mobilehome" shall include a trailer coach, as defined in Section 635 of the
13 Vehicle Code, or a recreational vehicle, as defined in Section 18010 of the Health and
14 Safety Code, if the trailer coach or recreational vehicle also satisfies the requirements of
15 paragraph (1), including being located on any site within a mobilehome park, even if the
16 site is in a separate designated section pursuant to Section 18215 of the Health and Safety
17 Code.

18 (B) "Abandoned mobilehome" shall include a mobilehome that is uninhabitable
19 because of its total or partial destruction that cannot be rehabilitated, if the mobilehome
20 also satisfies the requirements of paragraph (1).

21 (b) After determining a mobilehome in a mobilehome park to be an abandoned
22 mobilehome, the management shall post a notice of belief of abandonment on the
23 mobilehome for not less than 30 days, and shall deposit copies of the notice in the United
24 States mail, postage prepaid, addressed to the homeowner at the last known address and
25 to any known registered owner, if different from the homeowner, and to any known
26 holder of a security interest in the abandoned mobilehome. This notice shall be mailed by
27 registered or certified mail with a return receipt requested.

28 (c) Thirty or more days following posting pursuant to subdivision (b), the management
29 may file a petition in the municipal court for the judicial district in which the mobilehome
30 park is located, or in the superior court in a county in which there is no municipal court
31 the county in which the mobilehome park is located, for a judicial declaration of
32 abandonment of the mobilehome. A proceeding under this subdivision is a limited civil
33 case. Copies of the petition shall be served upon the homeowner, any known registered
34 owner, and any known person having a lien or security interest of record in the
35 mobilehome by posting a copy on the mobilehome and mailing copies to those persons at
36 their last known addresses by registered or certified mail with a return receipt requested
37 in the United States mail, postage prepaid.

38 (d)(1) Hearing on the petition shall be given precedence over other matters on the
39 court's calendar.

40 (2) If, at the hearing, the petitioner shows by a preponderance of the evidence that the
41 criteria for an abandoned mobilehome has been satisfied and no party establishes an
42 interest therein at the hearing, the court shall enter a judgment of abandonment, determine
43 the amount of charges to which the petitioner is entitled, and award attorney's fees and
44 costs to the petitioner. For purposes of this subdivision, an interest in the mobilehome
45 shall be established by evidence of a right to possession of the mobilehome or a security
46 or ownership interest in the mobilehome.

1 (3) A default may be entered by the court clerk upon request of the petitioner, and a
2 default judgment shall be thereupon entered, if no responsive pleading is filed within 15
3 days after service of the petition by mail.

4 (e)(1) Within 10 days following a judgment of abandonment, the management shall
5 enter the abandoned mobilehome and complete an inventory of the contents and submit
6 the inventory to the court.

7 (2) During this period the management shall post and mail notice of intent to sell the
8 abandoned mobilehome and its contents under this section, and announcing the date of
9 sale, in the same manner as provided for the notice of determination of abandonment
10 under subdivision (b).

11 (3) At any time prior to the sale of a mobilehome under this section, any person having
12 a right to possession of the mobilehome may recover and remove it from the premises
13 upon payment to the management of all rent or other charges due, including reasonable
14 costs of storage and other costs awarded by the court. Upon receipt of this payment and
15 removal of the mobilehome from the premises pursuant to this paragraph, the
16 management shall immediately file an acknowledgment of satisfaction of judgment
17 pursuant to Section 724.030 of the Code of Civil Procedure.

18 (f) Following the judgment of abandonment, but not less than 10 days following the
19 notice of sale specified in subdivision (e), the management may conduct a public sale of
20 the abandoned mobilehome and its contents. The management may bid at the sale and
21 shall have the right to offset its bids to the extent of the total amount due it under this
22 section. The proceeds of the sale shall be retained by the management, but any unclaimed
23 amount thus retained over and above the amount to which the management is entitled
24 under this section shall be deemed abandoned property and shall be paid into the treasury
25 of the county in which the sale took place within 30 days of the date of the sale. The
26 former homeowner or any other owner may claim any or all of that unclaimed amount
27 within one year from the date of payment to the county by making application to the
28 county treasurer or other official designated by the county. If the county pays any or all of
29 that unclaimed amount to a claimant, neither the county nor any officer or employee of
30 the county is liable to any other claimant as to the amount paid.

31 (g) Within 30 days of the date of the sale, the management shall submit to the court an
32 accounting of the moneys received from the sale and the disposition of the money and the
33 items contained in the inventory submitted to the court pursuant to subdivision (e).

34 (h) The management shall provide the purchaser at the sale with a copy of the judgment
35 of abandonment and evidence of the sale, as shall be specified by the State Department of
36 Housing and Community Development or the Department of Motor Vehicles, which shall
37 register title in the abandoned mobilehome to the purchaser upon presentation thereof.
38 The sale shall pass title to the purchaser free of any prior interest, including any security
39 interest or lien, except the lien provided for in Section 18116.1 of the Health and Safety
40 Code, in the abandoned mobilehome.

41 **Comment.** Subdivision (c) of Section 798.61 is amended to reflect unification of the municipal
42 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution. See Code
43 Civ. Proc. § 38 (judicial districts).

44  **Note.** This provision raises issues relating to local venue. The Commission and the Judicial
45 Council are studying this area and may propose further revisions to address local venue issues.
46 The Commission solicits comment on the proper treatment of this provision.

1 **§ 1181 (amended). Proof of acknowledgment of instrument**

2 SEC. _____. Section 1181 of the Civil Code is amended to read:

3 1181. The proof or acknowledgment of an instrument may be made before a notary
4 public at any place within this state, or within the county or city and county in this state in
5 which the officer specified below was elected or appointed, before either:

- 6 (a) A clerk of a superior ~~or municipal~~ court.
- 7 (b) A county clerk.
- 8 (c) A court commissioner.
- 9 (d) A ~~judge or~~ retired judge of a municipal or justice court.
- 10 (e) A district attorney.
- 11 (f) A clerk of a board of supervisors.
- 12 (g) A city clerk.
- 13 (h) A county counsel.
- 14 (i) A city attorney.
- 15 (j) Secretary of the Senate.
- 16 (k) Chief Clerk of the Assembly.

17 **Comment.** Subdivisions (a) and (d) of Section 1181 are amended to reflect unification of the
18 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

19 **§ 1780 (amended). Action for unlawful method, act, or practice**

20 SEC. _____. Section 1780 of the Civil Code is amended to read:

21 1780. (a) Any consumer who suffers any damage as a result of the use or employment
22 by any person of a method, act, or practice declared to be unlawful by Section 1770 may
23 bring an action against that person to recover or obtain any of the following:

- 24 (1) Actual damages, but in no case shall the total award of damages in a class action be
25 less than one thousand dollars (\$1,000).
- 26 (2) An order enjoining the methods, acts, or practices.
- 27 (3) Restitution of property.
- 28 (4) Punitive damages.
- 29 (5) Any other relief that the court deems proper.

30 (b) Any consumer who is a senior citizen or a disabled person, as defined in
31 subdivisions (f) and (g) of Section 1761, as part of an action under subdivision (a), may
32 seek and be awarded, in addition to the remedies specified therein, up to five thousand
33 dollars (\$5,000) where the trier of fact (1) finds that the consumer has suffered substantial
34 physical, emotional, or economic damage resulting from the defendant's conduct, (2)
35 makes an affirmative finding in regard to one or more of the factors set forth in
36 subdivision (b) of Section 3345, and (3) finds that an additional award is appropriate.
37 Judgment in a class action by senior citizens or disabled persons under Section 1781 may
38 award each class member such an additional award where the trier of fact has made the
39 foregoing findings.

40 (c) An action under subdivision (a) or (b) may be commenced in the county in which
41 the person against whom it is brought resides, has his or her principal place of business,
42 or is doing business, or in the county where the transaction or any substantial portion
43 thereof occurred.

44 ~~If within the county there is a municipal court, having jurisdiction of the subject matter,~~
45 ~~established in the city and county or judicial district in which the person against whom~~
46 ~~the action is brought resides, has his or her principal place of business, or is doing~~
47 ~~business, or in which the transaction or any substantial portion thereof occurred, then that~~

1 court is the proper court for the trial of the action. Otherwise, any court in the county
2 having jurisdiction of the subject matter is the proper court for the trial thereof.

3 In any action subject to the provisions of this section, concurrently with the filing of the
4 complaint, the plaintiff shall file an affidavit stating facts showing that the action has
5 been commenced in a county or judicial district described in this section as a proper place
6 for the trial of the action. If a plaintiff fails to file the affidavit required by this section,
7 the court shall, upon its own motion or upon motion of any party, dismiss the action
8 without prejudice.

9 (d) The court shall award court costs and attorney's fees to a prevailing plaintiff in
10 litigation filed pursuant to this section. Reasonable attorney's fees may be awarded to a
11 prevailing defendant upon a finding by the court that the plaintiff's prosecution of the
12 action was not in good faith.

13 **Comment.** Subdivision (c) of Section 1780 is amended to reflect unification of the municipal
14 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution. See Code
15 Civ. Proc. § 38 (judicial districts).

16 ☞ **Note.** This provision raises issues relating to local venue. The Commission and the Judicial
17 Council are studying this area and may propose further revisions to address local venue issues.
18 The Commission solicits comment on the proper treatment of this provision.

19 **§ 1789.24 (amended). Deposit in lieu of bond of credit services organization**

20 SEC. ____. Section 1789.24 of the Civil Code is amended to read:

21 1789.24. (a) When a deposit has been made in lieu of a bond pursuant to Section
22 995.710 of the Code of Civil Procedure, the person asserting a claim against the deposit
23 shall, in lieu of proceeding under Section 996.430 of the Code of Civil Procedure,
24 establish the claim by furnishing evidence to the Secretary of State of a money judgment
25 entered by a court, together with evidence that the claimant is a person described in
26 subdivision (b) of Section 1789.18.

27 (b) When a person has established the claim with the Secretary of State, the Secretary
28 of State shall review and approve the claim and enter the date of approval thereon. The
29 claim shall be designated an "approved claim."

30 (c) When the first claim against a particular deposit has been approved, it shall not be
31 paid until the expiration of a period of 240 days after the date of its approval by the
32 Secretary of State. Subsequent claims that are approved by the Secretary of State within
33 the same 240-day period shall similarly not be paid until the expiration of the 240-day
34 period. Upon the expiration of the 240-day period, the Secretary of State shall pay all
35 approved claims from that 240-day period in full unless the deposit is insufficient, in
36 which case each approved claim shall be paid a pro rata share of the deposit.

37 (d) When the Secretary of State approves the first claim against a particular deposit
38 after the expiration of a 240-day period, the date of approval of that claim shall begin a
39 new 240-day period to which subdivision (c) shall apply with respect to any amount
40 remaining in the deposit.

41 (e) After a deposit is exhausted, no further claims shall be paid by the Secretary of
42 State. Claimants who have had their claims paid in full or in part pursuant to subdivision
43 (c) or (d) shall not be required to return funds received from the deposit for the benefit of
44 other claimants.

45 (f) When a deposit has been made in lieu of a bond, as specified in subdivision (a), the
46 amount of the deposit shall not be subject to attachment, garnishment, or execution with
47 respect to an action or judgment against the credit services organization, other than as to

1 an amount as no longer needed or required for the purpose of this title which would
2 otherwise be returned to the credit services organization by the Secretary of State.

3 (g) The Secretary of State shall retain a cash deposit for two years from the date the
4 Secretary of State receives written notification from the assignor of the deposit that the
5 assignor has ceased to engage in the business of a credit services organization or has filed
6 a bond pursuant to Section 1789.18, provided that there are no outstanding claims against
7 the deposit. The written notice shall include all of the following: (1) name, address, and
8 telephone number of the assignor; (2) name, address, and telephone number of the bank at
9 which the deposit is located; (3) account number of the deposit; and (4) a statement
10 whether the assignor is ceasing to engage in the business of a credit services organization
11 or has filed a bond with the Secretary of State. The Secretary of State shall forward an
12 acknowledgment of receipt of the written notice to the assignor at the address indicated
13 therein, specifying the date of receipt of the written notice and anticipated date of release
14 of the deposit.

15 (h) This section shall apply to all deposits retained by the Secretary of State.

16 (i) A judge of a ~~municipal or~~ superior court may order the return of the deposit prior to
17 the expiration of two years upon evidence satisfactory to the judge that there are no
18 outstanding claims against the deposit or order the Secretary of State to retain the deposit
19 for a sufficient period beyond the two years specified in subdivision (g) to resolve
20 outstanding claims against the deposit account.

21 **Comment.** Subdivision (i) of Section 1789.24 is amended to reflect unification of the
22 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

23 **§ 1812.10 (amended). Action on contract or installment account**

24 SEC. ____ . Section 1812.10 of the Civil Code is amended to read:

25 1812.10. An action on a contract or installment account under the provisions of this
26 chapter shall be tried in the county in which the contract was in fact signed by the buyer,
27 in the county in which the buyer resided at the time the contract was entered into, in the
28 county in which the buyer resides at the commencement of the action, or in the county in
29 which the goods purchased pursuant to the contract have been so affixed to real property
30 as to become a part of that real property.

31 ~~If within the county there is a municipal court, having jurisdiction of the subject matter,~~
32 ~~established in the city and county or judicial district in which the contract was in fact~~
33 ~~signed by the buyer, or in which the buyer resided at the time the contract was entered~~
34 ~~into, or in which the buyer resides at the commencement of the action or in which the~~
35 ~~goods purchased pursuant to the contract have been so affixed to real property as to~~
36 ~~become a part of that real property, then that court is the proper court for the trial of the~~
37 ~~action. Otherwise, any court in the county, having jurisdiction of the subject matter, is the~~
38 ~~proper court for the trial thereof.~~

39 In any action subject to the provisions of this section, concurrently with the filing of the
40 complaint, the plaintiff shall file an affidavit stating facts showing that the action has
41 been commenced in a county ~~or judicial district~~ described in this section as a proper place
42 for the trial of the action. Those facts may be stated in a verified complaint and shall not
43 be stated on information or belief. When that affidavit is filed with the complaint, a copy
44 thereof shall be served with the summons. If a plaintiff fails to file the affidavit or state
45 facts in a verified complaint required by this section, no further proceedings shall be had,
46 but the court shall, upon its own motion or upon motion of any party, dismiss the action
47 without prejudice; however, the court may, on such terms as may be just, permit the
48 affidavit to be filed subsequent to the filing of the complaint and a copy of the affidavit

1 shall be served on the defendant. The time to answer or otherwise plead shall date from
2 that service.

3 **Comment.** Section 1812.10 is amended to reflect unification of the municipal and superior
4 courts pursuant to Article VI, Section 5(e), of the California Constitution. See Code Civ. Proc. §
5 38 (judicial districts).

6  **Note.** This provision raises issues relating to local venue. The Commission and the Judicial
7 Council are studying this area and may propose further revisions to address local venue issues.
8 The Commission solicits comment on the proper treatment of this provision.

9 **§ 1812.105 (amended). Deposit in lieu of bond of discount buying organization**

10 SEC. _____. Section 1812.105 of the Civil Code is amended to read:

11 1812.105. (a) When a deposit has been made in lieu of a bond pursuant to Section
12 995.710 of the Code of Civil Procedure, the person asserting a claim against the deposit
13 shall, in lieu of Section 996.430 of the Code of Civil Procedure, establish the claim by
14 furnishing evidence to the Secretary of State of a money judgment entered by a court
15 together with evidence that the claimant is a person described in Section 1812.104.

16 (b) When a person has established the claim with the Secretary of State, the Secretary
17 of State shall review and approve the claim and enter the date of approval on the claim.
18 The claim shall be designated an “approved claim.”

19 (c) When the first claim against a particular deposit has been approved, it shall not be
20 paid until the expiration of a period of 240 days after the date of its approval by the
21 Secretary of State. Subsequent claims that are approved by the Secretary of State within
22 the same 240-day period shall similarly not be paid until the expiration of the 240-day
23 period. Upon the expiration of the 240-day period, the Secretary of State shall pay all
24 approved claims from that 240-day period in full unless the deposit is insufficient, in
25 which case each approved claim shall be paid a pro rata share of the deposit.

26 (d) When the Secretary of State approves the first claim against a particular deposit
27 after the expiration of a 240-day period, the date of approval of that claim shall begin a
28 new 240-day period to which subdivision (c) shall apply with respect to the amount
29 remaining in the deposit.

30 (e) After a deposit is exhausted, no further claims shall be paid by the Secretary of
31 State. Claimants who have had their claims paid in full or in part pursuant to subdivisions
32 (c) and (d) shall not be required to return funds received from the deposit for the benefit
33 of other claimants.

34 (f) When a deposit has been made in lieu of a bond, the amount of the deposit shall not
35 be subject to attachment, garnishment, or execution with respect to an action or judgment
36 against the discount buying organization, other than as to an amount as no longer needed
37 or required for the purpose of this title that would otherwise be returned to the discount
38 buying organization by the Secretary of State.

39 (g) The Secretary of State shall retain a cash deposit for two years from the date the
40 Secretary of State receives written notification from the assignor of the deposit that the
41 assignor has ceased to engage in the business of a discount buying organization or has
42 filed a bond pursuant to Section 1812.103, provided that there are no outstanding claims
43 against the deposit. This written notice shall include all of the following: (1) name,
44 address, and telephone number of the assignor; (2) name, address, and telephone number
45 of the bank at which the deposit is located; (3) account number of the deposit; and (4) a
46 statement whether the assignor is ceasing to engage in the business of a discount buying
47 organization or has filed a bond with the Secretary of State. The Secretary of State shall

1 forward an acknowledgment of receipt of the written notice to the assignor at the address
2 indicated therein, specifying the date of receipt of the written notice and anticipated date
3 of release of the deposit, provided there are no outstanding claims against the deposit.

4 (h) A judge of a ~~municipal~~ or superior court may order the return of the deposit prior to
5 the expiration of two years upon evidence satisfactory to the judge that there are no
6 outstanding claims against the deposit or order the Secretary of State to retain the deposit
7 for a sufficient period beyond the two years specified in subdivision (g) to resolve
8 outstanding claims against the deposit.

9 **Comment.** Subdivision (h) of Section 1812.105 is amended to reflect unification of the
10 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

11 **§ 1812.503 (amended). Bond or deposit of employment agency**

12 SEC. ____ Section 1812.503 of the Civil Code is amended to read:

13 1812.503. (a) Every employment agency subject to this title shall maintain a bond
14 issued by a surety company admitted to do business in this state. The principal sum of the
15 bond shall be three thousand dollars (\$3,000). A copy of the bond shall be filed with the
16 Secretary of State.

17 (b) The bond required by this section shall be in favor of, and payable to, the people of
18 the State of California and shall be conditioned that the person obtaining the bond will
19 comply with this title and will pay all sums due any individual or group of individuals
20 when the person or his or her representative, agent, or employee has received those sums.
21 The bond shall be for the benefit of any person or persons damaged by any violation of
22 this title or by fraud, dishonesty, misstatement, misrepresentation, deceit, unlawful acts or
23 omissions, or failure to provide the services of the employment agency in performance of
24 the contract with the jobseeker, by the employment agency or its agents, representatives,
25 or employees while acting within the scope of their employment.

26 (c)(1) No employment agency shall conduct any business without having a current
27 surety bond in the amount prescribed by this title and filing a copy of the bond with the
28 Secretary of State.

29 (2) Thirty days prior to the cancellation or termination of any surety bond required by
30 this section, the surety shall send a written notice of that cancellation or termination to
31 both the employment agency and the Secretary of State, identifying the bond and the date
32 of cancellation or termination.

33 (3) If any employment agency fails to obtain a new bond and file a copy of that bond
34 with the Secretary of State by the effective date of the cancellation or termination of the
35 former bond, the employment agency shall cease to conduct any business unless and until
36 a new surety bond is obtained and a copy of that bond is filed with the Secretary of State.

37 (d) When a deposit has been made in lieu of the bond pursuant to Section 995.710 of
38 the Code of Civil Procedure, the person asserting a claim against the deposit shall, in lieu
39 of Section 996.430 of the Code of Civil Procedure, establish the claim by furnishing
40 evidence to the Secretary of State of a money judgment entered by a court together with
41 evidence that the claimant is a person described in subdivision (b).

42 (e) When a claimant has established the claim with the Secretary of State, the Secretary
43 of State shall review and approve the claim and enter the date of approval thereon. The
44 claim shall be designated an “approved claim.”

45 (f) When the first claim against a particular deposit has been approved, it shall not be
46 paid until the expiration of a period of 240 days after the date of its approval by the
47 Secretary of State. Subsequent claims that are approved by the Secretary of State within
48 the same 240-day period shall similarly not be paid until the expiration of the 240-day

1 period. Upon the expiration of the 240-day period, the Secretary of State shall pay all
2 approved claims from that 240-day period in full unless the deposit is insufficient, in
3 which case each approved claim shall be paid a pro rata share of the deposit.

4 (g) When the Secretary of State approves the first claim against a particular deposit
5 after the expiration of a 240-day period, the date of approval of that claim shall begin a
6 new 240-day period to which subdivision (f) shall apply with respect to any amount
7 remaining in the deposit.

8 (h) After a deposit is exhausted, no further claims shall be paid by the Secretary of
9 State. Claimants who have had their claims paid in full or in part pursuant to subdivision
10 (f) or (g) shall not be required to return funds received from the deposit for the benefit of
11 other claimants.

12 (i) When a deposit has been made in lieu of a bond, the amount of the deposit shall not
13 be subject to attachment, garnishment, or execution with respect to an action or judgment
14 against the employment agency, other than as to an amount as no longer needed or
15 required for the purpose of this title that would otherwise be returned to the employment
16 agency by the Secretary of State.

17 (j) The Secretary of State shall retain a cash deposit for two years from the date the
18 Secretary of State receives written notification from the assignor of the deposit that the
19 assignor has ceased to engage in the business of an employment agency or has filed a
20 bond pursuant to subdivision (a), provided that there are no outstanding claims against
21 the deposit. This written notice shall include all of the following: (1) name, address, and
22 telephone number of the assignor; (2) name, address, and telephone number of the bank at
23 which the deposit is located; (3) account number of the deposit; and (4) a statement
24 whether the assignor is ceasing to engage in the business of an employment agency or has
25 filed a bond with the Secretary of State. The Secretary of State shall forward an
26 acknowledgment of receipt of the written notice to the assignor at the address indicated
27 therein, specifying the date of receipt of the written notice and anticipated date of release
28 of the deposit, provided there are no outstanding claims against the deposit.

29 (k) A judge of a ~~municipal~~ or superior court may order the return of the deposit prior to
30 the expiration of two years upon evidence satisfactory to the judge that there are no
31 outstanding claims against the deposit or order the Secretary of State to retain the deposit
32 for a sufficient period beyond the two years pursuant to subdivision (j) to resolve
33 outstanding claims against the deposit account.

34 (l) The Secretary of State shall charge a filing fee not to exceed the cost of filing the
35 bond or deposit filed in lieu of a bond as set forth in Section 995.710 of the Code of Civil
36 Procedure.

37 (m) The Secretary of State shall enforce the provisions of this chapter that govern the
38 filing and maintenance of bonds and deposits in lieu of bonds.

39 **Comment.** Subdivision (k) of Section 1812.503 is amended to reflect unification of the
40 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

41 **§ 1812.510 (amended). Bond or deposit of employment counseling service**

42 SEC. _____. Section 1812.510 of the Civil Code is amended to read:

43 1812.510. (a) Every employment counseling service subject to this title shall maintain a
44 bond issued by a surety company admitted to do business in this state. The principal sum
45 of the bond shall be ten thousand dollars (\$10,000). A copy of the bond shall be filed with
46 the Secretary of State.

47 (b) The bond required by this section shall be in favor of, and payable to, the people of
48 the State of California, and shall be conditioned that the person obtaining the bond will

1 comply with this title and will pay all sums due any individual or group of individuals
2 when the person or his or her representative, agent, or employee has received those sums.
3 The bond shall be for the benefit of any person or persons damaged by any violation of
4 this title or by fraud, dishonesty, misstatement, misrepresentation, deceit, unlawful acts of
5 or omissions, or failure to provide the services of the employment counseling service in
6 performance of the contract with the customer by the employment counseling service or
7 its agents, representatives, or employees while acting within the scope of their
8 employment.

9 (c)(1) No employment counseling service shall conduct any business without having a
10 current surety bond in the amount prescribed by this title and filing a copy of the bond
11 with the Secretary of State.

12 (2) Thirty days prior to the cancellation or termination of any surety bond required by
13 this section, the surety shall send a written notice of that cancellation or termination to
14 both the employment counseling service and the Secretary of State, identifying the bond
15 and the date of cancellation or termination.

16 (3) If any employment counseling service fails to obtain a new bond and file a copy of
17 that bond with the Secretary of State by the effective date of the cancellation or
18 termination of the former bond, the employment counseling service shall cease to conduct
19 any business unless and until a new surety bond is obtained and a copy of that bond is
20 filed with the Secretary of State.

21 (d) When a deposit has been made in lieu of the bond pursuant to Section 995.710 of
22 the Code of Civil Procedure, the person asserting a claim against the deposit shall, in lieu
23 of Section 996.430 of the Code of Civil Procedure, establish the claim by furnishing
24 evidence to the Secretary of State of a money judgment entered by a court together with
25 evidence that the claimant is a person described in subdivision (b).

26 (e) When a person has established the claim with the Secretary of State, the Secretary
27 of State shall immediately review and approve the claim and enter the date of approval on
28 the claim. The claim shall be designated an “approved claim.”

29 (f) When the first claim against a particular deposit has been approved, it shall not be
30 paid until the expiration of a period of 240 days after the date of its approval by the
31 Secretary of State. Subsequent claims that are approved by the Secretary of State within
32 the same 240-day period shall similarly not be paid until the expiration of the 240-day
33 period. Upon the expiration of the 240-day period, the Secretary of State shall pay all
34 approved claims from that 240-day period in full unless the deposit is insufficient, in
35 which case each approved claim shall be paid a pro rata share of the deposit.

36 (g) When the Secretary of State approves the first claim against a particular deposit
37 account after the expiration of the 240-day period, the date of approval of that claim shall
38 begin a new 240-day period to which subdivision (f) shall apply with respect to the
39 amount remaining in the deposit account.

40 (h) After a deposit account is exhausted, no further claims shall be paid by the
41 Secretary of State. Claimants who have had their claims paid in full or in part pursuant to
42 subdivisions (f) and (g) shall not be required to return funds received from the deposit for
43 the benefit of other claimants.

44 (i) When a deposit has been made in lieu of a bond, the amount of the deposit shall not
45 be subject to attachment, garnishment, or execution with respect to an action or judgment
46 against the employment counseling service, other than as to an amount as no longer
47 needed or required for the purpose of this title that would otherwise be returned to the
48 employment counseling service by the Secretary of State.

1 (j) The Secretary of State shall retain a cash deposit for two years from the date the
2 Secretary of State receives written notification from the assignor of the deposit that the
3 assignor has ceased to engage in the business of a counseling service or has filed a bond
4 pursuant to subdivision (a), provided that there are no outstanding claims against the
5 deposit. Written notification to the Secretary of State shall include all of the following:
6 (1) name, address, and telephone number of the assignor; (2) name, address, and
7 telephone number of the bank at which the deposit is located; (3) account number of the
8 deposit; and (4) a statement whether the assignor is ceasing to engage in the business of a
9 counseling service or has filed a bond with the Secretary of State. The Secretary of State
10 shall forward an acknowledgment of receipt of the written notice to the assignor at the
11 address indicated in the notice, specifying the date of receipt of the written notice and
12 anticipated date of release of the deposit, provided there are no outstanding claims against
13 the deposit account.

14 (k) A judge of a ~~municipal~~ or superior court may order the return of the deposit prior to
15 the expiration of two years upon evidence satisfactory to the judge that there are no
16 outstanding claims against the deposit or order the Secretary of State to retain the deposit
17 for a sufficient period beyond the two years pursuant to subdivision (j) to resolve
18 outstanding claims against the deposit account.

19 (l) The Secretary of State shall charge a filing fee not to exceed the cost of filing the
20 bond or the deposit filed in lieu of a bond pursuant to Section 995.710 of the Code of
21 Civil Procedure.

22 (m) The Secretary of State shall enforce the provisions of this chapter that govern the
23 filing and maintenance of bonds and deposits in lieu of bonds.

24 **Comment.** Subdivision (b) of Section 1812.510 is amended to make a technical change.

25 Subdivision (k) is amended to reflect unification of the municipal and superior courts pursuant
26 to Article VI, Section 5(e), of the California Constitution.

27 **§ 1812.515 (amended). Bond or deposit of job listing service**

28 SEC. ____. Section 1812.515 of the Civil Code is amended to read:

29 1812.515. (a) Every job listing service subject to this title shall maintain a bond issued
30 by a surety company admitted to do business in this state. The principal sum of the bond
31 shall be ten thousand dollars (\$10,000) for each location. A copy of the bond shall be
32 filed with the Secretary of State.

33 (b) The bond required by this section shall be in favor of, and payable to, the people of
34 the State of California, and shall be conditioned that the person obtaining the bond will
35 comply with this title and will pay all sums due any individual or group of individuals
36 when the person or his or her representative, agent, or employee has received those sums.
37 The bond shall be for the benefit of any person or persons damaged by any violation of
38 misrepresentation, deceit, unlawful acts of omissions, or failure to provide the services of
39 the job listing service in performance of the contract with the jobseeker, by the job listing
40 service or its agent, representatives, or employees while acting within the scope of their
41 employment.

42 (c)(1) No job listing service shall conduct any business without having a current surety
43 bond in the amount prescribed by this chapter and filing a copy of the bond with the
44 Secretary of State, identifying the bond and the date of cancellation or termination.

45 (2) Thirty days prior to the cancellation or termination of any surety bond required by
46 this section, the surety shall send a written notice of that cancellation or termination to
47 both the job listing service and the Secretary of State, identifying the bond and the date of
48 cancellation or termination.

1 (3) If any job listing service fails to obtain a new bond and file a copy of that bond with
2 the Secretary of State by the effective date of the cancellation or termination of the
3 former bond, the job listing service shall cease to conduct any business unless and until a
4 new surety bond is obtained and a copy of that bond is filed with the Secretary of State.

5 (d) When a deposit has been made in lieu of a bond pursuant to Section 995.710 of the
6 Code of Civil Procedure, the person asserting a claim against the deposit shall, in lieu of
7 Section 996.430 of the Code of Civil Procedure, establish the claim by furnishing
8 evidence to the Secretary of State of a money judgment entered by a court together with
9 evidence that the claimant is a person described in subdivision (b).

10 (e) When a person has established the claim with the Secretary of State, the Secretary
11 of State shall review and approve the claim and enter the date of approval on the claim.
12 The claim shall be designated an “approved claim.”

13 (f) When the first claim against a particular deposit has been approved, it shall not be
14 paid until the expiration of a period of 240 days after the date of its approval by the
15 Secretary of State. Subsequent claims that are approved by the Secretary of State within
16 the same 240-day period shall similarly not be paid until the expiration of the 240-day
17 period. Upon the expiration of the 240-day period, the Secretary of State shall pay all
18 approved claims from that 240-day period in full unless the deposit is insufficient, in
19 which case each approved claim shall be paid in a pro rata share of the deposit.

20 (g) When the Secretary of State approves the first claim against a particular deposit
21 after the expiration of the 240-day period, the date of approval of that claim shall begin a
22 new 240-day period to which subdivision (f) shall apply with respect to the amount
23 remaining in the deposit.

24 (h) After a deposit is exhausted, no further claims shall be paid by the Secretary of
25 State. Claimants who have had their claims paid in full or in part pursuant to subdivisions
26 (f) and (g) shall not be required to return funds received from the deposit for the benefit
27 of other claimants.

28 (i) When a deposit has been made in lieu of a bond, the amount of the deposit shall not
29 be subject to attachment, garnishment, or execution with respect to an action or judgment
30 against the job listing service, other than as to an amount as no longer needed or required
31 for the purpose of this title that would otherwise be returned to the job listing service by
32 the Secretary of State.

33 (j) The Secretary of State shall retain a cash deposit for two years from the date the
34 Secretary of State receives written notification from the assignor of the deposit that the
35 assignor has ceased to engage in the business of a job listing service or has filed a bond
36 pursuant to subdivision (a), provided that there are no outstanding claims against the
37 deposit. Written notification to the Secretary of State shall include all of the following:
38 (1) name, address, and telephone number of the assignor; (2) name, address, and
39 telephone number of the bank at which the deposit is located; (3) account number of the
40 deposit; and (4) a statement whether the assignor is ceasing to engage in the business of a
41 job listing service or has filed a bond with the Secretary of State. The Secretary of State
42 shall forward an acknowledgment of receipt of the written notice to the assignor at the
43 address indicated therein, specifying the date of receipt of the written notice and
44 anticipated date of release of the deposit, provided there are no outstanding claims against
45 the deposit.

46 (k) A judge of a ~~municipal~~ or superior court may order the return of the deposit prior to
47 the expiration of two years upon evidence satisfactory to the judge that there are no
48 outstanding claims against the deposit or order the Secretary of State to retain the deposit

1 for a specified period beyond the two years pursuant to subdivision (j) to resolve
2 outstanding claims against the deposit account.

3 (l) The Secretary of State shall charge a filing fee not to exceed the cost of filing the
4 bond or deposit filed in lieu of a bond pursuant to Section 995.710 of the Code of Civil
5 Procedure.

6 (m) The Secretary of State shall enforce the provisions of this chapter that govern the
7 filing and maintenance of bonds and deposits in lieu of bonds.

8 **Comment.** Subdivision (k) of Section 1812.515 is amended to reflect unification of the
9 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

10 ☞ **Note.** There appears to be an error in the last sentence of subdivision (b). The sentence
11 probably should read: “The bond shall be for the benefit of any person or persons damaged by
12 any violation of this title or by fraud, dishonesty, misstatement, misrepresentation, deceit,
13 unlawful acts of or omissions, or failure to provide the services of the job listing service in
14 performance of the contract with the jobseeker, by the job listing service or its agent,
15 representatives, or employees while acting within the scope of their employment.” Cf. Civ. Code
16 § 1812.510(b). The Commission has not proposed to make such a correction here, because it
17 might be considered substantive, but this might be addressed in a future proposal. The
18 Commission solicits comment on the proper treatment of this provision.

19 **§ 1812.525 (amended). Bond or deposit of nurses’ registry**

20 SEC. ____. Section 1812.525 of the Civil Code is amended to read:

21 1812.525. (a) Every nurses’ registry subject to this title shall maintain a bond issued by
22 a surety company admitted to do business in this state. The principal sum of the bond
23 shall be three thousand dollars (\$3,000). A copy of the bond shall be filed with the
24 Secretary of State.

25 (b) The bond required by this section shall be in favor of, and payable to, the people of
26 the State of California, and shall be conditioned that the person obtaining the bond will
27 comply with this title and will pay all sums due any individual or group of individuals
28 when the person or his or her representative, agent, or employee has received those sums.
29 The bond shall be for the benefit of any person or persons damaged by any violation of
30 this title or by fraud, dishonesty, misstatement, misrepresentation, deceit, unlawful acts or
31 omissions, or failure to provide the services of the nurses’ registry in performance of the
32 contract with the nurse by the nurses’ registry or its agents, representatives, or employees
33 while acting within the scope of their employment.

34 (c)(1) No nurses’ registry shall conduct any business without having a current surety
35 bond in the amount prescribed by this title and filing a copy of the bond with the
36 Secretary of State.

37 (2) Thirty days prior to the cancellation or termination of any surety bond required by
38 this section, the surety shall send a written notice of that cancellation or termination to
39 both the nurses’ registry and the Secretary of State, identifying the bond and the date of
40 cancellation or termination.

41 (3) If any nurses’ registry fails to obtain a new bond and file a copy of that bond with
42 the Secretary of State by the effective date of the cancellation or termination of the
43 former bond, the nurses’ registry shall cease to conduct any business unless and until a
44 new surety bond is obtained and a copy of that bond is filed with the Secretary of State.

45 (d) When a deposit has been made in lieu of a bond pursuant to Section 995.710 of the
46 Code of Civil Procedure, the person asserting a claim against the deposit shall, in lieu of
47 Section 996.430 of the Code of Civil Procedure, establish the claim by furnishing

1 evidence to the Secretary of State of a money judgment entered by a court together with
2 evidence that the claimant is a person described in subdivision (b).

3 (e) When a person has established the claim with the Secretary of State, the Secretary
4 of State shall review and approve the claim and enter the date of approval on the claim.
5 The claim shall be designated an “approved claim.”

6 (f) When the first claim against a particular deposit has been approved, it shall not be
7 paid until the expiration of a period of 240 days after the date of its approval by the
8 Secretary of State. Subsequent claims that are approved by the Secretary of State within
9 the same 240-day period shall similarly not be paid until the expiration of the 240-day
10 period. Upon the expiration of the 240-day period, the Secretary of State shall pay all
11 approved claims from that 240-day period in full unless the deposit is insufficient, in
12 which case each approved claim shall be paid a pro rata share of the deposit.

13 (g) When the Secretary of State approves the first claim against a particular deposit
14 after the expiration of a 240-day period, the date of approval of that claim shall begin a
15 new 240-day period to which subdivision (f) shall apply with respect to the amount
16 remaining in the deposit.

17 (h) After a deposit is exhausted, no further claims shall be paid by the Secretary of
18 State. Claimants who have had their claims paid in full or in part pursuant to subdivisions
19 (f) and (g) shall not be required to return funds received from the deposit for the benefit
20 of other claimants.

21 (i) When a deposit has been made in lieu of a bond, the amount of the deposit shall not
22 be subject to attachment, garnishment, or execution with respect to an action or judgment
23 against the nurses’ registry, other than as to an amount as no longer needed or required
24 for the purpose of this title that would otherwise be returned to the nurses’ registry by the
25 Secretary of State.

26 (j) The Secretary of State shall retain a cash deposit for two years from the date the
27 Secretary of State receives written notification from the assignor of the deposit that the
28 assignor has ceased to engage in the business of a nurse’s registry or has filed a bond
29 pursuant to subdivision (a), provided that there are no outstanding claims against the
30 deposit. The written notice to the Secretary of State shall include all of the following: (1)
31 name, address, and telephone number of the assignor; (2) name, address, and telephone
32 number of the bank at which the deposit is located; (3) account number of the deposit;
33 and (4) a statement whether the assignor is ceasing to engage in the business of a nurse’s
34 registry or has filed a bond with the Secretary of State. The Secretary of State shall
35 forward an acknowledgment of receipt of the written notice to the assignor at the address
36 indicated therein, specifying the date of receipt of the written notice and anticipated date
37 of release of the deposit, provided there are no outstanding claims against the deposit.

38 (k) A judge of a ~~municipal~~ or superior court may order the return of the deposit prior to
39 the expiration of two years upon evidence satisfactory to the judge that there are no
40 outstanding claims against the deposit or order the Secretary of State to retain the deposit
41 for a specified period beyond the two years pursuant to subdivision (j) to resolve
42 outstanding claims against the deposit.

43 (l) The Secretary of State shall charge a filing fee not to exceed the cost of filing the
44 bond or deposit filed in lieu of a bond pursuant to Section 995.710 of the Code of Civil
45 Procedure.

46 (m) The Secretary of State shall enforce the provisions of this chapter that govern the
47 filing and maintenance of bonds and deposits in lieu of bonds.

48 **Comment.** Subdivision (k) of Section 1812.525 is amended to reflect unification of the
49 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

1 **§ 1812.600 (amended). Bond or deposit of auctioneer or auction company**

2 SEC. _____. Section 1812.600 of the Civil Code is amended to read:

3 1812.600. (a) Every auctioneer and auction company shall maintain a bond issued by a
4 surety company admitted to do business in this state. The principal sum of the bond shall
5 be twenty thousand dollars (\$20,000). A copy of the bond shall be filed with the
6 Secretary of State.

7 (b) The bond required by this section shall be in favor of, and payable to, the people of
8 the State of California and shall be for the benefit of any person or persons damaged by
9 any fraud, dishonesty, misstatement, misrepresentation, deceit, unlawful acts or
10 omissions, or failure to provide the services of the auctioneer or auction company in
11 performance of the auction by the auctioneer or auction company or its agents,
12 representatives, or employees while acting within the scope of their employment.

13 (c)(1) No auctioneer or auction company shall conduct any business without having a
14 current surety bond in the amount prescribed by this section and without filing a copy of
15 the bond with the Secretary of State.

16 (2) Thirty days prior to the cancellation or termination of any surety bond required by
17 this section, the surety shall send a written notice of that cancellation or termination to
18 both the auctioneer or auction company and the Secretary of State, identifying the bond
19 and the date of cancellation or termination.

20 (3) If any auctioneer or auction company fails to obtain a new bond and file a copy of
21 that bond with the Secretary of State by the effective date of the cancellation or
22 termination of the former bond, the auctioneer or auction company shall cease to conduct
23 any business unless and until that time as a new surety bond is obtained and a copy of
24 that bond is filed with the Secretary of State.

25 (d) A deposit may be made in lieu of a bond as set forth in Section 995.710 of the Code
26 of Civil Procedure. When a deposit is made in lieu of the bond, the person asserting the
27 claim against the deposit shall establish the claim by furnishing evidence to the Secretary
28 of State of a money judgment entered by a court together with evidence that the claimant
29 is a person described in subdivision (b).

30 (e) When a claimant has established the claim with the Secretary of State, the Secretary
31 of State shall review and approve the claim and enter the date of approval on the claim.
32 The claim shall be designated an “approved claim.”

33 (f) When the first claim against a particular deposit has been approved, it shall not be
34 paid until the expiration of a period of 240 days after the date of its approval by the
35 Secretary of State. Subsequent claims that are approved by the Secretary of State within
36 the same 240-day period shall similarly not be paid until the expiration of the 240-day
37 period. Upon expiration of the 240-day period, the Secretary of State shall pay all
38 approved claims from that 240-day period in full unless the deposit is insufficient, in
39 which case each approved claim shall be paid a pro rata share of the deposit.

40 (g) When the Secretary of State approves the first claim against a particular deposit
41 after the expiration of a 240-day period, the date of approval of that claim shall begin a
42 new 240-day period to which subdivision (f) shall apply with respect to any amount
43 remaining in the deposit.

44 (h) After a deposit is exhausted, no further claims shall be paid by the Secretary of
45 State. Claimants who have had their claims paid in full or in part pursuant to subdivision
46 (f) or (g) shall not be required to return funds received from the deposit for the benefit of
47 other claimants.

48 (i) When a deposit has been made in lieu of a bond, the amount of the deposit shall not
49 be subject to attachment, garnishment, or execution with respect to an action or judgment

1 against the auctioneer or auction company, other than as to that amount that is no longer
2 needed or required for the purpose of this section that otherwise would be returned to the
3 auctioneer or auction company by the Secretary of State.

4 (j) The Secretary of State shall retain a cash deposit for two years from the date the
5 Secretary of State receives written notification from the assignor of the deposit that the
6 assignor has ceased to engage in the business of an auctioneer or auction company or has
7 filed a bond pursuant to subdivision (a), provided that there are no outstanding claims
8 against the deposit. Written notification to the Secretary of State shall include all of the
9 following: (1) name, address, and telephone number of the assignor; (2) name, address,
10 and telephone number of the bank at which the deposit is located; (3) account number of
11 the deposit; and (4) a statement whether the assignor is ceasing to engage in the business
12 of an auctioneer or auction company or has filed a bond with the Secretary of State. The
13 Secretary of State shall forward an acknowledgment of receipt of the written notice to the
14 assignor at the address indicated in the notice, specifying the date of receipt of the written
15 notice and anticipated date of release of the deposit, provided there are no outstanding
16 claims against the deposit.

17 (k) A judge of a ~~municipal~~ or superior court may order the return of the deposit prior to
18 the expiration of two years upon evidence satisfactory to the judge that there are no
19 outstanding claims against the deposit or order the Secretary of State to retain the deposit
20 for a specified period beyond the two years pursuant to subdivision (j) to resolve
21 outstanding claims against the deposit.

22 (l) If an auctioneer or auction company fails to perform any of the duties specifically
23 imposed upon him or her pursuant to this title, any person may maintain an action for
24 enforcement of those duties or to recover a civil penalty in the amount of one thousand
25 dollars (\$1,000), or for both enforcement and recovery.

26 (m) In any action to enforce these duties or to recover civil penalties, or for both
27 enforcement and recovery, the prevailing plaintiff shall be entitled to reasonable
28 attorney's fees and costs, in addition to the civil penalties provided under subdivision (l).

29 (n) Notwithstanding the repeal of Chapter 3.7 (commencing with Section 5700) of
30 Division 3 of the Business and Professions Code by the act adding this chapter, any cash
31 security in lieu of the surety bond formerly required and authorized by former Chapter
32 3.7 (commencing with Section 5700) of Division 3 of the Business and Professions Code,
33 shall be transferred to, and maintained by, the Secretary of State.

34 (o) The Secretary of State shall charge and collect a filing fee not to exceed the cost of
35 filing the bond or deposit filed in lieu of a bond as set forth in Section 995.710 of the
36 Code of Civil Procedure.

37 (p) The Secretary of State shall enforce the provisions of this chapter that govern the
38 filing and maintenance of bonds and deposits in lieu of bonds.

39 **Comment.** Subdivision (k) of Section 1812.600 is amended to reflect unification of the
40 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

41 **§ 2924j (amended). Proceeding to discharge trustee and distribute proceeds of sale under**
42 **deed of trust**

43 SEC. ____ . Section 2924j of the Civil Code is amended to read:

44 2924j. (a) Unless an interpleader action has been filed, within 30 days of the execution
45 of the trustee's deed resulting from a sale in which there are proceeds remaining after
46 payment of the amounts required by paragraphs (1) and (2) of subdivision (a) of Section
47 2924k, the trustee shall send written notice to all persons with recorded interests in the
48 real property as of the date immediately prior to the trustee's sale who would be entitled

1 to notice pursuant to subdivisions (b) and (c) of Section 2924b. The notice shall be sent
2 by first-class mail in the manner provided in paragraph (1) of subdivision (c) of Section
3 2924b and inform each entitled person of each of the following:

4 (1) That there has been a trustee's sale of the described real property.

5 (2) That the noticed person may have a claim to all or a portion of the sale proceeds
6 remaining after payment of the amounts required by paragraphs (1) and (2) of subdivision
7 (a) of Section 2924k.

8 (3) The noticed person may contact the trustee at the address provided in the notice to
9 pursue any potential claim.

10 (4) That before the trustee can act, the noticed person may be required to present proof
11 that the person holds the beneficial interest in the obligation and the security interest
12 therefor. In the case of a promissory note secured by a deed of trust, proof that the person
13 holds the beneficial interest may include the original promissory note and assignment of
14 beneficial interests related thereto. The noticed person shall also submit a written claim to
15 the trustee, executed under penalty of perjury, stating the following:

16 (A) The amount of the claim to the date of trustee's sale.

17 (B) An itemized statement of the principal, interest, and other charges.

18 (C) That claims must be received by the trustee at the address stated in the notice no
19 later than 30 days after the date the trustee sends notice to the potential claimant.

20 (b) The trustee shall exercise due diligence to determine the priority of the written
21 claims received by the trustee to the trustee's sale surplus proceeds from those persons to
22 whom notice was sent pursuant to subdivision (a). In the event there is no dispute as to
23 the priority of the written claims submitted to the trustee, proceeds shall be paid within 30
24 days after the conclusion of the notice period. If the trustee has failed to determine the
25 priority of written claims within 90 days following the 30-day notice period, then within
26 10 days thereafter the trustee shall deposit the funds with the clerk of the court pursuant
27 to subdivision (c) or file an interpleader action pursuant to subdivision (e). Nothing in this
28 section shall preclude any person from pursuing other remedies or claims as to surplus
29 proceeds.

30 (c) If, after due diligence, the trustee is unable to determine the priority of the written
31 claims received by the trustee to the trustee's sale surplus of multiple persons or if the
32 trustee determines there is a conflict between potential claimants, the trustee may file a
33 declaration of the unresolved claims and deposit with the clerk of the superior or
34 ~~municipal court, as applicable,~~ court of the county in which the sale occurred, that portion
35 of the sales proceeds that cannot be distributed, less any fees charged by the clerk
36 pursuant to this subdivision. The declaration shall specify the date of the trustee's sale, a
37 description of the property, the names and addresses of all persons sent notice pursuant to
38 subdivision (a), a statement that the trustee exercised due diligence pursuant to
39 subdivision (b), that the trustee provided written notice as required by subdivisions (a)
40 and (d) and the amount of the sales proceeds deposited by the trustee with the superior or
41 ~~municipal court~~. Further, the trustee shall submit a copy of the trustee's sales guarantee
42 and any information relevant to the identity, location, and priority of the potential
43 claimants with the superior or ~~municipal court~~ and shall file proof of service of the notice
44 required by subdivision (d) on all persons described in subdivision (a).

45 The clerk shall deposit the amount with the county treasurer subject to order of the
46 superior or ~~municipal court~~ upon the application of any interested party. The clerk may
47 charge a reasonable fee for the performance of activities pursuant to this subdivision
48 equal to the fee for filing an interpleader action pursuant to Article 2 (commencing with
49 Section 26820) of Division 2 of Title 3 of the Government Code. Upon deposit of that

1 portion of the sale proceeds that cannot be distributed by due diligence, the trustee shall
2 be discharged of further responsibility for the disbursement of sale proceeds. A deposit
3 with the clerk of the superior or municipal court pursuant to this subdivision may be
4 either for the total proceeds of the trustee's sale, less any fees charged by the clerk, if a
5 conflict or conflicts exist with respect to the total proceeds, or that portion that cannot be
6 distributed after due diligence, less any fees charged by the clerk.

7 (d) Before the trustee deposits the funds with the clerk of the court pursuant to
8 subdivision (c), the trustee shall send written notice by first-class mail, postage prepaid,
9 to all persons described in subdivision (a) informing them that the trustee intends to
10 deposit the funds with the clerk of the superior or municipal court, as applicable, and that
11 a claim for the funds must be filed with the court within 30 days from the date of the
12 notice, providing the address of the court in which the funds were deposited, and a phone
13 number for obtaining further information.

14 Within 90 days after deposit with the clerk, the court shall consider all claims filed at
15 least 15 days before the date on which the hearing is scheduled by the court, the clerk
16 shall serve written notice of the hearing by first-class mail on all claimants identified in
17 the trustees' declaration at the addresses specified therein. Where the amount of the
18 deposit is twenty-five thousand dollars (\$25,000) or less, a proceeding pursuant to this
19 section is a limited civil case. The court shall distribute the deposited funds to any and all
20 claimants entitled thereto.

21 (e) Nothing in this section restricts the ability of a trustee to file an interpleader action
22 in order to resolve a dispute about the proceeds of a trustee's sale. Once an interpleader
23 action has been filed, thereafter the provisions of this section shall not apply.

24 (f) "Due diligence," for the purposes of this section means that the trustee researched
25 the written claims submitted or other evidence of conflicts and determined that a conflict
26 of priorities exists between two or more claimants which the trustee is unable to resolve.

27 (g) To the extent required by the Unclaimed Property Law, a trustee in possession of
28 surplus proceeds not required to be deposited with the court pursuant to subdivision (b)
29 shall comply with the Unclaimed Property Law (Chapter 7 (commencing with Section
30 1500) of Title 10 of Part 3 of the Code of Civil Procedure).

31 (h) Prior to July 1, 2000, the Judicial Council shall adopt a form to accomplish the
32 filing authorized by this section.

33 **Comment.** Subdivisions (c) and (d) of Section 2924j are amended to reflect unification of the
34 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

35 Subdivision (d) is also amended to clarify the jurisdictional classification of a proceeding to
36 distribute excess sale proceeds. This is declaratory of existing law. See Code Civ. Proc. § 85
37 (limited civil cases & Comment). See also Code Civ. Proc. § 88 (unlimited civil cases).

38  **Note.** The Commission is examining other issues relating to Civil Code Section 2924j in its
39 study of *Civil Procedure: Technical Corrections* (Study J-1320). Additional reforms may be
40 proposed at a later date.

41 **§ 2984.4 (amended). Action on contract or purchase order**

42 SEC. _____. Section 2984.4 of the Civil Code is amended to read:

43 2984.4. An action on a contract or purchase order under the provisions of this chapter
44 shall be tried in the county in which the contract or purchase order was in fact signed by
45 the buyer, in the county in which the buyer resided at the time the contract or purchase
46 order was entered into, in the county in which the buyer resides at the commencement of

1 the action or in the county in which the motor vehicle purchased pursuant to the contract
2 or purchase order is permanently garaged.

3 In any action involving multiple claims, or causes of action, venue shall lie in such
4 counties so long as there is at least one claim or cause of action arising from a contract
5 subject to the provisions of this chapter.

6 ~~If within the county there is a municipal court, having jurisdiction of the subject matter,
7 established in the judicial district in which the contract, conditional sale contract, or
8 purchase order was in fact signed by the buyer, or in which the buyer resided at the time
9 the contract, conditional sale contract, or purchase order was entered into, or in which the
10 buyer resides at the commencement of the action, or in which the motor vehicle
11 purchased pursuant to the contract is permanently garaged, that court is the proper court
12 for the trial of the action. Otherwise, any court in the county, having jurisdiction of the
13 subject matter, is the proper court for the trial of the action.~~

14 In any action subject to the provisions of this section, concurrently with the filing of the
15 complaint, the plaintiff shall file an affidavit stating facts showing that the action has
16 been commenced in a county or judicial district described in this section as a proper place
17 for the trial of the action. Those facts may be stated in a verified complaint and shall not
18 be stated on information or belief. When that affidavit is filed with the complaint, a copy
19 thereof shall be served with the summons. If a plaintiff fails to file the affidavit or state
20 facts in a verified complaint required by this section, no further proceedings shall be had,
21 but the court shall, upon its own motion or upon motion of any party, dismiss the action
22 without prejudice; however, the court may, on such terms as may be just, permit the
23 affidavit to be filed subsequent to the filing of the complaint and a copy of the affidavit
24 shall be served on the defendant. The time to answer or otherwise plead shall date from
25 that service.

26 **Comment.** Section 2984.4 is amended to reflect unification of the municipal and superior
27 courts pursuant to Article VI, Section 5(e), of the California Constitution. See Code Civ. Proc. §
28 38 (judicial districts).

29  **Note.** This provision raises issues relating to local venue. The Commission and the Judicial
30 Council are studying this area and may propose further revisions to address local venue issues.
31 The Commission solicits comment on the proper treatment of this provision.

32 CODE OF CIVIL PROCEDURE

33 § 17 (amended). Words and phrases

34 SEC. ____ . Section 17 of the Code of Civil Procedure is amended to read:

35 17. Words used in this code in the present tense include the future as well as the
36 present; words used in the masculine gender include the feminine and neuter; the singular
37 number includes the plural and the plural the singular; the word “person” includes a
38 corporation as well as a natural person; the word “county” includes “city and county”;
39 ~~and the words “judicial district” include “city and county”~~; writing includes printing and
40 typewriting; oath includes affirmation or declaration; and every mode of oral statement,
41 under oath or affirmation, is embraced by the term “testify,” and every written one in the
42 term “depose”; signature or subscription includes mark, when the person cannot write, his
43 or her name or her being written near it by a person who writes his or her own name as a
44 witness; provided, that when a signature is by mark it must, in order that the same may be

1 acknowledged or may serve as the signature to any sworn statement, be witnessed by two
2 persons who must subscribe their own names as witness thereto.

3 The following words have in this code the signification attached to them in this section,
4 unless otherwise apparent from the context:

5 1. The word “property” includes both real and personal property;

6 2. The words “real property” are coextensive with lands, tenements, and hereditaments;

7 3. The words “personal property” include money, goods, chattels, things in action, and
8 evidences of debt;

9 4. The word “month” means a calendar month, unless otherwise expressed;

10 5. The word “will” includes codicil;

11 6. The word “writ” signifies an order or precept in writing, issued in the name of the
12 people, or of a court or judicial officer; and the word “process” a writ or summons issued
13 in the course of judicial proceedings;

14 7. The word “state,” when applied to the different parts of the United States, includes
15 the District of Columbia and the territories; and the words “United States” may include
16 the district and territories;

17 8. The word “section” whenever hereinafter employed, refers to a section of this code,
18 unless some other code or statute is expressly mentioned;

19 9. The word “affinity” when applied to the marriage relation, signifies the connection
20 existing in consequence of marriage, between each of the married persons and the blood
21 relatives of the other;

22 10. The word “sheriff” shall include “marshal.”

23 **Comment.** Section 17 is amended to reflect unification of the municipal and superior courts
24 pursuant to Article VI, Section 5(e), of the California Constitution. See Section 38 (judicial
25 districts). *Cf.* Gov’t Code § 71042.5 (preservation of judicial districts for purposes of publication).

26 **§ 32.5 (amended). Jurisdictional classification**

27 SEC. _____. Section 32.5 of the Code of Civil Procedure is amended to read:

28 32.5. The “jurisdictional classification” of a case means its classification as a limited
29 civil case or otherwise an unlimited civil case.

30 **Comment.** Section 32.5 is amended to replace the reference to “otherwise” with a reference to
31 an “unlimited civil case.” See Section 88 (civil action or proceeding other than limited civil case
32 may be referred to as unlimited civil case).

33 **§ 34 (repealed). Application of code provisions to trial courts**

34 SEC. _____. Section 34 of the Code of Civil Procedure is repealed.

35 ~~34. The provisions of this code relating to the commencement and prosecution of, and~~
36 ~~the practice, procedure, and enforcement of judgments and decrees in, actions and~~
37 ~~proceedings in trial courts, shall apply to all such courts, except where special provision~~
38 ~~is made for particular courts, or where a general provision is not applicable by reason of~~
39 ~~jurisdictional limitations.~~

40 **Comment.** Section 34 is repealed to reflect unification of the municipal and superior courts
41 pursuant to Article VI, Section 5(e), of the California Constitution.

42 **§ 38 (unchanged). Judicial district**

43 38. Unless the provision or context otherwise requires, a reference in a statute to a
44 judicial district means:

45 (a) As it relates to a court of appeal, the court of appeal district.

- 1 (b) As it relates to a superior court, the county.
- 2 (c) As it relates to a municipal court, the municipal court district.
- 3 (d) As it relates to a county in which there is no municipal court, the county.

4 ☞ **Note.** All of the various code sections using the term “judicial district” need to be reviewed
5 before any revisions are made to Section 38. The Commission has not yet completed that process.
6 The Commission solicits comment on the proper treatment of this provision.

7 **§ 73e (amended). Session at location of juvenile hall**

8 SEC. _____. Section 73e of the Code of Civil Procedure is amended to read:

9 73e. Notwithstanding any other provisions of law, in each county wherein the juvenile
10 hall is not located at the county seat of the county, a majority of the judges of the superior
11 court in and for such county may by an order filed with the ~~county clerk of such county~~
12 clerk of the court direct that a session or sessions of the superior court, while sitting for
13 the purpose of hearing and determining cases and proceedings arising under Chapter 2 of
14 Part 1 of Division 2 or Chapter 2 of Part 1 of Division 6 or Chapter 4 of Part 4 of
15 Division 6 of the Welfare and Institutions Code, may be held or continued in any ~~judicial~~
16 district place in the county in which the juvenile hall is located and thereafter such
17 session or sessions of the superior court may be held or continued in the ~~judicial district~~
18 place designated in such order. In a county having two superior court judges the ~~senior~~
19 presiding judge may make the order.

20 **Comment.** Section 73e is amended to reflect unification of the municipal and superior courts
21 pursuant to Article VI, Section 5(e), of the California Constitution. *Cf.* Section 38 (judicial
22 districts).

23 The section is also amended to reflect elimination of the county clerk’s role as ex officio clerk
24 of the superior court. See former Gov’t Code § 26800 (county clerk acting as clerk of superior
25 court). The powers, duties, and responsibilities formerly exercised by the county clerk as ex
26 officio clerk of the court are delegated to the court administrative or executive officer, and the
27 county clerk is relieved of those powers, duties, and responsibilities. See Gov’t Code §§ 69840
28 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

29 The section is also amended to replace language referring to the senior judge with a reference
30 to the presiding judge. Every superior court has a presiding judge. See Gov’t Code §§ 69508,
31 69508.5.

32 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
33 further revised on completion of (1) the study and recommendation by the task force on court
34 facilities, and (2) negotiations among other interested parties. The present draft does not address
35 sessions and facilities issues, other than the role of the county clerk. The Commission solicits
36 comments on these issues.

37 **§ 75 (amended). Superior court with one judge**

38 SEC. _____. Section 75 of the Code of Civil Procedure is amended to read:

39 75. The superior court in any county ~~in which there is only one judge~~ may by rule
40 provide that, ~~whenever the judge is absent from the county upon assignment by the~~
41 ~~Chairman of the Judicial Council,~~ any noncontested matter in which no evidence is
42 required, or which may be submitted upon affidavits, shall be deemed submitted upon the
43 filing with the clerk of a statement of submission by the party or ~~his~~ the party’s attorney
44 or upon the date set for the hearing.

1 **Comment.** Section 75 is amended to reflect the fact that every superior court has at least two
2 judgeships due to unification of the municipal courts with the superior courts pursuant to Article
3 VI, Section 5(e), of the California Constitution.

4 **§ 77 (amended). Appellate division**

5 SEC. _____. Section 77 of the Code of Civil Procedure is amended to read:

6 77. (a) In every county and city and county, there is an appellate division of the
7 superior court consisting of three judges or, when the Chief Justice finds it necessary,
8 four judges.

9 The Chief Justice shall assign judges to the appellate division for specified terms
10 pursuant to rules, not inconsistent with statute, adopted by the Judicial Council to
11 promote the independence and quality of each appellate division. Each judge assigned to
12 the appellate division of a superior court shall be a judge of that court, a judge of the
13 superior court of another county, or a judge retired from the superior court or a court of
14 higher jurisdiction in this state.

15 The Chief Justice shall designate one of the judges of each appellate division as the
16 presiding judge of the division.

17 (b) In each appellate division, no more than three judges shall participate in a hearing or
18 decision. The presiding judge of the division shall designate the three judges who shall
19 participate.

20 (c) In addition to their other duties, the judges designated as members of the appellate
21 division of the superior court shall serve for the period specified in the order of
22 designation. Whenever a judge is designated to serve in the appellate division of the
23 superior court of a county other than the county in which that judge was elected or
24 appointed as a superior court judge, or if the judge is retired, in a county other than the
25 county in which the judge resides, the judge shall receive ~~from the county to which the~~
26 ~~judge is designated~~ expenses for travel, board, and lodging. If the judge is out of the
27 judge's county overnight or longer, by reason of the designation, that judge shall be paid
28 a per diem allowance in lieu of expenses for board and lodging in the same amounts as
29 are payable for those purposes to justices of the Supreme Court under the rules of the
30 State Board of Control. In addition, a retired judge shall receive ~~from the state and the~~
31 ~~county to which the judge is designated~~, for the time so served, amounts equal to that
32 which the judge would have received ~~from each~~ if the judge had been assigned to the
33 superior court of the county.

34 (d) The concurrence of two judges of the appellate division of the superior court shall
35 be necessary to render the decision in every case in, and to transact any other business
36 except business that may be done at chambers by the presiding judge of, the division. The
37 presiding judge shall convene the appellate division when necessary. The presiding judge
38 shall also supervise its business and transact any business that may be done at chambers.

39 (e) The appellate division of the superior court has jurisdiction on appeal ~~from the~~
40 ~~following courts~~ in all cases in which an appeal may be taken to the superior court or the
41 appellate division of the superior court as provided by law, except where the appeal is a
42 retrial in the superior court:

43 (1) ~~The municipal courts within the county.~~

44 (2) ~~The superior court in a county in which there is no municipal court.~~

45 (f) The powers of each appellate division shall be the same as are now or may hereafter
46 be provided by law or rule of the Judicial Council relating to appeals to the appellate
47 division of the superior courts.

1 (g) The Judicial Council shall promulgate rules, not inconsistent with law, to promote
2 the independence of, and govern the practice and procedure and the disposition of the
3 business of the appellate division.

4 (h) ~~Notwithstanding any other provision of law, the Chief Justice may designate any~~
5 ~~municipal court judge as a member of the appellate division of the superior court if the~~
6 ~~municipal court is participating in a trial court coordination plan approved by the Judicial~~
7 ~~Council and the designated municipal court judge has been assigned to the superior court~~
8 ~~of the county by the Chief Justice.~~

9 (i) ~~A reference in any other statute to the appellate department of the superior court~~
10 ~~means the appellate division of the superior court.~~

11 (j) Notwithstanding the provisions of subdivisions (b) and (d), appeals from convictions
12 of traffic infractions may be heard and decided by one judge of the appellate division of
13 the superior court.

14 **Comment.** Subdivision (c) of Section 77 is amended to reflect enactment of the Trial Court
15 Funding Act. See Gov't Code §§ 77003 ("court operations" defined), 77200 (state funding of trial
16 court operations).

17 Subdivisions (e) and (h) are amended to reflect unification of the municipal and superior courts
18 pursuant to Article VI, Section 5(e), of the California Constitution.

19 Subdivision (i) is deleted as obsolete.

20 ☞ **Note.** Two statutes other than Section 77 still use the term "appellate department." See Gov't
21 Code §§ 69894, 69894.1. The proposed deletion of Section 77(i) is premised on repeal of those
22 provisions.

23 **§§ 81-84 (repealed). Municipal courts**

24 SEC. _____. Chapter 5 (commencing with Section 81) of Title 1 of Part 1 of the Code of
25 Civil Procedure is repealed.

26 **Comment.** Sections 81-84 are repealed to reflect unification of the municipal and superior
27 courts pursuant to Article VI, Section 5(e), of the California Constitution.

28 ☞ **Note.** The text of the repealed chapter is set out below.

29 Chapter 5. Municipal Courts

30 81. The headings to this chapter and the articles in this chapter shall not be deemed to govern or
31 limit the scope or meaning of such chapter and articles.

32 82. The establishment of a municipal court in a county, or city and county, or the determination
33 of the jurisdiction of a municipal court by the Legislature, shall not affect, alter or diminish the
34 previously existing jurisdiction of the superior court of any county, or city and county, other than
35 that of the county, or city and county, wherein such municipal court is established.

36 84. The process of the municipal courts shall extend throughout the State.

37 **§ 85 (amended). Limited civil cases**

38 SEC. _____. Section 85 of the Code of Civil Procedure is amended to read:

39 85. An action or special proceeding shall be treated as a limited civil case if all of the
40 following conditions are satisfied, and, notwithstanding any statute that classifies an
41 action or special proceeding as a limited civil case, an action or special proceeding shall
42 not be treated as a limited civil case unless all of the following conditions are satisfied:

1 (a) The amount in controversy does not exceed twenty-five thousand dollars (\$25,000).
2 As used in this section, “amount in controversy” means the amount of the demand, or the
3 recovery sought, or the value of the property, or the amount of the lien, that is in
4 controversy in the action, exclusive of attorneys’ fees, interest, and costs.

5 (b) The relief sought is a type that may be granted in a limited civil case.

6 (c) The relief sought, whether in the complaint, a cross-complaint, or otherwise, is
7 exclusively of a type described in one or more statutes that classify an action or special
8 proceeding as a limited civil case ~~or that provide that an action or special proceeding is~~
9 ~~within the original jurisdiction of the municipal court~~, including, but not limited to, the
10 following provisions:

11 (1) Section 798.61 of the Civil Code.

12 (2) Section 1719 of the Civil Code.

13 (3) Section 3342.5 of the Civil Code.

14 (4) Section 86.

15 (5) Section 86.1.

16 (6) Section 1710.20.

17 (7) Section 7581 of the Food and Agricultural Code.

18 (8) Section 12647 of the Food and Agricultural Code.

19 (9) Section 27601 of the Food and Agricultural Code.

20 (10) Section 31503 of the Food and Agricultural Code.

21 (11) Section 31621 of the Food and Agricultural Code.

22 (12) Section 52514 of the Food and Agricultural Code.

23 (13) Section 53564 of the Food and Agricultural Code.

24 (14) Section 53069.4 of the Government Code.

25 (15) Section 53075.6 of the Government Code.

26 (16) Section 53075.61 of the Government Code.

27 (17) Section 5411.5 of the Public Utilities Code.

28 (18) Section 9872.1 of the Vehicle Code.

29 (19) Section 10751 of the Vehicle Code.

30 (20) Section 14607.6 of the Vehicle Code.

31 (21) Section 40230 of the Vehicle Code.

32 (22) Section 40256 of the Vehicle Code.

33 **Comment.** Section 85 is amended to reflect unification of the municipal and superior courts
34 pursuant to Article VI, Section 5(e), of the California Constitution.

35 **§ 85.1 (repealed). Original jurisdiction**

36 SEC. _____. Section 85.1 of the Code of Civil Procedure is repealed.

37 ~~85.1. Except as otherwise provided by statute, the municipal court, or the superior court~~
38 ~~in a county in which there is no municipal court, has original jurisdiction in a limited civil~~
39 ~~case.~~

40 **Comment.** Section 85.1 is repealed to reflect unification of the municipal and superior courts
41 pursuant to Article VI, Section 5(e), of the California Constitution. See Cal. Const. art. VI, § 10
42 (original jurisdiction).

43 **§ 86.1 (amended). Long-Term Care, Health, Safety, and Security Act**

44 SEC. _____. Section 86.1 of the Code of Civil Procedure is amended to read:

45 86.1. An action brought pursuant to the Long-Term Care, Health, Safety, and Security
46 Act of 1973 (Chapter 2.4 (commencing with Section 1417) of Division 2 of the Health
47 and Safety Code) is a limited civil case if civil penalties are not sought or amount to

1 twenty-five thousand dollars (\$25,000) or less. ~~An action brought in a municipal court~~
2 ~~may be transferred to the superior court for consolidation with any other citation~~
3 ~~enforcement action pending in that court, on the motion of either party.~~

4 **Comment.** Section 86.1 is amended to reflect unification of the municipal and superior courts
5 pursuant to Article VI, Section 5(e), of the California Constitution. See Section 1048
6 (consolidation of actions in superior court).

7 **§ 116.210 (amended). Small claims division**

8 SEC. _____. Section 116.210 of the Code of Civil Procedure is amended to read:

9 116.210. In each ~~municipal court and each superior court in a county in which there is~~
10 ~~no municipal court~~, there shall be a small claims division. The small claims division may
11 be known as the small claims court.

12 **Comment.** Section 116.210 is amended to reflect unification of the municipal and superior
13 courts pursuant to Article VI, Section 5(e), of the California Constitution.

14 **§ 116.250 (amended). Small claims court sessions**

15 SEC. _____. Section 116.250 of the Code of Civil Procedure is amended to read:

16 116.250. (a) Sessions of the small claims court may be scheduled at any time and on
17 any day, including Saturdays, but excluding other judicial holidays. They may also be
18 scheduled at any public building within the ~~judicial district~~ county, including places
19 outside the courthouse.

20 (b) Each ~~small claims division of a municipal court with four or more judicial officers,~~
21 ~~and each small claims division of a superior court with seven or more judicial officers,~~
22 officers shall conduct at least one night session or Saturday session each month for the
23 purpose of hearing small claims cases other than small claims appeals. The term
24 “session” includes, but is not limited to, a proceeding conducted by a member of the State
25 Bar acting as a mediator or referee.

26 **Comment.** Section 116.250 is amended to reflect unification of the municipal and superior
27 courts pursuant to Article VI, Section 5(e), of the California Constitution. See Section 38 (judicial
28 districts).

29 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need further
30 revision upon completion of (1) the study and recommendation by the task force on court
31 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
32 on these issues.

33 **§ 116.940 (amended). Advisory services**

34 SEC. _____. Section 116.940 of the Code of Civil Procedure is amended to read:

35 116.940. (a) Except as otherwise provided in this section or in rules adopted by the
36 Judicial Council, the characteristics of the small claims advisory service required by
37 Section 116.260 shall be determined by each ~~county~~ superior court in accordance with
38 local needs and conditions.

39 (b) Each advisory service shall provide the following services:

40 (1) Individual personal advisory services, in person or by telephone, and by any other
41 means reasonably calculated to provide timely and appropriate assistance.

42 (2) Recorded telephone messages may be used to supplement the individual personal
43 advisory services, but shall not be the sole means of providing advice available in the
44 county.

1 (3) Adjacent Superior courts in adjacent counties may provide advisory services jointly.

2 (c) In any county in which the number of small claims actions filed annually is 1,000 or
3 less as averaged over the immediately preceding two fiscal years, the county superior
4 court may elect to exempt itself from the requirements set forth in subdivision (b). This
5 exemption shall be formally noticed through the adoption of a ~~resolution by the board of~~
6 ~~supervisors local rule~~. If a county superior court so exempts itself, the county superior
7 court shall nevertheless provide the following minimum advisory services in accordance
8 with rules adopted by the Judicial Council:

9 (1) Recorded telephone messages providing general information relating to small
10 claims actions filed in the county shall be provided during regular business hours.

11 (2) Small claims information booklets shall be provided in the court clerk's office of
12 each municipal superior court, ~~the court clerk's office of each superior court in a county~~
13 ~~in which there is no municipal court, the county administrator's office~~, other appropriate
14 county offices, and in any other location that is convenient to prospective small claims
15 litigants in the county.

16 (d) The advisory service shall operate in conjunction and cooperation with the small
17 claims division, and shall be administered so as to avoid the existence or appearance of a
18 conflict of interest between the individuals providing the advisory services and any party
19 to a particular small claims action or any judicial officer deciding small claims actions.

20 (e) Advisors may be volunteers, and shall be members of the State Bar, law students,
21 paralegals, or persons experienced in resolving minor disputes, and shall be familiar with
22 small claims court rules and procedures. Advisors shall not appear in court as an advocate
23 for any party.

24 (f) Advisors and other court employees and volunteers have the immunity conferred by
25 Section 818.9 of the Government Code with respect to advice provided under this
26 chapter.

27 **Comment.** Section 116.940 is amended to reflect unification of the municipal and superior
28 courts pursuant to Article VI, Section 5(e), of the California Constitution. The section is also
29 amended to reflect enactment of the Trial Court Funding Act. See Gov't Code §§ 77003 ("court
30 operations" defined), 77200 (state funding of trial court operations); Cal. R. Court 810, Function
31 10.

32 **§ 116.950 (amended). Advisory committee**

33 SEC. _____. Section 116.950 of the Code of Civil Procedure is amended to read:

34 116.950. (a) This section shall become operative only if the Department of Consumer
35 Affairs determines that sufficient private or public funds are available in addition to the
36 funds available in the department's current budget to cover the costs of implementing this
37 section.

38 (b) There shall be established an advisory committee, constituted as set forth in this
39 section, to study small claims practice and procedure, with particular attention given to
40 the improvement of procedures for the enforcement of judgments.

41 (c) The members of the advisory committee shall serve without compensation, but shall
42 be reimbursed for expenses actually and necessarily incurred by them in the performance
43 of their duties.

44 (d) The advisory committee shall be composed as follows:

45 (1) The Attorney General or a representative.

46 (2) Two consumer representatives from consumer groups or agencies, appointed by the
47 Secretary of the State and Consumer Services Agency.

1 (3) One representative appointed by the Speaker of the Assembly and one
2 representative appointed by the President pro Tempore of the Senate.

3 (4) Two representatives appointed by the Board of Governors of the State Bar.

4 (5) Two representatives of the business community, appointed by the Secretary of the
5 Trade and Commerce Agency.

6 (6) Six judicial officers who have extensive experience presiding in small claims court,
7 appointed by the Judicial Council. Judicial officers appointed under this subdivision may
8 include judicial officers of the superior court, ~~judicial officers of the municipal court,~~
9 judges of the appellate courts, retired judicial officers, and temporary judges.

10 (7) One representative appointed by the Governor.

11 (8) Two clerks of the court appointed by the Judicial Council.

12 (e) Staff assistance to the advisory committee shall be provided by the Department of
13 Consumer Affairs, with the assistance of the Judicial Council, as needed.

14 **Comment.** Section 116.950 is amended to reflect unification of the municipal and superior
15 courts pursuant to Article VI, Section 5(e), of the California Constitution.

16 ☞ **Note.** This section reflects legislative changes made in S.B. 1191 (Speier). See 2001 Cal. Stat.
17 ch 745, § 8.

18 **§ 134 (amended). Court closure on judicial holidays**

19 SEC. _____. Section 134 of the Code of Civil Procedure is amended to read:

20 134. (a) Except as provided in subdivision (c), the courts shall be closed for the
21 transaction of judicial business on judicial holidays for all but the following purposes:

22 (1) To give, upon their request, instructions to a jury when deliberating on their verdict.

23 (2) To receive a verdict or discharge a jury.

24 (3) For the conduct of arraignments and the exercise of the powers of a magistrate in a
25 criminal action, or in a proceeding of a criminal nature.

26 (4) For the conduct of Saturday small claims court sessions pursuant to the Small
27 Claims Act set forth in Chapter 5.5 (commencing with Section 116.110).

28 (b) Injunctions and writs of prohibition may be issued and served on any day.

29 (c) In any superior ~~or municipal~~ court, one or more departments of the court may
30 remain open and in session for the transaction of any business that may come before the
31 department in the exercise of the civil or criminal jurisdiction of the court, or both, on a
32 judicial holiday or at any hours of the day or night, or both, as the judges of the court
33 prescribe.

34 (d) The fact that a court is open on a judicial holiday shall not make that day a
35 nonholiday for purposes of computing the time required for the conduct of any
36 proceeding nor for the performance of any act. Any paper lodged with the court at a time
37 when the court is open pursuant to subdivision (c), shall be filed by the court on the next
38 day that is not a judicial holiday, if the document meets appropriate criteria for filing.

39 **Comment.** Section 134 is amended to reflect unification of the municipal and superior courts
40 pursuant to Article VI, Section 5(e), of the California Constitution.

41 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need further
42 revision upon completion of (1) the study and recommendation by the task force on court
43 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
44 on these issues.

1 **§ 166 (amended). Authority of superior court judge**

2 SEC. _____. Section 166 of the Code of Civil Procedure is amended to read:

3 166. (a) ~~The judge or judges of the superior and municipal courts may, in chambers, in~~
4 ~~the matters within the jurisdiction of their respective courts:~~

5 (1) Grant all orders and writs that are usually granted in the first instance upon an ex
6 parte application, and hear and dispose of those orders and writs, appoint referees, require
7 and receive inventories and accounts to be filed, order notice of settlement of
8 supplemental accounts, suspend the powers of personal representatives, guardians, or
9 conservators in the cases allowed by law, appoint special administrators, grant letters of
10 temporary guardianship or conservatorship, approve or reject claims, and direct the
11 issuance from the court of all writs and process necessary in the exercise of their powers
12 in matters of probate.

13 (2) Hear and determine all motions made pursuant to Section 657 or 663.

14 (3) Hear and determine all uncontested actions, proceedings, demurrers, motions,
15 petitions, applications, and other matters pending before the court other than actions for
16 dissolution of marriage, for legal separation, or for a judgment of nullity of the marriage,
17 and except also applications for confirmation of sale of real property in probate
18 proceedings.

19 (4) Hear and determine motions to tax costs of enforcing a judgment.

20 (5) Approve bonds and undertakings.

21 (b) A judge may, out of court, anywhere in the state, exercise all the powers and
22 perform all the functions and duties conferred upon a judge as contradistinguished from
23 the court, or that a judge may exercise or perform in chambers.

24 **Comment.** Subdivision (a) of Section 166 is amended to reflect unification of the municipal
25 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.
26 Subdivision (a) is also amended to delete language referring to “the judge” of the court. Every
27 superior court has at least two judgeships as a result of trial court unification. See Gov’t Code §
28 69580 *et seq.* (number of judges). Where a court has only one judge due to a vacancy or
29 otherwise, a reference to the judges of the court means the sole judge of the court. See Gov’t
30 Code § 13 (plural includes singular).

31 **§ 170.5 (amended). Definitions**

32 SEC. _____. Section 170.5 of the Code of Civil Procedure is amended to read:

33 170.5. For the purposes of Sections 170 to 170.5, inclusive, the following definitions
34 apply:

35 (a) “Judge” means judges of the ~~municipal~~ and superior courts, and court
36 commissioners and referees.

37 (b) “Financial interest” means ownership of more than a 1 percent legal or equitable
38 interest in a party, or a legal or equitable interest in a party of a fair market value in
39 excess of one thousand five hundred dollars (\$1,500), or a relationship as director,
40 advisor or other active participant in the affairs of a party, except as follows:

41 (1) Ownership in a mutual or common investment fund that holds securities is not a
42 “financial interest” in those securities unless the judge participates in the management of
43 the fund.

44 (2) An office in an educational, religious, charitable, fraternal, or civic organization is
45 not a “financial interest” in securities held by the organization.

46 (3) The proprietary interest of a policyholder in a mutual insurance company, or a
47 depositor in a mutual savings association, or a similar proprietary interest, is a “financial

1 interest” in the organization only if the outcome of the proceeding could substantially
2 affect the value of the interest.

3 (c) “Officer of a public agency” does not include a Member of the Legislature or a state
4 or local agency official acting in a legislative capacity.

5 (d) The third degree of relationship shall be calculated according to the civil law
6 system.

7 (e) “Private practice of law” includes a fee for service, retainer, or salaried
8 representation of private clients or public agencies, but excludes lawyers as full-time
9 employees of public agencies or lawyers working exclusively for legal aid offices, public
10 defender offices, or similar nonprofit entities whose clientele is by law restricted to the
11 indigent.

12 (f) “Proceeding” means the action, case, cause, motion, or special proceeding to be
13 tried or heard by the judge.

14 (g) “Fiduciary” includes any executor, trustee, guardian, or administrator.

15 **Comment.** Section 170.5 is amended to reflect unification of the municipal and superior courts
16 pursuant to Article VI, Section 5(e), of the California Constitution.

17 **§ 170.6 (amended). Prejudice against party or attorney**

18 SEC. _____. Section 170.6 of the Code of Civil Procedure is amended to read:

19 170.6. (1) No judge, court commissioner, or referee of any superior or ~~municipal~~ court
20 of the State of California shall try any civil or criminal action or special proceeding of
21 any kind or character nor hear any matter therein that involves a contested issue of law or
22 fact when it shall be established as hereinafter provided that the judge or court
23 commissioner is prejudiced against any party or attorney or the interest of any party or
24 attorney appearing in the action or proceeding.

25 (2) Any party to or any attorney appearing in any such action or proceeding may
26 establish this prejudice by an oral or written motion without notice supported by affidavit
27 or declaration under penalty of perjury or an oral statement under oath that the judge,
28 court commissioner, or referee before whom the action or proceeding is pending or to
29 whom it is assigned is prejudiced against any such party or attorney or the interest of the
30 party or attorney so that the party or attorney cannot or believes that he or she cannot
31 have a fair and impartial trial or hearing before the judge, court commissioner, or referee.
32 Where the judge, other than a judge assigned to the case for all purposes, court
33 commissioner, or referee assigned to or who is scheduled to try the cause or hear the
34 matter is known at least 10 days before the date set for trial or hearing, the motion shall
35 be made at least five days before that date. If directed to the trial of a cause where there is
36 a master calendar, the motion shall be made to the judge supervising the master calendar
37 not later than the time the cause is assigned for trial. If directed to the trial of a cause that
38 has been assigned to a judge for all purposes, the motion shall be made to the assigned
39 judge or to the presiding judge by a party within 10 days after notice of the all purpose
40 assignment, or if the party has not yet appeared in the action, then within 10 days after the
41 appearance. If the court in which the action is pending is authorized to have no more than
42 one judge and the motion claims that the duly elected or appointed judge of that court is
43 prejudiced, the motion shall be made before the expiration of 30 days from the date of the
44 first appearance in the action of the party who is making the motion or whose attorney is
45 making the motion. In no event shall any judge, court commissioner, or referee entertain
46 the motion if it be made after the drawing of the name of the first juror, or if there be no
47 jury, after the making of an opening statement by counsel for plaintiff, or if there is no
48 such statement, then after swearing in the first witness or the giving of any evidence or

1 after trial of the cause has otherwise commenced. If the motion is directed to a hearing
2 (other than the trial of a cause), the motion shall be made not later than the
3 commencement of the hearing. In the case of trials or hearings not herein specifically
4 provided for, the procedure herein specified shall be followed as nearly as may be. The
5 fact that a judge, court commissioner, or referee has presided at or acted in connection
6 with a pretrial conference or other hearing, proceeding or motion prior to trial and not
7 involving a determination of contested fact issues relating to the merits shall not preclude
8 the later making of the motion provided for herein at the time and in the manner
9 hereinbefore provided.

10 A motion under this paragraph may be made following reversal on appeal of a trial
11 court's decision, or following reversal on appeal of a trial court's final judgment, if the
12 trial judge in the prior proceeding is assigned to conduct a new trial on the matter.
13 Notwithstanding paragraph (3) of this section, the party who filed the appeal that resulted
14 in the reversal of a final judgment of a trial court may make a motion under this section
15 regardless of whether that party or side has previously done so. The motion shall be made
16 within 60 days after the party or the party's attorney has been notified of the assignment.

17 (3) If the motion is duly presented and the affidavit or declaration under penalty of
18 perjury is duly filed or such oral statement under oath is duly made, thereupon and
19 without any further act or proof, the judge supervising the master calendar, if any, shall
20 assign some other judge, court commissioner, or referee to try the cause or hear the
21 matter. In other cases, the trial of the cause or the hearing of the matter shall be assigned
22 or transferred to another judge, court commissioner, or referee of the court in which the
23 trial or matter is pending or, if there is no other judge, court commissioner, or referee of
24 the court in which the trial or matter is pending, the Chair of the Judicial Council shall
25 assign some other judge, court commissioner, or referee to try the cause or hear the
26 matter as promptly as possible. Except as provided in this section, no party or attorney
27 shall be permitted to make more than one such motion in any one action or special
28 proceeding pursuant to this section; and in actions or special proceedings where there
29 may be more than one plaintiff or similar party or more than one defendant or similar
30 party appearing in the action or special proceeding, only one motion for each side may be
31 made in any one action or special proceeding.

32 (4) Unless required for the convenience of the court or unless good cause is shown, a
33 continuance of the trial or hearing shall not be granted by reason of the making of a
34 motion under this section. If a continuance is granted, the cause or matter shall be
35 continued from day to day or for other limited periods upon the trial or other calendar and
36 shall be reassigned or transferred for trial or hearing as promptly as possible.

37 (5) Any affidavit filed pursuant to this section shall be in substantially the following
38 form:

39 (Here set forth court and cause)

40 State of California,) PEREMPTORY CHALLENGE
41 County of _____) ss.

42 _____, being duly sworn, deposes and says: That he or she is a party (or attorney
43 for a party) to the within action (or special proceeding). That _____ the judge, court
44 commissioner, or referee before whom the trial of the (or a hearing in the) aforesaid
45 action (or special proceeding) is pending (or to whom it is assigned) is prejudiced against
46 the party (or his or her attorney) or the interest of the party (or his or her attorney) so that

1 affiant cannot or believes that he or she cannot have a fair and impartial trial or hearing
2 before the judge, court commissioner, or referee.

3 Subscribed and sworn to before me this
4 _____ day of _____, 20____.
5 (Clerk or notary public or
6 other officer administering oath)

7 (6) Any oral statement under oath or declaration under penalty of perjury made
8 pursuant to this section shall include substantially the same contents as the affidavit
9 above.

10 (7) Nothing in this section shall affect or limit Section 170 or Title 4 (commencing with
11 Section 392) of Part 2, and this section shall be construed as cumulative thereto.

12 (8) If any provision of this section or the application to any person or circumstance is
13 held invalid, that invalidity shall not affect other provisions or applications of the section
14 that can be given effect without the invalid provision or application and to this end the
15 provisions of this section are declared to be severable.

16 **Comment.** Section 170.6 is amended to reflect unification of the municipal and superior courts
17 pursuant to Article VI, Section 5(e), of the California Constitution.

18 **§ 170.9 (amended). Gifts to judges**

19 SEC. _____. Section 170.9 of the Code of Civil Procedure is amended to read:

20 170.9. (a) No judge shall accept gifts from any single source in any calendar year with a
21 total value of more than two hundred fifty dollars (\$250). This section shall not be
22 construed to authorize the receipt of gifts that would otherwise be prohibited by the
23 California Code of Judicial Ethics adopted by the California Supreme Court or any other
24 provision of law.

25 (b) This section shall not prohibit or limit the following:

26 (1) Payments, advances, or reimbursements for travel and related lodging and
27 subsistence permitted by subdivision (e).

28 (2) Wedding gifts and gifts exchanged between individuals on birthdays, holidays and
29 other similar occasions, provided that the gifts exchanged are not substantially
30 disproportionate in value.

31 (3) A gift, bequest, favor, or loan from any person whose preexisting relationship with
32 a judge would prevent the judge from hearing a case involving that person, under the
33 Code of Judicial Ethics adopted by the California Supreme Court.

34 (c) For purposes of this section, “judge” means judges of the ~~municipal~~ or superior
35 courts, and justices of the courts of appeal or the Supreme Court.

36 (d) The gift limitation amounts in this section shall be adjusted biennially by the
37 Commission on Judicial Performance to reflect changes in the Consumer Price Index,
38 rounded to the nearest ten dollars (\$10).

39 (e) Payments, advances, or reimbursements, for travel, including actual transportation
40 and related lodging and subsistence which is reasonably related to a judicial or
41 governmental purpose, or to an issue of state, national, or international public policy, is
42 not prohibited or limited by this section if any of the following apply:

43 (1) The travel is in connection with a speech, practice demonstration, or group or panel
44 discussion given or participated in by the judge, the lodging and subsistence expenses are
45 limited to the day immediately preceding, the day of, and the day immediately following
46 the speech, demonstration, or discussion, and the travel is within the United States.

1 (2) The travel is provided by a government, a governmental agency or authority, a
2 foreign government, a foreign bar association, an international service organization, a
3 bona fide public or private educational institution, as defined in Section 203 of the
4 Revenue and Taxation Code, or a nonprofit charitable or religious organization which is
5 exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or by a
6 person domiciled outside the United States who substantially satisfies the requirements
7 for tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

8 For purposes of this section, “foreign bar association” means an association of
9 attorneys located outside the United States (A) that performs functions substantially
10 equivalent to those performed by state or local bar associations in this state and (B) that
11 permits membership by attorneys in that country representing various legal specialties
12 and does not limit membership to attorneys generally representing one side or another in
13 litigation. “International service organization” means a bona fide international service
14 organization of which the judge is a member. A judge who accepts travel payments from
15 an international service organization pursuant to this subdivision shall not preside over or
16 participate in decisions affecting that organization, its state or local chapters, or its local
17 members.

18 (3) The travel is provided by a state or local bar association or judges professional
19 association in connection with testimony before a governmental body or attendance at
20 any professional function hosted by the bar association or judges professional association,
21 the lodging and subsistence expenses are limited to the day immediately preceding, the
22 day of, and the day immediately following the professional function.

23 (f) Payments, advances, and reimbursements for travel not described in subdivision (e)
24 are subject to the limit in subdivision (a).

25 (g) No judge shall accept any honorarium.

26 (h) “Honorarium” means any payment made in consideration for any speech given,
27 article published, or attendance at any public or private conference, convention, meeting,
28 social event, meal or like gathering.

29 (i) “Honorarium” does not include earned income for personal services which are
30 customarily provided in connection with the practice of a bona fide business, trade, or
31 profession, such as teaching or writing for a publisher, and does not include fees or other
32 things of value received pursuant to Section 94.5 of the Penal Code for performance of a
33 marriage.

34 For purposes of this section, “teaching” shall include presentations to impart
35 educational information to lawyers in events qualifying for credit under Mandatory
36 Continuing Legal Education, to students in bona fide educational institutions, and to
37 associations or groups of judges.

38 (j) Subdivision (a) and (e) shall apply to all payments, advances, reimbursements for
39 travel and related lodging and subsistence.

40 (k) This section does not apply to any honorarium that is not used and, within 30 days
41 after receipt, is either returned to the donor or delivered to the Controller for deposit in
42 the General Fund without being claimed as a deduction from income for tax purposes.

43 (l) “Gift” means any payment to the extent that consideration of equal or greater value
44 is not received and includes a rebate or discount in the price of anything of value unless
45 the rebate or discount is made in the regular course of business to members of the public
46 without regard to official status. Any person, other than a defendant in a criminal action,
47 who claims that a payment is not a gift by reason of receipt of consideration has the
48 burden of proving that the consideration received is of equal or greater value. However,
49 the term “gift” does not include:

1 (1) Informational material such as books, reports, pamphlets, calendars, periodicals,
2 cassettes and discs, or free or reduced-price admission, tuition, or registration, for
3 informational conferences or seminars. No payment for travel or reimbursement for any
4 expenses shall be deemed “informational material.”

5 (2) Gifts which are not used and which, within 30 days after receipt, are returned to the
6 donor or delivered to a charitable organization without being claimed as a charitable
7 contribution for tax purposes.

8 (3) Gifts from a judge’s spouse, child, parent, grandparent, grandchild, brother, sister,
9 parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or
10 the spouse of any such person; provided that a gift from any such person shall be
11 considered a gift if the donor is acting as an agent or intermediary for any person not
12 covered by this paragraph.

13 (4) Campaign contributions required to be reported under Chapter 4 (commencing with
14 Section 84100) of Title 9 of the Government Code.

15 (5) Any devise or inheritance.

16 (6) Personalized plaques and trophies with an individual value of less than two hundred
17 fifty dollars (\$250).

18 (7) Admission to events hosted by state or local bar associations or judges’ professional
19 associations, and provision of related food and beverages at such events, when attendance
20 does not require “travel” as described in paragraph (3) of subdivision (e).

21 (m) The Commission on Judicial Performance shall enforce the prohibitions of this
22 section

23 **Comment.** Subdivision (c) of Section 170.9 is amended to reflect unification of the municipal
24 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

25 **§ 179 (amended). Taking and certifying acknowledgments, affidavits, or depositions**

26 SEC. _____. Section 179 of the Code of Civil Procedure is amended to read:

27 179. Each of the justices of the Supreme Court and of any court of appeal and the
28 judges of the superior courts, shall have power in any part of the state, ~~and every~~
29 ~~municipal court judge shall have power within the county or city and county in which the~~
30 ~~judge is elected or appointed,~~ to take and certify:

31 1. The proof and acknowledgment of a conveyance of real property, or of any other
32 written instrument.

33 2. The acknowledgment of satisfaction of a judgment of any court.

34 3. An affidavit or deposition to be used in this state.

35 **Comment.** Section 179 is amended to reflect unification of the municipal and superior courts
36 pursuant to Article VI, Section 5(e), of the California Constitution.

37 **§ 194 (amended). Definitions**

38 SEC. _____. Section 194 of the Code of Civil Procedure is amended to read:

39 194. The following definitions govern the construction of this chapter:

40 (a) “County” means any county or any coterminous city and county.

41 (b) “Court” means the superior ~~and municipal~~ courts of this state, and includes, when
42 the context requires, any judge of the court.

43 (c) “Deferred jurors” are those prospective jurors whose request to reschedule their
44 service to a more convenient time is granted by the jury commissioner.

45 (d) “Excused jurors” are those prospective jurors who are excused from service by the
46 jury commissioner for valid reasons based on statute, state or local court rules, and
47 policies.

1 (e) “Juror pool” means the group of prospective qualified jurors appearing for
2 assignment to trial jury panels.

3 (f) “Jury of inquest” is a body of persons summoned from the citizens before the
4 sheriff, coroner, or other ministerial officers, to inquire of particular facts.

5 (g) “Master list” means a list of names randomly selected from the source lists.

6 (h) “Potential juror” means any person whose name appears on a source list.

7 (i) “Prospective juror” means a juror whose name appears on the master list.

8 (j) “Qualified juror” means a person who meets the statutory qualifications for jury
9 service.

10 (k) “Qualified juror list” means a list of qualified jurors.

11 (l) “Random” means that which occurs by mere chance indicating an unplanned
12 sequence of selection where each juror’s name has substantially equal probability of
13 being selected.

14 (m) “Source list” means a list used as a source of potential jurors.

15 (n) “Summons list” means a list of prospective or qualified jurors who are summoned
16 to appear or to be available for jury service.

17 (o) “Trial jurors” are those jurors sworn to try and determine by verdict a question of
18 fact.

19 (p) “Trial jury” means a body of persons selected from the citizens of the area served
20 by the court and sworn to try and determine by verdict a question of fact.

21 (q) “Trial jury panel” means a group of prospective jurors assigned to a courtroom for
22 the purpose of voir dire.

23 **Comment.** Subdivision (b) of Section 194 is amended to reflect unification of the municipal
24 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

25 **§ 195 (amended). Jury commissioner**

26 SEC. ____. Section 195 of the Code of Civil Procedure is amended to read:

27 195. (a) In each county, there shall be one jury commissioner who shall be appointed
28 by, and serve at the pleasure of, a majority of the judges of the superior court. In any
29 county where there is a superior court administrator or executive officer, that person shall
30 serve as ex officio jury commissioner. ~~The person so appointed shall serve as jury~~
31 ~~commissioner for all trial courts within the county. In any municipal court district in the~~
32 ~~county, a majority of the judges may appoint the clerk/administrator to select jurors for~~
33 ~~their court pursuant to this chapter. In any court jurisdiction where any person other than~~
34 ~~a court administrator or clerk/administrator is serving as jury commissioner on the~~
35 ~~effective date of this section, that person shall continue to so serve at the pleasure of a~~
36 ~~majority or the judges of the appointing court.~~

37 ~~(b) Except where the superior court administrator or executive officer serves as ex~~
38 ~~officio jury commissioner, the jury commissioner’s salary shall be set by joint action of~~
39 ~~the board of supervisors and a majority of the superior court judges. Any jury~~
40 ~~commissioner may, whenever the business of court requires, and with the consent of the~~
41 ~~board of supervisors, appoint deputy jury commissioners. Salaries and benefits of those~~
42 ~~deputies shall be fixed in the same manner as salaries and benefits of other court~~
43 ~~employees.~~

44 (c) The jury commissioner shall be primarily responsible for managing the jury system
45 under the general supervision of the court in conformance with the purpose and scope of
46 this act. He or she shall have authority to establish policies and procedures necessary to
47 fulfill this responsibility.

1 **Comment.** Subdivision (a) of Section 195 is amended to reflect unification of the municipal
2 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

3 Subdivision (b) is amended to reflect enactment of the Trial Court Employment Protection and
4 Governance Act. See Gov't Code §§ 71620 (trial court personnel), 71623 (salaries).

5 **§ 198.5 (amended). Superior court venires**

6 SEC. _____. Section 198.5 of the Code of Civil Procedure is amended to read:

7 198.5. (a) ~~Except as provided in subdivision (b), in counties where sessions of the~~
8 ~~superior court are held in cities other than the county seat, the names for master jury lists~~
9 ~~and qualified jury lists to serve in those cities may be selected from the judicial district in~~
10 ~~which the city is located and, if the judges of the court determine that it is necessary or~~
11 ~~advisable, from a judicial district adjacent to a judicial district in which the city is located.~~

12 (b) ~~In a county in which there is no municipal court, if~~ If sessions of the superior court
13 are held in a location other than the county seat, the names for master jury lists and
14 qualified jury lists to serve in a session may be selected from the area in which the
15 session is held, pursuant to a local superior court rule that (1) divides the county in a
16 manner that provides all qualified persons in the county an equal opportunity to be
17 considered for jury service and (2) gives each prospective juror residing in the county an
18 opportunity to elect to serve on a jury with respect to a trial held anywhere in the county.
19 Nothing in this section precludes the superior court, in its discretion, from ordering a
20 countywide venire in the interest of justice.

21 **Comment.** Section 198.5 is amended to reflect unification of the municipal and superior courts
22 pursuant to Article VI, Section 5(e), of the California Constitution. It incorporates provisions
23 drawn from former Sections 199 (El Dorado County venires), 199.2 (Placer County venires),
24 199.3 (Nevada County venires), and 199.5 (Santa Barbara County venires).

25 ☞ **Notes.** (1) It is proposed that Section 198.5 be amended with a one-year deferred operative
26 date; this will allow adequate time for a superior court to revise any local rule on the matter.

27 (2) The Commission particularly solicits comment on the following matter: Is the provision
28 appropriate that would require each prospective juror to be given an opportunity to elect to serve
29 on a jury with respect to a trial held anywhere in the county?

30 (3) The amendment by this act of Section 198.5 of the Code of Civil Procedure is operative
31 January 1, 2004.

32 (4) Issues involving sessions and facilities are still unsettled. This section may need further
33 revision upon completion of (1) the study and recommendation by the task force on court
34 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
35 on these issues.

36 **§ 199 (repealed). El Dorado County venires**

37 SEC. _____. Section 199 of the Code of Civil Procedure is repealed.

38 ~~199. In El Dorado County, trial jury venires for the superior court shall be drawn from~~
39 ~~residents of the supervisorial district, or a portion thereof, within which the court will sit~~
40 ~~for such trial and from residents of such other immediately adjacent supervisorial district,~~
41 ~~or portion thereof, as may be specified by local superior court rules. Such venireman shall~~
42 ~~serve the court sitting in the geographical portion of the county from which this section~~
43 ~~and such court rules specify trial jury venires shall be drawn; provided that such rules~~
44 ~~shall afford to each eligible resident of such county an opportunity for selection as a trial~~
45 ~~jury venireman. Such court may, in its discretion, order a countywide venire in the~~
46 ~~interest of justice.~~

1 **Comment.** The special rule of Section 199 is superseded by the general rule of Section 198.5
2 (superior court venires).

3 ☞ **Note.** The purpose of Section 199 — to enable smaller than county-wide jury venires in El
4 Dorado County — can be achieved by local court rule, without the need for special legislation.
5 See Section 198.5. It is unnecessary to provide a deferred operative date for repeal of Section 199,
6 since the El Dorado County Superior Court has a local rule on the matter. See El Dorado County
7 Superior Court Rules, Rule 3.00.01.

8 **§ 199.2 (repealed). Placer County venires**

9 SEC. ____. Section 199.2 of the Code of Civil Procedure is repealed.

10 ~~199.2. In Placer County prospective jurors residing in the Tahoe Division of the Placer~~
11 ~~County Municipal Court, except as otherwise provided in this section, shall only be~~
12 ~~included in trial court venires for sessions of the superior court held within that division.~~
13 ~~However, each prospective juror residing in the county shall be given the opportunity to~~
14 ~~elect to serve on juries with respect to trials held anywhere in the county in accordance~~
15 ~~with the rules of the superior court, which shall afford to each eligible resident of the~~
16 ~~county an opportunity for selection as a trial jury venireman. Additionally, nothing in this~~
17 ~~section shall preclude the superior or municipal court, in its discretion, from ordering a~~
18 ~~countywide venire in the interest of justice.~~

19 **Comment.** The special rule of Section 199.2 is superseded by the general rule of Section 198.5
20 (superior court venires).

21 ☞ **Note.** The purpose of Section 199.2 — to enable smaller than county-wide jury venires in
22 Placer County — can be achieved by local court rule, without the need for special legislation. See
23 Section 198.5. It is proposed that Section 199.2 be repealed with a one-year deferred operative
24 date; this will allow adequate time for the Placer County Superior Court to adopt a satisfactory
25 local rule on the matter.

26 The repeal by this act of Section 199.2 of the Code of Civil Procedure is operative January 1,
27 2004.

28 **§ 199.3 (repealed). Nevada County venires**

29 SEC. ____. Section 199.3 of the Code of Civil Procedure is repealed.

30 ~~199.3. In Nevada County, trial jury venires for the Truckee Branch of the Superior~~
31 ~~Court shall be drawn from residents of the Truckee Division of the Nevada County~~
32 ~~Municipal Court, except as otherwise provided in this section. Prospective jurors residing~~
33 ~~in the Truckee Division of Nevada County Municipal Court, except as otherwise~~
34 ~~provided in this section, shall only be included in trial court venires or sessions of the~~
35 ~~municipal and superior court held within that division. However, each prospective juror~~
36 ~~residing in the county shall be given the opportunity to elect to serve on juries with~~
37 ~~respect to trials held anywhere in the county in accordance with the rules of the superior~~
38 ~~and municipal court, which shall afford to each eligible resident of the county an~~
39 ~~opportunity for selection as a trial jury venireman. Additionally, nothing in this section~~
40 ~~shall preclude the superior or municipal court, in its discretion, from ordering a~~
41 ~~countywide venire in the interest of justice.~~

42 **Comment.** The special rule of Section 199.3 is superseded by the general rule of Section 198.5
43 (superior court venires).

44 ☞ **Note.** The purpose of Section 199.3 — to enable smaller than county-wide jury venires in
45 Nevada County — can be achieved by local court rule, without the need for special legislation.

1 See Section 198.5. It is proposed that Section 199.3 be repealed with a one-year deferred
2 operative date; this will allow adequate time for the Nevada County Superior Court to adopt a
3 satisfactory local rule on the matter.

4 The repeal by this act of Section 199.3 of the Code of Civil Procedure is operative January 1,
5 2004.

6 **§ 199.5 (repealed). Santa Barbara County venires**

7 SEC. _____. Section 199.5 of the Code of Civil Procedure is repealed.

8 ~~199.5. In Santa Barbara County, trial jury venires for the superior court shall be drawn
9 from residents of the supervisorial district within which the court will sit for that trial and
10 from residents of such other immediately adjacent supervisorial district, or portion
11 thereof, as may be specified by local superior court rules. The venireman shall serve the
12 court sitting in the geographical portion of the county from which this section and such
13 court rules specify trial jury venires shall be drawn. However, those rules shall afford to
14 each eligible resident of such county an opportunity for selection as a trial jury
15 venireman. The court may, in its discretion, order a countywide venire in the interest of
16 justice.~~

17 **Comment.** The special rule of Section 199.5 is superseded by the general rule of Section 198.5
18 (superior court venires).

19  **Note.** The purpose of Section 199.5 — to enable smaller than county-wide jury venires in
20 Santa Barbara County — can be achieved by local court rule, without the need for special
21 legislation. See Section 198.5. It is unnecessary to provide a deferred operative date for repeal of
22 Section 199.5, since the Santa Barbara County Superior Court has a local rule on the matter. See
23 Santa Barbara County Unified Superior Court Rules, Rule 801

24 **§ 200 (repealed). Municipal court jury pools**

25 SEC. _____. Section 200 of the Code of Civil Procedure is repealed.

26 ~~200. When authorized by local superior court rules, a municipal court district pursuant
27 to duly adopted court rule may use the same juror pool as that summoned for use in the
28 superior court. Persons so selected for jury service in those municipal courts need not be
29 residents of the judicial district. In Los Angeles County, the municipal courts shall use
30 the same jury pool as that summoned for use in the superior court.~~

31 **Comment.** Section 200 is repealed to reflect unification of the municipal and superior courts
32 pursuant to Article VI, Section 5(e), of the California Constitution.

33 **§ 201 (amended). Jury panels**

34 SEC. _____. Section 201 of the Code of Civil Procedure is amended to read:

35 201. ~~In any county having two or more judges of the superior court, or in any judicial
36 district, or city and county, in which a municipal court having two or more judges is
37 established, a In any superior court, a separate trial jury panel may be drawn, summoned,
38 and impaneled for each judge, or any one panel may be drawn, summoned, and
39 impaneled by any one of the judges, for use in the trial of cases before any of the judges,
40 as occasion may require. In those counties or judicial districts courts, when a panel of
41 jurors is in attendance for service before one or more of the judges, whether impaneled
42 for common use or not, the whole or any number of the jurors from such panel may be
43 required to attend and serve in the trial of cases, or to complete a panel, or jury, before
44 any other of the judges.~~

1 **Comment.** Section 201 is amended to reflect unification of the municipal and superior courts
2 pursuant to Article VI, Section 5(e), of the California Constitution.

3 The section is also amended to reflect the fact that every superior court has at least two
4 judgeships as a result of trial court unification. See Gov't Code § 69580 *et seq.* (number of
5 judges).

6 **§ 215 (amended). Fees and mileage for jurors**

7 SEC. _____. Section 215 of the Code of Civil Procedure is amended to read:

8 215. (a) Beginning July 1, 2000, the fee for jurors in the superior ~~and municipal~~ courts,
9 in civil and criminal cases, is fifteen dollars (\$15) a day for each day's attendance as a
10 juror after the first day.

11 (b) Unless a higher rate of mileage is otherwise provided by statute or by county or city
12 and county ordinance, jurors in the superior ~~and municipal~~ courts shall be reimbursed for
13 mileage at the rate of fifteen cents (\$0.15) per mile for each mile actually traveled in
14 attending court as a juror, in going only.

15 **Comment.** Section 215 is amended to reflect unification of the municipal and superior courts
16 pursuant to Article VI, Section 5(e), of the California Constitution.

17 **§ 217 (amended). Food, lodging, and necessities for jurors in criminal cases**

18 SEC. _____. Section 217 of the Code of Civil Procedure is amended to read:

19 217. In criminal cases only, while the jury is kept together, either during the progress of
20 the trial or after their retirement for deliberation, the court may direct the sheriff or
21 marshal to provide the jury with suitable and sufficient food and lodging, or other
22 reasonable necessities. ~~In the superior and municipal courts, the~~ The expenses incurred
23 under the provisions of this section shall be charged against the ~~county or city and county~~
24 court operations fund of the county in which the court is held. All those expenses shall be
25 paid on the order of the court.

26 **Comment.** Section 217 is amended to reflect unification of the municipal and superior courts
27 pursuant to Article VI, Section 5(e), of the California Constitution.

28 The section is also amended to reflect enactment of the Trial Court Funding Act. See Gov't
29 Code §§ 77003 ("court operations" defined), 77200 (state funding of trial court operations).

30 **§ 234 (amended). Alternate jurors**

31 SEC. _____. Section 234 of the Code of Civil Procedure is amended to read:

32 234. Whenever, in the opinion of a judge of a superior ~~or municipal~~ court about to try a
33 civil or criminal action or proceeding, the trial is likely to be a protracted one, or upon
34 stipulation of the parties, the court may cause an entry to that effect to be made in the
35 minutes of the court and thereupon, immediately after the jury is impaneled and sworn,
36 the court may direct the calling of one or more additional jurors, in its discretion, to be
37 known as "alternate jurors."

38 These alternate jurors shall be drawn from the same source, and in the same manner,
39 and have the same qualifications, as the jurors already sworn, and shall be subject to the
40 same examination and challenges. However, each side, or each defendant, as provided in
41 Section 231, shall be entitled to as many peremptory challenges to the alternate jurors as
42 there are alternate jurors called.

43 The alternate jurors shall be seated so as to have equal power and facilities for seeing
44 and hearing the proceedings in the case, and shall take the same oath as the jurors already
45 selected, and shall, unless excused by the court, attend at all times upon the trial of the

1 cause in company with the other jurors, but shall not participate in deliberation unless
2 ordered by the court, and for a failure to do so are liable to be punished for contempt.

3 They shall obey the orders of and be bound by the admonition of the court, upon each
4 adjournment of the court; but if the regular jurors are ordered to be kept in the custody of
5 the sheriff or marshal during the trial of the cause, the alternate jurors shall also be kept in
6 confinement with the other jurors; and upon final submission of the case to the jury, the
7 alternate jurors shall be kept in the custody of the sheriff or marshal who shall not suffer
8 any communication to be made to them except by order of the court, and shall not be
9 discharged until the original jurors are discharged, except as provided in this section.

10 If at any time, whether before or after the final submission of the case to the jury, a
11 juror dies or becomes ill, or upon other good cause shown to the court is found to be
12 unable to perform his or her duty, or if a juror requests a discharge and good cause
13 appears therefor, the court may order the juror to be discharged and draw the name of an
14 alternate, who shall then take his or her place in the jury box, and be subject to the same
15 rules and regulations as though he or she has been selected as one of the original jurors.

16 All laws relative to fees, expenses, and mileage or transportation of jurors shall be
17 applicable to alternate jurors, except that in civil cases the sums for fees and mileage or
18 transportation need not be deposited until the judge directs alternate jurors to be
19 impaneled.

20 **Comment.** Section 234 is amended to reflect unification of the municipal and superior courts
21 pursuant to Article VI, Section 5(e), of the California Constitution.

22 **§ 259 (amended). Powers of court commissioners**

23 SEC. _____. Section 259 of the Code of Civil Procedure is amended to read:

24 259. Subject to the supervision of the court, every court commissioner shall have power
25 to do all of the following:

26 (a) Hear and determine ex parte motions for orders and alternative writs and writs of
27 habeas corpus in the superior court for which the court commissioner is appointed.

28 (b) Take proof and make and report findings thereon as to any matter of fact upon
29 which information is required by the court. Any party to any contested proceeding may
30 except to the report and the subsequent order of the court made thereon within five days
31 after written notice of the court's action. A copy of the exceptions shall be filed and
32 served upon opposing party or counsel within the five days. The party may argue any
33 exceptions before the court on giving notice of motion for that purpose within 10 days
34 from entry thereof. After a hearing before the court on the exceptions, the court may
35 sustain, or set aside, or modify its order.

36 (c) Take and approve any bonds and undertakings in actions or proceedings, and
37 determine objections to the bonds and undertakings.

38 (d) Administer oaths and affirmations, and take affidavits and depositions in any action
39 or proceeding in any of the courts of this state, or in any matter or proceeding whatever,
40 and take acknowledgments and proof of deeds, mortgages, and other instruments
41 requiring proof or acknowledgment for any purpose under the laws of this or any other
42 state or country.

43 (e) Act as temporary judge when otherwise qualified so to act and when appointed for
44 that purpose, ~~or by written consent of an appearing party.~~ While acting as temporary
45 judge the commissioner shall receive no compensation therefor other than compensation
46 as commissioner.

47 (f) Hear and report findings and conclusions to the court for approval, rejection, or
48 change, all preliminary matters including motions or petitions for the custody and support

1 of children, the allowance of temporary spousal support, costs and attorneys' fees, and
2 issues of fact in contempt proceedings in proceedings for support, dissolution of
3 marriage, nullity of marriage, or legal separation.

4 (g) Hear actions to establish paternity and to establish or enforce child and spousal
5 support pursuant to subdivision (a) of Section 4251 of the Family Code.

6 (h) Hear, report on, and determine all uncontested actions and proceedings subject to
7 the requirements of subdivision (e).

8 (i) Charge and collect the same fees for the performance of official acts as are allowed
9 by law to notaries public in this state for like services. This subdivision does not apply to
10 any services of the commissioner, the compensation for which is expressly fixed by law.
11 The fees so collected shall be paid to the treasurer of the county, for deposit in the general
12 fund of the county.

13 (j) Provide an official seal, upon which must be engraved the words "Court
14 Commissioner" and the name of the county, or city and county, in which the
15 commissioner resides is appointed.

16 (k) Authenticate with the official seal the commissioner's official acts.

17 **Comment.** Subdivision (e) of Section 259 is amended to eliminate the implication that a
18 commissioner may act as a temporary judge with the written consent of one party. The court may
19 order a cause to be tried by a temporary judge only on stipulation of all parties. Cal. Const. art.
20 VI, § 21.

21 Subdivision (j) is amended in recognition of the fact that a Commissioner may be appointed in
22 more than one county. Gov't Code § 71622(e).

23 **§ 269 (amended). Reporting of cases**

24 SEC. _____. Section 269 of the Code of Civil Procedure is amended to read:

25 269. (a) ~~The official reporter of a superior court, or any of them where there are two or~~
26 ~~more, shall, at the request of either party, or of the court in a civil case other than a~~
27 ~~limited civil case, and on the order of the court, the district attorney, or the attorney for~~
28 ~~the defendant in a felony case, An official reporter or official reporter pro tempore of the~~
29 superior court shall take down in shorthand all testimony, objections made, rulings of the
30 court, exceptions taken, all arraignments, pleas, and sentences of defendants in felony
31 eases, arguments of the prosecuting attorney attorneys to the jury, and all statements and
32 remarks made and oral instructions given by the judge. If judge or other judicial officer,
33 in the following cases:

34 (1) In a civil case, on the order of the court or at the request of a party.

35 (2) In a felony case, on the order of the court or at the request of the prosecution, the
36 defendant, or the attorney for the defendant.

37 (3) In a misdemeanor or infraction case, on the order of the court.

38 (b) Where directed by the court, or requested by either a party, or where requested by a
39 nonparty with respect to a proceeding to which the public is entitled to access, the official
40 reporter or official reporter pro tempore shall, within such reasonable time after the trial
41 of the case as the court may designate, write the transcripts out, or the specific portions
42 thereof as may be requested, in plain and legible longhand, or by typewriter, or other
43 printing machine, and certify that the transcripts were correctly reported and transcribed,
44 and when directed by the court, file the transcripts with the clerk of the court.

45 (b)

46 (c) In any case where a defendant is convicted of a felony, after a trial on the merits, the
47 record on appeal shall be prepared immediately after the verdict or finding of guilt is
48 announced unless the court determines that it is likely that no appeal from the decision

1 will be made. The court’s determination of a likelihood of appeal shall be based upon
2 standards and rules adopted by the Judicial Council.

3 ~~(e) Any court, party, or person may request delivery of any transcript in a computer-~~
4 ~~readable form, except that an original transcript shall be on paper. A copy of the original~~
5 ~~transcript ordered within 120 days of the filing or delivery of the transcript by the official~~
6 ~~reporter shall be delivered in computer-readable form upon request if the proceedings~~
7 ~~were produced utilizing computer-aided transcription equipment. Except as modified by~~
8 ~~standards adopted by the Judicial Council, the computer-readable transcript shall be on~~
9 ~~disks in standard ASCII code unless otherwise agreed by the reporter and the court, party,~~
10 ~~or person requesting the transcript. Each disk shall be labeled with the case name and~~
11 ~~court number, the dates of proceedings contained on the disk, and the page and volume~~
12 ~~numbers of the data contained on the disk. Each disk as produced by the court reporter~~
13 ~~shall contain the identical volume divisions, pagination, line numbering, and text of the~~
14 ~~certified original paper transcript or any portion thereof. Each disk shall be sequentially~~
15 ~~numbered within the series of disks.~~

16 **Comment.** Subdivision (a) of Section 269 is amended to continue former Section 274c without
17 substantive change.

18 Subdivision (a) is also amended to refer to official reporters pro tempore, as well as official
19 reporters. This is not a substantive change. See Gov’t Code § 69941 (appointment of official
20 reporters).

21 Subdivision (a) is further amended to substitute “arguments of the attorneys” for “arguments of
22 the prosecuting attorney,” consistent with standard practice. See, e.g., Gov’t Code § 72194.5
23 (“arguments of the attorneys”).

24 Similarly, subdivision (a) is amended to substitute “prosecution” for “district attorney,” to
25 reflect that the Attorney General sometimes acts as prosecutor in place of the district attorney.
26 See Gov’t Code § 12553 (disqualification of district attorney); see also Penal Code § 1424
27 (motion to disqualify district attorney).

28 Subdivision (a) is also amended to make clear that it requires shorthand reporting of oral
29 instructions regardless of whether those instructions are given by a judge or by a subordinate
30 judicial officer. For an exception to this rule, see Gov’t Code § 70141.11 (court reporting for
31 Contra Costa County Commissioner).

32 Finally, subdivision (a) is amended to make clear that a felony defendant, whether represented
33 by counsel or in pro per, is entitled to a court reporter on request by the defendant personally or
34 by the defendant’s attorney (if any). This is not a substantive change. See generally *People v.*
35 *Turner*, 67 Cal. App. 4th 1258, 1266, 79 Cal. Rptr. 2d 740 (1998) (“a verbatim record is
36 implicitly among the rights of which a defendant appearing in propria persona must be
37 apprised”); *Andrus v. Municipal Court*, 143 Cal. App. 3d 1041, 1050, 192 Cal. Rptr. 341 (1983)
38 (California confers right to free verbatim record “in felony proceedings by statute (Code Civ.
39 Proc., § 269).”); *In re Armstrong*, 126 Cal. App. 3d 565, 572, 178 Cal. Rptr. 902 (1981) (a
40 “felony defendant *is*, as a matter of right, entitled to have ‘taken down,’ all related testimony and
41 oral proceedings”) (emphasis in original); *People v. Godeau*, 8 Cal. App. 3d 275, 279-80, 87 Cal.
42 Rptr. 424 (1970) (“In California felony proceedings a court reporter must be present if requested
43 by the defendant, the district attorney, or an order of the court. (Code Civ. Proc., § 269.)”); *People*
44 *v. Hollander*, 194 Cal. App. 2d 386, 391-93, 14 Cal. Rptr. 917 (1961) (denial of transcript to pro
45 per indigent defendant was prejudicial error).

46 Subdivision (b) is amended to make clear that a nonparty is generally entitled to request
47 preparation of a transcript. This is consistent with longstanding practice and conforms to
48 constitutional constraints. See, e.g., *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1 (1986)
49 (media request for transcript of preliminary hearing); *Fisher v. King*, 232 F.3d 391, 397 (4th Cir.
50 2000) (general public and press “enjoy a qualified right of access under the First Amendment to
51 criminal proceedings *and transcripts thereof*”) (emphasis added); *United States v. Antar*, 38 F.3d
52 1348, 1360-61 (3d Cir. 1994) (“First Amendment right of access must extend equally to

1 transcripts as to live proceedings”); *United States v. Berger*, 990 F. Supp. 1054, 1057 (C.D. Ill.
2 1998) (there “is no question that a written transcript of the Governor’s deposition would be made
3 available to the public upon admission of his testimony before the jury”); *State ex rel. Scripps*
4 *Howard Broadcasting Co. v. Cuyahoga County Court of Common Pleas*, 73 Ohio St. 3d 19, 21,
5 652 N.E.2d 179 (1995) (right of access “includes both the live proceedings and the transcripts
6 which document those proceedings”); see also *NBC Subsidiary (KNBC-TV), Inc. v. Superior*
7 *Court*, 20 Cal. 4th 1178, 980 P.2d 337, 86 Cal. Rptr. 2d 778 (1999) (constitutional right of access
8 applies to civil as well as criminal cases). A nonparty is entitled to a transcript of a proceeding
9 that was open to the public, see *Scripps Howard Broadcasting*, 73 Ohio St. 3d at 21, a proceeding
10 that was erroneously closed to the public, see generally *Press-Enterprise*, 478 U.S. at 15, or a
11 proceeding that was properly closed, once “the competing interests precipitating closure are no
12 longer viable,” see *Phoenix Newspapers, Inc. v. KPNX*, 156 F.3d 940, 947-48 (9th Cir. 1998).

13 Subdivision (b) is also amended to refer to official reporters pro tempore, as well as official
14 reporters.

15 Former subdivision (c) is continued in Section 271 without substantive change.

16 Section 269 is also amended to make technical changes.

17 **§ 271 (added). Computer-readable transcripts**

18 SEC. _____. Section 271 is added to the Code of Civil Procedure, to read:

19 271. (a) Any court, party, or person entitled to a transcript may request that it be
20 delivered in a computer-readable form, except that an original transcript shall be on
21 paper. A copy of the original transcript ordered within 120 days of the filing or delivery
22 of the transcript by the official reporter or official reporter pro tempore shall be delivered
23 in computer-readable form upon request if the proceedings were produced utilizing
24 computer-aided transcription equipment.

25 (b) Except as modified by standards adopted by the Judicial Council, the computer-
26 readable transcript shall be on disks in standard ASCII code unless otherwise agreed by
27 the reporter and the court, party, or person requesting the transcript. Each disk shall be
28 labeled with the case name and court number, the dates of proceedings contained on the
29 disk, and the page and volume numbers of the data contained on the disk. Except where
30 modifications are necessary to reflect corrections of a transcript, each disk as produced by
31 the official reporter shall contain the identical volume divisions, pagination, line
32 numbering, and text of the certified original paper transcript or any portion thereof. Each
33 disk shall be sequentially numbered within the series of disks.

34 **Comment.** Section 271 continues former Section 269(c) without change, except to insert
35 subdivisions, refer to official reporters pro tempore as well as official reporters, make clear that a
36 computer-readable version of a transcript is available only where a person is entitled to a hard
37 copy version, and clarify how the provision applies where a transcript is corrected. These
38 revisions are nonsubstantive. See Gov’t Code § 69945 (official reporter pro tempore shall
39 perform same duties as official reporter).

40 **§ 274a (amended). Reporting and transcription of proceedings**

41 SEC. _____. Section 274a of the Code of Civil Procedure is amended to read:

42 274a. Any judge of the superior court may have any opinion given or rendered by the
43 judge in the trial of a felony case or a civil case other than a limited an unlimited civil
44 case, pending in that court, or any necessary order, petition, citation, commitment or
45 judgment in any probate proceeding, proceeding concerning new or additional bonds of
46 county officials or juvenile court proceeding, ~~or necessary order, petition, citation,~~
47 ~~commitment, or oral testimony or judgment in any insanity proceeding or proceedings~~
48 ~~relative to an alleged feeble-minded person, or the testimony or judgment relating to the~~

1 custody or support of minor children in any proceeding in which the custody or support
2 of minor children is involved, taken down in shorthand and transcribed together with
3 such copies as the court may deem necessary by the official reporter or an official
4 reporter pro tempore of the court, but if there be no official reporter for the court, then by
5 any competent stenographer; the cost thereof shall be a legal charge against the county,
6 payable out of the county treasury, except the fee for reporting and transcribing in any
7 civil action or proceeding or in any probate proceeding, in the manner set forth in
8 Sections 69947 to 69953, inclusive, of the Government Code.

9 **Comment.** Section 274a is amended to reflect enactment of the Trial Court Funding Act. See
10 Gov't Code §§ 77003 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
11 (state funding of trial court operations). See also Gov't Code §§ 68073 (responsibility for court
12 operations and facilities), 69941 (appointment of official reporters), 69947 (compensation of
13 official reporter).

14 The section is also amended to delete the reference to insanity proceedings or proceedings for
15 the feebleminded. That provision is superseded by Government Code Section 69952(a)(4)
16 (verbatim record in proceedings under Lanterman-Petris-Short Act).

17 The section is also amended to replace "civil case other than a limited civil case" with a
18 reference to "unlimited civil case." See Section 88 (civil action or proceeding other than limited
19 civil case may be referred to as unlimited civil case).

20 **§ 274c (repealed). Reporting of limited civil cases and misdemeanor and infraction cases**

21 SEC. ____ . Section 274c of the Code of Civil Procedure is repealed.

22 ~~274c. Official reporters must, at the request of either party or of the court in a limited~~
23 ~~civil case, or on the order of the court in a misdemeanor or infraction case, take down in~~
24 ~~shorthand all the testimony, the objections made, the rulings of the court, the exceptions~~
25 ~~taken, all arraignments, pleas and sentences of defendants in criminal cases, the~~
26 ~~arguments of the prosecuting attorney to the jury, and all statements and remarks made~~
27 ~~and oral instructions given by the judge; and if directed by the court, or requested by~~
28 ~~either party, must, within such reasonable time after the trial of such case as the court~~
29 ~~may designate, write out the same, or such specific portions thereof as may be requested,~~
30 ~~in plain and legible longhand, or by typewriter, or other printing machine, and certify to~~
31 ~~the same as being correctly reported and transcribed, and when directed by the court, file~~
32 ~~the same with the clerk of the court.~~

33 **Comment.** Former Section 274c is continued in Section 269(a) without substantive change.

34 **§ 392 (amended). Venue in real property actions**

35 SEC. ____ . Section 392 of the Code of Civil Procedure is amended to read:

36 392. (1) Subject to the power of the court to transfer actions and proceedings as
37 provided in this title, the county in which the real property, that is the subject of the
38 action, or some part thereof, is situated, is the proper county for the trial of the following
39 actions:

40 (a) For the recovery of real property, or of an estate or interest therein, or for the
41 determination in any form, of that right or interest, and for injuries to real property;

42 (b) For the foreclosure of all liens and mortgages on real property.

43 (2) ~~The proper court for the trial of any such action, in the county hereinabove~~
44 ~~designated as the proper county, shall be determined as follows:~~

45 ~~If there is a municipal court, having jurisdiction of the subject matter of the action,~~
46 ~~established in the city and county or judicial district in which the real property that is the~~
47 ~~subject of the action, or some part thereof, is situated, that court is the proper court for the~~

1 ~~trial of the action; otherwise any court in the county having jurisdiction of the subject~~
2 ~~matter of the action, is a proper court for the trial thereof.~~

3 **Comment.** Section 392 is amended to reflect unification of the municipal and superior courts
4 pursuant to Article VI, Section 5(e), of the California Constitution.

5  **Note.** This provision raises issues relating to local venue. The Commission and the Judicial
6 Council are studying this area and may propose further revisions to address local venue issues.
7 The Commission solicits comment on the proper treatment of this provision.

8 **§ 393 (amended). Venue in actions for statutory penalty or forfeiture and against public**
9 **officers**

10 SEC. _____. Section 393 of the Code of Civil Procedure is amended to read:

11 393. (1) Subject to the power of the court to transfer actions and proceedings as
12 provided in this title, the county in which the cause, or some part thereof, arose, is the
13 proper county for the trial of the following actions:

14 (a) For the recovery of a penalty or forfeiture imposed by statute; except, that when it is
15 imposed for an offense committed on a lake, river, or other stream of water, situated in
16 two or more counties, the action may be tried in any county bordering on the lake, river,
17 or stream, and opposite to the place where the offense was committed;

18 (b) Against a public officer or person especially appointed to execute the duties of a
19 public officer, for an act done by the officer or person in virtue of the office; or against a
20 person who, by the officer's command or in the officer's aid, does anything touching the
21 duties of the officer.

22 ~~(2) The proper court for the trial of any such action, in the county hereinabove~~
23 ~~designated as the proper county, shall be determined as follows:~~

24 ~~If there is a municipal court having jurisdiction of the subject matter of the action,~~
25 ~~established in the city and county or judicial district in which the cause, or some part~~
26 ~~thereof, arose, that court is the proper court for the trial of the action; otherwise, any court~~
27 ~~in the county, having jurisdiction of the subject matter of the action, is a proper court for~~
28 ~~the trial thereof. In the case of offenses committed on a lake, river, or stream, hereinabove~~
29 ~~mentioned, the court, having jurisdiction of the subject matter of the action, nearest to the~~
30 ~~place where the offense was committed, in any county mentioned in subdivision 1 of this~~
31 ~~section, is a proper court for the trial of the action.~~

32 **Comment.** Section 393 is amended to reflect unification of the municipal and superior courts
33 pursuant to Article VI, Section 5(e), of the California Constitution.

34  **Note.** This provision raises issues relating to local venue. The Commission and the Judicial
35 Council are studying this area and may propose further revisions to address local venue issues.
36 The Commission solicits comment on the proper treatment of this provision.

37 **§ 394 (amended). Venue in action against county, city, or local agency**

38 SEC. _____. Section 394 of the Code of Civil Procedure is amended to read:

39 394. (a) An action or proceeding against a county, or city and county, a city, or local
40 agency, may be tried in such county, or city and county, or the county in which such city
41 or local agency is situated, unless the action or proceeding is brought by a county, or city
42 and county, a city, or local agency, in which case it may be tried in any county, or city
43 and county, not a party thereto and in which the city or local agency is not situated.
44 Except for actions initiated by the district attorney pursuant to Section 11350, 11350.1,
45 11475.1, or 11476.1 of the Welfare and Institutions Code, any action or proceeding

1 brought by a county, city and county, city, or local agency within a certain county, or city
2 and county, against a resident of another county, city and county, or city, or a corporation
3 doing business in the latter, shall be, on motion of either party, transferred for trial to a
4 county, or city and county, other than the plaintiff, if the plaintiff is a county, or city and
5 county, and other than that in which the plaintiff is situated, if the plaintiff is a city, or a
6 local agency, and other than that in which the defendant resides, or is doing business, or
7 is situated. Whenever an action or proceeding is brought against a county, city and
8 county, city, or local agency, in any county, or city and county, other than the defendant,
9 if the defendant is a county, or city and county, or, if the defendant is a city, or local
10 agency, other than that in which the defendant is situated, the action or proceeding must
11 be, on motion of the said defendant, transferred for trial to a county, or city and county,
12 other than that in which the plaintiff, or any of the plaintiffs, resides, or is doing business,
13 or is situated, and other than the plaintiff county, or city and county, or county in which
14 such plaintiff city or local agency is situated, and other than the defendant county, or city
15 and county, or county in which such defendant city or local agency is situated; provided,
16 however, that any action or proceeding against the city, county, city and county, or local
17 agency for injury occurring within the city, county, or city and county, or within the
18 county in which such local agency is situated, to person or property or person and
19 property caused by the negligence or alleged negligence of such city, county, city and
20 county, local agency, or its agents or employees, shall be tried in such county, or city and
21 county, or if a city is a defendant, in such city or in the county in which such city is
22 situated, or if a local agency is a defendant, in such county in which such local agency is
23 situated. In any such action or proceeding, the parties thereto may, by stipulation in
24 writing, or made in open court, and entered in the minutes, agree upon any county, or city
25 and county, for the place of trial thereof. When the action or proceeding is one in which a
26 jury is not of right, or in case a jury be waived, then in lieu of transferring the cause the
27 court in the original county may request the chairman of the Judicial Council to assign a
28 disinterested judge from a neutral county to hear said cause and all proceedings in
29 connection therewith. When such action or proceeding is transferred to another county for
30 trial, a witness required to respond to a subpoena for a hearing within the original county
31 shall be compelled to attend hearings in the county to which the cause is transferred. If
32 the demand for transfer be made by one party and the opposing party does not consent
33 thereto the additional costs of the nonconsenting party occasioned by the transfer of the
34 cause, including living and traveling expenses of said nonconsenting party and material
35 witnesses, found by the court to be material, and called by such nonconsenting party, not
36 to exceed five dollars (\$5) per day each in excess of witness fees and mileage otherwise
37 allowed by law, shall be assessed by the court hearing the cause against the party
38 requesting the transfer. To the extent of such excess, such costs shall be awarded to the
39 nonconsenting party regardless of the outcome of the trial. This section shall apply to
40 actions or proceedings now pending or hereafter brought.

41 ~~(b) Any court in a county hereinabove designated as a proper county, which has~~
42 ~~jurisdiction of the subject matter of the action or proceeding, is a proper court for the trial~~
43 ~~thereof.~~

44 (e) For the purposes of this section, "local agency" shall mean any governmental
45 district, board, or agency, or any other local governmental body or corporation, but shall
46 not include the State of California or any of its agencies, departments, commissions, or
47 boards.

48 **Comment.** Section 394 is amended to reflect unification of the municipal and superior courts
49 pursuant to Article VI, Section 5(e), of the California Constitution.

1 **§ 395 (amended). Venue in actions generally**

2 SEC. _____. Section 395 of the Code of Civil Procedure is amended to read:

3 395. (a) Except as otherwise provided by law and subject to the power of the court to
4 transfer actions or proceedings as provided in this title, the county in which the
5 defendants or some of them reside at the commencement of the action is the proper
6 county for the trial of the action. If the action is for injury to person or personal property
7 or for death from wrongful act or negligence, either the county where the injury occurs or
8 the injury causing death occurs or the county in which the defendants, or some of them
9 reside at the commencement of the action, shall be a proper county for the trial of the
10 action. In a proceeding for dissolution of marriage, the county in which either the
11 petitioner or respondent has been a resident for three months next preceding the
12 commencement of the proceeding is the proper county for the trial of the proceeding. In a
13 proceeding for nullity of marriage or legal separation of the parties, the county in which
14 either the petitioner or the respondent resides at the commencement of the proceeding is
15 the proper county for the trial of the proceeding. In a proceeding to enforce an obligation
16 of support under Section 3900 of the Family Code, the county in which the child resides
17 is the proper county for the trial of the action. In a proceeding to establish and enforce a
18 foreign judgment or court order for the support of a minor child, the county in which the
19 child resides is the proper county for the trial of the action. Subject to subdivision (b),
20 when a defendant has contracted to perform an obligation in a particular county, either
21 the county where the obligation is to be performed or in which the contract in fact was
22 entered into or the county in which the defendant or any defendant resides at the
23 commencement of the action shall be a proper county for the trial of an action founded on
24 that obligation, and the county in which the obligation is incurred shall be deemed to be
25 the county in which it is to be performed unless there is a special contract in writing to
26 the contrary. If none of the defendants reside in the state or if residing in the state and the
27 county in which they reside is unknown to the plaintiff, the action may be tried in any
28 county that the plaintiff may designate in his or her complaint, and, if the defendant is
29 about to depart from the state, the action may be tried in any county where either of the
30 parties reside or service is made. If any person is improperly joined as a defendant or has
31 been made a defendant solely for the purpose of having the action tried in the county or
32 ~~judicial district~~ where he or she resides, his or her residence shall not be considered in
33 determining the proper place for the trial of the action.

34 (b) Subject to the power of the court to transfer actions or proceedings as provided in
35 this title, in an action arising from an offer or provision of goods, services, loans or
36 extensions of credit intended primarily for personal, family or household use, other than
37 an obligation described in Section 1812.10 or Section 2984.4 of the Civil Code, or an
38 action arising from a transaction consummated as a proximate result of either an
39 unsolicited telephone call made by a seller engaged in the business of consummating
40 transactions of that kind or a telephone call or electronic transmission made by the buyer
41 or lessee in response to a solicitation by the seller, the county in which the buyer or lessee
42 in fact signed the contract, the county in which the buyer or lessee resided at the time the
43 contract was entered into, or the county in which the buyer or lessee resides at the
44 commencement of the action is the proper county for the trial thereof.

45 (c) If within the county there is a municipal court having jurisdiction of the subject
46 matter established, in the cases mentioned in subdivision (a), in the judicial district in
47 which the defendant or any defendant resides, in which the injury to person or personal
48 property or the injury causing death occurs, or, in which the obligation was contracted to
49 be performed or, in cases mentioned in subdivision (b), in the judicial district in which

1 the buyer or lessee resides, in which the buyer or lessee in fact signed the contract, in
2 which the buyer or lessee resided at the time the contract was entered into, or in which the
3 buyer or lessee resides at the commencement of the action, then that court is the proper
4 court for the trial of the action. Otherwise, any court in the county having jurisdiction of
5 the subject matter is a proper court for the trial thereof.

6 (d) Any provision of an obligation described in subdivision (b) or (c) waiving those
7 subdivisions is void and unenforceable.

8 **Comment.** Subdivision (a) of Section 395 is amended to reflect unification of the municipal
9 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution. See
10 Section 38 (judicial districts).

11  **Note.** This provision raises issues relating to local venue. The Commission and the Judicial
12 Council are studying this area and may propose further revisions to address local venue issues.
13 The Commission solicits comment on the proper treatment of this provision.

14 **§ 396 (amended). Court without jurisdiction**

15 SEC. _____. Section 396 of the Code of Civil Procedure is amended to read:

16 396. If an action or proceeding is commenced in a court that lacks jurisdiction of the
17 subject matter thereof, as determined by the complaint or petition, if there is a court of
18 this state that has subject matter jurisdiction, the action or proceeding shall not be
19 dismissed (except as provided in Section 399, and subdivision 1 of Section 581) but shall,
20 on the application of either party, or on the court's own motion, be transferred to a court
21 having jurisdiction of the subject matter that may be agreed upon by the parties, or, if
22 they do not agree, to a court having subject matter jurisdiction that is designated by law
23 as a proper court for the trial or determination thereof, and it shall thereupon be entered
24 and prosecuted in the court to which it is transferred as if it had been commenced therein,
25 all prior proceedings being saved. In any such case, if summons is served prior to the
26 filing of the action or proceeding in the court to which it is transferred, as to any
27 defendant, so served, who has not appeared in the action or proceeding, the time to
28 answer or otherwise plead shall date from service upon that defendant of written notice of
29 filing of the action or proceeding in the court to which it is transferred.

30 If an action or proceeding is commenced in or transferred to a court that has jurisdiction
31 of the subject matter thereof as determined by the complaint or petition, and it thereafter
32 appears from the verified pleadings, or at the trial, or hearing, that the determination of
33 the action or proceeding, or of a cross-complaint, will necessarily involve the
34 determination of questions not within the jurisdiction of the court, in which the action or
35 proceeding is pending, the court, whenever that lack of jurisdiction appears, must suspend
36 all further proceedings therein and transfer the action or proceeding and certify the
37 pleadings (or if the pleadings be oral, a transcript of the same), and all papers and
38 proceedings therein to a court having jurisdiction thereof that may be agreed upon by the
39 parties, or, if they do not agree, to a court having subject matter jurisdiction that is
40 designated by law as a proper court for the trial or determination thereof.

41 An action or proceeding that is transferred under the provisions of this section shall be
42 deemed to have been commenced at the time the complaint or petition was filed in the
43 court from which it was originally transferred.

44 Nothing herein shall be construed to preclude or affect the right to amend the pleadings
45 as provided in this code.

46 ~~Nothing herein shall be construed to require the superior court to transfer any action or~~
47 ~~proceeding because the judgment to be rendered, as determined at the trial or hearing, is~~

1 ~~one that might have been rendered by a municipal court in the same county or city and~~
2 ~~county.~~

3 ~~In any case where the lack of jurisdiction is due solely to an excess in the amount of the~~
4 ~~demand, the excess may be remitted and the action may continue in the court where it is~~
5 ~~pending.~~

6 Upon the making of an order for transfer, proceedings shall be had as provided in
7 Section 399 of this code, the costs and fees thereof, and of filing the case in the court to
8 which transferred, to be paid by the party filing the pleading in which the question
9 outside the jurisdiction of the court appears unless the court ordering the transfer shall
10 otherwise direct.

11 **Comment.** Section 396 is amended to reflect unification of the municipal and superior courts
12 pursuant to Article VI, Section 5(e), of the California Constitution. See Section 403.040(c)-(d)
13 (reclassification where judgment could have been rendered in limited civil case; reclassification
14 where misclassification is due solely to excess in amount of demand).

15  **Note.** The Commission and the Judicial Council are studying whether this provision is still
16 necessary in a unified trial court system. Further reforms may be proposed later. The Commission
17 solicits comment on the proper treatment of this provision.

18 **§ 396a (unchanged). Statement of jurisdictional facts**

19 396a. In a limited civil case that is subject to Sections 1812.10 and 2984.4 of the Civil
20 Code, or subdivision (b) of Section 395 of the Code of Civil Procedure, or is an action or
21 proceeding for an unlawful detainer as defined in Section 1161 of the Code of Civil
22 Procedure, the plaintiff shall state facts in the complaint, verified by the plaintiff's oath,
23 or the oath of the plaintiff's attorney, or in an affidavit of the plaintiff or of the plaintiff's
24 attorney filed with the complaint, showing that the action has been commenced in the
25 proper court for the trial of the action or proceeding, and showing that the action is
26 subject to the provisions of Sections 1812.10 and 2984.4 of the Civil Code or subdivision
27 (b) of Section 395 of the Code of Civil Procedure, or is an action for an unlawful
28 detainer. When the affidavit is filed with the complaint, a copy thereof shall be served
29 with the summons. Except as herein provided, if the complaint or affidavit be not so filed,
30 no further proceedings shall be had in the action or proceeding, except to dismiss the
31 same without prejudice. However, the court may, on such terms as may be just, permit
32 the affidavit to be filed subsequent to the filing of the complaint, and a copy of the
33 affidavit shall be served on the defendant and the time to answer or otherwise plead shall
34 date from that service. If it appears from the complaint or affidavit, or otherwise, that the
35 court in which the action or proceeding is commenced is not the proper court for the trial
36 thereof, the court in which the action or proceeding is commenced, or a judge thereof,
37 shall, whenever that fact appears, transfer it to the proper court, on its own motion, or on
38 motion of the defendant, unless the defendant consents in writing, or in open court
39 (consent in open court being entered in the minutes or docket of the court), to the keeping
40 of the action or proceeding in the court where commenced. If that consent be given, the
41 action or proceeding may continue in the court where commenced. Notwithstanding the
42 provisions of Section 1801.1 and subdivision (f) of Section 2983.7 of the Civil Code, that
43 consent may be given by a defendant who is represented by counsel at the time the
44 consent is given, and where an action or proceeding is subject to subdivision (b) of
45 Section 395 or is for an unlawful detainer, that consent may only be given by a defendant
46 who is represented by counsel at the time the consent is given. In any case where the
47 transfer of the action or proceeding is ordered under the provisions of this paragraph, if

1 summons is served prior to the filing of the action or proceeding in the court to which it is
2 transferred, as to any defendant, so served, who has not appeared in the action or
3 proceeding, the time to answer or otherwise plead shall date from service upon that
4 defendant of written notice of the filing.

5 When it appears from the complaint or affidavit of the plaintiff that the court in which
6 the action or proceeding is commenced is a proper court for the trial thereof, all proper
7 proceedings may be had, and the action or proceeding may be tried therein; provided,
8 however, that a motion for a transfer of the action or proceeding may be made as in other
9 cases, within the time, upon the grounds, and in the manner provided in this title, and if
10 upon that motion it appears that the action or proceeding is not pending in the proper
11 court, or should for other cause be transferred, the same shall be ordered transferred as
12 provided in this title.

13 When any action or proceeding is ordered transferred as herein provided, proceedings
14 shall be had, and the costs and fees shall be paid, as provided in Sections 398 and 399 of
15 this code.

16  **Note.** This provision raises issues relating to local venue. The Commission and the Judicial
17 Council are studying this area and may propose further revisions to address local venue issues.
18 The Commission solicits comment on the proper treatment of this provision.

19 **§ 402 (repealed). Transfer for convenience of municipal court**

20 SEC. _____. Section 402 of the Code of Civil Procedure is repealed.

21 ~~402. The presiding judge of a municipal court district may order, for the convenience of~~
22 ~~the court, that any case pending trial be transferred to a contiguous municipal court~~
23 ~~district in the same county if the presiding judge in the district to which the case is~~
24 ~~proposed to be transferred consents to the transfer and notice thereof is given to the~~
25 ~~parties or their attorneys at least 10 days in advance of the date fixed for trial.~~

26 ~~No fees shall be charged for the transfer of any case pursuant to this section.~~

27 **Comment.** Section 402 is repealed to reflect unification of the municipal and superior courts
28 pursuant to Article VI, Section 5(e), of the California Constitution.

29 **§ 402.5 (repealed). Change of venue in limited civil case**

30 SEC. _____. Section 402.5 of the Code of Civil Procedure is repealed.

31 ~~402.5. The superior court in a county in which there is no municipal court may transfer~~
32 ~~a limited civil case to another branch or location of the superior court in the same county.~~

33 **Comment.** Section 402.5 is repealed to reflect unification of the municipal courts and superior
34 courts pursuant to Article VI, Section 5(e), of the California Constitution. The section was a
35 transitional provision, to emphasize that there was to be no disparity of treatment between a party
36 appearing in a municipal court and a similarly situated party appearing in a unified superior court.
37 It is no longer necessary. For authority of the superior court to assign a case to a court location
38 within the county, see Gov't Code § 69508(a). See also Cal. R. Ct. 6.603(c)(1)(D).

39  **Note.** This provision raises issues relating to local venue. The Commission and the Judicial
40 Council are studying this area and may propose further revisions to address local venue issues.
41 The Commission solicits comment on the proper treatment of this provision.

42 **§ 403 (amended). Transfer and coordination of noncomplex cases**

43 SEC. _____. Section 403 of the Code of Civil Procedure is amended to read:

1 403. A judge may, on motion, transfer an action or actions from another court to that
2 judge's court for coordination with an action involving a common question of fact or law
3 within the meaning of Section 404. The motion shall be supported by a declaration stating
4 facts showing that the actions meet the standards specified in Section 404.1, are not
5 complex as defined by the Judicial Council and that the moving party has made a good
6 faith effort to obtain agreement to the transfer from all parties to each action. Notice of
7 the motion shall be served on all parties to each action and on each court in which an
8 action is pending. Any party to that action may file papers opposing the motion within the
9 time permitted by rule of the Judicial Council. The court to which a case is transferred
10 may order the cases consolidated for trial pursuant to Section 1048 without any further
11 motion or hearing.

12 ~~If the cases are pending in different courts of the same county, the judge who grants the~~
13 ~~motion to transfer may also order the cases consolidated for trial in the receiving court.~~

14 The Judicial Council may adopt rules to implement this section, including rules
15 prescribing procedures for preventing duplicative or conflicting transfer orders issued by
16 different courts.

17 **Comment.** Section 403 is amended to reflect unification of the municipal and superior courts
18 pursuant to Article VI, Section 5(e), of the California Constitution. *Cf.* Sections 404-404.8
19 (coordination of complex cases).

20  **Note.** The Commission is studying whether further revisions relating to coordination or
21 consolidation are necessary. The Commission solicits comment on the proper treatment of these
22 areas.

23 **§ 403.010 (amended). Effect of chapter**

24 SEC. _____. Section 403.010 of the Code of Civil Procedure is amended to read:

25 403.010. (a) ~~This chapter applies in a county in which there is no municipal court.~~

26 (b) Nothing in this chapter expands or limits the law on whether a plaintiff, cross-
27 complainant, or petitioner may file an amended complaint or other amended initial
28 pleading. Nothing in this chapter expands or limits the law on whether, and to what
29 extent, an amendment relates back to the date of filing the original complaint or other
30 initial pleading.

31 **Comment.** Section 403.010 is amended to reflect unification of the municipal and superior
32 courts pursuant to Article VI, Section 5(e), of the California Constitution.

33 **§ 404 (amended). Petition for coordination of complex cases**

34 SEC. _____. Section 404 of the Code of Civil Procedure is amended to read:

35 404. When civil actions sharing a common question of fact or law are pending in
36 different courts, a petition for coordination may be submitted to the Chairperson of the
37 Judicial Council, by the presiding judge of any such court, or by any party to one of the
38 actions after obtaining permission from the presiding judge, or by all of the parties
39 plaintiff or defendant in any such action. A petition for coordination, or a motion for
40 permission to submit a petition, shall be supported by a declaration stating facts showing
41 that the actions are complex, as defined by the Judicial Council and that the actions meet
42 the standards specified in Section 404.1. On receipt of a petition for coordination, the
43 Chairperson of the Judicial Council may assign a judge to determine whether the actions
44 are complex, and if so, whether coordination of the actions is appropriate, or the
45 Chairperson of the Judicial Council may authorize the presiding judge of a court to assign

1 the matter to judicial officers of the court to make the determination in the same manner
2 as assignments are made in other civil cases.

3 ~~Notwithstanding any other provision of law, when civil actions sharing a common~~
4 ~~question of fact or law are pending in a superior court and in a municipal court of the~~
5 ~~same county, the superior court may, on the motion of any party supported by an affidavit~~
6 ~~stating facts showing that the actions meet the standards specified in Section 404.1, order~~
7 ~~transfer from the municipal court and consolidation of the actions in the superior court.~~

8 **Comment.** Section 404 is amended to reflect unification of the municipal and superior courts
9 pursuant to Article VI, Section 5(e), of the California Constitution. *Cf.* Section 403 (transfer and
10 coordination of noncomplex cases).

11  **Note.** The Commission is studying whether further revisions relating to coordination or
12 consolidation are necessary. The Commission solicits comment on the proper treatment of these
13 areas.

14 **§ 404.3 (amended). Order coordinating actions**

15 SEC. ____. Section 404.3 of the Code of Civil Procedure is amended to read:

16 404.3. (a) A judge assigned pursuant to Section 404 who determines that coordination
17 is appropriate shall order the actions coordinated, report that fact to the Chairperson of
18 the Judicial Council, and the Chairperson of the Judicial Council shall either assign a
19 judge to hear and determine the actions in the site or sites the assigned judge finds
20 appropriate or authorize the presiding judge of a court to assign the matter to judicial
21 officers of the court in the same manner as assignments are made in other civil cases.

22 ~~(b) When an action pending in a superior court is sought to be coordinated with an~~
23 ~~action pending in a municipal court located in the same county, the presiding judge of the~~
24 ~~superior court may, as an alternative to coordination, order the municipal court action~~
25 ~~transferred to the superior court and consolidated with the superior court action.~~

26 **Comment.** Section 404.3 is amended to reflect unification of the municipal and superior courts
27 pursuant to Article VI, Section 5(e), of the California Constitution. *Cf.* Section 403 (transfer and
28 coordination of noncomplex cases).

29 **§ 404.9 (amended). Delegation of duties by presiding judge**

30 SEC. ____. Section 404.9 of the Code of Civil Procedure is amended to read:

31 404.9. Any duties of the presiding judge specified in this chapter may be delegated by
32 the presiding judge to another judge of the court. ~~The term “presiding judge,” as used in~~
33 ~~this chapter, includes the sole judge of a court having only one judge.~~

34 ~~Notwithstanding any other provision of law, the Judicial Council shall provide by rule~~
35 ~~the practice and procedure for the transfer or coordination of civil actions in convenient~~
36 ~~courts under this chapter, including provision for giving notice and presenting evidence.~~

37 **Comment.** Section 404.9 is amended to reflect unification of the municipal and superior courts
38 pursuant to Article VI, Section 5(e), of the California Constitution.

39 The first paragraph is amended to delete language referring to the sole judge. Every superior
40 court has at least two judgeships as a result of trial court unification. See Gov’t Code § 69580 *et*
41 *seq.* (number of judges). Where a court has only one judge due to a vacancy or otherwise, the
42 reference to the “presiding judge” means the sole judge of the court. See Gov’t Code § 69508.5
43 (presiding judge).

44 The second paragraph is deleted as unnecessary. The provision relating to proceedings for
45 transfer from a municipal court is obsolete. The provision for coordination rules is redundant. See

1 Section 404.7 (rules for coordination of complex cases). *Cf.* Section 403 (transfer and
2 coordination of noncomplex cases).

3 **§ 422.30 (amended). Caption**

4 SEC. _____. Section 422.30 of the Code of Civil Procedure is amended to read:

5 422.30. (a) Every pleading shall contain a caption setting forth:

6 (1) The name of the court and county, ~~and, in municipal courts, the name of the judicial~~
7 ~~district~~, in which the action is brought.

8 (2) The title of the action.

9 (b) In a limited civil case ~~in a county in which there is no municipal court~~, the caption
10 shall state that the case is a limited civil case, and the clerk shall classify the case
11 accordingly.

12 **Comment.** Section 422.30 is amended to reflect unification of the municipal and superior
13 courts pursuant to Article VI, Section 5(e), of the California Constitution. See Section 38 (judicial
14 districts). *Cf.* Gov't Code § 71042.5 (preservation of judicial districts for purposes of publication).

15 **§ 575 (amended). Promulgation of rules by Judicial Council**

16 SEC. _____. Section 575 of the Code of Civil Procedure is amended to read:

17 575. The Judicial Council may promulgate rules governing pretrial conferences, and the
18 time, manner and nature thereof, in civil cases at issue, or in one or more classes thereof,
19 in the superior ~~and municipal~~ courts.

20 **Comment.** Section 575 is amended to reflect unification of the municipal and superior courts
21 pursuant to Article VI, Section 5(e), of the California Constitution.

22 **§ 575.1 (amended). Local court rules**

23 SEC. _____. Section 575.1 of the Code of Civil Procedure is amended to read:

24 575.1. (a) The presiding judge of each superior ~~and municipal~~ court may prepare, with
25 the assistance of appropriate committees of the court, proposed local rules designed to
26 expedite and facilitate the business of the court. The rules need not be limited to those
27 actions on the civil active list, but may provide for the supervision and judicial
28 management of actions from the date they are filed. Rules prepared pursuant to this
29 section shall be submitted for consideration to the judges of the court and, upon approval
30 by a majority of the judges, the judges shall have the proposed rules published and
31 submitted to the local bar and others, as specified by the Judicial Council, for
32 consideration and recommendations.

33 (b) After a majority of the judges have officially adopted the rules, 61 copies or a
34 greater number as specified by Judicial Council rule, shall be filed with the Judicial
35 Council as required by Section 68071 of the Government Code. The Judicial Council
36 shall deposit a copy of each rule and amendment with each county law library ~~or county~~
37 ~~clerk~~ and the clerk of each superior court where it shall be made available for public
38 examination. The local rules shall also be published for general distribution in accordance
39 with rules adopted by the Judicial Council. Each court shall make its local rules available
40 for inspection and copying in every location of the court that generally accepts filing of
41 papers. The court may impose a reasonable charge for copying the rules and may impose
42 a reasonable page limit on copying. The rules shall be accompanied by a notice indicating
43 where a full set of the rules may be purchased.

44 (c) If a judge of a court adopts a rule that applies solely to cases in that judge's
45 courtroom, or a particular branch or district of a court adopts a rule that applies solely to
46 cases in that particular branch or district of a court, the court shall publish these rules as

1 part of the general publication of rules required by the California Rules of Court. The
2 court shall organize the rules so that rules on a common subject, whether individual,
3 branch, district, or courtwide appear sequentially. Individual judges' rules and branch and
4 district rules are local rules of court for purposes of this section and for purposes of the
5 adoption, publication, comment, and filing requirements set forth in the Judicial Council
6 rules applicable to local court rules.

7 **Comment.** Subdivision (a) of Section 575.1 is amended to reflect unification of the municipal
8 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

9 Subdivision (b) is amended to reflect elimination of the county clerk's role as ex officio clerk
10 of the superior court. *See* former Gov't Code § 26800 (county clerk acting as clerk of superior
11 court). The powers, duties, and responsibilities formerly exercised by the county clerk as ex
12 officio clerk of the court are delegated to the court administrative or executive officer, and the
13 county clerk is relieved of those powers, duties, and responsibilities. *See* Sections 69840 (powers,
14 duties, and responsibilities of clerk of court), 71620 (trial court personnel).

15 Subdivision (b) is also amended to require filing with both (as opposed to either) the county
16 library and court clerk of each county.

17  **Note.** The Commission particularly solicits comment on the following matter:

18 Does it make sense to require deposit of copies of a court's local rules with both the county law
19 library and the court clerk of every county?

20 **§ 594 (amended). Bringing issues to trial or hearing**

21 SEC. _____. Section 594 of the Code of Civil Procedure is amended to read:

22 594. (a) In superior and municipal courts either party may bring an issue to trial or to a
23 hearing, and, in the absence of the adverse party, unless the court, for good cause,
24 otherwise directs, may proceed with the case and take a dismissal of the action, or a
25 verdict, or judgment, as the case may require; provided, however, if the issue to be tried is
26 an issue of fact, proof shall first be made to the satisfaction of the court that the adverse
27 party has had 15 days' notice of such trial or five days' notice of the trial in an unlawful
28 detainer action as specified in subdivision (b). If the adverse party has served notice of
29 trial upon the party seeking the dismissal, verdict, or judgment at least five days prior to
30 the trial, the adverse party shall be deemed to have had notice.

31 (b) The notice to the adverse party required by subdivision (a) shall be served by mail
32 on all the parties by the clerk of the court not less than 20 days prior to the date set for
33 trial. In an unlawful detainer action where notice is served by mail that service shall be
34 mailed not less than 10 days prior to the date set for trial. If notice is not served by the
35 clerk as required by this subdivision, it may be served by mail by any party on the
36 adverse party not less than 15 days prior to the date set for trial, and in an unlawful
37 detainer action where notice is served by mail that service shall be mailed not less than 10
38 days prior to the date set for trial. The time provisions of Section 1013 shall not serve to
39 extend the notice of trial requirements under this subdivision for unlawful detainer
40 actions. If notice is served by the clerk, proof thereof may be made by introduction into
41 evidence of the clerk's certificate pursuant to subdivision (3) of Section 1013a or other
42 competent evidence. If notice is served by a party, proof may be made by introduction
43 into evidence of an affidavit or certificate pursuant to subdivision (1) or (2) of Section
44 1013a or other competent evidence. The provisions of this subdivision are exclusive.

45 **Comment.** Section 594 is amended to reflect unification of the municipal and superior courts
46 pursuant to Article VI, Section 5(e), of the California Constitution.

1 **§ 628 (amended). Entry upon receipt of verdict**

2 SEC. _____. Section 628 of the Code of Civil Procedure is amended to read:

3 628. In superior ~~and municipal~~ courts upon receipt of a verdict, an entry must be made
4 in the minutes of the court, specifying the time of trial, the names of the jurors and
5 witnesses, and setting out the verdict at length; and where a special verdict is found,
6 either the judgment rendered thereon, or if the case be reserved for argument or further
7 consideration, the order thus reserving it.

8 **Comment.** Section 628 is amended to reflect unification of the municipal and superior courts
9 pursuant to Article VI, Section 5(e), of the California Constitution.

10 **§ 632 (amended). Statement of decision**

11 SEC. _____. Section 632 of the Code of Civil Procedure is amended to read:

12 632. In superior ~~and municipal~~ courts, upon the trial of a question of fact by the court,
13 written findings of fact and conclusions of law shall not be required. The court shall issue
14 a statement of decision explaining the factual and legal basis for its decision as to each of
15 the principal controverted issues at trial upon the request of any party appearing at the
16 trial. The request must be made within 10 days after the court announces a tentative
17 decision unless the trial is concluded within one calendar day or in less than eight hours
18 over more than one day in which event the request must be made prior to the submission
19 of the matter for decision. The request for a statement of decision shall specify those
20 controverted issues as to which the party is requesting a statement of decision. After a
21 party has requested the statement, any party may make proposals as to the content of the
22 statement of decision.

23 The statement of decision shall be in writing, unless the parties appearing at trial agree
24 otherwise; however, when the trial is concluded within one calendar day or in less than 8
25 hours over more than one day, the statement of decision may be made orally on the
26 record in the presence of the parties.

27 **Comment.** Section 632 is amended to reflect unification of the municipal and superior courts
28 pursuant to Article VI, Section 5(e), of the California Constitution.

29 **§ 655 (repealed). Application of article**

30 SEC. _____. Section 655 of the Code of Civil Procedure is repealed.

31 ~~655. The provisions of this article apply to superior or municipal courts.~~

32 **Comment.** Section 655 is repealed to reflect unification of the municipal and superior courts
33 pursuant to Article VI, Section 5(e), of the California Constitution.

34 **§ 668 (amended). Judgment book**

35 SEC. _____. Section 668 of the Code of Civil Procedure is amended to read:

36 668. Except as provided in Section 668.5, the clerk of the superior court ~~and municipal~~
37 ~~court~~, must keep, with the records of the court, a book called the “judgment book,” in
38 which judgments must be entered.

39 **Comment.** Section 668 is amended to reflect unification of the municipal and superior courts
40 pursuant to Article VI, Section 5(e), of the California Constitution.

41 **§ 670 (amended). Judgment roll**

42 SEC. _____. Section 670 of the Code of Civil Procedure is amended to read:

43 670. In superior ~~and municipal~~ courts the following papers, without being attached
44 together, shall constitute the judgment roll:

1 (a) In case the complaint is not answered by any defendant, the summons, with the
2 affidavit or proof of service; the complaint; the request for entry of default with a
3 memorandum indorsed thereon that the default of the defendant in not answering was
4 entered, and a copy of the judgment; if defendant has appeared by demurrer, and the
5 demurrer has been overruled, then notice of the overruling thereof served on defendant's
6 attorney, together with proof of the service; and in case the service so made is by
7 publication, the affidavit for publication of summons, and the order directing the
8 publication of summons.

9 (b) In all other cases, the pleadings, all orders striking out any pleading in whole or in
10 part, a copy of the verdict of the jury, the statement of decision of the court, or finding of
11 the referee, and a copy of any order made on demurrer, or relating to a change of parties,
12 and a copy of the judgment; if there are two or more defendants in the action, and any one
13 of them has allowed judgment to pass against him or her by default, the summons, with
14 proof of its service, on the defendant, and if the service on the defaulting defendant be by
15 publication, then the affidavit for publication, and the order directing the publication of
16 the summons.

17 **Comment.** Section 670 is amended to reflect unification of the municipal and superior courts
18 pursuant to Article VI, Section 5(e), of the California Constitution.

19 **§ 688.010 (unchanged). Jurisdictional requirements**

20 688.010. For the purpose of the remedies provided under this article, jurisdiction is
21 conferred upon any of the following courts:

22 (a) The superior court, regardless of whether the municipal court also has jurisdiction
23 under subdivision (b).

24 (b) The municipal court if (1) the amount of liability sought to be collected does not
25 exceed the jurisdictional amount of the court and (2) the legality of the liability being
26 enforced is not contested by the person against whom enforcement is sought.

27  **Note.** This provision requires further study, because it can be construed to confer concurrent
28 jurisdiction on the municipal and superior courts. The Commission solicits comment on the
29 proper treatment of this provision and the cross-reference in Section 688.030.

30 **§ 701.530 (amended). Notice of sale of personal property**

31 SEC. ____ . Section 701.530 of the Code of Civil Procedure is amended to read:

32 701.530. (a) Notice of sale of personal property shall be in writing, shall state the date,
33 time, and place of sale, and shall describe the property to be sold.

34 (b) Not less than 10 days before a sale of personal property, notice of sale shall be
35 posted and served on the judgment debtor by the levying officer. Service shall be made
36 personally or by mail.

37 (c) Posting under this section shall be in three public places in:

38 (1) The city in which the property is to be sold if it is to be sold in a city.

39 (2) The ~~judicial district~~ county in which the property is to be sold if it is not to be sold
40 in a city.

41 (d) A sale of personal property of an individual may not take place until the expiration
42 of the time during which the judgment debtor may make a claim of exemption under
43 subdivision (a) of Section 703.520.

44 **Comment.** Subdivision (c)(2) of Section 701.530 is amended to reflect unification of the
45 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.
46 See Section 38 (judicial districts).

1 **§ 701.540 (amended). Notice of sale of interest in real property**

2 SEC. ____ . Section 701.540 of the Code of Civil Procedure is amended to read:

3 701.540. (a) Notice of sale of an interest in real property shall be in writing, shall state
4 the date, time, and place of sale, shall describe the interest to be sold, and shall give a
5 legal description of the real property and its street address or other common designation,
6 if any. If the real property has no street address or other common designation, the notice
7 of sale shall include a statement that directions to its location may be obtained from the
8 levying officer upon oral or written request or, in the discretion of the levying officer, the
9 notice of sale may contain directions to its location. Directions are sufficient if
10 information as to the location of the real property is given by reference to the direction
11 and approximate distance from the nearest crossroads, frontage road, or access road. If an
12 accurate legal description of the real property is given, the validity of the notice and sale
13 is not affected by the fact that the street address or other common designation, or
14 directions to its location, are erroneous or omitted.

15 (b) Not less than 20 days before the date of sale, notice of sale of an interest in real
16 property shall be served, mailed, and posted by the levying officer as provided in
17 subdivisions (c), (d), (e), and (f).

18 (c) Notice of sale shall be served on the judgment debtor. Service shall be made
19 personally or by mail.

20 (d) Notice of sale shall be posted in the following places:

21 (1) One public place in the city in which the interest in the real property is to be sold if
22 it is to be sold in a city or, if not to be sold in a city, one public place in the judicial
23 district county in which the interest in the real property is to be sold.

24 (2) A conspicuous place on the real property.

25 (e) At the time notice is posted pursuant to paragraph (2) of subdivision (d), notice of
26 sale shall be served or service shall be attempted on one occupant of the real property.
27 Service on the occupant shall be made by leaving the notice with the occupant personally
28 or, in the occupant's absence, with any person of suitable age and discretion found upon
29 the real property at the time service is attempted who is either an employee or agent of
30 the occupant or a member of the occupant's household. If the levying officer is unable to
31 serve such an occupant at the time service is attempted, the levying officer is not required
32 to make any further attempts to serve an occupant.

33 (f) If the property described in the notice of sale consists of more than one distinct lot,
34 parcel, or governmental subdivision and any of the lots, parcels, or governmental
35 subdivisions lies with relation to any of the others so as to form one or more continuous,
36 unbroken tracts, only one service pursuant to subdivision (e) and posting pursuant to
37 paragraph (2) of subdivision (d) need be made as to each continuous, unbroken tract.

38 (g) Notice of sale shall be published pursuant to Section 6063 of the Government Code,
39 with the first publication at least 20 days prior to the time of sale, in a newspaper of
40 general circulation published in the city in which the real property or a part thereof is
41 situated if any part thereof is situated in a city or, if not, in a newspaper of general
42 circulation published in the judicial district in which the real property or a part thereof is
43 situated. If no newspaper of general circulation is published in the city or judicial district,
44 notice of sale shall be published in a newspaper of general circulation in the county in
45 which the real property or a part thereof is situated.

46 (h) Not earlier than 30 days after the date of levy, the judgment creditor shall determine
47 the names of all persons having liens on the real property on the date of levy that are of
48 record in the office of the county recorder and shall instruct the levying officer to mail
49 notice of sale to each such person at the address used by the county recorder for the return

1 of the instrument creating the person's lien after recording. The levying officer shall mail
2 notice to each such person, at the address given in the instructions, not less than 20 days
3 before the date of sale.

4 **Comment.** Subdivision (d)(1) of Section 701.540 is amended to reflect unification of the
5 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.
6 See Section 38 (judicial districts). *Cf.* Gov't Code § 71042.5 (preservation of judicial districts for
7 purposes of publication).

8 **§ 904.1 (amended). Taking appeal**

9 SEC. _____. Section 904.1 of the Code of Civil Procedure is amended to read:

10 904.1. (a) An appeal, ~~other than in a limited civil case,~~ in an unlimited civil case is to
11 the court of appeal. An appeal, ~~other than in a limited civil case,~~ in an unlimited civil case
12 may be taken from any of the following:

13 (1) From a judgment, except (A) an interlocutory judgment, other than as provided in
14 paragraphs (8), (9), and (11), or (B) a judgment of contempt that is made final and
15 conclusive by Section 1222, ~~or~~ (C) a judgment granting or denying a petition for issuance
16 of a writ of mandamus or prohibition directed to a municipal court or the superior court in
17 a county in which there is no municipal court or the judge or judges thereof that relates to
18 a matter pending in the municipal or superior court. However, an appellate court may, in
19 its discretion, review a judgment granting or denying a petition for issuance of a writ of
20 mandamus or prohibition, or a judgment or order for the payment of monetary sanctions,
21 upon petition for an extraordinary writ.

22 (2) From an order made after a judgment made appealable by paragraph (1).

23 (3) From an order granting a motion to quash service of summons or granting a motion
24 to stay or dismiss the action on the ground of inconvenient forum.

25 (4) From an order granting a new trial or denying a motion for judgment
26 notwithstanding the verdict.

27 (5) From an order discharging or refusing to discharge an attachment or granting a right
28 to attach order.

29 (6) From an order granting or dissolving an injunction, or refusing to grant or dissolve
30 an injunction.

31 (7) From an order appointing a receiver.

32 (8) From an interlocutory judgment, order, or decree, hereafter made or entered in an
33 action to redeem real or personal property from a mortgage thereof, or a lien thereon,
34 determining the right to redeem and directing an accounting.

35 (9) From an interlocutory judgment in an action for partition determining the rights and
36 interests of the respective parties and directing partition to be made.

37 (10) From an order made appealable by the provisions of the Probate Code or the
38 Family Code.

39 (11) From an interlocutory judgment directing payment of monetary sanctions by a
40 party or an attorney for a party if the amount exceeds five thousand dollars (\$5,000).

41 (12) From an order directing payment of monetary sanctions by a party or an attorney
42 for a party if the amount exceeds five thousand dollars (\$5,000).

43 (13) From an order granting or denying a special motion to strike under Section 425.16.

44 (b) Sanction orders or judgments of five thousand dollars (\$5,000) or less against a
45 party or an attorney for a party may be reviewed on an appeal by that party after entry of
46 final judgment in the main action, or, at the discretion of the court of appeal, may be
47 reviewed upon petition for an extraordinary writ.

1 **Comment.** The first sentence of Section 904.1 is amended to replace the references to “other
2 than a limited civil case” with references to an “unlimited civil case.” See Section 88 (civil action
3 or proceeding other than limited civil case may be referred to as unlimited civil case).

4 Subdivision (a)(1) is amended to reflect unification of the municipal and superior courts
5 pursuant to Article VI, Section 5(e), of the California Constitution. The deleted language is
6 continued in Section 904.2 (taking appeal in limited civil case), with revisions to reflect
7 unification.

8  **Note.** The Commission solicits comment on the proper treatment of this provision.

9 **§ 904.2 (amended). Taking appeal in limited civil case**

10 SEC. _____. Section 904.2 of the Code of Civil Procedure is amended to read:

11 904.2. An appeal in a limited civil case is to the appellate division of the superior court.
12 An appeal in a limited civil case may be taken from any of the following:

13 (a) From a judgment, except (1) an interlocutory judgment, or (2) a judgment of
14 contempt that is made final and conclusive by Section 1222, or (3) a judgment granting or
15 denying a petition for issuance of a writ of mandamus or prohibition directed to a
16 superior court or a judge thereof. However, an appellate court may, in its discretion,
17 review a judgment granting or denying a petition for issuance of a writ of mandamus or
18 prohibition, or a judgment or order for the payment of monetary sanctions, upon petition
19 for an extraordinary writ.

20 (b) From an order made after a judgment made appealable by subdivision (a).

21 (c) From an order changing or refusing to change the place of trial.

22 (d) From an order granting a motion to quash service of summons or granting a motion
23 to stay or dismiss the action on the ground of inconvenient forum.

24 (e) From an order granting a new trial or denying a motion for judgment
25 notwithstanding the verdict.

26 (f) From an order discharging or refusing to discharge an attachment or granting a right
27 to attach order.

28 (g) From an order granting or dissolving an injunction, or refusing to grant or dissolve
29 an injunction.

30 (h) From an order appointing a receiver.

31 **Comment.** Section 904.2 is amended to reflect unification of the municipal and superior courts
32 pursuant to Article VI, Section 5(e), of the California Constitution. Subdivision (a)(3) continues
33 former Section 904.1(a)(1)(C), with revisions to reflect unification.

34  **Note.** The Commission solicits comment on the proper treatment of this provision.

35 **§ 904.5 (amended). Small claims appeals**

36 SEC. _____. Section 904.5 of the Code of Civil Procedure is amended to read:

37 904.5. Appeals from the small claims division of a ~~municipal~~ or superior court shall be
38 governed by the Small Claims Act (Chapter 5.5 (commencing with Section 116.110) of
39 Title 1 of Part 1).

40 **Comment.** Section 904.5 is amended to reflect unification of the municipal and superior courts
41 pursuant to Article VI, Section 5(e), of the California Constitution.

42 **§ 1052 (repealed). Register of civil actions in municipal court**

43 SEC. _____. Section 1052 of the Code of Civil Procedure is repealed.

1 ~~1052. The clerk of a municipal court may keep among the records of the court a register~~
2 ~~of civil actions in which shall be entered the title of the action commenced in that court,~~
3 ~~with brief notes under it, from time to time, of all papers filed and proceedings had~~
4 ~~therein.~~

5 **Comment.** Section 1052 is repealed to reflect unification of the municipal and superior courts
6 pursuant to Article VI, Section 5(e), of the California Constitution. See Gov't Code §§ 69845
7 (register of actions in superior court); 69845.5 (alternative to maintaining register of actions in
8 superior court). On unification of the municipal and superior courts in a county, the records of the
9 municipal court became records of the superior court. Cal. Const. art. VI, § 23(c)(3); Gov't Code
10 § 70212(c).

11 **§ 1052.5 (repealed). Alternative methods of keeping register of actions**

12 SEC. _____. Section 1052.5 of the Code of Civil Procedure is repealed.

13 ~~1052.5. In lieu of maintaining a register of actions as described in Section 1052, the~~
14 ~~clerk of the municipal court may maintain a register of actions by means of~~
15 ~~photographing, microphotographing, or mechanically or electronically storing the whole~~
16 ~~content of all papers and records, or any portion thereof, as will constitute a~~
17 ~~memorandum, necessary to the keeping of a register of actions so long as the~~
18 ~~completeness and chronological sequence of the register are not disturbed.~~

19 ~~All such reproductions shall be placed in convenient, accessible files, and provision~~
20 ~~shall be made for preserving, examining, and using them.~~

21 ~~Any photograph, microphotograph, or photocopy that is made pursuant to this section~~
22 ~~shall be made in such manner and on such paper as will comply with the minimum~~
23 ~~standards of quality approved therefor by the National Bureau of Standards.~~

24 **Comment.** Section 1052.5 is repealed to reflect unification of the municipal and superior courts
25 pursuant to Article VI, Section 5(e), of the California Constitution. See Gov't Code §§ 69845
26 (register of actions in superior court); 69845.5 (alternative to maintaining register of actions in
27 superior court).

28 **§ 1060 (amended). Declaration of rights and duties**

29 SEC. _____. Section 1060 of the Code of Civil Procedure is amended to read:

30 1060. Any person interested under a written instrument, excluding a will or a trust, or
31 under a contract, or who desires a declaration of his or her rights or duties with respect to
32 another, or in respect to, in, over or upon property, or with respect to the location of the
33 natural channel of a watercourse, may, in cases of actual controversy relating to the legal
34 rights and duties of the respective parties, bring an original action or cross-complaint in
35 the superior court ~~or in the municipal court to the extent allowed pursuant to Article 1~~
36 ~~(commencing with Section 85) of Chapter 5.1 of Title 1 of Part 1 for a declaration of his~~
37 ~~or her rights and duties in the premises, including a determination of any question of~~
38 ~~construction or validity arising under the instrument or contract. He or she may ask for a~~
39 ~~declaration of rights or duties, either alone or with other relief; and the court may make a~~
40 ~~binding declaration of these rights or duties, whether or not further relief is or could be~~
41 ~~claimed at the time. The declaration may be either affirmative or negative in form and~~
42 ~~effect, and the declaration shall have the force of a final judgment. The declaration may~~
43 ~~be had before there has been any breach of the obligation in respect to which said~~
44 ~~declaration is sought.~~

45 **Comment.** Section 1060 is amended to reflect unification of the municipal and superior courts
46 pursuant to Article VI, Section 5(e), of the California Constitution.

1 **§ 1068 (amended). Courts authorized to grant writ of review**

2 SEC. _____. Section 1068 of the Code of Civil Procedure is amended to read:

3 1068. (a) A writ of review may be granted by any ~~court, except a municipal court,~~ court
4 when an inferior tribunal, board, or officer, exercising judicial functions, has exceeded
5 the jurisdiction of such tribunal, board, or officer, and there is no appeal, nor, in the
6 judgment of the court, any plain, speedy, and adequate remedy.

7 (b) The appellate division of the superior court may grant a writ of review directed to
8 the superior court in a limited civil case or in a misdemeanor or infraction case. Where
9 the appellate division grants a writ of review directed to the superior court, the superior
10 court is an inferior tribunal for purposes of this chapter.

11 **Comment.** Section 1068 is amended to reflect unification of the municipal and superior courts
12 pursuant to Article VI, Section 5(e), of the California Constitution.

13 **§ 1085 (amended). Courts authorized to grant writ of mandate**

14 SEC. _____. Section 1085 of the Code of Civil Procedure is amended to read:

15 1085. (a) A writ of mandate may be issued by any ~~court, except a municipal court,~~
16 court to any inferior tribunal, corporation, board, or person, to compel the performance of
17 an act which the law specially enjoins, as a duty resulting from an office, trust, or station,
18 or to compel the admission of a party to the use and enjoyment of a right or office to
19 which the party is entitled, and from which the party is unlawfully precluded by such
20 inferior tribunal, corporation, board, or person.

21 (b) The appellate division of the superior court may grant a writ of mandate directed to
22 the superior court in a limited civil case or in a misdemeanor or infraction case. Where
23 the appellate division grants a writ of review directed to the superior court, the superior
24 court is an inferior tribunal for purposes of this chapter.

25 **Comment.** Section 1085 is amended to reflect unification of the municipal and superior courts
26 pursuant to Article VI, Section 5(e), of the California Constitution.

27 **§ 1103 (amended). Courts authorized to grant writ of prohibition**

28 SEC. _____. Section 1103 of the Code of Civil Procedure is amended to read:

29 1103. (a) A writ of prohibition may be issued by any ~~court, except municipal courts,~~
30 court to an inferior tribunal or to a corporation, board, or person, in all cases where there
31 is not a plain, speedy, and adequate remedy in the ordinary course of law. It is issued
32 upon the verified petition of the person beneficially interested.

33 (b) The appellate division of the superior court may grant a writ of prohibition directed
34 to the superior court in a limited civil case or in a misdemeanor or infraction case. Where
35 the appellate division grants a writ of review directed to the superior court, the superior
36 court is an inferior tribunal for purposes of this chapter.

37 **Comment.** Section 1103 is amended to reflect unification of the municipal and superior courts
38 pursuant to Article VI, Section 5(e), of the California Constitution.

39 **§ 1132 (amended). Confession of judgment**

40 SEC. _____. Section 1132 of the Code of Civil Procedure is amended to read:

41 1132. (a) A judgment by confession may be entered without action either for money
42 due or to become due, or to secure any person against contingent liability on behalf of the
43 defendant, or both, in the manner prescribed by this chapter. Such judgment may be
44 entered in any superior ~~court having jurisdiction for like amounts.~~

1 (b) A judgment by confession shall be entered only if an attorney independently
2 representing the defendant signs a certificate that the attorney has examined the proposed
3 judgment and has advised the defendant with respect to the waiver of rights and defenses
4 under the confession of judgment procedure and has advised the defendant to utilize the
5 confession of judgment procedure. The certificate shall be filed with the filing of the
6 statement required by Section 1133.

7 **Comment.** Section 1132 is amended to reflect unification of the municipal and superior courts
8 pursuant to Article VI, Section 5(e), of the California Constitution.

9 **§ 1141.11 (amended). Arbitration of at-issue civil actions**

10 SEC. _____. Section 1141.11 of the Code of Civil Procedure is amended to read:

11 1141.11. (a) In each superior court with ~~10 or more judges, or~~ 18 or more judges in a
12 county in which there is no municipal court, all at-issue civil actions pending on or filed
13 after the operative date of this chapter, other than a limited civil case, shall be submitted
14 to arbitration, by the presiding judge or the judge designated, under this chapter if the
15 amount in controversy in the opinion of the court will not exceed fifty thousand dollars
16 (\$50,000) for each plaintiff, which decision shall not be appealable.

17 (b) In each superior court with ~~less than 10 judges, or~~ fewer than 18 judges in a county
18 in which there is no municipal court, the court may provide by local rule, when it
19 determines that it is in the best interests of justice, that all at-issue civil actions pending
20 on or filed after the operative date of this chapter, shall be submitted to arbitration by the
21 presiding judge or the judge designated under this chapter if the amount in controversy in
22 the opinion of the court will not exceed fifty thousand dollars (\$50,000) for each plaintiff,
23 which decision shall not be appealable.

24 (c) Each ~~municipal court, or superior court in a county in which there is no municipal~~
25 ~~court,~~ may provide by local rule, when it is determined to be in the best interests of
26 justice, that all at-issue limited civil cases pending on or filed after the operative date of
27 this chapter, shall be submitted to arbitration by the presiding judge or the judge
28 designated under this chapter. This section does not apply to any action in small claims
29 court, or to any action maintained pursuant to Section 1781 of the Civil Code or Section
30 1161 of this code.

31 (d) In each court that has adopted judicial arbitration pursuant to subdivision (c), all
32 limited civil cases pending on or after July 1, 1990, that involve a claim for money
33 damages against a single defendant as a result of a motor vehicle collision, except those
34 heard in the small claims division, shall be submitted to arbitration within 120 days of the
35 filing of the defendant's answer to the complaint (except as may be extended by the court
36 for good cause) before an arbitrator selected by the court, subject to disqualification for
37 cause as specified in Sections 170.1 and 170.6.

38 The court may provide by local rule for the voluntary or mandatory use of case
39 questionnaires, established under Section 93, in any proceeding subject to these
40 provisions. Where local rules provide for the use of case questionnaires, the
41 questionnaires shall be exchanged by the parties upon the defendant's answer and
42 completed and returned within 60 days.

43 For the purposes of this subdivision, the term "single defendant" means (1) an
44 individual defendant, whether a person or an entity, (2) two or more persons covered by
45 the same insurance policy applicable to the motor vehicle collision, or (3) two or more
46 persons residing in the same household when no insurance policy exists that is applicable
47 to the motor vehicle collision. The naming of one or more cross-defendants, not a

1 plaintiff, shall constitute a multiple- defendant case not subject to the provisions of this
2 subdivision.

3 (e) No local rule of a superior court providing for judicial arbitration may dispense with
4 the conference required pursuant to Section 1141.16.

5 **Comment.** Subdivisions (a)-(c) of Section 1141.11 are amended to reflect unification of the
6 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

7 **§ 1141.12 (amended). Arbitration**

8 SEC. _____. Section 1141.12 of the Code of Civil Procedure is amended to read:

9 1141.12 (a) In each superior court in which arbitration ~~may be had~~ is required pursuant
10 to subdivision (a) ~~or (b)~~ of Section 1141.11, or pursuant to a local rule adopted under
11 subdivision (b) of Section 1141.11, upon stipulation of the parties, any at-issue civil
12 actions shall be submitted to arbitration regardless of the amount in controversy.

13 (b) In all other superior ~~and municipal~~ courts, the Judicial Council shall provide by rule
14 for a uniform system of arbitration of the following causes:

15 (i) Any cause upon stipulation of the parties.

16 (ii) Upon filing of an election by the plaintiff, any cause in which the plaintiff agrees
17 that the arbitration award shall not exceed the amount in controversy as specified in
18 Section 1141.11.

19 (c) Any election by a plaintiff shall be filed no sooner than the filing of the at-issue
20 memorandum, and no later than 90 days before trial, or at a later time if permitted by the
21 court.

22 **Comment.** Subdivision (a) of Section 1141.2 is amended to clarify its application. This is
23 declaratory of existing law.

24 Subdivision (b) is amended to reflect unification of the municipal and superior courts pursuant
25 to Article VI, Section 5(e), of the California Constitution.

26 **§ 1141.29 (repealed). Judicial Council report**

27 SEC. _____. Section 1141.29 of the Code of Civil Procedure is repealed.

28 ~~1141.29. The Judicial Council shall, by rule, require each superior and municipal court~~
29 ~~subject to the provisions of this chapter to file with it such data as will enable it to~~
30 ~~provide, on or before January 1, 1984, a report to the Governor and the Legislature which~~
31 ~~shall serve as a comprehensive review of the effectiveness of this chapter, and which~~
32 ~~shall include recommendations for future action.~~

33 ~~The Judicial Council, in consultation with the Department of Finance and the Auditor~~
34 ~~General, shall include in its study an estimate of the potential costs or savings, if any,~~
35 ~~should the program be continued beyond the life of the act.~~

36 **Comment.** Section 1141.29 is repealed as obsolete, because the report required by this section
37 was due in 1984.

38  **Note.** Section 1141.29 appears to be obsolete. Amending it to delete the reference to
39 municipal courts would not make sense, because those courts were still in existence when the data
40 was supposed to be collected pursuant to this section. The Commission solicits comment on
41 whether the provision continues to serve a useful purpose.

42 **§ 1161.2 (amended). Case court records**

43 SEC. _____. Section 1161.2 of the Code of Civil Procedure is amended to read:

1 1161.2. (a) Except as provided in subdivision (g), in any case filed under this chapter as
2 a limited civil case, the court clerk shall not allow access to the court file, index, register
3 of actions, or other court records until 60 days following the date the complaint is filed,
4 except pursuant to an ex parte court order upon a showing of good cause therefor by any
5 person including, but not limited to, a newspaper publisher. However, the clerk of the
6 court shall allow access to the court file to a party in the action, an attorney of a party in
7 the action, or any other person who (1) provides to the clerk the names of at least one
8 plaintiff, one defendant, and the address, including the apartment, unit, or space number,
9 if applicable, of the subject premises, or (2) provides to the clerk the name of one of the
10 parties or the case number and can establish through proper identification that he or she
11 resides at the subject premises.

12 (b) For purposes of this section, “good cause” includes, but is not limited to, the
13 gathering of newsworthy facts by a person described in Section 1070 of the Evidence
14 Code. It is the intent of the Legislature that a simple procedure be established to request
15 the ex parte order described in subdivision (a).

16 (c) Except as provided in subdivision (g), upon the filing of any case so restricted, the
17 court clerk shall mail notice to each defendant named in the action. The notice shall be
18 mailed to the address provided in the complaint. The notice shall contain a statement that
19 an unlawful detainer complaint (eviction action) has been filed naming that party as a
20 defendant, and that access to the court file will be delayed for 60 days except to a party,
21 an attorney for one of the parties, or any other person who (1) provides to the clerk the
22 names of at least one plaintiff and one defendant in the action and provides to the clerk
23 the address, including any applicable apartment, unit, or space number, of the subject
24 premises, or (2) provides to the clerk the name of one of the parties in the action or the
25 case number and can establish through proper identification that he or she lives at the
26 subject premises. The notice shall also contain a statement that access to the court index,
27 register of actions, or other records is not permitted until 60 days after the complaint is
28 filed, except pursuant to an ex parte order upon a showing of good cause therefor. The
29 notice shall contain on its face the name and phone number of the county bar association
30 and the name and phone number of an office funded by the federal Legal Services
31 Corporation that provides legal services to low- income persons in the county in which
32 the action is filed. The notice shall state that these numbers may be called for legal advice
33 regarding the case. The notice shall be issued between 24 and 48 hours of the filing of the
34 complaint, excluding weekends and holidays. One copy of the notice shall be addressed
35 to “all occupants” and mailed separately to the subject premises. The notice shall not
36 constitute service of the summons and complaint.

37 (d) Notwithstanding any other provision of law, the court shall charge an additional fee
38 of four dollars (\$4) for filing a first appearance by the plaintiff. This fee shall be included
39 as part of the total filing fee for actions filed under this chapter.

40 (e) ~~A municipal court or the superior court in a county in which there is no municipal~~
41 ~~court~~, after consultation with local associations of rental property owners, tenant groups,
42 and providers of legal services to tenants, may exempt itself from the operation of this
43 section upon a finding that unscrupulous eviction defense services are not a substantial
44 problem in the judicial district county. The court shall review the finding every 12
45 months. An exempt court shall not charge the additional fee authorized in subdivision (d).

46 (f) The Judicial Council shall examine the extent to which requests for access to files
47 pursuant to an ex parte order under subdivision (a) are granted or denied, and if denied,
48 the reason for the denial of access.

1 (g) This section shall not apply to a case that seeks to terminate a mobilehome park
2 tenancy if the statement of the character of the proceeding in the caption of the complaint
3 clearly indicates that the complaint seeks termination of a mobilehome park tenancy.

4 **Comment.** Subdivision (e) of Section 1161.2 is amended to reflect unification of the municipal
5 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution. See
6 Section 38 (judicial districts).

7  **Note.** This section reflects legislative changes made in A.B. 1700 (Steinberg & Frommer).
8 See 2001 Cal. Stat. ch 824, § 11.

9 **§ 1208.5 (amended). Satisfaction of liens for expense of keeping abused, abandoned or**
10 **neglected animals**

11 SEC. ____ . Section 1208.5 of the Code of Civil Procedure is amended to read:

12 1208.5. Any person having a lien upon any animal or animals under the provisions of
13 Section 597a or 597f of the Penal Code may satisfy such lien as follows: If such lien is
14 not discharged and satisfied, by the person responsible, within three days after the
15 obligation becomes due, then the person holding such lien may resort to the proper court
16 to satisfy the claim; or he may, three days after the charges against the property become
17 due, ~~may~~ sell the property, or an undivided fraction thereof as may become necessary, to
18 defray the amount due and costs of sale, by giving three days' notice of the sale by
19 advertising in some newspaper published in the county, or city and county, in which the
20 lien has attached to the property; or, if there is no paper published in the county, then by
21 posting notices of the sale in three of the most public places in the town or ~~judicial district~~
22 county for three days previous to the sale. The notices shall contain an accurate
23 description of the property to be sold, together with the terms of sale, which must be for
24 cash, payable on the consummation of the sale. The proceeds of the sale shall be applied
25 to the discharge of the lien and the costs of sale; the remainder, if any, shall be paid over
26 to the owner, if known, and if not known shall be paid into the treasury of the humane
27 society of the county, or city and county, wherein the sale takes place; if no humane
28 society exists in the county, then the remainder shall be paid into the county treasury.

29 **Comment.** Section 1208.5 is amended to reflect unification of the municipal and superior
30 courts pursuant to Article VI, Section 5(e), of the California Constitution. See Section 38 (judicial
31 districts).

32 **§ 1281.5 (amended). Application to stay pending arbitration**

33 SEC. ____ . Section 1281.5 of the Code of Civil Procedure is amended to read:

34 1281.5. (a) Any person who proceeds to record and enforce a claim of lien by
35 commencement of an action pursuant to Title 15 (commencing with Section 3082) of Part
36 4 of Division 3 of the Civil Code, shall not thereby waive any right of arbitration which
37 that person may have pursuant to a written agreement to arbitrate, if, in filing an action to
38 enforce the claim of lien, the claimant at the same time presents to the court an
39 application that the action be stayed pending the arbitration of any issue, question, or
40 dispute which is claimed to be arbitrable under the agreement and which is relevant to the
41 action to enforce the claim of lien. ~~In a county in which there is a municipal court, the~~
42 ~~applicant may join with the application for the stay, pending arbitration, a claim of lien~~
43 ~~otherwise within the jurisdiction of the municipal court.~~

44 (b) The failure of a defendant to file a petition pursuant to Section 1281.2 at or before
45 the time he or she answers the complaint filed pursuant to subdivision (a) shall constitute
46 a waiver of that party's right to compel arbitration.

1 **Comment.** Subdivision (a) of Section 1281.5 is amended to reflect unification of the municipal
2 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

3 **§ 1420 (amended). Escheat**

4 SEC. _____. Section 1420 of the Code of Civil Procedure is amended to read:

5 1420. At any time after two years after the death of any decedent who leaves property
6 to which the State is entitled by reason of it having escheated to the State, the Attorney
7 General shall commence a proceeding on behalf of the State in the Superior Court for the
8 County of Sacramento to have it adjudged that the State is so entitled. Such action shall
9 be commenced by filing a petition, which shall be treated as the information elsewhere
10 referred to in this title.

11 There shall be set forth in such petition a description of the property, the name of the
12 person last possessed thereof, the name of the person, if any, claiming such property, or
13 portion thereof, and the facts and circumstances by virtue of which it is claimed the
14 property has escheated.

15 Upon the filing of such petition, the court must make an order requiring all persons
16 interested in the estate to appear and show cause, if any they have, within 60 days from
17 the date of the order, why such estate should not vest in the State. Such order must be
18 published at least once a week for four consecutive weeks in a newspaper published in
19 said County of Sacramento, the last publication to be at least 10 days prior to the date set
20 for the hearing. Upon the completion of the publication of such order, the court shall have
21 full and complete jurisdiction over the estate, the property, and the person of everyone
22 having or claiming any interest in the said property, and shall have full and complete
23 jurisdiction to hear and determine the issues therein, and render the appropriate judgment
24 thereon.

25 If proceedings for the administration of such estate have been instituted, a copy of such
26 order must be filed with the papers in such estate ~~in the office of the county clerk where~~
27 ~~such proceedings were had.~~ If proceedings for the administration of any estate of any
28 such decedent have been instituted and none of the persons entitled to succeed thereto
29 have appeared and made claim to such property or any portion thereof, before the decree
30 of final distribution therein is made, or before the commencement of such proceeding by
31 the Attorney General, or if the court shall find that such persons as have appeared are not
32 entitled to the property of such estate, or any portion thereof, the court shall, upon final
33 settlement of the proceedings for the administration of such estate, after the payment of
34 all debts and expenses of administration, distribute all moneys and other property
35 remaining to the State of California.

36 In any proceeding brought by the Attorney General under this chapter, any two or more
37 parties and any two or more causes of action may be joined in the same proceedings and
38 in the same petition without being separately stated; and it shall be sufficient to allege in
39 the petition that the decedent left no heirs to take the estate and the failure of heirs to
40 appear and set up their claims in any such proceeding, or in any proceedings for the
41 administration of such estate, shall be sufficient proof upon which to base the judgment in
42 any such proceeding or such decree of distribution.

43 Where proceedings for the administration of any estate have not been commenced
44 within six months from the death of any decedent the Attorney General may direct the
45 public administrator to commence the same forthwith.

46 **Comment.** Section 1420 is amended to reflect elimination of the county clerk's role as ex
47 officio clerk of the superior court. See former Gov't Code § 26800 (county clerk acting as clerk
48 of superior court). The powers, duties, and responsibilities formerly exercised by the county clerk

1 as ex officio clerk of the court are delegated to the court administrative or executive officer, and
2 the county clerk is relieved of those powers, duties, and responsibilities. See Gov't Code §§
3 69840 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

4 **§ 1710.20 (amended). Filing of application**

5 SEC. _____. Section 1710.20 of the Code of Civil Procedure is amended to read:

6 1710.20. (a) ~~In a county in which there is a municipal court, the application shall be~~
7 ~~filed in a municipal court in all cases in which the sister state judgment amounts to~~
8 ~~twenty-five thousand dollars (\$25,000) or less. The An application for entry of a~~
9 ~~judgment based on a sister state judgment shall be filed in a superior court in all other~~
10 ~~eases.~~

11 (b) Subject to the power of the court to transfer proceedings under this chapter pursuant
12 to Title 4 (commencing with Section 392) of Part 2, the proper county for the filing of an
13 application is any of the following:

14 (1) The county in which any judgment debtor resides.

15 (2) If no judgment debtor is a resident, any county in this state.

16 (c) A case in which the sister state judgment amounts to twenty-five thousand dollars
17 (\$25,000) or less is a limited civil case.

18 **Comment.** Subdivision (a) of Section 1710.20 is amended to reflect unification of the
19 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

20 **§ 1775.1 (amended). Definitions**

21 SEC. _____. Section 1775.1 of the Code of Civil Procedure is amended to read:

22 1775.1. (a) As used in this title:

23 (1) ~~“Court” means a superior court or municipal court.~~

24 (2) ~~“Mediation” title, “mediation”~~ means a process in which a neutral person or persons
25 facilitate communication between the disputants to assist them in reaching a mutually
26 acceptable agreement.

27 (b) Unless otherwise specified in this title or ordered by the court, any act to be
28 performed by a party may also be performed by his or her counsel of record.

29 **Comment.** Section 1775.1 is amended to reflect unification of the municipal and superior
30 courts pursuant to Article VI, Section 5(e), of the California Constitution.

31 **§ 2015.3 (amended). Certificate of sheriff, marshal, or court clerk**

32 SEC. _____. Section 2015.3 of the Code of Civil Procedure is amended to read:

33 2015.3. The certificate of a sheriff, marshal, or the clerk of the superior ~~or municipal~~
34 court, has the same force and effect as his or her affidavit.

35 **Comment.** Section 2015.3 is amended to reflect unification of the municipal and superior
36 courts pursuant to Article VI, Section 5(e), of the California Constitution.

37 **CORPORATIONS CODE**

38 **§ 420 (amended). Transfer of shares**

39 SEC. _____. Section 420 of the Corporations Code is amended to read:

40 420. Neither a domestic nor foreign corporation nor its transfer agent or registrar is
41 liable:

42 (a) For transferring or causing to be transferred on the books of the corporation to the
43 surviving joint tenant or tenants any share or shares or other securities issued to two or

1 more persons in joint tenancy, whether or not the transfer is made with actual or
2 constructive knowledge of the existence of any understanding, agreement, condition or
3 evidence that the shares or securities were held other than in joint tenancy or of a breach
4 of trust by any joint tenant.

5 (b) To a minor or incompetent person in whose name shares or other securities are of
6 record on its books or to any transferee of or transferor to either for transferring the shares
7 or other securities on its books at the instance of or to the minor or incompetent or for the
8 recognition of or dealing with the minor or incompetent as a shareholder or security
9 holder, whether or not the corporation, transfer agent or registrar had notice, actual or
10 constructive, of the nonage or incompetency, unless a guardian or conservator of the
11 property of the minor or incompetent has been appointed and the corporation, transfer
12 agent or registrar has received written notice thereof.

13 (c) To any married person or to any transferee of such person for transferring shares or
14 other securities on its books at the instance of the person in whose name they are
15 registered, without the signature of such person's spouse and regardless of whether the
16 registration indicates that the shares or other securities are community property, in the
17 same manner as if such person were unmarried.

18 (d) For transferring or causing to be transferred on the books of the corporation shares
19 or other securities pursuant to a judgment or order of a court which has been set aside,
20 modified or reversed unless, prior to the registration of the transfer on the books of the
21 corporation, written notice is served upon the corporation or its transfer agent in the
22 manner provided by law for the service of a summons in a civil action, stating that an
23 appeal or other further court proceeding has been or is to be taken from or with regard to
24 such judgment or order. After the service of such notice neither the corporation nor its
25 transfer agent has any duty to register the requested transfer until the corporation or its
26 transfer agent has received a certificate of the ~~county clerk of the county~~ clerk of the court
27 in which the judgment or order was entered or made, showing that the judgment or order
28 has become final.

29 (e) The Commercial Code shall not affect the limitations of liability set forth in this
30 section. Section 1100 of the Family Code shall be subject to the provisions of this section
31 and shall not be construed to prevent transfers, or result in liability to the corporation,
32 transfer agent or registrar permitting or effecting transfers, which comply with this
33 section.

34 **Comment.** Section 420 is amended to reflect elimination of the county clerk's role as ex officio
35 clerk of the superior court. See former Gov't Code § 26800 (county clerk acting as clerk of
36 superior court). The powers, duties, and responsibilities formerly exercised by the county clerk as
37 ex officio clerk of the court are delegated to the court administrative or executive officer, and the
38 county clerk is relieved of those powers, duties, and responsibilities. See Gov't Code §§ 69840
39 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

40 ELECTIONS CODE

41 § 2212 (amended). Report of persons convicted of felonies

42 SEC. _____. Section 2212 of the Elections Code is amended to read:

43 2212. (a) ~~As used in this section, "county clerk" does not include "registrar of voters."~~

44 (b) ~~The county clerk, on the basis of the records of courts in the county having~~
45 jurisdiction of those offenses, The clerk of the superior court of each county, on the basis
46 of the records of the court, shall furnish to the chief elections official of the county, not
47 less frequently than the first day of April and the first day of September of each year, a

1 statement showing the names, addresses, and dates of birth of all persons who have been
2 convicted of felonies since the county clerk's last report, ~~and who are currently~~
3 ~~imprisoned~~. The elections official shall, during the first week of April and the first week
4 of September in each year, cancel the affidavits of registration of those persons who are
5 currently imprisoned or on parole for the conviction of a felony. The county clerk shall
6 certify the statement under the seal of ~~his or her office~~ the court .

7 **Comment.** Section 2212 is amended to reflect elimination of the county clerk's role as ex
8 officio clerk of the superior court. *See* former Gov't Code § 26800 (county clerk acting as clerk of
9 superior court). The powers, duties, and responsibilities formerly exercised by the county clerk as
10 ex officio clerk of the court are delegated to the court administrative or executive officer, and the
11 county clerk is relieved of those powers, duties, and responsibilities. *See* Gov't Code §§ 69840
12 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

13 The section is also amended to eliminate certification of which felons remain imprisoned; that
14 determination may not be ascertainable on the basis of court records.

15 ☞ **Note.** The Commission particularly solicits comment on the following matter: Should the
16 requirement of reporting which felons remain imprisoned be deleted, leaving the matter to
17 determination by the county elections official?

18 **§ 13109 (amended). Order of offices on ballot**

19 SEC. ____. Section 13109 of the Elections Code is amended to read:

20 13109. The order of precedence of offices on the ballot shall be as listed below for
21 those offices and measures that apply to the election for which this ballot is provided.
22 Beginning in the column to the left:

23 (a) Under the heading, PRESIDENT AND VICE PRESIDENT:

24 Nominees of the qualified political parties and independent nominees for President and
25 Vice President.

26 (b) Under the heading, PRESIDENT OF THE UNITED STATES:

27 (1) Names of the presidential candidates to whom the delegates are pledged.

28 (2) Names of the chairpersons of unpledged delegations.

29 (c) Under the heading, STATE:

30 (1) Governor.

31 (2) Lieutenant Governor.

32 (3) Secretary of State.

33 (4) Controller.

34 (5) Treasurer.

35 (6) Attorney General.

36 (7) Insurance Commissioner.

37 (8) Member, State Board of Equalization.

38 (d) Under the heading, UNITED STATES SENATOR:

39 Candidates or nominees to the United States Senate.

40 (e) Under the heading, UNITED STATES REPRESENTATIVE:

41 Candidates or nominees to the House of Representatives of the United States.

42 (f) Under the heading, STATE SENATOR:

43 Candidates or nominees to the State Senate.

44 (g) Under the heading, MEMBER OF THE STATE ASSEMBLY:

45 Candidates or nominees to the Assembly.

46 (h) Under the heading, COUNTY COMMITTEE:

47 Members of the County Central Committee.

- 1 (i) Under the heading, JUDICIAL:
2 (1) Chief Justice of California.
3 (2) Associate Justice of the Supreme Court.
4 (3) Presiding Justice, Court of Appeal.
5 (4) Associate Justice, Court of Appeal.
6 (5) Judge of the Superior Court.
7 ~~(6) Judge of the Municipal Court.~~
8 ~~(7) (6) Marshal.~~
9 (j) Under the heading, SCHOOL:
10 (1) Superintendent of Public Instruction.
11 (2) County Superintendent of Schools.
12 (3) County Board of Education Members.
13 (4) College District Governing Board Members.
14 (5) Unified District Governing Board Members.
15 (6) High School District Governing Board Members.
16 (7) Elementary District Governing Board Members.
17 (k) Under the heading, COUNTY:
18 (1) County Supervisor.
19 (2) Other offices in alphabetical order by the title of the office.
20 (l) Under the heading, CITY:
21 (1) Mayor.
22 (2) Member, City Council.
23 (3) Other offices in alphabetical order by the title of the office.
24 (m) Under the heading, DISTRICT:
25 Directors or trustees for each district in alphabetical order according to the name of the
26 district.
27 (n) Under the heading, MEASURES SUBMITTED TO THE VOTERS and the
28 appropriate heading from subdivisions (a) through (m), above, ballot measures in the
29 order, state through district shown above, and within each jurisdiction, in the order
30 prescribed by the official certifying them for the ballot.
31 (o) In order to allow for the most efficient use of space on the ballot in counties that use
32 a voting system, as defined in Section 362, the county elections official may vary the
33 order of subdivisions (j), (k), (l), (m), and (n) as well as the order of offices within these
34 subdivisions. However, the office of Superintendent of Public Instruction shall always
35 precede any school, county, or city office, and state measures shall always precede local
36 measures.
37 **Comment.** Subdivision (i) of Section 13109 is amended to reflect unification of the municipal
38 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

39

FAMILY CODE

40 § 4252 (amended). Appointment of child support commissioners and Judicial Council 41 standards

42 SEC. _____. Section 4252 of the Family Code is amended to read:

43 4252. (a) ~~One or more child support commissioners shall be appointed by the superior~~
44 ~~court~~ The superior court shall appoint one or more subordinate judicial officers as child
45 support commissioners to perform the duties specified in Section 4251. The child support
46 commissioners' first priority always shall be to hear Title IV-D child support cases. The

1 child support commissioners shall specialize in hearing child support cases, and their
2 primary responsibility shall be to hear Title IV-D child support cases. ~~Child support~~
3 ~~commissioner positions shall not be subject to the limitation on other commissioner~~
4 ~~positions imposed upon the counties by Article 13 (commencing with Section 70140) of~~
5 ~~Chapter 5 of Title 8 of the Government Code. The Notwithstanding Section 71622 of the~~
6 ~~Government Code, the number of child support commissioner positions allotted to each~~
7 ~~superior court shall be determined by the Judicial Council in accordance with caseload~~
8 ~~standards developed pursuant to paragraph (3) of subdivision (b), subject to~~
9 ~~appropriations in the annual Budget Act.~~

10 (b) The Judicial Council shall do all of the following:

11 (1) Establish minimum qualifications for child support commissioners.

12 (2) Establish minimum educational and training requirements for child support
13 commissioners and other court personnel that are assigned to Title IV-D child support
14 cases. Training programs shall include both federal and state laws concerning child
15 support and related issues.

16 (3) Establish caseload, case processing, and staffing standards for child support
17 commissioners on or before April 1, 1997, which shall set forth the maximum number of
18 cases that each child support commissioner can process. These standards shall be
19 reviewed and, if appropriate, revised by the Judicial Council every two years.

20 (4) Adopt uniform rules of court and forms for use in Title IV-D child support cases.

21 (5) Offer technical assistance to ~~counties~~ courts regarding issues relating to
22 implementation and operation of the child support commissioner system, including
23 assistance related to funding, staffing, and the sharing of resources between ~~counties~~
24 courts.

25 (6) Establish procedures for the distribution of funding to the courts for child support
26 commissioners, family law facilitators pursuant to Division 14 (commencing with Section
27 10000), and related allowable costs.

28 (7) Adopt rules that define the exceptional circumstances in which judges may hear
29 Title IV-D child support matters as provided in subdivision (a) of Section 4251.

30 (8) ~~Convene a workgroup, including representatives of the State Department of Social~~
31 ~~Services, county district attorneys, child support commissioners, child support advocates,~~
32 ~~family law facilitators, attorneys engaging in the private practice of family law, custodial~~
33 ~~and noncustodial parents' organizations, and staff of the Assembly and Senate Judiciary~~
34 ~~Committees, to advise the Judicial Council in establishing criteria to evaluate the success~~
35 ~~and identify any failures of the child support commissioner system. The workgroup shall~~
36 ~~also provide advice on how to establish successful outcomes for the child support~~
37 ~~commissioner system created pursuant to this article. The Judicial Council shall conduct~~
38 ~~an evaluation and report the results of the evaluation and its recommendations to the~~
39 ~~Legislature no later than February 1, 2000. At a minimum, the evaluation shall examine~~
40 ~~the ability of the child support commissioner system to achieve the goals set forth in~~
41 ~~Section 4250. The report shall include a fiscal impact statement estimating the costs of~~
42 ~~implementing the recommendations.~~

43 (9) Undertake other actions as appropriate to ensure the successful implementation and
44 operation of child support commissioners in the counties.

45 (c) As used in this article, "Title IV-D" means Title IV-D of the federal Social Security
46 Act (42 U.S.C. 651 et seq.).

47 **Comment.** Section 4252 is amended to reflect enactment of the Trial Court Employment
48 Protection and Governance Act. See Gov't Code § 71622 (subordinate judicial officers).

1 The section is also amended to reflect enactment of the Trial Court Funding Act. See Gov't
2 Code §§ 77001 (local trial court management), 77003 (“court operations” defined), 77200 (state
3 funding of trial court operations).

4 The section is also amended to delete the reference in subdivision (a) to former Article 13
5 (commencing with Section 70140) of Chapter 5 of Title 8 of the Government Code.

6 The section is also amended to delete former subdivision (b)(8) as obsolete.

7 Subdivision (c) is added for purposes of clarity.

8 **§ 7122 (amended). Declaration of emancipation**

9 SEC. _____. Section 7122 of the Family Code is amended to read:

10 7122. (a) The court shall sustain the petition if it finds that the minor is a person
11 described by Section 7120 and that emancipation would not be contrary to the minor's
12 best interest.

13 (b) If the petition is sustained, the court shall forthwith issue a declaration of
14 emancipation, which shall be filed by the ~~county~~ clerk of the court.

15 (c) A declaration is conclusive evidence that the minor is emancipated.

16 **Comment.** Section 7122 is amended to reflect elimination of the county clerk's role as ex
17 officio clerk of the superior court. See former Gov't Code § 26800 (county clerk acting as clerk
18 of superior court). The powers, duties, and responsibilities formerly exercised by the county clerk
19 as ex officio clerk of the court are delegated to the court administrative or executive officer, and
20 the county clerk is relieved of those powers, duties, and responsibilities. See Gov't Code §§
21 69840 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

22 **§ 7134 (amended). Revocation of emancipation**

23 SEC. _____. Section 7134 of the Family Code is amended to read:

24 7134. If the petition is sustained, the court shall forthwith issue an order voiding or
25 rescinding the declaration of emancipation, which shall be filed by the ~~county~~ clerk of the
26 court.

27 **Comment.** Section 7134 is amended to reflect elimination of the county clerk's role as ex
28 officio clerk of the superior court. See former Gov't Code § 26800 (county clerk acting as clerk
29 of superior court). The powers, duties, and responsibilities formerly exercised by the county clerk
30 as ex officio clerk of the court are delegated to the court administrative or executive officer, and
31 the county clerk is relieved of those powers, duties, and responsibilities. See Gov't Code §§
32 69840 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

33 GOVERNMENT CODE

34 **§ 811.9 (amended). Representation, defense, and indemnification of trial court judges,
35 judicial officers, court executive officers, and employees**

36 SEC. _____. Section 811.9 of the Government Code is amended to read:

37 811.9. (a) Notwithstanding any other provision of law, judges, subordinate judicial
38 officers, and court executive officers of the superior and former municipal courts are state
39 officers for purposes of Part 1 (commencing with Section 810) to Part 7 (commencing
40 with Section 995), inclusive, and trial court employees are employees of the trial court for
41 purposes of Part 1 (commencing with Section 810) to Part 7 (commencing with Section
42 995), inclusive. The Judicial Council shall provide for representation, defense, and
43 indemnification of such individuals and the court pursuant to Part 1 (commencing with
44 Section 810) to Part 7 (commencing with Section 995), inclusive. The Judicial Council
45 shall provide for such representation or defense through the county counsel, the Attorney

1 General, or other counsel. The county counsel and the Attorney General may, but are not
2 required to, provide such representation or defense for the Judicial Council. The fact that
3 a judge, subordinate judicial officer, court executive officer, trial court employee, or the
4 court was represented or defended by the county counsel, the Attorney General, or other
5 counsel shall not be the sole basis for a judicial determination of disqualification of a
6 judge, subordinate judicial officer, the county counsel, the Attorney General, or other
7 counsel in unrelated actions.

8 (b) To promote the cost-effective, prompt, and fair resolution of actions, proceedings,
9 and claims affecting the trial courts, the Judicial Council shall adopt rules of court
10 requiring the Administrative Office of the Courts to manage actions, proceedings, and
11 claims that affect the trial courts and involve superior or former municipal courts,
12 superior ~~or~~ court or former municipal court judges, subordinate judicial officers, court
13 executive officers, or trial court employees in consultation with the affected courts and
14 individuals. The Administrative Office of the Courts' management of these actions,
15 proceedings, and claims shall include, but not be limited to, case management and
16 administrative responsibilities such as selection of counsel and making strategic and
17 settlement decisions.

18 (c) Nothing in this section shall be construed to affect the employment status of
19 subordinate judicial officers, court executive officers, and trial court employees related to
20 any matters not covered by subdivision (a).

21 **Comment.** Section 811.9 is amended to reflect unification of the municipal and superior courts
22 pursuant to Article VI, Section 5(e), of the California Constitution. The references to the
23 municipal courts are revised rather than deleted, because a claim might still be asserted against a
24 person formerly employed by a municipal court, even though the court itself no longer exists. For
25 application of the Tort Claims Act to former employees generally, see Sections 825, 825.2, 825.6.

26 **§ 945.3 (amended). Civil action against peace officer or public entity**

27 SEC. _____. Section 945.3 of the Government Code is amended to read:

28 945.3. No person charged by indictment, information, complaint, or other accusatory
29 pleading charging a criminal offense may bring a civil action for money or damages
30 against a peace officer or the public entity employing a peace officer based upon conduct
31 of the peace officer relating to the offense for which the accused is charged, including an
32 act or omission in investigating or reporting the offense or arresting or detaining the
33 accused, while the charges against the accused are pending before a ~~municipal~~ or superior
34 court.

35 Any applicable statute of limitations for filing and prosecuting these actions shall be
36 tolled during the period that the charges are pending before a ~~municipal~~ or superior court.

37 For the purposes of this section, charges pending before a ~~municipal~~ or superior court
38 do not include appeals or criminal proceedings diverted pursuant to Chapter 2.5
39 (commencing with Section 1000), Chapter 2.6 (commencing with Section 1000.6),
40 Chapter 2.7 (commencing with Section 1001), Chapter 2.8 (commencing with Section
41 1001.20), or Chapter 2.9 (commencing with Section 1001.50) of Title 6 of Part 2 of the
42 Penal Code.

43 Nothing in this section shall prohibit the filing of a claim with the board of a public
44 entity, and this section shall not extend the time within which a claim is required to be
45 presented pursuant to Section 911.2.

46 **Comment.** Section 945.3 is amended to reflect unification of the municipal and superior courts
47 pursuant to Article VI, Section 5(e), of the California Constitution.

1 **§ 990.2 (amended). Authority to insure court officer or attaché**

2 SEC. _____. Section 990.2 of the Government Code is amended to read:

3 990.2. A county may insure any officer or attache of its superior and former municipal
4 courts against all or any part of the officer or attache’s liability for injury resulting from
5 any act or omission in the scope of the officer or attache’s employment, and also may
6 insure against the expense of defending any claim against such officer or attache, whether
7 or not liability exists on such claim.

8 **Comment.** Section 990.2 is amended to reflect unification of the municipal and superior courts
9 pursuant to Article VI, Section 5(e), of the California Constitution. The reference to the municipal
10 courts is revised rather than deleted, because a claim might still be asserted against a person
11 formerly employed by a municipal court, even though the court itself no longer exists.

12 ☞ **Note.** This provision permits *a county* to insure against liability of court employees. Due to
13 the Trial Court Funding Act and Government Code Section 811.9, should another entity (e.g., the
14 Judicial Council or the local superior court) be given this authority instead of or in addition to the
15 county? The Commission solicits comments on these issues.

16 **§ 1770 (amended). Vacancy before expiration of term**

17 SEC. _____. Section 1770 of the Government Code is amended to read:

18 1770. An office becomes vacant on the happening of any of the following events before
19 the expiration of the term:

20 (a) The death of the incumbent.

21 (b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent
22 is physically or mentally incapacitated due to disease, illness, or accident and that there is
23 reasonable cause to believe that the incumbent will not be able to perform the duties of
24 his or her office for the remainder of his or her term. This subdivision shall not apply to
25 offices created by the California Constitution nor to federal or state legislators.

26 (c) His or her resignation.

27 (d) His or her removal from office.

28 (e) His or her ceasing to be an inhabitant of the state, or if the office be local and one
29 for which local residence is required by law, of the district, county, or city for which the
30 officer was chosen or appointed, or within which the duties of his or her office are
31 required to be discharged. ~~However, the office of judge of a municipal court shall not~~
32 ~~become vacant when, as a result of a change in the boundaries of a judicial district during~~
33 ~~an incumbent’s term, the incumbent ceases to be an inhabitant of the district for which he~~
34 ~~or she was elected or appointed to serve.~~

35 (f) His or her absence from the state without the permission required by law beyond the
36 period allowed by law.

37 (g) His or her ceasing to discharge the duties of his or her office for the period of three
38 consecutive months, except when prevented by sickness, or when absent from the state
39 with the permission required by law.

40 (h) His or her conviction of a felony or of any offense involving a violation of his or
41 her official duties. An officer shall be deemed to have been convicted under this
42 subdivision when trial court judgment is entered. For the purposes of this subdivision,
43 “trial court judgment” means a judgment by the trial court either sentencing the officer or
44 otherwise upholding and implementing the plea, verdict, or finding.

45 (i) His or her refusal or neglect to file his or her required oath or bond within the time
46 prescribed.

1 (j) The decision of a competent tribunal declaring void his or her election or
2 appointment.

3 (k) The making of an order vacating his or her office or declaring the office vacant
4 when the officer fails to furnish an additional or supplemental bond.

5 (l) His or her commitment to a hospital or sanitarium by a court of competent
6 jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event
7 the office shall not be deemed vacant until the order of commitment has become final.

8 **Comment.** Subdivision (e) of Section 1770 is amended to reflect unification of the municipal
9 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

10 **§ 3501.5 (amended). Public agency**

11 SEC. _____. Section 3501.5 of the Government Code is amended to read:

12 3501.5. As used in this chapter, “public agency” does not mean a superior court or
13 municipal court.

14 **Comment.** Section 3501.5 is amended to reflect unification of the municipal and superior
15 courts pursuant to Article VI, Section 5(e), of the California Constitution.

16 **§ 6103.5 (amended). Filing and service of process fees included in judgment**

17 SEC. _____. Section 6103.5 of the Government Code is amended to read:

18 6103.5. (a) Whenever a judgment is recovered by a public agency named in Section
19 6103, either as plaintiff or petitioner or as defendant or respondent, in any action or
20 proceeding to begin, or to defend, which under the provisions of Section 6103 no fee for
21 any official service rendered by the clerk of the court, including, but not limited to, the
22 services of filing, certifying, and preparing transcripts, nor fee for service of process or
23 notices by a sheriff or marshal has been paid, other than in a condemnation proceeding,
24 quiet title action, action for the forfeiture of a fish net or nets or action for the forfeiture
25 of an automobile or automobiles, the clerk entering the judgment shall include as a part of
26 the judgment the amount of the filing fee, and the amount of the fee for the service of
27 process or notices which would have been paid but for Section 6103, designating it as
28 such. The clerk entering the judgment shall include as part of the judgment the amount of
29 the fees for certifying and preparing transcripts if the court has, in its discretion, ordered
30 those fees to be paid.

31 (b) When an amount equal to the clerk’s fees and the fees for service of process and
32 notices is collected upon a judgment pursuant to subdivision (a), those amounts shall be
33 due and payable to the clerk and the serving officer respectively. The clerk shall ascertain
34 from the serving officer’s return the amount of fees he or she would have charged had it
35 not been for the provisions of Section 6103. Remittances of the amounts so due shall be
36 made within 45 days by the fiscal officer of the plaintiff or petitioner or respondent or
37 defendant in the action or proceeding unless those fees have been collected by the levying
38 officer and remitted to the court. No interest shall be computed or charged on the amount
39 of the fee. If the judgment pursuant to subdivision (a) consists only of the amount of the
40 filing fee, it shall be at the public agency’s discretion whether to seek collection. If the
41 public agency determines not to seek collection of the filing fee, it shall notify the clerk
42 and no further action as provided for in this section may be brought against the public
43 agency.

44 (c) If the remittance is not received within 45 days of the filing of a partial satisfaction
45 of judgment in an amount at least equal to the fees due to the clerk or a satisfaction of
46 judgment has been filed, notwithstanding any other provision of law and except as
47 provided in subdivision (b), the court may issue a writ of execution for recovery from the

1 public agency of those fees plus the fees for issuance and execution of the writ plus a fee
2 for administering this section.

3 (d) ~~The board of supervisors~~ superior court shall set a fee, not to exceed the actual costs
4 of administering this section, up to a maximum of twenty-five dollars (\$25), which shall
5 be added to the writ of execution.

6 **Comment.** Subdivision (d) of Section 6103.5 is amended to reflect enactment of the Trial
7 Court Funding Act. See Section 77001 (local trial court management).

8 **§ 6520 (amended). San Diego Courthouse, Jail, and Related Facilities Development Agency**

9 SEC. _____. Section 6520 of the Government Code is amended to read:

10 6520. (a) Notwithstanding any other provision of law, the Board of Supervisors of San
11 Diego County and the City Council of the City of San Diego may create by joint powers
12 agreement, the San Diego Courthouse, Jail, and Related Facilities Development Agency,
13 hereinafter referred to as “the agency,” which shall have all the powers and duties of a
14 redevelopment agency pursuant to Part 1 (commencing with Section 33000) of Division
15 24 of the Health and Safety Code as well as all the powers of a joint powers agency
16 pursuant to this chapter, with respect to the acquisition, construction, improvement,
17 financing, and operation of a combined courthouse-criminal justice facility, including a
18 parking garage, and other related improvements, hereinafter referred to as “the facility.”

19 (b) The agency shall be governed by a board of directors composed of one city council
20 member and one citizen designated by the San Diego City Council; one supervisor and
21 one citizen designated by the San Diego County Board of Supervisors; ~~one citizen~~
22 ~~designated by the presiding judge of the municipal court, effective during his or her term~~
23 ~~of presidence;~~ one citizen appointed by the presiding judge of the superior court effective
24 during his or her term of presidence; the Sheriff of San Diego County; the president or
25 designee of the San Diego County Bar Association; and one citizen designated by the
26 District Attorney of San Diego County; all of whom shall serve at the pleasure of the
27 appointing power and without further compensation.

28 (c) The City of San Diego and the County of San Diego shall each have the power of
29 nonconcurrence over any action taken by the board of directors, provided that a motion
30 for reconsideration is made by a member of the board of directors immediately following
31 the vote of the board of directors approving such action, and further provided that the city
32 council or the board of supervisors votes to nullify such action, by a majority vote of its
33 membership, within 30 days.

34 (d) The county may transfer to the agency county funds in either a Courthouse
35 Temporary Construction Fund or a County Criminal Justice Facility Temporary
36 Construction Fund, or both, to be expended for purposes of the facility.

37 (e) In addition to those funds, (1) the agency’s governing body may allot up to 15
38 percent of the fines and forfeitures received by the City of San Diego pursuant to Section
39 1463 of the Penal Code from the service area of the downtown courts, as defined by the
40 agency, for expenditure by the agency for the purposes specified in subdivision (a); (2)
41 the City of San Diego and the County of San Diego may allot to the agency any state or
42 federal funds received for purposes of the facility; and (3) the agency may expend any
43 rent, parking fees, or taxes received on leasehold interests in the facility, for the purposes
44 specified in subdivision (a).

45 **Comment.** Subdivision (b) of Section 6520 is amended to reflect unification of the municipal
46 and superior courts in San Diego pursuant to Article VI, Section 5(e), of the California
47 Constitution, effective December 1, 1998.

1 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
2 further revised on completion of (1) the study and recommendation by the task force on court
3 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
4 on this issue.

5 The Commission also solicits comments on the current composition of the board of directors;
6 specifically, whether the board consists of six members since unification or whether the
7 municipal court's authority to designate a member has been transferred to another agency or
8 individual.

9 **§ 6701 (amended). Holiday falling on Saturday or Sunday**

10 SEC. _____. Section 6701 of the Government Code is amended to read:

11 6701. If January 1st, February 12th, March 31st, July 4th, September 9th, November
12 11th, or December 25th falls upon a Sunday, the Monday following is a holiday. If
13 November 11th falls upon a Saturday, the preceding Friday is a holiday.

14 If any holiday designated in Section 6700 falls on a Saturday, the board of supervisors
15 of any county may by ordinance or resolution provide that an alternate day shall be a
16 holiday for the employees of the county, ~~except those employees of the county working~~
17 ~~as court attaches or as clerks of the superior or municipal courts.~~

18 **Comment.** Section 6701 is amended to reflect enactment of the Trial Court Employment
19 Protection and Governance Act. See Sections 71601(I) ("trial court employee" defined),
20 71615(c)(5) (trial court as employer of all trial court employees), 71673 (authority of trial courts
21 to establish terms and conditions of employment).

22 ☞ **Note.** Are there still any "employees of *the county* working as court attachés or as clerks of
23 the superior court." (Emphasis added.) Should the entire last clause be deleted, as shown in the
24 above draft? The Commission solicits comments on this issue.

25 **§ 6704 (amended). Saturday as holiday**

26 SEC. _____. Section 6704 of the Government Code is amended to read:

27 6704. The legislative body of any city or district may, by ordinance or resolution,
28 provide that every Saturday is a holiday as respects the transaction of business in the
29 public offices of such cities or districts except that provision shall be made for the
30 continuance of essential public services such as police and fire protection. ~~The office of~~
31 ~~the clerk of a municipal court established under the provisions of the Municipal Court~~
32 ~~Act of 1925 is excluded from the provisions of this section.~~

33 **Comment.** Section 6704 is amended to reflect unification of the municipal and superior courts
34 pursuant to Article VI, Section 5(e), of the California Constitution. It is unnecessary to replace the
35 reference to the municipal court with a reference to the superior court, because the superior court
36 is not a public office of a city or district. For transaction of business by the superior court on
37 Saturdays, see Code Civ. Proc. §§ 116.250 (small claims court sessions), 134 (court closure on
38 judicial holidays); Section 6701 (holiday falling on Saturday or Sunday).

39 **§ 12965 (amended). Accusation or civil action for unlawful employment practice**

40 SEC. _____. Section 12965 of the Government Code is amended to read:

41 12965. (a) In the case of failure to eliminate an unlawful practice under this part
42 through conference, conciliation, or persuasion, or in advance thereof if circumstances
43 warrant, the director in his or her discretion may cause to be issued in the name of the
44 department a written accusation. The accusation shall contain the name of the person,
45 employer, labor organization, or employment agency accused, which shall be known as

1 the respondent, shall set forth the nature of the charges, shall be served upon the
2 respondent together with a copy of the verified complaint, as amended, and shall require
3 the respondent to answer the charges at a hearing.

4 For any complaint treated by the director as a group or class complaint for purposes of
5 investigation, conciliation, and accusation pursuant to Section 12961, an accusation shall
6 be issued, if at all, within two years after the filing of the complaint. For any complaint
7 alleging a violation of Section 51.7 of the Civil Code, an accusation shall be issued, if at
8 all, within two years after the filing of the complaint. For all other complaints, an
9 accusation shall be issued, if at all, within one year after the filing of a complaint. If the
10 director determines, pursuant to Section 12961, that a complaint investigated as a group
11 or class complaint under Section 12961 is to be treated as a group or class complaint for
12 purposes of conciliation and accusation as well, that determination shall be made and
13 shall be communicated in writing within one year after the filing of the complaint to each
14 person, employer, labor organization, employment agency, or public entity alleged in the
15 complaint to have committed an unlawful practice.

16 (b) If an accusation is not issued within 150 days after the filing of a complaint, or if
17 the department earlier determines that no accusation will issue, the department shall
18 promptly notify, in writing, the person claiming to be aggrieved that the department shall
19 issue, on his or her request, the right-to-sue notice. This notice shall indicate that the
20 person claiming to be aggrieved may bring a civil action under this part against the
21 person, employer, labor organization, or employment agency named in the verified
22 complaint within one year from the date of that notice. If the person claiming to be
23 aggrieved does not request a right-to-sue notice, the department shall issue the notice
24 upon completion of its investigation, and not later than one year after the filing of the
25 complaint. A city, county, or district attorney in a location having an enforcement unit
26 established on or before March 1, 1991, pursuant to a local ordinance enacted for the
27 purpose of prosecuting HIV/AIDS discrimination claims, acting on behalf of any person
28 claiming to be aggrieved due to HIV/AIDS discrimination, may also bring a civil action
29 under this part against the person, employer, labor organization, or employment agency
30 named in the notice. ~~The superior and municipal courts of the State of California shall~~
31 ~~have jurisdiction of those actions, and the aggrieved person may file in any of these~~
32 ~~courts.~~ Such an action may be brought in the superior court in any county in the state in
33 which the unlawful practice is alleged to have been committed, in the county in which the
34 records relevant to the practice are maintained and administered, or in the county in
35 which the aggrieved person would have worked or would have had access to the public
36 accommodation but for the alleged unlawful practice, but if the defendant is not found
37 within any of these counties, an action may be brought within the county of the
38 defendant's residence or principal office. A copy of any complaint filed pursuant to this
39 part shall be served on the principal offices of the department and of the commission. The
40 remedy for failure to send a copy of a complaint is an order to do so. Those actions may
41 not be filed as class actions or may not be maintained as class actions by the person or
42 persons claiming to be aggrieved where those persons have filed a civil class action in the
43 federal courts alleging a comparable claim of employment discrimination against the
44 same defendant or defendants. In actions brought under this section, the court, in its
45 discretion, may award to the prevailing party reasonable attorney's fees and costs,
46 including expert witness fees, except where the action is filed by a public agency or a
47 public official, acting in an official capacity.

48 (c)(1) If an accusation includes a prayer either for damages for emotional injuries as a
49 component of actual damages, or for administrative fines, or for both, or if an accusation

1 is amended for the purpose of adding a prayer either for damages for emotional injuries
2 as a component of actual damages, or for administrative fines, or both, the respondent
3 may within 30 days after service of the accusation or amended accusation, elect to
4 transfer the proceedings to a court in lieu of a hearing pursuant to subdivision (a) by
5 serving a written notice to that effect on the department, the commission, and the person
6 claiming to be aggrieved. The commission shall prescribe the form and manner of giving
7 written notice.

8 (2) No later than 30 days after the completion of service of the notice of election
9 pursuant to paragraph (1), the department shall dismiss the accusation and shall, either
10 itself or, at its election, through the Attorney General, file in the appropriate court an
11 action in its own name on behalf of the person claiming to be aggrieved as the real party
12 in interest. In this action, the person claiming to be aggrieved shall be the real party in
13 interest and shall have the right to participate as a party and be represented by his or her
14 own counsel. Complaints filed pursuant to this section shall be filed in the appropriate
15 superior or municipal court in any county in which unlawful practices are alleged to have
16 been committed, in the county in which records relevant to the alleged unlawful practices
17 are maintained and administered, or in the county in which the person claiming to be
18 aggrieved would have worked or would have had access to public accommodation, but
19 for the alleged unlawful practices. If the defendant is not found in any of these counties,
20 the action may be brought within the county of the defendant's residence or principal
21 office. Those actions shall be assigned to the court's delay reduction program, or
22 otherwise given priority for disposition by the court in which the action is filed.

23 (3) A court may grant as relief in any action filed pursuant to this subdivision any relief
24 a court is empowered to grant in a civil action brought pursuant to subdivision (b), in
25 addition to any other relief that, in the judgment of the court, will effectuate the purpose
26 of this part. This relief may include a requirement that the employer conduct training for
27 all employees, supervisors, and management on the requirements of this part, the rights
28 and remedies of those who allege a violation of this part, and the employer's internal
29 grievance procedures.

30 (4) The department may amend an accusation to pray for either damages for emotional
31 injury or for administrative fines, or both, provided that the amendment is made within 30
32 days of the issuance of the original accusation.

33 **Comment.** Subdivisions (b) and (c) of Section 12965 are amended to reflect unification of the
34 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

35 For the jurisdictional classification of an action pursuant to this section, see Code Civ. Proc. §§
36 85 (limited civil cases) & Comment, 86 (miscellaneous limited civil cases).

37  **Note.** This section reflects legislative changes made in A.B. 276 (Migden). See 2001 Cal.
38 Stat. ch 813, § 1.

39 **§ 12980 (amended). Complaint, accusation, and civil action for housing discrimination**

40 SEC. _____. Section 12980 of the Government Code is amended to read:

41 12980. This article governs the procedure for the prevention and elimination of
42 discrimination in housing made unlawful pursuant to Article 2 (commencing with Section
43 12955) of Chapter 6.

44 (a) Any person claiming to be aggrieved by an alleged violation of Section 12955,
45 12955.1, or 12955.7 may file with the department a verified complaint in writing that
46 shall state the name and address of the person alleged to have committed the violation

1 complained of, and that shall set forth the particulars thereof and contain any other
2 information required by the department.

3 The filing of a complaint and pursuit of conciliation or remedy under this part shall not
4 prejudice the complainant's right to pursue effective judicial relief under other applicable
5 laws, but if a civil action has been filed under Section 52 of the Civil Code, the
6 department shall terminate proceedings upon notification of the entry of final judgment
7 unless the judgment is a dismissal entered at the complainant's request.

8 (b) The Attorney General or the director may, in a like manner, make, sign, and file
9 complaints citing practices that appear to violate the purpose of this part or any specific
10 provisions of this part relating to housing discrimination.

11 No complaint may be filed after the expiration of one year from the date upon which
12 the alleged violation occurred or terminated.

13 (c) The department may thereupon proceed upon the complaint in the same manner and
14 with the same powers as provided in this part in the case of an unlawful practice, except
15 that where the provisions of this article provide greater rights and remedies to an
16 aggrieved person than the provisions of Article 1 (commencing with Section 12960), the
17 provisions of this article shall prevail.

18 (d) Upon the filing of a complaint, the department shall serve notice upon the
19 complainant of the time limits, rights of the parties, and choice of forums provided for
20 under the law, and shall also provide a written explanation that informs the complainant
21 that, if an accusation is issued, the complainant may only be able to recover damages for
22 emotional distress or other intangible injuries through a civil action filed under Section
23 12989.

24 (e) The department shall commence proceedings with respect to a complaint within 30
25 days of filing of the complaint.

26 (f) An investigation of allegations contained in any complaint filed with the department
27 shall be completed within 100 days after receipt of the complaint, unless it is
28 impracticable to do so. If the investigation is not completed within 100 days, the
29 complainant and respondent shall be notified, in writing, of the department's reasons for
30 not doing so.

31 (g) Upon the conclusion of each investigation, the department shall prepare a final
32 investigative report containing all of the following:

33 (1) The names of any witnesses and the dates of any contacts with those witnesses.

34 (2) A summary of the dates of any correspondence or other contacts with the aggrieved
35 persons or the respondent.

36 (3) A summary of witness statements.

37 (4) Answers to interrogatories.

38 (5) A summary description of other pertinent records.

39 A final investigative report may be amended if additional evidence is later discovered.

40 (h) If an accusation is not issued within 100 days after the filing of a complaint, or if
41 the department earlier determines that no accusation will issue, the department shall
42 promptly notify the person claiming to be aggrieved. This notice shall, in any event, be
43 issued no more than 30 days after the date of the determination or 30 days after the date
44 of the expiration of the 100-day period, whichever date first occurs. The notice shall
45 indicate that the person claiming to be aggrieved may bring a civil action under this part
46 against the person named in the verified complaint within the time period specified in
47 Section 12989.1 of the Government Code. The notice shall also indicate, unless the
48 department has determined that no accusation will be issued, that the person claiming to
49 be aggrieved has the option of continuing to seek redress for the alleged discrimination

1 through the procedures of the department if he or she does not desire to file a civil action.
2 ~~The superior and municipal courts of the State of California shall have jurisdiction of~~
3 ~~these actions, and the aggrieved person may file in any of these courts.~~ The action may be
4 brought in the superior court in any county in the state in which the violation is alleged to
5 have been committed, or in the county in which the records relevant to the alleged
6 violation are maintained and administered, but if the defendant is not found within that
7 county, the action may be brought within the county of the defendant's residence or
8 principal office. A copy of any complaint filed pursuant to this part shall be served on the
9 principal offices of the department and of the commission. The remedy for failure to send
10 a copy of a complaint is an order to do so. In a civil action brought under this section, the
11 court, in its discretion, may award to the prevailing party reasonable attorneys' fees.

12 (i) All agreements reached in settlement of any housing discrimination complaint filed
13 pursuant to this section shall be made public, unless otherwise agreed by the complainant
14 and respondent, and the department determines that the disclosure is not required to
15 further the purposes of the act.

16 (j) All agreements reached in settlement of any housing discrimination complaint filed
17 pursuant to this section shall be agreements between the respondent and complainant, and
18 shall be subject to approval by the department.

19 **Comment.** Subdivision (h) of Section 12980 is amended to reflect unification of the municipal
20 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

21 For the jurisdictional classification of an action pursuant to this section, see Code Civ. Proc. §§
22 85 (limited civil cases) & Comment, 86 (miscellaneous limited civil cases).

23 **§ 12989 (amended). Civil action instead of administrative proceeding**

24 SEC. _____. Section 12989 of the Government Code is amended to read:

25 12989. (a) If an accusation is issued under Section 12981, a complainant, a respondent,
26 or an aggrieved person on whose behalf a complaint is filed may elect, in lieu of an
27 administrative proceeding under Section 12981, to have the claims asserted in the charge
28 adjudicated in a civil action under this part.

29 (b) An election under this section may be made within 20 days after the service of the
30 accusation, and not later than 20 days after service of the complaint to the respondent. A
31 notice of election shall be filed with the department, and the department shall serve a
32 copy of the notice to the director, the respondent, and the aggrieved person on whose
33 behalf the complaint is filed. The notice shall be filed and served on all parties to the
34 complaint in accordance with the procedures established by Section 12962.

35 (c) If either party serves a notice of election upon the department, as prescribed, the
36 department shall, within 30 days after service of the notice of the election, dismiss the
37 accusation. The department shall itself, or at its election through the Attorney General,
38 within 30 days of receipt of the notice of election, file a civil action with the proper
39 ~~municipal or superior court of competent jurisdiction~~ in its name or on behalf of the
40 aggrieved person as a real party in interest. In bringing a civil or administrative action, or
41 pursuing subsequent appeals of those actions, the department or the Attorney General
42 shall, in its representation of an aggrieved person's interests, comply with the Rules of
43 Professional Conduct of the State Bar of California. The action may be filed in any
44 county in the state in which the unlawful practice is alleged to have been committed, in
45 the county in which the records relevant to that practice are maintained and administered,
46 or in the county in which the aggrieved person would have resided in the housing
47 accommodation. If the respondent is not found within that county, the action may be filed
48 in the county of the respondent's residence or principal office.

1 (d) Any person aggrieved with respect to the issues to be determined in a civil action
2 filed under this part may intervene as of right in that civil action.

3 (e) If an election is not made pursuant to this section, the director shall maintain an
4 administrative proceeding based on the charges in the complaint in accordance with the
5 procedures set forth in Section 12981.

6 (f) The director or his or her designated representative shall be available for
7 consultation concerning any legal issues raised by the Attorney General that relate to
8 evidentiary or tactical matters relevant to any civil action brought under this part.

9 **Comment.** Subdivision (c) of Section 12989 is amended to reflect unification of the municipal
10 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

11 For the jurisdictional classification of an action pursuant to this section, see Code Civ. Proc. §§
12 85 (limited civil cases) & Comment, 86 (miscellaneous limited civil cases).

13 **§ 15422 (amended). Substitute for county public defender**

14 SEC. _____. Section 15422 of the Government Code is amended to read:

15 15422. Where a county public defender has refused, or is otherwise reasonably unable
16 to represent a person because of conflict of interest or other reason, the State Public
17 Defender is authorized to represent such person, pursuant to a contract with the county
18 which provides for reimbursement of costs, where the person is not financially able to
19 employ counsel and is charged with the commission of any contempt or offense triable in
20 the superior or municipal courts at all stages of any proceedings relating to such charge,
21 including restrictions on liberty resulting from such charge. Except in cases of
22 representation under subdivision (d) of Section 15421, the State Public Defender may
23 decline to represent such person by filing a letter with the appropriate court citing Section
24 15420 of this chapter.

25 **Comment.** Section 15422 is amended to reflect unification of the municipal and superior courts
26 pursuant to Article VI, Section 5(e), of the California Constitution.

27  **Note.** This provision refers to a “county public defender” and a “contract with the county.”
28 (Emphasis added.) These references still appear to be proper, because “court operations” as
29 defined in Government Code Section 77003 does not include indigent criminal defense. Cal. R.
30 Ct. 810(b). The Commission solicits comments on this issue.

31 **§ 16265.2 (amended). County costs of eligible programs, county costs of justice programs,
32 and general purpose revenues**

33 SEC. _____. Section 16265.2 of the Government Code is amended to read:

34 16265.2. As used in this chapter:

35 (a) “County” means a county and a city and county.

36 (b) “County costs of eligible programs” means the amount of money other than federal
37 and state funds, as reported by the State Department of Social Services to the Department
38 of Finance or as derived from the Controller’s “Annual Report of Financial Transactions
39 Concerning Counties of California,” that each county spends for each of the following:

40 (1) The Aid to Families with Dependent Children for Family Group and Unemployed
41 Parents programs plus county administrative costs for each program minus the county’s
42 share of child support collections for each program, as described in Sections 10100,
43 10101, and 11250 of, and subdivisions (a) and (b) of Section 15200 of, the Welfare and
44 Institutions Code.

1 (2) The county share of the cost of service provided for the In-Home Supportive
2 Services Program, as described in Section 10100, 10101, and 12306 of the Welfare and
3 Institutions Code.

4 (3) The community mental health program, as described in Section 5705 of the Welfare
5 and Institutions Code.

6 (4) The county share of the food stamp program, as described in Section 18906.5 of the
7 Welfare and Institutions Code.

8 (c) “County costs of justice programs” means the amount of money other than federal
9 and state funds, as reported in the Controller’s “Annual Report of Financial Transactions
10 Concerning Counties of California,” that each county spends for each of the following:

11 (1) ~~Municipal and superior~~ Superior courts.

12 (2) District attorney.

13 (3) Public defender.

14 (4) Probation.

15 (5) Correctional facilities.

16 “County costs of justice programs” does not include any costs eligible for
17 reimbursement to the county pursuant to Chapter 3 (commencing with Section 15200) of
18 Part 6 of Division 3.

19 (d) “General purpose revenues” means revenues received by a county whose purpose is
20 not restricted by state law to a particular purpose or program, as reported in the
21 Controller’s “Annual Report of Financial Transactions Concerning Counties of
22 California.” “General purpose revenues” are limited to all of the following:

23 (1) Property tax revenues, exclusive of those revenues dedicated to repay voter
24 approved indebtedness, received pursuant to Part 0.5 (commencing with Section 50) of
25 Division 1 of the Revenue and Taxation Code, or received pursuant to Section 33401 of
26 the Health and Safety Code.

27 (2) Sales tax revenues received pursuant to Part 1 (commencing the Section 6001) of
28 Division 2 of the Revenue and Taxation Code.

29 (3) Any other taxes levied by a county.

30 (4) Fines and forfeitures.

31 (5) Licenses, permits, and franchises.

32 (6) Revenue derived from the use of money and property.

33 (7) Vehicle license fees received pursuant to Section 11005 of the Revenue and
34 Taxation Code.

35 (8) Trailer coach fees received pursuant to Section 11003.3 of the Revenue and
36 Taxation Code.

37 (9) Revenues from cigarette taxes received pursuant to Part 13 (commencing with
38 Section 30001) of Division 2 of the Revenue and Taxation Code.

39 (10) Revenue received as open-space subventions pursuant to Chapter 3 (commencing
40 with Section 16140) of Part 1.

41 (11) Revenue received as homeowners’ property tax exemption subventions pursuant to
42 Chapter 2 (commencing with Section 16120) of Part 1.

43 (12) General revenue sharing funds received from the federal government.

44 “General purpose revenues” does not include revenues received by a county pursuant to
45 Chapter 3 (commencing with Section 15200) of Part 6 of Division 3.

46 **Comment.** Subdivision (c) of Section 16265.2 is amended to reflect unification of the
47 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

1 **§ 20437 (amended). “County peace officer” as including constables, marshals, and deputies**

2 SEC. ____ . Section 20437 of the Government Code is amended to read:

3 20437. “County peace officer” shall also include the constable and each regularly
4 employed deputy constable, marshal and each regularly employed deputy marshal ~~of any~~
5 judicial district who serves the superior court and he or she shall receive credit for service
6 as a peace officer for any time he or she served as constable or deputy constable of a
7 township or marshal or deputy marshal of a municipal court in the same county.

8 The provisions of this section shall not apply to the employees of any contracting
9 agency nor to any such agency unless and until the contracting agency elects to be subject
10 to the provisions of this section by amendment to its contract with the board, made as
11 provided in Section 20474 or by express provision in its contract with the board.

12 **Comment.** Section 20437 is amended to reflect unification of the municipal and superior courts
13 pursuant to Article VI, Section 5(e), of the California Constitution.

14 **§ 20440 (amended). County peace officer**

15 SEC. ____ . Section 20440 of the Government Code is amended to read:

16 20440. “County peace officer” shall also include employees of the sheriff employed to
17 attend sessions of the superior or former municipal courts and preserve order in the
18 courtrooms, to guard and maintain the security of prisoners during court appearances, or
19 to summon jurors and take responsibility for them while they are deliberating or absent
20 from the courtroom. It shall not include persons employed as clerks, typists, teachers,
21 instructors or psychologists.

22 This section shall not apply to any contracting agency nor to the employees of a
23 contracting agency until the agency elects to be subject to this section by amendment to
24 its contract with the board, made as provided in Section 20474 or by express provision in
25 its contract with the board.

26 **Comment.** Section 20440 is amended to reflect unification of the municipal and superior courts
27 pursuant to Article VI, Section 5(e), of the California Constitution.

28 **§ 22754.35 (amended). Benefits of municipal and justice court judges**

29 SEC. ____ . Section 22754.35 of the Government Code is amended to read:

30 22754.35. (a) As used in this part, “employee” includes any judge of a municipal or
31 justice court.

32 (b) As used in this part, “annuitant” includes any judge of a municipal or justice court
33 retired under the Judges’ Retirement System.

34 (c) For purposes of this part, a municipal or justice court judge’s entitlement shall be
35 the same as a superior court judge in terms of health benefits and employer contributions,
36 and the continuation of health benefits coverage shall be administered by the board.

37 (d) The state shall provide each ~~sitting~~ and retired municipal court and justice court
38 judge with health, dental, and vision care benefits equal to and in the same manner as the
39 health, dental, and vision care benefits provided to superior court judges. These benefits
40 shall be paid from funds provided pursuant to Section 77006.5.

41 (e) No judge shall have any salary or benefits reduced solely by reason of the
42 enactment of this section.

43 (f) If a judge opts to receive health, dental, or vision care benefits from the state, the
44 county shall reduce the judge’s compensation by an amount equal to the amount the state
45 pays for his or her health, dental, or vision care benefits.

1 **Comment.** Section 22754.35 is amended to reflect unification of the municipal and superior
2 courts pursuant to Article VI, Section 5(e), of the California Constitution.

3 ☞ **Note.** This provision is retirement-related, so the references to municipal and justice court
4 judges would be retained.

5 The Commission solicits comments on whether subdivisions (d) and (f) should be revised in
6 light of the Trial Court Funding Act.

7 **§ 23220 (amended). Effect of boundary change on pending cases**

8 SEC. _____. Section 23220 of the Government Code is amended to read:

9 23220. On and after the effective date of the boundary change, the superior court and
10 the municipal courts in each affected county shall retain jurisdiction in all cases pending
11 in a session of those courts that court.

12 **Comment.** Section 23220 is amended to reflect unification of the municipal and superior courts
13 pursuant to Article VI, Section 5(e), of the California Constitution.

14 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need further
15 revision upon completion of (1) the study and recommendation by the task force on court
16 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
17 on these issues.

18 **§ 23296 (repealed). Effect of boundary change on municipal court districts**

19 SEC. _____. Section 23296 of the Government Code is repealed.

20 ~~23296. Those municipal court districts in the transferring county which are located~~
21 ~~within the boundaries of the territory which is transferred immediately prior to its transfer~~
22 ~~shall continue in existence for all purposes with the same name, judges, officers, attaches,~~
23 ~~and other employees.~~

24 **Comment.** Section 23296 is repealed to reflect unification of the municipal and superior courts
25 pursuant to Article VI, Section 5(e), of the California Constitution.

26 **§ 23396 (repealed). Superior court officers, attachés and other employees**

27 SEC. _____. Section 23396 of the Government Code is repealed.

28 ~~23396. The presiding or sole judge of the superior court in a proposed county may~~
29 ~~appoint officers, attaches, and other employees as are necessary to assist the court in the~~
30 ~~performance of its duties. Preference in appointment shall be given to those persons~~
31 ~~-serving a session of the superior court located within the boundaries of the proposed~~
32 ~~county immediately prior to its creation.~~

33 **Comment.** Section 23396 is repealed to reflect enactment of the Trial Court Employment
34 Protection and Governance Act. See Sections 71620(a) (job classifications and appointments),
35 71640-71645 (employment selection and advancement).

36 ☞ **Note.** The need for a general law providing a preference in superior court appointments upon
37 creation of a new county is remote, if not nonexistent since enactment of the Trial Court
38 Employment Protection and Governance Act.

39 **§ 23398 (repealed). Effect of creating new county on municipal court districts**

40 SEC. _____. Section 23398 of the Government Code is repealed.

1 ~~23398. Those municipal court districts in the affected county or counties which are~~
2 ~~located within the boundaries of the proposed county immediately prior to its creation~~
3 ~~shall continue in existence for all purposes in the proposed county with the same name,~~
4 ~~judges, officers, attaches, and other employees.~~

5 **Comment.** Section 23398 is repealed to reflect unification of the municipal and superior courts
6 pursuant to Article VI, Section 5(e), of the California Constitution.

7 **§ 23579 (repealed). Effect of consolidating counties on municipal court districts**

8 SEC. _____. Section 23579 of the Government Code is repealed.

9 ~~23579. Those municipal court districts in the affected counties immediately prior to~~
10 ~~consolidation shall continue in existence for all purposes in the consolidated county with~~
11 ~~the same name, judges, officers, attaches, and other employees.~~

12 **Comment.** Section 23579 is repealed to reflect unification of the municipal and superior courts
13 pursuant to Article VI, Section 5(e), of the California Constitution.

14 **§ 25100.5 (amended). Clerk of the board of supervisors**

15 SEC. _____. Section 25100.5 of the Government Code is amended to read:

16 25100.5. The board of supervisors of any county may provide by ordinance that the
17 clerk of the board of supervisors may be appointed by the board in the same manner as
18 other county officers are appointed. In such counties, the county clerk is not ex officio
19 clerk of the board of supervisors.

20 The clerk of the board of supervisors shall perform those duties prescribed by law for
21 the county clerk as ex officio clerk of the board of supervisors or for the clerk of the
22 board of supervisors and such additional duties as the board of supervisors shall prescribe
23 by ordinance. Such a person may perform all the duties vested in the county clerk other
24 than those vested in the county clerk as ~~ex officio clerk of the superior court or registrar~~
25 of voters and may take acknowledgments and administer and certify oaths in the
26 performance of such person's official duties.

27 **Comment.** Section 25100.5 is amended to reflect elimination of the county clerk's role as ex
28 officio clerk of the superior court. See former Section 26800 (county clerk acting as clerk of
29 superior court). The powers, duties, and responsibilities formerly exercised by the county clerk as
30 ex officio clerk of the court are delegated to the court administrative or executive officer, and the
31 county clerk is relieved of those powers, duties, and responsibilities. See Sections 69840 (powers,
32 duties, and responsibilities of clerk of court), 71620 (trial court personnel).

33 **§ 25351.3 (unchanged). Acquisition, rental, and improvement of real property and facilities**

34 25351.3. In addition to its other powers and duties, the board of supervisors may do any
35 or all of the following:

36 (a) Acquire land for and construct, lease, sublease, build, furnish, refurnish, or repair
37 buildings for municipal or superior courts and for convention and exhibition halls, trade
38 and industrial centers, auditoriums, opera houses, music halls and centers, motion picture
39 and television museums, and related facilities used for public assembly purposes for the
40 use, benefit and enjoyment of the public, including offstreet parking places for motor
41 vehicles, ways of ingress and egress, and any other facilities and improvements necessary
42 or convenient for their use.

43 (b) Acquire land and construct buildings, structures and facilities thereon, in whole or
44 in part, with county funds or it may, by contract or lease with any nonprofit association or
45 corporation, provide for the acquisition of land or the construction of buildings, structures

1 and facilities, or all or any part thereof, for public assembly purposes, upon the terms the
2 board may determine.

3 (c) Lease, pursuant to Section 25371, any real property owned by the county and
4 available for public assembly purposes to any person, firm, corporation, or nonprofit
5 association or corporation for public assembly purposes, with the person, firm,
6 corporation, or nonprofit association or corporation to lease the real property, as
7 improved, back to the county for use for the purposes stated in the lease. Any lease
8 authorized by the board under this subdivision, except leases for municipal or superior
9 courts, which may be entered into without advertising for bids, shall be awarded to the
10 lowest responsible bidder after public competitive bidding conducted in the manner
11 determined by the board. Notice inviting bids shall be published pursuant to Section 6066
12 in a newspaper as the board may direct.

13 (d) Enter into a lease or sublease, without advertising for bids therefor, of buildings,
14 structures, and facilities or any of them with any nonprofit association or corporation
15 which agrees to use the buildings, structures, and facilities so leased to it for the public
16 assembly purposes for which they were or are to be built; or contract, without advertising,
17 for bids with any nonprofit association or corporation for the maintenance, operation, and
18 management of the buildings, structures, and facilities, or any part thereof used for public
19 assembly purposes, including the scheduling and promotion of events therein, for a
20 specified term, not to exceed 40 years, upon terms and conditions as may be agreed upon.
21 The leases, subleases, or contracts shall provide that, at least annually, there shall be paid
22 to the county the net revenue, if any, from the operation and use of the facilities,
23 remaining after the payment of expenses and costs, if any, for maintenance, operation or
24 management, interest, and principal payments upon loans to the nonprofit corporation or
25 association for purposes of maintenance, operation, or management, and any other
26 expenses, and after providing maintenance and operation reserves. The lease, sublease, or
27 contract shall also provide that, upon its expiration, all of the assets of the nonprofit
28 association or corporation after payment or discharge of its indebtedness and liabilities
29 shall be transferred to the county.

30 (e) If the county has a population in excess of 4,000,000, without advertising for bids
31 therefor, grant any real property owned by the county, or lease, for a term not to exceed
32 99 years, any real property owned by the county, to any city, district, or other public
33 entity for any of the above public assembly purposes, without consideration, except the
34 agreement of the grantee or lessee to use the real property for the public assembly
35 purposes specified, and upon terms and conditions which may be agreed upon by the
36 board and the grantee or lessee.

37 The amendment to this section enacted by Chapter 755 of the Statutes of 1963 shall not
38 be construed to affect or modify the duty of any county or board of supervisors to provide
39 adequate quarters for courts but is intended to provide an alternative method of financing
40 the acquisition of property and buildings for use for courthouse purposes.

41  **Note.** Subdivisions (a) and (c) of this section need to be revised to reflect unification of the
42 municipal and superior courts. Further revisions might be needed to reflect enactment of the Trial
43 Court Funding Act.

44 Issues involving sessions and facilities are still unsettled. The Commission proposes to defer
45 work on this section pending completion of (1) the study and recommendation by the task force
46 on court facilities, and (2) negotiations among other interested parties. The Commission solicits
47 comments on this approach and the underlying issues.

1 **§ 25560.4 (unchanged). Dedication of unused park lands for court buildings**

2 25560.4. The board of supervisors of any county may, by a four-fifths vote of the
3 members, use or dedicate any portion of any land acquired by the county by means of
4 special assessment proceedings for park purposes, for the erection and maintenance of
5 one or more buildings to house any municipal or superior court, or one or more
6 departments or divisions of any one or more of such courts, if the portion of the land to be
7 so used or dedicated has not been used by the public for park purposes for a period of
8 more than 10 years.

9 ☞ **Note.** This section needs to be revised to reflect unification of the municipal and superior
10 courts. Further revisions might be needed to reflect enactment of the Trial Court Funding Act.

11 Issues involving sessions and facilities are still unsettled. The Commission proposes to defer
12 work on this section pending completion of (1) the study and recommendation by the task force
13 on court facilities, and (2) negotiations among other interested parties. The Commission solicits
14 comments on this approach and the underlying issues.

15 **§ 26299.008 (unchanged). Court facilities**

16 26299.008. “Court facilities” means the municipal and superior courts of the county, as
17 well as any other facilities used for adult or juvenile court matters, criminal prosecutions,
18 handling inmates, or a combination thereof.

19 ☞ **Note.** This section needs to be revised to reflect unification of the municipal and superior
20 courts. Further revisions might be needed to reflect enactment of the Trial Court Funding Act.

21 Issues involving sessions and facilities are still unsettled. The Commission proposes to defer
22 work on this section pending completion of (1) the study and recommendation by the task force
23 on court facilities, and (2) negotiations among other interested parties. The Commission solicits
24 comments on this approach and the underlying issues.

25 **§ 26524 (repealed). Representation of court or judge by district attorney**

26 SEC. _____. Section 26524 of the Government Code is repealed.

27 ~~26524. Upon request of any judge of the superior or municipal court, the district~~
28 ~~attorney shall appear for and represent the court or judge if the court or judge in his or her~~
29 ~~official capacity is a party defendant in any action.~~

30 **Comment.** Section 26524 is repealed to reflect enactment of Section 811.9, which governs
31 representation, defense, and indemnification of trial court judges, judicial officers, court executive
32 officers, and employees.

33 ☞ **Note.** This section appears to have been superseded by Government Code Section 811.9. The
34 Commission solicits comments on whether it should be preserved in any form.

35 **§ 26608.3 (amended). Service of writs, notices and other process by marshal**

36 SEC. _____. Section 26608.3 of the Government Code is amended to read:

37 26608.3. (a) In Shasta County, the board of supervisors by ordinance or resolution may
38 transfer from the sheriff to the marshal of the Shasta County ~~Munieipal~~ Superior Court
39 the duty to serve all writs, notices and other process issued by any state court, or other
40 competent authority.

41 (b) After adoption of the ordinance or resolution pursuant to subdivision (a), and
42 notwithstanding any other provision of law, in Shasta County the marshal shall have the
43 duty to serve all writs, notices and other process issued by any state court or other

1 competent authority, and the sheriff shall be relieved of any obligation imposed by
2 Section 26608 and any liability imposed by Section 26663 or 26664.

3 (c) Nothing in this section shall be construed as limiting the responsibility or authority
4 of a private person or registered process server from serving process and notices in the
5 manner prescribed by law, nor shall it limit the authority of the sheriff or any other peace
6 officer to serve warrants of arrest or other process specifically directed by a court to the
7 sheriff or any other peace officer.

8 **Comment.** Subdivision (a) of Section 26608.3 is amended to reflect unification of the
9 municipal and superior courts in Shasta County pursuant to Article VI, Section 5(e), of the
10 California Constitution, effective June 3, 1998.

11 **§ 26608.4 (repealed). Service of writs, notices and other process**

12 SEC. ____ . Section 26608.4 of the Government Code is repealed.

13 ~~26608.4. (a) In Santa Barbara County, the board of supervisors by ordinance or~~
14 ~~resolution may transfer from the sheriff to the marshal of the Santa Barbara County~~
15 ~~Municipal Courts, the duty to serve all writs, notices, and other process issued by any~~
16 ~~state court or other competent authority.~~

17 ~~(b) After adoption of the ordinance or resolution pursuant to subdivision (a), and~~
18 ~~notwithstanding any other provision of law, in Santa Barbara County the marshal, as~~
19 ~~provided in the ordinance or resolution, shall have the duty to serve all writs, notices, or~~
20 ~~other process issued by any state court or other competent authority, and the sheriff shall~~
21 ~~be relieved of any obligation imposed by Section 26608 and any liability imposed by~~
22 ~~Section 26663 or 26664.~~

23 ~~(c) Nothing in this section shall be construed as limiting the responsibility or authority~~
24 ~~of a private person or registered process server from serving process and notices in the~~
25 ~~manner prescribed by law, nor shall it limit the authority of the sheriff or any other peace~~
26 ~~officer to serve warrants of arrest or other process specifically directed by a court to the~~
27 ~~sheriff or any other peace officer.~~

28 **Comment.** Section 26608.4 is repealed to reflect elimination of the marshal's office as a result
29 of consolidation with the sheriff's office in Santa Barbara County, effective January 1, 1997.

30 **§ 26608.5 (repealed). Service of writs, notices and other process**

31 SEC. ____ . Section 26608.5 of the Government Code is repealed.

32 ~~26608.5. (a) In Glenn County, the board of supervisors by ordinance or resolution may~~
33 ~~transfer from the sheriff to the marshal of the Glenn County Municipal Court the duty to~~
34 ~~serve all writs, notices, and other process issued by any state court, or other competent~~
35 ~~authority.~~

36 ~~(b) After adoption of the ordinance or resolution pursuant to subdivision (a), and~~
37 ~~notwithstanding any other provision of law, in Glenn County the marshal shall have the~~
38 ~~duty to serve all writs, notices, and other process issued by any state court or other~~
39 ~~competent authority, and the sheriff shall be relieved of any obligation imposed by~~
40 ~~Section 26608 and any liability imposed by Section 26663 or 26664.~~

41 ~~(c) Nothing in this section shall be construed as limiting the responsibility or authority~~
42 ~~of a private person or registered process server from serving process and notices in the~~
43 ~~manner prescribed by law, nor shall it limit the authority of the sheriff or any other peace~~
44 ~~officer to serve warrants of arrest or other process specifically directed by a court to the~~
45 ~~sheriff or any other peace officer.~~

46 **Comment.** Section 26608.5 is repealed to reflect elimination of the marshal's office and the
47 transfer of its functions to the sheriff's office in Glenn County, effective August 17, 1999.

1 **§ 26625 (amended). Short title**

2 SEC. ____ . Section 26625 of the Government Code is amended to read:

3 26625. (a) This article shall be known and may be cited as the Contra Costa County
4 Court Services Consolidation Act of 1988.

5 ~~(b) Notwithstanding any other provision of law, the Board of Supervisors of Contra~~
6 ~~Costa County may find, after holding a public hearing on the issue, that cost savings can~~
7 ~~be realized by consolidation of court-related services provided by the marshal and sheriff~~
8 ~~within that county. If such a finding is made, there shall be conducted among all of the~~
9 ~~judges of the superior and municipal courts of that county an election to determine the~~
10 ~~agency, either the marshal or sheriff, under which court-related services shall be~~
11 ~~consolidated. The outcome shall be determined by a simple majority of votes cast,~~
12 ~~provided that the total number of votes cast exceeds 50 percent of the number of superior~~
13 ~~and municipal judges in the county, by at least one vote. The registrar of voters shall~~
14 ~~administer that election and tabulate the results thereof. The results of the election shall~~
15 ~~be reported within 15 days following the election period by the registrar of voters to the~~
16 ~~board of supervisors and to the judges of the superior and municipal courts of that county.~~

17 ~~The board of supervisors shall immediately commence and, within a reasonable time~~
18 ~~not to exceed 90 days, implement the determination made by a majority of the judges of~~
19 ~~the superior and municipal courts of that county in that election. If an election is not~~
20 ~~conducted within 90 days of notification of the board of supervisors' finding, or if the~~
21 ~~results of the election are evenly divided, the board of supervisors of that county shall~~
22 ~~determine under which agency, either the marshal or the sheriff, court-related services~~
23 ~~shall be consolidated, and shall proceed to implement that consolidation as if on the basis~~
24 ~~of majority vote of the judges of the superior and municipal courts of that county.~~

25 **Comment.** Section 26625 is amended to reflect elimination of the marshal's office as a result
26 of consolidation with the sheriff's office in Contra Costa County, effective _____.

27 **§ 26625.1 (repealed). Operation of §§ 26625.2 to 26625.10**

28 SEC. ____ . Section 26625.1 of the Government Code is repealed.

29 ~~26625.1. Sections 26625.2 to 26625.10, inclusive, shall become operative only if the~~
30 ~~sheriff is selected as the agency under which court-related services shall be consolidated,~~
31 ~~in which case those sections shall become operative upon the vote of the judges of the~~
32 ~~county so selecting the sheriff.~~

33 **Comment.** Section 26625.1 is repealed to reflect consolidation of court-related services in
34 Contra Costa County within the sheriff's office, effective _____.

35 **§ 26625.2 (amended). Court security bureau**

36 SEC. ____ . Section 26625.2 of the Government Code is amended to read:

37 26625.2. There is a court security bureau within the Contra Costa County Sheriff's
38 Department to serve the superior and municipal courts court. The relationship between
39 the sheriff's department and the court security bureau shall be similar to that which exists
40 between the Sheriff's Department of Contra Costa County and certain cities in the county
41 that contract for police services. ~~The court security bureau shall maintain a branch office~~
42 ~~in each municipal court district with the exception of the Walnut Creek-Danville Judicial~~
43 ~~District.~~

44 **Comment.** Section 26625.2 is amended to reflect unification of the municipal and superior
45 courts in Contra Costa County pursuant to Article VI, Section 5(e), of the California Constitution,
46 effective June 8, 1998.

1 § 26625.3 (amended). Court security oversight committee

2 SEC. ____ . Section 26625.3 of the Government Code is amended to read:

3 26625.3. There is a Court Security Oversight Committee consisting of ~~three municipal~~
4 ~~court judges and two five~~ superior court judges in ~~even-numbered years and three~~
5 ~~superior court judges and two municipal court judges in odd-numbered years~~ elected
6 ~~annually by a majority of their respective benches~~ appointed by the presiding judge. The
7 duties of the committee shall be those prescribed by this article, and include, but are not
8 limited to, the following:

9 (a) To approve all transfers out of and into the court security bureau.

10 (b) To approve staffing levels and the recommended budget prior to submission to the
11 ~~board of supervisors~~ Judicial Council.

12 (c) To approve security measures and plans prepared by the sheriff, through the court
13 security bureau commander.

14 (d) Notwithstanding any other provisions of law, the sheriff shall provide bailiffing,
15 court security, and prisoner holding in the Superior Court and ~~Municipal Courts~~ of Contra
16 Costa County.

17 **Comment.** Section 26625.3 is amended to reflect unification of the municipal and superior
18 courts in Contra Costa County pursuant to Article VI, Section 5(e), of the California Constitution,
19 effective June 8, 1998.

20 The section is also amended to reflect enactment of the Trial Court Funding Act. See Section
21 77200 (state funding of trial court operations).

22 § 26625.4 (amended). Appointing authority

23 SEC. ____ . Section 26625.4 of the Government Code is amended to read:

24 26625.4. (a) The sheriff shall be the appointing authority for all court security bureau
25 positions and employees.

26 (b) ~~The incumbent marshal of the Contra Costa County Municipal Court shall become~~
27 ~~the assistant sheriff (exempt) of the court security bureau upon the operative date of this~~
28 ~~section and may not be removed except by a four-fifths majority vote of the Court~~
29 ~~Security Oversight Committee. He or she shall hold the permanent rank of captain in the~~
30 ~~merit system. Whenever the salary of assistant sheriff is adjusted by the board of~~
31 ~~supervisors, the salary of assistant sheriff, court security bureau, shall be adjusted in the~~
32 ~~same amount with the same effective date.~~

33 (c) The selection, appointment, and removal of subsequent management heads of the
34 court security bureau shall be made by a majority vote of the superior court judges of
35 Contra Costa County and majority vote of the municipal court judges of Contra Costa
36 County from a list of qualified lieutenants submitted by the sheriff.

37 (d) ~~The two incumbent assistant marshals in the marshal's office shall become~~
38 ~~marshals, court security bureau, in the sheriff's department and assigned to the court~~
39 ~~security bureau upon the operative date of this section and may not be removed except by~~
40 ~~a four-fifths majority vote of the Court Security Oversight Committee. They shall be~~
41 ~~allocated to a salary level which is 67 levels on the C5 salary schedule above that of~~
42 ~~lieutenant in the service of Contra Costa County. Whenever the salary of lieutenant is~~
43 ~~adjusted by the board of supervisors, the salary of these two individuals shall be adjusted~~
44 ~~in the same percentage or levels with the same effective date.~~

45 **Comment.** Section 26625.4 is amended to reflect unification of the municipal and superior
46 courts in Contra Costa County pursuant to Article VI, Section 5(e), of the California Constitution,
47 effective June 8, 1998.

1 The section is also amended to delete obsolete provisions regarding the former incumbent
2 marshal and assistant marshals.

3  **Note.** The Commission requests input as to whether the appointment and removal authority
4 authorized in Section 26625.4 continues to reflect current practice. Specifically, do the judges still
5 have selection, appointment, and removal power with regard to management heads of the court
6 security bureau? Is this power an exception to the sheriff's general appointing authority as set
7 forth in subdivision (a)?

8 **§ 26625.10 (repealed). Marshal's office abolished**

9 SEC. ____ . Section 26625.10 of the Government Code is repealed.

10 ~~26625.10. The marshal's office is abolished.~~

11 **Comment.** Section 26625.10 is repealed to reflect elimination of the marshal's office as a
12 result of consolidation with the sheriff's office in Contra Costa County, effective
13 _____.

14 **§ 26625.11 (repealed). Operation of §§ 26625.12 to 26625.15**

15 SEC. ____ . Section 26625.11 of the Government Code is repealed.

16 ~~26625.11. Sections 26625.12 to 26625.15, inclusive, shall become operative only if the~~
17 ~~marshal is selected as the agency under which court-related services shall be~~
18 ~~consolidated, in which case those sections shall become operative upon the vote of the~~
19 ~~judges of the county so selecting the marshal.~~

20 **Comment.** Section 26625.11 is repealed to reflect consolidation of court-related services in
21 Contra Costa County within the sheriff's office, effective _____.

22 **§ 26625.12 (repealed). Deputy sheriffs' status**

23 SEC. ____ . Section 26625.12 of the Government Code is repealed.

24 ~~26625.12. Deputy sheriffs who become members of the consolidated office shall do so~~
25 ~~at their existing or equivalent classifications, salaries, and benefits, and except as may be~~
26 ~~necessary for the operation of the agency under which court-related services are~~
27 ~~consolidated, shall not be involuntarily transferred out of the consolidated court-related~~
28 ~~services office.~~

29 **Comment.** Section 26625.12 is repealed to reflect consolidation of court-related services in
30 Contra Costa County within the sheriff's office, effective _____.

31 **§ 26625.13 (repealed). Status of sheriff department employees**

32 SEC. ____ . Section 26625.13 of the Government Code is repealed.

33 ~~26625.13. Permanent employees of the sheriff's department on the operative date of the~~
34 ~~consolidation shall be deemed qualified, and no other qualifications shall be required for~~
35 ~~employment or retention. Probationary employees of the sheriff's department on the~~
36 ~~operative date of the consolidation shall retain their probationary status and rights, and~~
37 ~~shall not be deemed to have transferred so as to require serving a new probationary~~
38 ~~period.~~

39 **Comment.** Section 26625.13 is repealed to reflect consolidation of court-related services in
40 Contra Costa County within the sheriff's office, effective _____.

41 **§ 26625.14 (repealed). Seniority**

42 SEC. ____ . Section 26625.14 of the Government Code is repealed.

1 26632. There is hereby created a Court Services Oversight Committee consisting of the
2 presiding judge of the Superior Court of the County of Ventura or his designee, the presiding
3 judge of the Ventura County municipal court or his designee, and the Sheriff of Ventura County
4 or his designee. The duties of the committee shall be those prescribed by this article.

5 26633. The court services officer shall be appointed by, and may be removed only upon a vote
6 by, any two of the three members of the Court Services Oversight Committee.

7 26634. Notwithstanding Sections 26603, 26608, 26665, and 71260 to 71265, inclusive, and any
8 other provision of law, the sheriff through the court services officer shall provide bailiffing and
9 court security, prisoner holding and movement in the hall of justice, processing and service of
10 civil and criminal process, including subpoenas and warrants, and such investigations and other
11 services as directed by any court.

12 26635. (a) To render prompt and efficient service to the public, the municipal court may
13 authorize personnel of the clerk of the municipal court or of the court services officer to be cross-
14 deputized to perform without additional compensation such functions of the other office as may
15 be delegated.

16 (b) The clerk of the superior court may cross-deputize personnel of the clerk of the municipal
17 court or of the court services officer to perform without additional compensation specified
18 functions of the clerk of the superior court. The clerk of the superior court may permit personnel
19 of his office to be cross-deputized to perform without additional compensation specified functions
20 of the clerk of the municipal court or of the court services officer.

21 26636. Notwithstanding Section 26633, the incumbent Marshal of the Ventura County
22 Municipal Court shall automatically become the court services officer upon the effective date of
23 this section, and until December 31, 1985, may not be removed except by unanimous vote of all
24 three members of the Court Services Oversight Committee.

25 26637. (a) All personnel of the sheriff's office assigned to court services on the effective date
26 of this section shall automatically become members of the court services office at their existing
27 classifications, salaries and benefits.

28 (b) All personnel of the marshal's office on the effective date of this section shall automatically
29 become members of the court services office at the equivalent classification of the county service
30 having their existing salary and benefits. If the county service does not have an equivalent
31 classification with the same rate of pay that a member of the marshal's office receives, the
32 member shall continue to be entitled to receive the same percentage above the next lower county
33 service classification as he receives on the effective date of this section.

34 (c) Clerical personnel described in subdivisions (a) and (b) may become members of the court
35 services office, may be transferred to a position in the sheriff's office, or may be transferred to a
36 position in county service other than the sheriff's office, at the same or an equivalent
37 classification, but shall not be involuntarily terminated before December 31, 1985, except by
38 unanimous vote of all three members of the Court Services Oversight Committee. All other
39 personnel of the sheriff's office assigned to court services on the effective date of this section and
40 all other personnel of the marshal's office on the effective date of this section shall not be
41 involuntarily terminated or transferred out of the court services office before December 31, 1985,
42 except by unanimous vote of all three members of the Court Services Oversight Committee.

43 (d) Permanent employees of the sheriff's office assigned to court services on the effective date
44 of this section and permanent employees of the marshal's office on the effective date of this
45 section shall be deemed qualified, and no other qualifications shall be required for employment or
46 retention. Probationary employees of the sheriff's office assigned to court services on the

1 effective date of this section and probationary employees of the marshal's office on the effective
2 date of this section shall retain their probationary status and rights, and shall not be deemed to
3 have transferred so as to require serving a new probationary period.

4 (e) For personnel of the sheriff's office assigned to court services on the effective date of this
5 section and personnel of the marshal's office on the effective date of this section, all county
6 service shall be counted toward county seniority, and all time spent in the same classification, and
7 all time spent in an equivalent or higher classification shall be counted toward classification
8 seniority.

9 (f) No employee of the sheriff's office assigned to court services on the effective date of this
10 section or employee of the marshal's office on the effective date of this section shall lose peace
11 officer status, or be demoted or otherwise adversely affected by the consolidation of court
12 services accomplished by this section.

13 **§ 26638.2 (amended). Consolidation of marshal and sheriff departments**

14 SEC. ____ . Section 26638.2 of the Government Code is amended to read:

15 26638.2. Notwithstanding any other provision of law, the Board of Supervisors of the
16 County of Sacramento may, by ordinance, abolish the office of marshal of the municipal
17 court and consolidate the services and personnel of the Sacramento County Marshal's
18 Department into the Sacramento County Sheriff's Department.

19 Upon the effective date of such a consolidation ordinance, Sections 74194 and 74195
20 shall cease to be operative, and Sections 26638.3 to ~~26638.12~~ 26638.11, inclusive, shall
21 become operative and shall continue in full force and effect during the period of
22 consolidation. ~~As used in Sections 26638.3 to 26638.12, inclusive, "municipal court"~~
23 ~~means the Sacramento Municipal Court District.~~

24 This article shall be repealed by operation of law in the event the board of supervisors
25 does not, by June 30, 1986, adopt a consolidation ordinance pursuant to this article.

26 **Comment.** Section 26638.2 is amended to reflect unification of the municipal and superior
27 courts in Sacramento County pursuant to Article VI, Section 5(e), of the California Constitution,
28 effective June 17, 1998.

29 The section is also amended to delete the reference to former Section 26638.12.

30 **§ 26638.4 (amended). Sheriff to provide court-related services**

31 SEC. ____ . Section 26638.4 of the Government Code is amended to read:

32 26638.4. Notwithstanding the provisions of Sections ~~23608, 23665, 26603, 26608, and~~
33 ~~26665 and 71260 to 71265, inclusive~~, or any other provision of law, the sheriff shall
34 provide to the superior court within the County of Sacramento ~~and to the Sacramento~~
35 ~~Municipal Court District~~ all of the following:

36 (a) Notice and process services, including the service of summons, subpoenas,
37 warrants, and other civil and criminal process.

38 (b) Court security services, including prisoner transportation services, prisoner escort
39 services, bailiff services, courthouse and other court security services, and the execution
40 of court orders and bench warrants requiring the immediate presence in court of a
41 defendant or witness.

42 **Comment.** Section 26638.4 is amended to reflect unification of the municipal and superior
43 courts in Sacramento County pursuant to Article VI, Section 5(e), of the California Constitution,
44 effective June 17, 1998.

45 The section is also amended to correct references to Sections 23608 and 23665.

1 **§ 26638.5 (amended). Notice and process and court security services**

2 SEC. ____ . Section 26638.5 of the Government Code is amended to read:

3 26638.5. The sheriff shall provide, within the limits of the resources at his or her
4 disposal, notice and process and court security services to the superior ~~and municipal~~
5 courts court of at least as high a quality as were provided preceding the abolition and
6 consolidation. The sheriff shall designate a position assigned to the administration of
7 notice and process service as a court liaison officer whose duty it shall be to advise and
8 confer with the ~~courts~~ court respecting the quality of notice and process services.

9 ~~All notice and process and court security services provided by the sheriff shall be~~
10 ~~apportioned between the superior and municipal courts in an equitable manner.~~

11 **Comment.** Section 26638.5 is amended to reflect unification of the municipal and superior
12 courts in Sacramento County pursuant to Article VI, Section 5(e), of the California Constitution,
13 effective June 17, 1998.

14 **§ 26638.6. (amended). Court security services unit**

15 SEC. ____ . Section 26638.6 of the Government Code is amended to read:

16 26638.6. There is hereby created as a separate unit within the sheriff's department a
17 court security services unit, the functions of which shall be to provide to the superior ~~and~~
18 ~~municipal courts~~ court within Sacramento County prisoner transportation services,
19 prisoner escort services, court control, courthouse and other court building security,
20 bailiff services and the execution of court orders and bench warrants requiring the
21 immediate presence in court of a defendant or witness. All sheriff's personnel responsible
22 for the delivery of these services shall be assigned to the court security services unit. The
23 sheriff shall provide all security services to the ~~courts~~ court through that unit.

24 **Comment.** Section 26638.6 is amended to reflect unification of the municipal and superior
25 courts in Sacramento County pursuant to Article VI, Section 5(e), of the California Constitution,
26 effective June 17, 1998.

27 **§ 26638.7 (amended). Chief deputy of court security services unit**

28 SEC. ____ . Section 26638.7 of the Government Code is amended to read:

29 26638.7. The court security services unit shall be headed by a chief deputy who reports
30 directly to the sheriff through the undersheriff, and whose administrative offices are
31 situated at such location as the presiding judges judge of the superior ~~and municipal~~
32 ~~courts~~ court may direct.

33 The chief deputy shall be exempt from civil service, and shall not be a member of the
34 county's classified service. The chief deputy shall be appointed by the sheriff from
35 among Sacramento County employees who are assigned to the sheriff's department, and
36 who are qualified peace officers. The person appointed chief deputy shall serve in that
37 office at the individual pleasures of the sheriff, ~~judges of the superior court,~~ and judges of
38 the ~~municipal superior~~ court. The chief deputy shall be subject to release from that office
39 at the will of either the sheriff, or the judges of ~~either the superior or municipal courts~~
40 court, as reflected by a majority vote of the judges ~~in either court~~. A person released from
41 the office of chief deputy shall be returned to the highest salaried county class which that
42 person occupied preceding his or her appointment to the office of chief deputy. The chief
43 deputy, during the period he or she occupies that office, shall be subject to suspension or
44 dismissal from county employment at the sole discretion of the sheriff, subject to those
45 county standards, procedures, and limitations as are applicable to county employees
46 within the classified service.

1 Notwithstanding the provisions of the preceding paragraph, the first occupant of the
2 office of chief deputy shall be the person who occupied the office of Sacramento County
3 Marshal immediately preceding the effective date of the abolition of that office and
4 consolidation. The first occupant shall be subject to release from that office and
5 suspension or dismissal from county employment in accordance with the same terms,
6 conditions, and procedures as are prescribed above. In the event the first occupant of the
7 office of chief deputy is released from that office, he or she shall be assigned, at the
8 discretion of the sheriff, to any existing vacancy in the classes of sheriff's captain,
9 sheriff's lieutenant, sheriff's sergeant or deputy sheriff, at a salary equal to that which he
10 or she was receiving immediately preceding the effective date of release from the chief
11 deputy office. Upon assignment to such a class, the first occupant shall immediately
12 acquire permanent civil service status, and shall thereafter be subject to discipline or other
13 adverse employment action subject to the same regulations and procedures as are
14 applicable to other classified personnel occupying the same class.

15 The office of chief deputy, court security services, is created as one whose principal
16 function is to serve the superior and municipal courts court, ~~is created by the Legislature~~
17 ~~as a court position~~, and is assigned solely for organizational purposes to the sheriff's
18 department in order to promote the efficient utilization of personnel resources and
19 preserve unity of command in the delivery of peace officer services. The chief deputy is
20 an employee of Sacramento County for all purposes.

21 **Comment.** Section 26638.7 is amended to reflect unification of the municipal and superior
22 courts in Sacramento County pursuant to Article VI, Section 5(e), of the California Constitution,
23 effective June 17, 1998.

24 The section is also amended to make clear that the person who occupies the position of chief
25 deputy is a county employee.

26 **§ 26638.8 (amended). Written policies**

27 SEC. ____ . Section 26638.8 of the Government Code is amended to read:

28 26638.8. The sheriff, through the chief deputy, court security services, shall prepare
29 and present for approval by the superior and municipal courts court, as expressed by a
30 majority vote by ~~of~~ the judges ~~of each court~~, written policies prescribing procedures and
31 methods for the adequate and prompt delivery of court security services. The policies
32 shall contain such elements as either ~~the~~ court may prescribe, including, but not limited
33 to:

34 (a) The transportation of prisoners in a manner which assures timely production at court
35 hearings, within the limits of personnel resources at the disposal of the chief deputy, court
36 security services.

37 (b) The approval by individual superior and municipal court judges of the identity of
38 bailiffs assigned on a regular or continuing basis to the courtrooms of those judges.

39 (c) The organizational plan for the court security services unit in relation to the
40 allocation of staffing levels to various functions of the court security services unit, within
41 the limits of personnel resources at the disposal of the chief deputy, court security
42 services, including the regular assignment of one bailiff to each permanent sitting judge,
43 commissioner and referee.

44 (d) The filling with reasonable dispatch of positions which become vacant due to
45 employment termination, leave or incapacity; and, in the event of vacancies caused by the
46 long-term incapacity of a sworn officer, that the sheriff make his or her best effort to
47 assign the vacant position elsewhere within the department in a manner which makes
48 available another sworn officer for court duties.

1 (e) With the foregoing exceptions, the reservation of discretion to the chief deputy,
2 court security services, to assign, direct, and control the personnel of his or her unit.

3 Amendments of the policies shall be subject to advance approval by the ~~courts~~ court in
4 the same manner as the ~~courts~~ court ~~approve~~ approves the original policies.

5 **Comment.** Section 26638.8 is amended to reflect unification of the municipal and superior
6 courts in Sacramento County pursuant to Article VI, Section 5(e), of the California Constitution,
7 effective June 17, 1998.

8 **§ 26638.9 (amended). Complaints, budget, and staffing**

9 SEC. ____ . Section 26638.9 of the Government Code is amended to read:

10 26638.9. The superior ~~and municipal~~ court shall bring any complaints regarding
11 the sheriff's performance under this article and any written policies adopted pursuant
12 hereto to the attention of the sheriff, and shall cooperate with the sheriff to resolve them.
13 The ~~courts~~ court shall also actively participate and cooperate in the preparation and
14 presentation of all budget requests for the court security services unit. The budget for the
15 unit shall be prescribed from year to year by the board of supervisors through adoption of
16 the annual budget. During any budget year, the staffing for the unit may be adjusted
17 within budgeted resources and personnel classifications only with the approval of the
18 ~~courts~~ court under policies adopted pursuant to subdivisions (c) and (d) of Section
19 26638.8.

20 The sheriff shall not transfer or otherwise divert from the court security services unit
21 personnel or other resources allocated to that unit by the annual final budget approved by
22 the board of supervisors, except on a temporary basis in the event of a sudden and
23 unforeseen emergency requiring the immediate commitment of significant resources in
24 relation to other functions performed by the sheriff.

25 That organization plan for the court security services unit and the level of staffing and
26 hours of staffing services prescribed therein set forth in that document entitled
27 "Sacramento County Court Security Services Unit, Organization Plan," dated June 1,
28 1985, on file with the clerk of the Board of Supervisors of the County of Sacramento,
29 shall, at minimum, be maintained during the 1985- 86 fiscal year from and after the
30 effective date of the abolition and consolidation authorized by this article; and the levels
31 of staffing and hours of staffing services shall be subject to modification, increase or
32 decrease by the board of supervisors in future fiscal years.

33 **Comment.** Section 26638.9 is amended to reflect unification of the municipal and superior
34 courts in Sacramento County pursuant to Article VI, Section 5(e), of the California Constitution,
35 effective June 17, 1998.

36 **§ 26638.10 (amended). Independent review team**

37 SEC. ____ . Section 26638.10 of the Government Code is amended to read:

38 26638.10. In the event that ~~either the superior or municipal~~ court concludes by majority
39 vote of its members that the sheriff has substantially failed to comply with any term of
40 this article or written policies adopted hereunder, ~~that~~ the court may request that the board
41 of supervisors form and fund an independent review team to review the sheriff's
42 compliance with this article or policies and report thereon. The board shall form and fund
43 such review. The review team shall be selected by ~~five~~ four persons who are the presiding
44 ~~judges~~ judge of the superior ~~and municipal~~ court, county executive, sheriff and a
45 disinterested public member selected by the board.

46 (a) The sheriff shall take all necessary reasonable steps to remedy any violation of this
47 article or policies adopted hereunder found by the review team. The failure of the sheriff

1 to take such steps and violations of this article or policies adopted hereunder shall be
2 reviewable in an action brought by the court requesting formation of the team under
3 Section 1085 of the Code of Civil Procedure.

4 (b) Any findings by the review team relating to understaffing, insufficient or inadequate
5 facilities, insufficient or inadequate equipment or appliances, or any other matter
6 requiring as a remedy the appropriation or expenditure of public funds by the board of
7 supervisors shall be advisory only, and shall not be enforceable by mandate or any other
8 judicial proceeding against the county or board of supervisors.

9 The provisions of this section shall not be deemed to constitute an exclusive remedy, an
10 administrative remedy which must be exhausted or to otherwise bar any other remedy
11 which may be available to the courts court under this article or any other laws for a
12 violation of the provisions of this article or written policies adopted hereunder.

13 **Comment.** Section 26638.10 is amended to reflect unification of the municipal and superior
14 courts in Sacramento County pursuant to Article VI, Section 5(e), of the California Constitution,
15 effective June 17, 1998.

16 **§ 26638.11 (amended). No limitation or impairment of power to secure court-related**
17 **services**

18 SEC. ____ . Section 26638.11 of the Government Code is amended to read:

19 26638.11. Neither this article nor any provision hereof, including Section 26638.10,
20 shall be deemed in any manner to limit or otherwise impair the legal power vested by
21 other laws, ~~including Section 68073~~, in the superior and ~~municipal~~ court within
22 Sacramento County to secure proper provision of court-related services.

23 **Comment.** Section 26638.11 is amended to reflect unification of the municipal and superior
24 courts in Sacramento County pursuant to Article VI, Section 5(e), of the California Constitution,
25 effective June 17, 1998.

26 The section is also amended to delete an obsolete reference to Section 68073, which no longer
27 deals with power of the courts to secure the proper provision of court-related services. See
28 Sections 77001 (local trial court management), 77003 (“court operations” defined), 77200 (state
29 funding of trial court operations).

30 **§ 26638.12 (added). Repeal of article**

31 SEC. ____ . Section 26638.12 is added to the Government Code, to read:

32 26638.12. (a) This article shall remain in effect only until January 1, 2018, and as of
33 that date is repealed unless a later enacted statute, which is enacted before January 1,
34 2018, deletes or extends that date.

35 (b) The repeal of this article does not affect any right or benefit to which a person was
36 entitled on the date of repeal.

37 **Comment.** Section 26638.12 is added to provide for the automatic repeal of Article 1.7
38 (commencing with Section 26638.1) in fifteen years.

39  **Note.** The Commission requests input as to whether Article 1.7 (commencing with Section
40 26638.1) continues to serve a useful purpose and, if so, whether further revisions are needed to
41 reflect current practice.

42 **§ 26639.2 (amended). Bailiff courtroom assignment**

43 SEC. ____ . Section 26639.2 of the Government Code is amended to read:

44 26639.2. The courtroom assignment of bailiffs after consolidation pursuant to this
45 article shall be determined by a ~~three-member committee comprised of the presiding~~

1 judge of the superior court; ~~the Chairperson of the Municipal Court Judges' Association~~
2 and the bailiff's management representative; or their designees. Any new bailiff
3 assignments shall be made only after consultation with the affected judge or
4 commissioner in whose courtroom a new assignment is planned, the bailiff's
5 management representative, and with the bargaining unit of the bailiff employee, if the
6 employee is represented.

7 It is the intent of the Legislature, in enacting this section, to ensure that courtroom
8 assignments are made in a manner which best assures that the interests of the affected
9 judge or commissioner and bailiff are protected.

10 **Comment.** Section 26639.2 is amended to reflect unification of the municipal and superior
11 courts in Los Angeles County pursuant to Article VI, Section 5(e), of the California Constitution,
12 effective January 22, 2000.

13 **§ 26639.4 (added). Repeal of article**

14 SEC. ____ . Section 26639.4 is added to the Government Code, to read:

15 26639.4. (a) This article shall remain in effect only until January 1, 2018, and as of that
16 date is repealed unless a later enacted statute, which is enacted before January 1, 2018,
17 deletes or extends that date.

18 (b) The repeal of this article does not affect any right or benefit to which a person was
19 entitled on the date of repeal.

20 **Comment.** Section 26639.4 is added to provide for the automatic repeal of Article 1.8
21 (commencing with Section 26639) in fifteen years.

22  **Note.** The Commission requests input as to whether Article 1.8 (commencing with Section
23 26639) continues to serve a useful purpose and, if so, whether further revisions are needed to
24 reflect current practice.

25 **§ 26639.7 (added). Repeal of article**

26 SEC. ____ . Section 26639.7 is added to the Government Code, to read:

27 26639.7. (a) This article shall remain in effect only until January 1, 2018, and as of that
28 date is repealed unless a later enacted statute, which is enacted before January 1, 2018,
29 deletes or extends that date.

30 (b) The repeal of this article does not affect any right or benefit to which a person was
31 entitled on the date of repeal.

32 **Comment.** Section 26639.7 is added to provide for the automatic repeal of Article 1.9
33 (commencing with Section 26639.5) in fifteen years.

34  **Note.** The Commission requests input as to whether Article 1.9 (commencing with Section
35 26639.5) continues to serve a useful purpose and, if so, whether further revisions are needed to
36 reflect current practice.

37 **§ 26665 (amended). Service of writs or other process**

38 SEC. ____ . Section 26665 of the Government Code is amended to read:

39 26665. All writs, notices, or other process issued by superior ~~or municipal~~ courts in
40 civil actions or proceedings may be served by any duly qualified and acting marshal or
41 sheriff of any county in the state, subject to the Code of Civil Procedure.

42 **Comment.** Section 26665 is amended to reflect unification of the municipal and superior courts
43 pursuant to Article VI, Section 5(e), of the California Constitution.

1 **§ 26667 (repealed). Consolidation of duplicate services**

2 SEC. ____ . Section 26667 of the Government Code is repealed.

3 ~~26667. Notwithstanding any other provision of law, the Board of Supervisors of~~
4 ~~Orange County shall have the authority to consolidate duplicate services provided by the~~
5 ~~sheriff's department and the marshal's office within that county in the manner set forth in~~
6 ~~this section.~~

7 ~~(a) In the event the board of supervisors desire to effect such a consolidation it shall~~
8 ~~create a sheriff/marshal consolidation advisory committee composed of two members of~~
9 ~~the board of supervisors, appointed by that board; the presiding judge of the Orange~~
10 ~~County Superior Court or his or her designee, who shall be a judge of the superior court;~~
11 ~~a person selected by a majority of the judges of the municipal courts in that county, who~~
12 ~~shall be a municipal court judge; and a fifth person whose selection shall be concurred in~~
13 ~~by unanimous vote of the other members.~~

14 ~~(b) The advisory committee shall prepare a plan for the consolidation of the above~~
15 ~~services. The plan shall be approved by affirmative vote of at least three of the members~~
16 ~~of the committee.~~

17 ~~(c) If so approved, the plan shall be forwarded to the judges of the superior and~~
18 ~~municipal courts for ratification. The plan may not be implemented unless ratified by a~~
19 ~~majority of the trial court judges of the county and by the Legislature. The plan shall be~~
20 ~~deemed ratified by the Legislature if this section is not repealed by legislation taking~~
21 ~~effect within 90 legislative days following ratification by the trial court judges of the~~
22 ~~county.~~

23 **Comment.** Section 26667 is repealed to reflect consolidation of court-related services in
24 Orange County within the sheriff's office pursuant to Section 69915, effective
25 _____.

26 **§ 26668 (repealed). Consolidation of court-related services**

27 SEC. ____ . Section 26668 of the Government Code is repealed.

28 ~~26668. Notwithstanding any other provision of law, the Board of Supervisors of~~
29 ~~Riverside County may find, after holding a public hearing on the issue, that cost savings~~
30 ~~can be realized by consolidation of court-related services provided by the sheriff and both~~
31 ~~offices of the marshal within that county. If that finding is made, there shall be conducted~~
32 ~~among all of the judges of the superior and municipal courts of that county an election to~~
33 ~~determine the agency, either the sheriff or both offices of the marshal, under which court-~~
34 ~~related services shall be consolidated. The outcome shall be determined by a simple~~
35 ~~majority of votes cast. The registrar of voters shall administer that election and tabulate~~
36 ~~the results thereof. The results of that election shall be reported within 15 days following~~
37 ~~the election period, by the registrar of voters to the board of supervisors and to the judges~~
38 ~~of the superior and municipal courts of that county. The board of supervisors shall~~
39 ~~immediately commence and, within a reasonable time not to exceed 90 days, implement~~
40 ~~the determination made by a majority of the votes cast in that election. If an election is~~
41 ~~not conducted within 90 days of notification of the board of supervisors' finding, or if the~~
42 ~~results of the election are evenly divided, the board of supervisors of that county shall~~
43 ~~determine under which agency, either the sheriff or both offices of the marshal, court-~~
44 ~~related services shall be consolidated; and shall proceed to implement the consolidation~~
45 ~~as if on the basis of a majority of the votes cast by the judges of the superior and~~
46 ~~municipal courts of that county.~~

47 **Comment.** Section 26668 is repealed to reflect consolidation of court-related services in
48 Riverside County within the sheriff's office pursuant to Section 72110, effective April 19, 1990.

1 **§ 26671.1 (amended). Consolidation of sheriff and marshal offices**

2 SEC. ____ . Section 26671.1 of the Government Code is amended to read:

3 26671.1. Notwithstanding any other provision of law, the Board of Supervisors of
4 Santa Barbara County may, by ordinance, abolish the office of Marshal of Santa Barbara
5 County and the Santa Barbara County Marshal’s Office and consolidate the services and
6 personnel of the Santa Barbara County Marshal into the Santa Barbara County Sheriff’s
7 Department.

8 ~~Upon the effective date of that consolidation ordinance, Sections 74644.1, 74644.2, and~~
9 ~~74644.5 shall cease to be operative and this article shall become operative and shall~~
10 ~~continue in full force and effect during the period of consolidation.~~

11 Upon the effective date of that consolidation ordinance, there shall be established
12 within the Santa Barbara County Sheriff’s Department a unit designated as the court
13 services division. The Sheriff of Santa Barbara County shall be responsible for the
14 management and operation of that unit, in accordance with this article. ~~Personnel~~
15 ~~assigned to the court services division shall have all powers and shall perform all duties~~
16 ~~relating to marshals and constables as set forth in Sections 71264 to 71269, inclusive.~~

17 **Comment.** Section 26671.1 is amended to delete references to former Sections 74644.1,
18 74644.2, and 74644.5.

19 The section is also amended to delete unnecessary references to Sections 71264-71269. For
20 provisions relating to the sheriff, see Sections 26603 (superior court attendance), 26608, 26609,
21 26660-26665 (process and notices), 26611 (court crier), 26720-26751 (fees). See also Code Civ.
22 Proc. § 262.4 (conveyances on sale of real estate).

23 **§ 26671.4 (amended). Court-related services**

24 SEC. ____ . Section 26671.4 of the Government Code is amended to read:

25 26671.4. Notwithstanding any other provision of law, upon consolidation the sheriff
26 shall provide to the superior ~~and municipal courts~~ court within Santa Barbara County the
27 following services:

28 (a) Court security services, including prisoner transportation services, prisoner escort
29 services, bailiff services, courthouse and other security services, and the execution of
30 court orders and bench warrants requiring the immediate presence in court of a defendant
31 or witness.

32 (b) Notice and process services, including service of summons, subpoenas, warrants,
33 and other civil and criminal process.

34 **Comment.** Section 26671.4 is amended to reflect unification of the municipal and superior
35 courts in Santa Barbara County pursuant to Article VI, Section 5(e), of the California
36 Constitution, effective August 3, 1998.

37 **§ 26671.5 (amended). Quality of service and bailiff assignments**

38 SEC. ____ . Section 26671.5 of the Government Code is amended to read:

39 26671.5. (a) The sheriff shall provide, within the limits of the resources at his or her
40 disposal, those services enumerated in Section 26671.4, to the superior ~~and municipal~~
41 ~~courts~~ court of at least as high a quality as were provided preceding the abolition and
42 consolidation. In no event shall the resources committed to those services be less than
43 necessary for the proper functioning of the Santa Barbara County ~~Municipal and Superior~~
44 Courts Court.

45 (b) Upon the effective date of consolidation, the regular assignment of bailiffs to
46 individual courtrooms shall be made by the commander of the court services division

1 with the concurrence of the individual judicial officer in whose courtroom the assignment
2 is to be made.

3 **Comment.** Subdivision (a) of Section 26671.5 is amended to reflect unification of the
4 municipal and superior courts in Santa Barbara County pursuant to Article VI, Section 5(e), of the
5 California Constitution, effective August 3, 1998.

6 **§ 26671.6 (amended). Court services oversight committee**

7 SEC. ____ . Section 26671.6 of the Government Code is amended to read:

8 26671.6. (a) Effective upon consolidation, there shall be created a Court Services
9 Oversight Committee consisting of ~~one judge from the North County to be selected by~~
10 ~~the North Santa Barbara County Municipal Court judges, one judge from the South~~
11 ~~County to be selected by Santa Barbara Municipal Court judges,~~ the presiding judge of
12 the superior court, and one judge to be selected by the sheriff.

13 (b) Members of the Court Services Oversight Committee shall serve for a term of two
14 years, or as otherwise designated by the appointing authorities.

15 (c) The duties of the Court Services Oversight Committee shall be those prescribed by
16 this article.

17 **Comment.** Subdivision (a) of Section 26671.6 is amended to reflect unification of the
18 municipal and superior courts in Santa Barbara County pursuant to Article VI, Section 5(e), of the
19 California Constitution, effective August 3, 1998.

20 **§ 26671.8 (amended). No limitation or impairment of power to secure court-related services**

21 SEC. ____ . Section 26671.8 of the Government Code is amended to read:

22 26671.8. Nothing in this article shall be deemed in any manner to limit or otherwise
23 impair the legal power vested by other laws, ~~including Section 68073,~~ in the superior and
24 ~~municipal courts~~ court within Santa Barbara County to secure proper provision of court-
25 related services.

26 **Comment.** Section 26671.8 is amended to reflect unification of the municipal and superior
27 courts in Santa Barbara County pursuant to Article VI, Section 5(e), of the California
28 Constitution, effective August 3, 1998.

29 The section is also amended to delete an obsolete reference to Section 68073, which no longer
30 deals with power of the courts to secure the proper provision of court-related services. See
31 Sections 77001 (local trial court management), 77003 (“court operations” defined), 77200 (state
32 funding of trial court operations).

33 **§ 26672 (added). Repeal of article**

34 SEC. ____ . Section 26672 is added to the Government Code, to read:

35 26672. (a) This article shall remain in effect only until January 1, 2018, and as of that
36 date is repealed unless a later enacted statute, which is enacted before January 1, 2018,
37 deletes or extends that date.

38 (b) The repeal of this article does not affect any right or benefit to which a person was
39 entitled on the date of repeal.

40 **Comment.** Section 26672 is added to provide for the automatic repeal of Article 3.5
41 (commencing with Section 26671) in fifteen years.

42  **Note.** The Commission requests input as to whether Article 3.5 (commencing with Section
43 26671) continues to serve a useful purpose and, if so, whether further revisions are needed to
44 reflect current practice.

1 **§ 26800 (repealed). County clerk acting as clerk of superior court**

2 SEC. _____. Section 26800 of the Government Code is repealed.

3 ~~26800. The county clerk shall act as clerk of the superior court in and for his or her~~
4 ~~county. However, in any county in which a superior court executive officer has been~~
5 ~~appointed pursuant to Section 69898, the term “county clerk” shall mean the superior~~
6 ~~court executive officer to the extent that the superior court, by local rule, has delegated~~
7 ~~any duties of the county clerk to the superior court executive officer.~~

8 **Comment.** Section 26800 is repealed to reflect elimination of the county clerk’s role as ex
9 officio clerk of the superior court. The powers, duties, and responsibilities formerly exercised by
10 the county clerk as ex officio clerk of the court are delegated to the court administrative or
11 executive officer, and the county clerk is relieved of those powers, duties, and responsibilities.
12 See Sections 69840 (powers, duties, and responsibilities of clerk of court), 71620 (trial court
13 personnel).

14 **§ 26806 (amended). Foreign language interpreters**

15 SEC. _____. Section 26806 of the Government Code is amended to read:

16 26806. (a) In counties having a population of 900,000 or over, the county clerk may
17 employ as many foreign language interpreters as may be necessary to interpret in criminal
18 cases in the superior and municipal courts, and in the juvenile court within the county and
19 to translate documents intended for filing in any civil or criminal action or proceeding or
20 for recordation in the county recorder’s office.

21 (b) ~~The county clerk, as clerk of the superior court, shall, when interpreters are needed,~~
22 ~~assign the interpreters so employed to interpret in criminal and juvenile cases in the~~
23 ~~superior court. When their services are needed, the clerk shall also assign interpreters so~~
24 ~~employed to interpret in criminal cases in municipal courts.~~

25 (c) ~~The county clerk may also assign the interpreters so employed to interpret in civil~~
26 ~~cases in superior and municipal courts when their services are not required in criminal or~~
27 ~~juvenile cases and when so assigned, they shall collect from the litigants the fee fixed by~~
28 ~~the court and shall deposit the same in the county treasury.~~

29 (d) The interpreters so employed shall, when assigned to do so by the county clerk,
30 translate documents to be recorded or to be filed in any civil or criminal action or
31 proceeding. The fee to be collected for translating each such document shall be three
32 dollars (\$3) per folio for the first folio or part thereof, and two cents (\$0.02) for each
33 word thereafter. For preparing a carbon copy of such translation made at the time of
34 preparing the original, the fee shall be twelve cents (\$0.12) per folio or any part thereof.
35 All such fees shall be deposited in the county treasury.

36 **Comment.** The provisions of Section 26806 relating to foreign language interpretation in court
37 proceedings are superseded by [Not Yet Drafted].

38 ☞ **Note.** We anticipate relocating court interpreter provisions to Title 8 of the Government Code
39 and integrating them with trial court employment and trial court funding provisions. This material
40 is not yet drafted, and will be circulated for comment separately.

41 The Commission is reviewing whether county treasury provisions remain viable, given the
42 enactment of the Trial Court Funding Act, the Trial Court Employment Protection and
43 Governance Act, and other changes to the structure of the trial courts. See Gov’t Code §§ 77003
44 and Cal. R. Ct. 810 (“court operations” defined), 77009 (Trial Court Operations Fund), 77200
45 (state funding of trial court operations). These matters are also being examined by a Joint Court-
46 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
47 treatment of this provision.

1 **§ 26827.1 (amended). Fee for clerk’s preparation of order or decree in probate proceeding**
2 **in Los Angeles County**

3 SEC. ____ . Section 26827.1 of the Government Code is amended to read:

4 26827.1. In any county in which the population is 4,000,000 or more, as determined by
5 the 1970 Federal Decennial Census Los Angeles County, whenever the court directs that
6 an order or decree in a probate proceeding be prepared by the clerk, the fee for preparing
7 such order or decree shall be the amount necessary to defray the costs of preparation, as
8 determined by the county clerk of the court on an annual basis, but shall not exceed fifty
9 dollars (\$50). The fee so paid shall be an expense of administration.

10 **Comment.** Section 26827.1 is amended to reflect elimination of the county clerk’s role as ex
11 officio clerk of the superior court. *See* former Section 26800 (county clerk acting as clerk of
12 superior court). The powers, duties, and responsibilities formerly exercised by the county clerk as
13 ex officio clerk of the court are delegated to the court administrative or executive officer, and the
14 county clerk is relieved of those powers, duties, and responsibilities. See Sections 69840 (powers,
15 duties, and responsibilities of clerk of court), 71620 (trial court personnel).

16 The reference to a county in which the population is 4,000,000 or more is revised to refer to
17 Los Angeles County by name.

18 **§ 27647 (repealed). Representation of court or judge by county counsel**

19 SEC. ____ . Section 27647 of the Government Code is repealed.

20 ~~27647. (a) If requested so to do by the superior court of the county of the county~~
21 ~~counsel, or by any municipal court in such county, or by any judge thereof, and insofar as~~
22 ~~such duties are not in conflict with, and do not interfere with, other duties, the county~~
23 ~~counsel may represent any such court or judge thereof in all matters and questions of law~~
24 ~~pertaining to any of such judge’s duties, including any representation authorized by~~
25 ~~Section 68111 and representation in all civil actions and proceedings in any court in~~
26 ~~which with respect to the court’s or judge’s official capacity, such court or judge is~~
27 ~~concerned or is a party.~~

28 ~~(b) This section shall not apply to any of the following:~~

29 ~~(1) Any criminal proceedings in which a judge is a defendant.~~

30 ~~(2) Any grand jury proceedings.~~

31 ~~(3) Any proceeding before the Commission on Judicial Qualifications.~~

32 ~~(4) Any civil action or proceeding arising out of facts under which the judge was~~
33 ~~convicted of a criminal offense in a criminal proceeding.~~

34 **Comment.** Section 27647 is repealed to reflect enactment of Section 811.9, which governs
35 representation, defense, and indemnification of trial court judges, judicial officers, court executive
36 officers, and employees.

37  **Note.** This section appears to have been superseded by Government Code Section 811.9. The
38 Commission solicits comments on whether it should be preserved in any form.

39 **§ 27706 (amended). Duties of public defender**

40 SEC. ____ . Section 27706 of the Government Code is amended to read:

41 27706. The public defender shall perform the following duties:

42 (a) Upon request of the defendant or upon order of the court, the public defender shall
43 defend, without expense to the defendant, except as provided by Section 987.8 of the
44 Penal Code, any person who is not financially able to employ counsel and who is charged
45 with the commission of any contempt or offense triable in the superior or municipal
46 courts at all stages of the proceedings, including the preliminary examination. The public

1 defender shall, upon request, give counsel and advice to such person about any charge
2 against the person upon which the public defender is conducting the defense, and shall
3 prosecute all appeals to a higher court or courts of any person who has been convicted,
4 where, in the opinion of the public defender, the appeal will or might reasonably be
5 expected to result in the reversal or modification of the judgment of conviction.

6 (b) Upon request, the public defender shall prosecute actions for the collection of wages
7 and other demands of any person who is not financially able to employ counsel, where
8 the sum involved does not exceed one hundred dollars (\$100), and where, in the
9 judgment of the public defender, the claim urged is valid and enforceable in the courts.

10 (c) Upon request, the public defender shall defend any person who is not financially
11 able to employ counsel in any civil litigation in which, in the judgment of the public
12 defender, the person is being persecuted or unjustly harassed.

13 (d) Upon request, or upon order of the court, the public defender shall represent any
14 person who is not financially able to employ counsel in proceedings under Division 4
15 (commencing with Section 1400) of the Probate Code and Part 1 (commencing with
16 Section 5000) of Division 5 of the Welfare and Institutions Code.

17 (e) Upon order of the court, the public defender shall represent any person who is
18 entitled to be represented by counsel but is not financially able to employ counsel in
19 proceedings under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of
20 the Welfare and Institutions Code.

21 (f) Upon order of the court the public defender shall represent any person who is
22 required to have counsel pursuant to Section 686.1 of the Penal Code.

23 (g) Upon the order of the court or upon the request of the person involved, the public
24 defender may represent any person who is not financially able to employ counsel in a
25 proceeding of any nature relating to the nature or conditions of detention, of other
26 restrictions prior to adjudication, of treatment, or of punishment resulting from criminal
27 or juvenile proceedings.

28 **Comment.** Subdivision (a) of Section 27706 is amended to reflect unification of the municipal
29 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

30 **§ 29603 (amended). Payments to jurors and witnesses**

31 SEC. ____ . Section 29603 of the Government Code is amended to read:

32 29603. The sums required by law to be paid to the grand and trial jurors and witnesses
33 in criminal cases tried in a superior or municipal court are county charges.

34 **Comment.** Section 29603 is amended to reflect enactment of the Trial Court Funding Act. See
35 Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations); Cal.
36 R. Court 810(d), Function 2 (jury services). The reference to grand jurors is retained, because
37 grand jury expenses and operations are not court operations. Cal. R. Court 810(b)(6); *cf.* Cal. R.
38 Court 810(d), Function 2 (grand jury selection).

39 The section is also amended to reflect unification of the municipal and superior courts pursuant
40 to Article VI, Section 5(e), of the California Constitution.

41  **Note.** The Commission is reviewing whether county treasury provisions remain viable, given
42 the enactment of the Trial Court Funding Act, the Trial Court Employment Protection and
43 Governance Act, and other changes to the structure of the trial courts. See Gov’t Code §§ 77003
44 and Cal. R. Ct. 810 (“court operations” defined), 77009 (Trial Court Operations Fund), 77200
45 (state funding of trial court operations). These matters are also being examined by a Joint Court-
46 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
47 treatment of this provision.

1 **§ 29610 (amended). Convention expenses**

2 SEC. ____ . Section 29610 of the Government Code is amended to read:

3 29610. The expenses of any elected county officer ~~and one marshal of a municipal~~
4 ~~court chosen by the marshals of the municipal courts~~ incurred while traveling to and from
5 and while attending the annual convention of his or her respective association, are county
6 charges which do not require prior approval of the board of supervisors. The board of
7 supervisors may require prior approval by the board of supervisors for any other officer
8 or employee to incur those expenses as county charges.

9 **Comment.** Section 29610 is amended to reflect unification of the municipal and superior courts
10 pursuant to Article VI, Section 5(e), of the California Constitution.

11 The section is also amended to reflect enactment of the Trial Court Employment Protection and
12 Governance Act. See Sections 71601(l) (“trial court employee” defined), 71615(c)(5) (trial court
13 as employer of all trial court employees), 71673 (authority of trial courts to establish terms and
14 conditions of employment). For marshals who are county employees, this section is superseded
15 by county ordinances or memoranda of understanding.

16 **§ 31469 (amended). “Employee” defined**

17 SEC. ____ . Section 31469 of the Government Code is amended to read:

18 31469. (a) “Employee” means any officer or other person employed by a county whose
19 compensation is fixed by the board of supervisors or by statute and whose compensation
20 is paid by the county, and any officer or other person employed by any district within the
21 county.

22 (b) “Employee” includes any officer or attache of any superior court ~~or municipal court~~
23 which has been brought within the operation of this chapter.

24 (c) “Employee” includes any officer or other person employed by a district as defined
25 in subdivision (c) of Section 31468 and whose compensation is paid from funds of the
26 district.

27 (d) “Employee” includes any member paid from the county school service fund who
28 elected pursuant to Education Code Section 873.1 to remain a member of this system.

29 (e) “Employee” includes any person permanently employed by a local agency
30 formation commission including the executive officer thereof.

31 **Comment.** Section 31469 is amended to reflect unification of the municipal and superior courts
32 pursuant to Article VI, Section 5(e), of the California Constitution.

33 ☞ **Note.** The above amendment would parallel the treatment of this provision in 1998, when the
34 reference to justice court judges was deleted. Section 31469 is part of the County Employees
35 Retirement Law, so perhaps both the justice court and the municipal court references are still
36 necessary. The Commission solicits comments on this issue.

37 Alternatively, perhaps subdivision (b) should be deleted altogether. See Government Code
38 Section 71624, the retirement provision in the Trial Court Employment Protection and
39 Governance Act. Does that provision supersede Section 31469(b)? The answer is not obvious,
40 because the provision appears to permit court employees to participate in the County Employees
41 Retirement system in some circumstances. See Gov’t Code § 71624(b), (f). The Commission
42 solicits comments on these issues.

43 **§ 31520 (amended). Board of retirement**

44 SEC. ____ . Section 31520 of the Government Code is amended to read:

45 31520. Except as otherwise delegated to the board of investment and except for the
46 statutory duties of the county treasurer, the management of the retirement system is

1 vested in the board of retirement, consisting of five members, one of whom shall be the
2 county treasurer. The second and third members of the board shall be active members of
3 the association elected by it within 30 days after the retirement system becomes operative
4 in a manner determined by the board of supervisors. The fourth and fifth members shall
5 be qualified electors of the county who are not connected with county government in any
6 capacity, except one may be a supervisor and one may be a retired member, and shall be
7 chosen by the board of supervisors. The first persons chosen as the second and fourth
8 members shall serve for two years from the date the system becomes operative and the
9 third and fifth members shall serve for a term of three years from that date. Thereafter the
10 terms of office of the four elected members are three years.

11 As used in this section, “active member” means a member in the active service of a
12 county, district, ~~municipal court~~ or superior court and a “retired member” means a
13 member retired for service or disability.

14 **Comment.** Section 31520 is amended to reflect unification of the municipal and superior courts
15 pursuant to Article VI, Section 5(e), of the California Constitution.

16 **§ 31554 (repealed). Participation in county retirement plan by superior court employees**

17 SEC. ____ . Section 31554 of the Government Code is repealed.

18 ~~31554. All officers and attaches of the superior court established within the county,~~
19 ~~except judges and participants in any other pension system, become members of the~~
20 ~~association on the first day of the calendar month after the board of supervisors adopts by~~
21 ~~four-fifths vote a resolution providing for their inclusion. Thereafter each person entering~~
22 ~~such employ becomes a member on the first day of the calendar month following his~~
23 ~~entrance into the service of the court.~~

24 ~~In this section “officer or attaché of the superior court” includes all commissioners,~~
25 ~~phonographic reporters who are paid salaries or per diems by the county and whose~~
26 ~~contributions are based upon such salaries or per diems, secretaries, stenographers,~~
27 ~~investigators, messengers, or other employees of the court.~~

28 **Comment.** Section 31554 is repealed to reflect enactment of the Trial Court Employment
29 Protection and Governance Act. See Section 71624 (retirement plans).

30 **§ 31555 (repealed). Participation in county retirement plan by municipal court employees**

31 SEC. ____ . Section 31555 of the Government Code is repealed.

32 ~~31555. All officers and attaches of any municipal court established within the county~~
33 ~~under the Municipal Court Act of 1925 or Municipal and Justice Court Act of 1949,~~
34 ~~except judges, become members of the association on the first day of the calendar month~~
35 ~~after the board of supervisors adopts by four-fifths vote a resolution providing for their~~
36 ~~inclusion. Thereafter each person entering such employ becomes a member on the first~~
37 ~~day of the calendar month following his entrance into the service of the court.~~

38 **Comment.** Section 31555 is repealed to reflect unification of the municipal and superior courts
39 pursuant to Article VI, Section 5(e), of the California Constitution. See also Section 71624
40 (retirement plans).

41 **§ 31662.6 (amended). Retirement age of safety members**

42 SEC. ____ . Section 31662.6 of the Government Code is amended to read:

43 31662.6. Two years after a retirement system established by this chapter becomes
44 operative, a safety member except an elective officer, the sheriff and undersheriff, and the
45 marshal ~~of all of the municipal courts~~ appointed to serve the superior court within the

1 county, shall be retired as of the first day of the calendar month next succeeding that in
2 which he or she attains age 60.

3 This section shall not be operative in any county until such time as the board of
4 supervisors shall, by resolution adopted by a majority vote, make this section applicable
5 in the county.

6 **Comment.** Section 31662.6 is amended to reflect unification of the municipal and superior
7 courts pursuant to Article VI, Section 5(e), of the California Constitution.

8 **§ 31663 (amended). Retirement age of sheriff, undersheriff, marshal and other officers**

9 SEC. ____ . Section 31663 of the Government Code is amended to read:

10 31663. After January 1, 1954, or two years after a retirement system established by this
11 chapter becomes operative, whichever is later, a sheriff who is a safety member and not
12 elective, and an undersheriff, who is a safety member shall be retired as of the first day of
13 the calendar month next succeeding that in which he or she attains age 70.

14 The marshal of all the municipal courts appointed to serve the superior court within the
15 county who is a safety member shall be retired as of the first day of the calendar month
16 next succeeding that in which he or she attains age 65.

17 In any county having a population in excess of 503,000 but less than 600,000 as
18 determined by Section 28020 as amended in 1961 San Bernardino County, a sheriff's
19 inspector, a chief inspector in a sheriff's office, or a chief deputy in a sheriff's office, who
20 is a safety member and whose primary duties are administrative, shall be retired as of the
21 first day of the calendar month next succeeding that in which he the person attains age 70.

22 This section shall not be operative in any county until such time as the board of
23 supervisors shall, by resolution adopted by a majority vote, make this section applicable
24 in the county.

25 **Comment.** Section 31663 is amended to reflect unification of the municipal and superior courts
26 pursuant to Article VI, Section 5(e), of the California Constitution.

27 The reference to a county having a population over 503,000 but less than 600,000 as
28 determined by Section 28020 as amended in 1961 is also revised to refer to San Bernardino
29 County by name.

30 **§ 50920 (amended). "Peace officer" defined**

31 SEC. ____ . Section 50920 of the Government Code is amended to read:

32 50920. As used in this article, the term "peace officer" means a sheriff, undersheriff,
33 deputy sheriff, marshal, or deputy marshal of a county or city and county, ~~or judicial~~
34 ~~district~~, or a marshal or police officer of a city or town, employed and compensated as
35 such, whether the members are volunteer, partly paid, or fully paid, except those whose
36 principal duties are clerical, such as stenographers, telephone operators, and other
37 workers not engaged in law enforcement operations, or the protection or preservation of
38 life or property, and not under suspension or otherwise lacking in good standing.

39 **Comment.** Section 50920 is amended to reflect unification of the municipal and superior courts
40 pursuant to Article VI, Section 5(e), of the California Constitution.

41 **§ 53069.4 (amended). Violation of ordinance**

42 SEC. ____ . Section 53069.4 of the Government Code is amended to read:

43 53069.4. (a)(1) The legislative body of a local agency, as the term "local agency" is
44 defined in Section 54951, may by ordinance make any violation of any ordinance enacted
45 by the local agency subject to an administrative fine or penalty. The local agency shall set

1 forth by ordinance the administrative procedures that shall govern the imposition,
2 enforcement, collection, and administrative review by the local agency of those
3 administrative fines or penalties. Where the violation would otherwise be an infraction,
4 the administrative fine or penalty shall not exceed the maximum fine or penalty amounts
5 for infractions set forth in subdivision (b) of Section 25132 and subdivision (b) of Section
6 36900.

7 (2) The administrative procedures set forth by ordinance adopted by the local agency
8 pursuant to paragraph (1) shall provide for a reasonable period of time, as specified in the
9 ordinance, for a person responsible for a continuing violation to correct or otherwise
10 remedy the violation prior to the imposition of administrative fines or penalties, when the
11 violation pertains to building, plumbing, electrical, or other similar structural or zoning
12 issues, that do not create an immediate danger to health or safety.

13 (b)(1) Notwithstanding the provisions of Section 1094.5 or 1094.6 of the Code of Civil
14 Procedure, within 20 days after service of the final administrative order or decision of the
15 local agency is made pursuant to an ordinance enacted in accordance with this section
16 regarding the imposition, enforcement or collection of the administrative fines or
17 penalties, a person contesting that final administrative order or decision may seek review
18 by filing an appeal to be heard by the municipal court or by the superior court in a county
19 in which there is no municipal court, where the same shall be heard de novo, except that
20 the contents of the local agency's file in the case shall be received in evidence. A
21 proceeding under this subdivision is a limited civil case. A copy of the document or
22 instrument of the local agency providing notice of the violation and imposition of the
23 administrative fine or penalty shall be admitted into evidence as prima facie evidence of
24 the facts stated therein. A copy of the notice of appeal shall be served in person or by
25 first-class mail upon the local agency by the contestant.

26 (2) The fee for filing the notice of appeal shall be twenty-five dollars (\$25). The court
27 shall request that the local agency's file on the case be forwarded to the court, to be
28 received within 15 days of the request. The court shall retain the twenty-five dollar (\$25)
29 fee regardless of the outcome of the appeal. If the court finds in favor of the contestant,
30 the amount of the fee shall be reimbursed to the contestant by the local agency. Any
31 deposit of the fine or penalty shall be refunded by the local agency in accordance with the
32 judgment of the court.

33 (3) The conduct of the appeal under this section is a subordinate judicial duty that may
34 be performed by traffic trial commissioners and other subordinate judicial officials at the
35 direction of the presiding judge of the court.

36 (c) If no notice of appeal of the local agency's final administrative order or decision is
37 filed within the period set forth in this section, the order or decision shall be deemed
38 confirmed.

39 (d) If the fine or penalty has not been deposited and the decision of the court is against
40 the contestant, the local agency may proceed to collect the penalty pursuant to the
41 procedures set forth in its ordinance.

42 **Comment.** Subdivision (b) of Section 53069.4 is amended to reflect unification of the
43 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

44 **§ 53075.6 (amended). Impoundment for operating as taxicab near airport or international**
45 **border without taxicab certificate, license, or permit**

46 SEC. ____ . Section 53075.6 of the Government Code is amended to read:

47 53075.6. Whenever a peace officer or public officer or employee, when authorized by
48 ordinance and as defined in Section 836.5 of the Penal Code, arrests any person for

1 operating as a taxicab without a valid taxicab certificate, license, or permit required by
2 any ordinance, and the offense occurred at a public airport, within 100 feet of a public
3 airport, or within two miles of the international border between the United States and
4 Mexico, the officer or employee may impound and retain possession of any vehicle used
5 in a violation of the ordinance.

6 If the vehicle is seized from a person who is not the owner of the vehicle, the
7 impounding authority shall immediately give notice to the owner by first-class mail.

8 The vehicle shall immediately be returned to the owner without cost to the owner if the
9 infraction or violation is not prosecuted or is dismissed, the owner is found not guilty of
10 the offense, or it is determined that the vehicle was used in violation of the ordinance
11 without the knowledge and consent of the owner. Otherwise, the vehicle shall be returned
12 to the owner upon payment of any fine ordered by the court. After the expiration of six
13 weeks from the final disposition of the criminal case, the impounding authority may deal
14 with the vehicle as lost or abandoned property under Section 1411 of the Penal Code.

15 At any time, a person may make a motion in ~~municipal court~~ or superior court in a
16 county in which there is no municipal court for the immediate return of a vehicle on the
17 ground that there was no probable cause to seize it or that there is some other good cause,
18 as determined by the court, for the return of the vehicle. A proceeding under this
19 paragraph is a limited civil case.

20 No officer or employee, however, shall impound any vehicle owned or operated by a
21 nonprofit organization exempt from taxation pursuant to Section 501(c)(3) of the Internal
22 Revenue Code which serves youth or senior citizens and provides transportation
23 incidental to its programs or services.

24 **Comment.** Section 53075.6 is amended to reflect unification of the municipal and superior
25 courts pursuant to Article VI, Section 5(e), of the California Constitution.

26 **§ 53075.61 (amended). Impoundment by transportation inspector for operating as taxicab**
27 **without taxicab certificate, license, or permit**

28 SEC. ____ . Section 53075.61 of the Government Code is amended to read:

29 53075.61. A transportation inspector, authorized by a local government to cite any
30 person for operating as a taxicab without a valid taxicab certificate, license, or permit
31 required by any ordinance, may impound and retain possession of any vehicle used in a
32 violation of the ordinance.

33 If the vehicle is seized from a person who is not the owner of the vehicle, the
34 impounding authority shall immediately give notice to the owner by first-class mail.

35 The vehicle shall immediately be returned to the owner without cost to the owner if the
36 infraction or violation is not prosecuted or is dismissed, the owner is found not guilty of
37 the offense, or it is determined that the vehicle was used in violation of the ordinance
38 without the knowledge and consent of the owner. Otherwise, the vehicle shall be returned
39 to the owner upon payment of any fine ordered by the court. After the expiration of six
40 weeks from the final disposition of the criminal case, the impounding authority may deal
41 with the vehicle as lost or abandoned property under Section 1411 of the Penal Code.

42 At any time, a person may make a motion in ~~municipal court~~ or superior court in a
43 county in which there is no municipal court for the immediate return of a vehicle on the
44 ground that there was no probable cause to seize it or that there is some other good cause,
45 as determined by the court, for the return of the vehicle. A proceeding under this
46 paragraph is a limited civil case.

47 No officer or employee, however, shall impound any vehicle owned or operated by a
48 nonprofit organization exempt from taxation pursuant to Section 501(c)(3) of the Internal

1 Revenue Code which serves youth or senior citizens and provides transportation
2 incidental to its programs or services.

3 **Comment.** Section 53075.61 is amended to reflect unification of the municipal and superior
4 courts pursuant to Article VI, Section 5(e), of the California Constitution.

5 **§ 53200.3 (repealed). County group insurance**

6 SEC. _____. Section 53200.3 of the Government Code is repealed.

7 ~~53200.3. For the limited purpose of the application of this article, judges of the superior
8 and municipal courts and the officers and attaches of said courts whose salaries are paid
9 either in whole or in part from the salary fund of the county are county employees and
10 shall be subject to the same or similar obligations and be granted the same or similar
11 employee benefits as are now required or granted to employees of the county in which the
12 court of said judge, officer, or attaché is located.~~

13 **Comment.** Section 53200.3 is repealed to reflect enactment of the Trial Court Employment
14 Protection and Governance Act. See Section 71629 (trial court employment benefits not affected).

15 **§ 53214.5 (repealed). County deferred compensation plans**

16 SEC. _____. Section 53214.5 of the Government Code is repealed.

17 ~~53214.5. A county or city and county which pays the salaries, either in whole or in part,
18 of judges of the superior and municipal courts and the officers and attaches of those
19 courts may allow the judges, officers, and attaches to participate in any deferred
20 compensation plan established pursuant to this article. Any county or city and county is
21 hereby authorized to enter into a written agreement with the judges, officers, and attaches
22 providing for deferral of a portion of their wages. The judges, officers, and attaches may
23 authorize deductions to be made from their wages for the purpose of participating in the
24 deferred compensation plan.~~

25 **Comment.** Section 53214.5 is repealed to reflect enactment of the Trial Court Employment
26 Protection and Governance Act. See Section 71628 (deferred compensation benefit plans).

27 **§ 53679 (unchanged). Deposits**

28 53679. So far as possible, all money belonging to a local agency under the control of
29 any of its officers or employees other than the treasurer or a judge or officer of a
30 municipal court shall, and all money coming into the possession of a judge or officer of a
31 municipal court may, be deposited as active deposits in the state or national bank,
32 inactive deposits in the state or national bank or state or federal association, federal or
33 state credit union, or federally insured industrial loan company in this state selected by
34 the officer, employee, or judge of the court. For purposes of this section, an officer or
35 employee of a local agency and a judge or officer of a municipal court are prohibited
36 from depositing local agency funds or money coming into their possession into a state or
37 federal credit union if an officer or employee of the local agency, or a judge or officer of
38 a municipal court, also serves on the board of directors, or any committee appointed by
39 the board of directors, or the credit committee or supervisory committee, of the particular
40 state or federal credit union. Such money is subject to this article except:

41 (a) Deposits in an amount less than that insured pursuant to federal law are not subject
42 to this article.

43 For deposits in excess of the amount insured under any federal law a contract in
44 accordance with Section 53649 is required and the provisions of this article shall apply.

1 (b) Interest is not required on money deposited in an active deposit by a judge or officer
2 of a municipal court.

3 (c) Interest is not required on money deposited in an active deposit by an officer having
4 control of a revolving fund created pursuant to Chapter 2 (commencing with Section
5 29300) of Division 3 of Title 3.

6 (d) Interest is not required on money deposited in an active deposit by an officer having
7 control of a special fund established pursuant to Articles 5 (commencing with Section
8 29400) or 6 (commencing with Section 29430) of Chapter 2 of Division 3 of Title 3.

9 ☞ **Note.** This provision requires revision to reflect the elimination of the municipal courts. The
10 matter of bank deposits is still unsettled and involves policy and fiscal issues that are substantive
11 in nature. The Commission is deferring work on this provision until the interested parties have
12 resolved these issues. See Memorandum 2001-78, pp. 13-14.

13 **§ 61601.1 (amended). Abatement of graffiti**

14 SEC. ____ . Section 61601.1 of the Government Code is amended to read:

15 61601.1. (a) “Abatement,” for the purposes of this section, includes the removal and
16 prevention of graffiti, antigraffiti education, and restitution to any property owner for any
17 injury or damage caused by the removal of graffiti from the property.

18 (b) A district that is authorized to abate graffiti may:

19 (1) Remove or contract for the removal of graffiti from any public or private property
20 within its boundaries.

21 (2) Indemnify or compensate any property owner for any injury or damage caused by
22 the removal of graffiti from property.

23 (3) Undertake a civil action to abate graffiti as a nuisance pursuant to Section 731 of the
24 Code of Civil Procedure.

25 (4) Use the services of persons ordered to perform those services by a ~~municipal,~~
26 ~~superior,~~ superior or juvenile court.

27 (5) Use the phrase “Graffiti Abatement District” in the name of the district.

28 (6) Operate specifically designated telephone “hot lines” for the purpose of receiving
29 reports of unlawful application of graffiti on public or private property.

30 (7) Operate a program of financial reward, not to exceed one thousand dollars (\$1,000),
31 for information leading to the arrest and conviction of any person who unlawfully applies
32 graffiti to any public or private property.

33 **Comment.** Section 61601.1 is amended to reflect unification of the municipal and superior
34 courts pursuant to Article VI, Section 5(e), of the California Constitution.

35 **§ 68071 (amended). Effective date of trial court rules**

36 SEC. ____ . Section 68071 of the Government Code is amended to read:

37 68071. No rule adopted by a superior ~~or municipal~~ court shall take effect until the
38 January 1 or July 1, whichever comes first, following the 30th day after it has been filed
39 with the Judicial Council and the clerk of the court, and made immediately available for
40 public examination. The Judicial Council may establish, by rule, a procedure for
41 exceptions to these effective dates.

42 **Comment.** Section 68071 is amended to reflect unification of the municipal and superior courts
43 pursuant to Article VI, Section 5(e), of the California Constitution.

1 § 68072 (amended). Effective date of rules of Judicial Council, Supreme Court, or court of
2 appeal

3 SEC. ____ . Section 68072 of the Government Code is amended to read:

4 68072. Rules adopted by the Judicial Council, the Supreme Court, or a court of appeal
5 shall take effect on a date to be fixed in the order of adoption. If no effective date is fixed,
6 those rules shall take effect 60 days after their adoption. Rules adopted by a superior or
7 municipal court shall take effect as provided in Section 68071.

8 **Comment.** Section 68072 is amended to reflect unification of the municipal and superior courts
9 pursuant to Article VI, Section 5(e), of the California Constitution.

10 § 68073 (amended). Responsibility for court operations and facilities

11 SEC. ____ . Section 68073 of the Government Code is amended to read:

12 68073. (a) Commencing July 1, 1997, and each year thereafter, no county or city and
13 county shall be responsible to provide funding for “court operations” as defined in
14 Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

15 (b) Commencing as of July 1, 1996, and each year thereafter, each county or city and
16 county shall be responsible for providing necessary and suitable facilities for judicial and
17 court support positions created prior to July 1, 1996. In determining whether facilities are
18 necessary and suitable, the reasonable needs of the court and the fiscal condition of the
19 county or city and county shall be taken into consideration.

20 (c) If a county or city and county fails to provide necessary and suitable facilities as
21 described in subdivision (b), the court shall give notice of a specific deficiency. If the
22 county or city and county then fails to provide necessary and suitable facilities pursuant
23 to this section, the court may direct the appropriate officers of the county or city and
24 county to provide the necessary and suitable facilities. The expenses incurred, certified by
25 the judge or judges to be correct, are a charge against the county or city and county
26 treasury and shall be paid out of the general fund.

27 (d) Prior to the construction of new court facilities or the alteration, remodeling, or
28 relocation of existing court facilities, a county or city and county shall solicit the review
29 and comment of the judge or judges of the court affected regarding the adequacy and
30 standard of design, and that review and comment shall not be disregarded without
31 reasonable grounds.

32 (e) For purposes of this section, “facilities” means: (1) rooms for holding superior and
33 municipal court, (2) the chambers of the judges of the court, (3) rooms for the attendants
34 of the court, and (4) sufficient heat, ventilation, air-conditioning, light, and fixtures for
35 those rooms and chambers.

36 ~~(f) This section shall not be construed as authorizing a county, a city and county, a~~
37 ~~court, or the state to supply to the official reporters of the courts stenography, steno-~~
38 ~~type, or other shorthand machines; nor as authorizing the supply to the official reporters of the~~
39 ~~courts, for use in the preparation of transcripts, of typewriters, transcribing equipment,~~
40 ~~supplies, or other personal property.~~

41 **Comment.** Subdivisions (c) and (d) of Section 68073 are amended to delete language referring
42 to “the judge” of the court. Every superior court has at least two judgeships as a result of trial
43 court unification. See Section 69580 *et seq.* (number of judges). Where a court has only one judge
44 due to a vacancy or otherwise, a reference to the judges of the court means the sole judge of the
45 court. See Section 13 (plural includes singular).

46 Subdivision (e) is amended to reflect unification of the municipal and superior courts pursuant
47 to Article VI, Section 5(e), of the California Constitution.

1 Subdivision (f) of Section 68073 is deleted as obsolete. Provision of stenographic equipment
2 and supplies to official reporters of the courts is a matter of negotiation between official reporters
3 and the courts. Cf. Section 69947 (compensation of official reporter).

4 ☞ **Note.** The Commission solicits comment on the proposed deletion of subdivision (f).

5 **§ 68073.5 (unchanged). Use of county facilities in or adjacent to court buildings in Los**
6 **Angeles County**

7 68073.5. In any county having a population of 3,000,000 or more, the board of
8 supervisors may, with respect to any dining facility, or garage or other vehicular parking
9 facility, in or adjacent to the county courthouse and other court buildings in said county,
10 provide the courts occupying such buildings and the judges, officers of the court, attaches
11 and jurors quartered therein, with the same accommodations as to use, access, occupancy
12 and, excepting jurors, with the same participation in the operational administration
13 thereof, as are furnished, made available to, or enjoyed by the departments, officers and
14 employees of the county with respect to similar facilities in or adjacent to other county
15 buildings.

16 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
17 preserved until completion of (1) the study and recommendation by the task force on court
18 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
19 on these issues.

20 **§ 68074.1 (amended). Manner of affixing seal**

21 SEC. _____. Section 68074.1 of the Government Code is amended to read:

22 68074.1. The seal of any superior or municipal court may be affixed by a seal press or
23 stamp which will print or emboss a seal which will reproduce legibly under photographic
24 methods.

25 **Comment.** Section 68074.1 is amended to reflect unification of the municipal and superior
26 courts pursuant to Article VI, Section 5(e), of the California Constitution.

27 **§ 68077 (repealed). Seal of municipal court**

28 SEC. _____. Section 68077 of the Government Code is repealed.

29 ~~68077. The municipal court of every judicial district or consolidated city and county~~
30 ~~may use any seal having upon it "Municipal Court _____," with the name of the judicial~~
31 ~~district or consolidated city and county inserted.~~

32 **Comment.** Section 68077 is repealed to reflect unification of the municipal and superior courts
33 pursuant to Article VI, Section 5(e), of the California Constitution.

34 **§ 68082 (amended). Practice of law by court officers**

35 SEC. _____. Section 68082 of the Government Code is amended to read:

36 68082. During his the officer's continuance in office, a court commissioner, judge of a
37 court of record, or ~~county clerk~~ court executive or administrative officer shall not practice
38 law in any court of this state or act as attorney, agent, or solicitor in the prosecution of
39 any claim or application for lands, pensions, patent rights, or other proceedings before
40 any department of the state or general government or courts of the United States. As used
41 in this section, the practice of law includes being in partnership or sharing fees,

1 commissions, or expenses in the practice of law with any person acting as an attorney in
2 this state.

3 **Comment.** Section 68082 is amended to reflect elimination of the county clerk's role as ex
4 officio clerk of the superior court. See former Section 26800 (county clerk acting as clerk of
5 superior court). The powers, duties, and responsibilities formerly exercised by the county clerk as
6 ex officio clerk of the court are delegated to the court administrative or executive officer, and the
7 county clerk is relieved of those powers, duties, and responsibilities. See Sections 69840 (powers,
8 duties, and responsibilities of clerk of court), 71620 (trial court personnel).

9 **§ 68083 (repealed). Conversion of municipal court judgeship**

10 SEC. _____. Section 68083 of the Government Code is repealed.

11 ~~68083. (a) Upon the occurrence of a vacancy in a municipal court judgeship, other than~~
12 ~~the sole remaining municipal court judgeship for the county, if the Governor finds there~~
13 ~~are sufficient funds for the conversion of a municipal court judgeship into a superior court~~
14 ~~judgeship and finds that the administration of justice would be advanced by such a~~
15 ~~conversion, the number of municipal court judges for the county shall then be reduced by~~
16 ~~one and the number of superior court judges for the county shall be increased by one.~~
17 ~~Prior to making a determination, the Governor shall consider the following factors:~~

18 ~~(1) The geographic separation of the two courts.~~

19 ~~(2) The fiscal impact of the conversion.~~

20 ~~(3) The existence of a coordination plan approved pursuant to Section 68112 that~~
21 ~~permits blanket cross-assignment of superior court judges and municipal court judges to~~
22 ~~assist in the timely processing of cases before all of the courts in the county.~~

23 ~~(b) For purposes of this section, a vacancy in a municipal court judgeship shall be~~
24 ~~deemed to occur only upon the appointment or election of a municipal court judge to~~
25 ~~another office, or to a court other than a superior court judgeship that was created within~~
26 ~~three years pursuant to this section, upon the removal or death of the municipal court~~
27 ~~judge holding that judgeship, or upon the resignation or retirement of a municipal court~~
28 ~~judge who has reached the age of retirement.~~

29 ~~(c) The Governor's finding shall become effective when signed by the Governor.~~

30 ~~(d) When a finding by the Governor that a position should be reallocated takes effect,~~
31 ~~the Judicial Council shall reallocate to the superior court the funding in support of the~~
32 ~~municipal court salary and the chamber staff positions as well as any other required~~
33 ~~funding.~~

34 **Comment.** Section 68083 is repealed to reflect unification of the municipal and superior courts
35 pursuant to Article VI, Section 5(e), of the California Constitution.

36 **§ 68084 (unchanged). Deposits in court**

37 68084. When any money is deposited with the clerk or judge of any court pursuant to
38 any action or proceeding in the court, or pursuant to any order, decree, or judgment of the
39 court, or when any money is to be paid to the treasurer pursuant to any provision of this
40 title or the Code of Civil Procedure, that money shall be deposited as soon as practicable
41 after the receipt thereof with the treasurer and a duplicate receipt of the treasurer for it
42 shall be filed with the auditor. The certificate of the auditor that a duplicate receipt has
43 been filed is necessary before the clerk, judge, or party required to deposit the money is
44 entitled to a discharge of the obligation imposed upon the clerk, judge, or party to make
45 the deposit.

46 When any money so deposited is to be withdrawn or paid out, the order directing the
47 payment or withdrawal shall require the auditor to draw a warrant for it and the treasurer

1 to pay it. In any city governed by a charter, such withdrawals shall be made pursuant to
2 the charter.

3 Notwithstanding any other provision of law, any municipal court, or marshal of that
4 court, may elect, with prior approval of the county auditor, to deposit in a bank account or
5 deposit in a savings and loan association pursuant to Section 53679 all moneys deposited
6 with that court, or with the clerk thereof, or received by a marshal. All moneys received
7 and disbursed through that account or on deposit shall be properly accounted for under
8 those procedures the Controller may deem necessary, and shall be subject to periodic
9 settlement with the county auditor as required by law.

10 ☞ **Note.** This provision requires revision to reflect the elimination of the municipal courts. The
11 matter of bank deposits is still unsettled and involves policy and fiscal issues that are substantive
12 in nature. The Commission is deferring work on this provision until the interested parties have
13 resolved these issues. See Memorandum 2001-78, pp. 13-14.

14 **§ 68086 (amended). Fees for reporting services**

15 SEC. ____ . Section 68086 of the Government Code is amended to read:

16 68086. (a) The following provisions apply in superior court:

17 (1) In addition to any other trial court fee required in civil cases, a fee equal to the
18 actual cost of providing that service shall be charged per one-half day of services to the
19 parties, on a pro rata basis, for the services of an official reporter on the first and each
20 succeeding judicial day those services are required.

21 (2) All parties shall deposit their pro rata shares of these fees with the clerk of the court
22 at the beginning of the second and each succeeding day's court session.

23 (3) For purposes of this section, "one-half day" means any period of judicial time
24 during either the morning or afternoon court session.

25 (4) The costs for the services of the official reporter shall be recoverable as taxable
26 costs at the conclusion of trial.

27 (5) The Judicial Council shall adopt rules to ensure all of the following:

28 (A) That parties are given adequate and timely notice of the availability of an official
29 reporter.

30 (B) That if an official reporter is not available, a party may arrange for the presence of a
31 certified shorthand reporter to serve as an official ~~pro tempore~~ reporter pro tempore, the
32 costs ~~therefore therefor~~ recoverable as provided in paragraph (4).

33 (C) That if the services of an official ~~pro tempore~~ reporter pro tempore are utilized
34 pursuant to this section, no other charge will be made to the parties.

35 (b) The following provisions apply in municipal court:

36 (1) ~~In addition to any other trial court fee required in civil cases, a fee equal to the~~
37 ~~actual cost of providing that service shall be charged per one-half day of services to the~~
38 ~~parties, on a pro rata basis, for~~ For purposes of this section, "services of an official
39 reporter" includes official reporting services on the first and each succeeding judicial day
40 those services are required.

41 (2) ~~All parties shall deposit their pro rata shares of these fees with the clerk of the court~~
42 ~~at the beginning of the second and each succeeding day's court session.~~

43 (3) ~~For purposes of this section, "one-half day" means any period of judicial time~~
44 ~~during either the morning or afternoon court session.~~

45 (4) ~~The costs for the official reporting services shall be recoverable as taxable costs at~~
46 ~~the conclusion of trial.~~

47 (5) The Judicial Council shall adopt rules to ensure all of the following:

1 (A) That litigants receive adequate information about any change in the availability of
2 official reporting services.

3 (B) That if official reporting services are not available, a party may arrange for the
4 presence of a certified shorthand reporter to serve as an official pro tempore reporter, the
5 costs therefore recoverable as provided in paragraph (4).

6 (C) That if the services of a pro tempore reporter are utilized because official reporting
7 services are unavailable, no other charge will be made to the parties for recording the
8 proceeding.

9 **Comment.** Section 68086 is amended to reflect unification of the municipal and superior courts
10 pursuant to Article VI, Section 5(e), of the California Constitution.

11 The section is also amended for consistency of terminology. See Section 69941 (appointment
12 of official reporters).

13 **§ 68090.7 (amended). Fee for automating recordkeeping system and converting document**
14 **system to micrographics**

15 SEC. ____. Section 68090.7 of the Government Code is amended to read:

16 68090.7. In any county that has established a fee pursuant to Sections 26863 and
17 72054, the fee shall only apply to the following filings in each civil action or proceeding:

18 (a) The first paper and papers transmitted from another court, as specified in Sections
19 26820.4 and 72055.

20 (b) The first paper on behalf of an adverse party, as specified in Sections 26826 and
21 72056.

22 (c) A petition or other paper in a probate, guardianship, or conservatorship matter as
23 specified by Section 26827.

24 The fee shall not apply to adoptions, appeals from a municipal to the appellate division
25 of the superior court, or motions.

26 Except as otherwise specified by law, all fees collected under this section shall be
27 deposited into the trial court operations fund of the county established pursuant to Section
28 77009, and an amount equal thereto shall be used exclusively to pay the costs of
29 automating the court clerk and trial court recordkeeping system or converting the trial
30 court document system to micrographics, or both.

31 **Comment.** Section 68090.7 is amended to reflect unification of the municipal and superior
32 courts pursuant to Article VI, Section 5(e), of the California Constitution.

33 **§ 68093 (amended). Witness fees**

34 SEC. ____. Section 68093 of the Government Code is amended to read:

35 68093. Except as otherwise provided by law, witness' fees for each day's actual
36 attendance, when legally required to attend a civil action or proceeding in the superior
37 and municipal courts, are thirty-five dollars (\$35) a day and mileage actually traveled,
38 both ways, twenty cents (\$0.20) a mile.

39 **Comment.** Section 68093 is amended to reflect unification of the municipal and superior courts
40 pursuant to Article VI, Section 5(e), of the California Constitution.

41 **§ 68096 (repealed). Witness fees and mileage in Tuolumne County**

42 SEC. ____. Section 68096 of the Government Code is repealed.

43 ~~68096. In Tuolumne County, witnesses when legally required to attend upon the~~
44 ~~superior court in criminal cases and upon the juvenile court in juvenile court matters,~~
45 ~~shall be paid six dollars (\$6) a day for each day's actual attendance, and twelve cents~~

1 (~~\$0.12~~) for each mile actually traveled. The county clerk shall certify to the auditor the
2 number of days' attendance and the number of miles traveled by each witness. The
3 auditor shall draw his warrant for the fees and mileage due the witness, and the treasurer
4 shall pay the warrant.

5 **Comment.** Section 68096 is repealed to reflect:

6 (1) Elimination of the county clerk's role as ex officio clerk of the superior court. See former
7 Section 26800 (county clerk acting as clerk of superior court). The powers, duties, and
8 responsibilities formerly exercised by the county clerk as ex officio clerk of the court are
9 delegated to the court administrative or executive officer, and the county clerk is relieved of those
10 powers, duties, and responsibilities. See Sections 69840 (powers, duties, and responsibilities of
11 clerk of court), 71620 (trial court personnel).

12 (2) The fact that the witness fee provisions are obsolete. *Cf.* Sections 29603 (witness fees in
13 criminal cases as county charges), 68098 (fund charges for witness fees in criminal cases); Penal
14 Code § 1329 (witness fees and expenses in criminal cases); Welf. & Inst. Code § 664(b) (witness
15 fees in juvenile court cases).

16 **§ 68098 (amended). Witness fees in criminal cases**

17 SEC. _____. Section 68098 of the Government Code is amended to read:

18 68098. Witness' fees in criminal cases in superior and municipal courts are charges
19 against the same funds as jurors' fees in such cases.

20 **Comment.** Section 68098 is amended to reflect unification of the municipal and superior courts
21 pursuant to Article VI, Section 5(e), of the California Constitution.

22 ☞ **Note.** The Commission is reviewing whether county treasury provisions remain viable, given
23 the enactment of the Trial Court Funding Act, the Trial Court Employment Protection and
24 Governance Act, and other changes to the structure of the trial courts. See Gov't Code §§ 77003
25 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
26 (state funding of trial court operations). These matters are also being examined by a Joint Court-
27 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
28 treatment of this provision.

29 **§ 68105 (amended). Certified shorthand reporter who intends to become citizen**

30 SEC. _____. Section 68105 of the Government Code is amended to read:

31 68105. Notwithstanding any other provision of law to the contrary, the Supreme Court,
32 any court of appeal, or any superior court, ~~or any municipal court~~ may appoint as an
33 official ~~phonographic~~ reporter or as an official ~~phonographic~~ reporter pro tempore a
34 person who has declared his the intention to become a citizen and who is a certified
35 shorthand reporter.

36 "A person who has declared his the intention to become a citizen," as used in this
37 section, means a person who has either (1) filed the declaration of intention to become a
38 citizen of the United States, or petition for naturalization, or comparable document
39 prescribed by federal law or (2) filed an affidavit with the court, in the form prescribed by
40 the court, that ~~he~~ the person will, at the first opportunity at which the applicable federal
41 law permits, file such a declaration of intention to become a citizen of the United States,
42 petition for naturalization, or comparable document. If the court determines that an
43 individual who has filed under alternative (2) of the preceding sentence, has, without
44 good cause, failed at the first opportunity provided under federal law to file one of the
45 specified documents prescribed by federal law, it shall forthwith revoke the appointment.

46 **Comment.** Section 68105 is amended to reflect unification of the municipal and superior courts
47 pursuant to Article VI, Section 5(e), of the California Constitution.

1 The section is also amended for consistency of terminology. See Section 69941 (appointment
2 of official reporters).

3 **§ 68108 (repealed). Unpaid furlough days**

4 SEC. ____ . Section 68108 of the Government Code is repealed.

5 ~~68108. (a) With respect to the superior and municipal courts, to the extent that the~~
6 ~~county's Consolidated Memorandum of Understanding for county employees designates~~
7 ~~certain days as unpaid furlough days for employees assigned to regular positions in the~~
8 ~~superior and municipal courts, including all superior court, municipal court, and county~~
9 ~~employees assigned to the courts, the courts shall not be in session on those days except~~
10 ~~as ordered by the presiding judge upon a finding by the presiding judge of a judicial~~
11 ~~emergency as defined in Chapter 1.1 (commencing with Section 68115). On these~~
12 ~~furlough days, although the clerk's office shall not be open to the public, each court shall~~
13 ~~permit documents to be filed at a drop box pursuant to subdivision (b), and an appropriate~~
14 ~~judicial officer shall be available to conduct arraignments and examinations as required~~
15 ~~pursuant to Section 825 of the Penal Code, and to sign any necessary documents on an~~
16 ~~emergency basis.~~

17 ~~(b) A drop box shall provide for an automated, official time and date stamping~~
18 ~~mechanism or other means of determining the actual date on which a document was~~
19 ~~deposited in the drop box.~~

20 **Comment.** Section 68108 is repealed to reflect enactment of the Trial Court Employment
21 Protection and Governance Act. See Sections 71601(l) ("trial court employee" defined),
22 71615(c)(5) (trial court as employer of all trial court employees), 71673 (authority of trial courts
23 to establish terms and conditions of employment).

24 **§ 68112 (repealed). Trial court coordination plans**

25 SEC. ____ . Section 68112 of the Government Code is repealed.

26 ~~68112. (a) On or before March 1, 1992, each superior and municipal court in each~~
27 ~~county, in consultation with the local bar, shall prepare and submit to the Judicial Council~~
28 ~~for review and approval a trial court coordination plan designed to achieve maximum~~
29 ~~utilization of judicial and other court resources and statewide cost reductions in court~~
30 ~~operations of at least 3 percent in the 1992-93 fiscal year, a further 2 percent in the 1993-~~
31 ~~94 fiscal year, and a further 2 percent in the 1994-95 fiscal year, as applicable. The cost~~
32 ~~reduction shall be based on the prior year actual expenditures, plus any amount reduced~~
33 ~~from the budget for court operations by a county as a result of any reduction in state~~
34 ~~funding made pursuant to Section 13308, increased by the percentage change in~~
35 ~~population for the prior calendar year and the Trade and Commerce Agency implicit price~~
36 ~~deflator for state and local government for the prior calendar year. The coordination plan~~
37 ~~for each court shall be reviewed and approved by the Judicial Council on or before July 1,~~
38 ~~1992. Thereafter, commencing in 1995 and every two years thereafter, courts in each~~
39 ~~county shall prepare, in consultation with the local bar, and submit a trial court~~
40 ~~coordination plan to the Judicial Council on or before March 1, for review and approval~~
41 ~~by July 1. The plans shall comply with rules promulgated by the Judicial Council and~~
42 ~~shall be designed to achieve maximum utilization of judicial and other resources to~~
43 ~~accomplish increased efficiency in court operations and increased service to the public.~~
44 ~~Any plan disapproved by the Judicial Council shall be revised and resubmitted within 60~~
45 ~~days of notification of disapproval. The Judicial Council may by rule exempt courts from~~
46 ~~the requirement of filing a new coordination plan for any year if all courts in the county~~
47 ~~have (1) totally consolidated administrative functions under a single administrative entity,~~

1 and (2) adopted and implemented a coordination plan in which all courts share each
2 other's work so that cases in all of the county's courts are substantially assigned without
3 regard to whether a judge is on the superior court or the municipal court, and which
4 provides for procedures that implement that sharing of work.

5 (b) The coordination plan shall take into consideration the elements specified in
6 standards and rules adopted by the Judicial Council and applicable case processing time
7 standards adopted by the Judicial Council. The standards adopted by the Judicial Council
8 shall include, but not be limited to, the following:

9 (1) The use of blanket cross-assignments allowing judges to hear civil, criminal, or
10 other types of cases within the jurisdiction of another court.

11 (2) The coordinated or joint use of subordinate judicial officers to hear or try matters.

12 (3) The coordinated, joint use, sharing or merger of court support staff among trial
13 courts within a county or across counties. In a county with a population of less than
14 100,000 the coordination plan need not involve merger of superior and justice court staffs
15 if the court can reasonably demonstrate that the maintenance of separate administrative
16 staffs would be more cost-effective and provide better service.

17 (4) The assignment of civil, criminal, or other types of cases for hearing or trial,
18 regardless of jurisdictional boundaries, to any available judicial officer.

19 (5) The assignment of any type of case to a judge for all purposes commencing with the
20 filing of the case and regardless of jurisdictional boundaries.

21 (6) The establishment of separate calendars or divisions to hear a particular type of
22 case.

23 (7) In rural counties, the use of all court facilities for hearings and trials of all types of
24 cases and to accept for filing documents in any case before any court in the county
25 participating in the coordination plan.

26 (8) The coordinated or joint use of alternative dispute resolution programs such as
27 arbitration.

28 (9) The unification of the trial courts within a county to the maximum extent permitted
29 by the California Constitution.

30 (10) The joint development of automated accounting and case processing systems,
31 including joint use of moneys available under Section 68090.8.

32 (c) In preparing coordination plans a court or courts in a county may petition the
33 Judicial Council to permit division of the court or courts into smaller administrative units
34 where a courtwide plan would impose an undue burden because of the number of judges
35 or the physical location of the divisions of the court or courts.

36 (d) In preparing coordination plans, the courts are strongly encouraged to develop a
37 plan that includes all superior and municipal courts in the county.

38 **Comment.** Section 68112 is repealed to reflect:

39 (1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the
40 California Constitution. See Sections 70210 (adoption of rules), 70211 (judges), 70212 (officers
41 and employees), 70214 (commissioners and referees), 70215 (construction with other laws).

42 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
43 71620(a) (job classifications and appointments), 71622 (subordinate judicial officers), 71640-
44 71645 (employment selection and advancement).

45 ☞ **Note.** The exception in Section 68112(c)(3) for counties with a population less than 100,000
46 could potentially apply to any of the following counties: Alpine, Amador, Calaveras, Colusa, Del
47 Norte, Glenn, Inyo, Lake, Lassen, Madera, Mariposa, Mendocino, Modoc, Mono, Nevada,
48 Plumas, San Benito, Sierra, Siskiyou, Sutter, Tehama, Trinity, Tuolumne, and Yuba.

1 **§ 68112.5 (repealed). Cross-assignment of subordinate judicial officers**

2 SEC. _____. Section 68112.5 of the Government Code is repealed.

3 ~~68112.5. Notwithstanding any other provision of law, in those counties with approved~~
4 ~~coordination plans pursuant to Section 68112 that so provide, the subordinate judicial~~
5 ~~officers of a trial court, by agreement between trial courts within the same county, may be~~
6 ~~cross-assigned to any other trial court within the same county and, when so assigned,~~
7 ~~shall exercise all of the powers and perform all of the duties authorized by law to be~~
8 ~~performed by any subordinate judicial officer of that court.~~

9 **Comment.** Section 68112.5 is repealed to reflect unification of the municipal and superior
10 courts pursuant to Article VI, Section 5(e), of the California Constitution.

11 **§ 68114 (repealed). Single presiding judge**

12 SEC. _____. Section 68114 of the Government Code is repealed.

13 ~~68114. Notwithstanding any other provision of law, the superior and municipal court~~
14 ~~judges participating in a coordination plan approved pursuant to Section 68112 may~~
15 ~~select, if the coordination plan so provides, any one of their number to serve as the single~~
16 ~~presiding judge of all the participating courts by a majority vote of the judges from all~~
17 ~~courts sitting as a committee of the whole or in some other manner as set forth in the~~
18 ~~coordination plan.~~

19 ~~The single presiding judge shall have all the powers and duties of the former presiding~~
20 ~~judges of each of the participating superior and municipal courts. The single presiding~~
21 ~~judge may be empowered by the coordination plan to sit as the chair of any executive~~
22 ~~committee formed by the participating courts as part of their coordination plan.~~

23 **Comment.** Section 68114 is repealed to reflect unification of the municipal and superior courts
24 pursuant to Article VI, Section 5(e), of the California Constitution.

25 **§ 68114.5 (repealed). Single executive committee**

26 SEC. _____. Section 68114.5 of the Government Code is repealed.

27 ~~68114.5. Notwithstanding any other provision of law, the superior and municipal court~~
28 ~~judges participating in a coordination plan approved pursuant to Section 68112 may~~
29 ~~establish a single executive committee of judicial officers to oversee, if the coordination~~
30 ~~plan so provides, the activities of the participating courts. The committee shall include~~
31 ~~representatives of all participating courts in a manner specified in the coordination plan.~~
32 ~~The committee shall have such powers and duties as are delegated to it by each~~
33 ~~participating court in the coordination plan, which may include oversight of the~~
34 ~~administration of the courts and judicial activities.~~

35 **Comment.** Section 68114.5 is repealed to reflect unification of the municipal and superior
36 courts pursuant to Article VI, Section 5(e), of the California Constitution.

37 **§ 68114.6 (repealed). Powers and duties of court executive officer**

38 SEC. _____. Section 68114.6 of the Government Code is repealed.

39 ~~68114.6. Notwithstanding any other provision of law, the superior and municipal court~~
40 ~~judges participating in a coordination plan approved pursuant to Section 68112 may~~
41 ~~appoint, if the coordination plan so provides, an executive officer to serve as the chief~~
42 ~~administrative officer of the participating courts. The executive officer shall hold office at~~
43 ~~the pleasure of a majority vote of the judges from all of the participating courts sitting as~~
44 ~~a committee of the whole or as set forth in the coordination plan. The courts shall fix the~~
45 ~~qualifications of the executive officer. The salary of the executive officer shall be fixed~~

1 by the participating courts and shall be paid by the county in which the executive officer
2 serves. Each such position shall be exempt from civil service laws.

3 The participating courts may delegate to the executive officer any administrative
4 powers and duties required to be exercised by the participating courts. The executive
5 officer shall exercise such administrative powers and perform such other duties as may be
6 required of him or her by the participating courts. Any executive officer appointed under
7 this section has the authority of a clerk of any participating superior or municipal court.
8 The executive officer shall perform, or supervise the performance of, the duties of a jury
9 commissioner in the county of any participating superior court. The executive officer
10 shall supervise the secretaries of the judges of the participating courts.

11 Notwithstanding any other provision of law, any participating superior court may, by
12 local rule, specify which of the powers, duties, and responsibilities required or permitted
13 to be exercised or performed by the county clerk in connection with judicial actions,
14 proceedings, and records shall be exercised or performed by the executive officer
15 appointed under this section. The county clerk shall be relieved of any obligation
16 imposed on him or her by law with respect to these specified powers, duties, and
17 responsibilities, to the extent the local rule imposes on the executive officer the same
18 powers, duties, and responsibilities.

19 Any participating superior court having specific statutory authorization to appoint an
20 executive or administrative officer may elect to proceed under its specific authorization or
21 under this section, but not under both.

22 **Comment.** Section 68114.6 is repealed to reflect unification of the municipal and superior
23 courts pursuant to Article VI, Section 5(e), of the California Constitution. See Section 71620 (trial
24 court personnel).

25 **§ 68114.8 (repealed). Official reporters in San Bernardino County**

26 SEC. _____. Section 68114.8 of the Government Code is repealed.

27 68114.8. Notwithstanding Section 69906, in the Superior Court of San Bernardino
28 County, the official court reporters shall be compensated at Step E of the range set forth
29 in the San Bernardino County code for court reporters, unless determined otherwise by a
30 majority of the judges of the superior court. Effective pay period one of each year,
31 official court reporters will be credited with 160 hours of vacation leave time for the
32 reporters' immediate use. Official court reporters who are hired after the beginning of pay
33 period one shall be credited with vacation leave hours on a pro rata basis. Official court
34 reporters who terminate after the beginning of pay period one shall reimburse the county
35 for vacation time used in excess of the pro rata amount earned while employed during the
36 year. Amounts reimbursable may be deducted from court reporter compensation which is
37 payable after notice is given by the court reporter of termination. Official court reporters
38 in regular positions budgeted less than 80 hours per pay period or in job-share positions
39 shall receive vacation accumulation on a pro rata basis.

40 **Comment.** Section 68114.8 is repealed to reflect enactment of the Trial Court Employment
41 Protection and Governance Act. See Sections 71615(c)(1) (preservation of employees' job
42 classifications), 71620 (trial court personnel), 71623 (salaries), 71625 (accrued leave benefits).
43 See also Section 69947 (compensation of official reporter).

44 **§ 68114.9 (repealed). Cross-deputization**

45 SEC. _____. Section 68114.9 of the Government Code is repealed.

46 68114.9. To facilitate implementation of a coordination plan approved pursuant to
47 Section 68112:

1 ~~(a) The clerk of the municipal court may authorize personnel of the municipal court to~~
2 ~~be cross-deputized by the clerk of the superior court to perform comparable court duties.~~
3 ~~Personnel deputized pursuant to this section shall serve without additional compensation.~~

4 ~~(b) The clerk of the superior court may authorize personnel of the clerk of the superior~~
5 ~~court to be cross-deputized by the clerk of the municipal court to perform comparable~~
6 ~~court duties. Personnel deputized pursuant to this section shall serve without additional~~
7 ~~compensation.~~

8 **Comment.** Section 68114.9 is repealed to reflect unification of the municipal and superior
9 courts pursuant to Article VI, Section 5(e), of the California Constitution.

10 **§ 68115 (amended). Emergency court operations**

11 SEC. _____. Section 68115 of the Government Code is amended to read:

12 68115. When war, insurrection, pestilence, or other public calamity, or the danger
13 thereof, or the destruction of or danger to the building appointed for holding the court,
14 renders it necessary, or when a large influx of criminal cases resulting from a large
15 number of arrests within a short period of time threatens the orderly operation of a
16 superior court within a specified county or judicial district, the presiding judge, or if there
17 is none, the sole judge of the superior or municipal court, judge may request and the
18 Chair of the Judicial Council may, notwithstanding any other provision of law, by order
19 authorize the court to do one or more of the following:

20 (a) Hold sessions anywhere within the county.

21 ~~(b) Transfer civil cases pending in the court to another court in the county which has~~
22 ~~jurisdiction of the subject matter.~~

23 ~~(c) Transfer civil cases pending trial in the court to a superior court having jurisdiction~~
24 ~~of the subject matter in an adjacent county. No such transfer shall be made pursuant to~~
25 ~~this subdivision except with the consent of all parties to the case or upon a showing by a~~
26 ~~party that extreme or undue hardship would result unless the case is transferred for trial.~~
27 ~~Any civil case so transferred shall be integrated into the existing caseload of the court to~~
28 ~~which it is transferred pursuant to rules to be provided by the Judicial Council.~~

29 ~~(d) Suspend subdivisions (d), (e), and (f) of Section 199 of the Code of Civil Procedure~~
30 ~~relating to competency to act as a juror when suspension is necessary to obtain a~~
31 ~~sufficient number of jurors.~~

32 ~~(e) After exhausting its own jury panel, draw jurors who reside within the judicial~~
33 ~~district from the jury panel of the superior court in the county, and thereafter, after~~
34 ~~exhausting that source, draw jurors from the remainder of the jury panel of the superior~~
35 ~~court in the county or from jury panels of any other municipal court in the county.~~

36 ~~(f) (c) Within the affected county during a state of emergency resulting from a natural~~
37 ~~or human-made disaster proclaimed by the President of the United States or by the~~
38 ~~Governor pursuant to Section 8625 of the Government Code, extend the time period~~
39 ~~provided in Section 825 of the Penal Code within which a defendant charged with a~~
40 ~~felony offense shall be taken before a magistrate from ~~two days~~ 48 hours to not more than~~
41 ~~seven days, with the number of days to be designated by the Chair of the Judicial~~
42 ~~Council. This authorization shall be effective for 30 days unless it is extended by a new~~
43 ~~request and a new order.~~

44 ~~(g) (d) Extend the time period provided in Section 859b of the Penal Code for the~~
45 ~~holding of a preliminary examination from 10 court days to not more than 15 days.~~

46 ~~(h) (e) Extend the time period provided in Section 1382 of the Penal Code within which~~
47 ~~the trial must be held by not more than 30 days, but the trial of a defendant in custody~~
48 ~~whose time is so extended shall be given precedence over all other cases.~~

1 (h) (f) Within the affected area of a county during a state of emergency resulting from a
2 natural or human-made disaster proclaimed by the President of the United States or by
3 the Governor pursuant to Section 8625 of the Government Code, extend the time period
4 provided in Sections 632 and 637 of the Welfare and Institutions Code within which a
5 minor shall be given a detention hearing, with the number of days to be designated by the
6 Chair of the Judicial Council. The extension of time shall be for the shortest period of
7 time necessary under the circumstances of the emergency, but in no event shall the time
8 period within which a detention hearing must be given be extended to more than seven
9 days. This authorization shall be effective for 30 days unless it is extended by a new
10 request and a new order. This subdivision shall apply only where the minor has been
11 charged with a felony.

12 (j) (g) Within the affected county during a state of emergency resulting from a natural
13 or human-made disaster proclaimed by the President of the United States or by the
14 Governor pursuant to Section 8625 of the Government Code, extend the time period
15 provided in Section 657 of the Welfare and Institutions Code within which an
16 adjudication on a juvenile court petition shall be held by not more than 15 days, with the
17 number of days to be designated by the Chair of the Judicial Council. This authorization
18 shall be effective for 30 days unless it is extended by a new request and a new order. This
19 subdivision shall apply only where the minor has been charged with a felony.

20 **Comment.** Section 68115 is amended to reflect unification of the municipal and superior courts
21 pursuant to Article VI, Section 5(e), of the California Constitution.

22 The introductory paragraph is also amended to delete language referring to the sole judge.
23 Every superior court has at least two judgeships as a result of trial court unification. See Section
24 69580 *et seq.* (number of judges). Where a court has only one judge due to a vacancy or
25 otherwise, the reference to the “presiding judge” means the sole judge of the court. See Section
26 69508.5 (presiding judge).

27 Former subdivision (d) is deleted to reflect repeal of former Code of Civil Procedure Section
28 199. See 1975 Cal. Stat. ch. 593, § 1 and 1988 Cal. Stat. ch. 1245, § 1.

29 Subdivision (c) (former subdivision (f)) is amended to replace the reference to “two days” with
30 “48 hours” for consistency with Penal Code Section 825.

31 Subdivision (d) (former subdivision (g)) is amended to add the word “court” for consistency
32 with Penal Code Section 859b.

33 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need further
34 revision upon completion of (1) the study and recommendation by the task force on court
35 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
36 on these issues.

37 **§ 68152 (amended). Retention of court records**

38 SEC. ____. Section 68152 of the Government Code is amended to read:

39 68152. The trial court clerk may destroy court records under Section 68153 after notice
40 of destruction and if there is no request and order for transfer of the records, except the
41 comprehensive historical and sample superior court records preserved for research under
42 the California Rules of Court, when the following times have expired after final
43 disposition of the case in the categories listed:

44 (a) Adoption: retain permanently.

45 (b) Change of name: retain permanently.

46 (c) Other civil actions and proceedings, as follows:

47 (1) Except as otherwise specified: 10 years.

1 (2) Where a party appears by a guardian ad litem: 10 years after termination of the
2 court's jurisdiction.

3 (3) Domestic violence: same period as duration of the restraining or other orders and
4 any renewals, then retain the restraining or other orders as a judgment; 60 days after
5 expiration of the temporary protective or temporary restraining order.

6 (4) Eminent domain: retain permanently.

7 (5) Family law, except as otherwise specified: 30 years.

8 (6) Harassment: same period as duration of the injunction and any renewals, then retain
9 the injunction as a judgment; 60 days after expiration of the temporary restraining order.

10 (7) Mental health (Lanterman Developmental Disabilities Services Act and Lanterman-
11 Petris-Short Act): 30 years.

12 (8) Paternity: retain permanently.

13 (9) Petition, except as otherwise specified: 10 years.

14 (10) Real property other than unlawful detainer: retain permanently if the action affects
15 title or an interest in real property.

16 (11) Small claims: 10 years.

17 (12) Unlawful detainer: one year if judgment is for possession of the premises; 10 years
18 if judgment is for money.

19 (d) Notwithstanding subdivision (c), any civil or small claims case in the trial court:

20 (1) Involuntarily dismissed by the court for delay in prosecution or failure to comply
21 with state or local rules: one year.

22 (2) Voluntarily dismissed by a party without entry of judgment: one year.

23 Notation of the dismissal shall be made on the civil index of cases or on a separate
24 dismissal index.

25 (e) Criminal.

26 (1) Capital felony (murder with special circumstances where the prosecution seeks the
27 death penalty): retain permanently. If the charge is disposed of by acquittal or a sentence
28 less than death, the case shall be reclassified.

29 (2) Felony, except as otherwise specified: 75 years.

30 (3) Felony, except capital felony, with court records from the initial complaint through
31 the preliminary hearing or plea and for which the case file does not include final
32 sentencing or other final disposition of the case because the case was bound over to the
33 superior court: five years.

34 (4) Misdemeanor, except as otherwise specified: five years.

35 (5) Misdemeanor alleging a violation of the Vehicle Code, except as otherwise
36 specified: three years.

37 (6) Misdemeanor alleging a violation of Section 23103, 23152, or 23153 of the Vehicle
38 Code: seven years.

39 (7) Misdemeanor alleging a violation of Section 14601, 14601.1, 20002, 23104, or
40 23109 of the Vehicle Code: five years.

41 (8) Misdemeanor alleging a marijuana violation under subdivision (b), (c), (d), or (e) of
42 Section 11357 of the Health and Safety Code, or subdivision (b) of Section 11360 of the
43 Health and Safety Code in accordance with the procedure set forth in Section 11361.5 of
44 the Health and Safety Code: records shall be destroyed two years from the date of
45 conviction or from the date of arrest if no conviction.

46 (9) Misdemeanor, infraction, or civil action alleging a violation of the regulation and
47 licensing of dogs under Sections 30951 to 30956, inclusive, of the Food and Agricultural
48 Code or violation of any other local ordinance: three years.

49 (10) Infraction, except as otherwise specified: three years.

1 (11) Parking infractions, including alleged violations under the stopping, standing, and
2 parking provisions set forth in Chapter 9 (commencing with Section 22500) of Division
3 11 of the Vehicle Code: two years.

4 (f) Habeas corpus: same period as period for retention of the records in the underlying
5 case category.

6 (g) Juvenile.

7 (1) Dependent (Section 300 of the Welfare and Institutions Code): upon reaching age
8 28 or on written request shall be released to the juvenile five years after jurisdiction over
9 the person has terminated under subdivision (a) of Section 826 of the Welfare and
10 Institutions Code. Sealed records shall be destroyed upon court order five years after the
11 records have been sealed pursuant to subdivision (c) of Section 389 of the Welfare and
12 Institutions Code.

13 (2) Ward (Section 601 of the Welfare and Institutions Code): upon reaching age 21 or
14 on written request shall be released to the juvenile five years after jurisdiction over the
15 person has terminated under subdivision (a) of Section 826 of the Welfare and
16 Institutions Code. Sealed records shall be destroyed upon court order five years after the
17 records have been sealed under subdivision (d) of Section 781 of the Welfare and
18 Institutions Code.

19 (3) Ward (Section 602 of the Welfare and Institutions Code): upon reaching age 38
20 under subdivision (a) of Section 826 of the Welfare and Institutions Code. Sealed records
21 shall be destroyed upon court order when the subject of the record reaches the age of 38
22 under subdivision (d) of Section 781 of the Welfare and Institutions Code.

23 (4) Traffic and some nontraffic misdemeanors and infractions (Section 601 of the
24 Welfare and Institutions Code): upon reaching age 21 or five years after jurisdiction over
25 the person has terminated under subdivision (c) of Section 826 of the Welfare and
26 Institutions Code. May be microfilmed or photocopied.

27 (5) Marijuana misdemeanor under subdivision (e) of Section 11357 of the Health and
28 Safety Code in accordance with procedures specified in subdivision (a) of Section
29 11361.5 of the Health and Safety Code: upon reaching age 18 the records shall be
30 destroyed.

31 (h) Probate.

32 (1) Conservatorship: 10 years after decree of termination.

33 (2) Guardianship: 10 years after the age of 18.

34 (3) Probate, including probated wills, except as otherwise specified: retain permanently.

35 (i) Court records of the appellate division of the superior court: five years.

36 (j) Other records.

37 (1) Applications in forma pauperis: any time after the disposition of the underlying
38 case.

39 (2) Arrest warrant: same period as period for retention of the records in the underlying
40 case category.

41 (3) Bench warrant: same period as period for retention of the records in the underlying
42 case category.

43 (4) Bond: three years after exoneration and release.

44 (5) Coroner's inquest report: same period as period for retention of the records in the
45 underlying case category; if no case, then permanent.

46 (6) Court orders not associated with an underlying case, such as orders for destruction
47 of court records for telephone taps, or to destroy drugs, and other miscellaneous court
48 orders: three years.

1 (7) Court reporter notes: 10 years after the notes have been taken in criminal and
2 juvenile proceedings and five years after the notes have been taken in all other
3 proceedings, except notes reporting proceedings in capital felony cases (murder with
4 special circumstances where the prosecution seeks the death penalty and the sentence is
5 death), including notes reporting the preliminary hearing, which shall be retained
6 permanently, unless the Supreme Court on request of the court clerk authorizes the
7 destruction.

8 (8) Electronic recordings made as the official record of the oral proceedings under the
9 California Rules of Court: any time after final disposition of the case in infraction and
10 misdemeanor proceedings, 10 years in all other criminal proceedings, and five years in all
11 other proceedings.

12 (9) Electronic recordings not made as the official record of the oral proceedings under
13 the California Rules of Court: any time either before or after final disposition of the case.

14 (10) Index, except as otherwise specified: retain permanently.

15 (11) Index for cases alleging traffic violations: same period as period for retention of
16 the records in the underlying case category.

17 (12) Judgments ~~within the jurisdiction of the superior court other than in a limited civil~~
18 ~~case in felony cases and unlimited civil cases:~~ retain permanently.

19 (13) Judgments ~~within the jurisdiction of the municipal court or of the superior court in~~
20 ~~a limited civil case in misdemeanor cases, infraction cases, and limited civil cases:~~ same
21 period as period for retention of the records in the underlying case category.

22 (14) Minutes: same period as period for retention of the records in the underlying case
23 category.

24 (15) Naturalization index: retain permanently.

25 (16) Ninety-day evaluation (under Section 1203.03 of the Penal Code): same period as
26 period for retention of the records in the underlying case category, or period for
27 completion or termination of probation, whichever is longer.

28 (17) Register of actions or docket: same period as period for retention of the records in
29 the underlying case category, but in no event less than 10 years for civil and small claims
30 cases.

31 (18) Search warrant: 10 years, except search warrants issued in connection with a
32 capital felony case defined in paragraph (7), which shall be retained permanently.

33 (k) Retention of any of the court records under this section shall be extended as
34 follows:

35 (1) By order of the court on its own motion, or on application of a party or any
36 interested member of the public for good cause shown and on such terms as are just. No
37 fee shall be charged for making the application.

38 (2) Upon application and order for renewal of the judgment to the extended time for
39 enforcing the judgment.

40 **Comment.** Subdivision (j) of Section 68152 is amended to reflect unification of the municipal
41 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

42 Subdivision (j)(12) is also amended to replace the reference to “other than a limited civil case”
43 with a reference to an “unlimited civil case.” See Code Civ. Proc. § 88 (civil action or proceeding
44 other than limited civil case may be referred to as unlimited civil case).

45 **§ 68202 (amended). Annual salary of judges**

46 SEC. _____. Section 68202 of the Government Code is amended to read:

47 68202. Effective January 1, 1985, the annual salary of each of the following judges is
48 the amount indicated opposite the name of the office:

1 (a) Judge of the superior court, seventy-two thousand seven hundred sixty-three dollars
2 (\$72,763).

3 ~~(b) Judge of a municipal court, sixty-six thousand four hundred forty-nine dollars~~
4 ~~(\$66,449).~~

5 **Comment.** Section 68202 is amended to reflect unification of the municipal and superior courts
6 pursuant to Article VI, Section 5(e), of the California Constitution.

7 **§ 68206.2 (amended). Reimbursement for salary and per diem of substitute judge**

8 SEC. _____. Section 68206.2 of the Government Code is amended to read:

9 68206.2. (a) On and after January 1, 1990, the state shall reimburse each small county
10 which is not an option county under the Brown-Presley Trial Court Funding Act (Chapter
11 12 (commencing with Section 77000) of this title), for the cost of salary and per diem for
12 any substitute judge assigned to replace a judge disqualified from acting as a judge while
13 there is pending a recommendation to the Supreme Court by the Commission on Judicial
14 Performance for removal or retirement of the judge pursuant to subdivision (a) of Section
15 18 of Article VI of the California Constitution, beginning with the salary and per diem for
16 the seventh month following the disqualification.

17 (b) For purposes of this section, a “small county” is one which has a total of nine or
18 fewer superior and municipal court judges.

19 **Comment.** Subdivision (b) of Section 68206.2 is amended to reflect unification of the
20 municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

21 **§ 68520 (repealed). Reporting requirements**

22 SEC. _____. Section 68520 of the Government Code is repealed.

23 ~~68520. (a) On or before January 31, 1992, each superior, municipal, and justice court~~
24 ~~shall provide the Judicial Council with complete information regarding the number,~~
25 ~~classification, salary, and benefits of every officer and employee of the court who is~~
26 ~~involved in performing court operations, as defined in Section 77003.~~

27 ~~(b) On or before July 1, 1992, the Judicial Council shall report to the Legislature its~~
28 ~~findings and recommendations on the disposition of trial court employees, including the~~
29 ~~possibility of continuing them as county employees for purposes of compensation and~~
30 ~~benefits, under the eventual state assumption of trial court funding. The Judicial Council~~
31 ~~shall also recommend methods of limiting increases in court employee compensation~~
32 ~~beyond that of comparable state employees. The goals of the recommendations shall be~~
33 ~~(1) uniformity, (2) equity, and (3) cost control. The study shall include the participation~~
34 ~~of three representatives selected by labor organizations representing court employees.~~

35 ~~(c) It is the intent of the Legislature that existing provisions pertaining to court~~
36 ~~employees, including, but not limited to, collective bargaining, merit systems, pensions,~~
37 ~~and other benefits shall remain in effect until July 1, 1993.~~

38 **Comment.** Section 68520 is repealed as obsolete, because the reports required by this section
39 were due in 1992.

40  **Note.** Section 68520 appears to be obsolete. The Commission solicits comment on whether
41 the provision continues to serve a useful purpose.

42 **§ 68525 (amended). Records and reports of official reporter**

43 SEC. _____. Section 68525 of the Government Code is amended to read:

1 68525. (a) ~~The board of supervisors~~ superior court of each county may require each
2 official reporter and official ~~temporary~~ reporter pro tempore to:

3 (1) Maintain records of transcript production and related income and expenses for
4 inspection and auditing.

5 (2) Submit annual reports derived from the records, with a verification of their
6 accuracy.

7 (b) The reports shall be submitted in sealed envelopes to a designated official and shall
8 be reviewed only by those persons having authority to inspect and audit the records and
9 reports. The records and reports of each reporter shall be confidential and shall be
10 reviewed only to derive composite data for setting a base salary for the official reporters
11 and official ~~temporary~~ reporters pro tempore of each court. The composite data shall be a
12 matter of public record.

13 (c) Each such annual report shall include the following information:

14 (1) The quantity and types of transcripts prepared by the official reporters and official
15 reporters pro tempore during the reporting period.

16 (2) The fees charged and the fees collected for such transcripts.

17 (3) Expenses incurred by the reporters in connection with the preparation of such
18 transcripts.

19 (4) The amount of time the reporters have spent in attendance upon the courts for the
20 purpose of reporting proceedings, and the compensation received for this purpose.

21 **Comment.** Section 68525 is amended to reflect enactment of the Trial Court Employment
22 Protection and Governance Act. See Section 71673 (authority of court).

23 The section is also amended for consistency of terminology. See Section 69941 (appointment
24 of official reporters); see also subdivision (c)(1).

25 **§ 68540 (repealed). Additional compensation for municipal court judge assigned to superior**
26 **court**

27 SEC. _____. Section 68540 of the Government Code is repealed.

28 ~~68540. The state shall pay the additional compensation of a judge of a municipal court~~
29 ~~assigned to a superior court.~~

30 **Comment.** Section 68540 is repealed to reflect unification of the municipal and superior courts
31 pursuant to Article VI, Section 5(e), of the California Constitution.

32 **§ 68542 (repealed). Expenses for travel to another county**

33 SEC. _____. Section 68542 of the Government Code is repealed.

34 ~~68542. The expenses for travel, board, and lodging of each judge assigned to a superior~~
35 ~~or municipal court in a county other than that in which he or she regularly sits shall be~~
36 ~~paid by the state under the rules adopted by the Board of Control which are applicable to~~
37 ~~officers of the state provided for in Article VI of the California Constitution while~~
38 ~~traveling on official state business.~~

39 **Comment.** Section 68540 is repealed to reflect enactment of Section 69505 (business-related
40 travel expenses of trial court judges and employees).

41 **§ 68542.5 (repealed). Expenses for travel within county**

42 SEC. _____. Section 68542.5 of the Government Code is repealed.

43 ~~68542.5. Any judge of a superior or municipal court sitting in another court in the same~~
44 ~~county under assignment by the Chair of the Judicial Council shall receive from such~~
45 ~~county the amount of actual and necessary traveling expenses incurred while traveling~~

1 ~~between home and the courtroom unless the courtrooms are within five miles of each~~
2 ~~other.~~

3 **Comment.** Section 68542.5 is repealed to reflect enactment of Section 69505 (business-related
4 travel expenses of trial court judges and employees).

5 **§ 68546 (repealed). Assignment of municipal court attachés to superior court**

6 SEC. _____. Section 68546 of the Government Code is repealed.

7 ~~68546. If the Chair of the Judicial Council assigns a judge of a municipal court in a~~
8 ~~county to sit on the superior court of the same county, the presiding judge of the~~
9 ~~municipal court may, with the consent of the presiding judge of the superior court, also~~
10 ~~assign the court reporter, deputy clerk and deputy marshal, or any of them, of the~~
11 ~~municipal court from which that judge is assigned to act as court reporter, deputy clerk~~
12 ~~and deputy sheriff, respectively, for the superior court during the period for which the~~
13 ~~judge is assigned. During the period for which the court reporter, deputy clerk, or deputy~~
14 ~~marshal is assigned, they shall receive the same salary as a court reporter, deputy clerk, or~~
15 ~~deputy sheriff, respectively, for the superior court. If there be no presiding judge, the~~
16 ~~senior or sole judge may make or consent to the assignment of the attaches. This section~~
17 ~~shall not apply to the assignment of the deputy clerk or deputy marshal in any county~~
18 ~~until the board of supervisors by ordinance has adopted its provisions. An ordinance is~~
19 ~~not required where the deputy clerk and deputy marshal consent to serve as part of their~~
20 ~~regular duties without additional compensation.~~

21 **Comment.** Section 68546 is repealed to reflect unification of the municipal and superior courts
22 pursuant to Article VI, Section 5(e), of the California Constitution. *Cf.* former Section 71264
23 (municipal court served by marshal).

24 **§ 68551 (amended). Institutes and seminars**

25 SEC. _____. Section 68551 of the Government Code is amended to read:

26 68551. The Judicial Council is authorized to conduct institutes and seminars from time
27 to time, either regionally or on a statewide basis, for the purpose of orienting judges to
28 new judicial assignments, keeping them informed concerning new developments in the
29 law and promoting uniformity in judicial procedure. Such institutes and seminars shall
30 include, without being limited thereto, consideration of juvenile court proceedings,
31 sentencing practices in criminal cases and the handling of traffic cases. ~~Actual and~~
32 ~~necessary expenses incurred by superior and municipal court judges at any such institute~~
33 ~~or seminar shall be a charge against the county to the extent that funds are available~~
34 ~~therefor.~~

35 **Comment.** Section 68551 is amended to reflect enactment of Section 69505 (business-related
36 travel expenses of trial court judges and employees).

37 The section is also amended to reflect enactment of the Trial Court Funding Act. See Sections
38 77003 (“court operations” defined), 77200 (state funding of trial court operations); Cal. R. Court
39 810(d), Function 10 (training fees for court personnel).

40 The section is further amended to reflect unification of the municipal and superior courts
41 pursuant to Article VI, Section 5(e), of the California Constitution.

42 **§ 68562 (amended). Certification of court interpreters**

43 SEC. _____. Section 68562 of the Government Code is amended to read:

44 68562. (a) The Judicial Council shall designate the languages for which certification
45 programs shall be established under subdivision (b). The language designations shall be
46 based on (1) the courts’ needs as determined by the language and interpreter use and need

1 studies under Section 68563, (2) the language needs of non-English-speaking persons in
2 the courts, and (3) other information the Judicial Council deems relevant.

3 (b) By July 1, 1996, the Judicial Council shall approve one or more entities to certify
4 Spanish language interpreters and interpreters for as many other languages designated
5 under subdivision (a) as practicable by that date. The Judicial Council may give
6 provisional approval to an entity to examine interpreters and establish a list of
7 recommended court interpreters pending final approval of one or more certification
8 entities. Certification entities may include educational institutions, testing organizations,
9 joint powers agencies, or public agencies.

10 The Judicial Council shall adopt and publish guidelines, standards, and procedures to
11 determine which certification entities will be approved to test and certify interpreters.

12 (c) The Judicial Council shall develop and implement procedures to administer the list
13 of recommended court interpreters previously established by the State Personnel Board
14 and the list established by an entity provisionally approved under subdivision (b).

15 The Judicial Council shall develop procedures and standards for certifying without
16 reexamination interpreters on the list of recommended court interpreters (1) previously
17 established by the State Personnel Board, or (2) established by an entity provisionally
18 approved under subdivision (b). Certification of these interpreters shall be based on
19 criteria determined by the Judicial Council, such as recent interpreting experience,
20 performance in court or at administrative hearings, training, and continuing education.

21 (d) The Judicial Council shall adopt standards and requirements for interpreter
22 proficiency, continuing education, certification renewal, and discipline. The Judicial
23 Council shall adopt standards of professional conduct for court interpreters.

24 (e) The Judicial Council shall adopt programs for interpreter recruiting, training, and
25 continuing education and evaluation to ensure that an adequate number of interpreters is
26 available and that they interpret competently.

27 (f) The Judicial Council shall establish guidelines for fees or shall set and charge fees
28 for applications to take the court interpreter examinations, for renewal of certifications,
29 for certification of interpreters on the list of recommended court interpreters, for
30 maintaining interpreters on the recommended list until January 1, 1996, and for other
31 functions and services provided under this article. All fees and other revenues received by
32 the Judicial Council under this article shall be transferred promptly to the Controller, and
33 shall be placed in the Court Interpreters' Fund, which is hereby created, the moneys in
34 which shall be available to carry out the purposes of this article upon appropriation by the
35 Legislature.

36 (g) Each superior ~~and municipal~~ court may adopt local rules to impose additional
37 requirements, standards, examinations, and programs as necessary for equity or to
38 recognize local conditions.

39 **Comment.** Subdivision (g) of Section 68562 is amended to reflect unification of the municipal
40 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

41  **Note.** Subdivisions (b) and (f) refer to events that were to occur in 1996. The Commission
42 solicits comment on whether these provisions are obsolete (in whole or in part), and how they
43 should be revised if at all.

44 **§ 68611 (repealed). Report on exemplary delay reduction program**

45 SEC. ____ . Section 68611 of the Government Code is repealed.

46 ~~68611. The Judicial Council shall collect and maintain statistics, and shall publish them~~
47 ~~at least on an annual basis, regarding the compliance of each court in the exemplary delay~~

1 reduction program with the standards for timely disposition adopted pursuant to Section
2 68603, with the policies and requirements of this article, and regarding the cases assigned
3 to the judges of each program. On or before July 1, 1991, the Judicial Council shall report
4 to the Legislature on the results of the exemplary delay reduction program and
5 recommend whether the requirements of Section 68607 should be applied to the superior
6 or municipal courts of the state.

7 This section shall cease to be operative on July 1, 1992.

8 **Comment.** Section 1141.29 is repealed as obsolete, because the report required by this section
9 was due in 1991 and the section became inoperative in 1992.

10 ☞ **Note.** Section 68611 appears to be obsolete. The Commission solicits comment on whether
11 the provision continues to serve a useful purpose.

12 **§ 68618.5 (repealed). Exemplary trial court delay reduction programs in Sonoma,
13 Humboldt, Napa, Yolo, Fresno, San Joaquin, and Santa Barbara Counties**

14 SEC. _____. Section 68618.5 of the Government Code is repealed.

15 68618.5. Notwithstanding any other provision of law, the Superior Courts of Sonoma,
16 Humboldt, Napa, Yolo, Fresno, San Joaquin, and Santa Barbara Counties may establish
17 exemplary delay reduction programs and adopt local delay reduction rules pursuant to
18 this article. These rules are not subject to subdivision (b) of Section 68619.

19 This section shall cease to be operative on July 1, 1992.

20 **Comment.** Section 68618.5 is repealed as obsolete. This section became inoperative on July 1,
21 1992, by its own terms.

22 **§ 68620 (amended). Delay reduction program for limited civil cases**

23 SEC. _____. Section 68620 of the Government Code is amended to read:

24 68620. (a) ~~Operative July 1, 1992, each municipal~~ Each superior court shall establish a
25 delay reduction program for limited civil cases in consultation with the local bar that is
26 consistent with the provisions of this article. In its discretion, the Judicial Council may
27 assist in the development of, or may develop and adopt, any or all procedures, standards,
28 or policies for a delay reduction program ~~in municipal and justice~~ for limited civil cases
29 in superior courts on a statewide basis which are consistent with the provisions of the
30 Trial Court Delay Reduction Act.

31 (b) Actions and proceedings subject to the provisions of Chapter 5.5 (commencing with
32 Section 116.110) of Title 1 of Part 1 of the Code of Civil Procedure or provisions of
33 Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil
34 Procedure shall not be assigned to or governed by the provisions of any delay reduction
35 program established pursuant to the section.

36 (c) It is the intent of the Legislature that the civil discovery in actions and proceedings
37 subject to a program established pursuant to Article 2 (commencing with Section 90) of
38 Chapter 5 of Title 1 of Part 1 of the Code of Civil Procedure shall be governed by the
39 times and procedures specified in that article. Civil discovery in these actions and
40 proceedings shall not be affected by the provisions of any delay reduction program
41 adopted pursuant to this section.

42 **Comment.** Subdivision (a) of Section 68620 is amended to reflect unification of the municipal
43 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution. See Code
44 Civ. Proc. § 85 (limited civil cases) & Comment.

1 ☞ **Note.** The Commission solicits comment on this amendment of Section 68620. Is the
2 proposed approach satisfactory, or should revisions be made?

3 **§ 69508.5 (amended). Presiding judge**

4 SEC. ____ . Section 69508.5 of the Government Code is amended to read:

5 69508.5. (a) In courts with two judges a presiding judge shall be selected by the judges
6 each calendar year and the selection should be on the basis of administrative
7 qualifications and interest.

8 (b) If a selection cannot be agreed upon, then the office of presiding judge shall be
9 rotated each calendar year between the two judges, commencing with the senior judge. If
10 the judges are of equal seniority, the first presiding judge shall be selected by lot.

11 (c) Notwithstanding subdivisions (a) and (b), the Judicial Council may provide by rule
12 of court for the qualifications of the presiding judge.

13 (d) In a court with one judge, whether as the result of a vacancy in a judgeship or
14 otherwise, a reference in a statute to the presiding judge means the sole judge of the court.

15 **Comment.** Subdivision (d) of Section 69508.5 generalizes provisions that formerly referred to
16 the presiding judge “or sole judge.” See Code Civ. Proc. § 404.9; Sections 23396, 68115, 68546,
17 69753, 71341, 72190, 72190.1, 72190.2, 72196; Pen. Code §§ 924.4, 6031.1; Welf. & Inst. Code
18 § 1737. Every superior court has at least two judgeships as a result of trial court unification. See
19 Section 69580 *et seq.* (number of judges).

20 **§ 69510 (amended). Superior court sessions at location of facility**

21 SEC. ____ . Section 69510 of the Government Code is amended to read:

22 69510. A majority of the judges of a superior court may order sessions of the court to
23 be held at any place ~~where a municipal court holds sessions within the county or, in a~~
24 ~~county in which there is no municipal court,~~ where there is a court facility. The order
25 shall be filed with the ~~county~~ clerk of the court and published as the judges may
26 prescribe.

27 **Comment.** Section 69510 is amended to reflect unification of the municipal and superior courts
28 pursuant to Article VI, Section 5(e), of the California Constitution. See Section 70212(b)
29 (preexisting court locations retained as superior court locations).

30 The section is also amended to reflect elimination of the county clerk’s role as ex officio clerk
31 of the superior court. See former Section 26800 (county clerk acting as clerk of superior court).
32 The powers, duties, and responsibilities formerly exercised by the county clerk as ex officio clerk
33 of the court are delegated to the court administrative or executive officer, and the county clerk is
34 relieved of those powers, duties, and responsibilities. See Sections 69840 (powers, duties, and
35 responsibilities of clerk of court), 71620 (trial court personnel).

36 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
37 further revised on completion of (1) the study and recommendation by the task force on court
38 facilities, and (2) negotiations among other interested parties. The present draft does not address
39 sessions and facilities issues, other than the role of the county clerk. The Commission solicits
40 comments on these issues.

41 **§ 69510.5 (amended). Sessions at any location within Orange County**

42 SEC. ____ . Section 69510.5 of the Government Code is amended to read:

43 69510.5. Notwithstanding any other provision of law, a majority of the judges of the
44 Orange County Superior Court may, upon a finding that no suitable additional facilities

1 exist in the county seat or ~~where municipal courts hold~~ other locations where the superior
2 court regularly holds sessions, order sessions of the court to be held at any location within
3 the county.

4 **Comment.** Section 69510.5 is amended to reflect unification of the municipal and superior
5 courts in Orange County pursuant to Article VI, Section 5(e), of the California Constitution,
6 effective August 10, 1998.

7 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
8 preserved until completion of (1) the study and recommendation by the task force on court
9 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
10 on these issues.

11 **§ 69510.6 (amended). Sessions at Crestmoor High School in San Mateo County**

12 SEC. _____. Section 69510.6 of the Government Code is amended to read:
13 69510.6. Notwithstanding any other provision of law, a majority of the judges of the
14 San Mateo County Superior Court may, upon a finding that no suitable additional
15 facilities exist in the county seat or ~~where municipal courts hold~~ other locations where the
16 superior court holds sessions, order sessions of the court to be held at Crestmoor High
17 School in San Bruno, California.

18 **Comment.** Section 69510.6 is amended to reflect unification of the municipal and superior
19 courts in San Mateo County pursuant to Article VI, Section 5(e), of the California Constitution,
20 effective June 12, 1998.

21 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need further
22 revision upon completion of (1) the study and recommendation by the task force on court
23 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
24 on these issues.

25 **§ 69580 (amended). Number of judges in Alameda County**

26 SEC. _____. Section 69580 of the Government Code is amended to read:
27 69580. In the County of Alameda there ~~shall be 35~~ are 69 judges of the superior court.

28 **Comment.** Section 69580 is amended to reflect unification of the municipal and superior courts
29 in Alameda County pursuant to Article VI, Section 5(e), of the California Constitution, effective
30 July 31, 1998. See former Section 73075 (number of judges in Alameda County municipal
31 courts).

32 **§ 69580.3 (added). Number of judges in Alpine County**

33 SEC. _____. Section 69580.3 is added to the Government Code, to read:
34 69580.3. In the County of Alpine there are two judges of the superior court.

35 **Comment.** Section 69580.3 is added to reflect unification of the municipal and superior courts
36 in Alpine County pursuant to Article VI, Section 5(e), of the California Constitution, effective
37 July 1, 1998. See Cal. Const. art. VI, §§ 4, 5 (minimum number of superior court and municipal
38 court judges in a county).

39 **§ 69580.7 (added). Number of judges in Amador County**

40 SEC. _____. Section 69580.7 is added to the Government Code, to read:
41 69580.7. In the County of Amador there are two judges of the superior court.

1 **Comment.** Section 69580.7 is added to reflect unification of the municipal and superior courts
2 in Amador County pursuant to Article VI, Section 5(e), of the California Constitution, effective
3 July, 1, 1998. See Cal. Const. art. VI, §§ 4, 5 (minimum number of superior court and municipal
4 court judges in a county).

5 **§ 69581 (amended). Number of judges in Butte County**

6 SEC. _____. Section 69581 of the Government Code is amended to read:
7 69581. In the County of Butte there ~~shall be six~~ are 10 judges of the superior court.

8 **Comment.** Section 69581 is amended to reflect unification of the municipal and superior courts
9 in Butte County pursuant to Article VI, Section 5(e), of the California Constitution, effective June
10 3, 1998. See former Section 74935 (number of judges in Butte County municipal courts).

11 **§ 69581.3 (added). Number of judges in Calaveras County**

12 SEC. _____. Section 69581.3 is added to the Government Code, to read:
13 69581.3. In the County of Calaveras there are two judges of the superior court.

14 **Comment.** Section 69581.3 is added to reflect unification of the municipal and superior courts
15 in Calaveras County pursuant to Article VI, Section 5(e), of the California Constitution, effective
16 June 3, 1998. See Cal. Const. art. VI, §§ 4, 5 (minimum number of superior court and municipal
17 court judges in a county).

18 **§ 69581.7 (added). Number of judges in Colusa County**

19 SEC. _____. Section 69581.7 is added to the Government Code, to read:
20 69581.7. In the County of Colusa there are two judges of the superior court.

21 **Comment.** Section 69581.7 is added to reflect unification of the municipal and superior courts
22 in Colusa County pursuant to Article VI, Section 5(e), of the California Constitution, effective
23 September 1, 1998. See Cal. Const. art. VI, §§ 4, 5 (minimum number of superior court and
24 municipal court judges in a county).

25 **§ 69582 (amended). Number of judges in Contra Costa County**

26 SEC. _____. Section 69582 of the Government Code is amended to read:
27 69582. In the County of Contra Costa there are ~~49~~ 33 judges of the superior court.

28 **Comment.** Section 69582 is amended to reflect unification of the municipal and superior courts
29 in Contra Costa County pursuant to Article VI, Section 5(e), of the California Constitution,
30 effective June 8, 1998. See former Section 73341 (number of judges in Contra Costa County
31 municipal courts).

32 **§ 69582.3 (added). Number of judges in Del Norte County**

33 SEC. _____. Section 69582.3 is added to the Government Code, to read:
34 69582.3. In the County of Del Norte there are two judges of the superior court.

35 **Comment.** Section 69582.3 is added to reflect unification of the municipal and superior courts
36 in Del Norte County pursuant to Article VI, Section 5(e), of the California Constitution, effective
37 June 17, 1998. See Cal. Const. art. VI, §§ 4, 5 (minimum number of superior court and municipal
38 court judges in a county).

39 **§ 69582.5 (amended). Number of judges in El Dorado County**

40 SEC. _____. Section 69582.5 of the Government Code is amended to read:
41 69582.5. In the County of El Dorado there ~~shall be three~~ are six judges of the superior
42 court.

1 **Comment.** Section 69582.5 is amended to reflect unification of the municipal and superior
2 courts in El Dorado County pursuant to Article VI, Section 5(e), of the California Constitution,
3 effective August 1, 1998. See former Section 71040.7 (number of judges in El Dorado County
4 municipal courts).

5 **§ 69583 (amended). Number of judges in Fresno County**

6 SEC. _____. Section 69583 of the Government Code is amended to read:
7 69583. In the County of Fresno there ~~shall be 18~~ are 36 judges of the superior court.

8 **Comment.** Section 69583 is amended to reflect unification of the municipal and superior courts
9 in Fresno County pursuant to Article VI, Section 5(e), of the California Constitution, effective
10 July 1, 1998. See former Sections 73681, 73698.2 (number of judges in Fresno County municipal
11 courts).

12 **§ 69583.5 (added). Number of judges in Glenn County**

13 SEC. _____. Section 69583.5 is added to the Government Code, to read:
14 69583.5. In the County of Glenn there are two judges of the superior court.

15 **Comment.** Section 69583.5 is added to reflect unification of the municipal and superior courts
16 in Glenn County pursuant to Article VI, Section 5(e), of the California Constitution, effective July
17 31, 1998. See Cal. Const. art. VI, §§ 4, 5 (minimum number of superior court judges in a county);
18 see also former Section 74761 (number of judges in Glenn County municipal court).

19 **§ 69584 (amended). Number of judges in Humboldt County**

20 SEC. _____. Section 69584 of the Government Code is amended to read:
21 69584. In the County of Humboldt there ~~shall be three~~ are seven judges of the superior
22 court.

23 **Comment.** Section 69584 is amended to reflect unification of the municipal and superior courts
24 in Humboldt County pursuant to Article VI, Section 5(e), of the California Constitution, effective
25 June 10, 1998. See former Section 73661.5 (number of judges in Humboldt County municipal
26 courts).

27 **§ 69584.5 (amended). Number of judges in Imperial County**

28 SEC. _____. Section 69584.5 of the Government Code is amended to read:
29 69584.5. In the County of Imperial there ~~shall be four~~ are nine judges of the superior
30 court.

31 **Comment.** Section 69584.5 is amended to reflect unification of the municipal and superior
32 courts in Imperial County pursuant to Article VI, Section 5(e), of the California Constitution,
33 effective June 22, 1998. See former Section 73731 (number of judges in Imperial County
34 municipal courts).

35 **§ 69584.7 (added). Number of judges in Inyo County**

36 SEC. _____. Section 69584.7 is added to the Government Code, to read:
37 69584.7. In the County of Inyo there are two judges of the superior court.

38 **Comment.** Section 69584.7 is added to reflect unification of the municipal and superior courts
39 in Inyo County pursuant to Article VI, Section 5(e), of the California Constitution, effective July
40 1, 1998. See Cal. Const. art. VI, §§ 4, 5 (minimum number of superior court and municipal court
41 judges in a county).

1 **§ 69585 (amended). Number of judges in Kern County**

2 SEC. _____. Section 69585 of the Government Code is amended to read:

3 69585. In the County of Kern there shall ~~be 16~~ are 33 judges of the superior court.

4 **Comment.** Section 69585 is amended to reflect unification of the municipal and superior courts
5 in Kern County pursuant to Article VI, Section 5(e), of the California Constitution, effective July
6 1, 2000. See former Section 73431 (number of judges in Kern County municipal courts).

7 **§ 69585.5 (amended). Number of judges in Kings County**

8 SEC. _____. Section 69585.5 of the Government Code is amended to read:

9 69585.5. In the County of Kings there are ~~three~~ seven judges of the superior court.

10 **Comment.** Section 69585.5 is amended to reflect unification of the municipal and superior
11 courts in Kings County pursuant to Article VI, Section 5(e), of the California Constitution,
12 effective February 8, 2001. See former Sections 73392, 73401 (number of judges in Kings
13 County municipal courts).

14 **§ 69585.7 (amended). Number of judges in Lake County**

15 SEC. _____. Section 69585.7 of the Government Code is amended to read:

16 69585.7. In the County of Lake there shall ~~be one judge of the superior court; provided,~~
17 ~~that at such time as the board of supervisors finds there are sufficient funds for two judges~~
18 ~~and adopts a resolution to that effect, there shall be two~~ are four judges of the superior
19 court.

20 **Comment.** Section 69585.7 is amended to reflect unification of the municipal and superior
21 courts in Lake County pursuant to Article VI, Section 5(e), of the California Constitution,
22 effective June 30, 1998. See former Section 73581 (number of judges in Lake County municipal
23 courts).

24 **§ 69585.9 (added). Number of judges in Lassen County**

25 SEC. _____. Section 69585.9 is added to the Government Code, to read:

26 69585.9. In the County of Lassen there are two judges of the superior court.

27 **Comment.** Section 69585.9 is added to reflect unification of the municipal and superior courts
28 in Lassen County pursuant to Article VI, Section 5(e), of the California Constitution, effective
29 December 31, 1998. See Cal. Const. art. VI, §§ 4, 5 (minimum number of superior court and
30 municipal court judges in a county).

31 **§ 69586 (amended). Number of judges in Los Angeles County**

32 SEC. _____. Section 69586 of the Government Code is amended to read:

33 69586. In the County of Los Angeles there are ~~239~~ 429 judges of the superior court,
34 ~~any one or more of whom may hold court.~~

35 **Comment.** Section 69586 is amended to reflect unification of the municipal and superior courts
36 in Los Angeles County pursuant to Article VI, Section 5(e), of the California Constitution,
37 effective January 22, 2000. See former Sections 72602, 72602.1, 72602.2, 72602.3, 72602.4,
38 72602.5, 72602.6, 72602.7, 72602.9, 72602.11, 72602.12, 72602.13, 72602.14, 72602.15,
39 72602.20 (number of judges in Los Angeles County municipal courts). The last clause is deleted
40 as unnecessary. *Cf.* Section 69741.5 (proceedings by “any one or more of the judges” sitting in
41 superior court session effectual as though all judges of court presided at session).

42 **§ 69587 (amended). Number of judges in Madera County**

43 SEC. _____. Section 69587 of the Government Code is amended to read:

1 69587. In the County of Madera there are ~~three~~ seven judges.

2 **Comment.** Section 69587 is amended to reflect unification of the municipal and superior courts
3 in Madera County pursuant to Article VI, Section 5(e), of the California Constitution, effective
4 July 1, 1998. See former Section 73752 (number of judges in Madera County municipal courts).

5 **§ 69588 (amended). Number of judges in Marin County**

6 SEC. _____. Section 69588 of the Government Code is amended to read:

7 69588. In the County of Marin there ~~shall be six~~ are 10 judges.

8 **Comment.** Section 69588 is amended to reflect unification of the municipal and superior courts
9 in Marin County pursuant to Article VI, Section 5(e), of the California Constitution, effective
10 June 11, 1998. See former Section 73771 (number of judges in Marin County municipal courts).

11 **§ 69588.3 (added). Number of judges in Mariposa County**

12 SEC. _____. Section 69588.3 is added to the Government Code, to read:

13 69588.3. In the County of Mariposa there are two judges of the superior court.

14 **Comment.** Section 69588.3 is added to reflect unification of the municipal and superior courts
15 in Mariposa County pursuant to Article VI, Section 5(e), of the California Constitution, effective
16 June 3, 1998. See Cal. Const. art. VI, §§ 4, 5 (minimum number of superior court judges in a
17 county); see also former Section 73783.2 (number of judges in Mariposa County municipal
18 court).

19 **§ 69589 (amended). Number of judges in Merced County**

20 SEC. _____. Section 69589 of the Government Code is amended to read:

21 69589. In the County of Merced there ~~shall be three~~ are six judges of the superior court.

22 **Comment.** Section 69589 is amended to reflect unification of the municipal and superior courts
23 in Merced County pursuant to Article VI, Section 5(e), of the California Constitution, effective
24 August 3, 1998. See former Section 73791 (number of judges in Merced County municipal
25 courts).

26 **§ 69589.3 (added). Number of judges in Modoc County**

27 SEC. _____. Section 69589.3 is added to the Government Code, to read:

28 69589.3. In the County of Modoc there are two judges of the superior court.

29 **Comment.** Section 69589.3 is added to reflect unification of the municipal and superior courts
30 in Modoc County pursuant to Article VI, Section 5(e), of the California Constitution, effective
31 September 20, 1999. See Cal. Const. art. VI, §§ 4, 5 (minimum number of superior court and
32 municipal court judges in a county).

33 **§ 69589.7 (added). Number of judges in Mono County**

34 SEC. _____. Section 69589.7 is added to the Government Code, to read:

35 69589.7. In the County of Mono there are two judges of the superior court.

36 **Comment.** Section 69589.7 is added to reflect unification of the municipal and superior courts
37 in Mono County pursuant to Article VI, Section 5(e), of the California Constitution, effective
38 February 1, 1999. See Cal. Const. art. VI, §§ 4, 5 (minimum number of superior court and
39 municipal court judges in a county).

40 **§ 69590 (amended). Number of judges in Monterey County**

41 SEC. _____. Section 69590 of the Government Code is amended to read:

1 69590. In the County of Monterey there shall be ~~eight~~ are 18 judges of the superior
2 court.

3 **Comment.** Section 69590 is amended to reflect unification of the municipal and superior courts
4 in Monterey County pursuant to Article VI, Section 5(e), of the California Constitution, effective
5 December 18, 2000. See former Section 73562 (number of judges in Monterey County municipal
6 courts).

7 **§ 69590.5 (amended). Number of judges in Napa County**

8 SEC. _____. Section 69590.5 of the Government Code is amended to read:

9 69590.5. In the County of Napa there shall be ~~two~~ are six judges of the superior court;
10 provided, that at such time as the board of supervisors finds, on or after January 1, 1984,
11 that there are funds for an additional superior court judge and adopts a resolution to that
12 effect, there shall be ~~three~~ judges.

13 **Comment.** Section 69590.5 is amended to reflect unification of the municipal and superior
14 court in Napa County pursuant to Article VI, Section 5(e), of the California Constitution,
15 effective June 3, 1998. See former Section 74949 (number of judges in Napa County municipal
16 courts).

17 **§ 69590.7 (amended). Number of judges in Nevada County**

18 SEC. _____. Section 69590.7 of the Government Code is amended to read:

19 69590.7. In the County of Nevada there are ~~three~~ six judges of the superior court.

20 **Comment.** Section 69590.7 is amended to reflect unification of the municipal and superior
21 courts in Nevada County pursuant to Article VI, Section 5(e), of the California Constitution,
22 effective July 1, 1998. See former Section 73821 (number of judges in Nevada County municipal
23 courts).

24 **§ 69591 (amended). Number of judges in Orange County**

25 SEC. _____. Section 69591 of the Government Code is amended to read:

26 69591. In the County of Orange there are ~~62~~ 109 judges of the superior court.

27 **Comment.** Section 69591 is amended to reflect unification of the municipal and superior courts
28 in Orange County pursuant to Article VI, Section 5(e), of the California Constitution, effective
29 August 10, 1998. See former Section 74001 (number of judges in Orange County municipal
30 courts).

31 **§ 69591.3 (added). Number of judges in Placer County**

32 SEC. _____. Section 69591.3 is added to the Government Code, to read:

33 69591.3. In the County of Placer there are nine judges of the superior court.

34 **Comment.** Section 69591.3 supersedes former Section 69609 for the purpose of
35 alphabetization. It reflects unification of the municipal and superior courts in Placer County
36 pursuant to Article VI, Section 5(e), of the California Constitution, effective June 30, 1998. See
37 former Section 74021 (number of judges in Placer County municipal courts).

38 **§ 69591.7 (added). Number of judges in Plumas County**

39 SEC. _____. Section 69591.7 is added to the Government Code, to read:

40 69591.7. In the County of Plumas there are two judges of the superior court.

41 **Comment.** Section 69591.7 is added to reflect unification of the municipal and superior courts
42 in Plumas County pursuant to Article VI, Section 5(e), of the California Constitution, effective

1 July 1, 1998. See Cal. Const. art. VI, §§ 4, 5 (minimum number of superior court and municipal
2 court judges in a county).

3 **§ 69592 (amended). Number of judges in Riverside County**

4 SEC. _____. Section 69592 of the Government Code is amended to read:
5 69592. In the County of Riverside there are ~~27~~ 49 judges of the superior court.

6 **Comment.** Section 69592 is amended to reflect unification of the municipal and superior courts
7 in Riverside County pursuant to Article VI, Section 5(e), of the California Constitution, effective
8 July 29, 1998. See former Section 74131 (number of judges in Riverside County municipal
9 courts).

10 **§ 69593 (amended). Number of judges in Sacramento County**

11 SEC. _____. Section 69593 of the Government Code is amended to read:
12 69593. In the County of Sacramento there are ~~35~~ 52 judges of the superior court.

13 **Comment.** Section 69593 is amended to reflect unification of the municipal and superior courts
14 in Sacramento County pursuant to Article VI, Section 5(e), of the California Constitution,
15 effective June 17, 1998. See former Sections 73871, 74191, 74206 (number of judges in
16 Sacramento County municipal courts).

17 **§ 69593.5 (added). Number of judges in San Benito County**

18 SEC. _____. Section 69593.5 is added to the Government Code, to read:
19 69593.5. In the County of San Benito there are two judges of the superior court.

20 **Comment.** Section 69593.5 is added to reflect unification of the municipal and superior courts
21 in San Benito County pursuant to Article VI, Section 5(e), of the California Constitution,
22 effective September 1, 1998. See Cal. Const. art. VI, §§ 4, 5 (minimum number of superior court
23 and municipal court judges in a county).

24 **§ 69594 (amended). Number of judges in San Bernardino County**

25 SEC. _____. Section 69594 of the Government Code is amended to read:
26 69594. In the County of San Bernardino there are ~~33~~ 60 judges of the superior court.

27 **Comment.** Section 69594 is amended to reflect unification of the municipal and superior courts
28 in San Bernardino County pursuant to Article VI, Section 5(e), of the California Constitution,
29 effective August 10, 1998. See former Section 73101.5 (number of judges in San Bernardino
30 County municipal courts).

31 **§ 69595 (amended). Number of judges in San Diego County**

32 SEC. _____. Section 69595 of the Government Code is amended to read:
33 69595. In the County of San Diego there are ~~72~~ 128 judges of the superior court.

34 **Comment.** Section 69595 is amended to reflect unification of the municipal and superior courts
35 in San Diego County pursuant to Article VI, Section 5(e), of the California Constitution, effective
36 December 1, 1998. See former Sections 73641, 73951, 74341, 74741 (number of judges in San
37 Diego County municipal courts).

38 **§ 69595.5 (amended). Concurrent daily sessions**

39 SEC. _____. Section 69595.5 of the Government Code is amended to read:
40 69595.5. Notwithstanding the provisions of Article 5 (commencing with Section
41 69740) of Chapter 5 of Title 8, in the County of San Diego, one or more judges of the
42 superior court shall hold concurrent daily sessions in the City of Vista, two or more

1 judges of the superior court shall hold concurrent daily sessions in the City of El Cajon,
2 and one judge of the superior court shall hold concurrent daily sessions within the former
3 South Bay Municipal Court District.

4 **Comment.** Section 69595.5 is amended to reflect unification of the municipal and superior
5 courts in San Diego County pursuant to Article VI, Section 5(e), of the California Constitution,
6 effective December 1, 1998. *Cf.* Section 71042.5 (preservation of judicial districts for purposes of
7 publication).

8  **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
9 preserved until completion of (1) the study and recommendation by the task force on court
10 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
11 on these issues.

12 **§ 69596 (amended). Number of judges in City and County of San Francisco**

13 SEC. _____. Section 69596 of the Government Code is amended to read:
14 69596. In the City and County of San Francisco there are ~~30~~ 50 judges of the superior
15 court, ~~any one or more of whom may hold court.~~

16 **Comment.** Section 69596 is amended to reflect unification of the municipal and superior courts
17 in the City and County of San Francisco pursuant to Article VI, Section 5(e), of the California
18 Constitution, effective December 31, 1998. See former Section 74501 (number of judges in City
19 and County of San Francisco municipal courts). The last clause is deleted as unnecessary. *Cf.*
20 Section 69741.5 (proceedings by “any one or more of the judges” sitting in superior court session
21 effectual as though all judges of court presided at session).

22 **§ 69598 (amended). Number of judges in San Joaquin County**

23 SEC. _____. Section 69598 of the Government Code is amended to read:
24 69598. In the County of San Joaquin there are ~~14~~ 26 judges of the superior court.

25 **Comment.** Section 69598 is amended to reflect unification of the municipal and superior courts
26 in San Joaquin County pursuant to Article VI, Section 5(e), of the California Constitution,
27 effective June 8, 1998. See former Sections 73481, 73702, 74801 (number of judges in San
28 Joaquin County municipal courts).

29 **§ 69598.5 (added). Number of judges in San Luis Obispo County**

30 SEC. _____. Section 69598.5 is added to the Government Code, to read:
31 69598.5. In the County of San Luis Obispo there are 11 judges of the superior court.

32 **Comment.** Section 69598.5 supersedes former Section 69613 for the purpose of
33 alphabetization. It reflects unification of the municipal and superior courts in San Luis Obispo
34 County pursuant to Article VI, Section 5(e), of the California Constitution, effective July 1, 1998.
35 See former Section 74601 (number of judges in San Luis Obispo County municipal courts).

36 **§ 69599 (amended). Number of judges in San Mateo County**

37 SEC. _____. Section 69599 of the Government Code is amended to read:
38 69599. In San Mateo County there are ~~16~~ judges of the superior court. ~~However, at~~
39 ~~such time as the board of supervisors finds there are sufficient funds for an additional~~
40 ~~judge and adopts a resolution to that effect, there shall be~~ 17 26 judges of the superior
41 court.

42 **Comment.** Section 69599 is amended to reflect unification of the municipal and superior courts
43 in San Mateo County pursuant to Article VI, Section 5(e), of the California Constitution, effective

1 June 12, 1998. See former Section 73521 (number of judges in San Mateo County Judicial
2 District).

3 **§ 69599.5 (amended). Number of judges in Santa Barbara County**

4 SEC. _____. Section 69599.5 of the Government Code is amended to read:

5 69599.5. (a) In the County of Santa Barbara there ~~shall be 10~~ are 19 judges of the
6 superior court.

7 (b) ~~Notwithstanding Section 247 of the Welfare and Institutions Code, no juvenile court~~
8 ~~referee or referees may be appointed in the County of Santa Barbara.~~

9 **Comment.** Subdivision (a) of Section 69599.5 is amended to reflect unification of the
10 municipal and superior courts in Santa Barbara County pursuant to Article VI, Section 5(e), of the
11 California Constitution, effective August 3, 1998. See former Section 74641 (number of judges in
12 Santa Barbara County municipal courts).

13 Subdivision (b) is deleted to reflect enactment of the Trial Court Employment Protection and
14 Governance Act. See Section 71622 (subordinate judicial officers).

15 **§ 69600 (amended). Number of judges in Santa Clara County**

16 SEC. _____. Section 69600 of the Government Code is amended to read:

17 69600. In the County of Santa Clara there ~~shall be 34 judges of the superior court.~~
18 ~~However, at such time as the Santa Clara County Board of Supervisors finds that there~~
19 ~~are sufficient funds for up to 10 additional judges, and adopts a resolution or resolutions~~
20 ~~to that effect, there shall be up to 44~~ are 79 judges of the superior court.

21 **Comment.** Section 69600 is amended to reflect unification of the municipal and superior courts
22 in Santa Clara County pursuant to Article VI, Section 5(e), of the California Constitution,
23 effective July 30, 1998. See former Section 74661 (number of judges in Santa Clara County
24 municipal courts).

25 **§ 69600.5 (added). Number of judges in Santa Cruz County**

26 SEC. _____. Section 69600.5 is added to the Government Code, to read:

27 69600.5. In the County of Santa Cruz there are 10 judges of the superior court.

28 **Comment.** Section 69600.5 supersedes former Section 69614 for the purpose of
29 alphabetization. It reflects unification of the municipal and superior courts in Santa Cruz County
30 pursuant to Article VI, Section 5(e), of the California Constitution, effective July 1, 1998. See
31 former Section 74691 (number of judges in Santa Cruz County municipal courts).

32 **§ 69601 (amended). Number of judges in Shasta County**

33 SEC. _____. Section 69601 of the Government Code is amended to read:

34 69601. In the County of Shasta there ~~shall be five~~ are nine judges of the superior court.

35 **Comment.** Section 69601 is amended to reflect unification of the municipal and superior courts
36 in Shasta County pursuant to Article VI, Section 5(e), of the California Constitution, effective
37 June 3, 1998. See former Section 74981 (number of judges in Shasta County municipal courts).

38 **§ 69601.3 (added). Number of judges in Sierra County**

39 SEC. _____. Section 69601.3 is added to the Government Code, to read:

40 69601.3. In the County of Sierra there are two judges of the superior court.

41 **Comment.** Section 69601.3 is added to reflect unification of the municipal and superior courts
42 in Sierra County pursuant to Article VI, Section 5(e), of the California Constitution, effective July

1 1, 1998. See Cal. Const. art. VI, §§ 4, 5 (minimum number of superior court and municipal court
2 judges in a county).

3 **§ 69601.7 (added). Number of judges in Siskiyou County**

4 SEC. _____. Section 69601.7 is added to the Government Code, to read:
5 69601.7. In the County of Siskiyou there are four judges of the superior court.

6 **Comment.** Section 69601.7 is added to reflect unification of the municipal and superior courts
7 in Siskiyou County pursuant to Article VI, Section 5(e), of the California Constitution, effective
8 June 4, 1998. See Cal. Const. art. VI, § 4 (minimum number of superior court judges in a county);
9 see also former Section 74721 (number of judges in Siskiyou County municipal court).

10 **§ 69602 (amended). Number of judges in Solano County**

11 SEC. _____. Section 69602 of the Government Code is amended to read:
12 69602. In the County of Solano there shall be ~~nine~~ are 16 judges of the superior court.

13 **Comment.** Section 69602 is amended to reflect unification of the municipal and superior courts
14 in Solano County pursuant to Article VI, Section 5(e), of the California Constitution, effective
15 August 3, 1998. See former Sections 73672, 74841 (number of judges in Solano County
16 municipal courts).

17 **§ 69603 (amended). Number of judges in Sonoma County**

18 SEC. _____. Section 69603 of the Government Code is amended to read:
19 69603. In the County of Sonoma there shall be ~~nine~~ are 16 judges of the superior court.

20 **Comment.** Section 69603 is amended to reflect unification of the municipal and superior courts
21 in Sonoma County pursuant to Article VI, Section 5(e), of the California Constitution, effective
22 June 12, 1998. See former Section 74708 (number of judges in Sonoma County municipal
23 courts).

24 **§ 69604 (amended). Number of judges in Stanislaus County**

25 SEC. _____. Section 69604 of the Government Code is amended to read:
26 69604. In the County of Stanislaus there shall be ~~nine~~ are 17 judges of the superior
27 court.

28 **Comment.** Section 69604 is amended to reflect unification of the municipal and superior courts
29 in Stanislaus County pursuant to Article VI, Section 5(e), of the California Constitution, effective
30 July 31, 1998. See former Section 74781 (number of judges in Stanislaus County municipal
31 courts).

32 **§ 69604.3 (added). Number of judges in Sutter County**

33 SEC. _____. Section 69604.3 is added to the Government Code, to read:
34 69604.3. In the County of Sutter there are five judges of the superior court.

35 **Comment.** Section 69604.3 supersedes former Section 69615 for the purpose of
36 alphabetization. It reflects unification of the municipal and superior courts in Sutter County
37 pursuant to Article VI, Section 5(e), of the California Constitution, effective June 3, 1998. See
38 former Section 74831 (number of judges in Sutter County municipal courts).

39 **§ 69604.5 (added). Number of judges in Tehama County**

40 SEC. _____. Section 69604.5 is added to the Government Code, to read:
41 69604.5. In the County of Tehama there are four judges of the superior court.

1 **Comment.** Section 69604.5 supersedes former Section 69607 for the purpose of
2 alphabetization. It reflects unification of the municipal and superior courts in Tehama County
3 pursuant to Article VI, Section 5(e), of the California Constitution, effective August 1, 1998. See
4 former Section 74861 (number of judges in Tehama County municipal courts).

5 **§ 69604.7 (added). Number of judges in Trinity County**

6 SEC. _____. Section 69604.7 is added to the Government Code, to read:
7 69604.7. In the County of Trinity there are two judges of the superior court.

8 **Comment.** Section 69604.7 is added to reflect unification of the municipal and superior courts
9 in Trinity County pursuant to Article VI, Section 5(e), of the California Constitution, effective
10 July 1, 1998. See Cal. Const. art. VI, §§ 4, 5 (minimum number of superior court and municipal
11 court judges in a county).

12 **§ 69605 (amended). Number of judges in Tulare County**

13 SEC. _____. Section 69605 of the Government Code is amended to read:
14 69605. In the County of Tulare there ~~shall be seven~~ are 16 judges of the superior court.

15 **Comment.** Section 69605 is amended to reflect unification of the municipal and superior courts
16 in Tulare County pursuant to Article VI, Section 5(e), of the California Constitution, effective
17 July 27, 1998. See former Section 74921 (number of judges in Tulare County municipal courts).

18 **§ 69605.5 (amended). Number of judges in Tuolumne County**

19 SEC. _____. Section 69605.5 of the Government Code is amended to read:
20 69605.5. In the County of Tuolumne there ~~shall be one judge of the superior court.~~
21 ~~However, at such time, on or after January 1, 1988, as the Board of Supervisors of the~~
22 ~~County of Tuolumne finds sufficient funds for two judges and adopts a resolution to that~~
23 ~~effect, there shall be two~~ are four judges of the superior court.

24 **Comment.** Section 69605 is amended to reflect unification of the municipal and superior courts
25 in Tuolumne County pursuant to Article VI, Section 5(e), of the California Constitution, effective
26 April 23, 1999. See former Section 74994 (number of judges in Tuolumne County municipal
27 courts).

28 **§ 69606 (amended). Number of judges in Ventura County**

29 SEC. _____. Section 69606 of the Government Code is amended to read:
30 69606. In the County of Ventura there ~~shall be 16~~ are 28 judges of the superior court.

31 **Comment.** Section 69606 is amended to reflect unification of the municipal and superior courts
32 in Ventura County pursuant to Article VI, Section 5(e), of the California Constitution, effective
33 June 10, 1998. See former Section 74901 (number of judges in Ventura County municipal courts).

34 **§ 69607 (repealed). Number of judges in Tehama County**

35 SEC. _____. Section 69607 of the Government Code is repealed.
36 69607. ~~In the County of Tehama there shall be two judges of the superior court.~~

37 **Comment.** Section 69607 is superseded by Section 69604.5 for the purpose of alphabetization.

38 **§ 69608 (repealed). Number of judges in Mendocino County**

39 SEC. _____. Section 69608 of the Government Code is repealed.
40 69608. ~~In the County of Mendocino there are three judges of the superior court.~~

41 **Comment.** Section 69608 is superseded by Section 69688.7 for the purpose of alphabetization.

1 **§ 69609 (repealed). Number of judges in Placer County**

2 SEC. _____. Section 69609 of the Government Code is repealed.

3 ~~69609. In the County of Placer there shall be five judges of the superior court.~~

4 **Comment.** Section 69609 is superseded by Section 69591.3 for the purpose of alphabetization.

5 **§ 69610 (amended). Number of judges in Yolo County**

6 SEC. _____. Section 69610 of the Government Code is amended to read:

7 69610. In the County of Yolo there are ~~five~~ nine judges of the superior court.

8 **Comment.** Section 69610 is amended to reflect unification of the municipal and superior courts
9 in Yolo County pursuant to Article VI, Section 5(e), of the California Constitution, effective June
10 3, 1998. See former Section 74961 (number of judges in Yolo County municipal courts).

11 **§ 69611 (amended). Number of judges in Yuba County**

12 SEC. _____. Section 69611 of the Government Code is amended to read:

13 69611. In the County of Yuba there ~~shall be three~~ are five judges of the superior court.

14 **Comment.** Section 69611 is amended to reflect unification of the municipal and superior courts
15 in Yuba County pursuant to Article VI, Section 5(e), of the California Constitution, effective
16 April 16, 1999. See former Section 74915.5 (number of judges in Yuba County municipal courts).

17 **§ 69613 (repealed). Number of judges in San Luis Obispo County**

18 SEC. _____. Section 69613 of the Government Code is repealed.

19 ~~69613. In the County of San Luis Obispo there are six judges of the superior court.~~

20 **Comment.** Section 69613 is superseded by Section 69598.5 for the purpose of alphabetization.

21 **§ 69614 (repealed). Number of judges in Santa Cruz County**

22 SEC. _____. Section 69614 of the Government Code is repealed.

23 ~~69614. In the County of Santa Cruz there are four judges of the superior court.~~
24 However, if the board of supervisors finds that there are sufficient funds for an additional
25 judge and adopts a resolution to that effect, there shall be five judge.

26 **Comment.** Section 69614 is superseded by Section 69600.5 for the purpose of alphabetization.

27 **§ 69615 (repealed). Number of judges in Sutter County**

28 SEC. _____. Section 69615 of the Government Code is repealed.

29 ~~69615. In the County of Sutter there are three judges of the superior court.~~

30 **Comment.** Section 69615 is superseded by Section 69604.3 for the purpose of alphabetization.

31 Article 4. Superior Court Districts

32  **Note.** Issues involving sessions and facilities are still unsettled. Sections 69640-69650 may
33 need to be further revised on completion of (1) the study and recommendation by the task force
34 on court facilities, and (2) negotiations among other interested parties. The Commission solicits
35 comments on these issues.

36 **§ 69640 (unchanged). “District” defined**

37 69640. As used in this article the word “district” means a superior court district, created
38 as provided in this article.

1 **§ 69641 (unchanged). Division of county**

2 69641. The board of supervisors of any county which has a population of not less than
3 4,000,000, as determined upon the basis of the last preceding census taken under the
4 authority of the Congress or the Legislature, by ordinance may divide the county into not
5 more than 12 superior court districts within which one or more sessions of the superior
6 court shall be held.

7 **§ 69642 (unchanged). Locations of superior court sessions**

8 69642. In the ordinance creating districts, or in a subsequent ordinance, the board of
9 supervisors may designate one or more locations within each district at which sessions of
10 the superior court shall be held.

11 **§ 69643 (unchanged). Change of boundaries**

12 69643. Whenever the board of supervisors finds that changes in population make
13 necessary or expedient the change of boundaries of any district, the change of, addition
14 of, or elimination of any location at which sessions of the superior court are to be held, or
15 the creation of new districts, it may make such changes by ordinance.

16 **§ 69644 (unchanged). Minimum population**

17 69644. An ordinance creating or changing the boundaries of any district shall not result
18 in any district having an estimated population of less than 250,000.

19 **§ 69646 (unchanged). Changes in locations of superior court sessions**

20 69646. The designation, addition, elimination or change of the location of sessions of
21 the superior court shall first be approved by a majority of the judges of the superior court
22 of the county and shall be effected by ordinance of the board of supervisors.

23 **§ 69647 (unchanged). Court's quarters**

24 69647. Whenever the board of supervisors designates, adds, or changes the location for
25 the holding of sessions of the superior court in any district it shall provide housing,
26 personnel, and facilities for the superior court at such location as provided by Section
27 68073. The adequacy of the court's quarters, including the plans for the number and
28 design of the courtrooms, chambers and related facilities first shall be approved by a
29 majority of the judges of the superior court of the county.

30 **§ 69648 (repealed). Traveling expenses in county with population exceeding 4,000,000**

31 SEC. _____. Section 69648 of the Government Code is repealed.

32 ~~69648. Whenever, pursuant to this article or Section 68099, in the assignment of the~~
33 ~~business of the superior court it becomes necessary for a judge, clerk, deputy clerk, or~~
34 ~~court reporter who is regularly assigned to duty at a location in one district to travel to~~
35 ~~another location in the same or another district, for temporary attendance at a session of~~
36 ~~the superior court, he shall be allowed his necessary expenses in going to, returning from,~~
37 ~~and attending upon the business of such court. Such expense is a charge against the~~
38 ~~treasury of the county and shall be paid out of the general fund.~~

39 ~~Whenever a judge of a municipal court within a county is assigned to sit as a judge of~~
40 ~~the superior court of the said county, he shall be regularly assigned to duty at a location~~

1 ~~within one of the districts by the presiding judge, and shall thereupon be entitled to the~~
2 ~~benefits of this section.~~

3 **Comment.** Section 69648 is repealed to reflect enactment of Section 69505 (business-related
4 travel expenses of trial court judges and employees).

5 The section is also repealed to reflect unification of the municipal and superior courts pursuant
6 to Article VI, Section 5(e), of the California Constitution.

7 **§ 69649 (amended). Superior court sessions in Los Angeles County**

8 SEC. _____. Section 69649 of the Government Code is amended to read:

9 69649. When a majority of the judges of the superior court deem it necessary or
10 advisable, by order filed with the county clerk of the court and published as they may
11 prescribe, they may direct that a session of the court be held at least once a week at any
12 designated place in a district, not less than 30 miles distant from the nearest regular
13 location of the sessions of the superior court in that district, measured by airline. The
14 majority of the judges may limit the type of judicial proceedings which may be heard by
15 the court at such place to probate, guardianship, conservatorship, and domestic relations
16 matters, including but not limited to orders to show cause proceedings in domestic
17 relations matters.

18 **Comment.** Section 69649 is amended to reflect elimination of the county clerk's role as ex
19 officio clerk of the superior court. See former Section 26800 (county clerk acting as clerk of
20 superior court). The powers, duties, and responsibilities formerly exercised by the county clerk as
21 ex officio clerk of the court are delegated to the court administrative or executive officer, and the
22 county clerk is relieved of those powers, duties, and responsibilities. See Sections 69840 (powers,
23 duties, and responsibilities of clerk of court), 71620 (trial court personnel).

24  **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
25 further revised on completion of (1) the study and recommendation by the task force on court
26 facilities, and (2) negotiations among other interested parties. The present draft does not address
27 sessions and facilities issues, other than the role of the county clerk. The Commission solicits
28 comments on these issues.

29 **§ 69650 (unchanged). Change of boundaries by legislature**

30 69650. At the next succeeding general session of the Legislature following division of a
31 county into districts, or following any change in the boundaries of a district, the
32 Legislature may change the boundaries of the district if it deems such action advisable.

33 **§ 69688.7 (added). Number of judges in Mendocino County**

34 SEC. _____. Section 69688.7 is added to the Government Code, to read:

35 69688.7. In the County of Mendocino there are eight judges of the superior court.

36 **Comment.** Section 69688.7 supersedes former Section 69608 for the purpose of
37 alphabetization. It reflects unification of the municipal and superior courts in Mendocino County
38 pursuant to Article VI, Section 5(e), of the California Constitution, effective August 1, 1998. See
39 former Section 73784.1 (number of judges in Mendocino County municipal courts).

40 **§ 69741 (amended). Regular and special sessions**

41 SEC. _____. Section 69741 of the Government Code is amended to read:

42 69741. Except as otherwise provided by Section ~~68099~~ 68115, each superior court shall
43 hold its sessions:

1 (a) At the location or locations in each superior court district specified by ordinance
2 adopted pursuant to Article 4 (commencing at Section 69640) of this chapter.

3 (b) In every county in which such an ordinance is not in effect, at the county seat and at
4 such other locations, if any, as provided in this article.

5 The superior court shall hold regular sessions commencing on the first Mondays of
6 January, April, July, and October, and special sessions at such other times as may be
7 prescribed by the ~~judge or judges~~ of the court, except that in the City and County of San
8 Francisco the presiding judge shall prescribe the times of holding such special sessions.

9 **Comment.** Section 69741 is amended to correct the reference to former Section 68099.

10 The section is also amended to delete language referring to “the judge” of the court. Every
11 superior court has at least two judgeships as a result of trial court unification. See Section 69580
12 *et seq.* (number of judges). Where a court has only one judge due to a vacancy or otherwise, a
13 reference to the judges of the court means the sole judge of the court. See Section 13 (plural
14 includes singular).

15 ☞ **Notes.** Issues involving sessions and facilities are still unsettled. This section may need further
16 revision upon completion of (1) the study and recommendation by the task force on court
17 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
18 on these issues.

19 Subdivision (a) applies to Los Angeles County.

20 **§ 69743 (amended). Superior court additional sessions**

21 SEC. _____. Section 69743 of the Government Code is amended to read:

22 69743. By an order filed with the ~~county clerk~~ of the court and published as a majority
23 of the judges of the superior court of the county prescribe, such a majority, when it deems
24 it necessary or convenient, may provide for and direct the holding of additional sessions
25 in each of the cities described in Section 69742.

26 **Comment.** Section 69743 is amended to reflect elimination of the county clerk’s role as ex
27 officio clerk of the superior court. See former Section 26800 (county clerk acting as clerk of
28 superior court). The powers, duties, and responsibilities formerly exercised by the county clerk as
29 ex officio clerk of the court are delegated to the court administrative or executive officer, and the
30 county clerk is relieved of those powers, duties, and responsibilities. See Sections 69840 (powers,
31 duties, and responsibilities of clerk of court), 71620 (trial court personnel).

32 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
33 further revised on completion of (1) the study and recommendation by the task force on court
34 facilities, and (2) negotiations among other interested parties. The present draft does not address
35 sessions and facilities issues, other than the role of the county clerk. The Commission solicits
36 comments on these issues.

37 **§ 69744 (amended). Superior court sessions at various locations**

38 SEC. _____. Section 69744 of the Government Code is amended to read:

39 69744. When the ~~judge or judges~~ of the superior court of a county deem it necessary or
40 advisable, by order filed with the ~~county clerk of the court~~ and published as ~~he or they~~
41 prescribe, ~~he or they~~ may direct that the court be held or continued:

42 (a) At any place in the county, not less than 120 miles distant from the county seat.

43 (b) At any other city in the county with a population of not less than 7,000, in which the
44 city hall is not less than 55 miles from the site of the county courthouse.

45 (c) At any other city in the county with a population of not less than 2,200 in which the
46 city hall is not less than 60 miles from the site of the county courthouse.

1 **Comment.** Section 69744 is amended to reflect elimination of the county clerk’s role as ex
2 officio clerk of the superior court. See former Section 26800 (county clerk acting as clerk of
3 superior court). The powers, duties, and responsibilities formerly exercised by the county clerk as
4 ex officio clerk of the court are delegated to the court administrative or executive officer, and the
5 county clerk is relieved of those powers, duties, and responsibilities. See Sections 69840 (powers,
6 duties, and responsibilities of clerk of court), 71620 (trial court personnel).

7 The section is also amended to delete language referring to “the judge” of the court. Every
8 superior court has at least two judgeships as a result of trial court unification. See Section 69580
9 *et seq.* (number of judges). Where a court has only one judge due to a vacancy or otherwise, a
10 reference to the judges of the court means the sole judge of the court. See Section 13 (plural
11 includes singular).

12 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
13 further revised on completion of (1) the study and recommendation by the task force on court
14 facilities, and (2) negotiations among other interested parties. The present draft does not address
15 sessions and facilities issues, other than the role of the county clerk. The Commission solicits
16 comments on these issues.

17 **§ 69744.5 (amended). Superior Court sessions in particular locations**

18 SEC. _____. Section 69744.5 of the Government Code is amended to read:

19 69744.5. When ~~the judge, or~~ a majority of the judges, of the superior court deem it
20 necessary or advisable, by order filed with the ~~county clerk~~ of the court and published as
21 the ~~judge or judges~~ prescribe, the ~~judge or judges~~ may direct that the court be held at least
22 once a week at any designated place in the county, not less than 45 miles distant from the
23 county seat, measured by air line. The place designated shall be within a former judicial
24 district, ~~or former district in a county in which there is no municipal court,~~ composed
25 wholly of unincorporated territory, with a population of more than 40,000 as determined
26 pursuant to Section 71043. ~~The judge or a~~ A majority of the judges may limit the type of
27 judicial proceedings which may be heard by the court at such place to probate matters and
28 matters relating to domestic relations.

29 **Comment.** Section 69744.5 is amended to reflect unification of the municipal and superior
30 courts pursuant to Article VI, Section 5(e), of the California Constitution. See Section 70212(b)
31 (preexisting court locations retained as superior court locations).

32 The section is also amended to reflect elimination of the county clerk’s role as ex officio clerk
33 of the superior court. See former Section 26800 (county clerk acting as clerk of superior court).
34 The powers, duties, and responsibilities formerly exercised by the county clerk as ex officio clerk
35 of the court are delegated to the court administrative or executive officer, and the county clerk is
36 relieved of those powers, duties, and responsibilities. See Sections 69840 (powers, duties, and
37 responsibilities of clerk of court), 71620 (trial court personnel).

38 The section is also amended to delete language referring to “the judge” of the court. Every
39 superior court has at least two judgeships as a result of trial court unification. See Section 69580
40 *et seq.* (number of judges). Where a court has only one judge due to a vacancy or otherwise, a
41 reference to the judges of the court means the sole judge of the court. See Section 13 (plural
42 includes singular).

43 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
44 further revised on completion of (1) the study and recommendation by the task force on court
45 facilities, and (2) negotiations among other interested parties. The present draft does not address
46 sessions and facilities issues, other than the role of the county clerk. The Commission solicits
47 comments on these issues.

1 The section also includes a cross-reference to Government Code Section 71043, which the
2 Commission is proposing to repeal. Commission staff is considering how to address this point,
3 and will present a revised amendment for the Commission's consideration.

4 **§ 69746.5 (repealed). Sessions in judicial district in Kern County**

5 SEC. _____. Section 69746.5 of the Government Code is repealed.

6 ~~69746.5. In a county of the 14th class, at least one session of the superior court may be~~
7 ~~held at a location designated by the board of supervisors which is not less than 40 miles,~~
8 ~~nor more than 50 miles, from the site of the county courthouse. However, at such time on~~
9 ~~or after July 1, 1990, as the board of supervisors finds that there are sufficient funds for~~
10 ~~this purpose, the board of supervisors shall designate a location therefor which is within a~~
11 ~~judicial district, or former district in a county in which there is no municipal court, with a~~
12 ~~population of more than 40,000 as determined pursuant to Section 71043.~~

13 **Comment.** Section 69746.5 is repealed to reflect unification of the municipal and superior
14 courts in Kern County pursuant to Article VI, Section 5(e), of the California Constitution,
15 effective July 1, 2000. See Cal. Const. art. VI, § 23 and Section 70212(b) (preexisting court
16 locations retained as superior court locations).

17 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
18 preserved until completion of (1) the study and recommendation by the task force on court
19 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
20 on these issues.

21 **§ 69749.3 (unchanged). Sessions in Palm Springs**

22 69749.3. Notwithstanding the provisions of this article, sessions of the superior court in
23 Riverside County may be held in Palm Springs at such times as may be prescribed by the
24 judges sitting pursuant to Section 69748.1.

25 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
26 preserved until completion of (1) the study and recommendation by the task force on court
27 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
28 on these issues.

29 **§ 69749.4 (unchanged). Sessions in Indian Wells Valley area of northeast Kern County**

30 69749.4. Notwithstanding any other provision of this article, sessions of the superior
31 court shall be held in the Indian Wells Valley area of northeast Kern County at such times
32 as may be prescribed by the judges.

33 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
34 preserved until completion of (1) the study and recommendation by the task force on court
35 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
36 on these issues.

37 **§ 69750 (repealed). Travel within county to city where not regularly assigned**

38 SEC. _____. Section 69750 of the Government Code is repealed.

39 ~~69750. Whenever, pursuant to this article or subdivision (a) of Section 68115, in the~~
40 ~~assignment of the business of the superior court it becomes necessary for a judge, clerk,~~
41 ~~deputy clerk, court reporter, or secretary, who is regularly assigned to duty at the county~~

1 ~~seat or at a city outside of the county seat where a session of the superior court is held to~~
2 ~~travel to a city other than that to which such person is regularly assigned for temporary~~
3 ~~attendance at a session of the superior court, such persons shall be allowed their~~
4 ~~necessary expenses in going to, returning from, and attending upon the business of such~~
5 ~~court. Such expense is a charge against the treasury of the county and shall be paid out of~~
6 ~~the general fund.~~

7 ~~Whenever a judge of a municipal court within a county is assigned to sit as a judge of~~
8 ~~the superior court of said county, such judge shall be regularly assigned to duty at the~~
9 ~~county seat or at a city outside the county seat by the presiding judge, and shall thereupon~~
10 ~~be entitled to the benefits of this section.~~

11 **Comment.** Section 69750 is repealed to reflect enactment of Section 69505 (business-related
12 travel expenses of trial court judges and employees).

13 The section is also repealed to reflect unification of the municipal and superior courts pursuant
14 to Article VI, Section 5(e), of the California Constitution.

15 **§ 69752 (unchanged). Sessions in cities other than county seat**

16 69752. (a) Notwithstanding any other provision of this code, no superior court will hold
17 sessions in any city other than the county seat except with the approval of the board of
18 supervisors.

19 (b) The board of supervisors may terminate superior court sessions being held in any
20 city other than the county seat.

21 (c) The board of supervisors of counties seeking to establish or terminate branch court
22 sessions shall request the recommendations and advice of the Judicial Council before
23 taking action.

24 The board of supervisors, under this section, may not terminate sessions of the superior
25 court in any city in which sessions of the superior court were being held on or before
26 January 1, 1957, in a county now having 1 million population or more which is
27 contiguous to a county of 7 million population or more and sessions of the superior court
28 existing in any such county on or about January 1, 1970 are hereby reestablished if they
29 have been terminated during 1970 and may not be terminated by the board of supervisors.

30  **Notes.** Issues involving sessions and facilities are still unsettled. This section may need to be
31 preserved until completion of (1) the study and recommendation by the task force on court
32 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
33 on these issues.

34 The last paragraph of Section 69752 applies to Orange County

35 **§ 69753 (repealed). Superior court session at municipal court location**

36 SEC. ____. Section 69753 of the Government Code is repealed.

37 ~~69753. (a) Notwithstanding any other provision of this code, the presiding or sole judge~~
38 ~~of a superior court may, if the session is held in furtherance of a coordination plan~~
39 ~~approved under Section 68112 or in the absence of a timely objection in a civil case or~~
40 ~~proceeding or with the express consent of the parties in a criminal action, direct that a~~
41 ~~session of the court be held at any place in the county where a municipal court regularly~~
42 ~~conducts sessions, if:~~

43 ~~(1) The judge presiding at the superior court session is a judge of a municipal court or a~~
44 ~~retired judge assigned to serve as a superior court judge under Section 6 of Article VI of~~
45 ~~the California Constitution.~~

1 (2) The presiding or sole judge of the municipal court has informed the presiding judge
2 of the superior court that the superior court session will not interfere with the normal
3 conduct of municipal court business.

4 (b) The Judicial Council shall provide by rule for the timely filing of any objection to
5 hearing a civil matter at a municipal court location, and for obtaining the consent of the
6 parties in a criminal action.

7 **Comment.** Section 69753 is repealed to reflect unification of the municipal and superior courts
8 pursuant to Article VI, Section 5(e), of the California Constitution. See Cal. Const. art. VI, § 23
9 and Section 70212(b) (preexisting court locations retained as superior court locations).

10 **§ 69801 (repealed). Extra sessions in San Bernardino County**

11 SEC. _____. Section 69801 of the Government Code is repealed.

12 ~~69801. (a) The Board of Supervisors of San Bernardino County may, with the~~
13 ~~concurrence of the majority of the judges of the superior court in the county and the~~
14 ~~Director of the Department of Corrections, lease a portion of any institution of the~~
15 ~~department located within the county to establish a pilot project for the purpose of~~
16 ~~holding extra sessions of the superior court in a facility located upon the grounds of the~~
17 ~~institution. The lease agreement shall be entered into pursuant to Section 14670 of this~~
18 ~~code for a period up to 50 years. The facility for housing the superior court shall be~~
19 ~~constructed so that it is separate and apart from any existing facilities of the department.~~
20 ~~The extra sessions shall not be held until the facility housing the superior court is~~
21 ~~completed and available for occupancy by the court and sufficient funds are made~~
22 ~~available for the operation of the court. The costs of the construction of any facility~~
23 ~~constructed for such purpose shall be borne by the county.~~

24 ~~(b) The court sessions held pursuant to subdivision (a) shall not contravene any~~
25 ~~limitations imposed on the place such court sessions may be held.~~

26 ~~(c) The Judicial Council shall report to the Legislature on the operation of any court~~
27 ~~which is holding extra sessions pursuant to subdivision (a). The report shall be filed not~~
28 ~~later than the end of the second calendar year during which the extra sessions have been~~
29 ~~held.~~

30 **Comment.** Section 69801 is repealed as obsolete. The pilot project was never established and
31 is no longer necessary. See Penal Code § 977 (video arraignments).

32 **§ 69840 (added). Powers, duties, and responsibilities of clerk of court**

33 SEC. _____. Section 69840 is added to the Government Code to read:

34 69840. The clerk of the court shall exercise or perform, in addition to the powers,
35 duties, and responsibilities provided by statute, any powers, duties, and responsibilities
36 required or permitted to be exercised by the county clerk in connection with judicial
37 actions, proceedings, and records. The county clerk is relieved of any obligation imposed
38 by law on the county clerk with respect to these powers, duties, and responsibilities.

39 **Comment.** Section 69840 is added to reflect elimination of the county clerk's role as ex officio
40 clerk of the superior court. See former Section 26800 (county clerk acting as clerk of superior
41 court). The powers, duties, and responsibilities formerly exercised by the county clerk as ex
42 officio clerk of the court are delegated to the court administrative or executive officer, and the
43 county clerk is relieved of those powers, duties, and responsibilities. See also Section 71620 (trial
44 court personnel).

45 **§ 69890 (repealed). Secretary to the judges**

46 SEC. _____. Section 69890 of the Government Code is repealed.

1 69890. In each county with a population of 300,000 and over, the judges of the superior
2 court may appoint a secretary, who shall hold office at their pleasure and perform such
3 duties as may be required of him by the court or the judges. The salary of the secretary
4 shall be two hundred fifty dollars (\$250) a month. The salary shall be audited, allowed,
5 and paid out of the general fund of the county.

6 **Comment.** Section 69890 is repealed to reflect:

7 (1) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
8 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
9 (salaries), 71640-71645 (employment selection and advancement), 71650-71658 (employment
10 protection system).

11 (2) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
12 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations).

13 ☞ **Note.** Section 69890 could potentially apply to any of the following counties: Alameda,
14 Contra Costa, Fresno, Kern, Los Angeles, Monterey, Orange, Riverside, Sacramento, San
15 Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara,
16 Solano, Sonoma, Stanislaus, Tulare, and Ventura.

17 **§ 69891.1 (repealed). Secretary to the judges in Solano County**

18 SEC. _____. Section 69891.1 of the Government Code is repealed.

19 69891.1. In each county with a population of less than 145,000 and more than 130,000,
20 as determined by the 1960 census, to assist the court in the transaction of its judicial
21 business, the judges of the court may appoint one competent judicial secretary skilled in
22 such work for each judge of the superior court of the county who is to render such service
23 as the judge may require each day.

24 The judicial secretary shall be eligible for such retirement, insurance, or other benefits
25 as may be available to county employees.

26 The monthly salary, classification, and within-range advancement of each judicial
27 secretary shall be established and adjusted by approval of the board of supervisors and a
28 majority of the judges of the court. The salary shall be allowed, paid, and audited from
29 the same source and in the same manner as may be required for other salary demands
30 against the county.

31 **Comment.** Section 69891.1 is repealed to reflect:

32 (1) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
33 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
34 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
35 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
36 (employment selection and advancement), 71650-71658 (employment protection system), 71673
37 (authority of court).

38 (2) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
39 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations).

40 **§ 69891.5 (repealed). Salary of judicial secretary or stenographer in Sonoma County**

41 SEC. _____. Section 69891.5 of the Government Code is repealed.

42 69891.5. In each county with a population of less than 104,000 and more than 103,000,
43 as determined by the 1950 Census, the monthly salaries of the stenographer or secretary
44 to the judge of the superior court shall be fixed in the manner prescribed in Section
45 69892, except that the minimum salary for any stenographer or secretary to the judge
46 shall be three hundred fifty dollars (\$350) per month.

1 **Comment.** Section 69891.5 is repealed to reflect enactment of the Trial Court Employment
2 Protection and Governance Act. See Sections 71620 (trial court personnel), 71623 (salaries).

3 **§ 69892 (repealed). Judicial secretaries**

4 SEC. _____. Section 69892 of the Government Code is repealed.

5 ~~69892. In a county having a population of over 82,000 and not over 1,500,000 as~~
6 ~~determined by the 1960 federal census, the judge of the superior court may appoint a~~
7 ~~secretary and two assistant secretaries and not to exceed one additional assistant secretary~~
8 ~~for each department of the superior court in the county over three. Such appointees shall~~
9 ~~be exempt from civil service. The board of supervisors shall fix the salary of the secretary~~
10 ~~and assistant secretaries at rates equivalent to the salary rate of county employees holding~~
11 ~~comparable positions under the county civil service or merit system, or if there is none, at~~
12 ~~rates equivalent to salary rate of county employees holding comparable positions. The~~
13 ~~salary of the secretary shall not be less than three hundred dollars (\$300) a month and the~~
14 ~~salary of an assistant secretary shall not be less than two hundred seventy-five dollars~~
15 ~~(\$275) a month.~~

16 **Comment.** Section 69892 is repealed to reflect enactment of the Trial Court Employment
17 Protection and Governance Act. See Sections 71615(c)(1) (preservation of employees' job
18 classifications), 71620 (trial court personnel), 71623 (salaries), 71640-71645 (employment
19 selection and advancement), 71650-71658 (employment protection system), 71673 (authority of
20 court).

21  **Note.** Section 69892 could potentially apply to any of the following counties: Alameda, Butte,
22 Contra Costa, Fresno, Humboldt, Kern, Marin, Merced, Monterey, Orange, Riverside,
23 Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Barbara,
24 Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Tulare, and Ventura.

25 **§ 69892.1 (repealed). Court executive officer/clerk in Los Angeles County**

26 SEC. _____. Section 69892.1 of the Government Code is repealed.

27 ~~69892.1. Notwithstanding any applicable county charter provision to the contrary, a~~
28 ~~majority of the judges of the superior court in any county with a population of over~~
29 ~~7,000,000 as determined by the 1980 federal census shall appoint an executive~~
30 ~~officer/clerk of the superior court who shall hold office at the pleasure of the court and~~
31 ~~shall exercise administrative powers and perform other duties as may be required of him~~
32 ~~or her. The court shall fix the qualifications of the officer and may delegate to that officer~~
33 ~~any administrative powers and duties as are now or may hereafter by law be vested in or~~
34 ~~required to be exercised by the court. The executive officer/clerk of the superior court~~
35 ~~shall prepare an annual report and other reports as may be directed by the court. The~~
36 ~~annual salary of the executive officer/clerk of the superior court shall be as provided in~~
37 ~~Section 69894.1. He or she shall be allowed actual traveling and other necessary expenses~~
38 ~~while engaged in the discharge of the duties of his or her office.~~

39 **Comment.** Section 69892.1 is repealed to reflect:

40 (1) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
41 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
42 (salaries), 71673 (authority of court).

43 (2) Enactment of Section 69505 (business-related travel expenses of trial court judges and
44 employees).

1 **§ 69893.5 (repealed). Court personnel in Sacramento County**

2 SEC. ____ . Section 69893.5 of the Government Code is repealed.

3 ~~69893.5. (a) In each county with a population of 480,000 and not more than 503,000, as~~
4 ~~determined by the 1960 Federal Census, the superior court may establish such titles as are~~
5 ~~required and, with the approval of the board of supervisors, may appoint and employ a~~
6 ~~court administrator, probate file examiner, master calendar clerk, legal secretaries,~~
7 ~~assistants, and other employees as it deems necessary for the performance of the duties~~
8 ~~and exercise of the powers conferred by law upon it and its members. Rates of~~
9 ~~compensation of all officers, assistants, and other employees may be established and~~
10 ~~adjusted by the board of supervisors.~~

11 ~~(b) Notwithstanding any other provision of law, juvenile court referees appointed~~
12 ~~pursuant to Section 247 of the Welfare and Institutions Code and superior court~~
13 ~~commissioners in this county shall receive a salary equal to 85 percent of the annual~~
14 ~~salary for a superior court judge and shall earn vacation credit at the rate of 6.5 hours for~~
15 ~~each biweekly pay period of full-time service, except that a juvenile court referee~~
16 ~~appointed by the court prior to August 28, 1990, and who has been employed by the~~
17 ~~county since August 5, 1974, at the time of the appointment shall be entitled to earn~~
18 ~~vacation credit at the rate of 7.7 hours for each biweekly pay period of full-time service.~~

19 ~~(c) The presiding judge of the superior and municipal courts may authorize a court~~
20 ~~commissioner and juvenile court referees to exercise all the powers and perform all the~~
21 ~~duties authorized by law to be performed by a commissioner of the superior court, a~~
22 ~~commissioner of the municipal court appointed pursuant to Section 72190, and a referee~~
23 ~~of the juvenile court appointed pursuant to Section 247 of the Welfare and Institutions~~
24 ~~Code.~~

25 **Comment.** Section 69893.5 is repealed to reflect:

26 (1) Unification of the municipal and superior courts in Sacramento County pursuant to Article
27 VI, Section 5(e), of the California Constitution, effective June 17, 1998.

28 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
29 71620 (trial court personnel), 71622 (subordinate judicial officers), 71623 (salaries), 71625
30 (accrued leave benefits), 71640-71645 (employment selection and advancement), 71673
31 (authority of court).

32 **§ 69893.7 (repealed). Court personnel in Yolo County**

33 SEC. ____ . Section 69893.7 of the Government Code is repealed.

34 ~~69893.7. Notwithstanding any other provision of law, the following provisions shall~~
35 ~~apply to the Yolo County superior and municipal courts.~~

36 ~~(a) To assist the court in the performance of its duties and the exercise of the powers~~
37 ~~conferred by law upon the court, a majority of the judges of the superior and municipal~~
38 ~~courts, with the approval of the board of supervisors, may establish such job~~
39 ~~classifications and may appoint a clerk and such officers, assistants, and employees,~~
40 ~~including official court reporters, as necessary. A majority of the judges of the superior~~
41 ~~and municipal courts may delegate the creation of job classifications and the appointment~~
42 ~~of employees to the court executive officer. Official court reporters shall hold office at~~
43 ~~the pleasure of the appointing officer.~~

44 ~~(b) The compensation, including salary, retirement, vacations, and other benefits, of all~~
45 ~~Yolo County superior and municipal court officers and employees may be adjusted by the~~
46 ~~board of supervisors. The board of supervisors may extend the management benefits~~
47 ~~package to officers, assistants, and employees of the superior and municipal courts,~~
48 ~~including judges, on the same basis as it is extended to other officers and employees of~~

1 the county. Unless otherwise provided by law, employees of the superior and municipal
2 courts are subject to the personnel regulations, memoranda of understanding and
3 affirmative action plan of the county.

4 (e) In addition to the official court reporters, the presiding judge of the superior and
5 municipal courts may appoint as many court reporters pro tempore as the business of the
6 court requires, who shall hold office at his or her pleasure. The court reporters pro
7 tempore shall be unsalaried, but shall be compensated at a rate to be established by joint
8 action of the board of supervisors and a majority of the judges of the superior and
9 municipal courts. In criminal cases, the compensation of the court reporters pro tempore
10 shall, upon order of the court, be a charge against the general fund of the county. The
11 presiding judge of the superior and municipal courts may delegate the appointment of
12 court reporters pro tempore and the determination of their salary to the court executive
13 officer.

14 **Comment.** Section 69893.7 is repealed to reflect:

15 (1) Unification of the municipal and superior courts in Yolo County pursuant to Article VI,
16 Section 5(e), of the California Constitution, effective June 3, 1998.

17 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
18 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
19 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
20 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
21 (employment selection and advancement), 71650-71658 (employment protection system), 71673
22 (authority of court). See also Sections 69941 (appointment of official reporters), 69947
23 (compensation of official reporter).

24 (3) Enactment of the Trial Court Funding Act. See Section 77003, Cal. R. Ct. 810 ("court
25 operations" defined). See also Section 69952 (payment from Trial Court Operations Fund); Code
26 Civ. Proc. § 274a (transcript of proceedings).

27 **§ 69894 (repealed). Court personnel in Los Angeles County**

28 SEC. _____. Section 69894 of the Government Code is repealed.

29 69894. In the County of Los Angeles, a majority of the judges of the superior court
30 may appoint the following officers and employees:

31  **Note.** To conserve resources, the table of positions has not been reproduced.

32 All personnel appointed pursuant to this article shall serve at the pleasure of the court
33 and may at any time be removed by the court in its discretion.

34 **Comment.** Section 69894 is repealed to reflect enactment of the Trial Court Employment
35 Protection and Governance Act. See Sections 71615(c)(1) (preservation of employees' job
36 classifications), 71620 (trial court personnel), 71622 (subordinate judicial officers), 71640-71645
37 (employment selection and advancement), 71650-71658 (employment protection system), 71673
38 (authority of court). See also Section 69941 (appointment of official reporters).

39 **§ 69894.1 (repealed). Salaries of court personnel in Los Angeles County**

40 SEC. _____. Section 69894.1 of the Government Code is repealed.

41 69894.1. (a) Officers and employees of the superior court shall receive a monthly salary
42 at a rate specified in the Los Angeles County Code as follows:

43  **Note.** To conserve resources, the salary schedule has not been reproduced.

1 Whenever a reference to numbered salary schedules and notes is made in this section,
2 those found in the Los Angeles County Code, Title 6, shall apply. Whenever the
3 compensation of superior court judges is adjusted, the flat rate salaries for court
4 commissioners and referees shall be adjusted to maintain the salary relationship of 85
5 percent of the annual compensation of superior court judges.

6 As defined in the Los Angeles County Code, Section 6.28.030, the following prefixes
7 are used instead of schedule numbers:

8 F—Flat rate per month.

9 FD—Flat rate per day.

10 FH—Flat rate per hour.

11 As defined in the Los Angeles County Code, Section 6.28.040, the following
12 abbreviation is used in conjunction with or instead of schedule or range numbers:

13 N—Note (refers to Notes at end of Section 6.28.050).

14 “R” or “A” indicates a position’s inclusion in the County’s Management Appraisal and
15 Performance Plan. The grade number following the “R” or “A” designation indicates the
16 salary range. Compensation of these positions is in accordance with Sections 6.08.300 to
17 6.08.380, inclusive, of the county code.

18 (b) This section shall become operative on January 1, 2001.

19 **Comment.** Section 69894.1 is repealed to reflect enactment of the Trial Court Employment
20 Protection and Governance Act. See Sections 71620 (trial court personnel), 71622 (subordinate
21 judicial officers), 71623 (salaries), 71673 (authority of court). See also Section 69947
22 (compensation of official reporter).

23 **§ 69894.3 (repealed). Court personnel in counties over 2,000,000**

24 SEC. ____ . Section 69894.3 of the Government Code is repealed.

25 69894.3. Employees of the superior court in each county having a population of over
26 2,000,000 shall be entitled to step advancement, vacation, sick leave, holiday benefits and
27 other leaves of absence and other benefits as may be directed by rules of the court. Where
28 statutes require implementation by local ordinances for the extension of benefits to local
29 officers and employees, these may be made applicable by rule to court personnel,
30 including but not limited to jurors, and judges.

31 These benefits shall also include the same lump sum payments for sick leave and
32 vacation for the superior court employees when they are separated from the service as are
33 made to county employees of the county; except that lump sum payments to court
34 commissioners when separated from the service of the superior court shall be limited to
35 accrued vacation if any, as is provided by local rule of court, exclusive of accrued sick
36 leave.

37 Court employees under this section shall have the right to transfer to other departments
38 in the county government, subject to the approval of the board of supervisors, the county
39 charter, and other usual conditions that may be placed upon the transfer, including, but
40 not limited to, a requirement that the transferee successfully complete an appropriate civil
41 service examination. The right of transfer shall not give any employee any additional
42 rights by reason of his employment with the court, other than those to which he would
43 have been entitled if the employment had been with a different department of the county
44 government.

45 Employment by the court shall be deemed to be employment by the county, if approved
46 by rule of court, for the purpose of determining a court employee’s rights with respect to
47 a county’s ordinances providing for salary step advancements and other employee

1 benefits and rights, including, but not limited to, amount of compensation, vacations, sick
2 leave, and accumulated sick leave.

3 In any such county attaches may be voluntarily transferred from a position in one
4 judicial district to a position in another within the county and promoted or voluntarily
5 demoted from a position in one judicial district to a position in another within the county
6 in substantially the same manner as transfers, demotions and promotions are authorized
7 generally in county departments or between departments of the county.

8 Rules of the court may include other matters pertaining to the general administration of
9 the court, including conditions of employment of court personnel, including but not
10 limited to jurors and judges. When rules are adopted by a majority of the judges and filed
11 with the Judicial Council they shall have the same status as other rules of court adopted
12 pursuant to Section 68070.

13 When requested to do so by the court the county shall through the county civil service
14 commission furnish to the court services as may be required in connection with the
15 recruitment and employment of court officers and employees.

16 **Comment.** Section 69894.3 is repealed to reflect:

17 (1) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
18 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
19 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
20 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
21 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
22 protection system), 71673 (authority of court).

23 (2) Enactment of the Trial Court Funding Act. See Sections 77001 (local trial court
24 management), 77003 and Cal. R. Ct. 810 ("court operations" defined).

25  **Notes.** The Commission solicits comments regarding the continuing usefulness of Section
26 69894.3 or any of its provisions, particularly those that refer to jury benefits and the right of court
27 employees to transfer to employment in county departments.

28 Issues involving judicial benefits are still unsettled. The provisions regarding judicial benefits
29 may need to be preserved pending further study and review by interested parties, including the
30 Judicial Council's Task Force on Judicial Service. The Commission solicits comments on this
31 issue.

32 Section 69894.3 could potentially apply to Los Angeles, Orange, and San Diego Counties.

33 **§ 69894.4 (repealed). Expense allowances**

34 SEC. ____ . Section 69894.4 of the Government Code is repealed.

35 69894.4. All of the employees provided for in Section 69894.1 and judges of the
36 superior court in each county having a population of over 2,000,000 shall be allowed
37 actual traveling and necessary expenses incurred while engaged in the duties of their
38 office, which shall be the same as allowed to officers and employees of such county. Any
39 expenses for travel outside of the county shall require the prior approval of the board of
40 supervisors.

41 Whenever, because of the nature of the duties of any judge or officer of the court, the
42 board of supervisors determines that the best interest of the county and the court would be
43 served, it may assign an automobile in lieu of allowing travel expenses.

44 The salaries provided for in said Section 69894.1 shall be paid by the county out of
45 such fund as other salary demands against the county are paid. The expenses provided for
46 in this section shall be paid in monthly installments out of the general fund. Salaries and
47 expenses shall be audited in the same manner as the law requires for other demands
48 against the county.

- 1 **Comment.** Section 69894.4 is repealed to reflect:
2 (1) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
3 71620 (trial court personnel), 71623 (salaries), 71673 (authority of court).
4 (2) Enactment of Section 69505 (business-related travel expenses of trial court judges and
5 employees).
6 (3) Enactment of the Trial Court Funding Act. See Sections 77001 (local trial court
7 management), 77003 and Cal. R. Ct. 810 (“court operations” defined), 77009 (Trial Court
8 Operations Fund), 77200 (state funding of trial court operations).

9 ☞ **Note.** Section 69894.4 could potentially apply to Los Angeles, Orange, and San Diego
10 Counties.

11 **§ 69894.5 (amended). Employment and assignment of officers or attachés as interpreters**
12 SEC. _____. Section 69894.5 of the Government Code is amended to read:
13 69894.5. The court may by rule employ and assign officers or attaches to perform the
14 duties outlined in Section 26806 ~~xxxxx~~ of the Government Code.

15 **Comment.** Section 69894.5 is amended to correct the reference to Section 26806.

16 ☞ **Note.** We anticipate relocating court interpreter provisions to Title 8 of the Government Code
17 and integrating them with trial court employment and trial court funding provisions. Once this
18 material is drafted, the appropriate section number will be inserted in Section 69894.5.

19 **§ 69894.6 (repealed). Official reporters in Los Angeles County**
20 SEC. _____. Section 69894.6 of the Government Code is repealed.
21 69894.6. ~~Notwithstanding Section 69894.1, in the County of Los Angeles, a majority of~~
22 ~~the judges of the superior court may appoint 362 court reporters at salary schedule 82F,~~
23 ~~NZ, N3. The salary schedule and notes are those found in the Los Angeles County Code,~~
24 ~~Title 6. Court reporters shall serve at the pleasure of the court and may at any time be~~
25 ~~removed by the court in its discretion.~~

26 **Comment.** Section 69894.6 is repealed to reflect enactment of the Trial Court Employment
27 Protection and Governance Act. See Sections 71615(c)(1) (preservation of employees’ job
28 classifications), 71620 (trial court personnel), 71623 (salaries), 71640-71645 (employment
29 selection and advancement), 71650-71658 (employment protection system), 71673 (authority of
30 court). See also Sections 69941 (appointment of official reporters), 69947 (compensation of
31 official reporter).

32 **§ 69895 (repealed). Court executive officer in City and County of San Francisco**
33 SEC. _____. Section 69895 of the Government Code is repealed.
34 69895. ~~In the City and County of San Francisco, the superior court shall appoint an~~
35 ~~executive officer who shall act as a secretary to the judges of the superior court and~~
36 ~~perform the duties of jury commissioner pursuant to Section 69893 and all duties of a~~
37 ~~court administrator as described in Section 69898.~~

38 ~~On the authorization of the judges, the executive officer shall have an assistant~~
39 ~~executive officer who shall assist in the performance of the duties of Sections 69893 and~~
40 ~~69898.~~

41 ~~The court may delegate to the executive officer any administrative powers and duties as~~
42 ~~are now or hereafter by law may be vested in or required to be exercised by such court.~~

43 ~~The salaries of the executive officer and assistant executive officer shall be paid by the~~
44 ~~city and county.~~

1 **Comment.** Section 69895 is repealed to reflect:

2 (1) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
3 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
4 (salaries). See also Code Civ. Proc. § 195 (jury commissioner).

5 (2) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
6 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations).

7 **§ 69896 (repealed). Secretary serving as jury commissioner**

8 SEC. _____. Section 69896 of the Government Code is repealed.

9 ~~69896. In a county with a population of less than 1,500,000 as ascertained pursuant to
10 the 1960 federal census where the secretary for the judges of the superior court is
11 required to perform the duties of jury commissioner pursuant to Section 69893, the salary
12 of the secretary shall be fixed by the board of supervisors.~~

13 **Comment.** Section 69896 is repealed to reflect enactment of the Trial Court Employment
14 Protection and Governance Act. See Section 71623 (salaries). See also Code Civ. Proc. § 195
15 (jury commissioners).

16  **Note.** Section 69896 could potentially apply to all counties except Los Angeles County.

17 **§ 69897 (amended). Probate commissioners**

18 SEC. _____. Section 69897 of the Government Code is amended to read:

19 ~~69897. The superior court of any county with a population of over 600,000 and under
20 900,000 may appoint a probate commissioner to assist the probate court in disposing of
21 its business connected with the administration of justice. The person appointed shall be
22 designated as probate commissioner of such county. He shall be a citizen of the United
23 States, a resident of this State and have been admitted to practice before the Supreme
24 Court of this State. He shall hold office during the pleasure of the courts appointing him.~~

25 ~~The appointment of the probate commissioner shall be made by order entered in the
26 minutes of the court.~~

27 Every subordinate judicial officer appointed as a probate commissioner so appointed
28 shall be in attendance at all sessions of the court. He The probate commissioner shall
29 examine all the files and proceedings and advise the court on them. He The probate
30 commissioner shall have the powers and duties delegated to him by the appointing court,
31 including the powers conferred on court commissioners by this title or the Code of Civil
32 Procedure.

33 **Comment.** Section 69897 is amended to repeal obsolete provisions. The obsolete provisions
34 are superseded by Section 71622 (subordinate judicial officers).

35 **§ 69898 (repealed). Appointment of court executive officer**

36 SEC. _____. Section 69898 of the Government Code is repealed.

37 ~~69898. (a) Any superior court may appoint an executive officer who shall hold office at
38 the pleasure of the court and shall exercise such administrative powers and perform such
39 other duties as may be required of him by the court. The court shall fix the qualifications
40 of the executive officer and may delegate to him any administrative powers and duties
41 required to be exercised by the court. He shall supervise the secretaries of the judges of
42 the court and perform, or supervise the performance of, the duties of jury commissioner.
43 The salary of the executive officer shall be fixed by the court and shall be paid by the
44 county in which he serves. Each such position shall be exempt from civil service laws.~~

1 Any superior court may appoint the county clerk as executive officer, who shall hold
2 office as such executive officer at the pleasure of the court and shall exercise such
3 administrative powers and perform such other duties as may be required of such person
4 by the court.

5 (b) Any superior court for which a specific authorization to have an executive or
6 administrative officer has been enacted by the Legislature may elect to proceed under its
7 specific authorization or under this section, but not under both.

8 (c) In every superior court having an executive or administrative officer appointed
9 under the provisions of this section or under a specific statutory authorization, that officer
10 has the authority of a clerk of the superior court.

11 (d) Notwithstanding any other provision of law, a superior court having an executive or
12 administrative officer may, by local rule, specify which of the powers, duties and
13 responsibilities required or permitted to be exercised or performed by the county clerk in
14 connection with judicial actions, proceedings and records shall be exercised or performed
15 by the executive or administrative officer. The county clerk shall be relieved of any
16 obligation imposed on him by law with respect to these specified powers, duties and
17 responsibilities, to the extent the local rule imposes on the executive or administrative
18 officer the same powers, duties and responsibilities.

19 **Comment.** Section 69898 is superseded by Sections 69840 (powers, duties, and responsibilities
20 of clerk of court) and 71620 (trial court personnel).

21 **§ 69899.5 (repealed). Court personnel in Orange County**

22 SEC. ____. Section 69899.5 of the Government Code is repealed.

23 69899.5. In the County of Orange, a majority of the judges of the superior court may
24 appoint or delegate authority to the Superior Court Chief Executive Officer to appoint
25 officers and employees whose salaries shall be pursuant to the Table of Classifications
26 and Salary Schedules adopted by the Executive Committee of the Superior Court.

27 Pursuant to the Lockyer-Isenberg Trial Court Funding Act of 1997 and Article 3
28 (commencing with Section 77200) of Chapter 13, the County of Orange has no obligation
29 for the salary and benefits of commissioners referees, officers, assistants, and other
30 employees of the superior court appointed pursuant to this section. Funding for trial court
31 operations shall be solely the responsibility of the state.

32 All personnel appointed pursuant to this section shall serve at the pleasure of the
33 majority of the judges and may at any time be removed by the majority of the judges in
34 their discretion, or in the discretion of the Superior Court Chief Executive Officer when
35 so delegated.

36 The superior court may establish any additional positions, titles, and pay rates as are
37 required, and may appoint and employ any additional commissioners, referees, officers,
38 assistants, and other employees it deems necessary for the performance of the duties and
39 exercise of the powers conferred by law upon the court and its members. Rates of
40 compensation of all officers, assistants, and other employees authorized by this section,
41 except those of court commissioners and juvenile court referees, may be adjusted by a
42 majority of the judges of the court, the Superior Court Executive Committee, or the
43 Superior Court Chief Executive Officer when so delegated.

44 All court personnel shall be entitled to any step advancement, vacation, sick leave,
45 holiday benefits, other leaves of absence, lump-sum payments for sick leave and vacation
46 when separated from the service, inclusion in the retirement system of the County of
47 Orange and other benefits as may be adopted in a memorandum of understanding with a

1 recognized employee organization or as may be directed by rules adopted by a majority
2 of the judges.

3 Superior court commissioners and juvenile court referees shall be entitled to any
4 benefits as may be directed by rules adopted by the majority of the judges.

5 Where statutes require implementation by local ordinances for the extension of benefits
6 to local officers and employees, these benefits may be made applicable, by rule, to those
7 employees.

8 Rules of the court may include other matters pertaining to the general administration of
9 the court, including conditions of employment of personnel. When the rules are adopted
10 by a majority of the judges and filed with the Judicial Council they shall have the same
11 status as other rules of court adopted pursuant to Section 68070.

12 When requested to do so by the court, the county shall furnish to the superior court any
13 services as may be required in connection with the recruitment and employment of
14 personnel.

15 All those personnel and judges shall be allowed actual traveling and necessary expenses
16 incurred while engaged in the duties of their employment or office.

17 This section is not intended to alter the existing employment status of, or meet and
18 confer obligations related to, superior court staff or to require changes in local
19 employment practices.

20 **Comment.** Section 69899.5 is repealed to reflect:

21 (1) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
22 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
23 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
24 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
25 not affected), 71630-71639.3 (labor relations), 71640-71645 (employment selection and
26 advancement), 71650-71658 (employment protection system), 71673 (authority of court).

27 (2) Enactment of Section 69505 (business-related travel expenses of trial court judges and
28 employees).

29 (3) Enactment of the Trial Court Funding Act. See Sections 77003 and Cal. R. Ct. 810 ("court
30 operations" defined), 77009 (Trial Court Operations Fund), 77200 (state funding of trial court
31 operations).

32 **§ 69900 (repealed). Court personnel in City and County of San Francisco**

33 SEC. _____. Section 69900 of the Government Code is repealed.

34 69900. In the City and County of San Francisco, a majority of the judges of the
35 superior court may appoint the following employees, whose annual salaries shall be as set
36 forth hereafter. The class numbers set forth refer to the superior court position
37 classifications contained in the salary ordinance of the City and County of San Francisco.

	Title	Class Number
39	1 Executive Officer	0555
40	1 Assistant County Clerk	0583
41	1 Assistant Executive Officer	0584
42	1 Manager of Budget and Admin.	0585
43	20 Court Coordinators	0588
44	4 Court Assistants	0589
45	4 Court Assistants, Senior	0590
46	65 Superior Court Clerks	0591
47	1 Payroll/Personnel Director	0592
48	1 Deputy Jury Commissioner	0622
49	3 Managers of Court Operations	0634

1	— 6	Division Chiefs	0636
2	— 1	Director Family Court Services	0640
3	— 1	Assistant Director Family Court Services	0641
4	— 1	Assistant Director Probate	0646
5	— 1	Director, Probate	0647
6	— 4	Court Investigators	0648
7	— 3	Probate Examiners	0649
8	— 1	Traffic Hearing Officer	0650
9	— 5	Counselors Family Court Services	0655
10	— 1	Mental Health Coordinator	0657
11	— 10	Legal Research Assistants	0676
12	— 1	Judicial Secretary Coordinator	0677
13	— 2	Executive Secretaries	0678
14	— 6	Judicial Secretaries	0680
15	— 23	Judicial Clerks, Senior	0681
16	— 40	Judicial Clerks	0697
17	— 1	Judicial Clerk II	0705
18	— 29	Court Reporters	0710
19	— 1	Legal Research Assistant Presiding Judge	0735
20	— 1	MIS Specialist II	0818
21	— 4	MIS Specialists III	0819
22	— 1	Superior Court Computer Coordinator	0821
23	— 5	Attorneys, Civil and Criminal	0174
24	— 1	Juvenile Justice Director	0637

25 Those positions shall be paid biweekly the equivalent amount as specified in the salary
26 ordinance. All salaries for original appointments shall be at step 1, provided that on the
27 first anniversary of appointment the employee shall advance to the second step, and
28 thereafter on the second anniversary of appointment the employee shall advance to step 3,
29 and thereafter on the third anniversary of appointment the employee shall advance to step
30 4, and thereafter shall be paid at the rate established by step 4.

31 Service in any position enumerated herein prior to the effective date of the amendments
32 to this section enacted at the 1991-92 Regular Session of the Legislature shall constitute
33 service for the purpose of determining the step at which the attache is paid. Service in any
34 position wherein substantially the same duties have been performed shall also be deemed
35 service for the purpose of determining at which step the attache is to be paid.

36 Employment by the court shall be deemed to be employment by the city and county, if
37 approved by resolution of the court, for purposes of determining court employees' rights
38 to sick leave, vacation, and holiday pay and accumulation thereof, as provided either by
39 charter or ordinances of the city and county for miscellaneous employees.

40 With the approval of the board of supervisors, the court may establish such additional
41 titles and pay rates as are required and, with the approval of the board of supervisors, may
42 appoint and employ such additional commissioners, officers, and assistants and other
43 employees as it deems necessary for the performance of the duties and exercise of the
44 powers conferred by law upon it and its members.

45 Rates of compensation of all officers and assistants and other employees may be altered
46 by joint action and approval of the board of supervisors and a majority of the judges of
47 the court. The salaries of the employees of the superior court shall be paid by the city and
48 county.

49 **Comment.** Section 69900 is repealed to reflect:

1 (1) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
2 71601(l) (“trial court employee” defined), 71615(c)(1) (preservation of employees’ job
3 classifications), 71620 (trial court personnel), 71622 (subordinate judicial officers), 71623
4 (salaries), 71625 (accrued leave benefits), 71629 (trial court employment benefits not affected),
5 71640-71645 (employment selection and advancement), 71673 (authority of court). See also
6 Sections 69941 (appointment of official reporters), 69947 (compensation of official reporter).

7 (2) Enactment of the Trial Court Funding Act. See Sections 77003 (“court operations” defined),
8 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations).

9 **§ 69901 (repealed). Expense allowances**

10 SEC. _____. Section 69901 of the Government Code is repealed.

11 ~~69901. All of the employees provided for in Section 69900 shall be allowed actual~~
12 ~~traveling and necessary expenses incurred while engaged in the duties of their office.~~

13 ~~The salaries provided for in the said section shall be paid in monthly installments out of~~
14 ~~the salary fund of the county, or, if there is none, out of such fund as other salary~~
15 ~~demands against the county are paid. The expenses provided for in this section shall be~~
16 ~~paid in monthly installments out of the general fund. Salaries and expenses shall be~~
17 ~~allowed and audited in the same manner as the law requires for other demands against the~~
18 ~~county.~~

19 **Comment.** Section 69901 is repealed to reflect:

20 (1) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
21 71601(l) (“trial court employee” defined), 71623 (salaries), 71673 (authority of court).

22 (2) Enactment of Section 69505 (business-related travel expenses of trial court judges and
23 employees).

24 (3) Enactment of the Trial Court Funding Act. See Sections 77003 (“court operations” defined),
25 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations).

26 **§ 69903 (repealed). Court officers and employees in Alameda County**

27 SEC. _____. Section 69903 of the Government Code is repealed.

28 ~~69903. In any county with a population of less than 1,073,200, but more than 1,069,700~~
29 ~~as determined by the 1970 federal census, a majority of the judges of the superior court~~
30 ~~may appoint the listed officers and employees whose salaries shall be paid by the county~~
31 ~~as follows:~~

32  **Note.** The list has been omitted to conserve resources.

33 ~~The item number set forth in the previous paragraph refers to the classifications~~
34 ~~contained in the Alameda County salary ordinance and superior court positions shall be~~
35 ~~paid the equivalent amount as specified in the salary ordinance.~~

36 ~~All personnel appointed pursuant to this section shall be exempt from civil service laws~~
37 ~~-serving at the pleasure of the judges of the court and may at any time be removed by a~~
38 ~~majority thereof at their discretion. Notwithstanding any other provision of this section,~~
39 ~~each judge may appoint a competent phonographic reporter who shall perform, in~~
40 ~~addition to his other duties, such secretarial services for the appointing judge as he~~
41 ~~requires in the performance of his official duties.~~

42 ~~With the approval of the board of supervisors, a majority of the judges may establish~~
43 ~~such additional titles and pay rates as are required and may appoint such additional~~
44 ~~commissioners, officers, assistants, and other employees as they deem necessary for the~~
45 ~~performance of the duties and exercise of the powers conferred by law upon the court and~~
46 ~~its members. Rates of compensation of all such officers, assistants, and other employees~~
47 ~~may be adjusted by joint action and approval of the board of supervisors and a majority~~

1 of the judges of the court. Such additional appointments or changes in compensation
2 made pursuant to this section shall be on an interim basis and shall expire on the effective
3 date of appropriate ratifying or modifying state legislation.

4 All personnel except pro tem court reporters shall be entitled to salary advancement,
5 vacation, sick leave, holiday benefits, other leaves of absence, and other benefits, not
6 more than that provided in the Alameda County Administrative Code for county
7 employees. However, vacation benefits for commissioner and referee classifications shall
8 be determined by written court policy.

9 All personnel except pro tem court reporters shall be included in the Alameda County
10 retirement system.

11 If the board of supervisors provides by ordinance or resolution for a rate of
12 compensation for positions in any of the superior court classes specified in this section
13 which is higher than that herein otherwise provided for, such higher rate of compensation
14 shall be effective at the same time and in the same manner as rates of pay for Alameda
15 County employees generally. Comparative classes shall be determined by a majority of
16 the judges and the board of supervisors.

17 **Comment.** Section 69903 is repealed to reflect:

18 (1) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
19 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
20 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
21 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
22 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
23 protection system), 71673 (authority of court). See also Sections 69941 (appointment of official
24 reporters), 69947 (compensation of official reporter).

25 (2) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
26 77200 (state funding of trial court operations).

27 **§ 69903.3 (repealed). Extra compensation for administrative assistant and chief calendar**
28 **deputy in Alameda County**

29 SEC. ____. Section 69903.3 of the Government Code is repealed.

30 69903.3. Notwithstanding any other provisions of this article, in any county with a
31 population of less than 1,000,000 but more than 800,000 as determined by the 1960
32 federal census, and if the superior court does not have a position of assistant jury
33 commissioner, the positions of administrative assistant and chief calendar deputy in
34 Section 69903 shall be compensated at a rate of 10 percent more than the salary to which
35 they would be entitled otherwise.

36 **Comment.** Section 69903.3 is repealed to reflect enactment of the Trial Court Employment
37 Protection and Governance Act. See Sections 71620 (trial court personnel), 71623 (salaries).

38 **§ 69904 (repealed). Court personnel in San Diego County**

39 SEC. ____. Section 69904 of the Government Code is repealed.

40 69904. (a) In a county of the third class, as determined by the 1970 federal census, a
41 majority of the judges of the superior court may establish additional titles and pay rates as
42 are required and may appoint and employ those commissioners, officers, assistants, and
43 other employees as are deemed necessary for the performance of the duties and exercise
44 of the power conferred by law upon the court and its members. Titles and rates of
45 compensation of all the commissioners, officers, assistants, and other employees may be
46 adjusted from time to time by a majority of the judges of the court.

1 (b) All personnel appointed by the judges pursuant to this or any other section shall be
2 exempt from civil service and shall be attaches of the court. They shall serve at the
3 pleasure of a majority of the judges of the court and may at any time be removed by the
4 majority of the judges in their discretion. In addition to the benefits authorized under
5 Article 1 (commencing with Section 53200) of Chapter 2 of Title 5 and Sections 69902
6 and 69902.5 and in accordance with personnel regulations adopted by a majority of the
7 judges, those personnel shall be entitled to step advancement, vacation, sick leave,
8 holiday benefits, other leaves of absence, and other benefits, including participation in the
9 county's tuition refund and suggestion award programs, at levels no less than those
10 authorized for employees in the classified service of the county. In the event the
11 regulations allow credit for sick leave benefits or other benefits accumulated by the
12 appointee while employed in county civil service, no credit shall be allowed if the
13 appointee elected to receive any payment, including any partial payment, for any of those
14 benefits upon separation from county civil service. Any person terminating employment
15 with county civil service and immediately accepting appointment with the court may, if
16 provided by the rules of the Civil Service Commission, return to civil service within two
17 years of that appointment, provided the return shall not entitle that employee to any
18 additional rights by reason of his or her employment with the court, other than those to
19 which he or she would have been entitled if he or she had remained in county civil
20 service during the period of employment with the court.

21 (c) Juvenile court referees in their first year of service shall receive a salary equal to 75
22 percent of the salary of a judge of the superior court, and in their second year of service
23 they shall receive a salary equal to 80 percent of the salary of a judge of the superior
24 court; thereafter they shall receive a salary equal to 85 percent of the salary of a judge of
25 the superior court. Each juvenile court referee who has served as a referee prior to the
26 effective date of this act shall be entitled to credit for the time of service in the
27 computation of his or her salary as prescribed in this section. Nothing in this section shall
28 operate to reduce the compensation which the referee was entitled on the day prior to the
29 effective date of this section.

30 (d) With the approval of the judges of the court, each juvenile court referee and each
31 legal research assistant appointed pursuant to law, may be reimbursed for any payment he
32 or she makes for his or her annual State Bar of California membership fee.

33 **Comment.** Section 69904 is repealed to reflect enactment of the Trial Court Employment
34 Protection and Governance Act. See Sections 71615(c)(1) (preservation of employees' job
35 classifications), 71620 (trial court personnel), 71622 (subordinate judicial officers), 71623
36 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
37 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
38 (employment selection and advancement), 71650-71658 (employment protection system).

39 **§ 69906 (repealed). Court personnel in San Bernardino County**

40 SEC. ____. Section 69906 of the Government Code is repealed.

41 69906. In any county with a population of less than 715,674 but more than 631,498, as
42 determined by the 1970 federal census, a majority of the judges of the superior court may
43 appoint officers or employees as expressly authorized by law and, with the approval of
44 the board of supervisors, may establish additional titles and may appoint additional
45 commissioners, officers, assistants, and other employees as they deem necessary for the
46 performance of the duties and exercise of the powers conferred by law upon the court and
47 its members. At the request of the judges or the superior court executive officer, county
48 personnel services shall assist in the recruitment and examination of court personnel, but
49 the personnel shall be court rather than county personnel and shall serve at and may be

1 terminated at the pleasure of a majority of the judges. Other provisions of county civil
2 service or personnel rules or procedures shall not be applicable to court employees unless
3 made applicable by local court rule. Except as otherwise expressly provided by statute,
4 salaries of all court personnel shall be fixed and adjusted by mutual agreement of a
5 majority of the judges and the board of supervisors; provided, that the salary of any court
6 investigator appointed by the court pursuant to Section 1454 of the Probate Code shall be
7 fixed by a majority of the judges of the court. Benefits other than salary shall, for all court
8 personnel, be the same as are now or may hereafter be provided to comparable county
9 classifications, as comparability is determined by agreement of the majority of judges and
10 the board of supervisors, but shall not exceed those provided for the comparable county
11 classifications, except that vacation benefits for commissioner and referee classifications
12 shall be the same as are provided for judges pursuant to subdivision (7) of Section 205 of
13 the California Rules of Court. However, the increased cost of vacation benefits for
14 commissioners and referees shall not be considered in determining the cost of court
15 operations pursuant to Sections 77003 and 77204.

16 To the extent necessary, and for the sole purpose of implementing the intent of this
17 section, court employees shall be deemed county employees for inclusion in those benefit
18 programs provided county employees as a group or groups. All court employees except
19 pro tempore court reporters shall, if otherwise eligible under statutory and retirement
20 association membership requirements, be included in the county's retirement system.

21 **Comment.** Section 69906 is repealed to reflect:

22 (1) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
23 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
24 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
25 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
26 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
27 protection system), 71673 (authority of court). See also Sections 69941 (appointment of official
28 reporters), 69947 (compensation of official reporter).

29 (2) Enactment of the Trial Court Funding Act. See Section 77003, Cal. R. Ct. 810 ("court
30 operations" defined).

31 **§ 69907 (unchanged). Benefits for superior court judges in San Diego County**

32 69907. (a) In the County of San Diego, in addition to any other compensation and
33 benefits, each judge of the superior court shall receive the same life insurance, accidental
34 death and dismemberment insurance, comprehensive annual physical examinations,
35 executive flexible benefits plan (except that if deferred compensation is selected, no
36 adjustment based on retirement tier shall apply), and dental and vision insurance as
37 provided by the County of San Diego for the classification of chief administrative officer.
38 Changes in these benefits shall be effective on the same date as for those for the
39 classification of chief administrative officer.

40 (b) Subject to approval by the board of supervisors, each judge of the superior court
41 shall receive long-term disability insurance to the same extent as provided by the County
42 of San Diego for the classification of chief administrative officer.

43  **Note.** Issues involving judicial benefits are still unsettled. This section may need to be
44 preserved pending further study and review by interested parties, including the Judicial Council's
45 Task Force on Judicial Service. The Commission solicits comments on these issues.

1 **§ 69908 (repealed). Court personnel in Madera County**

2 SEC. ____ . Section 69908 of the Government Code is repealed.

3 ~~69908. Notwithstanding any other provision of law, in Madera County, a majority of~~
4 ~~the judges of the superior court may appoint such officers or employees as are expressly~~
5 ~~authorized by law and, with the approval of the board of supervisors, may establish such~~
6 ~~additional titles and may appoint such additional commissioners, officers, assistants, and~~
7 ~~other employees as they deem necessary for the performance of the duties and exercise of~~
8 ~~the powers conferred by law upon the court and its members. At the request of the judges~~
9 ~~or the superior court executive officer, the county personnel department shall assist in the~~
10 ~~recruitment and examination of court personnel. Personnel hired or appointed as official~~
11 ~~reporters, official interpreters, research attorneys, or in other nonclerical positions shall~~
12 ~~serve at and may be terminated at the pleasure of a majority of the judges. Other~~
13 ~~provisions of county civil service or personnel rules or procedures shall not be applicable~~
14 ~~to those court employees unless made applicable by local court rule. Except as otherwise~~
15 ~~expressly provided by statute, salaries of all court personnel shall be fixed and adjusted~~
16 ~~by mutual agreement of a majority of the judges and the board of supervisors. Benefits~~
17 ~~other than salary shall, for all court personnel, be the same as are now or may hereafter be~~
18 ~~provided to equivalent county classifications, as that equivalency is determined by~~
19 ~~agreement of the majority of judges and the board of supervisors, but shall not exceed~~
20 ~~those provided for the equivalent county classifications. To the extent necessary, and for~~
21 ~~the sole purpose of implementing the intent of this section, court employees shall be~~
22 ~~deemed county employees for inclusion in those benefit programs provided county~~
23 ~~employees as a group or groups. All court employees except pro tempore court reporters~~
24 ~~shall, if otherwise eligible under statutory and retirement system membership~~
25 ~~requirements, be included in the county's retirement system.~~

26 **Comment.** Section 69908 is repealed to reflect enactment of the Trial Court Employment
27 Protection and Governance Act. See Sections 71615(c)(1) (preservation of employees' job
28 classifications), 71620 (trial court personnel), 71622 (subordinate judicial officers), 71623
29 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
30 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
31 (employment selection and advancement), 71650-71658 (employment protection system), 71673
32 (authority of court). See also Sections 69941 (appointment of official reporters), 69947
33 (compensation of official reporter).

34 **§ 69909 (unchanged) Benefits for superior court judges in Riverside County**

35 69909. (a) In the County of Riverside, in addition to any other compensation and
36 benefits, each judge of the superior court shall receive the county flexible benefits plan.

37 (b) Subject to approval by the board of supervisors, each judge of the superior court
38 shall receive long-term disability insurance to the same extent as provided by the County
39 of Riverside for other elected county officials.

40  **Note.** Issues involving judicial benefits are still unsettled. This section may need to be
41 preserved pending further study and review by interested parties, including the Judicial Council's
42 Task Force on Judicial Service. The Commission solicits comments on these issues.

43 **§ 69911 (repealed). Court personnel in Kern County**

44 SEC. ____ . Section 69911 of the Government Code is repealed.

45 69911. In the County of Kern, a majority of the judges of the superior court may
46 appoint the following officers and employees whose salaries shall be:

Number	Title	Range
1	Superior Court Executive Officer/Jury Commissioner	64.7
3	Principal Attorney	62.4 or,
	Senior Attorney OR	59.6 or,
	Associate Attorney OR	56.7 or,
	Deputy Attorney OR	53.9
1	Court Commissioner	75-85% of a Superior Court judge's annual salary
1	Senior Juvenile Court Referee	75-85% of a Superior Court judge's annual salary
1	Court Services Manager	53.1
1	Superior Court Calendar Coordinator	48.3
1	Departmental Systems Coordinator II	55.2
1	Departmental Systems Coordinator I	53.2
1	Probate Examiner	48.5
13	Assistant Secretary, Superior Court	44.4
22	Court Reporter	55.8
4	Court Reporter Part-time	55.8
1	Asst. Clerk of the Court	61.1
1	Dept. Systems Coord. I	52.8
1	Data Entry OP II OR	39.8
	Data Entry OP I	37.8
1	Court Financial Technician	47.9
1	Account Clerk IV	44.4
2	Account Clerk II OR	39.3
	Account Clerk I	36.5
1	Records Clerk	41.6
2	Microphotographer	40.7
2	Asst. Chief Deputy Clerk	53.0
1	CJIS Coord.	49.6
4	Supv. Superior Court Clerk	51.0
24	Superior Court Clerk II OR	47.8
	Superior Court Clerk I	44.2
10	Deputy Clerk III	46.2
32	Deputy Clerk II OR	44.1
	Deputy Clerk I	41.8
4	Typist Clerk II OR	38.1
	Typist Clerk I	35.3
1	Clerk III	40.7
2	Clerk II OR	38.0
	Clerk I	35.2
1	Senior Secretary	44.9
1	Secretary	43.0

The salary range set forth above is provided for in the salary schedule of the Kern County salary ordinance.

All personnel appointed pursuant to this section shall be noncivil service and shall serve at the pleasure of the majority of the judges. With the approval of the board of supervisors, the majority of the judges may establish any additional positions as are required, and, with the approval of the board of supervisors, may appoint and employ

1 additional commissioners, officers, assistants, and other employees as it deems necessary
2 for the performance of the duties and exercise of the powers conferred by law upon the
3 court and its members. Rates of compensation of all positions assigned to the superior
4 court may be adjusted by joint action and approval of the board of supervisors and a
5 majority of the judges of the court. Any additional appointments or changes in
6 compensation made pursuant to this section shall be on an interim basis and shall expire
7 on the effective date of appropriate ratifying or modifying state legislation.

8 All personnel appointed pursuant to this section shall be entitled to the same employee
9 benefits, with the exception of court holidays, that are provided to all other county
10 employees by the board of supervisors.

11 **Comment.** Section 69911 is repealed to reflect enactment of the Trial Court Employment
12 Protection and Governance Act. See Sections 71615(c)(1) (preservation of employees' job
13 classifications), 71620 (trial court personnel), 71622 (subordinate judicial officers), 71623
14 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
15 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
16 (employment selection and advancement), 71650-71658 (employment protection system), 71673
17 (authority of court). See also Code Civ. Proc. § 195 (jury commissioners); Sections 69941
18 (appointment of official reporters), 69947 (compensation of official reporter).

19 **§ 69912 (repealed). Deputy court clerk in San Luis Obispo County**

20 SEC. ____ . Section 69912 of the Government Code is repealed.

21 ~~69912. In the County of San Luis Obispo, upon authorization of a majority of the~~
22 ~~judges, the executive officer shall appoint a deputy clerk of the court or an assistant~~
23 ~~executive officer who shall assist in the performance of the duties of Sections 69893 and~~
24 ~~69898.~~

25 ~~The deputy clerk of court or assistant executive officer classification shall hold office at~~
26 ~~the pleasure of the court. The court shall fix the qualifications of the position. The~~
27 ~~position shall be exempt from civil service laws.~~

28 ~~The salary of the position shall be established and adjusted by mutual agreement of a~~
29 ~~majority of judges and the board of supervisors.~~

30 ~~Benefits other than salary shall be the same as are now provided or may hereafter be~~
31 ~~provided to equivalent county classifications. The position shall be included in the county~~
32 ~~retirement system.~~

33 **Comment.** Section 69912 is repealed to reflect enactment of the Trial Court Employment
34 Protection and Governance Act. See Sections 71615(c)(1) (preservation of employees' job
35 classifications), 71620 (trial court personnel), 71623 (salaries), 71624 (retirement plans), 71625
36 (accrued leave benefits), 71628 (deferred compensation plan benefits), 71629 (trial court
37 employment benefits not affected), 71640-71645 (employment selection and advancement),
38 71650-71658 (employment protection system), 71673 (authority of court).

39 **§ 69915 (amended). Consolidation of court-related services**

40 SEC. ____ . Section 69915 of the Government Code is amended to read:

41 69915. (a) Notwithstanding any other provision of law, and except as provided in
42 subdivision (j) (d), the Orange County Board of Supervisors of each of the Counties of
43 Mereed, Orange, and Shasta may commence public hearings regarding the abolition of
44 the marshal's office and the transferring of court-related services provided by the marshal
45 within the county to the sheriff's department. Within 30 days of the commencement of
46 public hearings as authorized by this section, the board shall make a final determination
47 as to the most cost-effective and most efficient manner of providing court-related
48 services.

1 (b) Concurrently, an election may be conducted among all of the judges of the
2 consolidated courts of the county to provide an advisory recommendation to the board of
3 supervisors on the abolition of the marshal's office and the transferring of court-related
4 services provided by the marshal within the county to the sheriff's department. The
5 outcome shall be determined by a simple majority of votes cast. The vote of the judges
6 shall then be forwarded to the board of supervisors prior to the close of the public
7 hearing, and the board of supervisors shall take into advisement the recommendation of
8 the judges provided by the election report.

9 (c) The determination of the abolishment of the marshal's office or the transferring of
10 the duties of the marshal shall occur pursuant to the board's determination, and shall be
11 concluded no later than July 1, 2000.

12 ~~(d) The courtroom assignment of bailiffs after abolition of the marshal's office and the~~
13 ~~consolidation pursuant to this section shall be determined by a two-member committee~~
14 ~~comprised of the presiding judge of the consolidated court and the sheriff, or their~~
15 ~~designees. Any new bailiff assignments shall be made only after consultation with the~~
16 ~~affected judge or commissioner in whose courtroom a new assignment is planned.~~

17 It is the intent of the Legislature, in enacting this subdivision, to ensure that courtroom
18 assignments are made in a manner that best ensures that the interests of the affected judge
19 or commissioner and bailiff are protected.

20 (e) Notwithstanding any other provision of law, the marshal and all personnel of the
21 marshal's office affected by the abolition of the marshal's office in the county shall
22 become employees of the sheriff's department at their existing or equivalent
23 classification, salaries, and benefits, and, except as may be necessary for the operation of
24 the agency under which court-related services and the service of civil and criminal
25 process are consolidated, they shall not be involuntarily transferred out of the
26 consolidated office for a period of five years following the consolidation.

27 (f) Personnel of the abolished marshal's office shall be entitled to request an
28 assignment to another division within the sheriff's department, and that request shall be
29 reviewed the same as any other request from within the department. Persons who accept a
30 voluntary transfer from the court services/civil division shall waive their rights pursuant
31 to subdivision (e).

32 (g) Permanent employees of the marshal's office on the effective date of the abolition
33 of the marshal's office pursuant to this section shall be deemed to be qualified, and no
34 other qualifications shall be required for employment or retention. Probationary
35 employees of the marshal's office on the effective date of a consolidation pursuant to this
36 section shall retain their probationary status and rights and shall not be deemed to have
37 transferred so as to require serving a new probationary period.

38 (h) All county service or service by employees of the marshal's office on the effective
39 date of a consolidation pursuant to this section shall be counted toward seniority in the
40 consolidated office, and all time spent in the same, equivalent, or higher classification
41 shall be counted toward classification seniority.

42 (i) No employee of the marshal's office on the effective date of a consolidation
43 pursuant to this section shall lose peace officer status, or otherwise be adversely affected
44 as a result of the abolition and merger of personnel into the sheriff's department.

45 (j) Subdivisions (d) to (i), inclusive, shall not apply to the County of Orange. Prior to a
46 determination by the Orange County Board of Supervisors to abolish the marshal's office
47 and to transfer duties of the marshal to the sheriff, the board of supervisors shall do both
48 of the following:

1 (1) Meet and confer with affected employee bargaining representatives with respect to
2 matters within the scope of representation that would be affected by a determination to
3 abolish the marshal's office and to transfer duties of the marshal to the sheriff. These
4 matters shall include, but not be limited to, seniority within the merged departments, job
5 qualifications, classification of positions, and intradepartmental transfers. For purposes of
6 carrying out this paragraph, employees of the superior court whose job classification
7 confers safety status shall have the right to representation in accordance with the local
8 employer-employee resolution and to bargain in accordance with Sections 3504, 3505,
9 and 3505.1. The board of supervisors is not authorized to abolish the office of the marshal
10 and to transfer duties of the marshal to the sheriff unless a mutual agreement, or mutually
11 agreed to amendment to an existing memorandum of understanding as authorized by this
12 section, is reached with each affected recognized employee organization pursuant to
13 Section 3505.1 and adopted by the board of supervisors.

14 (2) Confer with the presiding judge of the superior court or his or her designated
15 representative and the sheriff to discuss courthouse security and to establish a mechanism
16 for the assignment of courtroom security personnel. Any agreement made in accordance
17 with this paragraph that commits the superior court to fund services shall be approved by
18 the presiding judge of the superior court or his or her designee. Any agreement entered
19 into pursuant to this paragraph shall become effective only upon a majority vote of the
20 board of supervisors to abolish the office of the marshal or to transfer duties of the
21 marshal to the sheriff.

22 (k) (e) Upon a determination by the Orange County Board of Supervisors to abolish the
23 office of marshal and to transfer duties of the marshal to the sheriff, Article 17.1
24 (commencing with Section 74010) of Chapter 10 shall become inoperative.

25 (f) This section shall remain in effect only until January 1, 2018, and as of that date is
26 repealed unless a later enacted statute, which is enacted before January 1, 2018, deletes or
27 extends that date. The repeal of this section does not affect any right or benefit to which a
28 person was entitled on the date of repeal.

29 **Comment.** Section 69915 is amended to reflect consolidation of court-related services in
30 Merced and Shasta Counties within their respective marshal offices. See former Section 26603.1
31 (Merced County) and Section 72116 (Shasta County).

32 The section is also amended to provide for its automatic repeal in fifteen years.

33 ☞ **Note.** The Commission requests input as to whether Section 69915 continues to serve a useful
34 purpose and, if so, whether further revisions are needed to reflect current practice.

35 **§ 69941 (amended). Appointment of official reporters**

36 SEC. ____ . Section 69941 of the Government Code is amended to read:

37 69941. ~~The judge or judges of any A superior court may appoint a as many competent~~
38 ~~phonographic reporter, or as many such reporters as there are judges, to be known as~~
39 ~~official reporter or reporters of such court, and such pro tempore official reporters as the~~
40 ~~convenience of the court may require. The reporters shall hold office during the pleasure~~
41 ~~of the appointing judge or judges. pro tempore, as are deemed necessary for the~~
42 ~~performance of the duties and the exercise of the powers conferred by law upon the court~~
43 ~~and its members.~~

44 **Comment.** Section 69941 is amended to reflect unification of the municipal and superior courts
45 pursuant to Article VI, Section 5(e), of the California Constitution. See former Section 72194
46 (municipal court reporters).

1 The first sentence is amended to incorporate the general appointment standard of the Trial
2 Court Employment Protection and Governance Act. See, e.g., Section 71620 (trial court
3 personnel).

4 The last sentence of Section 69941 is deleted as obsolete. Official reporters and official
5 reporters pro tempore who are court employees are subject to the provisions of the Trial Court
6 Employment Protection and Governance Act. See, e.g., Sections 71620 (trial court personnel),
7 71640-71645 (employment selection and advancement), 71650-71658 (employment protection
8 system), 71673 (authority of court). The employment status of official reporters and official
9 reporters pro tempore who are not court employees (including temporary employees hired
10 through agencies and individuals hired by the trial court pursuant to an independent contractor
11 agreement) is subject to the terms of their appointment.

12 The section is also amended to delete language referring to “the judge” of the court. Every
13 superior court has at least two judgeships as a result of trial court unification. See Section 69580
14 *et seq.* (number of judges). Where a court has only one judge due to a vacancy or otherwise, a
15 reference to the judges of the court means the sole judge of the court. See Section 13 (plural
16 includes singular).

17 **§ 69942 (amended). Qualifications of official reporter**

18 SEC. _____. Section 69942 of the Government Code is amended to read:

19 69942. No person shall be appointed to the position of official reporter of any court
20 unless ~~there is satisfactory evidence of his or her good moral character, and unless he or~~
21 ~~she has been first examined as to his or her competency by at least three members of the~~
22 ~~bar practicing in the court and designated by the judge or judges of the court, or the~~
23 ~~person~~ has first obtained a license to practice as a certified shorthand reporter from the
24 Court Reporters Board of California.

25 **Comment.** Section 69942 is amended to delete provisions superseded by Business and
26 Professions Code Sections 8016 (certificate required) and 8020 (qualifications for certification).

27 **§ 69944 (amended). Completion and filing of transcriptions of notes**

28 SEC. _____. Section 69944 of the Government Code is amended to read:

29 69944. Until an official reporter of any court or official reporter pro tempore has fully
30 completed and filed all transcriptions of ~~his~~ the reporter's notes in any case on appeal
31 which ~~he~~ the reporter is required by law to transcribe, ~~he~~ the reporter is not competent to
32 act as official reporter in any court. Violation of subdivision ~~(d)~~ (e) of Section 8025 of the
33 Business and Professions Code shall also render an official reporter or official reporter
34 pro tempore incompetent to act as official reporter in any court.

35 **Comment.** Section 69944 is amended to correct the reference to former subdivision (d) of
36 Business and Professions Code Section 8025.

37 **§ 69945 (repealed). Excuse of official reporter**

38 SEC. _____. Section 69945 of the Government Code is repealed.

39 69945. ~~Except when excused for good and sufficient reason by order of the court, the~~
40 ~~official reporter of any superior court shall attend to the duties of his office in person. An~~
41 ~~order for excuse shall be entered upon the minutes of the court. Employment in his~~
42 ~~professional capacity elsewhere is not a good and sufficient reason for such excuse. When~~
43 ~~the official reporter of any court has been excused pursuant to this section, the court may~~
44 ~~appoint an official reporter pro tempore, who shall perform the same duties and receive~~
45 ~~the same compensation during the term of his employment as the official reporter.~~

1 **Comment.** Section 69945 is superseded by Sections 69941 (appointment of official reporters)
2 and 69947 (compensation of official reporter).

3 **§ 69947 (repealed). Compensation of official reporter**

4 SEC. _____. Section 69947 of the Government Code is repealed.
5 ~~69947. Except in counties where a statute provides otherwise, the official reporter shall~~
6 ~~receive for his services the fees prescribed in this article.~~

7 **Comment.** Section 69947, relating to compensation of the official reporter, is superseded by
8 new Section 69947 (compensation of official reporter).

9 **§ 69947 (added). Compensation of official reporter**

10 SEC. _____. Section 69947 is added to the Government Code, to read:
11 69947. (a) As used in this section:
12 (1) "Compensation" includes, but is not limited to, salary, benefits, privileges, fees, and
13 allowances.
14 (2) "Court operations" has the meaning defined in Section 77003 and Rule 810 of the
15 California Rules of Court as it read on July 1, 1996.
16 (3) "Official reporter" includes official reporter pro tempore.
17 (b) The official reporter shall receive the following compensation:
18 (1) For reporting services, the compensation determined pursuant to the Trial Court
19 Employment Protection and Governance Act, Chapter 7 (commencing with Section
20 71600), or, if the reporter is not a trial court employee within the meaning of that act, the
21 compensation determined by agreement between the court and the reporter. In no event
22 shall the compensation of the official reporter be less than the compensation provided by
23 law on December 31, 2002, for duties of the reporter that constitute court operations.
24 (2) For transcription services, the fees prescribed in this article.
25 (c) If the duties for which the official reporter receives compensation from the court
26 include services to the county that do not constitute court operations, including but not
27 limited to services for the county board of supervisors, board of equalization, coroner, or
28 grand jury, the county shall reimburse the court for a pro rata share of the compensation.

29 **Comment.** Section 69947 supersedes former Section 69947 (compensation of official reporter).
30 It reflects enactment of the Trial Court Employment Protection and Governance Act. See Sections
31 71620 (trial court personnel), 71623 (salaries), 71673 (authority of court). The section supersedes
32 special statutes that prescribe the compensation of official reporters. See, e.g., former Section
33 69948 (compensation in contested cases).

34 Subdivision (b)(1) sets as a minimum for compensation of the official reporter for reporting
35 services the compensation to which the official reporter was entitled on December 31, 2002.
36 Compensation is broadly defined in subdivision (a)(1) and would include, by way of illustration
37 and not by way of limitation, all of the following:

- 38 • Wages, including compensation based on the salary schedule of another county. See, e.g.,
39 former Sections 69995 (Ventura County), 70012 (Orange County), 70050.5 (San
40 Francisco County).
- 41 • Overtime fees. See, e.g., former Section 70045.10 (Tehama County).
- 42 • Retirement benefits, including benefits based on transcription fees. See, e.g., former
43 Sections 69991 (Monterey and Stanislaus Counties), 70045.10 (Tehama County),
44 70047.1 (Stanislaus County).
- 45 • Bonuses, to the extent they were part of the compensation structure for the official reporter
46 on December 31, 2002.
- 47 • Reimbursement for supplies. See, e.g., former Section 70045.8 (Butte County).

1 The compensation to which the official reporter was entitled on December 31, 2002, may
2 include compensation for duties that are not part of court operations. If compensation negotiated
3 pursuant to subdivision (b)(1) excludes those duties, the floor is adjusted pro rata. If the
4 compensation negotiated pursuant to subdivision (b)(1) includes those duties, the court is entitled
5 to pro rata reimbursement from the county. See subdivision (c).

6 **§ 69948 (repealed). Compensation in contested cases**

7 SEC. ____ Section 69948 of the Government Code is repealed.

8 ~~69948. (a) The fee for reporting testimony and proceedings in contested cases is fifty-~~
9 ~~five dollars (\$55) a day, or any fractional part thereof.~~

10 ~~(b) In San Joaquin County, the compensation for superior court reporters shall be that~~
11 ~~prescribed by Section 69993.~~

12 ~~(c) In Madera County, the board of supervisors may, by ordinance or resolution,~~
13 ~~prescribe a higher rate of compensation for superior court reporters.~~

14 ~~(d) In Kings County, the fee for reporting testimony and proceedings in contested cases~~
15 ~~is one hundred forty dollars (\$140) a day, or any fractional part thereof.~~

16 ~~(e) In Mariposa County, the board of supervisors may, by ordinance or resolution,~~
17 ~~prescribe the rate of compensation for superior court reporters.~~

18 ~~(f) In Siskiyou County, the board of supervisors may, by ordinance, prescribe a higher~~
19 ~~rate of compensation for superior court reporters.~~

20 ~~(g) In Yuba County, the board of supervisors may, by ordinance or resolution, prescribe~~
21 ~~a higher rate of compensation for superior court reporters.~~

22 ~~(h) In Butte County, pro tempore reporters shall receive a fee of seventy-five dollars~~
23 ~~(\$75) a day, or any fractional part thereof, for reporting testimony and proceedings in~~
24 ~~contested cases.~~

25 ~~(i) In Sutter County, except as may otherwise be provided in Sections 70045.11 and~~
26 ~~74839, the fee for reporting testimony and proceedings in contested cases is one hundred~~
27 ~~ten dollars (\$110) per day, or any fractional part thereof. However, the board of~~
28 ~~supervisors may, by ordinance, prescribe a higher rate of compensation for superior court~~
29 ~~reporters.~~

30 ~~(j) In Napa County, the board of supervisors may, by ordinance, prescribe a higher rate~~
31 ~~of compensation for superior court reporters.~~

32 ~~(k) In Tehama County, the board of supervisors may, by ordinance, prescribe a higher~~
33 ~~rate of compensation for superior court reporters.~~

34 ~~(l) In Monterey County, the fee for reporting testimony and proceedings in contested~~
35 ~~cases in any court is seventy-five dollars (\$75) a day or any fractional part thereof.~~

36 ~~(m) In Nevada County, the board of supervisors may, by ordinance, prescribe a higher~~
37 ~~rate of compensation for superior court reporters.~~

38 ~~(n) In Calaveras County, the fee for reporting testimony and proceedings in contested~~
39 ~~cases is seventy-five dollars (\$75) per day, or any fractional part thereof. However, the~~
40 ~~board of supervisors may, by ordinance, prescribe a higher rate of compensation for~~
41 ~~superior court reporters.~~

42 ~~(o) In Placer County, the board of supervisors may, by ordinance, prescribe a higher~~
43 ~~rate of compensation for superior court reporters.~~

44 ~~(p) In Sierra County, the board of supervisors may, by ordinance, prescribe a higher~~
45 ~~rate of compensation for superior court reporters.~~

46 ~~(q) In Trinity County, the board of supervisors may, by ordinance, prescribe a higher~~
47 ~~rate of compensation for superior court reporters.~~

1 ~~(r) In Humboldt County, the fee for reporting testimony and proceedings in contested~~
2 ~~cases is seventy-five dollars (\$75) per day, or any fractional part thereof.~~

3 ~~(s) In Del Norte County, the fee for reporting testimony and proceedings in contested~~
4 ~~cases is seventy-five dollars (\$75) per day, or any fractional part thereof.~~

5 ~~(t) In Alpine County, the board of supervisors may, by ordinance, prescribe a higher~~
6 ~~rate of compensation for superior court reporters.~~

7 ~~(u) In Glenn County, the board of supervisors may, by ordinance, prescribe a higher~~
8 ~~rate of compensation for superior court reporters.~~

9 ~~(v) In Colusa County, the fee for reporting testimony and proceedings in contested~~
10 ~~cases is one hundred twenty-five dollars (\$125) per day, or any fractional part thereof.~~

11 ~~(w) In Shasta County, the board of supervisors may prescribe a higher rate of~~
12 ~~compensation for superior court reporters.~~

13 ~~(x) In Solano County, the fee for reporting testimony and proceedings in contested~~
14 ~~cases is ninety dollars (\$90) per day, or fifty-five dollars (\$55) per half day or fractional~~
15 ~~part thereof. However, the board of supervisors may, by ordinance, prescribe a higher rate~~
16 ~~of compensation for superior court reporters.~~

17 ~~(y) In Inyo County, the board of supervisors may, by ordinance, prescribe a higher rate~~
18 ~~of compensation for superior court reporters.~~

19 ~~(z) In Mono County, the board of supervisors may, by ordinance, prescribe a higher~~
20 ~~rate of compensation for superior court reporters.~~

21 **Comment.** Section 69948 is superseded by Section 69947 (compensation of official reporter).

22 **§ 69948.5 (repealed). Compensation in Modoc County**

23 SEC. _____. Section 69948.5 of the Government Code is repealed.

24 ~~69948.5. Notwithstanding Section 69948, in Modoc County, the board of supervisors~~
25 ~~may, by ordinance, prescribe a higher rate of compensation for superior court reporters.~~

26 **Comment.** Section 69948.5 is superseded by Section 69947 (compensation of official
27 reporter).

28 **§ 69949 (repealed). Fee for reporting default**

29 SEC. _____. Section 69949 of the Government Code is repealed.

30 ~~69949. The fee for reporting each default or uncontested action or proceeding is ten~~
31 ~~dollars (\$10). If more than four defaults or uncontested matters are reported in any one~~
32 ~~day, or two or more defaults are reported in conjunction with any contested case, the fee~~
33 ~~is forty-five dollars (\$45) a day, or any fractional part thereof.~~

34 **Comment.** Section 69949 is superseded by Section 69947 (compensation of official reporter).

35 **§ 69950 (amended). Transcription fee**

36 SEC. _____. Section 69950 of the Government Code is amended to read:

37 69950. The fee for transcription for original ribbon or printed copy is eighty-five cents
38 (\$0.85) for each 100 words, and for each copy ~~for the party buying the original made~~
39 purchased at the same time by the person buying the original, fifteen cents (\$0.15) for
40 each 100 words. The fee for a first copy to any other person shall be twenty cents (\$0.20)
41 for each 100 words, and for each additional copy, made purchased at the same time,
42 fifteen cents (\$0.15) for each 100 words.

43 **Comment.** Section 69950 is amended to conform to the rule that a nonparty is generally
44 entitled to obtain a transcript. See Code Civ. Proc. § 269 & Comment. The section is also
45 amended to reflect changes in technology.

1 **§ 69952 (amended). Payment from Trial Court Operations Fund**

2 SEC. _____. Section 69952 of the Government Code is amended to read:

3 69952. (a) The court may specifically direct the making of a verbatim record and
4 payment therefor shall be from the ~~county treasury~~ Trial Court Operations Fund on order
5 of the court in the following cases:

6 (1) Criminal matters.

7 (2) Juvenile proceedings.

8 (3) Proceedings to declare a minor free from custody.

9 (4) Proceedings under the Lanterman-Petris-Short Act, (Part 1 (commencing with
10 Section 5000) of Division 5 of the Welfare and Institutions Code).

11 (5) As otherwise provided by law.

12 (b) Except as otherwise authorized by law, the court shall not order to be transcribed
13 and paid for out of the ~~county treasury~~ Trial Court Operations Fund any matter or
14 material except that reported by the reporter pursuant to Section 269 of the Code of Civil
15 Procedure. When there is no official reporter in attendance and a an official reporter pro
16 tempore is appointed, his or her reasonable expenses for traveling and detention shall be
17 fixed and allowed by the court and paid in like manner. When the court orders a daily
18 transcript, necessitating the services of two phonographic reporters, the reporting fee for
19 each of the reporters and the transcript fee shall be proper charges against the ~~county~~
20 ~~treasury~~ Trial Court Operations Fund, and the daily transcript shall be pursuant to Section
21 269 of the Code of Civil Procedure. When the daily transcript is prepared by a single
22 reporter, an additional fee for technological services, as set by the court with the
23 agreement of the reporter, may be imposed. However, the total of the fee for a single
24 reporter and the fee for technological services shall be less than the total fee for two
25 reporters.

26 **Comment.** Section 69952 is amended to reflect enactment of the Trial Court Funding Act. See
27 Sections 77003 (“court operations” defined), 77009 (Trial Court Operations Fund), 77200 (state
28 funding of trial court operations). See also Section 68073 (responsibility for court operations and
29 facilities).

30 The section is also amended for consistency of terminology. See Section 69941 (appointment
31 of official reporters).

32 **§ 69953.5 (amended). Daily transcript requiring more than one reporter**

33 SEC. _____. Section 69953.5 of the Government Code is amended to read:

34 69953.5. Notwithstanding any other provision of law, whenever a daily transcript is
35 ordered in a civil case requiring the services of more than one phonographic reporter, the
36 party requesting the daily transcript, in addition to any other required fee, shall pay a fee
37 per day, or portion thereof, equal to the per diem rate for ~~pro tempore~~ reporters
38 ~~established by statute, local rule, or ordinance~~ an official reporter pro tempore established
39 pursuant to Section 69947 for the services of each additional reporter for the first day and
40 each subsequent day the additional reporters are required.

41 **Comment.** Section 69953.5 is amended to reflect enactment of the Trial Court Funding Act.
42 See Sections 77001 (local trial court management), 77200 (state funding of trial court operations).
43 See also Section 69947 (compensation of official reporter).

44 The section is also amended for consistency of terminology. See Section 69941 (appointment
45 of official reporters).

46 **§ 69955 (amended). Reporting notes**

47 SEC. _____. Section 69955 of the Government Code is amended to read:

1 69955. (a) As used in this section, “reporting notes” are the reporting notes of all court
2 reporters employed to report in the courts of California, who may be known as official
3 ~~and pro tempore court reporters~~ and official reporters pro tempore. Reporting notes are
4 official records of the court. Reporting notes shall be kept by the reporter taking the notes
5 in a place designated by the court, or, upon order of the court, delivered to the clerk of the
6 court.

7 (b) The reporting notes may be kept in any form of communication or representation
8 including paper, electronic, or magnetic media or other technology capable of
9 reproducing for transcription the testimony of the proceedings according to standards or
10 guidelines for the preservation and reproduction of the medium adopted by the American
11 National Standards Institute or the Association for Information and Image Management.
12 Reporting notes shall be stored in an environment free from excessive moisture,
13 temperature variation, and electromagnetic fields if stored on a medium other than paper.

14 (c) The reporting notes shall be labeled with the date recorded, the department number
15 of the court, and the name of the court reporter. The reporting notes shall be indexed for
16 convenient retrieval and access. Instructions for access to data stored on a medium other
17 than paper shall be documented.

18 (d) If the reporting notes are kept in any form other than paper, one duplicate backup
19 copy of the notes shall be stored in a manner and place that reasonably assures its
20 preservation.

21 (e) Reporting notes produced under subdivision (b) may be destroyed upon the order of
22 the court after 10 years from the taking of the notes in criminal proceedings and after five
23 years from the taking of the notes in all other proceedings, unless the notes report
24 proceedings in capital felony cases including the preliminary hearing. No reporting notes
25 in a capital felony case proceeding shall be destroyed until such time as the Supreme
26 Court on request by the court clerk authorizes the destruction.

27 (f) A periodic review of the media on which the reporting notes are stored shall be
28 conducted to assure that a storage medium is not obsolete and that current technology is
29 capable of accessing and reproducing the records for the required retention period.

30 (g) If the reporting notes of an official ~~or pro tempore court reporter~~ or official reporter
31 pro tempore have not been delivered to the clerk of the court, the notes shall be delivered
32 by the reporter to the clerk of the court upon the reporter’s retirement, resignation,
33 dismissal, termination of appointment, or in the case of any other absence for a period of
34 more than 30 days or longer as designated by the court. Upon the order of the court, the
35 notes shall be returned to the reporter upon the reporter’s return from such absence. In the
36 event of the reporter’s death, the notes shall be delivered to the clerk of the court by the
37 reporter’s personal representative.

38 (h) If reporting notes delivered to the clerk of the court are to be transcribed, the court
39 reporter who took the notes shall be given the first opportunity to make the transcription,
40 unless the reporter cannot be located, refuses to transcribe the notes, or is found to be
41 incompetent to transcribe the notes.

42 (i) A court reporter shall be reimbursed for the actual cost of the medium on which the
43 reporting notes are kept, whether on paper, diskette, or other media in compliance with
44 this section.

45 **Comment.** Subdivisions (a) and (g) of Section 69955 are amended for consistency of
46 terminology. See Section 69941 (appointment of official reporters).

47 **§ 69956 (repealed). Stenographic or clerical assistance by reporter**

48 SEC. _____. Section 69956 of the Government Code is repealed.

1 69956. The official reporter shall perform the duties required of him by law. When not
2 actually engaged in the performance of any other duty imposed on him by this code, he
3 shall render stenographic or clerical assistance, or both, to the judge or judges of the
4 superior court as such judge or judges may direct. In addition to the compensation
5 otherwise provided by law, any reporter required to render such stenographic or clerical
6 assistance shall receive such compensation therefor as the superior court may prescribe,
7 not to exceed the sum of twenty dollars (\$20) a day, which shall be payable by the county
8 in the same manner and from the same funds as other salary demands against the county.

9 **Comment.** Section 69956 is superseded by Sections 69941 (appointment of official reporters)
10 and 69947 (compensation of official reporter).

11 **§ 69957 (repealed). Assignment to municipal court**

12 SEC. _____. Section 69957 of the Government Code is repealed.

13 69957. Whenever the services of an official reporter of the superior court are not
14 required in the actual prosecution of the business of the court within the purview of the
15 duties of such reporter as an official reporter of the superior court, the presiding judge of
16 the superior court may, if so requested by the presiding judge of any municipal court
17 judge within the county, assign any such official reporter of the superior court to act pro
18 tempore as an official reporter of the municipal court within the same county. Any such
19 assignment shall be subject to the provisions of Article 5 (commencing with Section
20 72190) of Chapter 8 of Title 8 of this code.

21 **Comment.** Section 69957 is repealed to reflect unification of the municipal and superior courts
22 pursuant to Article VI, Section 5(e), of the California Constitution.

23 **§ 69958 (repealed). Assignment to municipal court**

24 SEC. _____. Section 69958 of the Government Code is repealed.

25 69958. The assignment of any official reporter of the superior court to act pro tempore
26 as an official reporter of the municipal court shall rest within the sound discretion of the
27 presiding judge of the superior court.

28 **Comment.** Section 69958 is repealed to reflect unification of the municipal and superior courts
29 pursuant to Article VI, Section 5(e), of the California Constitution.

30 **§ 69959 (repealed). Assignment to municipal court**

31 SEC. _____. Section 69959 of the Government Code is repealed.

32 69959. Whenever an official reporter of the superior court has been assigned to the
33 municipal court and is serving therein as a pro tempore reporter, the presiding judge of
34 the superior court shall terminate such assignment and recall to the superior court any
35 reporter of the superior court whose services are then required in the prosecution of the
36 business of the superior court; provided, however, that no such termination shall be
37 effected until after the conclusion of the services of the reporter in the municipal court in
38 any particular trial or hearing theretofore commenced therein and to which the reporter
39 has been assigned, except upon the mutual consent of the district attorney and the
40 attorney for the defendant.

41 **Comment.** Section 69959 is repealed to reflect unification of the municipal and superior courts
42 pursuant to Article VI, Section 5(e), of the California Constitution.

1 **§§ 69990-69991 (repealed). Official reporters in Monterey, Santa Barbara, and Stanislaus**
2 **Counties**

3 SEC. ____ . Article 10 (commencing with Section 69990) of Chapter 5 of Title 8 of the
4 Government Code is repealed.

5 **Comment.** Sections 69990-69991 are repealed to reflect enactment of the Trial Court
6 Employment Protection and Governance Act. See Sections 71615(c)(1) (preservation of
7 employees' job classifications), 71620 (trial court personnel), 71623 (salaries), 71640-71645
8 (employment selection and advancement), 71650-71658 (employment protection system). See
9 also Sections 68086 (fees for reporting services in civil cases generally), 69941 (appointment of
10 official reporters), 69947 (compensation of official reporter).

11 ☞ **Note.** The text of the repealed article is set out below.

12 **Article 10. Official Reporters in Counties**
13 **with a Population of 70,000 to 100,000**

14 69990. In each county with a population of more than 70,000 and less than 100,000, as
15 determined by the 1940 federal census, to assist the court in the transaction of its judicial
16 business, a majority of the judges of the superior court for such county may appoint as many
17 regular official phonographic reporters as necessary to report the proceedings in the court. The
18 number of reporters so appointed shall not exceed at any one time the number of offices of judge
19 provided by law for the court. The reporters shall hold office during the pleasure of a majority of
20 the judges of said court.

21 69991. The duties of official reporters appointed pursuant to Section 69990 shall be performed
22 as elsewhere provided by law. As full compensation for taking notes in criminal cases in the
23 superior court each reporter shall receive a monthly salary of one thousand eighty-one dollars
24 (\$1,081), and the fee for reporting testimony and proceedings in civil contested cases is seventy-
25 five dollars (\$75) a day, or any fractional part thereof, and for the purposes of retirement, the
26 compensation of each reporter shall be deemed to be the total of all per diem and transcription
27 fees paid by the county to all of the reporters of the superior court for all phonographic reporting
28 services, divided by the number of superior court official reporters, plus his salary. All other fees
29 of such reporters shall be as elsewhere provided by law. In cases where it is necessary to appoint
30 a pro tempore reporter, he shall be allowed the fees elsewhere provided by law.

31 **§§ 69992-69992.2 (repealed). Official reporters in Santa Clara County**

32 SEC. ____ . Article 10.1 (commencing with Section 69992) of Chapter 5 of Title 8 of the
33 Government Code is repealed.

34 **Comment.** Sections 69992-69992.2 are repealed to reflect the repeal of former Section
35 69992.1, to which they related.

36 ☞ **Note.** The text of the repealed article is set out below.

37 **Article 10.1. Official Reporters in Counties**
38 **with a Population of 750,000 to 1,070,000**

39 69992. This article applies to counties containing a population of 750,000 and under 1,070,000
40 according to the 1970 federal census.

1 69992.2. The fee required by Section 69992.1 shall be taxed as costs in favor of any party
2 paying the same and to whom costs are awarded by the judgment of the court. Such fee shall not
3 be subject to the provisions of Section 6103 of the Government Code.

4 **§ 69993 (repealed). Official reporters in San Joaquin County**

5 SEC. ____. Article 10.2 (commencing with Section 69993) of Chapter 5 of Title 8 of the
6 Government Code is repealed.

7 **Comment.** Section 69993 is repealed to reflect enactment of the Trial Court Employment
8 Protection and Governance Act. See Sections 71620 (trial court personnel), 71623 (salaries),
9 71673 (authority of court). See also Sections 69941 (appointment of official reporters), 69947
10 (compensation of official reporter).

11 ☞ **Note.** The text of the repealed section is set out below.

12 Article 10.2. Official Reporters in Counties
13 with a Population of 240,000 to 260,000

14 69993. In San Joaquin County, each superior court reporter shall be paid a salary to be
15 established by the San Joaquin County Board of Supervisors.

16 The number of superior court reporters shall not be less than the number of San Joaquin County
17 Superior Court judicial positions.

18 **§§ 69994-69994.9 (repealed). Official reporters in Sacramento County**

19 SEC. ____. Article 10.3 (commencing with Section 69994) of Chapter 5 of Title 8 of the
20 Government Code is repealed.

21 **Comment.** Sections 69994-69994.9 are repealed to reflect:

22 (1) Unification of the municipal and superior courts in Sacramento County pursuant to Article
23 VI, Section 5(e), of the California Constitution, effective June 17, 1998.

24 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
25 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
26 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
27 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
28 (employment selection and advancement), 71650-71658 (employment protection system), 71673
29 (authority of court). See also Sections 68086 (fees for reporting services), 69941-69955 (official
30 reporters generally).

31 (3) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
32 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations).

33 ☞ **Note.** The text of the repealed article is set out below.

34 Article 10.3. Official Reporters in Counties
35 with a Population of 490,000 to 503,000

36 69994. This article shall apply in a county having a population of more than 490,000 and less
37 than 503,000, as determined by the 1960 federal census. The judges of the superior and municipal
38 courts of such county, a majority concurring, may appoint as many regular official phonographic
39 reporters as may be necessary to report the proceedings in the courts of the county and to perform
40 such other duties as are prescribed by law. The number of reporters so appointed shall not exceed
41 the number of offices of judges provided by law for superior and municipal courts of such county.

1 Such reporters shall hold office during the pleasure of the judges of such court, a majority
2 concurring.

3 69994.1. When needed in order that the judicial business of the courts in such county may be
4 carried on without delay, the judges of such courts may appoint as many additional phonographic
5 reporters as the business of the courts may require, who shall be known as official reporters pro
6 tempore, and who shall be compensated at the same rate of compensation as official
7 phonographic reporters in such county would be compensated for the first year of service
8 computed on a daily basis.

9 69994.2. The regular official phonographic reporters shall be compensated at an annual salary
10 of forty-seven thousand seven hundred eleven dollars (\$47,711), except that these reporters may
11 be employed at an annual salary of thirty-nine thousand two hundred thirty-four dollars (\$39,234)
12 for the first year of service, at an annual salary of forty-one thousand one hundred ninety-six
13 dollars (\$41,196) for the second year of service, at an annual salary of forty-three thousand two
14 hundred sixty-three dollars (\$43,263) for the third year of service, and at an annual salary of
15 forty-five thousand four hundred thirty-five dollars (\$45,435) for the fourth year of service. The
16 judges of the superior and municipal courts of such county, a majority concurring, may appoint a
17 supervising phonographic reporter at an annual salary of forty-nine thousand six hundred fifty-
18 three dollars (\$49,653) except that such reporter may be employed at an annual salary of forty-
19 five thousand thirty-eight dollars (\$45,038) for the first year of service and at an annual salary of
20 forty-seven thousand two hundred ninety-three dollars (\$47,293) for the second year of service.

21 69994.3. In addition to the compensation provided in this article, each salaried official reporter
22 shall be entitled to, and shall receive, vacation and sick leave allowances, retirement, and other
23 privileges and benefits as are now, or may hereafter be provided for the employees of the County
24 of Sacramento, including the right to participate in any group accident, health, or life insurance
25 plan adopted by the board of supervisors of the county.

26 For the purpose of such retirement system, the salary or compensation provided for reporters in
27 this article shall be deemed their entire compensation.

28 69994.4. No further fee than that herein provided shall be collected from, or assessed against,
29 any party to any proceeding for the services of a phonographic reporter in taking down in
30 shorthand the testimony and other proceedings in the trial or hearing of any matter as required by
31 law or by order of the court, except that in a civil case when a daily transcript is ordered by a
32 party, such party shall pay for the services of a pro tempore reporter if required; but a
33 phonographic reporter shall be allowed, and shall receive, unless waived by him, the fees allowed
34 by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and
35 such fees for transcription shall be paid as provided by law.

36 69994.5. The salaries provided for in this article shall be paid in biweekly installments from the
37 general fund of the county, and shall be allowed and audited in the same manner as other salary
38 demands against the county.

39 69994.8. All reporters appointed pursuant to this article shall be known as official court
40 reporters of the County of Sacramento. As attaches of the court, official reporters shall not be
41 subject to the authority of any county administrative office or civil service commission.

42 69994.9. With the approval of the board of supervisors the court may establish such additional
43 classifications and rates of compensation as are required. Rates of compensation of regular

1 official phonographic reporters may be adjusted by approval of the board of supervisors and a
2 majority of the judges of the courts. Such appointments or changes in compensation made
3 pursuant to this paragraph shall be on an interim basis and shall expire 60 days after the final
4 adjournment of the next regular session of the Legislature unless ratified at such session.

5 **§§ 69995-69999 (repealed). Official reporters and fees in Ventura County**

6 SEC. ____ Article 10.4 (commencing with Section 69995) of Chapter 5 of Title 8 of the
7 Government Code is repealed.

8 **Comment.** Sections 69995-69999 are repealed to reflect:

9 (1) Unification of the municipal and superior courts in Ventura County pursuant to Article VI,
10 Section 5(e), of the California Constitution, effective June 10, 1998.

11 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
12 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
13 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
14 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
15 (employment selection and advancement), 71650-71658 (employment protection system), 71673
16 (authority of court). See also Sections 68086 (fees for reporting services in civil cases generally),
17 69941 (appointment of official reporters), 69947 (compensation of official reporter).

18 (3) Enactment of the Trial Court Funding Act. See Section 77009 (Trial Court Operations
19 Fund). See also Sections 68086 (fees for reporting services in civil cases generally).

20  **Note.** Existing law requires that certain court reporter fees received by the county clerk, be
21 deposited into the county general or salary fund (see, e.g., Gov't Code § 69999). The Commission
22 is reviewing whether the county clerk and county treasury provisions remain viable, given the
23 enactment of the Trial Court Funding Act, the Trial Court Employment Protection and
24 Governance Act, and other changes to the structure of the trial courts. See Gov't Code §§ 77003
25 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
26 (state funding of trial court operations). These matters are also being examined by a Joint Court-
27 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
28 treatment of these provisions.

29 The text of the repealed article is set out below.

30 **Article 10.4. Official Reporters and Fees in Counties**
31 **with a Population of 375,000 to 400,000**

32 69995. (a) In Ventura County, a majority of the judges of the superior court may appoint as
33 many competent official phonographic reporters as the business of the superior court requires,
34 and as required to provide court reporting service to the municipal court of the county as provided
35 in subdivision (c). The court may additionally employ as many pro tempore phonographic
36 reporters as may from time to time be required to supplement the services of the official court
37 reporters. The court may further appoint one of the official court reporters to serve as senior
38 superior court reporter to coordinate and supervise the activities of official and pro tempore court
39 reporters.

40 Official reporters of the superior court shall be exempt from the provisions of any civil service
41 system as employees of the court. They shall serve at the pleasure of a majority of the judges
42 thereof, subject to such court rules and policy as may be adopted by the judges for regulation of
43 superior court personnel. Official and pro tempore superior court reporters shall provide court
44 reporting services for such departments of the superior court and divisions of the municipal court,
45 for such criminal, juvenile and civil proceedings, and proceedings before the grand jury, as
46 directed by the presiding judges of the respective courts, subject to the provisions of this section.

1 (b) The salary paid to official full-time superior court reporters for services in reporting any and
2 all testimony and proceedings in the superior and municipal courts and before the grand jury,
3 shall be a five-step salary range with biweekly amounts equivalent to ninety percent (90%) of the
4 corresponding steps in the established salary range for official superior court reporters in Los
5 Angeles County. The initial hiring rate for official superior court reporters shall be the first step of
6 the salary range, and subsequent increases within the range shall be at intervals of six months
7 from the first to second step, and one year between each succeeding step, as determined by the
8 court, based on satisfactory performance. Nothing herein shall prohibit the initial appointment or
9 subsequent elevation of a reporter's salary from the steps herein specified, as may be determined
10 by the court on the basis of experience, qualifications and meritorious performance. The salary of
11 the official court reporter who is appointed to serve as senior superior court reporter, shall be
12 fixed at ten percent (10%) above the biweekly salary steps specified for official superior court
13 reporters.

14 The salary range of official court reporters may be adjusted by joint action and approval of the
15 board of supervisors and a majority of the judges of the superior court. Such changes in
16 compensation made pursuant to this provision shall be on an interim basis and shall expire
17 January 1 following adjournment of the next regular session of the Legislature unless ratified at
18 such session.

19 The per diem compensation for pro tempore reporters serving the superior or municipal court or
20 the grand jury shall be established at one-tenth (1/10) of the top step in the biweekly salary range
21 established for official superior court reporters, for each day of service or any portion thereof.

22 Official reporters of the superior court shall be entitled to all benefits provided for the
23 employees of the county, including, but not limited to, participation in county retirement plans,
24 vacation, holiday and sick leave benefits, and insurance plans. These benefits shall also include
25 the same lump-sum payments for benefit accrual balances upon separation from service, as are
26 made to employees of the county. All other compensation, fees, and benefits for official and pro
27 tempore superior court reporters shall be as elsewhere provided by law.

28 (c) Upon request of the Presiding Judge of the Municipal Court of Ventura County, official and
29 pro tempore reporters of the superior court shall act as pro tempore reporters in the municipal
30 court in all proceedings of the municipal court where their services may be required. Official
31 superior court reporters who are assigned to serve as pro tempore municipal court reporters under
32 this provision, shall receive no additional compensation for such services, and pro tempore
33 superior court reporters who are assigned to serve as pro tempore municipal court reporters shall
34 not receive compensation in excess of one per diem fee for service in either or both of such courts
35 on any single court day. Requests to provide the municipal court with the services of superior
36 court reporters shall be directed to either the presiding judge or the executive officer of the
37 superior court by either the presiding judge or the executive officer of the municipal court, and
38 shall be effective only during the pleasure of the judges of both courts, a majority of the judges of
39 each court concurring.

40 69998. No further fee than that prescribed in this article shall be collected from, or assessed
41 against, any party to any proceeding for the services of a phonographic reporter in taking down in
42 shorthand the testimony and other proceedings in the trial or hearing of any matter as required by
43 law or by order of the court, but a phonographic reporter shall be allowed and unless waived by
44 him shall receive the fees allowed for transcribing his shorthand notes of the testimony and
45 proceedings reported by him, as elsewhere provided by law.

46 69999. Any fee required by this article shall be taxed as costs in favor of any party paying it
47 and to whom costs are awarded by the judgment of the court. Such fee shall not be subject to the

1 provisions of Section 6103 of this code. Such fee shall not be required of any party who is
2 exempted from the payment of costs by any statute other than Section 6103 of this code.

3 On or before the first day of each calendar month, the county clerk shall transmit to the county
4 treasurer all money paid to him pursuant to this article during the preceding calendar month, or up
5 to the day immediately preceding that on which he transmits the money. The money shall be
6 deposited in the general fund of the county.

7 **§ 70000 (repealed). Official reporters in Calaveras County**

8 SEC. _____. Article 10.5 (commencing with Section 70000) of Chapter 5 of Title 8 of the
9 Government Code is repealed.

10 **Comment.** Section 70000 is repealed to reflect enactment of the Trial Court Employment
11 Protection and Governance Act. See Sections 71615(c)(1) (preservation of employees' job
12 classifications), 71620 (trial court personnel), 71640-71645 (employment selection and
13 advancement), 71650-71658 (employment protection system), 71673 (authority of court). See
14 also Section 69941 (appointment of official reporters).

15  **Note.** The text of the repealed section is set out below.

16 **Article 10.5. Official Reporters in Counties with a Population of 10,000 to 10,500**

17 70000. In each county with a population of more than 10,000 and less than 10,500, as
18 determined by the 1960 federal census, to assist the court in the transaction of its judicial
19 business, a majority of the judges of the superior court for such county may appoint one official
20 phonographic reporter to report the proceedings in the court. The reporter shall hold office during
21 the pleasure of a majority of the judges of the court. The reporter shall perform the duties and be
22 allowed the fees as elsewhere provided by law.

23 **§§ 70010-70017 (repealed). Official reporters in Orange County**

24 SEC. _____. Article 10.6 (commencing with Section 70010) of Chapter 5 of Title 8 of the
25 Government Code is repealed.

26 **Comment.** Sections 70010-70017 are repealed to reflect:

27 (1) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
28 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
29 (salaries), 71640-71645 (employment selection and advancement), 71650-71658 (employment
30 protection system), 71673 (authority of court). See also Sections 69941 (appointment of official
31 reporters), 69947 (compensation of official reporter).

32 (2) Enactment of the Trial Court Funding Act. See Section 77009 (Trial Court Operations
33 Fund). See also Sections 68086 (fees for reporting services in civil cases generally).

34  **Note.** Existing law requires that certain court reporter fees received by the county clerk, be
35 deposited into the county general or salary fund (see, e.g., Gov't Code § 70017). The Commission
36 is reviewing whether the county clerk and county treasury provisions remain viable, given the
37 enactment of the Trial Court Funding Act, the Trial Court Employment Protection and
38 Governance Act, and other changes to the structure of the trial courts. See Gov't Code §§ 77003
39 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
40 (state funding of trial court operations). These matters are also being examined by a Joint Court-
41 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
42 treatment of these provisions.

43 The text of the repealed article is set out below.

1 Article 10.6. Official Reporters in Counties
2 with a Population of 210,000 to 220,000

3 70010. In each county having a population of 210,000 inhabitants and less than 220,000
4 inhabitants, as determined by the 1950 federal census, the judges of the superior court of such
5 county, a majority concurring, to assist the court in the transaction of the judicial business of such
6 court, by having performed the duties of phonographic reporters as elsewhere in this code
7 defined, may appoint as many regular official phonographic reporters as may be necessary to
8 report the proceedings in such court and to perform such duties, except that the number of
9 reporters so appointed shall equal the number of offices of judge provided by law for such court.
10 Such reporters shall hold office during the pleasure of the judges of such court, a majority
11 concurring.

12 70011. When needed in order that the judicial business of the superior court in such county may
13 be diligently carried on and a particular matter or matters may proceed to trial or hearing without
14 delay, a pro tempore official reporter may be appointed to perform the duties of a phonographic
15 reporter in such matter or matters, or until a regular official reporter becomes available for such
16 service.

17 70012. The regular official phonographic reporters and phonographic reporters pro tempore
18 shall be compensated at the same rate as reporters in counties having a population over 2,000,000.

19 70013. No further fee than that hereinabove provided shall be collected from, or assessed
20 against, any party to any proceeding for the services of a phonographic reporter in taking down in
21 shorthand the testimony and other proceedings in the trial or hearing of any matter as required by
22 law or by order of the court; but a phonographic reporter shall be allowed, and shall receive,
23 unless waived by him, the fees allowed by law for transcribing his shorthand notes of the
24 testimony and proceedings reported by him, and such fees for transcription shall be paid as
25 provided by Sections 69947 to 69953, inclusive, and by any other law of this State pertinent to the
26 case.

27 70014. The salaries provided for in this article shall be paid in monthly installments out of the
28 salary fund of the county, and shall be allowed and audited in the same manner as for salary
29 demands against the county are required by law to be allowed and audited.

30 70016. The fees required by Sections 70015 and 70015.5 shall be taxed as costs in favor of any
31 party paying the same and to whom costs are awarded by the judgment of the court. Such fee
32 shall not be subject to the provisions of Section 6103 of the Government Code.

33 70017. The county clerk shall, on or before the first day of each calendar month, transmit to the
34 county treasurer all money paid to him pursuant to this article during the preceding calendar
35 month, or up to the day immediately preceding the day on which he transmits such money, and
36 such money shall be deposited in the salary fund of such county.

37 **§ 70025 (repealed). Official reporters in Riverside County**

38 SEC. _____. Article 10.7 (commencing with Section 70025) of Chapter 5 of Title 8 of the
39 Government Code is repealed.

40 **Comment.** Section 70025 is repealed to reflect enactment of the Trial Court Employment
41 Protection and Governance Act. See Sections 71620 (trial court personnel), 71623 (salaries),
42 71673 (authority of court). See also Section 69947 (compensation of official reporter).

1 ☞ **Note.** The text of the repealed section is set out below.

2 Article 10.7. Official Reporters in Counties With a Population of 300,000 to
3 310,000

4 70025. In Riverside County, the board of supervisors shall fix the salary of regular official
5 reporters, which shall not be less than an annual salary of twenty thousand two hundred ten
6 dollars (\$20,210) and the compensation of official reporters pro tempore, which shall be at a rate
7 not less than seventy-five dollars and twenty-five cents (\$75.25) a day, for reporting in shorthand
8 all proceedings in the superior court as required by law or the order of the superior court.

9 **§§ 70040-70064 (repealed). Official reporters and fees in particular counties**

10 SEC. _____. Article 11 (commencing with Section 70040) of Chapter 5 of Title 8 of the
11 Government Code is repealed.

12 **Comment.** Sections 70040-70064 are repealed to reflect:

13 (1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the
14 California Constitution.

15 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
16 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
17 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
18 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
19 (employment selection and advancement), 71650-71658 (employment protection system), 71673
20 (authority of court). See also Sections 68086 (fees for reporting services in civil cases generally),
21 69941 (appointment of official reporters), 69947 (compensation of official reporter).

22 (3) Enactment of Section 69505 (business-related travel expenses of trial court judges and
23 employees).

24 (4) Enactment of the Trial Court Funding Act. See Section 77009 (Trial Court Operations
25 Fund). See also Sections 68086 (fees for reporting services in civil cases generally).

26 ☞ **Note.** Existing law requires that certain court reporter fees received by the county clerk, be
27 deposited into the county general or salary fund (see, e.g., Gov't Code §§ 70045.2, 70062). The
28 Commission is reviewing whether the county clerk and county treasury provisions remain viable,
29 given the enactment of the Trial Court Funding Act, the Trial Court Employment Protection and
30 Governance Act, and other changes to the structure of the trial courts. See Gov't Code §§ 77003
31 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
32 (state funding of trial court operations). These matters are also being examined by a Joint Court-
33 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
34 treatment of these provisions.

35 The text of the repealed article is set out below.

36 Article 11. Official Reporters and Fees in Particular Counties

37 70040. Unless otherwise specifically provided, the determination of whether a county has the
38 population prescribed in this article shall be made on the basis of the 1950 federal census.

39 70041. Unless otherwise specifically provided, the provisions of this article apply in each
40 county described as follows:

41 (a) A county with a population of 70,000 or less, as determined by the 1940 federal census, and
42 having two or more superior court judges.

43 (b) A county with a population of 280,000 and under 285,000.

1 (c) A county with a population of over 295,000 and under 500,000.

2 (d) A county with a population of 500,000 and under 700,000.

3 (e) A county with a population of 700,000 or over.

4 ☞ Note. Section 70041 applies to the following counties: Alameda, Butte, Contra Costa,
5 Humboldt, Los Angeles, Marin, Merced, San Bernardino, San Diego, San Francisco, Shasta,
6 Solano, Sonoma, and Ventura.

7 70041.1. Unless otherwise specifically provided the provisions of this article apply in a county
8 with a population of 290,000 or more and under 295,000.

9 ☞ **Note.** Section 70041.1 applies to Santa Clara County.

10 70041.5. Unless otherwise specifically provided, the provisions of this article apply to a county
11 with a population of over 45,000 and under 46,750, as determined on the basis of the 1950 federal
12 census.

13 ☞ **Note.** Section 70041.5 applies to Napa County.

14 70042. The provisions of this article are applicable in a county described in subdivisions (a)
15 and (c) of Section 70041 only if the board of supervisors of such county by resolution adopts the
16 procedure for the appointment and compensation of official phonographic reporters provided for
17 in this article.

18 ☞ **Note.** Section 70042 applies to the following counties: Butte, Contra Costa, Humboldt, Marin,
19 Merced, Shasta, Solano, Sonoma, and Ventura.

20 70043. To assist the court in the transaction of its judicial business by having the duties of
21 phonographic reporters performed, a majority of the judges of the superior court of the county
22 may appoint as many regular official phonographic reporters as necessary to report the
23 proceedings in the court and to perform such duties. The number of reporters so appointed shall
24 not exceed at any one time the number of offices of judge provided by law for the court. The
25 reporters shall hold office during the pleasure of a majority of the judges of the court. The number
26 of reporters and compensation of reporters in counties over 2,000,000 population shall be as
27 provided in Section 69894.1. The number of official reporters in a county of the 2nd class as
28 provided in Section 28023 shall be but shall not exceed at any one time the total number of judges
29 provided by law for the court and the number of referees appointed pursuant to Section 553 of the
30 Welfare and Institutions Code.

31 ☞ **Note.** The provision of Section 70043 referencing counties with a population over 2,000,000
32 applies to Los Angeles County. The provision referencing a county of the 2nd class (as of the
33 1968 amendment) applies to San Diego County.

34 70044. When needed in order that the judicial business of the superior court in the county may
35 be diligently carried on and a particular matter may proceed to trial or hearing without delay, a
36 pro tempore official reporter may be appointed to perform the duties of a phonographic reporter
37 in such matter, or until a regular official reporter becomes available for such service. A pro
38 tempore official reporter for such service may be appointed by the presiding judge of the court
39 and the judge presiding in the department where such reporter will serve. If such appointment is
40 made for service in a contested matter, it shall be made only pursuant to a written stipulation of
41 the parties appearing at the trial or hearing or other proceeding to be reported by such pro tempore
42 reporter.

43 A pro tempore official reporter who has passed the test on qualifications and has a certificate
44 thereof on file among the records of the court as prescribed by Section 69943, and who has been
45 appointed a pro tempore official reporter by a majority of the judges of such court pursuant to

1 Section 69941, may serve in any matter without further order of the court or stipulation of the
2 parties.

3 70044.1. In any county having a population of over 250,000 and under 277,000, as determined
4 by the 1950 federal census, the fee for reporting testimony and proceedings in contested cases is
5 thirty-five dollars (\$35) a day, and the fee for reporting each default or uncontested action or
6 proceeding is seven dollars (\$7).

7 The official reporter shall report to the court when ordered to do so by any judge of the court,
8 and when not ordered to so report, the reporter may be employed in his professional capacity
9 elsewhere.

10 ☞ **Note.** Section 70044.1 applies to Fresno County.

11 70044.5. In San Mateo County, official reporters shall be appointed by the judges of the
12 consolidated superior and municipal courts pursuant to the provisions of Section 70043 or 72194
13 and shall serve at the pleasure of the judges.

14 (a) The biweekly salary of each regular official reporter for the performance of duties required
15 of each such reporter by law shall be at the rates specified in salary range number 3007 of the
16 salary schedule set forth in Section 73525.

17 At the time each reporter is hired, the salary of that reporter shall be fixed in the same manner
18 as provided for classified or unclassified employees of the county under the authority of the
19 county charter. A step advancement from step A to step B may be granted on the first day of the
20 pay period following the completion of 26 full weeks of service in the position. A person may
21 advance to steps C, D, and E upon completion of successive 52-week periods of service. All merit
22 increases as provided herein shall be made at the determination of the judges of the court.

23 In addition to new employees, the salaries herein provided for shall be applicable to regular
24 official reporters employed by the county on the effective date of this section and for the purpose
25 of determining the salaries to be paid after this section becomes effective, all years of service
26 rendered by reporters to the county prior to the effective date of this section shall be counted in
27 determining the salary to which they are entitled under the salary schedule above mentioned.

28 The per diem compensation for pro tempore reporters shall be one-tenth of step E in the
29 appropriate biweekly salary range established for official reporters, provided, however, that that
30 rate of per diem compensation shall be prorated on the basis of one-half day of compensation if
31 the pro tempore reporter renders only one-half day of service.

32 Vacation allowances and sick leave allowances for official reporters shall be the same as
33 provided for classified or unclassified employees of the county under the authority of the county
34 charter.

35 (b) If the Board of Supervisors of San Mateo County provides by ordinance or by agreement
36 pursuant to Chapter 10 (commencing with Section 3500) of Division 4 of Title 1, for a rate of
37 compensation which is higher than that provided by subdivision (a), the higher rate of
38 compensation shall be effective at the same time and in the same manner as other rates of pay for
39 San Mateo County employees generally. Those higher rates shall be payable by the county in the
40 same manner and from the same funds as other salary demands against the county. Any change in
41 compensation made pursuant to this subdivision shall be on an interim basis and shall expire on
42 January 1 after the adjournment of the next regular session of the Legislature unless ratified or
43 superseded by a statute enacted at the session.

44 (c) During the hours which the court is open for the transaction of judicial business, official
45 reporters shall devote full time to the performance of the duties required of them by law and shall
46 not engage in or solicit to engage in any other employment in their professional capacity.

1 Each official reporter shall perform the duties required of him or her by law. In addition, he or
2 she shall render stenographic or clerical assistance, or both, to the judge or judges of the
3 consolidated superior and municipal courts as the judge or judges may direct.

4 70045. In a county having a population of 70,000 or less, as determined by the 1940 federal
5 census, and having two or more superior court judges, each regular official reporter shall be paid
6 an annual salary of four thousand two hundred dollars (\$4,200), and each pro tempore official
7 reporter shall be paid fifteen dollars (\$15) a day for the days he actually is on duty under order of
8 the court.

9 ☞ **Note.** Section 70045 applies to the following counties: Butte, Humboldt, Marin, Merced,
10 Shasta, Solano, Sonoma, and Ventura.

11 70045.1. Notwithstanding the provisions of Section 70045 of this code, in Trinity County, each
12 regular official court reporter shall receive an annual salary of ten thousand dollars (\$10,000)
13 unless the board of supervisors shall by ordinance provide for compensation in excess of that
14 amount, payable in monthly installments out of the salary fund of the county, for the reporting
15 and taking notes in criminal cases and juvenile court cases in the superior court, and in
16 preliminary examinations of those accused of crime before magistrates, and of proceedings before
17 the grand jury and at coroner's inquests when requested by the coroner, and for other services
18 such reporters shall receive the fees provided for in Article 9 (commencing with Section 69941)
19 of Chapter 5 of Title 8, such fees in civil cases to be paid by the litigants as provided by law.

20 Reporters pro tempore may be paid a per diem of seventy-five dollars (\$75) as provided in
21 Section 69948 and other fees set forth in Article 9 (commencing with Section 69941) of Chapter
22 5 of Title 8, and shall receive from the county their necessary traveling and other expenses when
23 necessarily called from other counties, but a reporter pro tempore shall be paid a per diem or
24 expenses by the county only when the regular official court reporters are occupied in the superior
25 court, or at preliminary examinations, grand jury hearings or coroner's inquests.

26 The board of supervisors of such a county may provide the court reporters with equipment for
27 the performance of their duties.

28 70045.2. Notwithstanding Section 70045, in Modoc County each regular official court reporter
29 shall receive an annual salary to be determined by ordinance by the board of supervisors, payable
30 in monthly installments out of the salary fund of the county, for the reporting and taking notes in
31 criminal cases and juvenile court cases in the superior court, and in preliminary examination of
32 those accused of crime before magistrates, and of proceedings before the grand jury and at
33 coroner's inquests when requested by the coroner.

34 In Modoc County, reporters pro tempore shall be paid a per diem, as set by law, and shall
35 receive from the county their necessary traveling and other expenses when called from other
36 counties. However, a reporter pro tempore shall be paid a per diem or expenses by the county
37 only when the regular official court reporters are occupied in the superior court, or at preliminary
38 examinations, grand jury hearings, or coroner's inquests.

39 For all reporter's services in Modoc County in civil cases as set forth in Article 9 (commencing
40 with Section 69941) of Chapter 5 of Title 8, litigants shall pay such fees as are provided by law to
41 the county clerk for deposit in the county general fund.

42 The Board of Supervisors of Modoc County may provide court reporters with equipment for
43 the performance of their duties.

44 70045.4. Notwithstanding the provisions of Section 70045 or any other provision of this article,
45 in Merced County:

46 (a) The regular full-time official court reporters shall perform the following duties:

- 1 (1) Report all criminal proceedings in the superior court.
- 2 (2) Report all civil commitment proceedings and all contempt proceedings in the superior court.
- 3 (3) Report all juvenile proceedings in the superior court other than those heard by a juvenile
- 4 court referee or traffic hearing officer.
- 5 (4) Report all family law proceedings in the superior court.
- 6 (5) Report all civil jury trials in the superior court.
- 7 (6) Report all hearings on petitions for extraordinary relief, including but not limited to
- 8 proceedings for injunctions, mandate, prohibition, certiorari, review, habeas corpus, and coram
- 9 nobis in the superior court.
- 10 (7) Report any other court proceedings in the superior court when a party requests a court
- 11 reporter in accordance with the rules of court.
- 12 (8) Report all criminal proceedings of the grand jury.
- 13 (9) Report proceedings for the board of equalization, when requested by the board.
- 14 (b) Each regular full-time court reporter shall be paid an annual salary of sixteen thousand
- 15 seven hundred thirty-five dollars and ninety-four cents (\$16,735.94), unless the board of
- 16 supervisors of the county provides for compensation in excess of that amount.
- 17 The foregoing salary is for compensation for reporting services under subdivision (a). For all
- 18 transcriptions incident to reporting services, each reporter shall receive the fees provided for in
- 19 Article 9 (commencing with Section 69941).
- 20 The regular full-time official court reporters shall be entitled to the same privileges with respect
- 21 to group insurance and retirement as other employees of that county. Retirement contributions
- 22 shall be based upon the annual salary provided for in subdivision (b).
- 23 The salary range of official court reporters may be adjusted by joint action and approval of the
- 24 board of supervisors and a majority of the judges of the superior court. Those changes in
- 25 compensation made pursuant to this provision shall be on an interim basis and shall expire
- 26 January 1 following adjournment of the next regular session of the Legislature unless ratified at
- 27 that session.
- 28 (c) When the regular full-time official court reporters are occupied in the performance of their
- 29 duties and services pursuant to the provisions of subdivision (a), the judge or judges of the
- 30 superior court may appoint as many additional official court reporters, who shall be known as
- 31 official reporters pro tempore, as the business of the courts and county may require, in order that
- 32 the business of the courts and county may be carried on without delay. They shall be paid in
- 33 accordance with the per diem, transcription, and other fee provisions of Article 9 (commencing
- 34 with Section 69941). That per diem, traveling and other expenses, and the fees chargeable to the
- 35 county under the terms of these provisions shall be a proper county charge.
- 36 70045.5. In a county with a population of 74,492 and not over 76,000 as determined by the
- 37 1970 federal census, each regular official reporter shall be paid an annual salary of twenty-one
- 38 thousand seven hundred dollars (\$21,700) and each pro tempore official court reporter shall be
- 39 paid seventy dollars (\$70) a day for the days he is actually on duty under order of the court.
- 40 Notwithstanding any other provision to the contrary, one year after the operative date of this
- 41 section and thereafter, the salary range of official court reporters may be adjusted by joint action
- 42 and approval of the board of supervisors and a majority of the judges of the superior court. Such
- 43 changes in compensation made pursuant to these provisions shall be on an interim basis and shall
- 44 expire on January 1 of the second year after the calendar year in which the change occurs, unless
- 45 ratified by the Legislature.
- 46 The presiding judge of the superior court may, upon request of the presiding judge of the
- 47 municipal court, assign an official superior court reporter to the municipal court during such times
- 48 as the business of the municipal court requires. Official superior court reporters who are so
- 49 assigned shall receive no additional compensation for such service.

1 Regular official reporters shall be entitled to the same privileges with respect to retirement,
2 vacation, sick leave and other benefits allowed to employees of the county.

3 Each official reporter shall perform the duties required of him by law. In addition, reporters
4 shall render stenographic or clerical assistance, or both, to the judges of the superior court, as any
5 such judge may direct.

6 ☞ **Note.** Section 70045.5 applies to Imperial County.

7 70045.6. (a) In Kern County each regular reporter shall be paid the biweekly salary specified in
8 range 52.4 of the salary schedule. The court reporter shall be paid biweekly pursuant to the
9 payroll procedures in effect in the County of Kern.

10 (b) Beginning January 1, 1980, the board of supervisors may adjust the salary of each regular
11 official reporter as part of its county employee compensation plan. Any adjustment to reporter
12 salaries shall be effective on the same date as the effective date of the board's action to adjust
13 compensation of other county employees. Any adjustment shall be effective only until January 1
14 of the second year following the year in which the adjustment is made, unless ratified by the
15 Legislature.

16 (c) In addition to the compensation provided for in this section, each regular official reporter
17 shall be entitled to and shall receive, on the same basis as other county employees, the same
18 benefits and privileges with respect to retirement, group insurance, sick leave, and vacations.
19 Court reporters shall observe the same holidays as other court employees. For the purposes of
20 determining participation in the county retirement system, the salary provided for such reporters
21 in this section shall be deemed their entire compensation.

22 (d) Each pro tempore official reporter shall be paid one hundred fifty dollars (\$150) a day for
23 the days he or she is actually on duty under order of the court.

24 70045.7. In Napa County, each regular official reporter shall be paid an annual salary of
25 twenty-five thousand dollars (\$25,000), and each pro tempore official reporter shall be paid one
26 hundred ten dollars (\$110) a day for the days he actually is on duty under order of the court.
27 However, the board of supervisors, by ordinance, may establish a higher annual salary for each
28 regular official reporter or a higher per diem for each pro tempore official reporter, or both.

29 70045.75. Notwithstanding any other provision of law including, but not limited to, Sections
30 70040, 70041, 70042, and 70045, the following provisions shall be applicable to the full-time
31 official court reporters, if any, in Nevada County:

32 (a) The regular full-time official court reporters shall perform the following duties:

33 (1) Report all criminal proceedings.

34 (2) Report all civil commitment proceedings and all contempt proceedings.

35 (3) Report all juvenile proceedings, other than those heard by a juvenile court referee or traffic
36 hearing officer.

37 (4) Report all family law proceedings.

38 (5) Report all civil jury trials.

39 (6) Report all hearings on petitions for extraordinary relief, including but not limited to,
40 proceedings for injunctions, mandate, prohibition, certiorari review, habeas corpus, and coram
41 nobis.

42 (7) Report all proceedings of the grand jury when requested by the foreman, or by the district
43 attorney or by the county counsel.

44 (8) Report any other court proceedings when a party requests a court reporter in accordance
45 with rules of the court.

1 (9) Report the preliminary examination of those accused of crimes before magistrates within
2 Nevada County. Report coroner's inquests when requested by coroner.

3 (b) Each regular full-time court reporter shall be paid at a monthly salary rate established
4 according to the following salary schedule:

(Range)	(Month)	(Annual)
5 Step A	\$1,271.....	\$15,246
6 Step B	1,334	16,012
7 Step C	1,400	16,804
8 Step D	1,471	17,648
9 Step E	1,546	18,546

10 Each such reporter shall receive a monthly salary under the schedule corresponding to the
11 length of time that as an official court reporter he has been included within either directly or
12 indirectly by contract the Public Employees' Retirement System of the State of California. Except
13 as provided herein, the initial hiring rate for each position shall be step A; provided further,
14 however, the judges of the superior court may appoint any such court reporter at a higher initial
15 step if in the opinion of the judges of the superior court an individual to be appointed has such
16 experience and qualifications as to entitle that individual to such higher initial step. A step
17 advancement from step A to step B may be granted on the first day of the month following the
18 completion of six full months of service in the position. A person may advance to steps C, D, and
19 E upon completion of successive 12-month periods of service. All merit increases as provided
20 herein shall be made at the determination of the judges of the superior court.
21

22 The foregoing salary is for compensation for reporting services in the superior court under
23 subdivision (a) of this section. For all transcriptions incident to reporting services, each reporter
24 shall receive the fees provided for in Article 9 (commencing with Section 69941) of this chapter.

25 In the event a cost-of-living increase is given to the employees of Nevada County on or after
26 July 1, 1979, the aforementioned salary schedule shall be deemed amended so as to give the court
27 reporters the same cost-of-living increase as is given Nevada County employees.

28 The regular full-time official court reporters shall be entitled to the same privileges with respect
29 to retirement, vacation, sick leave, and group insurance, which either now or hereafter may be
30 provided by ordinance to other employees of the county.

31 (c) When the regular full-time official court reporters are occupied in the performance of their
32 duties and services pursuant to the provisions of subdivision (a), the judge or judges of the
33 superior court may appoint as many additional official court reporters, who shall be known as
34 official reporters pro tempore, as the business of the courts may require in order that the judicial
35 business of the court in such county may be carried on without delay. They shall be paid in
36 accordance with the per diem, transcription, and other fee provisions of Article 9 (commencing
37 with Section 69941) of this chapter. Such per diem, traveling and other expenses, and the fees
38 chargeable to the county under the terms of these provisions shall be a proper county charge.

39 70045.77. Notwithstanding any other provision of law, including, but not limited to, Sections
40 70040, 70041, 70042, and 70045, the following provisions shall be applicable to the full-time
41 official court reporters, if any, in El Dorado County:

42 (a) The regular full-time official court reporters shall perform the following duties:

43 (1) Report all criminal proceedings.

44 (2) Report all civil commitment proceedings and all contempt proceedings.

45 (3) Report all juvenile proceedings, other than those heard by a juvenile court referee or traffic
46 hearing officer.

47 (4) Report all family law proceedings.

48 (5) Report all civil jury trials.

1 (6) Report all hearings on petitions for extraordinary relief, including, but not limited to,
2 proceedings for injunctions, mandate, prohibition, certiorari, review, habeas corpus, and coram
3 nobis.

4 (7) Report all proceedings of the grand jury when requested by the foreman, or by the district
5 attorney or by the county counsel.

6 (8) Report any other court proceedings when a party requests a court reporter in accordance
7 with rules of the court.

8 (9) Report the preliminary examination of those accused of crimes before magistrates within El
9 Dorado County.

10 (10) Report coroner's inquests when requested by the coroner.

11 (11) Report proceedings for the El Dorado County Board of Equalization when requested by
12 the board.

13 (b) The regular full-time official court reporter shall be compensated at a range recommended
14 by the judges of the superior court and approved by the board of supervisors by ordinance or
15 resolution.

16 The foregoing salary is for compensation for reporting services in the superior court under
17 subdivision (a) of this section. For all transcriptions incident to reporting services, each reporter
18 shall receive the fees provided for in Article 9 (commencing with Section 69941) of this chapter.

19 The regular full-time official court reporters shall be entitled to the same privileges with respect
20 to retirement, vacation, sick leave, and group insurance, which either now or hereafter may be
21 provided by ordinance to other employees of the county.

22 (c) When the regular full-time official court reporters are occupied in the performance of their
23 duties and services pursuant to the provisions of subdivision (a), the judge or judges of the
24 superior court may appoint as many additional official court reporters, who shall be known as
25 official reporters pro tempore, as the business of the courts may require in order that the judicial
26 business of the court in such county may be carried on without delay. They shall be paid in
27 accordance with the per diem, transcription, and other fee provisions of Article 9 (commencing
28 with Section 69941) of this chapter. Such per diem, traveling and other expenses, and the fees
29 chargeable to the county under the terms of these provisions shall be a proper county charge.

30 70045.8. (a) Notwithstanding any other provision of law, including, but not limited to, Sections
31 70040, 70041, 70042, and 70045, the following provisions shall be applicable to the official court
32 reporters in Butte County Superior Court:

33 (1) The regular full-time official court reporters under the direction of the presiding judge of the
34 superior court shall perform the following duties:

35 (A) Report all criminal proceedings.

36 (B) Report all civil commitment proceedings and all contempt proceedings.

37 (C) Report all juvenile proceedings other than those heard by juvenile court referee or traffic
38 hearing officer.

39 (D) Report all civil jury trials.

40 (E) Report all hearings on petitions for extraordinary relief, including, but not limited to,
41 proceedings for injunctions, mandate, prohibition, certiorari, review, habeas corpus, and coram
42 nobis.

43 (F) Report all proceedings of the grand jury when requested by the foreman, or by the district
44 attorney or by the county counsel.

45 (G) Report any other court proceedings when a party requests a court reporter in accordance
46 with rules of court.

47 (H) Report coroner's inquests when requested by the coroner.

1 (I) Report proceedings for the Butte County Board of Equalization when requested by the
2 board.

3 (J) When not occupied with the above duties, and upon request of a presiding judge of the
4 municipal court and approval of the presiding judge of the superior court, he or she shall report
5 matters listed under paragraph (1) of subdivision (b).

6 (b) Notwithstanding any other provision of law, including, but not limited to, Sections 70040,
7 70041, 70042, and 70045, the following provisions shall be applicable to the official court
8 reporters in the Butte County Municipal Courts:

9 (1) The regular full-time official municipal court reporters under the direction of the presiding
10 judges of the municipal courts shall perform the following duties:

11 (A) Report the preliminary examination of those accused of crimes before magistrates within
12 Butte County.

13 (B) Report all felony pleas.

14 (C) Report any other court proceeding as required by law.

15 (D) When not occupied with the above duties, and upon request of the presiding judge of the
16 superior court and approval of a presiding judge of the municipal court, he or she shall report
17 matters listed under paragraph (1) of subdivision (a) above.

18 (c) The board of supervisors shall, by ordinance, specify the salary rates for official court
19 reporters in Butte County.

20 In addition to the aforementioned compensation, each official court reporter shall receive
21 twenty-five dollars (\$25) per month as reimbursement for the cost of necessary supplies.

22 The foregoing salary established pursuant to county ordinance is for compensation for reporting
23 services in the superior and municipal courts under subdivisions (a) and (b) of this section. For all
24 transcriptions incident to reporting services, each reporter shall receive the fees provided for in
25 Article 9 (commencing with Section 69941) of this chapter.

26 The regular full-time official court reporters shall be entitled to the same privileges with respect
27 to retirement, vacation, sick leave, and group insurance, which either now or hereafter may be
28 provided by ordinance to other employees of the county.

29 (d) When the regular full-time official court reporters are occupied in the performance of their
30 duties and services pursuant to subdivisions (a) and (b), the judge or judges of the superior and
31 municipal courts may appoint as many additional official court reporters, who shall be known as
32 official reporters pro tempore, as the business of the courts may require in order that the judicial
33 business of the courts in the county may be carried on without delay. They shall be paid in
34 accordance with the per diem, transcription, and other fee provisions of Article 9 (commencing
35 with Section 69941) of this chapter. The per diem, traveling and other expenses, and the fees
36 chargeable to the county under the terms of these provisions shall be a proper county charge.

37 70045.9. Notwithstanding any other provision of law, the provisions of this section shall apply
38 to the official court reporters in Shasta County:

39 (a) The regular full-time official court reporters shall perform the following duties:

40 (1) Report all criminal proceedings in superior court.

41 (2) Report all juvenile proceedings other than those heard by juvenile court referee or traffic
42 hearing officer.

43 (3) Report all civil jury trials in superior court, unless the court determines it is not required.

44 (4) Report any other proceeding in the superior court at the request of the judge of the superior
45 court.

46 (5) Report any superior court proceeding when a party requests a court reporter in accordance
47 with the rules of court.

1 (6) Report all criminal investigations of the grand jury, when requested by the foreman, or by
2 the district attorney.

3 (7) Report the preliminary examination of those accused of crime before magistrates or
4 municipal court judges within Shasta County, or before both.

5 (8) Report coroner's inquests, when requested by the coroner.

6 (9) Report hearings of the Board of Equalization of the County of Shasta, as requested by that
7 board.

8 (10) Other reporting or related services, as directed by the judges of the superior court.

9 (11) When not occupied with the above duties, and upon request of the board of supervisors
10 and approval of the presiding judge of the superior court, he or she shall report matters before the
11 board of supervisors.

12 (b) Each regular full-time court reporter shall be paid a monthly salary of one thousand four
13 hundred seventy dollars (\$1,470), unless the Board of Supervisors of Shasta County provides for
14 compensation in excess of that amount, in which event the amount set shall apply. The salary is
15 for compensation for reporting services set forth under subdivision (a). For all transcriptions
16 incident to reporting services, each reporter shall receive the fees provided for in Article 9
17 (commencing with Section 69941).

18 The regular full-time official court reporters shall be entitled to the same privileges with respect
19 to retirement, vacation (upon approval of judge to whom assigned), sick leave, and group
20 insurance, which either now or hereafter may be provided by ordinance or resolution to other
21 comparable employees of the County of Shasta.

22 (c) When the regular full-time official court reporters are occupied in the performance of their
23 duties and services pursuant to the provisions of subdivision (a), the judge or judges of the
24 superior court may appoint as many additional official court reporters, who shall be known as
25 official reporters pro tempore, as the business of the courts may require in order that the judicial
26 business of the court may be carried on without delay. In the event the board of supervisors has
27 entered into a contract for supplemental reporter services with a qualified person or persons first
28 approved by the presiding judge of the superior court, the person or persons shall be appointed as
29 reporter pro tempore. However, if the person or persons are not reasonably available, the judge
30 may appoint any qualified person. Notwithstanding other provisions of this section, when an
31 assignment of a pro tempore reporter is made to proceedings in the superior court, the assignment
32 shall be deemed to run to the completion of the proceeding.

33 Reporters pro tempore shall be paid in accordance with the contract with the board of
34 supervisors or, in absence thereof, with the per diem, transcription, and other fee provisions of
35 Article 9 (commencing with Section 69941). Such per diem, traveling and other expenses, and the
36 fees chargeable to the county under the terms of these provisions shall be a proper county charge.

37 (d) During the hours during which the court is open as prescribed by the Shasta County
38 Superior Court for the transaction of judicial business, official court reporters shall devote full
39 time to the performance of the duties required of them by law and shall not engage or solicit to
40 engage in any other employment in their professional capacity.

41 (e) Court reporters pro tempore serving in the superior and municipal courts shall receive a per
42 diem equal to the base wage of the official court reporter for an eight-hour day, excluding
43 benefits. This fee shall be adjusted by the same, general across-the-board salary adjustment
44 enacted by the county in any salary ordinance applicable to official court reporters. For services
45 of less than four hours in any day, the pro tempore reporter will receive a per diem equal to 65
46 percent of the base wage.

47 70045.10. Notwithstanding any other provision of law, the provisions of this section shall apply
48 to the official court reporters in Tehama County.

- 1 (a) The regular full-time official court reporters shall perform the following duties:
- 2 (1) Report all criminal proceedings in superior court.
- 3 (2) Report all juvenile proceedings other than those heard by the juvenile court referee or traffic
4 hearing officer.
- 5 (3) Report all civil jury trials in superior court, unless the court determines it is not required.
- 6 (4) Report any other proceeding in the superior court at the request of the judge of the superior
7 court.
- 8 (5) Report any superior court proceeding when a party requests a court reporter in accordance
9 with the rules of court.
- 10 (6) Report all criminal investigations of the grand jury, when requested by the foreman or the
11 district attorney.
- 12 (7) Report the preliminary examination of those accused of crime before magistrates or
13 municipal court judges within Tehama County, or both.
- 14 (8) Report coroner's inquests, when requested by the coroner.
- 15 (9) Report hearings of the Board of Equalization of the County of Tehama, as requested by that
16 board.
- 17 (10) Other reporting or related services, as directed by the judges of the superior court.
- 18 (11) When not occupied with the above duties, and upon request of the board of supervisors
19 and approval of the presiding judge of the superior court, they shall report matters before the
20 board of supervisors.
- 21 (12) Such other duties as are required to insure the provision of court reporter services.
- 22 (b) Each regular full-time court reporter shall be paid a monthly salary of two thousand two
23 hundred sixty-seven dollars (\$2,267), unless the Board of Supervisors of Tehama County, by
24 ordinance, provides for compensation in excess of that amount, in which event the compensation
25 set by ordinance shall apply. The salary is for compensation for reporting services set forth under
26 subdivision (a). For all transcriptions incident to reporting services, each reporter shall receive the
27 fees provided for in Article 9 (commencing with Section 69941).
- 28 The regular, full-time official court reporters shall be entitled the same privileges with respect
29 to retirement, vacation (upon approval of judge to whom assigned), sick leave, and group
30 insurance, which either is now, or hereafter may be, provided by ordinance to other comparable
31 employees of the County of Tehama.
- 32 For retirement credit purposes, compensation earnable shall be deemed to be the annual total of
33 all salary and transcription fees paid by the County of Tehama to each regular official reporter up
34 to a maximum of thirty-five thousand dollars (\$35,000).
- 35 (c) When the regular full-time official court reporters are occupied in the performance of their
36 duties and services pursuant to the provisions of subdivision (a), the judge or judges of the
37 superior court may appoint as many additional official court reporters, who shall be known as
38 official reporters pro tempore, as the business of the court may be carried on without delay.
39 Notwithstanding other provisions of this section, when an assignment of a pro tempore reporter is
40 made to proceedings in the superior court, the assignment shall be deemed to run to the
41 completion of the proceeding.
- 42 Reporters pro tempore shall be paid in accordance with the rate of compensation as set by the
43 board of supervisors. For all transcriptions incident to reporting services, each reporter shall
44 receive the fees provided for in Article 9 (commencing with Section 69941). The per diem,
45 traveling and other expenses, and the fees chargeable to the county under the terms of these
46 provisions shall be a proper county charge.
- 47 (d) During the hours during which the court is open, as prescribed by the Tehama County
48 Superior Court for the transaction of judicial business, official court reporters shall devote full
49 time to the performance of the duties required of them by law and shall not engage, or solicit to

1 engage, in any other employment in their professional capacity unless otherwise excused by a
2 judge of the superior court.

3 If the official court reporter or a pro tempore reporter serves past 5:30 p.m., he or she shall
4 receive an additional fee equal to one-half the per diem rate established by the board of
5 supervisors. If the official court reporter or a pro tempore reporter serves past 8:30 p.m., he or she
6 shall receive a second additional fee equal to one-half the per diem rate. Accumulation of hours in
7 a given day shall be without regard as to the number of courts in which the reporter provides
8 reporting service.

9 In order that the salary provided for regular full-time official court reporters shall remain
10 equitable and competitive, the salary herein provided for shall be adjusted and increased by the
11 same salary adjustment percentage for the classification entitled the superior court clerk enacted
12 on or before July 1, 1985, by the County of Tehama.

13 70045.11. In lieu of the compensation provided for in Section 69948, the Board of Supervisors
14 of Sutter County may, with the approval of the presiding judge of the superior court, contract with
15 official court reporters, and reporters pro tempore, for the superior court with respect to the fee for
16 reporting testimony and proceedings in contested cases, per diem, and traveling and other
17 expenses, which shall be a proper county charge.

18 70045.12. Notwithstanding any other provision of law, the following provisions shall be
19 applicable to the official court reporters in the superior court and municipal courts of Madera
20 County:

21 (a) In Madera County, official court reporters shall be appointed by the judges of the superior
22 court pursuant to Section 70043 and shall serve at the pleasure of the judges. Official reporters
23 shall perform the duties required of them by law. In addition, they shall render assistance to the
24 judge or judges of the superior court as the judge or judges may direct.

25 (b) In Madera County, official court reporters shall be appointed by the judges of the municipal
26 court pursuant to Section 72194 and shall serve at the pleasure of the judges. Official reporters
27 shall perform the duties required of them by law. In addition, they shall render assistance to the
28 judge or judges of the municipal court as the judge or judges may direct.

29 (c) Notwithstanding any other provision of law, the salary and benefits for official court
30 reporters in Madera County shall be determined pursuant to Section 69908.

31 (d) When the regular full-time official court reporters are occupied in the performance of their
32 duties and services pursuant to this statute, the judge or judges of the superior court and the
33 municipal court may appoint as many additional official court reporters, who shall be known as
34 official reporters pro tempore, as the business of the courts may require in order that the judicial
35 business of the courts in the county may be carried on without delay. They shall be paid in
36 accordance with the per diem, transcription, and other fee provisions of Article 9 (commencing
37 with Section 69941) of this chapter. The per diem, traveling, and other expenses, and the fees
38 chargeable to the county under the terms of these provisions are a proper county charge.

39 (e) Official court reporters shall devote full time to the performance of the duties required of
40 them by law and may not engage or solicit to engage in any other employment in their
41 professional capacity during the normal workday.

42 70046. In San Bernardino County, the board of supervisors shall fix the salary of regular
43 official reporters, which shall not be less than an annual salary of twenty thousand two hundred
44 ten dollars (\$20,210) and the compensation of official reporters pro tempore, which shall be at a
45 rate not less than seventy-five dollars and twenty-five cents (\$75.25) a day.

1 During the hours which the court is open for the transaction of judicial business, official
2 reporters shall devote full time to the performance of the duties required of them by law and shall
3 not engage in or solicit to engage in any other employment in their professional capacity.

4 70046.1. In Santa Clara County, the board of supervisors shall fix the salary of regular official
5 reporters, which shall not be less than a biweekly salary of one thousand seven hundred eighty-
6 four dollars and forty cents (\$1,784.40), and the compensation of official reporters pro tempore,
7 which shall be at a rate not less than ninety-eight dollars and fourteen cents (\$98.14) per half day
8 and one hundred ninety-six dollars and twenty-eight cents (\$196.28) per day.

9 During the hours that the court is open for the transaction of judicial business, official reporters
10 shall devote full time to the performance of the duties required of them by law and shall not
11 engage in or solicit to engage in any other employment in their professional capacity.

12 70046.2. (a) In Fresno County, each reporter shall be paid an annual salary established
13 according to the following salary schedule:

14 Step 1. \$44,045

15 Step 2. \$46,252

16 Step 3. \$48,541

17 Step 4. \$50,969

18 Reporters shall initially be placed at step 1 of the salary schedule except reporters may be
19 placed at a higher step with the approval of the county administrative officer, and shall advance
20 one step annually upon the anniversary date of the employment. If, because of recruitment
21 difficulties, it is necessary to appoint a court reporter at a step of the salary schedule which is
22 above the step at which any court reporters are currently employed, all court reporters below that
23 step will move to the higher step at the discretion of the judges of the court.

24 (b) Each pro tempore reporter shall be paid one hundred and sixty-nine dollars and forty cents
25 (\$169.40) for a full day on duty under order of the court. For purposes of receiving the above
26 compensation, one or more of the following shall apply:

27 (1) The court has indicated in advance that the pro tempore assignment is for a full day.

28 (2) The pro tempore reporter, having accepted a full-day assignment, has not voluntarily
29 relinquished his or her services at or before the end of four hours of service.

30 (3) The pro tempore reporter was on duty for more than four hours.

31 Each pro tempore reporter shall be paid one hundred twelve dollars and ninety-three cents
32 (\$112.93) for one-half day of duty under order of the court when (a) the court has indicated in
33 advance that the pro tempore assignment is for a half day and the pro tempore reporter is on duty
34 for four hours or less, generally exclusive of the noon recess; or (b) the court has indicated in
35 advance that the pro tempore assignment is for a full day but the pro tempore reporter is on duty
36 for four hours or less and consents to being released for the balance of the day.

37 Where a pro tempore reporter has agreed to a one-half day assignment, the courts shall make
38 every practicable effort to assure that the pro tempore reporter shall not be on duty for longer than
39 four hours, unless the pro tempore reporter agrees with the court to work beyond four hours. In
40 the latter case, the full-day pro tempore rate of one hundred sixty-nine dollars and forty cents
41 (\$169.40) shall apply.

42 Nothing herein shall be construed to limit the court's authority to in all instances pay a pro
43 tempore reporter at the rate of one hundred sixty-nine dollars and forty cents (\$169.40) when, in
44 the court's judgment, said rate is necessary to obtain pro tempore reporter services for the court.

45 (c) In addition to the salary herein provided, each regularly employed reporter shall accrue and
46 be entitled to receive sick leave benefits at the rate of 3.6924 hours of sick leave with pay for each
47 pay period or major fraction thereof, served up to an accumulative total of 156 working days.

48 Each such reporter shall accrue and receive vacation at the same rate as judges of such court not

1 to exceed 21 working days a year which may be accrued not to exceed 42 days to be taken at such
2 time as the judge to which he or she has been assigned consents.

3 70046.4. (a) In Lake County, the official phonographic reporters shall perform the following
4 duties:

5 (1) Report all proceedings before the superior court.

6 (2) Report all the proceedings of the grand jury.

7 (3) Act as the secretary of, and render stenographic and clerical assistance to, the judge of the
8 department to which they are assigned by the presiding judge.

9 (4) Any other duties assigned by the board of supervisors upon the request of a judge of the
10 superior court.

11 The official phonographic reporters of such county shall receive a salary recommended by the
12 superior court and approved by the board of supervisors. Such salary is for compensation for
13 reporting services in the superior court under subdivision (a) of this section. For all transcriptions
14 incident to reporting services, each reporter shall receive the fees provided for in Article 9
15 (commencing with Section 69941) of this chapter. Such fees shall be paid to the County of Lake
16 when the conditions of the official phonographic reporter's employment so provide.

17 Any appointee to an official reporter position shall be compensated at the first step and advance
18 to each higher step upon completion of each year of service. Upon the recommendation of the
19 superior court and approval of the board of supervisors, official reporters may be employed at or
20 may be granted a special step increase to any step within the salary range on the basis of
21 experience or qualifications.

22 (b) The compensation for each official reporter pro tempore shall be the equivalent of the daily
23 wage of the first step in the salary range for full-time official reporters for each day he actually is
24 on duty under order of the court.

25 (c) In addition to the compensation provided in this article, each full-time reporter of the
26 superior court shall be entitled to, and shall receive, the same vacation, sick leave, and similar
27 privileges and benefits as are now, or may hereafter be provided for the employees of the County
28 of Lake including the right to participate in any group, accident, health or life insurance plan
29 adopted by the board of supervisors of the county.

30 (d) Until such time as the salaries of full-time official reporters and official reporters pro
31 tempore are approved by the board of supervisors pursuant to subdivision (a), such reporters shall
32 receive the salaries in effect immediately prior to the effective date of this section enacted by the
33 Legislature at its 1977-78 Regular Session.

34 70047. (a) In Contra Costa County, the annual salary of each regular official reporter shall be
35 based on a four-step salary plan as established by joint action and approval of the board of
36 supervisors and a majority of the judges of the court. The step of entry shall be step one.
37 However, the judges of the court may appoint any such reporter to a duly allocated exempt
38 position at a higher step if, in the opinion of the appointing judge, an individual to be appointed
39 has the experience and qualifications to entitle that individual to a higher initial step, but in no
40 case may the initial salary be above the third step of the salary range. Official reporters shall
41 advance to the next higher step on the salary plan annually, upon affirmative approval of the
42 appointing authority. The compensation of each official reporter pro tempore shall be an amount
43 which is equivalent to 1.05 times the daily wage of the fourth step in the salary range for full-time
44 official reporters in Contra Costa County for each day the reporter is on duty under order of the
45 court. Additional official reporters pro tempore may also be appointed on a half-day basis as the
46 business of the court requires. Those reporters shall be compensated at a rate which is 55 percent
47 of the daily wage of an official reporter pro tempore for each period up to four hours that the
48 reporter is on duty under the order of the court.

1 (b) During the hours which the court is open for the transaction of judicial business, the regular
2 official reporter shall perform the duties required by law. When not engaged in the performance
3 of any other duty imposed upon him or her by law, he or she shall render stenographic or clerical
4 assistance to the judge of the court to which he or she is assigned as that judge may direct.

5 (c) The board of supervisors shall adjust the salary of regular official reporters as part of its
6 regular review of county employee compensation. The adjustment shall be to that salary level
7 closest to the average percentage adjustment in basic salaries of the county classes of superior
8 court clerk, legal clerk, secretary, and clerk (experienced level), and shall be effective on the same
9 date.

10 70047.1. Notwithstanding any other provision of law, the following provisions shall be
11 applicable to the Stanislaus County Superior Court:

12 (a) In Stanislaus County, to assist the superior court in the transaction of its judicial business, a
13 majority of the judges of the superior court, with the approval of the board of supervisors, may
14 appoint as many regular official reporters as necessary to report the proceedings in the court.

15 (b) The regular official superior court reporters, unless the right to their services are waived,
16 shall report all of the proceedings as otherwise provided by law or ordered by a superior court
17 judge.

18 (c) The regular official court reporters shall be compensated at a range approved by the board
19 of supervisors by ordinance or resolution.

20 In order that the salaries provided for in this section remain equitable and competitive, in the
21 event an ordinance or resolution is adopted which provides a cost-of-living increase for
22 employees of Stanislaus County, this salary range shall be deemed adjusted, increased, and
23 amended by that ordinance or resolution.

24 (d) A regular official court reporter shall receive the same vacation, sick leave, retirement, and
25 other benefits as are provided for county employees.

26 (e) For the purposes of retirement, the compensation of each reporter shall be deemed to be the
27 total of all per diem and transcription fees paid by the county to all of the regular reporters of the
28 superior court for all reporting services, divided by the number of superior court official reporters,
29 plus his or her salary.

30 (f) The superior court executive officer shall appoint a supervising reporter to be compensated
31 at an hourly rate that is 10 percent higher than Step 5 of the hourly rate specified in subdivision
32 (c).

33 (g) For all transcriptions incident to reporting services, each reporter shall receive the fees
34 provided for in Article 9 (commencing with Section 69941) of this chapter. A court reporter shall
35 also be allowed his or her traveling expenses as determined by the travel policy of Stanislaus
36 County when reporting outside of the county seat.

37 (h) The judges of the superior court may appoint as many official superior court reporters pro
38 tempore as the business of the court requires. They shall be unsalaried, but shall receive a per
39 diem of 1/260 of Step 4 of the hourly rate set pursuant to subdivision (c).

40 (i) The county shall provide the official reporters with supplies for the performance of their
41 courtroom duties, excluding hardware.

42 (j) The presiding judge of the superior court may, upon request of the presiding judge of the
43 municipal court, assign an official superior court reporter to the municipal court during such times
44 as the business of the municipal court requires. Official superior court reporters who are so
45 assigned shall receive no additional compensation for that service.

46 70047.5. (a) In Sonoma County, for the 1987-88 fiscal year each regular official reporter shall
47 be paid an annual salary of thirty-seven thousand seven hundred forty dollars (\$37,740), which
48 salary shall include payment for services in reporting all proceedings in the superior court, before

1 the grand jury and the coroner. In order that the salary provided for in this section shall remain
2 equitable and competitive, the salary provided for in this section shall be adjusted and increased
3 by the same, general across-the-board salary adjustment enacted by the county in the salary
4 ordinance for other unrepresented employees.

5 (b) Reporters pro tempore serving in the superior and municipal courts shall receive a per diem
6 equal to 90 percent of the gross hourly wage of a regular official superior court reporter, exclusive
7 of benefits, for each full day, and one-half the per diem rate for each half day, when actually on
8 duty under order of the court, and shall receive from the county their necessary traveling and
9 other expenses when necessarily called from other counties.

10 (c) Regular official reporters shall be entitled to the same privileges with respect to retirement,
11 vacation, sick leave and other benefits allowed to employees in the clerical nonsupervisory
12 representation unit of the county.

13 70048. (a) In a county with a population of 1,300,000 and under 1,400,000, as determined by
14 the 1970 federal census, regular official reporters shall be paid at a salary rate established by joint
15 action and approval of the board of supervisors and a majority of the judges of the court.

16 Except as provided herein, the initial hiring rate for each position shall be step A, provided
17 further, however, the judges of the superior court may appoint any such court reporter at a higher
18 initial step if in the opinion of the judges of the superior court an individual to be appointed has
19 such experience and qualification as to entitle that individual to such higher initial step. A step
20 advancement from step A to step B may be granted on the first day of the month following the
21 completion of 12 full months of service in the position. A person may advance to steps C, D, and
22 E upon completion of successive 12-month periods of service. All merit increases as provided
23 herein shall be made at the determination of the judges of the superior court. A court reporter
24 employed prior to November 15, 1977, and currently employed shall receive a monthly and
25 annual salary at step E.

26 (b) Official phonographic reporters pro tempore shall be compensated at a rate established by
27 joint action and approval of the board of supervisors and a majority of the judges of the court.

28 (c) Each reporter shall cooperate with county personnel in any random job reviews for the
29 purpose of confirming hours spent in attendance upon the courts for the purpose of reporting
30 proceedings.

31 (d) During the hours which the court is open for the transaction of judicial business, official
32 reporters shall devote full time to the performance of the duties required of them by law and shall
33 not engage in or solicit to engage in any other employment in their professional capacity.

34 ☞ **Note.** Section 70048 applies to San Diego County.

35 70049. In a county with a population of over 11,650 and under 12,000, as determined by the
36 1960 federal census, each regular official reporter shall receive as full compensation for taking
37 notes in criminal cases an annual salary set by resolution of the board of supervisors. All other
38 fees of such reporters shall be as elsewhere provided by law.

39 ☞ **Note.** Section 70049 applies to Inyo County.

40 70049.5. In a county with a population of over 32,000 and under 33,000, as determined by the
41 1960 federal census, each regular official reporter shall receive as full compensation an annual
42 salary of ten thousand dollars (\$10,000) unless the board of supervisors of the county shall by
43 ordinance provide for compensation in excess of that amount, in which event the amount set by
44 ordinance shall apply.

45 ☞ **Note.** Section 70049.5 applies to Siskiyou County.

1 70050. In San Benito County, the board of supervisors shall fix the salary of regular official
2 reporters and the compensation of official reporters pro tempore, which shall be at a rate of not
3 more than seventy-five dollars (\$75) a day.

4 During the hours which the court is open for the transaction of judicial business, official
5 reporters shall devote full time to the performance of the duties required of them by law and shall
6 not engage in or solicit to engage in any other employment in their professional capacity.

7 70050.5. In each county with a population of 730,000 and under 850,000, as determined by the
8 1960 federal census, the monthly salary of the regular official phonographic reporters shall be not
9 less than that paid to regular official phonographic reporters of the superior court in counties
10 having a population of over 6,000,000. Pro tempore reporters in each county with a population of
11 730,000 and under 850,000, as determined by the 1960 federal census, shall receive a daily per
12 diem in an amount not less than that paid to pro tempore superior court reporters in counties
13 having a population of over 6,000,000.

14 Length of employment for compensation purposes under this section shall mean length of
15 employment in either the municipal court or superior court of such county.

16 All regular official phonographic reporters appointed prior to the effective date of this section
17 shall receive not less than the monthly salary set forth in the maximum step of the pertinent salary
18 schedule used in counties having a population of over 6,000,000.

19 Official phonographic reporters appointed subsequent to the effective date of this section shall
20 be compensated in an amount that is not less than whatever step of the pertinent salary schedule
21 used in counties with a population of over 6,000,000 the majority of the judges of such court may
22 deem appropriate.

23 ☞ **Note.** Section 70050.5 applies to San Francisco County.

24 70050.6. (a) In Tuolumne County, the official reporters of the superior court shall perform the
25 following duties:

- 26 (1) Report all criminal proceedings.
- 27 (2) Report all civil proceedings.
- 28 (3) Report all domestic relations proceedings.
- 29 (4) Report all proceedings of the grand jury.
- 30 (5) Report all coroner's inquests.

31 (b) The official reporters of Tuolumne County shall receive a salary as established by the Board
32 of Supervisors of Tuolumne County. Such salary is for compensation for reporting services in the
33 superior court under subdivision (a) of this section.

34 For all transcriptions incident to reporting services, each reporter shall receive the fees provided
35 for in Article 9 (commencing with Section 69941) of Chapter 5 of this title. The court reporter
36 shall also be allowed his or her actual traveling expenses when reporting outside of the county
37 seat.

38 70050.8. Notwithstanding the provisions of Sections 69948 and 69949, in counties with
39 population of at least 62,000 and under 65,800, as determined by the 1960 federal census, the fee
40 for official court reporters and court reporters pro tempore is seventy dollars (\$70) per day unless
41 the board of supervisors of the county shall, by resolution, provide for fees in excess of that
42 amount, in which event the fee set by resolution shall apply.

43 ☞ **Note.** Section 70050.8 applies to Yolo County.

44 70051. No further fee than that prescribed in Sections 70053 to 70059.5, inclusive, shall be
45 collected from, or assessed against, any party to any proceeding for the services of a
46 phonographic reporter in taking down in shorthand the testimony and other proceedings in the

1 trial or hearing of any matter as required by law or by order of the court, but a phonographic
2 reporter shall be allowed and unless waived by him shall receive the fees allowed by law for
3 transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees
4 for transcriptions shall be paid pursuant to Article 9 of this chapter and any other law pertinent to
5 the case.

6 70052. The salaries provided for in this article shall be paid in monthly installments out of the
7 salary fund of the county and shall be allowed and audited in the same manner as the law requires
8 for other salary demands against the county.

9 70056.7. Notwithstanding any other provision of law to the contrary, the following provisions
10 shall be applicable to the official superior court reporters in Monterey County:

11 (a) Regular official court reporters shall report all criminal and civil proceedings in their
12 respective courts and report all grand jury proceedings. When not engaged in the performance of
13 other duties imposed on him or her by law and when approved by the presiding judge, each
14 reporter shall render such assistance as may be required in any other court of the county to which
15 he or she may be assigned. During hours in which the court is open for the transaction of judicial
16 business, official reporters shall devote full time to the performance of regular duties and shall not
17 engage in or solicit any other employment in their professional capacity.

18 (b) Each regular official court reporter shall be paid a salary to be established by the Monterey
19 County Board of Supervisors upon the joint recommendation of the county administrative officer
20 and the judges of the superior court.

21 (c) A regular official court reporter shall serve at the pleasure of the judge of the court for
22 which appointed but shall receive the same vacation, sick leave, retirement, and other financial or
23 monetary benefits as are now, or may be hereafter provided for the classification of superior court
24 clerk. The benefits include the right to participate in any group accident, group health, or group
25 life insurance plan adopted for and made available to the classification of superior court clerk.

26 For the purposes of retirement under the Public Employees' Retirement System, the salary
27 provided for in subdivision (b) shall be deemed the entire salary for each court reporter.

28 (d) Judges of the superior court may appoint as many official superior court reporters pro
29 tempore as the business of the court requires. They shall be unsalaried but shall receive a per
30 diem at a rate to be established by joint action of the board of supervisors and a majority of the
31 judges of the superior court.

32 70059.7. In Santa Barbara County each regular official reporter shall be paid a biweekly salary
33 which shall be one thousand six hundred eighty-five dollars and eighty-five cents (\$1,685.85)
34 which salary shall include payment for services in reporting all proceedings in the superior or
35 municipal court, before the grand jury, and before coroners' inquests.

36 Reporters pro tempore shall be paid at a per diem rate of up to a maximum of one hundred
37 sixty-eight dollars (\$168) or eighty-four dollars (\$84) for each half day or four (4) hour period or
38 portion thereof for the days they are actually on duty under order of the court, and shall receive
39 from the county their necessary traveling and other expenses when necessarily called from other
40 counties. Rates of compensation of regular official reporters and official reporters pro tempore
41 may be adjusted by joint action and approval of the board of supervisors and a majority of the
42 judges of the court. However, any changes in compensation which are made pursuant to this
43 section shall be on an interim basis and shall remain in effect only until January 1, 1993, unless
44 ratified by statute by the Legislature prior to that date.

1 70059.8. (a) Notwithstanding any other provision of law, including but not limited to Sections
2 70040, 70041, 70042, and 70045, the following provisions shall be applicable to the official court
3 reporters in Solano County.

4 (b) Regular official court reporters shall report all criminal and civil proceedings in their
5 respective courts; all juvenile proceedings, other than those heard by referees or traffic officers
6 when official reporters are unavailable; grand jury proceedings, coroner's inquests, and
7 proceedings before the county board of equalization. When not engaged in the performance of
8 other duties imposed upon him or her by law, each reporter shall render such assistance as may be
9 required in any other court of the county to which he or she may be assigned, and perform such
10 other verbatim reporting services as may be required such as, but not limited to, public hearings
11 and depositions. During hours in which the court is open for the transaction of judicial business,
12 official reporters shall devote full time to the performance of regular duties and shall not engage
13 in any other employment in their professional capacity.

14 (c) In Solano County the annual salary of each official court reporter shall be based on a regular
15 five-step plan as established by joint action and approval of the board of supervisors and a
16 majority of the judges of the court.

17 (d) For all transcripts incident to reporting services, each reporter shall receive the fees
18 provided for in Article 9 (commencing with Section 69941) of this chapter. The initial hiring rate
19 for each position shall be step 1, provided that the judges may appoint any such reporter at a
20 higher initial step if, in the opinion of the majority of judges, an individual to be appointed has
21 such experience and qualifications as to entitle him or her to such higher initial step.

22 (e) A regular official court reporter shall serve at the pleasure of the appointing judge, but shall
23 be entitled to the same benefits and privileges respecting longevity, service credits, cost-of-living
24 or other general pay increases, retirement, vacation, sick leave and group insurance which are
25 provided other employees of the county. Court reporters shall be entitled to any increases
26 provided other employees of the county respecting longevity, service credits, cost-of-living or
27 general pay increases, retirement, vacation, sick leave and group insurance, but such increases
28 shall be on an interim basis and remain in effect only until January 1, 1990, unless ratified by
29 statute by the Legislature prior to that date.

30 (f) Judges of the court may appoint as many official reporters pro tempore as the business of the
31 court requires. They shall be unsalaried but shall receive the fees provided by Article 9 of this
32 chapter, which fees, upon order of the court, shall be a proper charge against the general fund of
33 the county.

34 70059.9. In San Luis Obispo County, each regular official reporter shall be paid a monthly
35 salary which shall be recommended by the superior court and approved by the board of
36 supervisors. This salary shall include payment for services in reporting all proceedings in the
37 superior court, before the grand jury, and before coroner's inquests. The initial hiring rate for
38 each position shall be step 1, provided, however, that the judges of the court may appoint a
39 reporter at a higher step if such person has the experience and qualifications to entitle that
40 individual to appointment at a higher initial step. Step advancement from step 1 to step 2 may be
41 granted following completion of six full months of service in the position. Thereafter, a person
42 may advance to each succeeding step upon completion of a 12-month period of full-time service
43 at the previous step. All step advancements pursuant to this section shall be determined by the
44 judges of the court. In addition to the duties required by the provisions of this section, and
45 notwithstanding the provisions of Section 69956, regular official reporters, when not actually
46 engaged in the performance of other lawfully imposed duties, shall, at no additional
47 compensation, render stenographic or clerical assistance or both, to the superior court as may be
48 directed by the presiding judge.

1 Reporters pro tem shall be paid at a per diem rate of seventy-six dollars (\$76) for the days they
2 are actually on duty under order of the court, and shall receive from the county their necessary
3 travel and other expenses when necessarily called from other counties. Rates of compensation of
4 official reporters pro tem may be adjusted by approval of the board of supervisors upon the
5 recommendation of a majority of the judges of the court.

6 Each official court reporter shall be an attache of the superior court and shall serve at the
7 pleasure of the appointing judges, but shall be entitled to the same benefits and privileges
8 respecting retirement, group insurance, social security, vacation, sick leave and other fringe
9 benefits which are provided to county employees.

10 70060. The fee so required shall be taxed as costs in favor of any party paying it and to whom
11 costs are awarded by the judgment of the court. Such fee shall not be subject to the provisions of
12 Section 6103.

13 70061. In a county with a population of 280,000 and under 285,000, of 500,000 and under
14 700,000, or of 700,000 or more, the fee so required shall not be required of any party who is
15 exempted from the payment of costs by any statute other than Section 6103.

16  **Note.** Section 70061 applies to the following counties: Alameda, Los Angeles, San
17 Bernardino, San Diego, and San Francisco.

18 70062. On or before the first day of each calendar month, the county clerk shall transmit to the
19 county treasurer all money paid to him pursuant to this article during the preceding calendar
20 month, or up to the day immediately preceding that on which he transmits the money, and the
21 money shall be deposited in the salary fund of the county.

22 70063. (a) In Mendocino County, the official phonographic reporters shall perform the
23 following duties:

24 (1) Report all proceedings before the superior court;

25 (2) Report the proceedings of the grand jury;

26 (3) Act as the secretary of, and render stenographic and clerical assistance to, the judge of the
27 department to which they are assigned by the presiding judge.

28 The official phonographic reporters of such county shall receive a salary recommended by the
29 superior court and approved by the board of supervisors.

30 Any appointee to an official reporter position shall be compensated at the first step and advance
31 to each higher step upon completion of each year of service. Upon the recommendation of the
32 superior court and approval of the board of supervisors, official reporters may be employed at or
33 may be granted a special step increase to any step within the salary range on the basis of
34 experience or qualifications.

35 (b) The compensation for each official reporter pro tempore shall be the equivalent of the daily
36 wage of the first step in the salary range for full-time official reporters for each day he actually is
37 on duty under order of the court.

38 (c) In addition to the compensation provided in this article, each full-time reporter of the
39 superior court shall be entitled to, and shall receive, the same vacation, sick leave, and similar
40 privileges and benefits as are now, or may hereafter be provided for the employees of the County
41 of Mendocino, including the right to participate in any group, accident, health or life insurance
42 plan adopted by the board of supervisors of the county.

43 (d) Until such time as the salaries of full-time official reporters and official reporters pro
44 tempore are approved by the board of supervisors pursuant to subdivision (a), such reporters shall
45 receive the salaries in effect immediately prior to the effective date of the amendments to this
46 section enacted by the Legislature at its 1977-78 Regular Session.

1 70064. In Mono County, each regular official reporter shall receive as full compensation for
2 taking notes in criminal cases an annual salary set by resolution of the board of supervisors. All
3 other fees of such reporters shall be as elsewhere provided by law.

4 **§§ 70100-70104 (repealed). Alternative provisions for official reporters in Alameda County**

5 SEC. ____ . Article 12 (commencing with Section 70100) of Chapter 5 of Title 8 of the
6 Government Code is repealed.

7 **Comment.** Sections 70100-70104 are repealed to reflect:

8 (1) Enactment of the Trial Court Employment Protection and Governance Act. See Section
9 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel). See
10 also Sections 68086 (fees for reporting services), 69941 (appointment of official reporters), 69947
11 (compensation of official reporter).

12 (2) Enactment of the Trial Court Funding Act. See Section 77009 (Trial Court Operations
13 Fund). See also Sections 68086 (fees for reporting services in civil cases generally).

14  **Note.** Existing law requires that certain court reporter fees be deposited into the county
15 general or salary fund (see, e.g., Gov't Code § 70104). The Commission is reviewing whether the
16 county treasury provisions remain viable, given the enactment of the Trial Court Funding Act, the
17 Trial Court Employment Protection and Governance Act, and other changes to the structure of the
18 trial courts. See Gov't Code §§ 77003 and Cal. R. Ct. 810 ("court operations" defined), 77009
19 (Trial Court Operations Fund), 77200 (state funding of trial court operations). These matters are
20 also being examined by a Joint Court-County Working Group on Trial Court Funding. The
21 Commission solicits comment on the proper treatment of these provisions.

22 The text of the repealed article is set out below.

23 **Article 12. Alternative Provisions for Official Reporter in Counties**
24 **with a Population of 700,000 and Under 750,000**

25 70100. This article applies in each county with a population of 700,000 and under 750,000, as
26 determined by the 1950 federal census. The provisions of Article 11 of this chapter which apply
27 in counties with a population of 750,000 or over apply in each county with a population of
28 700,000 and under 750,000 except as is otherwise validly provided in this article or in Section
29 70058.

30 70101. If a majority of the judges of the superior court of any county with a population of
31 700,000 and under 750,000 concur in an order that appointments may be made pursuant to this
32 article, they may each appoint a competent phonographic reporter, specifying that the
33 appointment is pursuant to Article 12, Chapter 5, Title 8, of this code.

34 70104. In such event in cases in which a phonographic reporter is requested and the fees
35 provided for by Article 11 for counties with a population of 700,000 and under 750,000 have not
36 been paid, the parties litigant shall pay to the clerk of the court, prior to the hearing of the cases,
37 the phonographic reporters' fees prescribed by Article 9. Such fees shall be deposited by the clerk
38 in the county treasury to the credit of the salary fund of the county.

39 **§§ 70110-70113 (repealed). Official reporters in Tulare County**

40 SEC. ____ . Article 12.1 (commencing with Section 70110) of Chapter 5 of Title 8 of the
41 Government Code is repealed.

42 **Comment.** Sections 70110-70113 are repealed to reflect:

1 (1) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
2 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
3 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
4 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
5 (employment selection and advancement), 71650-71658 (employment protection system), 71673
6 (authority of court). See also Sections 69941 (appointment of official reporters), 69947
7 (compensation of official reporter), 69950 (transcription fee).

8 (2) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
9 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations).

10 ☞ **Note.** The text of the repealed article is set out below.

11 Article 12.1. Official Reporters in Tulare County

12 70110. In Tulare County, each judge of the superior court may appoint a competent
13 phonographic reporter, to be known as a regular official reporter of that court, and such pro
14 tempore reporters as necessary to report the proceedings of the court. Regular official reporters
15 shall hold office during the pleasure of the appointing judge.

16 The duties of regular official reporters appointed pursuant to this section shall be performed as
17 elsewhere provided by law, and shall include the reporting of every civil proceeding.

18 70111. (a) In consideration of all reporting services, official court reporters shall be paid
19 biweekly at Range 184 of the current Tulare County salary schedule.

20 The initial rate for currently appointed official superior court court reporters on the effective
21 date of this article shall be Range 184, step "E," two thousand five hundred eighty-four dollars
22 and five cents (\$2,584.05).

23 The initial hiring rate for each position shall be Range 184, step A. However, a judge of the
24 superior court may appoint any such court reporter at a higher initial step if, in the opinion of the
25 judge of the superior court, an individual to be appointed has such experience and qualifications
26 to entitle that individual to the higher initial step.

27 The county shall provide each reporter stenographic machine paper, ink, and ribbons necessary
28 for reporting.

29 (b) Where it is necessary to appoint a pro tempore reporter, the pro tempore reporter shall
30 receive a per diem of one hundred fifteen dollars (\$115) a day for the day the pro tempore
31 reporter actually is on duty under order of the court.

32 Pro tempore reporters shall not receive more than one per diem fee a day from the county.

33 (c) This per diem rate shall also apply when a reporter is appointed pursuant to Section 869 of
34 the Penal Code by a justice court judge acting as a magistrate.

35 (d) Each full-time official reporter and each official reporter pro tempore shall receive the
36 salaries specified in subdivisions (a) and (b) respectively, unless the Board of Supervisors of
37 Tulare County, by ordinance, provides for compensation in excess of the specified amounts, in
38 which event the amount set by ordinance shall apply.

39 (e) For all transcripts incident to reporting services, each reporter shall receive the fees
40 provided for in Section 69950.

41 70112. In addition to the compensation provided in this article, each full-time reporter of the
42 superior court shall be entitled to, and shall receive the same vacation, sick leave, salary step
43 advancements, and similar privileges and benefits as are now or may hereafter be provided for the
44 employees of the county.

1 Regular official reporters of the superior court shall participate in any group health, accident,
2 life insurance, or deferred compensation plan adopted by the county.

3 70113. Official superior court court reporters shall be members of any retirement system
4 maintained by the county. For retirement credit purposes compensation earnable shall be deemed
5 to be the annual salary paid by the county to each official superior court court reporter.

6 **§§ 70125-70128 (repealed). Official reporters in Humboldt County**

7 SEC. _____. Article 12.5 (commencing with Section 70125) of Chapter 5 of Title 8 of the
8 Government Code is repealed.

9 **Comment.** Sections 70125-70128 are repealed to reflect:

10 (1) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
11 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
12 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
13 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
14 (employment selection and advancement), 71650-71658 (employment protection system), 71673
15 (authority of court). See also Sections 69941 (appointment of official reporters), 69947
16 (compensation of official reporter).

17 (2) Enactment of the Trial Court Funding Act. See Section 77009 (Trial Court Operations
18 Fund). See also Sections 68086 (fees for reporting services in civil cases generally).

19 ☞ **Note.** Existing law requires that certain court reporter fees received by the county clerk, be
20 deposited into the county general or salary fund (see, e.g., Gov't Code § 70128). The Commission
21 is reviewing whether the county clerk and county treasury provisions remain viable, given the
22 enactment of the Trial Court Funding Act, the Trial Court Employment Protection and
23 Governance Act, and other changes to the structure of the trial courts. See Gov't Code §§ 77003
24 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
25 (state funding of trial court operations). These matters are also being examined by a Joint Court-
26 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
27 treatment of these provisions.

28 The text of the repealed article is set out below.

29 **Article 12.5. Official Reporters in Counties with a**
30 **Population of 95,000 and Under 120,000**

31 70125. In each county having a population of more than 95,000 and less than 120,000, as
32 determined by the 1960 federal census, to assist the court in the transaction of its judicial
33 business, a majority of the judges of the superior court for such county may appoint as many
34 regular official phonographic reporters as necessary to report the proceedings in the court. The
35 number of reporters so appointed shall not exceed at any one time the number of judges provided
36 by law for the court. The reporters shall hold office during the pleasure of a majority of the judges
37 of the court.

38 70126. A judge of the superior court may appoint a pro tempore official reporter, to serve as the
39 convenience of the court may require, when an official reporter is unavailable.

40 70127. Each regular official reporter shall be paid an annual salary of twenty thousand nine
41 hundred eighty-three dollars and ninety-two cents (\$20,983. 92). Adjustments in salary shall be
42 made annually by the board of supervisors by an amount which is equivalent to the increase or
43 decrease in the salary of related classes in the classified service of the county, and each pro

1 tempore official reporter shall be paid per day the amounts prescribed in Article 9 (commencing
2 with Section 69941) of Chapter 5 of Title 8 for the days he is actually on duty under the order of
3 the court.

4 In addition to the compensation provided in this article, the board of supervisors of Humboldt
5 County may provide by ordinance that each regular court reporter of the superior court shall be
6 entitled to, and shall receive, the same vacation, sick leave and similar privileges and benefits as
7 are now, or may be hereafter, provided to employees in Humboldt County classifications serving
8 in the superior court, including the right to participate in any group life, health, dental, or other
9 benefit program adopted by the board of supervisors.

10 70128. Except in criminal cases, the fees prescribed in Article 9 (commencing with Section
11 69941), Chapter 5, Title 8, shall be paid for the services of a court reporter. The fees for reporting
12 testimony and proceedings in contested cases and for reporting default or uncontested actions or
13 proceedings shall be paid to the county clerk and deposited in the county treasury. All other fees
14 prescribed in Article 9, Chapter 5, Title 8, shall be paid to the reporter rendering the service and
15 retained by him.

16 **§§ 70130-70134 (repealed). Official reporters in Marin County**

17 SEC. _____. Article 12.7 (commencing with Section 70130) of Chapter 5 of Title 8 of the
18 Government Code is repealed.

19 **Comment.** Sections 70130-70134 are repealed to reflect:

20 (1) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
21 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
22 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
23 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
24 (employment selection and advancement), 71650-71658 (employment protection system), 71673
25 (authority of court). See also Sections 69941 (appointment of official reporters), 69947
26 (compensation of official reporter).

27 (2) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
28 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations). See also
29 Section 69952 (payment from Trial Court Operations Fund).

30  **Note.** The text of the repealed article is set out below.

31 **Article 12.7. Official Reporters in Counties with a**
32 **Population of 140,000 to 147,000**

33 70130. (a) In a county with a population of over 205,000 and not over 225,000 as determined
34 by the 1970 federal decennial census, within which there is located a facility of the Department of
35 Corrections of the State of California, each full-time official reporter shall receive a salary
36 recommended by the superior court and approved by the board of supervisors.

37 Any appointee to an official reporter position shall be compensated at the first step and advance
38 to each higher step upon completion of each year of service. Upon the recommendation of the
39 superior court and approval of the board of supervisors, official reporters may be employed at or
40 may be granted a special step increase to any step within the salary range on the basis of
41 experience or qualifications.

42 (b) The compensation for each official reporter pro tempore shall be the equivalent of the daily
43 wage of the third step in the salary range for full-time official reporters for each day he actually is
44 on duty under order of the court.

1 (c) In addition to the compensation provided in this article, each full-time reporter of the
2 superior court shall be entitled to, and shall receive, the same vacation, sick leave, and similar
3 privileges and benefits as are now, or may hereafter be provided for the employees of the County
4 of Marin, including the right to participate in any group, accident, health or life insurance plan
5 adopted by the board of supervisors of the county.

6 (d) Until such time as the salaries of full-time official reporters and official reporters pro
7 tempore are approved by the board of supervisors pursuant to subdivision (a), such reporters shall
8 receive the salaries in effect immediately prior to the effective date of the amendments to this
9 section enacted by the Legislature at its 1975-76 Regular Session.

10 70130.5. No further fee, charge or salary other than the salary or compensation provided by
11 Section 70130 shall be collected from, or assessed against, any party to any proceeding for the
12 services of an official reporter in taking down in shorthand the testimony and other proceedings in
13 the trial or hearing of any matter as required by law or by order of the court; but an official
14 reporter shall be allowed, and shall receive, unless waived by him, the fees allowed by law for
15 transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees
16 for transcription shall be paid as provided by Sections 69947 to 69953, inclusive, and by any
17 other law of this state pertinent to the case.

18 70131. In criminal cases in which the court specifically so directs, the fee for a transcript
19 ordered by the court to be made shall be paid out of the county treasury on the order of the court.
20 The court shall not order to be transcribed and paid for out of the county treasury any matter or
21 material except that reported by the reporter pursuant to Code of Civil Procedure Section 269.
22 When the court orders a daily transcript, necessitating the services of two official reporters, the
23 reporting fee for each of the reporters and the transcript fee shall be proper charges against the
24 county treasury, and such daily transcript shall be pursuant to Code of Civil Procedure Section
25 269.

26 70131.5. Fees for transcription of testimony and proceedings in the court shall be paid by the
27 litigants to full-time official reporters and official reporters pro tempore as otherwise provided by
28 law. In all cases where by law the court may direct the payment of transcription fees out of the
29 county treasury, such fees shall, upon order of the court, be paid from the general fund including
30 fees for transcription of testimony and proceedings in criminal cases as provided in Sections
31 69947 to 69953, inclusive, which shall be paid from the county treasury.

32 70132. The official reporters of the court, if otherwise eligible, shall be members of any
33 retirement system maintained by the county that includes attaches of the court. For the purposes
34 of such retirement system, the salary or compensation provided for reporters in this article shall
35 be deemed their entire compensation, except that where credit is claimed for service rendered
36 prior to the establishment of such salary or compensation, the actual compensation paid to them
37 by the county shall be the basis for contributions for such prior service, and continuous
38 employment of the court, prior to membership in such retirement system, shall be considered as
39 "prior service" therein upon the payment by the reporters of the sums due, if any, under the
40 retirement system.

41 70132.5. (a) The official reporter shall perform the duties required of him by law. When not
42 actually engaged in the performance of any other duty imposed on him by law, he shall render
43 stenographic or clerical assistance, or both, to the judge or judges of the department to which he is
44 assigned as such judge or judges may direct. This subdivision shall not apply to reporters who
45 elect to be paid on a per diem and fee basis.

1 (b) The official reporter in each department shall be selected by, and serve solely and directly
2 under the authority and control of, the judge thereof, and shall not be subject to the authority of
3 any county administrative office or personnel commission.

4 70133. Nothing in any county ordinance or in any state law disqualifying employees at any age
5 from further employment, shall affect any reporter employed on the effective date of this article,
6 or for a period of 10 years thereafter.

7 70134. The official reporters of the court, in addition to membership in any appropriate county
8 retirement system, unless otherwise specified in this article, shall be bound by the same
9 restrictions applicable to other county employees. Such reporters shall not use county equipment
10 or county premises or county working hours for the purpose of doing work not in the service of
11 the county or the court.

12 **§§ 70136-70139 (repealed). Official reporters in Santa Cruz County**

13 SEC. ____ . Article 12.8 (commencing with Section 70136) of Chapter 5 of Title 8 of the
14 Government Code is repealed.

15 **Comment.** Sections 70136-70139 are repealed to reflect:

16 (1) Unification of the municipal and superior courts in Santa Cruz County pursuant to Article
17 VI, Section 5(e), of the California Constitution, effective July 1, 1998.

18 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
19 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
20 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
21 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
22 (employment selection and advancement), 71650-71658 (employment protection system), 71673
23 (authority of court). See also Sections 69941 (appointment of official reporters), 69947
24 (compensation of official reporter), 69953 (payment of fees), 69953.5 (daily transcript requiring
25 more than one reporter).

26 (3) Enactment of Section 69505 (business-related travel expenses of trial court judges and
27 employees).

28 (4) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
29 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations). See also
30 Section 69952 (payment from Trial Court Operations Fund).

31  **Note.** The text of the repealed article is set out below.

32 **Article 12.8. Official Reporters and Fees in Counties**
33 **with a Population of 120,000 to 130,000**

34 70136. (a) Notwithstanding any other provision of law, the monthly salary of each full-time
35 official reporter of the Superior Court in Santa Cruz County shall be as follows:

36 Step 1: \$1,614

37 Step 2: \$1,685

38 Step 3: \$1,758

39 Step 4: \$1,834

40 Step 5: \$1,941

41 The initial hiring rate for each position shall be step 1. However, the judges of the superior
42 court may appoint any such court reporter at a higher initial step if, in the opinion of the judges of
43 the superior court, an individual to be appointed has such experience and qualifications to entitle
44 that individual to such higher initial step.

1 In addition to the compensation provided in this article, each full-time reporter of the superior
2 court shall be entitled to, and shall receive the same vacation, sick leave, salary step
3 advancements, and similar privileges and benefits as are now or may hereafter be provided for the
4 employees of the county.

5 (b) Notwithstanding any other provision of the law, compensation for each official reporter pro
6 tempore shall be sixty-five dollars (\$65) a day for each day such reporter pro tempore is on duty
7 under order of the court. Each reporter pro tempore shall receive from the county the necessary
8 traveling and other expenses when necessarily called from other counties.

9 (c) Each full-time official reporter and each official reporter pro tempore shall receive the
10 salaries specified in subdivisions (a) and (b), respectively, unless the board of supervisors of
11 Santa Cruz County by ordinance provides for compensation in excess of the specified amounts, in
12 which event the amount set by ordinance shall apply.

13 70137. Fees for transcription of testimony and proceedings in the court shall be paid by the
14 litigant to full-time official reporters or to official reporters pro tempore as otherwise provided by
15 law. In all cases where by law the court may direct the payment of transcription fees out of the
16 county treasury, such fees shall, upon order of the court, be paid from the General Fund,
17 including fees for transcription of testimony of proceedings in criminal cases as provided in
18 Sections 69947 to 69953, inclusive, of this code, which shall be paid from the county treasury.

19 70138. (a) The official reporter shall perform the duties required by law. When not actually
20 engaged in the performance of any other duty imposed by law, the official reporter shall render
21 stenographic or clerical assistance, or both, to the judge or judges of the department to which such
22 reporter is assigned as such judge or judges may direct.

23 (b) The official reporter in each department shall be selected by and serve directly under the
24 authority and control of the judge thereof, provided, however, that whenever the services of an
25 official reporter are not required in the actual prosecution of the business of his department, the
26 presiding judge of the superior court may temporarily assign any such reporter to act as an official
27 reporter for another department of the superior court or as an official reporter of a municipal court
28 within the same county.

29 70139. (a) A reporter's filing fee of twelve dollars (\$12) shall be paid in actions and
30 proceedings as specified in Section 68090.5 in the Santa Cruz County Superior Court.

31 (b) In addition to any fee otherwise required, in civil cases that last longer than one judicial day,
32 a fee per day equal to the per diem rate for official reporters pro tempore shall be charged to the
33 parties for the services of an official reporter for the second and each successive day a reporter is
34 required.

35 (c) In addition to any fee otherwise required, in a civil case in which a court orders a daily
36 transcript necessitating the services of two phonographic reporters, the party requesting the daily
37 transcript shall pay a fee per day equal to the per diem rate for official reporters pro tempore for
38 the services of the second reporter for the first and each successive day.

39 **§§ 70140-70148 (repealed). Court commissioners**

40 SEC. __. Article 13 (commencing with Section 70140) of Chapter 5 of Title 8 of the
41 Government Code is repealed.

42 **Comment.** Sections 70140-70148 are repealed to reflect:

43 (1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the
44 California Constitution.

45 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
46 71612 (existing terms of employment not affected), 71615(c)(1) (preservation of employees' job

1 classifications), 71622 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans),
2 71625 (accrued leave benefits), 71626 (retiree group insurance benefits), 71626.5 (county retiree
3 group insurance benefits), 71629 (trial court employment benefits not affected), 71643 (excluded
4 positions), 71673 (authority of court). See also Fam. Code §§ 4250-4253 (child support
5 commissioners).

6 (3) Enactment of Section 69505 (business-related travel expenses of trial court judges and
7 employees).

8 (4) Enactment of the Trial Court Funding Act. See Section 77200 (state funding of trial court
9 operations).

10 ☞ **Notes.** The staff is researching the following matter, which will be dealt with separately:
11 Ethics (private practice of law)

12 The text of the repealed article is set out below.

13 Article 13. Court Commissioners

14 70140. (a) Except as provided in subdivision (b) and notwithstanding any other provision of
15 law, the superior court in any county with a unified superior court pursuant to subdivision (e) of
16 Section 5 of Article VI of the California Constitution may establish the salary of a former
17 municipal court commissioner or referee at a salary not to exceed that of a superior court
18 commissioner in that court, other than a commissioner established pursuant to subdivision (e) of
19 Section 70141, subject to certification by the court that it is able to support the proposed salary
20 levels within the court's current allocation. In a county where no superior court commissioner or
21 referee existed, other than a commissioner established pursuant to subdivision (e) of Section
22 70141, prior to the unification of the superior and municipal courts, the salary of a commissioner
23 or referee shall be set at a rate not to exceed the percentage of a superior court judge's salary that
24 the commissioner or referee received of a municipal court judge's salary prior to unification.

25 (b) No commissioner shall have his or her current salary reduced below that salary in effect on
26 June 1, 1998, by application of this section.

27 70140.5. All trial court commissioner and referee positions in the superior courts that were
28 funded and filled as of January 1, 1999, and that are not authorized under any other section of the
29 Government Code are hereby authorized under this section. This section is not intended to
30 replace, modify, or otherwise alter the terms, conditions, or qualifications of any existing section
31 pertaining to the appointment of trial court commissioners and referees.

32 70141. (a) To assist the court in disposing of its business connected with the administration of
33 justice, upon approval by the Judicial Council, the superior court of any city and county may
34 appoint not exceeding 10 commissioners, and the superior court of every county, except a county
35 with a population of 4,000,000 or over, may appoint one commissioner. Each person so appointed
36 shall be designated as "court commissioner" of the county.

37 (b) Until July 1, 1997, in addition to the court commissioners authorized by subdivision (a) or
38 any other provision of law, either the superior court or the municipal court, but not both, of any
39 county or city and county may appoint one additional commissioner, at the same rate of
40 compensation as the other commissioner or commissioners for that court, upon adoption of a
41 resolution by the board of supervisors pursuant to subdivision (c).

42 (c) The county or city and county shall be bound by, and the resolution adopted by the board of
43 supervisors shall specifically recognize, the following conditions:

44 (1) The county or city and county has sufficient funds for the support of the position and any
45 staff who will provide direct support to the position, agrees to assume any and all additional costs

1 that may result therefrom, and agrees that no state funds shall be made available, or shall be used,
2 in support of this position or any staff who provide direct support to this position.

3 (2) The additional commissioner shall not be deemed a judicial position for purposes of
4 calculating trial court funding pursuant to Section 77202.

5 (3) The salary for this position and for any staff who provide direct support to this position
6 shall not be considered as part of court operations for purposes of Sections 77003 and 77204.

7 (4) The county or city and county agrees not to seek funding from the state for payment of the
8 salary, benefits, or other compensation for such a commissioner or for any staff who provide
9 direct support to such a commissioner.

10 (d) The court may provide that the additional commissioner may perform all duties authorized
11 for a commissioner of that court in the county. In a county or city and county that has undertaken
12 a consolidation of the trial courts, the additional commissioner shall be appointed by the superior
13 or municipal courts pursuant to the consolidation agreement.

14 (e) In addition to the court commissioners authorized by subdivisions (a) and (b), the superior
15 court of any county or city and county shall appoint additional commissioners pursuant to
16 Sections 4251 and 4252 of the Family Code. These commissioners shall receive a salary equal to
17 85 percent of a superior court judge's salary.

18  **Note.** References to "city and county" in Section 70141 apply to San Francisco County. The
19 reference to a county with a population of 4,000,000 or over in subdivision (a) applies to Los
20 Angeles County.

21 70141.1. (a) In El Dorado County, a majority of the judges of the superior court, may appoint
22 one or more commissioners up to one full-time equivalent, subject to the availability of funding.
23 The superior court may provide that the commissioner, in addition to the duties prescribed in
24 Section 259 of the Code of Civil Procedure, shall perform the duties of a probate commissioner
25 appointed pursuant to Section 69897 or any other duties authorized by law for a commissioner to
26 perform. The superior court may also authorize the commissioner to perform the duties of a
27 juvenile court referee appointed pursuant to Section 247 of the Welfare and Institutions Code.

28 (b) Any commissioner appointed pursuant to this section shall receive compensation equivalent
29 to 70 to 91 percent of a superior court judge's salary.

30 The salary shall be adjusted by the county at the time and in the manner specified in Section
31 68203. The court shall determine the level of salary to be received by a court commissioner,
32 making adjustments in accordance with qualifications, performance, and other factors deemed
33 relevant by the court. The commissioner position shall be included in the El Dorado County
34 personnel allocation. The commissioner shall be a member of the Public Employee's Retirement
35 system and shall receive vacation, sick leave, management leave and fringe benefits identical to
36 unrepresented management employee classifications in El Dorado County.

37 (c) The presiding judge of the superior court shall specify the days, hours, and court locations
38 for the commissioner. Each commissioner shall also be allowed actual traveling expenses
39 pursuant to Section 70148.

40 (d) Any commissioner appointed pursuant to this section shall have been admitted to practice
41 law in California for not less than five years, shall hold office at the pleasure of the superior court,
42 and shall not engage in the private practice of law.

43 70141.4. In any county with a population exceeding 500,000 and not exceeding 557,000 as
44 determined by the 1970 federal census, the superior court may provide that commissioners, in
45 addition to the duties prescribed by Section 259 of the Code of Civil Procedure, shall perform the
46 duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the
47 duties of a probate commissioner appointed pursuant to Section 69897 of this code. A court
48 commissioner shall receive a salary representing 70 percent, 75 percent, or 80 percent of the

1 annual salary for a superior court judge. The court shall determine the level of salary to be
2 received by a court commissioner, making adjustments on the three levels in accordance with the
3 qualifications, performance, and other factors deemed relevant by the court.

4 ☞ **Note.** Section 70141.4 applies to San Mateo County.

5 70141.5. In any county with a population exceeding 291,000 and not exceeding 900,000, as
6 determined by the 1950 federal census, the superior court may provide that the commissioner, in
7 addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the
8 duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the
9 duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any
10 commissioner who is authorized to perform such duties in any county with a population
11 exceeding 291,000 and not exceeding 900,000 shall receive an annual salary of eight thousand
12 four hundred dollars (\$8,400). Such commissioner shall be allowed actual traveling expenses
13 pursuant to Section 70148.

14 ☞ **Note.** Section 70141.5 applies to Alameda, Contra Costa, San Diego, and San Francisco
15 Counties.

16 70141.6. (a) In Kern County, the superior court may provide that the commissioner, in addition
17 to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties
18 prescribed by Section 259a of the Code of Civil Procedure and the duties of a probate
19 commissioner appointed pursuant to Section 69897.

20 (b) The commissioner shall receive a salary equal to 70 to 85 percent of the annual salary for a
21 superior court judge. The commissioner shall be paid biweekly pursuant to the payroll procedures
22 in effect in the County of Kern in an amount equivalent to 70 to 85 percent of a superior court
23 judge's salary. The court shall recommend to the board of supervisors the level of salary to be
24 received by the commissioner based on qualifications, performance, and other factors deemed
25 relevant by the court, and the board of supervisors shall determine the salary level within the
26 specified range. The biweekly salary rate of the commissioner shall be adjusted at the same time
27 and manner and in the same percentage amount as set forth in Section 68203. The commissioner
28 shall also be allowed actual traveling expenses pursuant to Section 70148.

29 (c) In addition to the compensation provided for in this section, the commissioner shall be
30 entitled to and shall receive on the same basis as other county employees, the same benefits and
31 privileges, with respect to retirement, group insurance, sick leave, and vacation. The
32 commissioner shall observe the same holidays as other court employees.

33 70141.7. In any county with a population exceeding 650,000 and not exceeding 700,000, as
34 determined by the 1970 federal census, the superior court may appoint four commissioners. The
35 superior court may appoint a fifth commissioner if the superior court eliminates an occupied
36 juvenile court referee position. The superior court may provide that the commissioners, in
37 addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the
38 duties prescribed in Section 259a of the Code of Civil Procedure and in addition thereto the duties
39 of a probate commissioner appointed pursuant to Section 69897 of this code. The superior court
40 may also authorize the commissioners to perform the duties of a juvenile court referee appointed
41 pursuant to Section 553 of the Welfare and Institutions Code. Any commissioner authorized to
42 perform the duties set forth above shall receive a salary equal to 80 percent of the salary of a
43 judge of the superior court; provided, that upon the adoption of a resolution of the board of
44 supervisors so providing, which takes effect on or after January 1, 1987, the salary shall be equal
45 to 85 percent of the salary of a judge of the superior court. The salary shall be automatically
46 increased periodically at the time and in the manner specified by Section 68203. Each
47 commissioner shall also be allowed actual traveling expenses pursuant to Section 70148.

1 ☞ **Note.** Section 70141.7 applies to San Bernardino County.

2 70141.8. In any county with a population exceeding 290,000 and not exceeding 291,000, as
3 determined by the 1950 federal census, the superior court may provide that the commissioner in
4 addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the
5 duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the
6 duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any
7 commissioner authorized to perform such duties shall receive an annual salary of twelve thousand
8 dollars (\$12,000).

9 ☞ **Note.** Section 70141.8 applies to Santa Clara County.

10 70141.9. In a county of the 11th class, the superior court, subject to prior approval by the board
11 of supervisors, may appoint four commissioners. However, at such time as the board of
12 supervisors finds that there are sufficient funds for up to seven commissioners, and adopts a
13 resolution to that effect, there shall be seven commissioners for the superior court. Authorization
14 of the fifth, sixth, and seventh positions shall not increase trial court funding provided to
15 Riverside County pursuant to Sections 77003 and 77004. The superior court may provide that the
16 commissioners, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure,
17 shall perform the duties of a probate commissioner appointed pursuant to Section 69897. The
18 superior court may also authorize the commissioners to perform the duties of a juvenile court
19 referee appointed pursuant to Section 247 of the Welfare and Institutions Code. Any
20 commissioner authorized to perform the duties set forth above shall receive a salary equal to 75,
21 80, or 85 percent of the salary of a judge of the superior court. The court shall determine the level
22 of the salary to be received by a court commissioner, making adjustments on the three levels in
23 accordance with the qualifications, performance, and other factors deemed relevant by the court.
24 The salary shall be adjusted by the court at the time and in the manner specified in Section 68203.
25 Each commissioner shall also be allowed actual traveling expenses pursuant to Section 70148.

26 The amendment of this section made at the 1985-86 Regular Session of the Legislature does not
27 constitute a change in, but is declaratory of, the existing law.

28 70141.10. In the County of Marin, the superior court may provide that the commissioner, in
29 addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the
30 duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the
31 duties of a probate commissioner appointed pursuant to Section 69897 of this code.

32 Any commissioner appointed pursuant to this section shall have been admitted to practice law
33 in California for not less than five years and shall receive a salary recommended by the superior
34 court and approved by the board of supervisors.

35 If the board of supervisors, in its sole discretion, appropriates the necessary funds therefor, any
36 court commissioner who has been duly appointed and has thereafter been retired from service,
37 may be assigned by the presiding judge of the superior court to serve as a court commissioner for
38 such periods as he is needed for the prompt and efficient discharge of the business of the court. If
39 the board of supervisors, in its sole discretion, appropriates the necessary funds therefor, any
40 court commissioner who has been duly appointed and has thereafter been retired from service,
41 may be assigned by the presiding judge of the municipal court to serve as a court commissioner of
42 the municipal court. While so serving, he shall receive his retirement allowance and, in addition,
43 the county shall pay him the amount equal to the difference between such retirement allowance
44 and the full compensation of a court commissioner. Such employment shall not operate to
45 reinstate him as a member of the county retirement system or in any way affect his retirement
46 rights or allowances, and no deduction shall be made from his compensation contributions to the
47 retirement system.

1 ☞ **Note.** The staff is researching whether the provisions relating to retired annuitants should be
2 preserved. The Commission solicits comments on this issue and whether these provisions are
3 superseded by provisions of the individual retirement plans, the Trial Court Funding Act, the
4 Trial Court Employment Protection and Governance Act, and other changes to the structure of the
5 trial courts.

6 70141.11. In Contra Costa County, the superior court may provide that the commissioner, and
7 the referee who shall have been a member of the State Bar for a period of at least five years
8 immediately preceding his or her appointment and has been appointed pursuant to Section 247 of
9 the Welfare and Institutions Code, shall, in addition to the duties prescribed in Section 259 of the
10 Code of Civil Procedure, perform the duties of a probate commissioner appointed pursuant to
11 Section 69897 of this code.

12 This section shall not affect any of the powers or duties otherwise authorized for the referee
13 appointed pursuant to Section 247 of the Welfare and Institutions Code.

14 The commissioner shall be paid the salary recommended by the superior court and approved by
15 the board of supervisors plus reimbursement for necessary, reasonable and actual expenses in
16 connection with official duties. Any court reporting functions for the commissioner may be by
17 electronic or mechanical means and devices.

18 ☞ **Note.** The last sentence of Section 70141.11 will likely be preserved, in some form. A
19 proposed recodification is shown below. The Commission solicits comments on whether this
20 section continues to serve a useful purpose and whether the proposed recodification is
21 appropriate.

22 70141.12. (a) In Stanislaus County, the judges of the superior court, by majority vote, may
23 appoint two court commissioners to replace two existing referees appointed pursuant to Section
24 247 of the Welfare and Institutions Code. The superior court may provide that the commissioners,
25 in addition to the powers and duties specified in Section 259 of the Code of Civil Procedure, shall
26 perform the duties of a probate commissioner appointed pursuant to Section 69897 and, if
27 appointed by the presiding judge of the juvenile court, shall perform the duties of a juvenile court
28 referee as specified in Section 247 of the Welfare and Institutions Code.

29 (b) Any commissioner appointed pursuant to this section shall have been admitted to practice
30 law in California for not less than five years, shall hold office at the pleasure of the superior court,
31 and shall not engage in the private practice of law.

32 (c) The salary of a commissioner for all duties performed pursuant to this section shall be equal
33 to 75 percent of the annual salary of a judge of a superior court. The commissioner shall receive
34 vacation, sick leave, and fringe benefits identical to those provided Stanislaus County
35 management employees.

36 70141.13. (a) In Santa Cruz County, the superior court may provide that the commissioner, in
37 addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the
38 duties of a juvenile court referee appointed pursuant to Section 247 of the Welfare and
39 Institutions Code, and other duties as specified by the superior court.

40 (b) Any commissioner appointed pursuant to this section shall have been admitted to practice
41 law in California for not less than five years, shall hold office at the pleasure of the court, and
42 shall not engage in the private practice of law.

43 70142. Every court commissioner shall be a citizen of the United States, a resident of this state,
44 and, if required by the court for which he is to be a commissioner, shall have been admitted to
45 practice before the Supreme Court of the state for a period of at least five years immediately

1 preceding his appointment. He shall hold office during the pleasure of the court appointing him
2 and shall not engage in the private practice of law.

3 Notwithstanding any other provision of law, a court commissioner in any county with a
4 population of 3,000,000 or more who has been duly appointed and has thereafter been retired for
5 service, may be assigned by the presiding judge of a court to serve as a court commissioner of the
6 court for such periods as he is needed for the prompt and efficient discharge of the business of
7 that court. While so serving, he shall be paid the full compensation of a court commissioner,
8 payable as follows: He shall continue to receive his retirement allowance, and in addition the
9 county shall pay him the amount equal to the difference between such retirement allowance and
10 such full compensation. Such employment shall not operate to reinstate him as a member of the
11 county retirement system or to terminate or suspend his retirement rights or allowance, and no
12 deductions shall be made from his compensation as contributions to the retirement system.

13  **Notes.** The staff is researching whether the provisions relating to retired annuitants in Section
14 70142 should be preserved. The Commission solicits comments on this issue and whether these
15 provisions are superseded by provisions of the individual retirement plans, the Trial Court
16 Funding Act, the Trial Court Employment Protection and Governance Act, and other changes to
17 the structure of the trial courts.

18 The reference to a county with a population of 3,000,000 or more applies to Los Angeles
19 County.

20 70142.11. (a) In lieu of the court commissioner authorized pursuant to Section 70141, in
21 Solano County, the judges of the superior court, by majority vote, may appoint two court
22 commissioners and may provide that the commissioners, in addition to the powers and duties
23 specified in Section 259 of the Code of Civil Procedure, may perform the duties of a probate
24 commissioner specified in Section 69897 and, if appointed by the presiding judge of the juvenile
25 court, shall perform the duties of a juvenile court referee as specified in Section 247 of the
26 Welfare and Institutions Code.

27 (b) Any commissioner appointed pursuant to this section shall have been admitted to practice
28 law in California for not less than five years, shall hold office at the pleasure of the superior court,
29 and shall not engage in the private practice of law.

30 (c) The salary of the commissioners for all duties performed pursuant to this section shall be set
31 by the board of supervisors, not to exceed the annual salary of a judge of a superior court. The
32 commissioners shall be members of the Solano County Retirement System and shall receive
33 vacation, sick leave, and fringe benefits identical to those provided to Solano County
34 administrative management employees.

35 (d) The commissioner positions shall not be counted in the calculation of trial court funding
36 pursuant to Section 77202, and the salary for these positions shall not be considered as a part of
37 “court operations” for Solano County for purposes of Sections 77003 and 77204.

38 70142.12. (a) In Sonoma County, the judges of the superior court, by majority vote, may
39 appoint a court commissioner. The superior court may provide that the commissioner, in addition
40 to the powers and duties specified in Section 259 of the Code of Civil Procedure, shall perform
41 the duties of a probate commissioner appointed pursuant to Section 69897 and, if appointed by
42 the presiding judge of the juvenile court, shall perform the duties of a juvenile court referee as
43 specified in Section 247 of the Welfare and Institutions Code.

44 (b) Any commissioner appointed pursuant to this section shall have been admitted to practice
45 law in California for not less than five years, shall hold office at the pleasure of the superior court,
46 and shall not engage in the private practice of law.

47 (c) The salary of the commissioner for all duties performed pursuant to this section shall be
48 equal to 78 percent of the annual salary of a judge of a superior court. The commissioner shall be
49 a member of the Sonoma County Retirement System and shall receive vacation, sick leave and

1 fringe benefits identical to those provided Sonoma County administrative management
2 employees.

3 70142.13. (a) In lieu of appointing a juvenile court referee pursuant to Section 247 of the
4 Welfare and Institutions Code, the judges of the superior court in Tulare County, by majority
5 vote, may appoint a court commissioner. The superior court may provide that the commissioner,
6 in addition to the powers and duties specified in Section 259 of the Code of Civil Procedure, shall
7 perform the duties of a probate commissioner appointed pursuant to Section 69897 and, if
8 appointed by the presiding judge of the juvenile court, shall perform the duties of a juvenile court
9 referee as specified in Section 247 of the Welfare and Institutions Code.

10 (b) Any commissioner appointed pursuant to this section shall have been admitted to practice
11 law in California for not less than five years, shall hold office at the pleasure of the superior court,
12 and shall not engage in the private practice of law.

13 (c) The salary of the commissioner for all duties performed pursuant to this section shall be up
14 to 85 percent of the annual salary of a judge of a superior court. The commissioner shall be a
15 member of the Tulare County Retirement System and shall receive vacation, sick leave, and
16 fringe benefits as determined by the board of supervisors.

17 (d) Notwithstanding subdivision (c) of Section 77202, the court commissioner position shall be
18 counted in determining the number of subordinate judicial positions in the county and shall be
19 considered as part of the court operations for the county for purposes of Sections 77003 and
20 77204.

21 70142.16. (a) In the County of Placer, the court commissioner appointed pursuant to Section
22 70141 shall hold office at the pleasure of a majority of the judges. Subject to subdivision (c), the
23 superior court may provide that the commissioner, in addition to the duties prescribed in Section
24 259 of the Code of Civil Procedure, shall perform the duties of a probate commissioner appointed
25 pursuant to Section 69897 of the Government Code. The superior court may also authorize the
26 commissioner to perform the duties of a juvenile court referee appointed pursuant to Section 247
27 of the Welfare and Institutions Code, and other duties as specified by the superior court.

28 (b) The superior court shall not appoint a commissioner pursuant to Section 70141 unless there
29 is a prior finding by the board of supervisors that there are sufficient funds for this purpose.

30 (c) Any commissioner authorized to perform additional duties pursuant to this section shall
31 have been admitted to practice law in California for not less than five years, but in no case shall a
32 commissioner engage in the practice of law during his or her period of service as a commissioner.

33 (d) Any commissioner authorized to perform additional duties pursuant to this section shall
34 receive compensation pursuant to a salary recommended by the superior court and approved
35 annually by the board of supervisors. The presiding judge of the superior court shall specify the
36 days, hours, and court locations for the commissioner.

37 (e) The commissioner appointed pursuant to Section 70141 shall not be counted in the
38 calculation of trial court funding pursuant to Sections 77200 and 77202, and the salary for this
39 position shall not be considered as a part of court operations for Placer County for purposes of
40 Sections 77203 and 77204.

41 70143. The judges of the superior courts of two or more counties may appoint the same person
42 as court commissioner.

43 70144. The appointment of a court commissioner shall be made by order entered in the minutes
44 of the court.

45 70145. Court commissioners appointed pursuant to Section 70141 are of two grades, Grade 1
46 and Grade 2. The superior court at the time of appointment shall designate the grade of the

1 commissioner and fix his annual salary, and in the case of a commissioner, Grade 1, may increase
2 such salary from time to time not to exceed the limit authorized by Section 70146.
3 Commissioners, Grade 1, are those commissioners who have performed the duties of a court
4 commissioner or of a clerk of superior court judges or have had equivalent experience for a
5 period of at least five years, and who have been approved by the court for appointment to Grade
6 1. All other commissioners are Grade 2.

7 70146. Unless otherwise prescribed by law, when appointed pursuant to Section 70141 court
8 commissioners, Grade 1, shall receive an annual salary of an amount not in excess of seven
9 thousand two hundred dollars (\$7,200) as fixed by the superior court, and court commissioners,
10 Grade 2, shall receive an annual salary of an amount not in excess of five thousand one hundred
11 dollars (\$5,100) as fixed by the superior court.

12 70147. The salary of a court commissioner appointed pursuant to this article shall be paid in
13 monthly installments out of the salary fund of the county or, if there is none, out of such fund as
14 other salary demands against the county are paid. Such salary shall be allowed and audited in the
15 same manner as the law requires for other salary demands against the county.

16 70148. The court commissioners as provided for in Sections 70140 and 70141 shall be allowed
17 actual traveling expenses incurred in the performance of their duties. Such expenses shall be
18 audited, allowed, and paid out of the general fund of the county.

19 **§ 70141.11 (added). Court commissioners**

20 SEC. _____. Article 13 (commencing with Section 70141.11) is added to Chapter 5 of
21 Title 8 of the Government Code, to read:

22 **Article 13. Court Commissioners**

23 **§ 70141.11. Court commissioners**

24 70141.11. Notwithstanding Section 269 of the Code of Civil Procedure, any court
25 reporting functions for the commissioner in Contra Costa County may be by electronic or
26 mechanical means and devices.

27 **Comment.** Section 70141.11 continues the last sentence of former Section 70141.11 (1995 Cal.
28 Stat. ch. 91, § 59), with nonsubstantive revisions to clarify its interrelationship with Code of Civil
29 Procedure Section 269.

30 For provisions relating to restatements and continuations of existing law, see Section 2. For
31 disposition of the provisions of former Section 70141.11 that are not continued, see the Comment
32 to former Article 13 (commencing with former Section 70140).

33 **§ 70214.5 (repealed). Conversion of Contra Costa County referees to commissioners**

34 SEC. _____. Section 70214.5 of the Government Code is repealed.

35 ~~70214.5. Subject to certification by the court to the Administrative Office of the Courts~~
36 ~~that the court is able to absorb the differential salary costs within the court's existing~~
37 ~~budget, the Contra Costa County Superior Court may convert and reclassify four existing~~
38 ~~referee positions to four additional court commissioner positions.~~

39 **Comment.** Section 70214.5 is repealed to reflect enactment of the Trial Court Employment
40 Protection and Governance Act. See Sections 71615(c)(1) (preservation of employees' job
41 classifications), 71622 (subordinate judicial officers).

1 **§ 70214.6 (repealed). Conversion of Santa Barbara County traffic referee to commissioner**

2 SEC. ____. Section 70214.6 of the Government Code is repealed.

3 ~~70214.6. Subject to certification by the court to the Administrative Office of the Courts~~
4 ~~that the court is able to absorb the differential salary cost within the court's existing~~
5 ~~budget, the Santa Barbara County Superior Court may convert and reclassify one existing~~
6 ~~traffic referee position to one additional court commissioner position.~~

7 **Comment.** Section 70214.6 is repealed to reflect enactment of the Trial Court Employment
8 Protection and Governance Act. See Sections 71615(c)(1) (preservation of employees' job
9 classifications), 71622 (subordinate judicial officers).

10 **§§ 71001-71009 (repealed). General provisions**

11 SEC. ____. Article 1 (commencing with Section 71001) of Chapter 6 of Title 8 of the
12 Government Code is repealed.

13 **Comment.** Sections 71001-71009 are repealed to:

14 (1) Reflect unification of the municipal and superior courts pursuant to Article VI, Section 5(e),
15 of the California Constitution. *Cf.* former Section 71264 (municipal court served by marshal).

16 (2) Reflect elimination of the justice court pursuant to Article VI, Sections 1 and 5(b), of the
17 California Constitution.

18 (3) Eliminate redundant and obsolete material. See former Sections 71006, 71009.

19 ☞ **Note.** The text of the repealed article is set out below.

20 **Article 1. General Provisions**

21 71001. All laws relating to the municipal and justices' courts existing prior to November 7,
22 1950, and to the judges, marshals, and other officers or attaches of the courts, not inconsistent
23 with the Municipal and Justice Court Act of 1949, or the provisions of law succeeding that act,
24 apply to the municipal and justice courts provided for in the Municipal and Justice Court Act of
25 1949, or the provisions of law succeeding that act, and to the judges, marshals, and other officers
26 or attaches of the courts until altered by the Legislature.

27 71002. The board of supervisors shall provide suitable quarters for the municipal courts,
28 including heating, lighting, and janitorial services, and shall supply them with furniture, books,
29 and supplies necessary for carrying out their duties, including supplies and equipment for the
30 preparation and maintenance of duplicate records of the court or a division of the court when
31 sessions are held at more than one place.

32 ☞ **Note.** Section 71002 will likely be preserved, at least temporarily, because issues involving
33 sessions and facilities are still unsettled. A proposed recodification is shown below. The
34 Commission solicits comments on whether this section continues to serve a useful purpose and
35 whether the proposed recodification is appropriate.

36 71003. The municipal court and the justice court and each judge of the court has all the powers
37 and shall perform all of the acts which were by law conferred upon or required of any court
38 superseded by such municipal or justice court and any judge or justice of such superseded court,
39 and all such laws not inconsistent with the Municipal and Justice Court Act of 1949, or the
40 provisions of law succeeding that act, apply to any such municipal and justice court and to each
41 judge of such court.

1 71004. Whenever by law any power is conferred, or duty imposed, upon a clerk of any court
2 superseded by a municipal court, the person discharging the same or similar duties in the
3 municipal court has the same power and duty with respect to the office in the municipal court.

4 71005. The provisions of the Municipal Court Act of 1925 relative to the obligations of
5 counties and cities in connection with the cost of maintaining and operating municipal courts and
6 relative to the disposition of fines and forfeitures collected therein shall not apply to municipal
7 courts from and after January 1, 1952.

8 71006. All fines, forfeitures, deposits in court, and unclaimed bail shall be disposed of as
9 provided in Chapter 1 (commencing with Section 1425) of Title 11 of Part 2 of the Penal Code
10 and Sections 42200, 42201, and 42203 of the Vehicle Code.

11 ☞ **Note.** Recodification of Section 71006 appears unnecessary, because the provisions
12 referenced in it stand on their own. If for some reason it is preserved, the reference to “Chapter 1
13 (commencing with Section 1425) of Title 11 of Part 2 of the Penal Code” should be revised to
14 reflect that Chapter 1 commences with Section 1427, not Section 1425.

15 71009. (a) All exhibits which have been introduced or filed in any criminal action or
16 proceeding shall be disposed of as provided in Chapter 13 (commencing with Section 1417) of
17 Title 10 of Part 2 of the Penal Code.

18 (b) Dangerous and deadly weapons shall be disposed of in accordance with the provisions of
19 Article 3 (commencing with Section 12028) of Chapter 1 of Title 2 of the Penal Code.

20 (c) Controlled substances and property subject to forfeiture under the provisions of Chapter 8
21 (commencing with Section 11470) of Division 10 of the Health and Safety Code shall be disposed
22 of in accordance with the provisions of Sections 11474 and 11474.5 of the Health and Safety
23 Code.

24 (d) Civil exhibits, including exhibits in small claims cases, and depositions shall be destroyed
25 in accordance with the provisions of Sections 1952, 1952.2 and 1952.3 of the Code of Civil
26 Procedure.

27 ☞ **Note.** Recodification of Section 71009 appears unnecessary, because the provisions
28 referenced in it stand on their own. If for some reason it is preserved, several corrections would
29 be necessary:

30 (1) The reference to “Article 3 (commencing with Section 12028) of Chapter 1 of Title 2 of the
31 Penal Code” is incorrect. Referring to Penal Code Section 12028 appears appropriate, but Section
32 12028 is in the middle of Article 2 of Chapter 1 of Title 2 of the Penal Code, not at the beginning
33 of that article.

34 (2) The reference to “Chapter 8 (commencing with Section 11470) of Division 10 of the Health
35 and Safety Code” should be corrected to reflect that the chapter commences with Section 11469,
36 not Section 11470.

37 (3) The reference to Health and Safety Code Section 11474.5 should be corrected, because that
38 provision was renumbered as Section 11473.5 in 1980. It might also be appropriate to add a
39 reference to Health and Safety Code Section 11473 (destruction of property seized).

40 **§§ 71002 (added). General Provisions**

41 SEC. _____. Article 1 (commencing with Section 71002) is added to Chapter 6 of Title 8
42 of the Government Code, to read:

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Article 1. General Provisions

§ 71002. Municipal court facilities

71002. The board of supervisors shall provide suitable quarters for the municipal courts, including heating, lighting, and janitorial services, and shall supply them with furniture, books, and supplies necessary for carrying out their duties, including supplies and equipment for the preparation and maintenance of duplicate records of the court or a division of the court when sessions are held at more than one place.

Comment. Section 71002 continues former Section 71002 without substantive change. For provisions relating to restatements and continuations of existing law, see Section 2.

 **Note.** The substance of this provision needs to be reconsidered in light of (1) unification of the municipal and superior courts, and (2) enactment of the Trial Court Funding Act.

Issues involving sessions and facilities are still unsettled. The Commission proposes to defer reexamination of the substance of this provision pending completion of (1) the study and recommendation by the task force on court facilities, and (2) negotiations among other interested parties. The Commission solicits comments on this approach and the underlying issues.

§§ 71040-71046 (repealed). Creation of judicial districts

SEC. __. Article 2 (commencing with Section 71040) of Chapter 6 of Title 8 of the Government Code is repealed.

Comment. Sections 71040-71046 are repealed to reflect unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution. Cf. Sections 71042.5 (preservation of judicial districts for purposes of publication), 71042.6 (map to establish district boundaries); former Section 71264 (municipal court served by marshal).

 **Note.** The text of the repealed article is set out below.

Article 2. Creation of Judicial Districts

71040. As public convenience requires, the board of supervisors shall divide the county into judicial districts for the purpose of electing judges and other officers of municipal courts, and may change district boundaries and create other districts. No city or city and county shall be divided so as to lie within more than one district.

71040.1. If territory is annexed to a city or city and county pursuant to law, the boundaries of the judicial district which includes such city or city and county shall be, upon the effective date of the annexation, automatically changed to include the territory so annexed, and the boundaries of any judicial district which includes such annexed territory prior to the effective date of the annexation shall be, on such date, automatically changed to exclude such annexed territory.

71040.4. In the event that the Board of Supervisors of Kings County consolidates the Hanford Judicial District and the Lemoore Judicial District, any municipal court established in the consolidation shall have two judges. The judges shall be selected as otherwise provided by law. The constable of the Hanford Judicial District shall become the marshal of the municipal court upon any such consolidation. The board of supervisors may by resolution or ordinance provide for the sheriff and his deputies to act ex officio as the marshal and deputy marshals of the municipal court beginning on January 1, 1990, or upon a vacancy in the office, whichever occurs first.

1 ☞ **Note.** Section 71040.5 is not reproduced here, because it was repealed by AB 1700 (Steinberg
2 & Frommer), 2001 Cal. Stat. ch. 824, § 24.

3 71040.6. Notwithstanding the provisions of Section 71040, the portion of the City of San Diego
4 lying south of the City of Chula Vista and the portion of the City of San Diego lying within San
5 Diego Bay south of a westerly continuation of the northern boundary of National City to the point
6 of intersection with the eastern boundary of the City of Coronado shall be part of the South Bay
7 Municipal Court District and the remainder of the City of San Diego shall be part of the San
8 Diego Municipal Court District.

9 ☞ **Note.** Section 71040.7 is not reproduced here, because it was repealed by AB 1700 (Steinberg
10 & Frommer), 2001 Cal. Stat. ch. 824, § 25.

11 71040.8. The Ukiah Justice Court District and the Little Lake Justice Court District are hereby
12 consolidated, to be known as the “Mount Sanhedrin Municipal Court District.” The municipal
13 court district shall have two judges. The judge of the municipal court may select either the sheriff
14 or the marshal and their deputies to provide court-related services to the municipal court.

15 71041. Unless other provision has previously been made by the board of supervisors, the
16 township subdivisions of a county existing as of January 1, 1951, and the cities in which
17 municipal courts have been established prior to November 7, 1950, pursuant to the Municipal
18 Court Act of 1925 shall be deemed to be the judicial districts provided for in Section 71040, until
19 otherwise provided by law or until altered by the board of supervisors. In every county containing
20 a city which lies partly within one township and partly within another, the board of supervisors
21 shall immediately after January 1, 1951, redistrict the county so as to comply with Section 71040.

22 71042. From time to time, following its survey of the condition of business in the several
23 courts, the Judicial Council shall submit to the boards of supervisors its recommendations
24 concerning the consolidation or enlargement of judicial districts and other alteration of district
25 boundaries with a view toward creating a greater number of full-time judicial offices, equalizing
26 the work of the judges, expediting judicial business, and improving the administration of justice.

27 No consolidation of judicial districts shall take place until the board of supervisors has held
28 public hearings on the matter. Notice of such hearings shall be given, stating the date, time, and
29 place they shall be held, at least 15 days prior to the date fixed therefor. Notice shall be published
30 pursuant to Section 6061 in a newspaper of general circulation in the county.

31 71042.5. Notwithstanding any other provision of law, upon consolidation of judicial districts or
32 unification of municipal and superior courts in a county, the territory embraced within the
33 respective prior component judicial districts shall be separate judicial districts for the purpose of
34 publication within a judicial district.

35 ☞ **Note.** Section 71042.5 will likely be preserved, in some form. A proposed recodification is
36 shown below. The Commission solicits comments on whether this section continues to serve a
37 useful purpose and whether the proposed recodification is appropriate.

38 71042.6. For the purpose of establishing boundaries under Section 71042.5, upon consolidation
39 of judicial districts or unification of municipal and superior courts in a county, a map approved by
40 the county surveyor shall be filed with the county recorder showing the boundaries of all
41 consolidated or unified districts and component districts as of the date of consolidation or
42 unification.

43 Such map and boundaries shall be applicable to any consolidation or unification which
44 becomes effective on or after the effective date of this section.

1 Such map shall be conclusively presumed to be accurate and may be used in evidence in any
2 proceeding involving application of Section 71042.5.

3 ☞ **Note.** Section 71042.6 will likely be preserved, in some form. A proposed recodification is
4 shown below. The Commission solicits comments on whether this section continues to serve a
5 useful purpose and whether the proposed recodification is appropriate.

6 71043. The determination of whether a judicial district has a population above or below 40,000
7 shall be made on the latest occurring of the following bases:

8 (a) As shown by the last preceding federal census of the district or of the aggregate cities and
9 other political subdivisions situated within the district, whichever is greater.

10 (b) As shown by a subsequent census taken pursuant to Section 26203.

11 (c) As may have been found to be the fact in any proceeding for declaratory relief brought in a
12 court having jurisdiction.

13 71044. When any enumeration of the population of a city made by the United States Bureau of
14 Census is officially announced and certified and a copy filed with the Secretary of the State, it
15 shall be considered the federal census of the city within the meaning of this article.

16 ☞ **Note.** Section 71045 is not reproduced here, because it was repealed by AB 1700 (Steinberg
17 & Frommer), 2001 Cal. Stat. ch. 824, § 26.

18 71046. The board of supervisors shall declare the name of each judicial district in the ordinance
19 setting forth the boundaries of the district.

20 **§§ 71042.5-71042.6 (added). Preservation of judicial districts**

21 SEC. _____. Article 2 (commencing with Section 71042.5) is added to Chapter 6 of Title
22 8 of the Government Code, to read:

23 **Article 2. Preservation of Judicial Districts**

24 **§ 71042.5. Preservation of judicial districts for purpose of publication**

25 71042.5. Notwithstanding any other provision of law, where judicial districts in a
26 county have been consolidated, or where the municipal and superior courts in a county
27 have unified, the territory embraced within the respective prior component judicial
28 districts shall be separate judicial districts for the purpose of publication within a judicial
29 district.

30 **Comment.** Section 71042.5 continues former Section 71042.5 without substantive change.
31 For provisions relating to restatements and continuations of existing law, see Section 2.

32 **§ 71042.6. Map to establish district boundaries**

33 71042.6. For the purpose of establishing boundaries under Section 71042.5, a map
34 approved by the county surveyor shall be kept on file with the county recorder showing
35 the boundaries of all consolidated or unified districts and component districts as of the
36 date of consolidation or unification.

37 Such map shall be conclusively presumed to be accurate and may be used in evidence
38 in any proceeding involving application of Section 71042.5.

39 **Comment.** Section 71042.6 continues the first and third paragraphs of former Section 71042.6
40 without substantive change. The second paragraph of former Section 71042.6 is deleted as
41 obsolete.

1 For provisions relating to restatements and continuations of existing law, see Section 2.

2 **§§ 71080-71100 (repealed). Personnel, records, and cases of superseded courts**

3 SEC. __. Article 3 (commencing with Section 71080) of Chapter 6 of Title 8 of the
4 Government Code is repealed.

5 **Comment.** Sections 71080-71100 are repealed to reflect:

6 (1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the
7 California Constitution. *Cf.* former Section 71264 (municipal court served by marshal).

8 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
9 71601(l) (“trial court employee” defined), 71615(c)(5) (trial court as employer of all trial court
10 employees), 71620(a) (job classifications and appointments), 71623 (salaries).

11  **Note.** The text of the repealed article is set out below.

12 **Article 3. Personnel, Records, and Cases of Superseded Courts**

13 71080. (a) Upon the establishment of a municipal court, the judges of existing municipal courts
14 in any city, township, or judicial subdivision situated wholly or partly in the district or city and
15 county for which a municipal court is established shall, if eligible, become the judges of the
16 municipal court until the election or appointment and qualification of their successors. The time
17 for election and qualification of their successors shall be that previously fixed for the election and
18 qualification of their successors for the court and office superseded, had such courts not been
19 superseded, but in no event shall that election of successors be held within 10 months of
20 succession to the office of the new court.

21 (b) If the number of eligible incumbent judges who have not filed a written statement with the
22 county elections official disclaiming their desire to succeed to office exceeds the number of
23 judicial offices provided by law for the municipal court, the incumbents shall not automatically
24 succeed to judicial positions in the municipal court, and the existing courts shall continue to
25 function within the district until the first judge or judges of the municipal court are elected by the
26 qualified electors of the district at the first statewide general election held following the
27 expiration of 90 days and qualify.

28 In any election for the first judge or judges of that municipal court, only those incumbents may
29 appear on the ballot and be elected, and Article 1 (commencing with Section 8200) of Chapter 2
30 of Division 8 of the Elections Code shall not apply. If only one incumbent is to be elected, the
31 incumbent receiving the highest number of votes cast shall be declared elected. If two or more
32 incumbents are to be elected, those incumbents equal in number to the number to be elected who
33 receive the highest number of votes for the office shall be declared elected. The incumbents
34 elected shall become the judges of the municipal court until the election or appointment and
35 qualification of their successors. The time for election and qualification of their successors shall
36 be that previously fixed for the election and qualification of their successors for the court and
37 office superseded, had the courts not been superseded, but in no event shall that election of
38 successors be held within 10 months of succession to the office of the new court.

39 71081. Whenever the judge of an existing court would be entitled pursuant to this article to
40 become the judge of more than one court, he shall file a written statement with the county clerk
41 electing the judicial office to which he will assert his claim of eligibility. Failure to file a
42 statement is deemed an election by the judge to assert his claim of eligibility to office in the court
43 of the district in which the existing court is located.

1 71082. Notwithstanding anything to the contrary in the Municipal and Justice Court Act of
2 1949, or the provisions of law succeeding that act, the judges, officers, and attaches of a
3 municipal court established prior to November 7, 1950, under the Municipal Court Act of 1925
4 who hold such offices or employments on January 1, 1952, shall continue to hold offices or
5 employments as the judges, officers, and attaches of the municipal court established for the city
6 and county or district embracing the city in which they were elected or appointed to serve until
7 the election or appointment and qualification of their successors.

8 71083. Whenever the territory of a judicial district (herein called the annexed district) is
9 annexed to a judicial district theretofore having a municipal court (herein called the annexing
10 district), a judge of a court partly or wholly superseded thereby shall, if eligible, succeed to the
11 first vacant judgeship on such municipal court, whether such vacancy then exists or occurs within
12 two years thereafter through the creation of a new judgeship or otherwise, if any one of the
13 following subdivisions apply:

14 (a) All of the territory of the annexed district is annexed to the annexing district.

15 (b) A part of the territory of the annexed district is annexed to the annexing district and in such
16 part more than 10 percent of the residents of the annexed district reside, as determined prior to the
17 annexation.

18 Whenever part of an annexed district is annexed to an annexing district and because of the
19 application of this subdivision, a judge of the annexed district becomes entitled to succeed to a
20 vacant judgeship as above provided, no subsequent annexation of all or part of the remainder of
21 the annexed district to the same annexing district shall entitle any judge of the annexed district to
22 succeed to a vacant judgeship in the annexing district.

23 Whenever all of the territory of a judicial district is annexed to two or more judicial districts
24 both or all of which theretofore have a municipal court, a judge of the court wholly superseded
25 thereby shall, if eligible, succeed to the first vacant judgeship on any such municipal court,
26 whether such vacancy then exists or occurs within two years thereafter through the creation of a
27 new judgeship or otherwise.

28 Whenever the number of judges entitled to succeed as above provided exceeds the number of
29 vacant judgeships on such municipal court, the order of their succession shall be determined as
30 follows: by seniority as a judge within the territory annexed, and, in the case of successive
31 annexations, within the territory annexed at the earlier date; and, in any remaining case, by lot
32 between them.

33 Any judge entitled to succeed as above provided shall declare an acceptance of the judgeship
34 for which a vacancy exists or occurs within 30 days of the date of annexation if the vacancy exists
35 upon the date of annexation or, if no such vacancy then exists, within 30 days of the occurrence
36 of the vacancy later occurring.

37 This section, as amended at the 1959 Regular Session of the Legislature, applies to annexations
38 occurring before or after the effective date of the amendment to this section enacted at the 1959
39 Regular Session of the Legislature.

40  **Note.** Section 71083.1 is not reproduced here, because it was repealed by AB 1700 (Steinberg
41 & Frommer), 2001 Cal. Stat. ch. 824, § 27.

42 71085. (a) The clerk, or chief clerical officer by whatever name known, the marshal, or similar
43 official, their deputies and attaches, and all other officers or employees of each court wholly or
44 partly superseded by a municipal court, shall become the clerk, the marshal, their deputies and
45 attaches, and officers or employees of that municipal court upon its organization, so far as those
46 positions are provided by law. If no provision is made by law for officers and employees of a
47 municipal court, there shall be the officers and employees for that court specified in subdivision

1 (b). They shall receive compensation for their services fixed by the judge, if there are one or more
2 other municipal courts in the county in which the court is established, at a rate comparable to but
3 not greater than that provided by law for comparable officers and employees in any other
4 municipal court in the county. If there is no other municipal court in the county in which the court
5 is established, the officers and employees of the court shall receive the compensation for their
6 services fixed by the judge within the ranges provided below until express provision has been
7 made for officers and employees of the court, except that if any officer or employee was receiving
8 compensation in a superseded justice court greater than the maximum range provided in this
9 section for a comparable position in the municipal court, he or she shall continue to receive that
10 compensation until express provision has been made by law for officers and employees of that
11 municipal court. The interim compensation fixed by the judge shall be effective only until the
12 61st day after final adjournment of the next succeeding regular session of the Legislature.

13 (b) There shall be one clerk of the court who shall receive a monthly salary in the following
14 range: six hundred dollars (\$600), six hundred fifty dollars (\$650), seven hundred dollars (\$700).

15 The clerk may appoint with the approval of the judge as many deputies as may be necessary
16 who shall receive a monthly salary in the following range: three hundred fifty dollars (\$350),
17 three hundred seventy-five dollars (\$375), four hundred dollars (\$400), four hundred twenty-five
18 dollars (\$425), four hundred fifty dollars (\$450), four hundred seventy-five dollars (\$475), five
19 hundred dollars (\$500).

20 There shall be one marshal. His or her monthly salary shall be in the following range: five
21 hundred dollars (\$500), five hundred fifty dollars (\$550), six hundred dollars (\$600).

22 The marshal may appoint with the approval of the judge as many deputy marshals as may be
23 necessary. The monthly salary of a deputy marshal shall be in the following range: four hundred
24 dollars (\$400), four hundred fifty dollars (\$450), five hundred dollars (\$500), five hundred fifty
25 dollars (\$550).

26 The judge of an existing court who does not succeed to judicial office shall be deemed to be a
27 clerk or chief clerical officer within the meaning of this section.

28 ☞ **Note.** Section 71085.1 is not reproduced here, because it was repealed by AB 1700 (Steinberg
29 & Frommer), 2001 Cal. Stat. ch. 824, § 28.

30 71086. All persons specified in Section 71085 shall be deemed to be appointed upon the
31 organization of the court and to have met all of the requirements for appointment to permanent
32 positions as provided in the Municipal and Justice Court Act of 1949, or the provisions of law
33 succeeding that act, and shall be removed only for the causes and in the manner provided for the
34 removal of officers and attaches.

35 71088. Any police officer appointed and acting as bailiff in any court superseded by a
36 municipal court shall be deemed to be appointed ex officio a deputy marshal subject to the same
37 conditions under which he or she was first appointed, without prejudice to his or her rights by
38 virtue of employment as police officer.

39 71089. In any city and county having a consolidated city and county government, the sheriff of
40 the city and county and his deputies shall be ex officio the marshal and deputy marshals of the
41 municipal court and shall perform all the duties imposed and exercise all the powers conferred
42 upon the marshal and deputy marshals of the municipal court.

43 71091. If it appears that two or more clerks, marshals, deputies, and other officers or attaches
44 are equally entitled by virtue of the office held in any superseded court, to any one office in the
45 municipal court, the judge, a majority of the judges, or the judge senior in service when there is
46 an equal division of the judges shall determine which person is entitled to the office in which the
47 conflict exists.

1 71092. So far as practical, upon the organization of the court, the clerks, deputies, and attaches
2 or employees of the superseded court shall be assigned to positions in the municipal court similar
3 in duties and compensation to the positions held in the superseded court.

4 71093. Every person who succeeds to any office or position in the municipal court pursuant to
5 the Municipal and Justice Court Act of 1949, or the provisions of law succeeding that act, is
6 entitled to all of the benefits and privileges, not inconsistent with such act or provisions of law,
7 which attached to such person by virtue of an office or position in any superseded court.

8 71094. Continuous employment in a court superseded by a municipal court, or in a court
9 previously superseded by such superseded court, of the officers and attaches of such superseded
10 court who succeed to positions in a municipal court pursuant to the Municipal and Justice Court
11 Act of 1949, or the provisions of law succeeding that act, shall be considered as prior service
12 within the definition of that term in any retirement or pension system adopted which includes
13 municipal court officers and attaches.

14 ☞ **Note.** Section 71094 will likely be preserved, in some form. A proposed recodification is
15 shown below. The Commission solicits comments on whether this section continues to serve a
16 useful purpose and whether the proposed recodification is appropriate.

17 71095. All actions pending in, and records of, every municipal court in any city, city and
18 county, township, or judicial subdivision situated wholly within a district for which a municipal
19 court is established shall, upon the supersedure of such existing court, be transferred to and
20 become cases pending in and records of the municipal court. All actions pending in, and records
21 of, an existing court in any township or judicial subdivision situated partly within one district for
22 which a municipal court is established and partly within another such district shall, upon the
23 supersedure of such existing court, be transferred to and become cases pending in and records of
24 the municipal court of the district in which the action should have been brought had such court
25 been established and organized when the action was brought.

26 71098. Any action pending in the superior court upon the establishment and organization in the
27 county of a municipal court which would be within the jurisdiction of the municipal court if
28 commenced after its establishment shall continue in the superior court until final determination.

29 71099. Whenever a municipal court is established in a city and county or in a district containing
30 a city in which there is an officer charged with the duty of prosecuting misdemeanor charges in a
31 court superseded by such municipal court, the officer shall prosecute all such misdemeanor
32 charges in the municipal court with the same rights, duties, and privileges that the officer
33 formerly exercised with respect to such charges in the superseded court, including the prosecution
34 of appeals in criminal cases arising in the municipal court and the defense of all writs arising out
35 of arrests for offenses triable in the municipal court in whatever court or courts they may be
36 appealed to or initiated in.

37 71100. Whenever a municipal court is established in a city and county or in a district containing
38 a city in which there is a probation officer, public defender, parole board, or other officer or board
39 charged with duties relating to misdemeanor charges prosecuted in a court superseded by the
40 municipal court, the boards, officers, and their deputies shall perform the same duties in the
41 municipal court as they performed in the superseded court.

1 **§ 71094 (added). Court superseded by municipal court**

2 SEC. _____. Article 3 (commencing with Section 71094) is added to Chapter 6 of Title 8
3 of the Government Code, to read:

4 Article 3. Court Superseded by Municipal Court

5 **§ 71094. Service in court superseded by municipal court**

6 71094. Continuous employment in a court superseded by a municipal court, or in a
7 court previously superseded by such superseded court, of the officers and attachés of such
8 superseded court who succeeded to positions in a municipal court pursuant to the
9 Municipal and Justice Court Act of 1949, or the provisions of law succeeding that act,
10 shall be considered prior service within the definition of that term in any retirement or
11 pension system that includes former municipal court officers and attachés.

12 **Comment.** Section 71094 continues former Section 71094 without substantive change.
13 For provisions relating to restatements and continuations of existing law, see Section 2.

14 **§§ 71140-71145.1 (repealed). Qualifications, election, and term of office of judges and other**
15 **personnel**

16 SEC. ___. Article 4 (commencing with Section 71140) of Chapter 6 of Title 8 of the
17 Government Code is repealed.

18 **Comment.** Sections 71140-71145.1 are repealed to reflect unification of the municipal and
19 superior courts pursuant to Article VI, Section 5(e), of the California Constitution. For
20 qualifications of judges, see Cal. Const. art. VI, § 15. For election and terms of judges, see Cal.
21 Const. art. VI, § 16.

22  **Note.** The text of the repealed article is set out below.

23 Article 4. Qualifications, Election, and Term of Office of Judges and Other
24 Personnel

25 71140. The judges of a municipal court shall be residents eligible to vote in the judicial district
26 or city and county in which they are elected or appointed for a period of at least 54 days prior to
27 the date of their election or appointment. This requirement shall not affect the right of any person
28 to automatically succeed to an office or position pursuant to Sections 71080 to 71083, inclusive,
29 and Sections 71085 to 71090, inclusive.

30 This requirement shall not apply to a judge of a municipal court for the rest of his or her
31 unexpired term and for one successive term of office for which he or she is subsequently
32 reelected when:

33 (a) The judge has succeeded to office under the provisions of Section 71083 and his or her
34 residence is not in the annexed district.

35 (b) Part of a municipal court district is annexed to another municipal court district and the judge
36 of the original district lives in the part that is annexed.

37 71140.1. The attaches of a municipal court may reside in counties adjoining the county in
38 which they are employed.

39 71140.2. Notwithstanding any provisions of Section 71140 to the contrary, in the County of
40 Fresno a person is eligible to be elected or appointed to the office of judge of a municipal court of

1 a judicial district if he is a resident eligible to vote in the county in which the judicial district is
2 situated for a period of at least 54 days prior to the date of his election or appointment.

3 71140.3. Notwithstanding any provisions of Section 71140 to the contrary, in the Counties of
4 Humboldt, Stanislaus, San Mateo, Santa Clara, San Diego, Los Angeles, and Orange a person is
5 eligible to be elected or appointed to the office of judge of a municipal court of a judicial district
6 if he is a resident eligible to vote in the county in which the judicial district is situated for a period
7 of at least 54 days prior to the date of his election or appointment.

8 71141. Judges of the municipal court shall be elected at the general state election next
9 preceding the expiration of the term for which the incumbent has been elected.

10 71143. The provisions of the Elections Code relating to the nomination and election of judicial
11 officers apply to the judges of municipal courts.

12 71144. No judge shall be deemed to have qualified before the date fixed for the commencement
13 of his term of office.

14 71145. The term of office of judges of municipal courts is six years from and including the first
15 Monday of January after the January 1st next succeeding their election. Judges shall hold office
16 until their successors are elected and qualify, but the office shall be deemed to be vacant upon the
17 expiration of the fixed term for the purpose of selecting a successor.

18 71145.1. Notwithstanding any provision to the contrary, the term of any judge who was elected
19 as one of the first judges of a municipal court with two judges established under the Municipal
20 Court Act of 1925, and who automatically succeeded to the office of judge of the municipal court
21 which superseded such municipal court to which such judge was elected, shall be six years from
22 the date upon which his term of office commenced unless such term expires in a year when no
23 general state election is held, in which case, the judge shall continue to hold office until his
24 successor is elected at the general state election next succeeding the expiration of his term, and
25 until such successor qualifies.

26 **§§ 71180-71184 (repealed). Filling of vacancies**

27 SEC. _____. Article 5 (commencing with Section 71180) of Chapter 6 of Title 8 of the
28 Government Code is repealed.

29 **Comment.** Sections 71180-71184 are repealed to reflect:

30 (1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the
31 California Constitution. For election and terms of superior court judges, see Cal. Const. art. VI, §
32 16.

33 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
34 71601(d) (“trial court employee” defined), 71615(c)(5) (trial court as employer of all trial court
35 employees), 71620(a) (job classifications and appointments), 71623 (salaries), 71640-71645
36 (employment selection and advancement), 71673 (authority of court). *Cf.* Section 73796 (Merced
37 County marshal). For provisions relating to the appointment of county employees, see Cal. Const.
38 art. XI, §§ 1(b) and 4 (county governing board shall provide for the number, compensation,
39 tenure, and appointment of employees), and Section 25300 (board of supervisors shall provide for
40 the appointment of county employees). See also Sections 77212(d) (contract for county services),
41 77212.5 (agreement with sheriff’s department regarding court security services).

42  **Note.** The text of the repealed article is set out below.

Article 5. Filling of Vacancies

71180. (a) Any vacancy in the office of judge of a municipal court shall be filled by appointment by the Governor, but no vacancy shall be deemed to exist in any office before the time fixed in Sections 71080, 71082, and 71083 for the selection of the judges of that court and the time fixed by law for their qualification. The appointee shall hold office for the remainder of the unexpired term of his or her predecessor and until his or her successor is elected and qualifies.

If the office to which any person so appointed was not previously occupied, he or she shall hold office until his or her successor is elected at the general state election next succeeding the occurrence of the vacancy and qualifies. No successor to the appointee shall be elected at any election held within 10 months of the date of the occurrence of the vacancy.

(b) If a vacancy in the office of judge of a municipal court occurs between the last day candidacy declaration papers may be filed and the June direct primary election and that vacancy occurs because of the appointment of the incumbent judge to another office by the Governor, or because the incumbent has resigned, retired, died, or been removed from office in accordance with subdivision (b) or (c) of Section 18 of Article VI of the California Constitution, and if one or more qualified persons other than the incumbent have filed candidacy declaration papers for the office, no vacancy shall be deemed to exist for purposes of subdivision (a), and the election for the office of judge shall be postponed until the next November statewide election.

If the Governor appoints the incumbent judge to another office within 68 days of the June direct primary election, and, as a result, the elections officer does not have sufficient time to remove the candidates' names from the ballot, the June direct primary election for the office shall not be deemed to have been held. At the next November statewide election, the candidate who receives the most votes shall be elected.

In order for a person's name to appear on the ballot at the next November statewide election the person shall file nomination documents in accordance with Article 2 (commencing with Section 8020) of Chapter 1 of Part 1 of Division 8 of the Elections Code. No previously filed documents shall satisfy this subdivision. Qualified persons who did not file nomination documents for the June direct primary election, as well as qualified persons who filed nomination documents for the June direct primary election, shall be permitted to file nomination documents for the November statewide election.

Persons who had previously paid the filing fee at the time of filing nomination documents for the June direct primary election shall not be required to pay a filing fee for the November statewide election.

71180.5. Upon the appointment, election, death, removal, or resignation of a judge of a municipal court, the clerk or administrator of that municipal court shall immediately give the Judges' Retirement System or the Judges' Retirement System II written notice thereof.

71181. All vacancies in the office of clerk of a municipal court and marshal of a municipal court shall be filled by appointment by the judge, by a majority of the judges, or by the judge senior in service when there is an equal division of the judges. All vacancies in the clerk's office shall be filled by appointment by the clerk.

 **Note.** This section appears to be obsolete. The appointment of clerks and marshals who are court employees is now governed by the Trial Court Employment Protection and Governance Act. Of the four marshals who serve the superior court, two are court employees and one marshal is elected to office. The remaining marshal is an employee of the County of Merced and appointed pursuant to Government Code Section 73796. Therefore, the Commission solicits comments on the continuing usefulness of Section 71181.

1 71182. All vacancies in the marshal's office shall be filled by appointment by the marshal. The
2 marshal may appoint a deputy clerk or court clerk to serve ex officio as a deputy marshal, but no
3 person so appointed shall receive any increased compensation by reason of such appointment.

4 ☞ **Note.** Section 71182 appears to be superseded by the Trial Court Employment Protection and
5 Governance Act with regard to court employees. County ordinances and memoranda of
6 understanding appear to govern the appointment of deputy marshals who are county employees.
7 The Commission would like to receive comments on these points and whether the repeal of
8 Section 71182 is appropriate.

9 71183. In any county or city and county which has a civil service commission, all appointments
10 to fill vacancies pursuant to Sections 71181 and 71182 shall be from among the three highest of
11 those certified to the appointing authority by the commission to be eligible to the office or
12 position to be filled. Such eligible lists shall be obtained as the result of a competitive
13 examination given to determine the relative fitness of those taking it for the position to be filled.
14 A temporary appointment may be made if there is no list containing at least three names of
15 persons eligible and willing to accept an appointment. A temporary appointment is not valid more
16 than 30 days after a list of three eligibles is certified to the appointing authority by the
17 commission. If no eligible list is certified to the appointing authority within six months after a
18 temporary appointment, the appointing authority may declare the appointment permanent and the
19 appointee thereafter is entitled to all the rights and privileges of one examined and certified by the
20 commission and appointed under such certification.

21 ☞ **Note.** This section appears to be obsolete. The appointment of clerks and marshals who are
22 court employees is now governed by the Trial Court Employment Protection and Governance
23 Act. Government Code Section 73796, county ordinances and memoranda of understanding
24 appear to govern the appointment of county employees. In most cases, services provided by
25 county employees for the superior court will be governed by contract pursuant to Government
26 Code Sections 77212 or 77212.5. Therefore, the Commission solicits comments on the continuing
27 usefulness of Section 71183.

28 71184. In any county or city and county which has no civil service commission, the secretary of
29 the court, the clerk, the marshal, and their deputies and attaches shall be appointed because of
30 their ability and fitness for the positions they are to fill. The appointments shall be subject to
31 confirmation by the judge, by a majority of the judges of the court, or by the judge senior in
32 service when there is an equal division of the judges.

33 ☞ **Note.** This section appears to be obsolete. The appointment of secretaries, clerks, marshals,
34 deputies and attachés who are court employees is now governed by the Trial Court Employment
35 Protection and Governance Act. Government Code Section 73796, county ordinances and
36 memoranda of understanding appear to govern the appointment of county employees. In most
37 cases, services provided by county employees for the superior court will be governed by contract
38 pursuant to Government Code Sections 77212 or 77212.5. Therefore, the Commission solicits
39 comments on the continuing usefulness of Section 71184.

40 **§§ 71220-71221 (repealed). Salaries**

41 SEC. _____. Article 6 (commencing with Section 71220) of Chapter 6 of Title 8 of the
42 Government Code is repealed.

43 **Comment.** Sections 71220-71221 are repealed to reflect:

44 (1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the
45 California Constitution.

46 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
47 71601(d) ("trial court employee" defined), 71615(c)(5) (trial court as employer of all trial court

1 employees), 71623 (salaries), 71673 (authority of court). For provisions relating to the
2 compensation of superior court judges, see Cal. Const. art. III, § 4, art. VI, § 19, and Sections
3 68202, 77003. For provisions relating to the payment of county employee salaries from the
4 county treasury, see Sections 28000, 28002, 28004.

5 (3) Enactment of the Trial Court Funding Act. See, e.g., Sections 77003 and Cal. R. Ct. 810
6 (“court operations” defined), 77009 (Trial Court Operations Fund), 77200 (state funding of trial
7 court operations), 77212 (continuation of services by counties). Counties may charge superior
8 courts for the costs of providing services as described in Sections 77003 and 77212, not to exceed
9 the equivalent charges to county departments or special districts for similar services. See Section
10 77009(g).

11  **Note.** The text of the repealed article is set out below.

12 Article 6. Payment of Salaries and Traveling Expenses of Judges

13 71220. The salaries of the judges, clerks, marshals, and other officers or attaches of each
14 municipal court shall be paid by the county in which the court is situated out of the salary fund or,
15 if there is none, out of the general fund of the county.

16 71221. Except as otherwise provided in this section, the clerk of each municipal court, or if
17 there is none, the judge of the court, shall certify monthly to the county auditor a list showing the
18 amount of compensation of the judges, clerks, and other officers and attaches of that court, except
19 marshals. The marshal of a municipal court shall certify monthly to the county auditor a list
20 showing the amount of compensation of the marshals of the court.

21 The clerk of the municipal court in the City and County of San Francisco shall certify to the
22 county auditor a list showing the amount of compensation of the judges, clerks, and other officers
23 and attaches of that court, except marshals, in the same manner and for the same period as for
24 departments and employees of the City and County of San Francisco, and the auditor is
25 authorized to pay that compensation in the same manner and for the same period as for employees
26 of the City and County of San Francisco.

27 §§ 71260-71280.5 (repealed). Clerk and marshal

28 SEC. ___. Article 7 (commencing with Section 71260) of Chapter 6 of Title 8 of the
29 Government Code is repealed.

30 **Comment.** Sections 71260-71280.5 are repealed to reflect:

31 (1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the
32 California Constitution. *Cf.* former Section 71264 (municipal court served by marshal). See also
33 Sections 26603 (superior court attendance), 26608 (service of process and notices), 26665
34 (service of writs and process in civil actions), 69844 (minutes and other records of superior
35 court), 69844.5 (certification and submission of superior court records relating to criminal
36 convictions), 69844.7 (minute orders of superior court kept in chronological order), 69846.5
37 (endorsement of filing date on paper filed with superior court), 71265 (marshals’ powers, duties
38 and liabilities).

39 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
40 71601(l) (“trial court employee” defined), 71615(c)(5) (trial court as employer of all trial court
41 employees), 71620(a) (job classifications and appointments), 71640-71645 (employment
42 selection and advancement), 71650-71658 (employment protection system). For marshals who
43 are county employees, former Section 71269 is superseded by county ordinances or memoranda
44 of understanding.

45 (3) Elimination of the marshal’s office as a result of consolidation with the sheriff’s office in
46 Los Angeles County, effective _____.

1 (4) Elimination of the marshal's office as a result of consolidation with the sheriff's office in
2 San Diego County, effective January 1, 2000.

3 (5) The fact that former Sections 71268 and 71269 are obsolete relics derived from former
4 Government Code provisions relating to the succession of inferior courts by municipal and justice
5 courts. See 1951 Cal. Stat. ch. 1296, § 5.

6 ☞ **Note.** The text of the repealed article is set out below.

7 Article 7. Clerk and Marshal

8 71260. The clerk of the court, the marshal, and their deputies and attaches, and other appointive
9 officers or attaches of the court who were appointed from civil service lists or who are entitled to
10 the rights and privileges of one so appointed pursuant to law shall hold office during good
11 behavior and may be discharged by the appointing authority only for the good of the service;
12 provided, however, that in any county of the first class the appointment and removal of the
13 marshal of said county shall be made by a majority vote of the municipal court judges of the said
14 county, and said marshal shall serve during the pleasure of said judges; but any action to
15 discharge, suspend or demote him shall not be effective, unless at least 10 days prior thereto he
16 has been served with a statement of the reasons for such proposed action, and has been afforded a
17 hearing upon the grounds specified before the judges, in person or by counsel or both, and has
18 been afforded a reasonable opportunity to reply to the same, and to produce evidence, oral or
19 documentary, in his behalf. If any such discharge or demotion is made by the judges for the good
20 of the service, not involving moral turpitude or gross neglect of duty, a person removed from the
21 position as marshal shall be entitled to resume the position in the office of the marshal formerly
22 held by him, at the salary paid for that position upon his resumption thereof; and shall be entitled
23 to pay and seniority based on all prior service therein and in the position of marshal. If a person
24 so discharged or demoted as marshal was appointed to such position from a position formerly
25 held as an attache of a superseded court, he shall assume a position in the office of marshal which
26 most nearly corresponds to that previously held by him as an attache of a superseded court, at the
27 salary paid to such position at the time he assumes the same; and shall be entitled to pay and
28 seniority based on all prior service therein and in the position of marshal; and in addition shall be
29 entitled to the rights specified in Section 72650.

30 ☞ **Note.** Section 71260 appears to be superseded by the Trial Court Employment Protection and
31 Governance Act with regard to court employees. County ordinances and memoranda of
32 understanding appear to govern the discharge of county employees. The Commission would like
33 to receive comments on these points and whether the repeal of Section 71260 is appropriate.

34 71261. The reasons for the discharge shall be filed with the secretary of the court, or if there is
35 none, with the clerk of the court, at least 10 days before the discharge shall be effective. Upon the
36 filing of the reasons, the person proposed to be discharged may be suspended from duty with or
37 without pay, pending his final discharge.

38 71262. The person against whom charges have been filed may within 10 days file his reply. At
39 the end of the 10 days the person shall be either reinstated or discharged unless an additional time
40 for investigation is desired by the appointing officer.

41 71263. The determination of the appointing authority to discharge the person against whom
42 charges have been filed is final, except that nothing in the Municipal and Justice Court Act of
43 1949, or any provision of law succeeding that act, shall limit the right of any person to the
44 benefits of the civil service provisions of the charter of the county or city and county in which any

1 such court is situated, or of the rules of the civil service commission having jurisdiction of such
2 person, respecting suspensions and dismissals.

3 71264. Whenever required, marshals shall attend the municipal courts of the district in which
4 they are appointed or elected to act; provided, however, that a marshal shall attend a civil action
5 only if the presiding judge or his or her designee makes a determination that the attendance of the
6 marshal at that action is necessary for reasons of public safety. Within their counties they shall
7 execute, serve, and return all writs, processes, and notices directed or delivered to them by
8 municipal courts or by other competent authority. A marshal of a municipal court who is
9 authorized by law to appoint not more than four deputies, shall not be required to travel outside of
10 his or her district to serve any civil process or notice. With respect to proceedings in the
11 municipal court, the marshal of the court has all the powers and duties imposed by law upon the
12 sheriff with respect to proceedings in the superior court. In a county of the third class, the marshal
13 shall attend all superior courts held within the county, subject to the restrictions of this section or
14 Section 26603.

15 71265. All provisions of Government Code Sections 26600-26602, 26604, 26606-26608.1,
16 26609, 26611, 26660-26664, 26680, and Code of Civil Procedure Sections 262, 262.1, 262.2,
17 262.3, 262.4, and 262.5, apply to marshals and govern their powers, duties and liabilities.

18 ☞ **Note.** Section 71265 will be preserved, in some form. A proposed recodification is shown
19 below. The Commission solicits comments on whether the proposed recodification is appropriate.

20 71266. Marshals shall charge and collect for their services the fees, expenses and mileage
21 allowed by law to sheriffs. They shall pay those fees into the county treasury on or before the fifth
22 day of each month, except where those fees, expenses and mileage or a percentage of them are
23 allowed those officers.

24 ☞ **Note.** Section 71266 will be preserved, in some form. A proposed recodification is shown
25 below. The Commission solicits comments on whether the proposed recodification is appropriate.

26 71267. The board of supervisors may establish a revolving fund for the use of the clerk or
27 marshal of any municipal court within the county pursuant to Sections 29320 to 29331, inclusive.

28 ☞ **Note.** Section 71267 will likely be preserved, in some form. A proposed recodification is
29 shown below. The Commission solicits comments on whether the proposed recodification is
30 appropriate.

31 71268. Whenever a special assignment or branch of work is indicated for a particular deputy or
32 position in the clerk's or marshal's office, except that of custodian, the assignment so designated
33 is not intended to be exclusive, but to designate the principal work incident to such deputy or
34 position.

35 71269. In order to equalize the work of the office of the clerk or marshal and to render prompt
36 and efficient service to the public, each deputy clerk, deputy marshal, or attache shall perform
37 such service as the clerk or marshal directs, whether the service is within the scope of the special
38 designation or not.

39 71270. In addition to the deputy clerks for which provision is made herein, upon application of
40 any municipality within the judicial district, the clerk may appoint the nominee of such
41 municipality a deputy clerk to perform such clerical functions as may be delegated by the clerk,
42 such as, to receive bail posted for traffic law violations. The compensation, if any, of any such
43 deputy clerk appointed under this section shall not be a county charge, but such appointment shall
44 be solely for the convenience and at the expense of such municipality.

1 71273. In addition to the deputy clerks for which provision is made herein, upon application of
2 the county within which the judicial district is located the clerk may appoint an officer or
3 employee of such county a deputy clerk to perform such clerical functions as may be delegated by
4 the clerk. No person so appointed shall receive any increased compensation by reason of such
5 appointment.

6 71280. With respect to proceedings in the municipal court the clerk of the court has all the
7 powers conferred by law upon the clerk of the superior court with respect to proceedings in the
8 superior court.

9 71280.1. The clerk of every municipal court shall keep the minutes and other records of the
10 court, entering at length within the time specified by law, or forthwith if no time is specified, any
11 order, judgment, and decree of the court which is required to be entered and showing the date
12 when each entry is made. Failure to enter the date or failure to enter the order, judgment, or
13 decree within the time specified in this section shall not affect the validity or effectiveness of the
14 entry.

15 71280.2. Notwithstanding any provisions of law to the contrary, in those counties where it is
16 required by court order or rule that the clerk of the municipal court place individual civil minute
17 orders in the court's file of actions in chronological order, the clerk shall not be required to keep a
18 minute book but shall be required to keep minutes. Nothing contained in this section shall
19 eliminate the requirement for a judgment book where judgments and decrees are required to be
20 entered.

21 71280.3. The clerk of a municipal court shall keep among the records of the court such indexes
22 as will insure ready reference to any action or proceeding filed in the court. There shall be
23 separate indexes of plaintiffs and defendants in civil actions and of defendants in criminal actions
24 and the name of each plaintiff and defendant shall be indexed and there shall appear opposite each
25 name indexed the number of the action or proceeding and the name or names of the adverse
26 litigant or litigants, if any, and the date of filing. This section does not apply to criminal actions
27 filed by notice in lieu of a verified complaint pursuant to Section 40513 of the Vehicle Code.

28 71280.4. The clerk of the municipal court shall endorse on each paper filed with the court the
29 day, month, and year it is filed.

30 71280.5. On and after July 1, 1997, each clerk of the municipal court or of the superior court in
31 a county in which there is no municipal court shall prospectively certify and submit those court
32 records specified by the Judicial Council which relate to criminal convictions for entry into a
33 computer system operated by the Department of Justice that can be accessed by authorized agents
34 of any district attorney or other state prosecuting agency. This section shall not be construed to
35 require a court to acquire any new equipment or to implement any new procedures.

36 **§§ 71265-71267 (added). Clerk and marshal**

37 SEC. _____. Article 7 (commencing with Section 71265) is added to Chapter 6 of Title 8
38 of the Government Code, to read:

Article 7. Clerk and Marshal

§ 71265. Marshals' powers, duties, and liabilities

71265. All provisions of Government Code Sections 26600-26604, 26607-26608.1, 26609, 26611, 26660-26664, 26680, and Code of Civil Procedure Sections 262, 262.1, 262.2, 262.3, 262.4, and 262.5, apply to marshals and govern their powers, duties and liabilities.

Comment. Section 71265 continues former Section 71265 with revisions to:

(1) Reflect the fact that the court services referred to in Section 26603 (superior court attendance) are provided by the marshal and not by the sheriff in some counties. See, e.g., former Section 26603.1 (Merced County) and Section 72116 (Shasta County).

(2) Delete the reference to former Section 26606. See Code Civ. Proc. §§ 488.730 (release of attachment), 699.060 (release from execution).

For provisions relating to restatements and continuations of existing law, see Section 2.

§ 71266. Fees to be collected by marshals

71266. Marshals shall charge and collect for their services the fees, expenses and mileage allowed by law to sheriffs. They shall pay those fees into the county treasury on or before the fifth day of each month, except where those fees, expenses and mileage or a percentage of them are allowed those officers.

Comment. Section 71266 continues former Section 71266 without change.

For provisions relating to restatements and continuations of existing law, see Section 2.

 **Note.** The Commission is reviewing whether county treasury provisions such as the second sentence of Section 71266 remain viable, given the enactment of the Trial Court Funding Act, the Trial Court Employment Protection and Governance Act, and other changes to the structure of the trial courts. See Gov't Code §§ 77003 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations). These matters are also being examined by a Joint Court-County Working Group on Trial Court Funding. The Commission solicits comment on the proper treatment of this provision.

§ 71267. Revolving fund for marshal

71267. The board of supervisors may establish a revolving fund for the use of the marshal who serves the superior court within the county and is a county officer, pursuant to Sections 29320 to 29331, inclusive. The fund may only be used for services or materials that are a legal charge against the county.

Comment. Section 71267 continues former Section 71267 with revisions to:

(1) Reflect unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

(2) Reflect enactment of the Trial Court Funding Act. See Section 77200 (state funding of trial court operations). See also Section 29320 ("officer of the county" defined).

For provisions relating to restatements and continuations of existing law, see Section 2.

§ 71305 (amended). Conditions of grant of benefits

SEC. ____ . Section 71305 of the Government Code is amended to read:

71305. The retirement annuity or pension provided by this article shall be granted to the marshal and constable only if in the county where the ~~municipal or justice~~ superior court is located there is provided a retirement annuity or pension for county and township peace

1 officers who perform duties of the same character as those performed by the marshal and
2 constable.

3 **Comment.** Section 71305 is amended to reflect unification of the municipal and superior courts
4 pursuant to Article VI, Section 5(e), of the California Constitution.

5 The section is also amended to reflect elimination of the justice court pursuant to Article VI,
6 Sections 1 and 5(b), of the California Constitution.

7 **§§ 71341-71342 (unchanged). Sessions of court**

8  **Note.** Issues involving sessions and facilities are still unsettled. The Commission proposes to
9 defer work on this article pending completion of (1) the study and recommendation by the task
10 force on court facilities, and (2) negotiations among other interested parties. The Commission
11 solicits comments on this approach and the underlying issues.

12 The text of the article is set out below.

13 **Article 9. Sessions of Court**

14 71340. There may be as many sessions of a municipal court at the same time as there are judges
15 elected, appointed, or assigned to the court. The judgments, orders, and proceedings of any
16 session of a municipal court held by any one or more of the judges sitting in the court shall be
17 equally effectual as though all the judges of the court presided at the session.

18 71341. (a) Sessions of a municipal court may be held at any place or places within the district
19 for which the court is established.

20 (b) Notwithstanding any other provision of law, the presiding or sole judge of a municipal court
21 may direct that a session of the court be held at any place in the county where any superior or
22 municipal court regularly conducts sessions, if each of the following applies:

23 (1) The judge presiding at the court session is a judge of a municipal court or a retired judge
24 assigned to serve as a municipal court judge under Section 6 of Article VI of the California
25 Constitution.

26 (2) The presiding or sole judge of the superior or municipal court has informed the presiding
27 judge of the municipal court that the court session will not interfere with the normal conduct of
28 court business.

29 (3) The session is held in furtherance of a coordination plan approved under Section 68112.

30 Any type of proceeding may be heard in these sessions.

31 71342. Where a municipal court district embraces two or more cities, municipal court sessions
32 shall be held at such places within the district as the board of supervisors by ordinance shall
33 designate from time to time as the public convenience requires.

34 **§ 71380 (amended). Uniform accounting system**

35 SEC. _____. Section 71380 of the Government Code is amended to read:

36 71380. The Controller shall establish, supervise, and as necessary revise a uniform
37 accounting system, including a system of audit, to the end that all fines, penalties,
38 forfeitures, and fees assessed by courts, and their collection and appropriate
39 disbursement, shall be properly and uniformly accounted for. The accounting system
40 shall apply to superior ~~and municipal~~ courts, together with probation offices, central
41 collection bureaus and any other agencies having a role in this process.

42 **Comment.** Section 71380 is amended to reflect unification of the municipal and superior courts
43 pursuant to Article VI, Section 5(e), of the California Constitution.

1 **§ 71381 (unchanged). Bank accounts, records, reports, and procedures**

2 71381. Such system may provide for bank accounts for each municipal court, in which
3 money received by such court may be deposited and disbursed as provided therein, and
4 for such records, reports, and procedures as the Controller may deem necessary to carry
5 out the purposes of this article.

6 ☞ **Note.** The matter of bank deposits is still unsettled and involves policy and fiscal issues that
7 are substantive in nature. The Commission is deferring work on this provision until the interested
8 parties have resolved these issues. See Commission Staff Memorandum 2001-78 (Sept. 11, 2001),
9 pp. 13-14.

10 **§ 71382 (amended). Willful failure to keep accounts**

11 SEC. _____. Section 71382 of the Government Code is amended to read:

12 71382. Every judge of a superior ~~or municipal~~ court, or the clerk of any such court,
13 who willfully fails to keep accounts pursuant to the system or to account for the money
14 paid into and disbursed by the court pursuant to the system established by the Controller
15 pursuant to this article is guilty of a misdemeanor.

16 **Comment.** Section 71382 is amended to reflect unification of the municipal and superior courts
17 pursuant to Article VI, Section 5(e), of the California Constitution.

18 **§ 71384 (amended). Deposit of money collected and audit of accounts**

19 SEC. _____. Section 71384 of the Government Code is amended to read:

20 71384. The system established pursuant to this article may provide for the deposit of all
21 money collected by ~~municipal~~ superior courts in the county treasury, for disbursement
22 from it, and for the audit of such accounts by the county auditor.

23 **Comment.** Section 71382 is amended to reflect unification of the municipal and superior courts
24 pursuant to Article VI, Section 5(e), of the California Constitution.

25 ☞ **Note.** The Commission is reviewing whether county treasury provisions remain viable, given
26 the enactment of the Trial Court Funding Act, the Trial Court Employment Protection and
27 Governance Act, and other changes to the structure of the trial courts. See Gov't Code §§ 77003
28 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
29 (state funding of trial court operations). These matters are also being examined by a Joint Court-
30 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
31 treatment of this provision.

32 **§ 71386 (amended). Acceptance of checks and money orders**

33 SEC. _____. Section 71386 of the Government Code is amended to read:

34 71386. (a) Each superior ~~and municipal~~ court shall adopt a written policy, consistent
35 with rules adopted by the Judicial Council, governing the acceptance of checks and
36 money orders in payment of any fees, fines, or bail deposits. Such policy shall permit
37 clerks to accept checks and money orders under conditions which tend to assure their
38 validity.

39 (b) A court shall accept a personal check, bank cashier's check, or money order for
40 payment of any fee or fine, or for a deposit of bail for any offense which is not declared
41 to be a felony, provided such check or money order meets the criteria established in
42 subdivision (a). However, no court shall be required to accept a check in excess of three
43 hundred dollars (\$300) from a defendant in custody as a deposit of bail for any alleged
44 violation of the Penal Code.

1 (c) The acceptance of a check pursuant to this section constitutes payment of the
2 obligation owed to the payee public agency to the extent of the amount of the check as of
3 the date of acceptance when, but not before, the check is duly paid.

4 (d) If any check offered in payment pursuant to this section is returned to the payee
5 without payment, a reasonable charge for the returned check not to exceed the actual
6 costs incurred by the court may be imposed to recover the court's processing and
7 collection costs. This charge may be added to, and become part of, any underlying
8 obligation other than an obligation which constitutes a lien on real property, or a different
9 method of payment for that payment and future payments by such person may be
10 prescribed. The charges imposed by a court for a returned check shall be retained by the
11 treasurer of the county and be deposited in the county general fund.

12 **Comment.** Subdivision (a) of Section 71386 is amended to reflect unification of the municipal
13 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

14 ☞ **Note.** The Commission is reviewing whether county treasury provisions remain viable, given
15 the enactment of the Trial Court Funding Act, the Trial Court Employment Protection and
16 Governance Act, and other changes to the structure of the trial courts. See Gov't Code §§ 77003
17 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
18 (state funding of trial court operations). These matters are also being examined by a Joint Court-
19 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
20 treatment of this provision.

21 **§ 71601 (amended). Definitions**

22 SEC. ____ . Section 71601 of the Government Code is amended to read:

23 71601. For purposes of this chapter, the following definitions shall apply:

24 (a) "Appointment" means the offer to and acceptance by a person of a position in the
25 trial court in accordance with this chapter and the trial court's personnel policies,
26 procedures, and plans.

27 (b) "Employee organization" means any organization that includes trial court
28 employees and has as one of its primary purposes representing those employees in their
29 relations with the trial court.

30 (c) "Hiring" means appointment as defined in subdivision (a).

31 (d) "Mediation" means effort by an impartial third party to assist in reconciling a
32 dispute regarding wages, hours, and other terms and conditions of employment between
33 representatives of the trial court and the recognized employee organization or recognized
34 employee organizations through interpretation, suggestion and advice.

35 (e) "Meet and confer in good faith" means that a trial court or representatives as it may
36 designate, and representatives of recognized employee organizations, shall have the
37 mutual obligation personally to meet and confer promptly upon request by either party
38 and continue for a reasonable period of time in order to exchange freely information,
39 opinions, and proposals, and to endeavor to reach agreement on matters within the scope
40 of representation. The process should include adequate time for the resolution of
41 impasses where specific procedures for resolution are contained in this chapter or in a
42 local rule, or when the procedures are utilized by mutual consent.

43 (f) "Personnel rules," "personnel policies, procedures, and plans," and "rules and
44 regulations" mean policies, procedures, plans, rules, or regulations adopted by a trial
45 court or its designee pertaining to conditions of employment of trial court employees,
46 subject to meet and confer in good faith.

1 (g) “Promotion” means promotion within the trial court as defined in the trial court’s
2 personnel policies, procedures, and plans, subject to meet and confer in good faith.

3 (h) “Recognized employee organization” means an employee organization that has
4 been formally acknowledged to represent trial court employees by the county under
5 Sections 3500 to 3510, inclusive, prior to the implementation date of this chapter, or by
6 the trial court under Rules 2201 to 2210, inclusive, of the California Rules of Court, as
7 those rules read on April 23, 1997, Sections 70210 to 70219, inclusive, or Article 3
8 (commencing with Section 71630) of this chapter.

9 (i) “Subordinate judicial officer” means an officer appointed to perform subordinate
10 judicial duties as authorized by Section 22 of Article VI of the California Constitution,
11 including, but not limited to, a court commissioner, probate commissioner, child support
12 commissioner, referee, traffic trial commissioner, traffic referee, traffic hearing officer,
13 juvenile referee, and judge pro tempore juvenile hearing officer.

14 (j) “Transfer” means transfer within the trial court as defined in the trial court’s
15 personnel policies, procedures, and plans, subject to meet and confer in good faith.

16 (k) “Trial court” means a superior court ~~or a municipal court~~.

17 (l) “Trial court employee” means a person who is both of the following:

18 (1) Paid from the trial court’s budget, regardless of the funding source. For the purpose
19 of this paragraph, “trial court’s budget” means funds from which the presiding judge of a
20 trial court, or his or her designee, has authority to control, authorize, and direct
21 expenditures, including, but not limited to, local revenues, all grant funds, and trial court
22 operations funds.

23 (2) Subject to the trial court’s right to control the manner and means of his or her work
24 because of the trial court’s authority to hire, supervise, discipline, and terminate
25 employment. For purposes of this paragraph only, the “trial court” includes the judges of
26 a trial court or their appointees who are vested with or delegated the authority to hire,
27 supervise, discipline, and terminate.

28 (m) A person is a “trial court employee” if and only if both paragraphs (1) and (2) of
29 subdivision (l) are true irrespective of job classification or whether the functions
30 performed by that person are identified in Rule 810 of the California Rules of Court. The
31 phrase “trial court employee” includes those subordinate judicial officers who satisfy
32 paragraphs (1) and (2) of subdivision (l). The phrase “trial court employee” does not
33 include temporary employees hired through agencies, jurors, individuals hired by the trial
34 court pursuant to an independent contractor agreement, individuals for whom the county
35 or trial court reports income to the Internal Revenue Service on a Form 1099 and does not
36 withhold employment taxes, sheriffs, and judges whether elected or appointed.

37 **Comment.** Subdivision (i) of Section 71601 is amended to refer to types of subordinate judicial
38 officers. See Fam. Code §§ 4250-4253 (child support commissioners); former Sections 72408
39 (traffic hearing officer in Santa Barbara County), 72450 (traffic trial commissioners); Welf. &
40 Inst. Code § 255 (juvenile hearing officers). Subdivision (i) is also amended to delete the
41 reference to a temporary judge.

42 Subdivision (k) is amended to reflect unification of the municipal and superior courts pursuant
43 to Article VI, Section 5(e), of the California Constitution.

44 ☞ **Note.** The Commission solicits comment on the proposed deletion of the reference to a “judge
45 pro tempore.” The reference would be deleted to eliminate the implication that a commissioner
46 serving as a temporary judge acts under auspices of Article 1, Section 22, of the California
47 Constitution (subordinate judicial officers). The authority of a temporary judge is derived from
48 Article 1, Section 21, of the California Constitution (temporary judges). See also Code Civ. Proc.

1 § 259(e) (powers of court commissioners); Fam. Code § 4251(b) (powers of child support
2 commissioners).

3 **§ 71617 (unchanged). Application of chapter to municipal court**

4 71617. To the extent this chapter applies to a municipal court, any action by the
5 municipal court specifying the number, qualification, or compensation of officers or
6 employees of the municipal court which differs from that prescribed by the Legislature
7 pursuant to Section 5 of Article VI of the California Constitution shall remain in effect
8 for a period of no more than two years unless prescribed by the Legislature within that
9 period.

10  **Note.** The Commission proposes to defer work on this provision until February 8, 2003, or
11 later (i.e., two years after unification of the last remaining municipal court). The Commission
12 solicits comment on this approach.

13 **§ 71620 (amended). Trial court personnel**

14 SEC. _____. Section 71620 of the Government Code is amended to read:

15 71620. (a) Each trial court may establish such job classifications and may appoint such
16 trial court officers, assistants, and employees as are deemed necessary for the
17 performance of the duties and the exercise of the powers conferred by law upon the trial
18 court and its members.

19 (b) Each trial court may appoint an executive or administrative officer who shall hold
20 office at the pleasure of the trial court and shall exercise such administrative powers and
21 perform such other duties as may be required by the trial court. The executive or
22 administrative officer has the authority of a clerk of the trial court. The trial court shall fix
23 the qualifications of the executive or administrative officer and may delegate to him or
24 her any administrative powers and duties required to be exercised by the trial court.
25 ~~Notwithstanding any other provision of law, the trial court may, by local rule, specify~~
26 ~~which of the powers, duties, and responsibilities required or permitted to be exercised by~~
27 ~~the county clerk in connection with judicial actions, proceedings, and records shall be~~
28 ~~exercised or performed by the executive or administrative officer. The county clerk shall~~
29 ~~be relieved of any obligation imposed on him or her by law with respect to these~~
30 ~~specified powers, duties, and responsibilities, to the extent the local rule imposes on the~~
31 ~~executive or administrative officer the same powers, duties, and responsibilities.~~

32 **Comment.** The last two sentences of subdivision (b) of Section 71620 are superseded by
33 Section 69840 (powers, duties, and responsibilities of clerk of court).

34 **§ 71674 (amended). Law Revision Commission study**

35 SEC. _____. Section 71674 of the Government Code is amended to read:

36 71674. The California Law Revision Commission shall determine whether any
37 provisions of law are obsolete as a result of the enactment of this chapter, the enactment
38 of the Lockyer-Isenberg Trial Court Funding Act of 1997 (Chapter 850 of the Statutes of
39 1997), or the implementation of trial court unification, and shall recommend to the
40 Legislature any amendments to remove those obsolete provisions. The commission shall
41 report its recommendations to the Legislature, including any proposed statutory changes,
42 on or before January 1, 2002.

1 **Comment.** Section 71674 is amended to delete the report deadline. This is intended to foster
2 cleanup of obsolete statutes on a continuing basis as unresolved issues are settled after January 1,
3 2002.

4 **§§ 72000-72006 (repealed). General provisions**

5 SEC. __. Article 1 (commencing with Section 72000) of Chapter 8 of Title 8 of the
6 Government Code is repealed.

7 **Comment.** Sections 72000-72006 are repealed to reflect:

8 (1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the
9 California Constitution. See Cal. Const. art. VI, § 4 (Legislature to prescribe number of superior
10 court judges); Section 69507 (marriage in superior court without fee),

11 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
12 71601(d) (“trial court employee” defined), 71615(c)(5) (trial court as employer of all trial court
13 employees), 71650-71658 (employment protection system), 71673 (authority of trial courts to
14 establish terms and conditions of employment). For marshals who are county employees, former
15 Section 72002 section is superseded by county ordinances or memoranda of understanding.

16 (3) Enactment of Section 69505 (business-related travel expenses of trial court judges and
17 employees).

18  **Note.** The text of the repealed article is set out below.

19 **Article 1. General Provisions**

20 72000. The Legislature shall prescribe the number and compensation of judges, officers, and
21 attaches of each municipal court.

22 72001. Annual increments provided by law in the salary of an officer or attache of a municipal
23 court shall be dependent upon the employee maintaining the minimum efficiency rating
24 designated by the appointing authority. If the efficiency rating falls below the minimum standard
25 the appointing authority may suspend all or any part of the annual increments.

26 72002. The clerk or marshal of a municipal court may lay off and suspend a deputy or
27 employee because of lack of work requiring the service of existing personnel of the office or
28 department. The clerk or marshal may also require a deputy or employee to work temporarily in
29 the office of clerk or marshal of another municipal court situated in the same county if a request
30 for assistance has been made by such other court. Except as provided in Section 72053, the
31 temporary assignment of a deputy or employee to the clerk’s office or marshal’s office of another
32 municipal court shall not affect his compensation.

33  **Note.** Section 72002 appears to be obsolete since enactment of the Trial Court Employment
34 Protection and Governance Act and the Trial Court Funding Act. In those counties where the
35 marshals and deputies are county employees, county ordinances or memoranda of understanding
36 would appear to govern the terms and conditions of employment. Therefore, the Commission
37 requests input as to whether Section 72002 continues to serve a useful purpose.

38 72002.1. In any chartered county in which a system of civil service is in effect, the civil service
39 commission thereof shall administer any civil service provisions made applicable by this code to
40 attaches of municipal courts.

41 Subject to the express provisions of this section and of any other state law, the provisions of the
42 county charter relating to civil service and the rules of the civil service commission adopted
43 pursuant thereto shall be applicable to the said attaches of the municipal courts in the same
44 manner and to the same extent as applicable generally to officers and employees of such county.

1 It shall be competent for the judge or a majority of the judges of any municipal court to adopt
2 rules for the conduct of, and personnel privileges to be afforded, the personnel of their court; or
3 for a majority of all of the municipal court judges in a county, convened from time to time by the
4 presiding judge of the municipal court district which embraces the county seat to adopt uniform
5 rules for such purposes relative to the personnel serving the municipal courts in such county; and
6 for that purpose they may adopt in whole or in part the provisions of any county ordinance
7 applicable to employees of the county, except where the same may be in conflict with any
8 provisions of the State Constitution or laws relating to municipal courts and their attaches. In any
9 such county, subject to approval by the board of supervisors and subject to the county charter,
10 such attaches may be voluntarily transferred from a position in a judicial district to any position in
11 county employment and promoted or voluntarily demoted from a position in a judicial district to
12 any position in county employment in substantially the same manner as transfers, demotions and
13 promotions are authorized generally in county departments or between departments of the county.

14 This section shall not apply to municipal courts in judicial districts in San Diego County.

15 72003. In addition to salaries, the judges of the municipal court shall be allowed traveling
16 expenses of twenty and one-half cents (\$0.205) for each mile actually traveled when the business
17 of the court requires their attendance for holding regular sessions of the court at a location other
18 than that designated as their principal office. The mileage allowance shall not be computed upon
19 a greater distance than that between the principal office and such departments of the court, or that
20 between the place for regular sessions and such special or extra session of the court.

21 72004. Sections 24350 to 24356, inclusive, and Sections 29350 and 29351 apply to officers of
22 municipal courts and to the disposition of fees collected by such officers.

23 ☞ **Note.** Section 72004 will likely be preserved, in some form. A proposed recodification is
24 shown below. The Commission solicits comments on whether the proposed recodification is
25 appropriate.

26 72006. The presiding judge of each municipal court may designate a judge of the court to be
27 available on days other than a Saturday, Sunday, or legal holiday to perform a marriage without
28 fee.

29 **§ 72004 (added). General provisions**

30 SEC. _____. Article 1 (commencing with Section 72004) is added to Chapter 8 of Title 8
31 of the Government Code, to read:

32 **Article 1. General Provisions**

33 **§ 72004. Fees collected**

34 72004. Sections 24350 to 24356, inclusive, and Sections 29350 and 29351 apply to
35 officers of superior courts and to the disposition of fees collected by those officers.

36 **Comment.** Section 72004 continues former Section 72004 with revisions to reflect unification
37 of the municipal and superior courts pursuant to Article VI, Section 5(e), of the California
38 Constitution.

39 For provisions relating to restatements and continuations of existing law, see Section 2.

40 ☞ **Note.** The Commission is reviewing whether county treasury provisions such as the ones
41 referenced in Section 72004 remain viable, given the enactment of the Trial Court Funding Act,
42 the Trial Court Employment Protection and Governance Act, and other changes to the structure of

1 the trial courts. See Gov't Code §§ 77003 and Cal. R. Ct. 810 ("court operations" defined), 77009
2 (Trial Court Operations Fund), 77200 (state funding of trial court operations). These matters are
3 also being examined by a Joint Court-County Working Group on Trial Court Funding. The
4 Commission solicits comment on the proper treatment of Section 72004.

5 **§ 72053.5 (repealed). Expenses of attending convention, school, conference, or meeting**

6 SEC. ____ . Section 72053.5 of the Government Code is repealed.

7 ~~72053.5. In addition to salary, a judge, commissioner, traffic referee, or clerk of the~~
8 ~~municipal court shall be allowed any registration fee or other charge necessarily incurred~~
9 ~~in connection with any convention, school, conference, or meeting at which his~~
10 ~~attendance is authorized by the board of supervisors, and he shall also be allowed his~~
11 ~~necessary traveling expenses which shall be computed at the same rate for each mile~~
12 ~~traveled that is authorized by the board of supervisors as travel expense for officers of the~~
13 ~~county.~~

14 **Comment.** Section 72053.5 is repealed to reflect:

15 (1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the
16 California Constitution. For training of superior court personnel, see Section 68551 (judge
17 attending institute or seminar).

18 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
19 71601(l) ("trial court employee" defined), 71615(c)(5) (trial court as employer of all trial court
20 employees), 71673 (authority of trial courts to establish terms and conditions of employment).

21 (3) Enactment of Section 69505 (business-related travel expenses of trial court judges and
22 employees)

23 (4) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
24 77200 (state funding of trial court operations); Cal. R. Court 810(d), Function 10 (training fees
25 for court personnel).

26 **§ 72110 (amended). Consolidation of court-related services**

27 SEC. ____ . Section 72110 of the Government Code is amended to read:

28 72110. (a) Notwithstanding any other provision of law, the Board of Supervisors of
29 Riverside County may find, after holding a public hearing on the issue, that cost savings
30 can be realized by consolidation of court-related services provided by the sheriff and both
31 offices of the marshal within that county. If that finding is made, there shall be conducted
32 among all of the judges of the superior and municipal courts of that county an election to
33 determine the agency, either the sheriff or both offices of the marshal, under which court-
34 related services shall be consolidated. The outcome shall be determined by a simple
35 majority of votes cast. The registrar of voters shall administer that election and tabulate
36 the results thereof. The results of that election shall be reported within 15 days following
37 the election period by the registrar of voters to the board of supervisors and to the judges
38 of the superior and municipal courts of that county. The board of supervisors shall
39 immediately commence and, within a reasonable time not to exceed 90 days, implement
40 the determination made by a majority of the votes cast by the judges of the superior and
41 municipal courts of the county in that election. If an election is not conducted within 90
42 days of notification of the board of supervisors' finding, or if the results of the election
43 are evenly divided, the board of supervisors of that county shall determine under which
44 agency, either the sheriff or both offices of the marshal, court-related services shall be
45 consolidated, and shall proceed to implement that consolidation as if on the basis of a
46 majority of the votes cast by the judges of the superior and municipal courts of that
47 county.

1 (b) Notwithstanding any other provision of law, the marshals and all personnel of the
2 marshals' offices or personnel of the sheriff's office affected by a consolidation of court-
3 related services under this section ~~or Section 26668~~ shall become employees of that
4 consolidated office at their existing or equivalent classifications, salaries, and benefits,
5 and except as may be necessary for the operation of the agency under which court-related
6 services are consolidated, shall not be involuntarily transferred during a period of six
7 years following the consolidation out of that consolidated court-related services office.
8 The elective offices of marshal for the County of Riverside shall be abolished upon a
9 determination pursuant to the procedures required by this section ~~or Section 26668~~ that
10 consolidated court-related services shall be provided by the sheriff.

11 (c) Permanent employees of the marshals' offices or sheriff's office on the effective
12 date of a consolidation under this section ~~or Section 26668~~ shall be deemed qualified, and
13 no other qualifications shall be required for employment or retention. Probationary
14 employees of the sheriff's office or the marshals' offices on the effective date of a
15 consolidation under this section ~~or Section 26668~~ shall retain their probationary status
16 and rights, and shall not be deemed to have transferred so as to require serving a new
17 probationary period. Transferring personnel may be required to take a promotional
18 examination to promote to a higher classification but shall not be required to retest for his
19 or her existing classification as a prerequisite to testing for a higher classification. A
20 transferring deputy marshal requesting a transfer to another division in the sheriff's office
21 shall not be required to take a written test as a prerequisite to making a lateral transfer.

22 (d) All county service or service by employees of the sheriff's office or the marshals'
23 offices on the effective date of a consolidation under this section ~~or Section 26668~~ shall
24 be counted toward seniority in that court-related services office, and all time spent in the
25 same, equivalent, or higher classification shall be counted toward classification seniority.

26 (e) No employee of the sheriff's office or the marshals' offices on the effective date of
27 a consolidation under this section ~~or Section 26668~~ shall lose peace officer status, or be
28 demoted or otherwise adversely affected by a consolidation of court services.

29 (f) This section shall remain in effect only until January 1, 2018, and as of that date is
30 repealed unless a later enacted statute, which is enacted before January 1, 2018, deletes or
31 extends that date. The repeal of this section does not affect any right or benefit to which a
32 person was entitled on the date of repeal.

33 **Comment.** Section 72110 is amended to delete references to former Section 26668.

34 The section is also amended to provide for its automatic repeal in fifteen years.

35  **Note.** The Commission requests input as to whether Section 72110 continues to serve a useful
36 purpose and, if so, whether further revisions are needed to reflect current practice.

37 **§ 72111 (repealed). Expenses**

38 SEC. ____ . Section 72111 of the Government Code is repealed.

39 ~~72111. In addition to their salaries, the marshals, assistants, and deputies of municipal~~
40 ~~courts, except custodians, shall be allowed their actual and necessary incidental expenses~~
41 ~~incurred in the actual performance of their duties, including traveling expenses. At the~~
42 ~~option of the board of supervisors, they may be furnished with automobiles at public~~
43 ~~expense or allowed traveling expenses at the rate a mile fixed by the board of supervisors~~
44 ~~for the operation of automobiles actually used in performance of their duty on public~~
45 ~~business or paid for such other method of transportation as they may adopt.~~

46 **Comment.** Section 72111 is repealed to reflect:

1 (1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the
2 California Constitution.

3 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
4 71601(l) (“trial court employee” defined), 71615(c)(5) (trial court as employer of all trial court
5 employees), 71673 (authority of trial courts to establish terms and conditions of employment).
6 For county employees, this section is superseded by county ordinances or memoranda of
7 understanding.

8 (3) Enactment of the Trial Court Funding Act. See Section 77001 (local trial court
9 management).

10  **Note.** Section 72111 appears to be obsolete since enactment of the Trial Court Employment
11 Protection and Governance Act and the Trial Court Funding Act. In those counties where the
12 marshals and deputies are county employees, county ordinances or memoranda of understanding
13 would appear to govern the terms and conditions of employment. Therefore, the Commission
14 requests input as to whether Section 72111 continues to serve a useful purpose.

15 **§ 72113 (repealed). Parity with county employees**

16 SEC. ____ . Section 72113 of the Government Code is repealed.

17 ~~72113. Wherever parity of salaries and employee benefits have been established
18 between marshals attaches and county employees by the provisions of this code and a
19 county adopts an educational incentive program by virtue of which employees of the
20 department of sheriff receive additional compensation or remuneration dependent upon
21 the class of certificate acquired from the Commission on Peace Officer Standards and
22 Training, a specialized certificate issued to a peace officer member of a marshal’s
23 department shall be deemed to be the equivalent of a Commission on Peace Officer
24 Standards and Training certificate issued to peace officer members of a sheriff’s
25 department or a police department of a city.~~

26 ~~For the purposes of this section the term “law enforcement experience,” as used in the
27 regulations and specifications adopted by the Commission on Peace Officer Standards
28 and Training, shall be deemed to include service in a peace officer classification of a
29 marshals department.~~

30 ~~Whenever the requirements of the Commission on Peace Officer Standards and
31 Training for a basic, intermediate, or advanced certificate have been fully met and this
32 fact is certified to the county auditor by a school certified by the Commission on Peace
33 Officer Standards and Training and the marshal, and a certificate is issued, the employee
34 shall be entitled to any additional compensation as described above as though he held
35 such a certificate.~~

36 **Comment.** Section 72113 is repealed as obsolete because there are no longer any statutes
37 requiring parity of salaries and employee benefits between marshals, attachés and county
38 employees.

39 **§ 72114.1 (repealed). Effect of consolidation on marshal’s office personnel**

40 SEC. ____ . Section 72114.1 of the Government Code is repealed

41 ~~72114.1. (a) The marshal and all personnel of a marshal’s office affected by a
42 consolidation of court-related services under Section 72114 shall become members of
43 such consolidated office at their existing or equivalent classifications, salaries, and
44 benefits, and except as may be necessary for the operation of the agency under which
45 court-related services are consolidated, shall not be involuntarily transferred out of such
46 consolidated court-related services office.~~

1 ~~(b) Permanent employees of a marshal's office on the effective date of a consolidation~~
2 ~~under Section 72114 shall be deemed qualified, and no other qualifications shall be~~
3 ~~required for employment or retention. Probationary employees of a marshal's office on~~
4 ~~the effective date of a consolidation under Section 72114 shall retain their probationary~~
5 ~~status and rights, and shall not be deemed to have transferred so as to require serving a~~
6 ~~new probationary period.~~

7 ~~(c) All county service or service in a marshal's office of employees of a marshal's~~
8 ~~office on the effective date of a consolidation under Section 72114 shall be counted~~
9 ~~toward seniority in such court-related services office, and all time spent in the same,~~
10 ~~equivalent or higher classification shall be counted toward classification seniority.~~

11 ~~(d) No employee of a marshal's office on the effective date of a consolidation under~~
12 ~~Section 72114 shall lose peace officer status, or be demoted or otherwise adversely~~
13 ~~affected by a consolidation of court services under this section.~~

14 **Comment.** Section 72114.1 is repealed as obsolete. Section 72114 has been repealed and is
15 superseded by Section 72114.2.

16 **§ 72114.2 (amended). Consolidation of court-related services**

17 SEC. ____ . Section 72114.2 of the Government Code is amended to read:

18 72114.2. (a) Notwithstanding any other provision of law, on or after January 1, 2000,
19 the San Diego County Marshal's Office shall be abolished, and there shall be a bureau in
20 the San Diego County Sheriff's Department under which court security services and the
21 service of civil and criminal process are consolidated.

22 This bureau's primary function shall be to provide the management with direction,
23 supervision, and personnel for court-related services that include court security, the
24 service of civil and criminal process, public safety protection, judicial protection,
25 standards of performance, and other matters incidental to the performance of those
26 services.

27 The sheriff shall be appointing authority for all bureau personnel. The person selected
28 by the sheriff to oversee the operation of court-related services, as described in this
29 section, shall report directly to the sheriff.

30 Notwithstanding Section 77212, the operational service level for court security services
31 shall be in accordance with agreements between the court and the County of San Diego,
32 which shall not provide a lesser operational service level than may be required by statute.

33 The operational service level for the service of civil and criminal process and for
34 administrative services shall be in accordance with agreements between the court and the
35 County of San Diego, which shall not provide a lesser operational service level than may
36 be required by statute.

37 To ensure that the costs assessed to the court for bureau services are in full
38 conformance with the rules of court and statutes concerning trial court funding, the
39 bureau shall be maintained as a separate organizational unit for budgeting and cost
40 accounting purposes.

41 On a semiannual basis or more often as required by law, the sheriff shall provide the
42 court with an accounting of costs for the bureau, in sufficient detail to allow for an
43 assessment of budget performance, separately, for each function of the bureau. The
44 county auditor and controller shall provide to the court copies of each audit report
45 conducted on the bureau. The court is authorized to conduct, and the sheriff shall
46 cooperate in, independent financial audits of the bureau, either by court staff or by
47 independent auditors.

1 (b) Notwithstanding any other provision of law, concomitant with the abolition of the
2 marshal's office all personnel of the marshal's office shall become employees of the
3 sheriff's department at their existing or equivalent classification, salaries, and benefits.

4 The marshal and the assistant marshal, or their equivalents, may become employees of
5 the sheriff's department.

6 (c) Permanent employees of the marshal's office on the effective date of transfer of
7 services from the marshal to the sheriff pursuant to this section shall be deemed to be
8 qualified, and no other qualifications shall be required for employment or retention.
9 Promotions for all personnel from the marshal's office shall be made pursuant to
10 standards set by the sheriff. Probationary employees in the marshal's office on the
11 effective date of the abolition shall not be required to serve a new probationary period.
12 All probationary time served as an employee of the marshal shall be credited toward
13 probationary time required as an employee of the sheriff's department.

14 (d) All county service and all service with the marshal's office by employees of the
15 marshal's office on the effective date of the abolition of the marshal's office shall be
16 counted toward seniority in the sheriff's department. All time spent in the same,
17 equivalent, or higher classification shall be counted toward classification seniority.

18 (e) As a result of the abolition of the marshal's office, no employee of the marshal's
19 office who becomes an employee of the sheriff's department pursuant to this section shall
20 lose peace officer status or be reduced in rank or salary.

21 (f) Prior to the abolition of the marshal's office, the court and the County of San Diego
22 shall enter into a contractual agreement regarding the provision of court security services
23 to be provided by the sheriff. Thereafter, from time to time, the court and the County of
24 San Diego may enter into agreements regarding the provision of court security services to
25 be provided by the sheriff.

26 (g) After abolition of the marshal's office, a two-member committee comprised of a
27 representative of the presiding judge of the superior court and a representative of the
28 sheriff shall make recommendations to the sheriff regarding courtroom assignments of
29 bailiffs. Bailiff assignments and the release from those assignments shall be made only
30 after consultation with, and concurrence of, the affected judge or judicial officer. The
31 presiding judge may provide the concurrence required by this section. This subdivision
32 shall not apply to actions instituted by the sheriff for fitness for duty reasons or discipline
33 that is subject to review by the San Diego County Civil Service Commission.

34 (h) For a period of five years following the abolition of the marshal's office, personnel
35 of the marshal's office who become employees of the sheriff's department shall not be
36 transferred from the bureau in the sheriff's department under which court-related services
37 and the service of civil and criminal process are consolidated, unless the transfer is
38 voluntary or is the result of fitness for duty reasons or discipline that is subject to review
39 by the San Diego County Civil Service Commission.

40 (i) Personnel of the marshal's office who become employees of the sheriff's department
41 shall be entitled to request an assignment to another bureau or division within the
42 sheriff's department, and that request shall be reviewed the same as any other request
43 from within the department.

44 (j) This section shall become operative in the County of San Diego when the board of
45 supervisors adopts a resolution declaring this section operative. The implementation of
46 this section shall be subject to approval and adoption by the board of supervisors of
47 necessary actions, appropriations, and ordinances consistent with the charter of the
48 County of San Diego and other statutory authority.

1 (k) This section shall remain in effect only until January 1, 2005, and as of that date is
2 repealed unless a later enacted statute, which is enacted before January 1, 2005, deletes or
3 extends that date. The repeal of this section does not affect any right or benefit to which a
4 person was entitled on the date of repeal.

5 **Comment.** Subdivision (k) of Section 72114.2 is added to provide for the automatic repeal of
6 this section on January 1, 2005.

7  **Note.** The Commission requests input as to whether Section 72114.2 continues to serve a
8 useful purpose and, if so, whether further revisions are needed to reflect current practice.

9 **§ 72115 (amended). Consolidation of court-related services**

10 SEC. ____ . Section 72115 of the Government Code is amended to read:

11 ~~72115. (a) Notwithstanding any other provision of law, the Board of Supervisors of San~~
12 ~~Bernardino County may, no later than 30 days after the effective date of this section,~~
13 ~~commence public hearings regarding the abolition of the marshal's office and the~~
14 ~~transferring of court-related services provided by the marshal within the county to the~~
15 ~~sheriff's department. Within 30 days of the commencement of public hearings as~~
16 ~~authorized by this section, the board shall make a final determination as to the most cost-~~
17 ~~effective and most efficient manner of providing court-related services.~~

18 ~~(b) Concurrently, an election may be conducted among all of the judges of the~~
19 ~~Consolidated Courts of San Bernardino County to provide an advisory recommendation~~
20 ~~to the board of supervisors on the abolition of the marshal's office and the transferring of~~
21 ~~court-related services provided by the marshal within the county to the sheriff's~~
22 ~~department. The outcome shall be determined by a simple majority of votes cast. The~~
23 ~~vote of the judges shall then be forwarded to the board of supervisors prior to the close of~~
24 ~~the public hearing, and the board of supervisors shall take into advisement the~~
25 ~~recommendation of the judges provided by the election report.~~

26 ~~(c) If the board determines to abolish the marshal's office and transfer the duties of the~~
27 ~~marshal to the sheriff's office, the abolishment of the office and the transfer of those~~
28 ~~duties shall be completed within 30 days of that determination. This section applies to the~~
29 ~~abolition of the marshal's office and the transfer of court-related services provided by the~~
30 ~~marshal within the county to the sheriff's department.~~

31 ~~(d) (b) The courtroom assignment of bailiffs after abolition of the marshal's office and~~
32 ~~the consolidation pursuant to this section shall be determined by a two-member~~
33 ~~committee comprised of the presiding judge of the consolidated superior court and the~~
34 ~~sheriff, or their designees. Any new bailiff assignments shall be made only after~~
35 ~~consultation with the affected judge or commissioner in whose courtroom a new~~
36 ~~assignment is planned.~~

37 It is the intent of the Legislature, in enacting this subdivision, to ensure that courtroom
38 assignments are made in a manner which best assures that the interests of the affected
39 judge or commissioner and bailiff are protected.

40 ~~(e) (c) Notwithstanding any other provision of law, the marshal and all personnel of the~~
41 ~~marshal's office affected by the abolition of the marshal's office in San Bernardino~~
42 ~~County shall become employees of the sheriff's department at their existing or equivalent~~
43 ~~classification, salaries, and benefits, and, except as may be necessary for the operation of~~
44 ~~the agency under which court-related services and the service of civil and criminal~~
45 ~~process are consolidated, they shall not be involuntarily transferred out of the~~
46 ~~consolidated office for a period of five years following the consolidation.~~

1 (f) (d) Personnel of the abolished marshal's office shall be entitled to request an
2 assignment to another division within the sheriff's department, and that request shall be
3 reviewed in the same manner as any other request from within the department. Persons
4 who accept a voluntary transfer from the court services/civil division shall waive their
5 rights pursuant to subdivision (e).

6 (g) (e) Permanent employees of the marshal's office on the effective date of the
7 abolition of the marshal's office pursuant to this section shall be deemed to be qualified,
8 and no other qualifications shall be required for employment or retention. Probationary
9 employees of the marshal's office on the effective date of a consolidation pursuant to this
10 section shall retain their probationary status and rights, and shall not be deemed to have
11 transferred so as to require serving a new probationary period.

12 (h) (f) All county service or service by employees of the marshal's office on the
13 effective date of a consolidation pursuant to this section shall be counted toward seniority
14 in the consolidated office, and all time spent in the same, equivalent, or higher
15 classification shall be counted toward classification seniority.

16 (i) (g) No employee of the marshal's office on the effective date of a consolidation
17 pursuant to this section shall lose peace officer status, or otherwise be adversely affected
18 as a result of the abolition and merger of personnel into the sheriff's department.

19 (h) This section shall remain in effect only until January 1, 2018, and as of that date is
20 repealed unless a later enacted statute, which is enacted before January 1, 2018, deletes or
21 extends that date. The repeal of this section does not affect any right or benefit to which a
22 person was entitled on the date of repeal.

23 **Comment.** Former subdivisions (a)-(c) are deleted and new subdivision (a) is added to Section
24 72115 to reflect consolidation of court-related services in San Bernardino County within the
25 sheriff's office, effective October 9, 1999.

26 Subdivision (b) is amended to reflect unification of the municipal and superior courts in San
27 Bernardino County pursuant to Article VI, Section 5(e), of the California Constitution, effective
28 August 10, 1998.

29 Subdivision (h) is added to provide for the automatic repeal of this section in fifteen years.

30 **§ 72116 (amended). Consolidation of court-related services**

31 SEC. ____ . Section 72116 of the Government Code is amended to read:

32 72116. (a) Notwithstanding any other provision of law, the board of supervisors of
33 Shasta County may find, after holding a public hearing on the issue, that cost savings or
34 efficiencies can be realized by consolidation of court-related services provided by the
35 marshal and sheriff within that county. If this finding is made, an election shall be
36 conducted among all of the judges of the superior and municipal courts of the county to
37 determine the agency, either the marshal or the sheriff, under which court-related services
38 shall be consolidated. The outcome shall be determined by a simple majority of votes cast
39 by secret ballot, provided, that the total number of votes cast exceeds 50 percent of the
40 number of superior and municipal court judges in the county, by at least one vote. The
41 executive officer of the courts shall administer the election and tabulate the results. The
42 presiding judges of the superior and municipal courts shall inform the board of
43 supervisors of the results of the election within 15 days of the election. The board of
44 supervisors shall immediately commence and, within a reasonable time not to exceed 90
45 days, implement the determination made by a majority of the judges of the superior and
46 municipal courts in the election. If an election is not conducted within 90 days of
47 notification of the board of supervisors' finding, or if the results of the election are evenly
48 divided, the board of supervisors shall determine under which agency, either the marshal

1 or the sheriff, court-related services shall be consolidated, and shall proceed to implement
2 consolidation as if on the basis of a majority vote of the judges of the superior and
3 municipal courts.

4 (b) Except as provided in subdivision (f), all personnel of the marshal's office or
5 personnel of the sheriff's office affected by a consolidation of court-related services
6 under this section ~~or Section 26670~~ shall become employees of that consolidated office at
7 their existing or equivalent classifications, salaries, and benefits, and except as may be
8 necessary for the operation of the agency under which court-related services are
9 consolidated, shall not be involuntarily transferred out of the consolidated court-related
10 services office for a period of four years following the consolidation.

11 (c) Permanent employees of the marshal's office or sheriff's office on the effective date
12 of consolidation under this section ~~or Section 26670~~ shall be deemed qualified, and no
13 other qualifications shall be required for employment or retention. Probationary
14 employees of the marshal's office or the sheriff's office on the effective date of a
15 consolidation under this section ~~or Section 26670~~ shall retain their probationary status
16 and rights, and shall not be deemed to have transferred so as to require serving a new
17 probationary period.

18 (d) All county service or service by employees of the marshal's office or the sheriff's
19 office on the effective date of a consolidation under this section ~~or Section 26670~~ shall be
20 counted toward seniority in that court-related services office, and all time spent in the
21 same, equivalent, or higher classification shall be counted toward classification seniority.

22 (e) No employee of the marshal's office or the sheriff's office on the effective date of a
23 consolidation under this section ~~or Section 26670~~ shall lose peace officer status, or be
24 demoted or otherwise adversely affected by a consolidation of court-related services.

25 (f) In the event that court-related services are consolidated under the marshal's office,
26 all sheriff's bailiffs affected by the consolidation shall be given the option of becoming
27 employees of the marshal's office or of remaining with the sheriff's office. If a staffing
28 shortage is created by the exercise of this option by these bailiffs, the marshal may accept
29 qualified applicants from the sheriff's office under the provisions of subdivisions (b), (c),
30 (d), and (e).

31 **Comment.** Section 72116 is amended to delete references to former Section 26670. Court-
32 related services in Shasta County were consolidated within the marshal's office pursuant to
33 Section 72116, effective _____.

34 **§ 72150 (repealed). Additional deputies**

35 SEC. ____ . Section 72150 of the Government Code is repealed.

36 ~~72150. If an increase in business of any municipal court or other emergency requires a~~
37 ~~greater number of employees for the prompt and faithful discharge of the business of the~~
38 ~~court than the number expressly provided by law, or requires the performance of duties of~~
39 ~~positions in the lowest salary bracket where all such positions have been filled, with the~~
40 ~~approval of the judge or judges, the clerk or the marshal of the court, or both, may~~
41 ~~appoint as many additional deputies as will enable them to promptly and faithfully~~
42 ~~discharge the duties of their respective offices.~~

43 **Comment.** Section 72150 is repealed to reflect:

44 (1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the
45 California Constitution.

46 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
47 71601(l) ("trial court employee" defined), 71615(c)(5) (trial court as employer of all trial court
48 employees), 71620(a) (job classifications and appointments).

1 **§ 72151 (repealed). Selection and compensation of additional deputies**

2 SEC. ____ . Section 72151 of the Government Code is repealed.

3 ~~72151. The additional deputies shall be selected in the same manner as those for whom~~
4 ~~express provision is made, and they shall receive compensation from the same source and~~
5 ~~in the same amount as the salary provided by law for the position of deputy clerk or~~
6 ~~deputy marshal of such court, respectively, but may hold office by virtue of such~~
7 ~~appointment not longer than 90 days after the adjournment of the next regular session of~~
8 ~~the Legislature. Where the provisions of law applicable to the particular municipal court~~
9 ~~provide for increments of salary after a specified period of service, additional deputies~~
10 ~~employed pursuant to Section 72150 and this section shall receive credit toward such~~
11 ~~increments for service performed pursuant to these sections. No deputy so temporarily~~
12 ~~appointed shall be eligible for reappointment pursuant to this article, unless the increase~~
13 ~~in business of the court or other emergency for which the appointment has been made is~~
14 ~~deemed by the judge or judges to still exist, in either of which case such deputy or~~
15 ~~deputies may receive one reappointment, to be made as in the case of an original~~
16 ~~appointment.~~

17 **Comment.** Section 72151 is repealed to reflect:

18 (1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the
19 California Constitution.

20 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
21 71601(l) (“trial court employee” defined), 71615(c)(5) (trial court as employer of all trial court
22 employees), 71620(a) (job classifications and appointments), 71623 (salaries), 71640-71645
23 (employment selection and advancement).

24 **§ 72190 (amended). Court commissioners**

25 SEC. ____ . Section 72190 of the Government Code is amended to read:

26 72190. Within the jurisdiction of the court and under the direction of the judges,
27 commissioners of municipal courts shall exercise all the powers and perform all of the
28 duties authorized by law to be performed by commissioners of superior courts and such
29 additional powers and duties as may be prescribed by law. At the direction of the judges,
30 commissioners may have the same jurisdiction and exercise the same powers and duties
31 as the judges of the court with respect to any infraction or small claims action. The
32 commissioners of municipal courts shall possess the same qualifications the law requires
33 of a judge and shall hold office during the pleasure of the court appointing them and shall
34 not engage in the private practice of law. They shall be ex officio deputy clerks.

35 Notwithstanding any other provision of law, a commissioner of a municipal court or a
36 justice court of any judicial district in this state who has been duly appointed and has
37 thereafter been retired for service, or a commissioner of a superior court in this state A
38 commissioner who has been duly appointed and has thereafter been retired from service,
39 may be assigned by the presiding judge or sole judge of a municipal court to serve as a
40 court commissioner of the court for any periods of time as he or she is needed for the
41 prompt and efficient discharge of the business of that court. While serving, he or she shall
42 be paid the full compensation of a court commissioner, payable as follows: he or she shall
43 continue to receive his or her retirement allowance, and in addition the county court shall
44 pay him or her the amount equal to the difference between the retirement allowance and
45 full compensation. That employment shall not operate to reinstate him or her as a member
46 of the county retirement system or to terminate or suspend his or her retirement rights or
47 allowance, and no deductions shall be made from his or her compensation as
48 contributions to the retirement system.

1 **Comment.** Section 72190 is amended to reflect unification of the municipal and superior courts
2 pursuant to Article VI, Section 5(e), of the California Constitution. See Section 70214
3 (commissioners and referees).

4 The section is also amended to reflect enactment of the Trial Court Employment Protection and
5 Governance Act. See Section 71622 (subordinate judicial officers).

6 The section is also amended to reflect enactment of the Trial Court Funding Act. See Section
7 77200 (state funding of trial court operations). *Cf.* Section 77003(a)(1) (Judicial Council approval
8 required for commissioner positions created after July 1, 1997).

9 The section is also amended to delete language referring to the sole judge. Every superior court
10 has at least two judgeships as a result of trial court unification. See Section 69580 *et seq.* (number
11 of judges). Where a court has only one judge due to a vacancy or otherwise, the reference to the
12 “presiding judge” means the sole judge of the court. See Section 69508.5 (presiding judge).

13 § 72190.1 (amended). Arraignments

14 SEC. _____. Section 72190.1 of the Government Code is amended to read:

15 72190.1. A commissioner ~~of a municipal court~~ may conduct arraignment proceedings
16 ~~in the court~~ on a complaint if directed to perform those duties by the presiding ~~or sole~~
17 judge of the court, including the issuance and signing of bench warrants.

18 **Comment.** Section 72190.1 is amended to reflect unification of the municipal and superior
19 courts pursuant to Article VI, Section 5(e), of the California Constitution. See Sections 70211
20 (effect of unification on judgeships), 70214 (commissioners and referees).

21 The section is also amended to delete language referring to the sole judge. Every superior court
22 has at least two judgeships as a result of trial court unification. See Section 69580 *et seq.* (number
23 of judges). Where a court has only one judge due to a vacancy or otherwise, the reference to the
24 “presiding judge” means the sole judge of the court. See Section 69508.5 (presiding judge).

25 § 72190.2 (amended). Bench warrants

26 SEC. _____. Section 72190.2 of the Government Code is amended to read:

27 72190.2. If directed to perform such duties by the presiding judge ~~or sole judge of the~~
28 ~~court~~, a commissioner ~~of the municipal court~~ may issue and sign a bench warrant for the
29 arrest of a defendant who fails to appear in court when required to appear by law or who
30 fails to perform any act required by court order.

31 **Comment.** Section 72190.2 is amended to reflect unification of the municipal and superior
32 courts pursuant to Article VI, Section 5(e), of the California Constitution. See Sections 70211
33 (effect of unification on judgeships), 70214 (commissioners and referees).

34 The section is also amended to delete language referring to the sole judge. Every superior court
35 has at least two judgeships as a result of trial court unification. See Section 69580 *et seq.* (number
36 of judges). Where a court has only one judge due to a vacancy or otherwise, the reference to the
37 “presiding judge” means the sole judge of the court. See Section 69508.5 (presiding judge).

38 § 72190.5 (repealed). Authorization of unauthorized positions

39 SEC. _____. Section 72190.5 of the Government Code is repealed.

40 ~~72190.5. All trial court commissioner and referee positions in the municipal courts that~~
41 ~~were funded and filled as of January 1, 1999, and that are not authorized under any other~~
42 ~~section of the Government Code are hereby authorized under this section. This section is~~
43 ~~not intended to replace, modify, or otherwise alter the terms, conditions, or qualifications~~
44 ~~of any existing section pertaining to the appointment of trial court commissioners and~~
45 ~~referees.~~

46 **Comment.** Section 72190.5 is repealed to reflect unification of the municipal and superior
47 courts pursuant to Article VI, Section 5(e), of the California Constitution.

1 The section is also repealed to reflect enactment of the Trial Court Employment Protection and
2 Governance Act. See Section 71622 (subordinate judicial officers).

3 **§ 72191 (repealed). Powers of municipal court jury commissioner**

4 SEC. _____. Section 72191 of the Government Code is repealed.

5 ~~72191. The jury commissioner of a municipal court shall exercise all the powers of the~~
6 ~~jury commissioner of a superior court insofar as they are applicable to municipal courts,~~
7 ~~and in addition without extra compensation may be appointed and serve as a general~~
8 ~~commissioner of the court if he possesses the qualifications prescribed therefor.~~

9 **Comment.** Section 72191 is repealed to reflect:

10 (1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the
11 California Constitution. See Section 70214 (commissioners and referees) and Code Civ. Proc. §
12 195 (superior court jury commissioners).

13 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
14 71620(a) (job classifications and appointments), 71622 (subordinate judicial officers), 71624
15 (retirement plans), 71640-71645 (employment selection and advancement), 71650-71658
16 (employment protection system).

17 **§ 72192 (repealed). Appointment of commissioner or jury commissioner**

18 SEC. _____. Section 72192 of the Government Code is repealed.

19 ~~72192. Whenever the appointment of a commissioner or jury commissioner is~~
20 ~~authorized by law, he shall be appointed by and hold office at the pleasure of a majority~~
21 ~~of the judges or the judge senior in service when there is an equal division of the judges.~~
22 ~~He shall be a member of any retirement system which includes municipal court attaches.~~

23 **Comment.** Section 72192 is repealed to reflect:

24 (1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the
25 California Constitution. See Section 70214 (commissioners and referees) and Code Civ. Proc. §
26 195 (superior court jury commissioners).

27 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
28 71620(a) (job classifications and appointments), 71622 (subordinate judicial officers), 71624
29 (retirement plans), 71640-71645 (employment selection and advancement), 71650-71658
30 (employment protection system).

31 **§ 72194 (repealed). Municipal court reporters**

32 SEC. _____. Section 72194 of the Government Code is repealed.

33 ~~72194. By order entered upon the minutes of the court, a majority of the judges of the~~
34 ~~municipal court may appoint as many competent phonographic reporters as the business~~
35 ~~of the court requires, to be known as official reporters of such court. The official reporters~~
36 ~~shall hold office during the pleasure of the judges of such court.~~

37 **Comment.** Section 72194 is repealed to reflect unification of the municipal and superior courts
38 pursuant to Article VI, Section 5(e), of the California Constitution. See Section 69941
39 (appointment of official reporters).

40 **§ 72194.5 (amended). Use of electronic equipment**

41 SEC. _____. Section 72194.5 of the Government Code is amended to read:

42 72194.5. Whenever an official court reporter or a temporary court reporter reporter or
43 an official reporter pro tempore is unavailable to report an action or proceeding in a court,
44 subject to the availability of approved equipment and equipment monitors, the court may
45 order that, in a limited civil case, or a misdemeanor or infraction case, the action or

1 proceeding be electronically recorded, including all the testimony, the objections made,
2 the ruling of the court, the exceptions taken, all arraignments, pleas, and sentences of
3 defendants in criminal cases, the arguments of the attorneys to the jury, and all statements
4 and remarks made and oral instructions given by the judge. ~~The court shall assign~~
5 ~~available reporters first to report preliminary hearings, and then to other proceedings.~~ A
6 transcript derived from an electronic recording may be utilized whenever a transcript of
7 court proceedings is required. The electronic recording device and appurtenant equipment
8 shall be of a type approved by the Judicial Council for courtroom use.

9 **Comment.** Section 72194.5 is amended to reflect unification of the municipal and superior
10 courts pursuant to Article VI, Section 5(e), of the California Constitution.

11 The section is also amended for consistency of terminology. See, e.g., Section 69941
12 (appointment of official reporters).

13  **Note.** This provision may be relocated among other provisions relating to official reporters.

14 **§ 72195 (repealed). Municipal court reporters**

15 SEC. _____. Section 72195 of the Government Code is repealed.

16 ~~72195. Sections 69942 to 69955, inclusive, of this code and Section 273 of the Code of~~
17 ~~Civil Procedure are hereby made applicable to the qualifications, duties, official oath,~~
18 ~~certification of transcripts, fees, and notes of official reporters of municipal courts, except~~
19 ~~that the fee for reporting testimony and proceedings in contested cases, except for official~~
20 ~~reporters of municipal courts where a statute provides otherwise, is fifty-five dollars~~
21 ~~(\$55) a day, or any fractional part thereof.~~

22 **Comment.** Section 72195 is repealed to reflect unification of the municipal and superior courts
23 pursuant to Article VI, Section 5(e), of the California Constitution. See Section 69941 *et seq.*
24 (official reporters generally).

25 **§ 72196 (repealed). Assignment to municipal court**

26 SEC. _____. Section 72196 of the Government Code is repealed.

27 ~~72196. Whenever the business of the court requires, the presiding or sole judge of the~~
28 ~~municipal court may request the services of one or more official reporters of the superior~~
29 ~~court within the same county to act as pro tempore phonographic reporter of the~~
30 ~~municipal court in criminal cases. Any such request shall be addressed to the presiding~~
31 ~~judge of the superior court. Such request shall be granted or denied in the manner and~~
32 ~~subject to the provisions set forth in Article 9 (commencing with Section 69941) of~~
33 ~~Chapter 5 of Title 8 of this code.~~

34 **Comment.** Section 72196 is repealed to reflect unification of the municipal and superior courts
35 pursuant to Article VI, Section 5(e), of the California Constitution.

36 **§ 72197 (repealed). Duties on assignment to municipal court**

37 SEC. _____. Section 72197 of the Government Code is repealed.

38 ~~72197. Whenever such request has been granted and any official reporter of the~~
39 ~~superior court has been assigned to act as a pro tempore phonographic reporter of the~~
40 ~~municipal court, such reporter shall, during the period of such assignment to the~~
41 ~~municipal court, perform the duties of an official reporter of such municipal court and~~
42 ~~during the time of any such assignment such reporter shall be subject to the provisions of~~
43 ~~Sections 69942 to 69955, inclusive, and Sections 273 and 274e of the Code of Civil~~
44 ~~Procedure.~~

1 **Comment.** Section 72197 is repealed to reflect unification of the municipal and superior courts
2 pursuant to Article VI, Section 5(e), of the California Constitution.

3 **§ 72198 (repealed). Compensation on assignment to municipal court**

4 SEC. ____. Section 72198 of the Government Code is repealed.

5 ~~72198. In any county in which the official reporter of the superior court receives an~~
6 ~~annual salary fixed by law no additional compensation shall be paid to such reporter for~~
7 ~~any service rendered by the reporter while assigned to the municipal court; provided,~~
8 ~~however, that any official reporter of the superior court assigned to a municipal court~~
9 ~~situated at a place other than the situs of the superior court in which said reporter~~
10 ~~regularly serves shall receive mileage from said superior court to the municipal court to~~
11 ~~which the reporter has been assigned, and return, for each day, or fraction thereof, during~~
12 ~~which said superior court reporter serves in the municipal court; the rate for mileage so~~
13 ~~allowed shall be that fixed and paid to county employees generally.~~

14 **Comment.** Section 72198 is repealed to reflect unification of the municipal and superior courts
15 pursuant to Article VI, Section 5(e), of the California Constitution.

16 **§ 72199 (repealed). Daily transcript requiring more than one reporter**

17 SEC. ____. Section 72199 of the Government Code is repealed.

18 ~~72199. Notwithstanding any other provision of law, whenever a daily transcript is~~
19 ~~ordered in a civil case requiring the services of more than one phonographic reporter, the~~
20 ~~party requesting the daily transcript, in addition to any other required fee, shall pay a fee~~
21 ~~per day, or portion thereof, equal to the per diem rate for pro tempore reporters~~
22 ~~established by statute, local rule, or ordinance for the services of each additional reporter~~
23 ~~for the first day and each subsequent day the additional reporters are required.~~

24 **Comment.** Section 72199 is repealed to reflect unification of the municipal and superior courts
25 pursuant to Article VI, Section 5(e), of the California Constitution. See Section 69953.5 (daily
26 transcript requiring more than one reporter).

27 **§§ 72230-72232 (repealed). Witness and juror fees**

28 SEC. ____. Article 6 (commencing with Section 72230) of Chapter 8 of Title 8 of the
29 Government Code is repealed.

30 **Comment.** Sections 72230-72232 are repealed to reflect unification of the municipal and
31 superior courts pursuant to Article VI, Section 5(e), of the California Constitution. For witness
32 and juror fees in superior court, see Sections 29603 (payments to jurors and witnesses), 68093
33 (witness fees), 68098 (witness fees in criminal cases).

34  **Note.** The text of the repealed article is set out below.

35 **Article 6. Witnesses' and Jurors' Fees**

36 72230. Except as otherwise provided by law, witnesses in municipal courts shall be paid the
37 fees provided to be paid to witnesses in the superior court in the county or city and county in
38 which the municipal court is situated.

39 72232. Witnesses and jurors in criminal cases shall be paid by the county in the manner
40 provided for the payment of such fees in the county or city and county in which any such
41 municipal court is situated.

1 **§§ 72270-72274 (repealed). Departments**

2 SEC. ___. Article 7 (commencing with Section 72270) of Chapter 8 of Title 8 of the
3 Government Code is repealed.

4 **Comment.** Sections 72270-72274 are repealed to reflect unification of the municipal and
5 superior courts pursuant to Article VI, Section 5(e), of the California Constitution. For provisions
6 governing the selection and duties of the presiding judge in superior court, see Sections 69508,
7 69508.5.

8 ☞ **Note.** The text of the repealed article is set out below.

9 **Article 7. Departments**

10 72270. The municipal court shall be divided into as many departments as there are judges of the
11 court.

12 72271. Annually the judges shall choose from their number a presiding judge. The presiding
13 judge may be removed at any time and another chosen in his place by a majority vote of the
14 judges of the court.

15 72271.5. In courts with two judges a presiding judge shall be selected by the judges each
16 calendar year and the selection should be on the basis of administrative qualifications and interest.
17 If a selection cannot be agreed upon, then the office of presiding judge shall be rotated each
18 calendar year between the two judges, commencing with the senior judge. If the judges are of
19 equal seniority, the first presiding judge shall be selected by lot.

20 72272. The presiding judge shall assign the judges to their respective departments. Any judge
21 may preside in any department in case of the absence or inability to act of the judge of such
22 department.

23 72273. In the absence or inability to act of the presiding judge, the remaining judges may select
24 one of their number to act as presiding judge during such absence or inability. His official acts
25 during such time shall have the same effect as though done by the presiding judge.

26 72274. Subject to the regulations of the Judicial Council, the presiding judge shall apportion the
27 business of the court among the several departments and transfer cases from one department to
28 another if necessary or convenient to facilitate the dispatch of the business of the court.

29 **§ 72301 (amended). Bail**

30 SEC. ___. Section 72301 of the Government Code is amended to read:

31 72301. The clerk of the ~~municipal court or superior court in a county in which there is~~
32 ~~no municipal court~~ or one or more deputy clerks, the sheriff or one or more deputy
33 sheriffs, or one or more city police officers shall be in attendance at all hours of the day
34 and night, including Sundays and holidays, and may fix and accept bail pursuant to
35 procedures established by the court for the appearance before the court of any defendant
36 charged in the court ~~with an offense of which the court has jurisdiction~~ or whenever a
37 defendant has been arrested and booked within the territorial limits of said judicial district
38 county for having committed a misdemeanor. The amount of bail shall be pursuant to a
39 schedule of bail in such cases previously fixed and approved by the judges of the court at
40 their annual meeting. If a warrant has been issued for the arrest of the defendant, the bail
41 shall be in the amount fixed in the warrant. The bail shall be cash, negotiable United

1 States Treasury bonds, or a surety bond executed by a certified, admitted surety insurer as
2 provided in the Insurance Code.

3 **Comment.** Section 72301 is amended to reflect unification of the municipal and superior courts
4 pursuant to Article VI, Section 5(e), of the California Constitution. See Code Civ. Proc. § 38
5 (judicial districts).

6 **§ 72400 (repealed). Traffic referees**

7 SEC. _____. Section 72400 of the Government Code is repealed.

8 ~~72400. The judges of a municipal court having three or more judges may appoint one~~
9 ~~traffic referee, who shall hold office at the pleasure of the judges. The judges of a~~
10 ~~municipal court having more than 20 judges and located in a county containing a~~
11 ~~population, as determined by the 1970 federal decennial census, of 1,300,000 and under~~
12 ~~1,400,000, may appoint two traffic referees, who shall hold office at the pleasure of the~~
13 ~~judges. A traffic referee shall serve his court full time or, if appointed to serve two or~~
14 ~~more courts, sufficient time with each to total full time. A person is ineligible to be a~~
15 ~~traffic referee unless he is a member of the State Bar of California or has had five years'~~
16 ~~experience as a justice court judge in this state within the eight years immediately~~
17 ~~preceding his appointment as a traffic referee.~~

18 **Comment.** Section 72400 is repealed to reflect unification of the municipal and superior courts
19 pursuant to Article VI, Section 5(e), of the California Constitution.

20 The section is also repealed to reflect enactment of the Trial Court Employment Protection and
21 Governance Act. See Sections 71615(c)(1) (preservation of employees' job classifications),
22 71622 (subordinate judicial officers).

23 ☞ **Note.** The provision of Section 72400 referencing a county with a population of 1,300,000
24 and under 1,400,000, as determined by the 1970 federal census, applies to San Diego County.

25 **§ 72403 (amended). Powers and duties**

26 SEC. _____. Section 72403 of the Government Code is amended to read:

27 72403. The traffic referee shall have the power of a deputy clerk of the court, and shall
28 perform such other duties as may be assigned to him by the court, and shall be a member
29 of any retirement system which includes the attaches of the court. In addition if he
30 possesses the qualifications prescribed by law for such office he may be appointed and
31 serve as a commissioner of the court and receive the monthly salary provided by law for a
32 commissioner of the court.

33 **Comment.** Section 72403 is amended to reflect enactment of the Trial Court Employment
34 Protection and Governance Act. See Section 71612 (existing terms of employment not affected),
35 71622 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71629 (trial
36 court employment benefits not affected).

37 ☞ **Note.** The staff is researching the following matter, which will be dealt with separately:
38 Deputy clerks

39 **§ 72404 (repealed). Salary**

40 SEC. _____. Section 72404 of the Government Code is repealed.

41 ~~72404. Unless otherwise provided by statute the traffic referee shall receive a salary~~
42 ~~equal to 50 percent of the salary of a judge of the municipal court.~~

1 **Comment.** Section 72404 is repealed to reflect unification of the municipal and superior courts
2 pursuant to Article VI, Section 5(e), of the California Constitution.

3 The section is also repealed to reflect enactment of the Trial Court Employment Protection and
4 Governance Act. See Section 71622 (subordinate judicial officers).

5 **§ 72405 (repealed). Cross assignment of commissioner**

6 SEC. _____. Section 72405 of the Government Code is repealed.

7 ~~72405. Any commissioner of the court having the qualifications prescribed in this~~
8 ~~article for a traffic referee or those prescribed in Section 72190 for commissioners may at~~
9 ~~the direction of the court exercise any of the powers which a traffic referee may exercise.~~

10 **Comment.** Section 72405 is repealed to reflect enactment of the Trial Court Employment
11 Protection and Governance Act. See Section 71622 (subordinate judicial officers).

12 **§ 72406 (repealed). Grandfather clause**

13 SEC. _____. Section 72406 of the Government Code is repealed.

14 ~~72406. Notwithstanding the provisions of Section 72400 any person who was~~
15 ~~performing duties substantially comparable to those set forth in this article on the~~
16 ~~effective date of this article and who has performed such duties for a period of at least~~
17 ~~one year prior to July 1, 1969, shall be eligible for appointment to the position of traffic~~
18 ~~referee and shall receive a salary equal to 65 percent of the salary of a judge of the~~
19 ~~municipal court.~~

20 **Comment.** Section 72406 is repealed to reflect unification of the municipal and superior courts
21 pursuant to Article VI, Section 5(e), of the California Constitution.

22 The section is also repealed to reflect enactment of the Trial Court Employment Protection and
23 Governance Act. See Section 71622 (subordinate judicial officers).

24 **§ 72407 (unchanged). Retired annuitants**

25 72407. Notwithstanding any other provision of law, a traffic referee in any county with
26 a population of 3,000,000 or more who has been duly appointed and has thereafter been
27 retired for service, may be assigned by the presiding judge of a court to serve as a traffic
28 referee of the court for such periods as he is needed for the prompt and efficient discharge
29 of the business of that court. While so serving, he shall be paid the full compensation of a
30 traffic referee, payable as follows: He shall continue to receive his retirement allowance,
31 and in addition the county shall pay him the amount equal to the difference between such
32 retirement allowance and such full compensation. Such employment shall not operate to
33 reinstate him as a member of the county retirement system or to terminate or suspend his
34 retirement rights or allowance, and no deductions shall be made from his compensation
35 as contributions to the retirement system.

36  **Note.** The staff is researching whether Section 72407 (and other sections relating to retired
37 annuitants) should be preserved. The Commission solicits comments on this issue and whether
38 these sections are superseded by provisions of the individual retirement plans, the Trial Court
39 Funding Act, the Trial Court Employment Protection and Governance Act, and other changes to
40 the structure of the trial courts.

41 **§ 72408 (repealed). Santa Barbara County**

42 SEC. _____. Section 72408 of the Government Code is repealed.

1 ~~72408. (a) Notwithstanding Section 72400, in Santa Barbara County, upon adoption of~~
2 ~~a resolution described in subdivision (b) by the board of supervisors, the judges of the~~
3 ~~municipal court may appoint a traffic referee or a hearing officer who may hear traffic~~
4 ~~matters and exercise the powers of a traffic referee. Either the traffic referee or the~~
5 ~~hearing officer shall hold office at the pleasure of the judges of the municipal court.~~

6 ~~(b) The county shall be bound by, and the resolution adopted by the board of~~
7 ~~supervisors shall specifically recognize, the following conditions:~~

8 ~~(1) The county has sufficient funds for the support of either position and any staff who~~
9 ~~will provide direct support to the position, agrees to assume any additional costs that may~~
10 ~~result therefrom, and agrees that no state funds shall be made available, or shall be used,~~
11 ~~in support of this position or any staff who provide direct support to this position.~~

12 ~~(2) Neither the traffic referee nor the hearing officer shall be deemed a judicial position~~
13 ~~for purposes of calculating trial court funding pursuant to Section 77202.~~

14 ~~(3) The salary for either position and for any staff who provide direct support to the~~
15 ~~position shall not be considered as part of court operations for purposes of Sections~~
16 ~~77003 and 77204.~~

17 ~~(4) The county agrees not to seek funding from the state for payment of the salary,~~
18 ~~benefits, or other compensation for such a referee or hearing officer or for any staff who~~
19 ~~provide direct support to the position.~~

20 **Comment.** Section 72408 is repealed to reflect enactment of the Trial Court Employment
21 Protection and Governance Act. See Sections 71615(c)(1) (preservation of employees' job
22 classifications), 71622 (subordinate judicial officers).

23 **§ 72450 (repealed). Traffic trial commissioners**

24 SEC. ____ Article 10 (commencing with Section 72450) of Chapter 8 of Title 8 of the
25 Government Code is repealed.

26 **Comment.** Section 72450 is repealed to reflect:

27 (1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the
28 California Constitution. See Section 70212 (transitional provisions).

29 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
30 71622 (subordinate judicial officers), 71623 (salaries).

31 (3) Enactment of the Trial Court Funding Act. See Section 77200 (state funding of trial court
32 operations).

33  **Notes.** The staff is researching the following matter, which will be dealt with separately:
34 Ethics (private practice of law).

35 The text of the repealed article is set out below.

36 Article 10. Traffic Trial Commissioners

37 72450. A municipal court, if the board of supervisors finds there are sufficient funds for the
38 position, may appoint a traffic trial commissioner to serve, at the pleasure of the court. The traffic
39 trial commissioner shall be selected from a list of qualified applicants openly recruited after
40 advertisement for the position in a newspaper of general circulation pursuant to Sections 6000
41 and 6061.3. A traffic trial commissioner shall serve full time but may be appointed to serve two
42 or more courts. Each traffic trial commissioner shall have the qualifications of a judge of the
43 municipal court and shall not engage in the private practice of law. A traffic trial commissioner
44 may exercise all the powers and perform all the duties authorized by law to be performed by
45 commissioners of municipal courts. Unless otherwise expressly provided by law, a traffic trial
46 commissioner shall receive the same salary provided by law for municipal court commissioners in

1 the county. In a county where there is no salary established for a municipal court commissioner, a
2 traffic trial commissioner shall receive a salary of not less than 75 percent of that paid to a judge
3 of the municipal court.

4 **§§ 72600-72784 (repealed). Los Angeles County municipal court districts**

5 SEC. ____ Chapter 9 (commencing with Section 72600) of Title 8 of the Government
6 Code is repealed.

7 **Comment.** Sections 72600-72784 are repealed to reflect:

8 (1) Unification of the municipal and superior courts in Los Angeles County pursuant to Article
9 VI, Section 5(e), of the California Constitution, effective January 22, 2000. See Sections 70211
10 (former municipal court judgeships continued as superior court judgeships), 70212 (transitional
11 provisions). See also Code Civ. Proc. §§ 38 (judicial districts), 190 *et seq.* (jury selection);
12 Sections 68070 (local rules of court), 69508 (presiding judge), 69586 (number of judges in Los
13 Angeles County); Cal. R. Ct. 6.603 (authority and duties of presiding judge). *Cf.* Section 71042.5
14 (preservation of judicial districts for purposes of publication).

15 (2) Elimination of the marshal’s office as a result of consolidation with the sheriff’s office in
16 Los Angeles County, effective _____. See Sections 26639-26639.4 (sheriff-marshall
17 consolidation). See also Sections 26726 (fees for sheriff keeping property under attachment,
18 execution, or claim and delivery), 77212.5(a) (agreement with sheriff’s department regarding
19 court security services).

20 (3) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
21 71612 (existing terms of employment not affected), 71615(c)(1) (preservation of employees’ job
22 classifications), 71620 (trial court personnel), 71622 (subordinate judicial officers), 71623
23 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
24 compensation plan benefits), 71629 (trial court employment benefits not affected), 71630-
25 71639.3 (labor relations), 71640-71645 (employment selection and advancement), 71650-71658
26 (employment protection system), 71673 (authority of court). See also Sections 68086 (fees for
27 reporting services), 69941 (appointment of official reporters), 69947 (compensation of official
28 reporter).

29 (4) Enactment of the Trial Court Funding Act. See Sections 77001 (local trial court
30 management), 77003 (“court operations” defined), 77009 (Trial Court Operations Fund), 77200
31 (state funding of trial court operations). See also Section 69952 (payment from Trial Court
32 Operations Fund).

33  **Note.** The text of the repealed chapter is set out below.

34 **Chapter 9. Municipal Court Districts in Los Angeles County**

35 **Article 1. General Provisions**

36 72600. When an annual salary is prescribed in this chapter, the salary is payable in equal
37 monthly installments.

38 72602. Each of the Los Angeles County municipal courts established in judicial districts shall
39 have the number of judges set out below opposite the name of the judicial district over which
40 such court has jurisdiction:

41	Whittier Municipal Court District.....	3
42	San Antonio Municipal Court District.....	3
43	East Los Angeles Municipal Court District	3
44	Inglewood Municipal Court District.....	3

1	South Bay Municipal Court District.	5
2	Compton Municipal Court District.	6
3	Downey Municipal Court District	2
4	Los Angeles Municipal Court District	64
5	Santa Anita Municipal Court District.	1
6	Alhambra Municipal Court District	3
7	Los Cerritos Municipal Court District	2
8	Long Beach Municipal Court District.....	5
9	Beverly Hills Municipal Court District.....	3
10	Santa Monica Municipal Court District.....	3
11	Burbank Municipal Court District	2
12	Glendale Municipal Court District.....	2
13	Pasadena Municipal Court District.	4
14	Rio Hondo Municipal Court District	4
15	Pomona Municipal Court District.....	3
16	South Gate Municipal Court District	1
17	Citrus Judicial District	4
18	Antelope Municipal Court District.	1
19	Culver Municipal Court District.	2
20	Newhall Municipal Court District	2
21	Malibu Municipal Court District.....	1

22 72602.1. In addition to the number of judges prescribed by Section 72602, there shall be two
23 additional judges for the Long Beach Municipal Court District; provided, that at such time as the
24 Los Angeles County Board of Supervisors finds there are sufficient funds for a total of up to five
25 additional judges for the Long Beach Municipal Court District and adopts a resolution or
26 resolutions to that effect, there shall be a total of five additional judges for the Long Beach
27 Municipal Court District.

28 72602.2. In addition to the number of judges prescribed by Section 72602, there shall be two
29 judges for the Downey Municipal Court District. However, at such time as the Los Angeles
30 County Board of Supervisors finds there are sufficient funds for one additional judge for the
31 Downey Municipal Court District and adopts a resolution to that effect, there shall be three judges
32 for the Downey Municipal Court District in addition to the number prescribed by Section 72602.

33 72602.3. In addition to the number of judges prescribed by Section 72602, there shall be one
34 additional judge for the South Bay Municipal Court District. However, at such time as the Los
35 Angeles County Board of Supervisors finds there are sufficient funds for up to three additional
36 judges for the South Bay Municipal Court District and adopts a resolution to that effect, there
37 shall be up to three additional judges for the South Bay Municipal Court District.

38 72602.4. In addition to the number of judges prescribed in Section 72602, at such time as the
39 Los Angeles County Board of Supervisors finds there are sufficient funds for any number of
40 additional judges up to a total number of 24 for the Los Angeles Municipal Court District and
41 adopts a resolution or resolutions to that effect, there shall be those additional judges in the Los
42 Angeles Municipal Court District.

43 72602.5. (a) In addition to the number of judges specified in Section 72602, there are two
44 judges for the Antelope Municipal Court District. However, at such time as the Los Angeles
45 County Board of Supervisors finds there are sufficient funds for an additional judge for the

1 Antelope Municipal Court District and adopts a resolution or resolutions to that effect, there shall
2 be an additional judges for the Antelope Municipal Court District.

3 72602.6. (a) In addition to the number of judges prescribed by Section 72602, at any time as the
4 Los Angeles County Board of Supervisors finds there are sufficient funds for one additional judge
5 for the Glendale Municipal Court District and adopts a resolution to that effect, there shall be one
6 additional judge for the Glendale Municipal Court District.

7 (b) In addition to the number of judges prescribed by Section 72602.5, at any time as the Los
8 Angeles County Board of Supervisors finds there are sufficient funds for one additional judge for
9 the Antelope Municipal Court District and adopts a resolution to that effect, there shall be one
10 additional judge for the Antelope Municipal Court District.

11 72602.7. In addition to the number of judges prescribed by Section 72602, there shall be one
12 judge in the Los Cerritos Municipal Court District.

13 72602.9. Notwithstanding any other provision of law, there shall be seven judges in the Citrus
14 Judicial District; provided that at such time as the Los Angeles County Board of Supervisors finds
15 there are sufficient funds for one additional judge for that district and adopts a resolution to that
16 effect, there shall be eight judges in the Citrus Judicial District; and further provided that,
17 following the appointment of an eighth judge, there shall be no more than one court
18 commissioner in the Citrus Judicial District unless and until the Los Angeles County Board of
19 Supervisors finds that there are sufficient funds for a second court commissioner for that district
20 and adopts a resolution to that effect, at which time there shall be two court commissioners in the
21 Citrus Judicial District.

22 72602.11. Notwithstanding any other provision of law, there shall be four judges in the
23 Whittier Municipal Court District.

24 72602.12. (a) In addition to the number of judges specified in Section 72602, there shall be one
25 additional judge in the East Los Angeles Municipal Court District. However, at such time as the
26 Los Angeles County Board of Supervisors finds there are sufficient funds for an additional judge
27 for the East Los Angeles Municipal Court District and adopts a resolution to that effect, there
28 shall be an additional judge for the East Los Angeles Municipal Court District.

29 (b) The judges of the East Los Angeles Municipal Court District may appoint one special
30 assistant, East Los Angeles Municipal Court, who shall be entitled to the same benefits as, and
31 receive a monthly salary at the same rate specified for, the clerk-administrative officer of such
32 court.

33 72602.13. In addition to the number of judges prescribed by Section 72602, there shall be three
34 additional judges for the Inglewood Municipal Court District.

35 72602.14. In addition to the number of judges prescribed by Section 72602, at such time as the
36 Los Angeles County Board of Supervisors finds there are sufficient funds for one additional judge
37 for the Newhall Municipal Court District and adopts a resolution to that effect, there shall be one
38 additional judge for the Newhall Municipal Court District.

39 72602.15. Notwithstanding Section 72602, the San Antonio Municipal Court District and South
40 Gate Municipal Court District are consolidated into the Southeast Municipal Court District which
41 shall have five judges.

42 The officers and attaches of the San Antonio Municipal Court District and the South Gate
43 Municipal Court District employed by those districts on the operative date of this section shall be

1 the officers and attaches of the Southeast Municipal Court District with all of the rights and
2 benefits to which they were entitled as employees of those districts.

3 72602.20. In addition to the number of judges prescribed in Section 72602, at such time as the
4 Los Angeles County Board of Supervisors finds there are sufficient funds for up to three
5 additional judges for the Compton Municipal Court District and adopts a resolution or resolutions
6 to that effect, there shall be a total of up to three additional judges for the Compton Municipal
7 Court District. Following the appointment of the first additional judge there shall be only 2.6
8 court commissioners in the district, following the appointment of the second additional judge
9 there shall be only 1.6 court commissioners in the district. The part-time commissioner in the
10 Compton Municipal Court District shall be compensated at six-tenths of that received by a
11 commissioner, unless and until the Los Angeles County Board of Supervisors finds that there are
12 sufficient funds for up to three additional court commissioners for that district and adopts a
13 resolution or resolutions to that effect, at which time there shall be such additional number of
14 court commissioners as stated in the resolution or resolutions for the Compton Municipal Court
15 District.

16 72604. Notwithstanding Article 9 (commencing with Section 69941) of Chapter 5, or any other
17 provision of law in conflict with this section, in each municipal court district in counties having a
18 population of 2,000,000 inhabitants, or over, as determined by the 1970 federal census, except in
19 municipal court districts where a statute provides otherwise, the official reporter and official
20 reporters pro tempore in those districts governed by this section shall receive for their services the
21 same per diem fee paid to official court reporters pro tempore of the Superior Court of Los
22 Angeles County. All other fees of these reporters for transcription shall be as provided in Article
23 9 (commencing with Section 69941) of Chapter 5.

24 72604.1. Notwithstanding Section 72604, there shall be an official reporter in the Antelope
25 Municipal Court District who shall be an attache of the court. In lieu of any other compensation
26 provided by law for his services in reporting testimony and proceedings in the court, the official
27 reporter shall receive a monthly salary equal to that provided by law for official reporters of the
28 Los Angeles Municipal Court District.

29 72605. In all municipal courts in a county with a population of 2,000,000 or over, the names of
30 prospective jurors shall be determined by the application of a suitable "key number" to the
31 precinct lists of registered voters within the respective judicial districts. Prospective jurors in such
32 courts shall be given a uniform examination and when found to be qualified shall be given a
33 uniform instruction pamphlet. Such examination and pamphlet shall be prepared by the judges of
34 such courts, acting as an aggregate official body.

35 72606. Any person who leaves a position enumerated in Articles 2, 3, or 4 of Chapter 9 who
36 immediately prior to such separation, shall have occupied such position for one year or more,
37 shall be allowed a leaving vacation consisting of the number of days earned during the current
38 year and the number of days earned but not taken in the previous year, or may be allowed an
39 equivalent lump sum payment for such earned vacation in lieu of retaining such person on the
40 payroll. Such person may not be reemployed in any position the compensation for which is an
41 obligation of the County of Los Angeles until the number of days for which he has been paid has
42 elapsed.

43 72606.1. Any person occupying a position set forth in Articles 2, 3, or 4 of Chapter 9, which
44 position is subject to the salary adjustment provisions of either Section 72608 or 72704.5, shall be
45 entitled to the same compensatory leaves of absence with pay for overtime service as are provided
46 for an employee of the County of Los Angeles holding a position of equivalent classification. In

1 lieu of such leave of absence such municipal court employee may, and, under the same conditions
2 as such county employee, shall, be paid as extra compensation a percentage of his normal salary
3 equal to the percentage of normal salary payable to such county employee as extra compensation
4 for overtime service in lieu of leave of absence with pay.

5 72606.2. Persons appointed to positions enumerated in Articles 2, 3, or 4 of Chapter 9 shall be
6 entitled to the same credit for any period of prior employment by the County of Los Angeles as is
7 allowable for an equal period of prior service in a court position of similar classification.

8 72607. Notwithstanding the numbers and classifications of court officers and attaches specified
9 in Articles 1.5 (commencing with Section 72620), 1.6 (commencing with Section 72630), 2
10 (commencing with Section 72640), 3 (commencing with Section 72700), and 4 (commencing
11 with Section 72750), the judges of a municipal court in a county having a population of 3,000,000
12 or over, with the approval of the board of supervisors, may appoint and employ additional
13 commissioners, officers, and attaches that are necessary to the performance of duties and exercise
14 of powers within the jurisdiction of the court. The compensation of these appointees shall be as
15 provided in that chapter for the same position, or, where not so provided, as may be established
16 by the judges with the approval of the board of supervisors.

17 The majority of municipal court judges in the county, with the approval of the board of
18 supervisors, may authorize the marshal, and the judges of any municipal court in that county, with
19 that approval, may authorize the clerk of the court, to adjust rates of compensation, to appoint
20 additional deputies in any classifications that may be required for the prompt and faithful
21 discharge of the duties of the respective offices. Deputies so appointed shall receive the respective
22 rates of pay provided for existing classifications, or, if there be no existing classification for
23 which a pay rate has been established, then they shall receive the rates of pay as shall be
24 established by the judges authorizing the appointments and approved by the board of supervisors.

25 Appointments and adjustments made pursuant to this section shall be on an interim basis and
26 shall expire 90 days after the adjournment of the next regular session of the Legislature unless
27 ratified at such session. It is the intention of the Legislature that this section be cumulative to, and
28 not in abrogation of, other provisions of law governing the additional or emergency appointment
29 of deputy clerks and deputy marshals.

30 72608. Certain classes of positions prescribed in Article 1.5 (commencing with Section 72620),
31 Article 1.6 (commencing with Section 72630), Article 2 (commencing with Section 72640),
32 Article 3 (commencing with Section 72700), and Article 4 (commencing with Section 72750) are
33 deemed to be related in job and compensation to position classifications included in the Los
34 Angeles County Code, and in the case of certain classes of positions, to the administrative series
35 included in Section 69894.1. In order to maintain the relationship of compensation and employee
36 rights and benefits between officers and attaches of municipal courts and county or superior court
37 employees having commensurate duties and responsibilities and to provide appropriate salary
38 adjustments and employee rights and benefits for related classes of court positions, this section
39 shall govern salary adjustments and employee rights and benefits for officers and attaches of
40 municipal courts in Los Angeles County.

41 On the effective date of any amendment to the Los Angeles County Code adjusting the salary
42 of a county employee classification listed in the table of positions set forth in this section, or on
43 the effective date of a resolution or ordinance by the board of supervisors approving interim
44 salary adjustments for superior court classes pursuant to Section 69894.2, the salary of the related
45 municipal court position listed opposite thereto shall be adjusted an equivalent number of
46 schedules or steps in a schedule in the salary schedule to which that position is attached. If the
47 level of compensation established by any salary adjustment is not reflected in the salary schedule

1 number provided for any court classification, the adjustment shall apply to each position in the
2 classification on the effective date of the act fixing the salary schedule number. Classes of
3 positions in the Management Appraisal and Performance Plan shall be compensated and adjusted
4 in accordance with provisions approved by the board of supervisors.

5 Likewise, the salary of any court classification being enumerated in Article 1.5 (commencing
6 with Section 72620), Article 1.6 (commencing with Section 72630), Article 2 (commencing with
7 Section 72640), Article 3 (commencing with Section 72700), or Article 4 (commencing with
8 Section 72750) for the first time as an amendment to this chapter shall be adjusted as necessary
9 on the effective date of that amendment to provide the same relationship to the county
10 classification to which it is attached as that established when the court classification was
11 approved in accordance with Section 72607.

12  **Note.** To conserve resources, the table of positions has not been reproduced.

13 All classes of positions approved by a majority of the judges of the municipal court and the
14 board of supervisors for inclusion in the Los Angeles County Management Appraisal and
15 Performance (MAP) Plan will be compensated in accordance with this plan as set forth in Part 3,
16 Chapter 6.08, of the Los Angeles County Code. All of these provisions are applicable to
17 participants in the marshal's department, except that for the marshal, the appointing authority is
18 the municipal court judges of Los Angeles County, and for all other participants in the marshal's
19 department, the appointing authority is the marshal. For purposes of MAP Plan administration
20 only, the appointing authority for the court administrator, Los Angeles Judicial District, is the
21 court's executive board. The court administrator is the appointing authority for all other
22 participants in the Los Angeles Judicial District.

23 The presiding judge, the immediate past presiding judge (if still a member of the Los Angeles
24 Municipal Court) and the assistant presiding judge will confer with the court administrator to
25 establish new performance goals and evaluate the completion of previously established goals;
26 these judges will then rate the court administrator's performance using the MAP Plan rating
27 categories established in the county code. The presiding judge shall present this rating to the
28 executive board for ratification at its October meeting. In the event the executive board does not
29 act upon the rating, that rating will stand. In the event a rating is not completed, the court
30 administrator's rating is deemed to be "merit performance." Adjustments to the court
31 administrator's salary will be in accordance with Part 3, Chapter 6.08, of the Los Angeles County
32 Code.

33 Any existing special pay provision applicable to court classes included in MAP Plan and which
34 is expressed in terms of additional schedules of compensation will be converted to a percentage
35 basis in accordance with the county's plan which equates each schedule with 2.75 percent.

36 Salary adjustments made pursuant to this section shall be on an interim basis and shall expire
37 90 days after the adjournment of the next regular session of the Legislature unless ratified at such
38 session.

39 Officers and attaches of municipal courts in Los Angeles County shall be entitled to all
40 employee rights, programs and benefits, including, but not limited to, paid medical plans,
41 management incentive, management appraisal and performance plan, deferred compensation
42 plans, flexible benefit plans, and early separation programs, parking and cafeteria privileges,
43 longevity pay, shooting allowance, uniform and equipment allowance, and the same rights to
44 meet with those entities which prescribe their compensation, that are provided for or made
45 applicable to the related Los Angeles County and superior court employee classification.
46 Participation in management incentive early separation programs and management appraisal and
47 performance plan shall be established by joint action and approval of a majority of the board of

1 supervisors and a majority of the judges of the court, except in the Los Angeles Judicial District
2 where joint action shall be approved by a majority of the board of supervisors and a majority of
3 the court's executive board.

4 Bonus Level I assignments of deputy marshals are as follows:

5 Nineteen positions--assistant commander, small division.

6 Twelve positions--court supervisor.

7 Nine positions--field supervisor.

8 Nine positions--office supervisor.

9 Three positions--communications and fleet management supervisor.

10 One position--training officer.

11 One position--real estate levy/bookkeeping section supervisor.

12 Bonus Level II assignments of deputy marshals are as follows:

13 One position--security liaison and investigations.

14 Deputy marshals with Bonus Level I assignments shall receive additional compensation in the
15 same amounts, for the same periods, and paid on the same terms, as deputy sheriffs assigned to
16 Bonus Level I positions. Deputy marshals with Bonus Level II assignments shall receive
17 additional compensation in the same amounts, for the same periods, and paid on the same terms,
18 as deputy sheriffs assigned to Bonus Level II positions.

19 In addition to the salary adjustment otherwise provided by this section, persons employed in the
20 classifications of executive secretary, M.C., senior management secretary, M.C., and secretary to
21 the presiding judge shall receive a one-time only two-schedule salary increase effective January 1,
22 1989. The resulting salary rate shall constitute the base rates for subsequent salary adjustments.

23 In addition to the salary provided by the applicable management appraisal and performance
24 plan provisions, a 16.5 percent bonus shall be paid to no more than one position of deputy court
25 administrator in the Los Angeles Municipal Court who is admitted to practice law before all
26 courts in California and required to render legal opinions and provide legal advice to the court
27 administrator and judges.

28 Any deputy municipal court clerk I, deputy municipal court clerk I, NCS, deputy municipal
29 court clerk II, deputy municipal court clerk II, NCS, deputy clerk III, M.C., deputy clerk III,
30 M.C., NCS, deputy clerk IV, M.C., municipal court judicial assistant, NCS, or court clerk, M.C.
31 who, in addition to a regular courtroom assignment, is required to operate and monitor electronic
32 recording equipment to produce the official record of the court proceedings shall receive a two-
33 schedule increase in compensation while so engaged. Effective January 3, 1989, any deputy clerk
34 IV, M.C., municipal court judicial assistant, NCS, or court clerk, M.C. assigned to a courtroom,
35 who in addition to his or her regular duties, is required to operate and monitor electronic
36 recording equipment to produce a record of court proceedings shall receive an increase of eight
37 standard salary levels while so engaged. However, in no event shall a person who is receiving
38 additional compensation for performing duties involving greater skill and responsibility as
39 described in subdivision (b) of Section 72705 or subdivision (k), (l), or (m) of Section 72755 be
40 eligible to receive additional compensation pursuant to this subdivision, except for a deputy clerk
41 III, M.C. or deputy clerk III, M.C., NCS assigned to the regular duties of a deputy clerk IV, M.C.
42 or court clerk, M.C. as provided in subdivision (j) of Section 72755.

43 72609. (a) Except where otherwise provided by law, officers and attaches of municipal courts
44 in Los Angeles County shall receive a monthly salary at a rate specified in the Los Angeles
45 County Code as follows:

46 ☞ **Note.** To conserve resources, the salary schedule has not been reproduced.

1 The term “schedule” as used in this section refers to the salary schedule of the Los Angeles
2 County Code. The term “range” as used in this section refers to the Management Appraisal and
3 Performance Plan of Los Angeles County.

4 As defined in the Los Angeles County Code, Section 6.28.030, the following prefixes are used
5 instead of schedule numbers:

6 F -- Flat rate per month.

7 FD -- Flat rate per day.

8 FH -- Flat rate per hour.

9 As defined in the Los Angeles County Code, Section 6.28.040, the following abbreviations are
10 used in conjunction with or instead of schedule or range numbers:

11 N -- Note (refers to Notes at end of Section 6.28.050).

12 W/O Comp. -- Without compensation.

13 “R” or “A” used instead of a schedule number indicates a position’s inclusion in the county’s
14 Management Appraisal and Performance Plan. The grade number following the “R” or “A”
15 designation indicates the salary range. Compensation of these positions is in accordance with
16 Sections 6.08.300 to 6.08.380, inclusive, of the Los Angeles County Code.

17 The term “NCS” as used in the title of a class in this chapter refers to a non-civil-service
18 position. Personnel appointed to this class shall serve at the pleasure of the appointing authority
19 and may at any time be removed by the appointing authority.

20 (b) This section shall become operative on January 1, 2000. In addition to the salary
21 adjustments, otherwise, provided by this section, all persons employed in the following
22 classifications shall receive a salary as listed below, effective July 1, 2000, which shall remain in
23 effect only until January 1, 2001:

24 ☞ **Note.** To conserve resources, the salary schedule has not been reproduced.

25 (c) In addition to the salary adjustments otherwise provided by this section, all persons
26 employed in the following classifications shall receive a salary as listed, effective January 1,
27 2001:

28 ☞ **Note.** To conserve resources, the salary schedule has not been reproduced.

29 72610. In addition to any other fees or charges required by law, in all civil cases and
30 proceedings, exclusive of small claims court cases, the clerk shall collect from all parties, private
31 persons, firms, and corporations the same fee as collected by the clerk of the Superior Court of
32 Los Angeles County.

33 Section 72004 shall apply to the collection and disposition of all sums collected pursuant to this
34 section.

35 ☞ **Note.** The Commission is reviewing whether county treasury provisions remain viable, given
36 the enactment of the Trial Court Funding Act, the Trial Court Employment Protection and
37 Governance Act, and other changes to the structure of the trial courts. See Gov’t Code §§ 77003
38 and Cal. R. Ct. 810 (“court operations” defined), 77009 (Trial Court Operations Fund), 77200
39 (state funding of trial court operations). These matters are also being examined by a Joint Court-
40 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
41 treatment of this provision.

42 Article 1.5. Los Angeles County Municipal Court Judges Law

43 72620. This article may be cited as the Los Angeles County Municipal Court Judges Law.

1 72621. Under such organization, rules, and procedure as the judges of the municipal courts
2 established in Los Angeles County may adopt therefor, all of such judges in such county shall
3 constitute an aggregate official body for their consideration and action in matters of judicial
4 business and in matters connected with judicial administration deemed of common interest by
5 such judges, and, for the discharge of any functions devolving collectively upon them by law,
6 including, but not limited to, the adoption of bail schedules, the selection of law library trustees,
7 the appointment, removal, and supervision of the Marshal of Municipal Courts, Los Angeles
8 County, and selection of bailiffs to serve in such courts.

9 72622. By majority vote, the judges constituting such official body may adopt rules or bylaws
10 for conducting the affairs and proceedings of such body, including provision for officers and
11 committees, and defining their composition, qualification, powers and duties. The judges may
12 assign one municipal court attache to serve as nonmember secretary to the official body and as
13 executive assistant to the officers and committees thereof. Such assignment shall be in addition to
14 such attache's regular duties. While so assigned the compensation to which such attache is
15 normally entitled shall be increased ten (10) percent; provided, that such attache shall not receive
16 a compensation which is greater than the compensation received by a judge of the municipal court
17 in that county.

18 72623. By majority vote the judges of the municipal courts established in Los Angeles County
19 may establish and maintain a central traffic index for the purpose of mutually preserving records
20 and supplying information to the municipal courts regarding violations of law relating to the
21 operation of motor vehicles occurring within their jurisdiction. Participation in the program of the
22 central traffic index system shall be optional with each municipal court district within the county.
23 For the purpose of implementing such program, the judges of the municipal courts participating
24 shall, by rule or bylaw provide for the supervision and operation of such central traffic index, the
25 cost of operation of which shall be a county charge. Clerks of the municipal courts participating
26 in such program shall transmit such records as may be deemed necessary to the central traffic
27 index.

28 The actions of participating courts prior to the effective date of this section which were taken in
29 substantial compliance with the provisions of this section are as valid and effective as if taken
30 pursuant to the provisions of this section.

31  **Note.** The Commission solicits comments regarding the use of a central traffic index in the
32 Los Angeles Superior Court and the need to preserve this section, in some form.

33 72624. By a two-thirds vote of the total number of judges constituting such official body, the
34 body may recommend to the Judicial Council uniform court rules for all the municipal court
35 judicial districts in the County of Los Angeles.

36 72627. The judges of the municipal courts of Los Angeles County may appoint one chief staff
37 attorney, planning and research, municipal courts. The chief staff attorney shall hold office at the
38 pleasure of the judges of the municipal courts.

39 72627.5. (a) The chief staff attorney, planning and research, municipal courts, may appoint:

- 40 (1) Two assistant chief staff attorneys, planning and research.
- 41 (2) Three staff attorneys III, planning and research.
- 42 (3) Four staff attorneys II, planning and research.
- 43 (4) One senior programmer analyst, M.C.
- 44 (5) One principal budget analyst, planning and research.
- 45 (6) One staff assistant, M.C.

1 (7) One senior secretary III, M.C., who shall receive a monthly salary at the rate specified for
2 senior judicial secretary.

3 (8) One senior secretary II, M.C.

4 (9) One stenographer, M.C.

5 (10) Four legal research assistants, planning and research.

6 (11) Three planning analyst aides, planning and research.

7 (12) One planning analyst, planning and research.

8 (13) Two senior planning analysts, planning and research.

9 (14) One data systems analyst I, M.C.

10 (15) Two data systems analysts II, M.C.

11 (16) One head of management services, planning and research, NCS.

12 (17) Three principal program analysts.

13 (18) Three law clerks, M.C.

14 (19) Four student professional workers.

15 (b) The positions appointed pursuant to this section shall not be deemed civil service positions.
16 Each person appointed to these positions shall serve at the pleasure of the chief staff attorney.

17 72628. The judges of the municipal courts of Los Angeles County may appoint one senior
18 judicial secretary, who shall serve at the pleasure of the judges.

19 Article 1.6. Presiding Judges Law

20 72630. The presiding judges of the municipal courts in Los Angeles County shall, by a majority
21 vote of their aggregate number, select, appoint and discharge a court coordinator for the
22 municipal court judicial districts of the county under such organization, rules and procedure as
23 they shall adopt therefor. The presiding judges may prescribe and regulate by majority vote the
24 organization, policies and rules for the conduct of the court coordinator and it shall be his duty to
25 govern himself thereby. For the purpose of voting to select, appoint or discharge the court
26 coordinator or to prescribe and regulate the organization, policies, rules and regulations aforesaid,
27 upon five days written notice, the presiding judges of the municipal courts in judicial districts in
28 Los Angeles County shall meet at a time and place designated by the presiding judge of the
29 municipal court of the judicial district in which is located the county seat. The court coordinator
30 shall receive a salary which shall be established by the board of supervisors, not to exceed the
31 salary of a municipal court judge.

32 72631. The court coordinator shall make recommendations to the several presiding judges
33 concerning the transfer of municipal court cases from one district to another under Section 402 of
34 the Code of Civil Procedure and shall work in cooperation with the Judicial Council in arranging
35 for the assignment of judges between districts under Section 6 of Article VI of the Constitution.

36 72632. "Presiding judge" as used in this article includes the senior judge of a two-judge court
37 and the judge of a one-judge court.

38 72635. The executive committee of the presiding judges association of the municipal courts of
39 Los Angeles County may appoint two senior planning analysts, planning and research.

40 Article 2. Marshal

41 72640. There shall be one marshal for all municipal courts established in judicial districts in
42 Los Angeles County, who shall be appointed pursuant to this article.

1 72641. The marshal shall be designated as Marshal of Municipal Courts, Los Angeles County.

2 72642. He shall possess the rights and powers and perform the duties imposed upon marshals
3 of municipal courts generally. With respect to proceedings in each of the municipal courts
4 established in Los Angeles County, he shall exercise all powers and perform all duties imposed
5 by law upon the sheriff with respect to proceedings in the superior court, except that each
6 municipal court included in the county shall separately select its own bailiffs from among the
7 deputies selected by him.

8 72643. The judges of all the municipal courts in Los Angeles County, by a majority vote of
9 their aggregate number, shall select, appoint, and discharge the Marshal of Municipal Courts, Los
10 Angeles County, under such organization, rules, and procedure as they adopt or ratify therefor.
11 Said judges may prescribe and regulate by majority vote the organization, policies, rules, and
12 regulations for the conduct of the marshal and his office; and it shall be his duty and that of the
13 personnel of his office to be governed thereby. For the purpose of voting to select, appoint, or
14 discharge the marshal or to prescribe and regulate the organization, policies, rules, and
15 regulations aforesaid, upon five days written notice, the judges of the municipal courts in judicial
16 districts located in Los Angeles County shall meet at a time and place designated by the presiding
17 judge of the municipal court of the judicial district in which is included the county seat. If and
18 when, under any provision of law, the municipal court judges in the judicial districts of said
19 county have formally organized to administer all matters jointly affecting their courts, the conduct
20 of such meetings and the voting thereat shall be pursuant to the rules or by-laws adopted by said
21 judges for that purpose.

22 72644. A branch office of the Marshal of Municipal Courts, Los Angeles County, shall be
23 maintained in each municipal court district.

24 72645. The marshal shall appoint all of the following:

25 (a) One assistant marshal. The marshal shall make the appointment from the peace officer
26 members of the marshal's office of the rank of lieutenant or higher and the appointee shall serve
27 solely at the pleasure of the marshal. Section 72649 does not apply to the appointment to, nor
28 removal of a person from, this position, but all other provisions of Section 72649 apply. Upon
29 removal by the marshal for any reason other than that which would be cause for the discharge of
30 any other member, an appointee shall revert to the rank held by the appointee prior to his or her
31 appointment to the position of assistant marshal.

32 (b) Three commanders. Upon the occurrence of a vacancy, any succeeding appointment to this
33 position may be made by the marshal at his or her sole discretion. At that time and thereafter,
34 Section 72649 shall not be applicable to the appointment to, nor removal of, a person from, this
35 position, but all other provisions of Section 72649 shall be applicable. The marshal shall make
36 this appointment from the peace officer members of his or her office of the rank of lieutenant or
37 higher, and the appointee shall serve solely at the pleasure of the marshal. Upon removal by the
38 marshal for any reason other than that which would be cause for the discharge of any other
39 member, an appointee shall revert to the rank held prior to appointment as commander.

40 (c) Nine captains.

41 (d) Twenty-eight lieutenants.

42 (e) Forty-one sergeants.

43 (f) Six hundred forty-four deputy marshals; except that the number of deputy marshals shall be
44 reduced by the number of deputy marshal IV positions required to be retained pursuant to Section
45 72645.5.

1 (g) Twenty-seven deputy marshal trainees. Appointments to the positions shall be made from
2 civil service lists resulting from open competitive examinations, provided that notwithstanding
3 Section 72649, the appointees shall be subject to a 12-month period of probation.

4 (h) Four deputy marshal-matrons, each of whom shall have completed a course of training
5 which meets the requirements of the POST commission for a specialized law enforcement basic
6 certificate.

7 (i) Two deputy clerk-custody officers.

8 (j) Forty legal services specialists, marshal, each of whom shall receive monthly compensation
9 at the same rate specified for the county's class of security officer II.

10 72645.5. There shall be retained a number of deputy marshal IV positions equal to the number
11 of persons who held those positions immediately prior to January 1, 1982, and who continue to
12 hold those positions. When an incumbent for any reason vacates a deputy marshal IV position,
13 that position shall automatically cease to exist, and an additional deputy marshal position, under
14 Section 72645(f), shall automatically be created.

15 72646. The marshal shall appoint:

16 (a) One head, fiscal and administrative services, marshal.

17 (b) One senior staff assistant, marshal.

18 (c) One executive secretary, marshal. Appointment to this position shall be at step 3 of the
19 schedule.

20 (d) Four staff assistants, marshal.

21 (e) Three management secretaries, marshal.

22 (f) One principal clerk.

23 (g) One supply and reproduction supervisor, marshal.

24 (h) Four senior secretaries, marshal.

25 (i) Nine administrative clerks.

26 (j) One supervising payroll clerk, marshal.

27 (k) One supply and reproduction assistant, marshal.

28 (l) Sixty deputy clerks, grade III.

29 (m) Three secretaries, marshal.

30 (n) Fifty-two deputy clerks, grade II.

31 (o) Eight deputy clerks, grade I.

32 (p) Deputies who shall be keepers, that may be reasonably required pursuant to law, at the fee
33 allowed by law for keeping property.

34 (q) Five marshal's dispatchers I.

35 (r) One safety officer, marshal.

36 (s) One head personnel technician, marshal.

37 (t) One assistant head, fiscal and administrative services, marshal.

38 (u) One personnel technician, marshal.

39 (v) One senior payroll clerk, marshal.

40 (w) Four payroll clerks, marshal.

41 (x) One light vehicle driver, marshal.

42 (y) Five marshal's dispatchers II.

43 (z) Five personnel assistants, marshal.

44 (aa) One hundred thirty-six security officers I, marshal.

45 (bb) Seventy-five security officers II, marshal.

46 (cc) Three senior personnel assistants, marshal.

47 (dd) One principal assistant, fiscal services, marshal.

1 (ee) One warehouse worker I, marshal.

2 72648. The judges of each municipal court established in a judicial district in Los Angeles
3 County, except those of the Los Angeles Judicial District, shall select, from among the deputies
4 of the marshal's office, such person or persons to act as court bailiffs as may be reasonably
5 necessary for the proper operation of such court. Any deputy so selected shall serve as bailiff
6 during the pleasure of the judge or judges of such court, and shall perform his official duties as
7 bailiff under his or their sole direction.

8 72649. Except where this title otherwise provides, all deputies and other employees of the
9 marshal of municipal courts, Los Angeles County, may be appointed, removed, suspended, or
10 discharged for cause by the marshal, subject in such appointment, removal, suspension, or
11 discharge to all civil service provisions applicable to the personnel of the office of sheriff, Los
12 Angeles County:

13 (a) Whenever reference to a numbered salary schedule is made in any section of this article, the
14 schedule found in the code of the County of Los Angeles shall apply.

15 (b) Unless otherwise specifically provided, each person appointed to a position, the
16 compensation of which is fixed by reference to the salary schedule, shall, for the first six months
17 of service, receive monthly the rate of compensation specified in the first step of the salary
18 schedule for the position to which he is appointed. Upon the first day of the month following six
19 months' continuous service in a class, the initial rate of compensation of such person shall be
20 increased to the next higher step of the salary schedule for the position occupied. On and after the
21 first day of the month following each ensuing 12 months of such service such compensation shall
22 be increased to the rate specified in the next higher step of the salary schedule for the position
23 occupied until such compensation equals the sum specified in step 5 of such schedule.

24 (c) When any person in the service of the court or of the marshal is appointed or promoted to
25 another office or position in such service compensated at a higher numbered schedule, he shall
26 receive step 1 of such schedule if step 1 is at least one step higher than the salary received in the
27 office or position relinquished; but if not, he shall receive initially that step of the schedule
28 pertaining to such office or position which will provide a one-step increase in his compensation.
29 Provided, whenever a person occupying a permanent superior position is supervising a
30 subordinate and the subordinate is receiving compensation at a rate equal to or greater than that
31 which the superior is receiving, the person occupying the superior position shall be entitled to be
32 advanced in steps to the highest salary paid to the highest ranking subordinate which he
33 supervises plus one dollar (\$1).

34 (d) Notwithstanding the above, each person appointed to a peace officer position set forth in
35 Section 72608, 72640, or 72645 shall be entitled to the same salary step placement during his
36 employment by the marshal and upon appointment, promotion or demotion as an employee of the
37 marshal, as he would receive if he were employed in a related position in the classified service of
38 the County of Los Angeles.

39 (e) Persons appointed to deputy marshal shall, upon the first day of the month following
40 completion of six years' service including at least two years in a court-related assignment and
41 eighteen months in a field assignment, receive monthly the rate of compensation specified in Step
42 6 of the schedule.

43 (f) When any person is demoted to another office or position he shall receive the fifth step rate
44 of salary for the position to which he is demoted, except that if such demotion is due to
45 disciplinary action, the appointing power may indicate any step rate of the lower position which
46 provides compensation not higher than that last previously received by such person.

1 72651. All provisions of law relating to marshals of municipal courts, or a marshal of a
2 municipal court and the deputies and attaches thereof, not inconsistent with the provisions of this
3 article, apply to the Marshal of Municipal Courts, Los Angeles County, and to the officers,
4 deputies, and attaches of the marshal. The judges of the municipal courts of the judicial districts
5 in Los Angeles County acting jointly by a vote of a majority of said judges may adopt rules not
6 inconsistent with the provisions of this article to make effective the provisions thereof.

7 72652. The Board of Supervisors of Los Angeles County shall provide suitable quarters for the
8 marshal, including heating, lighting, and janitorial services, and shall supply furniture, books, and
9 supplies necessary for carrying out the duties prescribed by law for the marshal.

10 Article 3. City of Los Angeles

11 72700. This article applies to the municipal court established in a judicial district embracing the
12 City of Los Angeles.

13 72701. The judges of the municipal court shall appoint as many commissioners, not exceeding
14 22, as the business of the court requires. Each commissioner shall possess the same qualifications
15 as the law requires of a judge of the court. Within the jurisdiction of the court and under the
16 direction of the judges, each commissioner shall exercise the powers and perform the duties
17 authorized by law to be performed by commissioners of the superior court and such additional
18 powers and duties as may be prescribed by law. Each commissioner shall hold office at the
19 pleasure of the judges and shall receive a monthly salary in the same sum as is paid the court
20 commissioners of the Superior Court of the County of Los Angeles. If, however, the amount of
21 the salary is fixed under a step plan of compensation based upon tenure of service, each
22 incumbent shall nevertheless receive a salary equal to the top step thereof. In no event shall such
23 salary exceed the salary provided for the judges of the municipal courts. The commissioners shall
24 be ex officio deputy clerks of the court and shall be members of any retirement system which
25 includes attaches of the court. They shall not engage in the private practice of law.

26 ☞ **Note.** The staff is researching the following matters, which will be dealt with separately: (1)
27 Deputy clerks, (2) Ethics (private practice of law).

28 72702. There shall be one court administrator who shall be the clerk of the court and who shall
29 be appointed by, and hold office at the pleasure of, the judges of the court and who shall receive a
30 monthly salary at a rate specified in Section 72609, and who shall be designated as an “L” item
31 pursuant to 6.28.020 B of the Los Angeles County Code. In addition to the duties prescribed by
32 law, the judges of the court may delegate to the court administrator and clerk of the court the
33 administrative powers and duties they deem necessary for the administration of the court.

34 72702.5. The clerk may appoint one deputy clerk who shall be assistant court administrator,
35 one deputy clerk who shall be deputy court administrator, administrative and financial services,
36 and four deputy clerks who shall be deputy court administrators, operations, and that number of
37 law clerks paid by the hour as approved by the board of supervisors which positions shall not be
38 deemed civil service positions. The positions of assistant court administrator, deputy court
39 administrator, administrative and financial services, deputy court administrator, operations, legal
40 research assistant, and all positions designated in the Management Appraisal and Performance
41 Plan for the Los Angeles Municipal Court shall not be deemed civil service positions for any
42 person initially appointed to these positions after November 1, 1987. Incumbents with civil

1 service status as of November 1, 1987, shall retain civil service status. Each person appointed to
2 these positions shall serve at the pleasure of the court administrator.

3 72703. The clerk may appoint:

4 (a) One chief, systems division; and 11 division chiefs, operations.

5 (b) Seventeen senior court managers.

6 (c) Nine principal administrative assistants, municipal court.

7 (d) One personnel administrator, municipal court.

8 (e) Four personnel technicians, municipal court.

9 (f) Six personnel assistants, municipal court.

10 (g) Fifteen senior administrative assistants, municipal court.

11 (h) Five administrative assistants, municipal court.

12 (i) Three accounting technicians, municipal court.

13 (j) Seven staff assistants, municipal court.

14 (k) Five accountants, municipal court.

15 (l) Seven intermediate accountants, municipal court.

16 (m) Four senior accountants, municipal court.

17 (n) Sixteen account clerks, municipal court.

18 (o) One assistant capital projects manager, municipal court.

19 (p) One capital projects manager, municipal court.

20 (q) One court information officer, municipal court.

21 (r) Two head personnel technicians, municipal court.

22 (s) One judicial management intern, municipal court.

23 (t) One managing court reporter, municipal court.

24 (u) One personnel clerk, municipal court.

25 (v) One principal personnel assistant, municipal court.

26 (w) Three senior personnel assistants, municipal court.

27 (x) One procurement assistant II, municipal court.

28 (y) One supervising accountant, municipal court.

29 (z) One warehouse manager, municipal court.

30 (aa) Four warehouse workers II, municipal court.

31 (bb) Three warehouse worker aides, municipal court.

32 (cc) Thirty-nine court managers, municipal court.

33 (dd) Two graphic artists, municipal court.

34 (ee) One assistant payroll technician, municipal court.

35 (ff) One payroll technician, municipal court.

36 (gg) One supervising payroll technician, municipal court.

37 (hh) One warehouse worker I, municipal court.

38 (ii) One procurement assistant I, municipal court.

39 (jj) One data systems analyst aide, municipal court.

40 (kk) One EDP support analyst II, municipal court.

41 (ll) One administrative services manager, M.C., NCS.

42 (mm) One senior systems aide, municipal court.

43 (nn) One systems aide, municipal court.

44 (oo) One management secretary II, municipal court.

45 (pp) One management services specialist, municipal court.

46 (qq) One office services assistant I, M.C., NCS.

47 (rr) One office services assistant II, M.C., NCS.

48 (ss) One office services assistant III, M.C., NCS.

- 1 72704. The clerk may also appoint:
2 (a) One hundred fifty-one deputy clerks IV, plus one additional deputy clerk IV for each judge
3 in excess of 88 and each commissioner or traffic referee in excess of 22 to which the court is or
4 may become entitled by law.
5 (b) One secretary to the presiding judge.
6 (c) One executive secretary, Los Angeles Municipal Court.
7 (d) One senior management secretary, municipal court.
8 (e) Fourteen senior judicial secretaries who shall receive a monthly salary at the same rate
9 specified for the superior court class of senior judicial secretary. Appointments to the positions
10 shall be at step 3 of the schedule.
11 (f) One hundred four deputy clerks III.
12 (g) Three hundred fifty deputy municipal court clerks II.
13 (h) Eleven senior secretaries II, municipal court.
14 (i) Six secretaries, municipal court.
15 (j) Four management secretaries, municipal court.
16 (k) Three facilities services assistants, municipal court.
17 (l) Two procurement aides, municipal court.
18 (m) One facilities planning assistant, municipal court.
19 (n) One statistical analyst.
20 (o) Three staff development specialists, municipal court.
21 (p) One municipal court clerk trainee.
22 (q) Five clerical aides.
23 (r) Forty-one deputy clerk supervisors.
24 (s) One general maintenance supervisor, municipal court.
25 (t) Two general maintenance workers, municipal court.
26 (u) One court clerk, municipal court.
27 (v) One municipal court judicial assistant.
28 (w) One municipal court judicial assistant trainee.
29 (x) Nineteen student professional workers.
30 (y) Seventy-three student workers.
31 (z) One volunteer, M.C.
- 32 72704.5. The clerk may also appoint:
33 (a) One computer operations supervisor, municipal court.
34 (b) One data conversion supervisor I, municipal court.
35 (c) Two senior data conversion equipment operators.
36 (d) Twenty-four data systems analysts II, municipal court.
37 (e) Three data systems analysts I, municipal court.
38 (f) One supervising computer operator, municipal court.
39 (g) Four computer systems operators, municipal court.
40 (h) Two computer equipment operators, municipal court.
41 (i) Two senior data control clerks, municipal court.
42 (j) Five data control clerks, municipal court.
43 (k) Twelve data systems coordinators, municipal court.
44 (l) Five senior program and systems analysts.
45 (m) One principal programmer analyst.
46 (n) Nine senior programmer analysts, municipal court.
47 (o) One systems programmer, municipal court.
48 (p) Two telecommunications technicians.

- 1 (q) One senior telecommunications systems engineer, municipal court.
- 2 (r) Two data processing specialists I, municipal court.
- 3 (s) One EDP staff aide, municipal court.

4 72705. (a) Whenever reference to a numbered salary schedule is made in any section of this
5 article, the schedule found in the Salary Ordinance of the County of Los Angeles shall apply.

6 (b) Not more than 29 deputy clerks IV or municipal court clerk trainees, while assigned to
7 duties in divisions of the court requiring greater skill and responsibility, shall receive a two-
8 schedule increase in compensation.

9 (c) Unless otherwise specifically provided, each person appointed to a position set forth in
10 Sections 72702, 72702.5, 72703, 72704, and 72704.5 shall be entitled to the same rights,
11 privileges, and benefits allowed Los Angeles County employees as provided in Chapter 1 of
12 Ordinance 6222 of the County of Los Angeles (Title 6, Los Angeles County Code). Any person
13 appointed, promoted, or demoted to another office or position in that service, shall be
14 compensated at the schedule provided for that appointment, promotion, or demotion in Chapter 1
15 of Ordinance 6222 (Title 6, Los Angeles County Code).

16 72706. In lieu of any position established for a court in this chapter, and to meet the needs of
17 that court, the court administrator may appoint additional deputy clerks to any appropriate
18 classification and title set forth in Los Angeles County Ordinance 6222 (Title 6, Los Angeles
19 County Code) or in Section 72609, provided, however, that a nonjudicial budgeted position of an
20 equal or greater pay level is encumbered.

21 72708. Notwithstanding the provisions of Section 72400 of the Government Code, the Judges
22 of the Municipal Court, Los Angeles Judicial District, may appoint such number of traffic
23 referees, not exceeding five, as the business of the court requires who shall possess the powers
24 and perform the duties specified in Article 9 (commencing with Section 72400) of Chapter 8 of
25 Title 8 of the Government Code. Each of such traffic referees shall hold office at the pleasure of
26 the judges of the court and shall receive a salary equal to sixty-five percent (65%) of the salary of
27 a judge of such court. They shall be members of any retirement system which includes attaches of
28 the court.

29 72708.5. The judges of the court may appoint as many interpreters, not exceeding two, and as
30 many law clerks, not exceeding 14, as the business of the court may require. Two of the law
31 clerks may be appointed supervising law clerks. Employees appointed pursuant to this section
32 shall hold office at the pleasure of the judges and shall receive compensation as provided in
33 Section 72609. They shall be members of any retirement system which includes attaches of the
34 court.

35 72709. Each official reporter in the municipal court appointed pursuant to Section 72194 shall
36 be an attache of the court. In lieu of any other compensation provided by law for his services in
37 reporting testimony and proceedings in the court, each official reporter shall receive a monthly
38 salary in the same sum as is paid official court reporters of the Superior Court of the County of
39 Los Angeles; provided, that if the amount of such salary is fixed under a step plan of
40 compensation based upon tenure of service, the provisions of Section 72705(c) shall apply in
41 fixing the respective salary step placements for official court reporters of the municipal court and
42 any period of appointment as official court reporters pro tempore of the court shall be included as
43 service under this section. In no event shall the salary of an official municipal court reporter
44 exceed the highest salary paid to an official court reporter of the Superior Court of Los Angeles
45 County, and in no event shall any one adjustment in the rate of the salary exceed eight schedule

1 numbers of the salary schedule. The salaries of official court reporters shall be paid from the
2 reporters' salary fund.

3 The judges of the court may provide employee benefits to official court reporters which are
4 comparable to those provided official reporters in the superior court pursuant to Section 69894.3.
5 In addition, on and after January 1, 1980, the judges may make one adjustment to the sick leave
6 benefits of official court reporters to a reasonable amount in proportion to the sick leave benefits
7 that other county employees have received. Such benefits shall be charged to the reporter's salary
8 fund.

9 72710. The judges of the court may appoint as many additional reporters as the business of the
10 court requires, who shall be known as official reporters pro tempore. They shall serve without
11 salary, but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in
12 lieu of the per diem fees provided in those sections for reporting testimony and proceedings, the
13 official reporters pro tempore shall in all cases receive the same per diem fee paid official court
14 reporters pro tempore of the Superior Court of Los Angeles County which upon the order of the
15 court shall be paid from the reporters' salary fund. The judges of the court may provide benefits
16 to official reporters pro tempore comparable to those afforded other county employees who are
17 employed on a daily basis. Such benefits shall be charged to the reporter's salary fund.

18 72711. The per diem fees specified in this article, or if not so specified, otherwise payable by
19 law by the parties to proceedings in the court to official reporters or official reporters pro tempore
20 shall be paid to the clerk of the court, who shall deposit them in the reporters' salary fund.

21 Fees for transcription of testimony and proceedings in the court shall be paid by the parties to
22 official reporters and official reporters pro tempore as otherwise provided by law, and in all cases
23 where by law the court may direct the payment of transcription fees out of the county treasury,
24 such fee upon order of the court, shall be paid from the reporters' salary fund, except fees for
25 transcription of testimony and proceedings in felony cases, which shall be paid from the county
26 treasury.

27 72711.5. The per diem and transcription fees payable pursuant to Section 72711 shall also be
28 payable in the same sums and in the same manner by the parties to proceedings in the court for
29 electronically recording an action or proceeding pursuant to Section 72194.5 or for transcriptions
30 of testimony and proceedings in the court stenographically recorded. Such fees shall be paid to
31 the clerk of the court, who shall deposit them in the reporters' salary fund. In any case where by
32 law the court may direct the payment of a transcription fee out of the county treasury, upon order
33 of the court the fee for transcription of testimony and proceedings in the court electronically
34 recorded shall be paid from the reporters' salary fund, except fees for transcription of testimony
35 and proceedings in felony cases, which shall be paid from the county treasury.

36 72712. There shall be set aside from the revenue of the court a revolving fund in the amount of
37 seven hundred fifty thousand dollars (\$750,000). The fund shall be known as the Reporters'
38 Salary Fund.

39 At the time of each monthly distribution of the revenue of the court to the cities within the
40 judicial district and to the county within which the court is established, the clerk of the court shall
41 deduct proportionately from their respective total shares such sum as will, when added to the sum
42 then remaining in the fund, equal seven hundred fifty thousand dollars (\$750,000) and deposit it
43 in the fund. Such sum shall include the cost incurred pursuant to Section 72194.5 from electronic
44 recording devices, appurtenant equipment, supplies, recordings and transcriptions produced from
45 electronic recording of testimony and proceedings in the court.

1 Deductions from the county's share of the revenue shall be made from that portion of it
2 distributable to the salary fund of the county, and deductions from each city's share shall be made
3 from that portion of it distributable to the general fund of each city.

4 For the purposes of this section the "revenue" of the court includes all fines, forfeitures, and
5 fees accruing to the cities or the county, except law library fees.

6 72713. If at any time the reporters' salary fund is insufficient, upon order of the court, the
7 amount of the deficiency shall be paid from the general fund of the county.

8 The county treasurer shall be the depository, and the county auditor the disbursing agent, for the
9 fund.

10  **Note.** Sections 72709-72713 refer to a reporters' salary fund. The Commission solicits
11 comments on the continuing use of such a fund with regard to the superior court and the need to
12 preserve these sections, in some form.

13 72714. Official reporters shall be members of any retirement system which includes attaches of
14 the court. For the purposes of the retirement system, the salary provided in this article for the
15 reporters shall be deemed their entire compensation, except that where credit is claimed for
16 service rendered prior to the establishment of the salary, the actual compensation paid to them by
17 the county shall be the basis for contributions for the prior service, and continuous employment in
18 the municipal court, or a court superseded by it, prior to membership in the retirement system,
19 shall be considered as "prior service" upon the payment by the reporters of the sums due under
20 the retirement system.

21 72715. Any law to the contrary notwithstanding, Sections 72701 to 72714, inclusive, shall
22 apply to the municipal court established in a judicial district embracing the City of Los Angeles,
23 and to all cities included in such judicial district.

24 72720. The Chief Deputy Marshal, Municipal Courts, Los Angeles County, shall be ex officio
25 Superintendent of Bailiffs, Municipal Court, Los Angeles Judicial District. There shall be such
26 number of deputy bailiffs of said court, not to exceed a number equal to the number of judges of
27 said court, to be nominated by the superintendent of bailiffs, and confirmed by the presiding
28 judge of the court; which personnel shall be selected from the personnel of the Office of Marshal,
29 Municipal Courts, Los Angeles County, for such assignment. During such assignment, said
30 superintendent and such deputy bailiffs shall be under the exclusive jurisdiction of said court, but
31 they shall continue to have all rights in employment as such chief deputy marshal and officers or
32 deputies in the office of the marshal.

33 Any demotion, suspension or discharge of the chief deputy marshal, or any release from his
34 assignment as superintendent of bailiffs shall require the concurrent action of the Marshal,
35 Municipal Courts, Los Angeles County, and of two-thirds of all the judges of said municipal
36 court.

37 Pursuant to the designation of deputies bailiff by the superintendent of bailiffs and the presiding
38 judge, the Marshal, Municipal Courts, Los Angeles County, shall not be required to make
39 available more than one captain, two lieutenants, and five sergeants, by grade, in the personnel so
40 selected; and the remaining number may be senior deputies marshal.

41 Suitable quarters, heating, lighting, furniture, books, supplies, motor vehicles for transportation,
42 and janitor service shall be made available for the superintendent of bailiffs and said deputies
43 bailiff in the performance of their duties by the Board of Supervisors, Los Angeles County.

44 72721. Upon the effective date of this act, the Marshal of Municipal Courts, Los Angeles
45 County, without additional compensation, shall be ex officio the Superintendent of Bailiffs,

1 Municipal Court, Los Angeles Judicial District. During such times as he acts in said capacity, all
2 provisions of Section 72720 shall be inoperative, and the selection, tenure and duties of court
3 bailiffs for the Municipal Court, Los Angeles Judicial District, shall be governed by Section
4 72648. Motor vehicles for the transportation of court bailiffs in the performance of their duties
5 shall be made available by the Board of Supervisors, Los Angeles County.

6 Article 4. Courts in Los Angeles County

7 72750. This article applies only to municipal courts established in districts in Los Angeles
8 County except the Los Angeles Judicial District.

9 72750.4. In each municipal court district having eight judges authorized by law, the officers
10 and attaches shall be appointed, as follows:

11 There shall be one court administrator who shall be the clerk appointed by the judges of the
12 court.

13 The clerk may appoint:

- 14 (a) Seventeen deputy municipal court clerks I.
- 15 (b) Seventeen deputy municipal court clerks II.
- 16 (c) Fourteen deputy clerks III, M.C.

17 (d) Twelve deputy clerks IV, M.C., plus one additional such deputy clerk for each
18 commissioner or traffic referee appointed pursuant to Section 72400 or 72757.

19 (e) One senior judicial secretary, M.C.

20 (f) Five assistant chief deputy clerks, M.C.

21 (g) One occupant of an assistant chief deputy clerk position as set forth in this section shall be
22 designated by the court administrator as assistant court administrator and shall receive a monthly
23 salary eight schedules less than the schedule specified for the court administrator of the court.

24 72750.5. In each municipal court district having seven judges authorized by law the officers
25 and attaches shall be appointed as follows:

26 There shall be one court administrator who shall be the clerk appointed by the judges of the
27 court.

28 The clerk may appoint:

- 29 (a) Eleven deputy municipal court clerks I.
- 30 (b) Thirteen deputy municipal court clerks II.
- 31 (c) Nine deputy clerks III, M.C.

32 (d) Nine deputy clerks IV, M.C., plus one additional such deputy clerk for each commissioner
33 or traffic referee appointed pursuant to Section 72400 or 72757.

34 (e) One senior judicial secretary.

35 (f) Five assistant chief deputy clerks, M.C.

36 (g) One occupant of an assistant chief deputy position as set forth in this section shall be
37 designated by the court administrator as assistant court administrator and shall receive a monthly
38 salary eight schedules less than the schedule for the court administrator of the court.

39 72751. In each municipal court district having six judges authorized by law the officers and
40 attaches shall be appointed as follows:

41 There shall be one court administrator who shall be the clerk appointed by the judges of the
42 court.

43 The clerk may appoint:

- 44 (a) Ten deputy municipal court clerks I.
- 45 (b) Twelve deputy municipal court clerks II.

- 1 (c) Eight deputy clerks III, M.C.
2 (d) Nine deputy clerks IV, M.C., plus one additional such deputy clerk for each commissioner
3 or traffic referee appointed pursuant to Section 72400 or 72757.
4 (e) One assistant court administrator who shall receive a monthly salary eight schedules less
5 than the schedule specified for the court administrator of the court.

6 72751.1. In each municipal court district having five judges authorized by law the officers and
7 attaches shall be appointed as follows:

8 There shall be one court administrator who shall be the clerk appointed by the judges of the
9 court.

10 The clerk may appoint:

- 11 (a) Nine deputy municipal court clerks I.
12 (b) Eleven deputy municipal court clerks II.
13 (c) Nine deputy clerks III, M.C.
14 (d) Seven deputy clerks IV, M.C., plus one additional such deputy clerk for each commissioner
15 or traffic referee appointed pursuant to Section 72400 or 72757.
16 (e) One assistant court administrator who shall receive a monthly salary eight schedules less
17 than the schedule specified for the court administrator of said court.

18 72751.5. In each municipal court district having four judges authorized by law the officers and
19 attaches shall be appointed as follows:

20 There shall be one court administrator who shall be the clerk appointed by the judges of the
21 court.

22 The clerk may appoint:

- 23 (a) Nine deputy municipal court clerks I.
24 (b) Eleven deputy municipal court clerks II.
25 (c) Nine deputy clerks III, M.C.
26 (d) Six deputy clerks IV, M.C., plus one additional such deputy clerk for each commissioner or
27 traffic referee appointed pursuant to Section 72400 or 72757.
28 (e) One assistant court administrator who shall receive a monthly salary eight schedules less
29 than the schedule specified for the court administrator of the court.

30 72752. In each municipal court district having three judges authorized by law the officers and
31 attaches shall be appointed as follows:

32 There shall be one court administrator who shall be the clerk appointed by the judges of the
33 court.

34 The clerk may appoint:

- 35 (a) Nine deputy municipal court clerks I.
36 (b) Eleven deputy municipal court clerks II.
37 (c) Nine deputy clerks III, M.C.
38 (d) Five deputy clerks IV, M.C., plus one additional such deputy clerk for each commissioner
39 or traffic referee appointed pursuant to Section 72400 or 72757.
40 (e) One assistant court administrator who shall receive a monthly salary eight schedules less
41 than the schedule specified for the court administrator of the court.

42 72753. In each municipal court district having two judges authorized by law the officers and
43 attaches shall be appointed as follows:

44 There shall be one court administrator who shall be the clerk appointed by the judges of the
45 court.

46 The clerk may appoint:

- 1 (a) Six deputy municipal court clerks I.
2 (b) Eight deputy municipal court clerks II.
3 (c) Six deputy clerks III, M.C.
4 (d) Three deputy clerks IV, M.C., plus one additional such deputy clerk for each commissioner
5 appointed pursuant to Section 72757.
6 (e) One assistant court administrator who shall receive a monthly salary eight schedules less
7 than the schedule specified for the court administrator of the court.

8 72754. In each municipal court district having one judge authorized by law the officers and
9 attaches shall be appointed and compensated as follows:

10 There shall be one court administrator who shall be the clerk appointed by the judge of the
11 court.

12 The clerk may appoint:

- 13 (a) Three deputy municipal court clerks I.
14 (b) Four deputy municipal court clerks II.
15 (c) Four deputy clerks III, M. C.
16 (d) Two deputy clerks IV, M.C., plus one additional such deputy clerk for each commissioner
17 appointed pursuant to Section 72757.
18 (e) One assistant court administrator who shall receive a monthly salary eight schedules less
19 than the schedule specified for the court administrator of the court.

20 72755. In those positions for which this article provides a multistep rate of compensation, this
21 section shall apply.

22 (a) Except in the case of transfer, demotion, promotion or where otherwise specifically
23 provided, original appointments to these positions shall be at the rate designated for step 1 of the
24 salary schedule pertaining to the position occupied.

25 (b) The initial rate of compensation shall be increased to the next higher step of the schedule
26 applicable to the position occupied upon the completion of six months' continuous service in the
27 same position. Upon the completion of each ensuing 12 months of service, the compensation shall
28 be increased to the rate specified in the next higher step of the salary schedule for the position
29 occupied until the compensation equals the sum specified in the highest step of that schedule.

30 (c) A person for whom an "unsatisfactory" or "improvement needed" performance evaluation
31 has been filed with the county director of personnel shall not be granted a step advancement in the
32 position held when the rating was given until a "competent" or better rating is filed.

33 (d) When a person is promoted to a position on a multistep basis, he or she shall receive the
34 lowest step rate in the salary schedule of the new position which results in an increase in salary.
35 However, when the increase in salary is less than the equivalent of a one-schedule increase in
36 salary, the person shall be placed on the next higher step of the position to which he or she is
37 appointed. Step advancements thereafter shall be as otherwise provided in this section.

38 (e) When the increase in salary provided for in subdivision (d) is at least equivalent to a one-
39 schedule increase in salary, but less than the equivalent of a two-schedule increase in salary, the
40 person shall be entitled to advance to the next higher step of the position to which he or she was
41 appointed in one-half of the time otherwise required. Step advancements thereafter shall be as
42 otherwise provided.

43 (f) A person demoted to a lower position shall be entitled to receive whichever of the following
44 rates is lower:

- 45 (1) The highest step of the salary schedule pertaining to the position to which he or she is
46 demoted.
47 (2) The same rate of pay which he or she was receiving prior to demotion.

1 (g) The appointing power who demotes a person for disciplinary reasons may specify any step
2 rate in the salary schedule pertaining to the lower position except that it shall not be higher than
3 the step rate held by the employee in the higher position.

4 (h) If a person begins employment between the 1st and 15th of any calendar month, inclusive,
5 his or her step advancement shall be calculated from the first day of that month. Where a person
6 begins employment on or after the 16th day of a calendar month, the step advancement shall be
7 calculated from the first of the next month.

8 (i) Upon demotion, a person shall retain the anniversary date held in the higher position.

9 (j) Any deputy clerk III, M.C. who is necessarily assigned to the regular duties of a deputy
10 clerk IV, M.C. or court clerk, M.C. because of an absence of a deputy clerk IV, M.C. or court
11 clerk, M.C. shall, for any period of that assignment in excess of 30 calendar days, receive
12 compensation at the rate of that higher numbered salary schedule which will increase his or her
13 basic compensation by four schedules.

14 (k) One deputy municipal court clerk I, deputy municipal court clerk II, or deputy clerk III,
15 M.C. in each municipal court of six judges or fewer, who having met the stenographic skills
16 proficiency qualification required by the County of Los Angeles for the county position of
17 stenographer, shall be entitled to receive a four-schedule increase in salary when regularly
18 required to provide stenographic and secretarial services to the judge or judges of the court.

19 (l) Not more than one deputy clerk IV, M.C. or court clerk, M.C. in each municipal court
20 having six judges or fewer, or a total of two deputy clerks IV, M.C. or court clerks, M.C. in each
21 municipal court having seven judges or more, while assigned to duties in divisions of the court
22 requiring greater skill and responsibility, shall receive a two-schedule increase in salary.

23 (m) Not more than a total of two deputy municipal court clerks I, deputy municipal court clerks
24 II, or deputy clerks III, M.C. in each municipal court, while assigned to duties in divisions of the
25 court requiring greater skill and responsibility, shall receive a two-schedule increase in
26 compensation while so assigned. However, in no event shall a deputy clerk who is receiving
27 additional compensation pursuant to subdivision (k) receive the compensation prescribed by this
28 subdivision.

29 72756. Whenever reference to a numbered Salary Schedule is made in any section of this
30 article, the schedule found in the salary ordinance of the County of Los Angeles shall apply.

31 72757. In each municipal court district having not more than 10 judges authorized by law, a
32 jury commissioner may be appointed by and hold office at the pleasure of the majority of the
33 judges, or the senior judge in service in a municipal court district having two judges.

34 72758. The jury commissioner shall exercise all the powers and perform all of the duties of the
35 jury commissioner of a superior court insofar as they are applicable to municipal courts, together
36 with such additional powers and duties as may be prescribed by law. In addition and without extra
37 compensation, he may be appointed and serve as a general commissioner of the court if he
38 possesses the qualifications prescribed therefor. As such general commissioner, he shall exercise
39 all the powers and perform all of the duties of a commissioner of a superior court insofar as they
40 are applicable to municipal courts, together with such additional powers and duties as may be
41 prescribed by law.

42 72759. The jury commissioner shall meet the provisions of Section 72190 relating to
43 qualifications and shall receive an annual salary equal to that provided by law for Commissioners
44 of the Municipal Court, Los Angeles Judicial District. He shall be a member of any retirement
45 system which includes clerks and deputy clerks of said court. The requirements relating to
46 qualifications do not apply to any jury commissioner who was an incumbent on January 1, 1957.

1 Any jury commissioner who has been appointed from the staff of court clerks shall continue to
2 be the clerk or deputy clerk of the judicial district in such position as he has theretofore been
3 appointed without additional compensation.

4 72760. Notwithstanding the provisions of Section 72648, the judges and any judges pro
5 tempore of each municipal court under this article, may select, from among the deputy clerks of
6 the court, such person or persons to act as court clerks as may be reasonably necessary for the
7 proper operation of such court. Any deputy clerk so selected shall serve as court clerk during the
8 pleasure of the judge or judges of such court, and shall perform his official duties as court clerk
9 under his or their sole direction.

10 72761. Notwithstanding Section 72400, the presiding judge of the Beverly Hills Municipal
11 Court District may also appoint the clerk-administrative officer, on an as-needed basis, to serve
12 temporarily as traffic referee without additional compensation, provided he or she is a member of
13 the State Bar of California.

14 72762. In the Alhambra Municipal Court District, the officers and attaches shall be appointed
15 as follows:

16 (a) There is one court administrator who shall be the clerk appointed by the judges of the court.

17 (b) The clerk may appoint:

18 (1) One deputy municipal court clerk I.

19 (2) Fourteen deputy municipal court clerks II.

20 (3) Six deputy clerks III, M.C.

21 (4) Four court clerks, M.C.

22 (5) Three supervising deputy clerks I, M.C.

23 (6) Three supervising deputy clerks II, M.C.

24 (7) Four student workers.

25 (8) One student professional worker.

26 (9) One accountant, M.C.

27 (10) One EDP programmer analyst II.

28 (11) One judicial secretary.

29 (12) One assistant court administrator who shall receive a monthly salary eight schedules less
30 than the schedule specified for the court administrator of the court.

31 (c) The court administrator shall hold office at the pleasure of the judges of that court. This
32 subdivision applies to vacancies occurring on or after January 1, 1991.

33 72763. In the Antelope Municipal Court District, the officers and the attaches shall be
34 appointed, as follows:

35 (a) There is one court administrator who shall be the clerk appointed by the judges of that court.

36 (b) The clerk may appoint:

37 (1) Nine deputy municipal court clerks I.

38 (2) Eleven deputy municipal court clerks II.

39 (3) Nine deputy clerks III, M.C.

40 (4) Seven deputy clerks IV, M.C.

41 (5) One accountant, M.C.

42 (6) Two student workers.

43 (7) Two supervising deputy clerks II, M.C.

44 (8) One student professional worker.

45 (9) One assistant court administrator who shall receive a monthly salary eight schedules less
46 than the schedule specified for the court administrator of that court.

1 72764. In the Beverly Hills Municipal Court District, the officers and attaches shall be
2 appointed as follows:

3 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
4 and who shall hold office at the pleasure of the judges of that court.

5 (b) The clerk may appoint:

6 (1) Seven deputy municipal court clerks I.

7 (2) Eleven deputy municipal court clerks II.

8 (3) Four deputy clerks III, M.C.

9 (4) Six deputy clerks IV, M.C.

10 (5) One student worker.

11 (6) One administrative assistant, M.C.

12 (7) One data systems analyst I, M.C.

13 (8) One management secretary, M.C.

14 (9) Three student professional workers.

15 (10) One chief deputy clerk.

16 (11) One assistant court administrator who shall receive a monthly salary eight schedules less
17 than the schedule specified for the court administrator of that court. Any person appointed to this
18 position shall serve at the pleasure of the court administrator and shall acquire no civil service
19 status.

20 72765. The court administrator of the Burbank Municipal Court District shall hold office at the
21 pleasure of the judges of that court.

22 72766. In the Citrus Municipal Court District, the officers and attaches shall be appointed, as
23 follows:

24 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
25 and who shall hold office at the pleasure of the judges of that court.

26 (b) The clerk may appoint:

27 (1) Eighteen deputy municipal court clerks I.

28 (2) Fifteen deputy municipal court clerks II.

29 (3) Nine deputy clerks III, M.C.

30 (4) Thirteen deputy clerks IV, M.C.

31 (5) One senior secretary III, Muni Ct.

32 (6) Twelve student workers.

33 (7) Four supervising deputy clerks I, M.C.

34 (8) Three supervising deputy clerks II, M.C.

35 (9) Four assistant chief deputy clerks, M.C.

36 (10) One senior administrative assistant, M.C.

37 (11) Two student professional workers.

38 (12) One assistant court administrator who shall receive a monthly salary eight schedules less
39 than the schedule specified for the court administrator of that court.

40 72767. In the Compton Municipal Court District, the officers and attaches shall be appointed,
41 as follows:

42 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
43 and who shall hold office at the pleasure of the judges of that court.

44 (b) The clerk may appoint:

45 (1) Thirty-two deputy municipal court clerks I.

46 (2) Thirty-two deputy municipal court clerks II.

47 (3) Twenty-two deputy clerks III, M.C.

- 1 (4) Fifteen deputy clerks IV, M.C.
 - 2 (5) One senior administrative assistant, M.C.
 - 3 (6) Six assistant chief deputy clerks, M.C.
 - 4 (7) One data systems analyst II, M.C.
 - 5 (8) One head personnel technician, M.C., NCS.
 - 6 (9) One senior judicial secretary, Muni Ct.
 - 7 (10) One senior secretary III, Muni Ct.
 - 8 (11) One student professional worker.
 - 9 (12) Four student workers.
 - 10 (13) Five supervising deputy clerks I, M.C.
 - 11 (14) Five supervising deputy clerks II, M.C.
 - 12 (15) Two data systems analysts I, M.C.
 - 13 (16) Five division chiefs, M.C., NCS.
 - 14 (17) One personnel assistant, M.C.
 - 15 (18) One staff assistant, Muni Ct.
 - 16 (19) One assistant court administrator who shall receive a monthly salary eight schedules less
 - 17 than the schedule specified for the court administrator of that court and who shall serve at the
 - 18 pleasure of the court administrator.
- 19 72767.1. Notwithstanding Section 72604, in the Compton Municipal Court District, official
- 20 reporters shall be appointed as follows:
- 21 (a) The judges may appoint as many phonographic reporters, not exceeding twelve, as the
 - 22 business of the court may require. The reporters shall be known as official reporters and shall
 - 23 serve at the pleasure of the judges of the court.
 - 24 (b) In lieu of any other compensation provided by law for his or her services in reporting
 - 25 testimony and proceedings in the court, each official reporter shall receive the same monthly
 - 26 salary and medical benefits received by official reporters of the Los Angeles Municipal Court
 - 27 District, pursuant to Section 72709. Fees for transcription shall be as provided in Article 9
 - 28 (commencing with Section 69941) of Chapter 5.
- 29 72768. In the Culver Municipal Court District, the officers and attaches shall be appointed, as
- 30 follows:
- 31 (a) There is one court administrator, who shall be the clerk appointed by the judges of that
 - 32 court.
 - 33 (b) The clerk may appoint:
 - 34 (1) Six deputy municipal court clerks I.
 - 35 (2) Eight deputy municipal court clerks II.
 - 36 (3) Six deputy clerks III, M.C.
 - 37 (4) Four deputy clerks IV, M.C.
 - 38 (5) One student worker.
 - 39 (6) One supervising deputy clerk II, M.C.
 - 40 (7) One senior secretary I, Muni. Ct.
 - 41 (8) One assistant court administrator who shall receive a monthly salary eight schedules less
 - 42 than the schedule specified for the court administrator of that court.
- 43 72769. In the Downey Municipal Court District, the officers and attaches shall be appointed, as
- 44 follows:
- 45 (a) There is one court administrator who shall be the clerk appointed by the judges of that court
 - 46 and who shall hold office at the pleasure of the judges of that court.
 - 47 (b) The clerk may appoint:

- 1 (1) Nine deputy municipal court clerks I.
- 2 (2) Twelve deputy municipal court clerks II.
- 3 (3) Nine deputy clerks III, M.C.
- 4 (4) Six court clerks, M.C.
- 5 (5) Two accounting technicians, M.C.
- 6 (6) One principal clerk, Los Angeles.
- 7 (7) One secretary, Muni Ct.
- 8 (8) Five student workers, M.C., NCS.
- 9 (9) Three supervising deputy clerks II, M.C.
- 10 (10) One financial evaluator, M.C., NCS.
- 11 (11) One procurement aide, M.C.
- 12 (12) One assistant court administrator, who shall receive a monthly salary eight schedules less
- 13 than the schedule specified for the court administrator of that court.

14 72770. In the East Los Angeles Municipal Court District, the officers and attaches shall be
15 appointed, as follows:

- 16 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
17 and who shall hold office at the pleasure of the judges of that court.
- 18 (b) The clerk may appoint:
 - 19 (1) Nine deputy municipal court clerks I.
 - 20 (2) Twelve deputy municipal court clerks II.
 - 21 (3) Nine deputy clerks III, M.C.
 - 22 (4) Twelve deputy clerks IV, M.C.
 - 23 (5) Six student workers.
 - 24 (6) One assistant court administrator who shall receive a monthly salary eight schedules less
25 than the schedule specified for the court administrator of the court.

26 72771. In the Glendale Municipal Court District, the officers and attaches shall be appointed, as
27 follows:

- 28 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
29 and who shall hold office at the pleasure of the judges of that court.
- 30 (b) The clerk may appoint:
 - 31 (1) Fifteen deputy municipal court clerks II.
 - 32 (2) Five deputy clerks III, M.C.
 - 33 (3) Seven court clerks, M.C.
 - 34 (4) One principal administrative assistant, M.C.
 - 35 (5) One senior secretary II, Muni Ct.
 - 36 (6) Two supervising deputy clerks I, M.C.
 - 37 (7) One accountant, M.C.
 - 38 (8) Three student workers.
 - 39 (9) One assistant court administrator who shall receive a monthly salary eight schedules less
40 than the schedule specified for the court administrator of that court.

41 72771.1. Notwithstanding Section 72604, in the Glendale Municipal Court District, official
42 reporters shall be appointed as follows:

- 43 (a) The judges may appoint as many phonographic reporters, not exceeding four, as the
44 business of the court may require. The reporters shall be known as official reporters and shall
45 serve at the pleasure of the judges of the court.
- 46 (b) In lieu of any other compensation provided by law for his or her services in reporting
47 testimony and proceedings in the court, each official reporter shall receive the same monthly

1 salary and benefits received by official reporters of the Los Angeles Municipal Court District,
2 pursuant to Section 72709. Fees for transcription shall be as provided in Article 9 (commencing
3 with Section 69941) of Chapter 5.

4 72772. In the Inglewood Municipal Court District, the officers and attaches shall be appointed,
5 as follows:

6 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
7 and who shall hold office at the pleasure of the judges of that court.

8 (b) The clerk may appoint:

9 (1) Sixteen deputy municipal court clerks I.

10 (2) Twenty-six deputy municipal court clerks II.

11 (3) Three deputy clerks III, M.C.

12 (4) Eleven deputy clerks IV, M.C.

13 (5) Two principal clerks, Los Angeles.

14 (6) One procurement aide, M.C.

15 (7) One senior administrative assistant, M.C.

16 (8) One senior judicial secretary, Muni Ct.

17 (9) Three student workers.

18 (10) Three supervising deputy clerks I, M. C.

19 (11) Four supervising deputy clerks II, M.C.

20 (12) One assistant court administrator who shall receive a monthly salary eight schedules less
21 than the schedule specified for the court administrator of that court.

22 72773. In the Long Beach Municipal District, the officers and attaches shall be appointed, as
23 follows:

24 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
25 and who shall hold office at the pleasure of the judges of that court.

26 (b) The clerk may appoint:

27 (1) Twenty-six deputy municipal court clerks I.

28 (2) Twenty-four deputy municipal court clerks II.

29 (3) Twenty-one deputy clerks III, M.C.

30 (4) Thirteen deputy clerks IV, M.C.

31 (5) Two deputy clerks, senior judicial secretaries, Muni Ct.

32 (6) Five division chiefs, Long Beach M.C.

33 (7) One assistant court administrator who shall receive a monthly salary eight schedules less
34 than the schedule specified for the court administrator of that court.

35 (8) Seven supervising deputy clerks I, M.C.

36 (9) Five supervising deputy clerks II, M.C.

37 (10) Seven principal clerks, Los Angeles.

38 (11) One senior secretary III, Muni Ct.

39 (12) Two administrative assistants, M.C.

40 (13) One data systems analyst II, M.C.

41 (14) One legal research assistant, planning and research.

42 (15) Two senior administrative assistants, M.C.

43 (16) One accountant, M.C.

44 (17) One personnel technician, M.C.

45 (18) One student professional worker.

46 (19) Eight student workers.

47 (20) One procurement aide, M.C.

1 72774. In the Los Cerritos Municipal Court District, the officers and attaches shall be
2 appointed, as follows:

3 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
4 and who shall hold office at the pleasure of the judges of that court.

5 (b) The clerk may appoint:

6 (1) Seventeen deputy municipal court clerks II.

7 (2) Three deputy clerks III, M.C.

8 (3) Six deputy clerks IV, M.C.

9 (4) One senior judicial secretary, Muni Ct.

10 (5) Three supervising deputy clerks I, M.C.

11 (6) Three supervising deputy clerks II, M.C.

12 (7) Two student workers.

13 (8) One assistant court administrator who shall receive a monthly salary eight schedules less
14 than the schedule specified for the court administrator of that court.

15 (9) One data systems analyst II, M.C.

16 72775. In the Malibu Municipal Court District, the officers and attaches shall be appointed, as
17 follows:

18 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
19 and who shall hold office at the pleasure of the judges of that court.

20 (b) The clerk may appoint:

21 (1) Five deputy municipal court clerks I.

22 (2) Six deputy municipal court clerks II.

23 (3) Six deputy clerks III, M.C.

24 (4) Three deputy clerks IV, M.C.

25 (5) One senior secretary III, M.C.

26 (6) One senior administrative assistant, M.C.

27 (7) Two supervising deputy clerks II, M.C.

28 (8) Three student workers.

29 (9) One assistant court administrator who shall receive a monthly salary eight schedules less
30 than the schedule specified for the court administrator of the court.

31 72776. In the Newhall Municipal Court District, the officers and attaches shall be appointed, as
32 follows:

33 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
34 and who, for any vacancy occurring on or after January 1, 1991, shall hold office at the pleasure
35 of the judges of that court.

36 (b) The clerk may appoint:

37 (1) Two deputy municipal court clerks I.

38 (2) Twelve deputy municipal court clerks II.

39 (3) Six deputy clerks III, M.C.

40 (4) Five court clerks, M.C., plus one additional court clerk, M.C. for each commissioner or
41 traffic referee appointed pursuant to Section 72400, 72450, or 72607.

42 (5) One accounting technician, M.C.

43 (6) One senior secretary III, M.C.

44 (7) One supervising deputy clerk II, M.C.

45 (8) One data systems analyst I, M.C.

46 (9) One administrative assistant, M.C.

47 (10) Two student workers.

1 (11) One assistant court administrator who shall receive a monthly salary eight schedules less
2 than the schedule specified for the court administrator of that court.

3 72777. In the Pasadena Municipal Court District, the officers and attaches shall be appointed,
4 as follows:

5 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
6 and who shall hold office at the pleasure of the judges of that court.

7 (b) The clerk may appoint:

8 (1) Twelve deputy municipal court clerks I.

9 (2) Ten deputy municipal court clerks II.

10 (3) Seven deputy clerks III, M.C.

11 (4) Eight deputy clerks IV, M.C.

12 (5) Four student workers.

13 (6) One student professional worker.

14 (7) One secretary, Muni.Ct.

15 (8) One administrative assistant, M.C.

16 (9) One principal clerk, Los Angeles.

17 (10) One assistant court administrator who shall receive a monthly salary eight schedules less
18 than the schedule specified for the court administrator of that court.

19 72778. In the Pomona Municipal Court District, the officers and attaches shall be appointed, as
20 follows:

21 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
22 and who shall hold office at the pleasure of the judges of that court.

23 (b) The clerk may appoint:

24 (1) Ten deputy municipal court clerks I.

25 (2) Eleven deputy municipal court clerks II.

26 (3) Ten deputy clerks III, M.C.

27 (4) Ten court clerks, M.C.

28 (5) One student professional worker.

29 (6) Four student workers, M.C., NCS.

30 (7) Two assistant chief deputy clerks, M.C.

31 (8) One staff assistant, Muni Ct.

32 (9) One data systems analyst I, M.C.

33 (10) One assistant court administrator who shall receive a monthly salary eight schedules less
34 than the schedule specified for the court administrator of that court.

35 72778.1. Notwithstanding Section 72604, in the Pomona Municipal Court District, official
36 reporters shall be appointed as follows:

37 (a) The judges may appoint as many phonographic reporters, not exceeding five, as the
38 business of the court may require. The reporters shall be known as official reporters and shall
39 serve at the pleasure of the judges of the court.

40 (b) In lieu of any other compensation provided by law for his or her services in reporting
41 testimony and proceedings in the court, each official reporter shall receive the same monthly
42 salary and benefits received by official reporters of the Los Angeles Municipal Court District,
43 pursuant to Section 72709. Fees for transcription shall be as provided in Article 9 (commencing
44 with Section 69941) of Chapter 5.

45 72779. In the Rio Hondo Municipal Court District, the officers and attaches shall be appointed,
46 as follows:

1 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
2 and who shall hold office at the pleasure of the judges of that court.

3 (b) The clerk may appoint:

4 (1) Eleven deputy municipal court clerks I.

5 (2) Ten deputy municipal court clerks II.

6 (3) Seven deputy clerks III, M.C.

7 (4) Five deputy clerks IV, M.C.

8 (5) Three supervising deputy clerks I, M.C.

9 (6) Three supervising deputy clerks II, M.C.

10 (7) One student professional worker.

11 (8) Four student workers.

12 (9) One assistant court administrator who shall receive a monthly salary eight schedules less
13 than the schedule specified for the court administrator of that court.

14 72780. In the Santa Anita Municipal Court District, the officers and attaches shall be appointed,
15 as follows:

16 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
17 and who shall hold office at the pleasure of the judges of that court.

18 (b) The clerk may appoint:

19 (1) Four deputy municipal court clerks I.

20 (2) Eight deputy municipal court clerks II.

21 (3) Two deputy clerks III, M.C.

22 (4) Five deputy clerks IV, M.C.

23 (5) Two senior administrative assistants, M.C.

24 (6) One student professional worker.

25 (7) Two student workers.

26 (8) One assistant court administrator who shall receive a monthly salary eight schedules less
27 than the schedule specified for the court administrator of that court.

28 72781. In the Santa Monica Municipal Court District, the officers and attaches shall be
29 appointed, as follows:

30 (a) There is one court administrator who shall be the clerk appointed by the judges of the court.

31 (b) The clerk may appoint:

32 (1) Ten deputy municipal court clerks I.

33 (2) Eleven deputy municipal court clerks II.

34 (3) Nine deputy clerks III, M.C.

35 (4) Six deputy clerks IV, M.C.

36 (5) One senior judicial secretary, Muni Ct.

37 (6) One secretary, Muni Ct.

38 (7) Seven student workers.

39 (8) One assistant court administrator who shall receive a monthly salary eight schedules less
40 than the schedule specified for the court administrator of the court.

41 (c) The court administrator shall hold office at the pleasure of the judges of the court. This
42 subdivision applies to vacancies occurring on or after January 1, 1989.

43 72782. In the South Bay Municipal Court District, the officers and attaches shall be appointed,
44 as follows:

45 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
46 and who shall hold office at the pleasure of the judges of that court.

47 (b) The court administrator may appoint:

- 1 (1) Five deputy municipal court clerks I.
- 2 (2) Fifteen deputy municipal court clerks II.
- 3 (3) Twenty-six deputy clerks III, M.C.
- 4 (4) One deputy clerk, senior personnel assistant, M.C., NCS.
- 5 (5) One deputy clerk, senior judicial secretary, M.C., NCS.
- 6 (6) Seven supervising deputy clerks I, M.C.
- 7 (7) Two student professional workers, M.C., NCS.
- 8 (8) Five custodians, M.C., NCS.
- 9 (9) One general maintenance supervisor, M.C., NCS.
- 10 (10) Four deputy clerks, principal clerk, Los Angeles.
- 11 (11) One accountant, M.C., NCS.
- 12 (12) One data systems analyst I, M.C., NCS.
- 13 (13) One data systems analyst II, M.C., NCS.
- 14 (14) One deputy clerk III, M.C., NCS.
- 15 (15) Six deputy clerk supervisors, M.C., NCS.
- 16 (16) One deputy municipal court clerk I, NCS.
- 17 (17) One deputy municipal court clerk II, NCS.
- 18 (18) One deputy municipal court clerk aide, NCS.
- 19 (19) Four division chiefs, M.C., NCS.
- 20 (20) Two law clerks, M.C.
- 21 (21) One management secretary II, M.C., NCS.
- 22 (22) Twelve municipal court judicial assistants, NCS.
- 23 (23) One office services assistant I, M.C., NCS.
- 24 (24) One office services assistant II, M.C., NCS.
- 25 (25) One office services assistant III, M.C., NCS.
- 26 (26) One senior accountant, M.C., NCS.
- 27 (27) One senior administrative assistant, M.C., NCS.
- 28 (28) One senior general maintenance worker, M.C., NCS.
- 29 (29) Three staff assistants, M.C., NCS.
- 30 (30) One deputy clerk, assistant court administrator, who shall receive a monthly salary eight
- 31 schedules less than the schedule specified for the court administrator of that court.

32 72783. In the Southeast Municipal Court District, the officers and attaches shall be appointed,
33 as follows:

34 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
35 and who shall hold office at the pleasure of the judges of that court.

36 (b) The clerk may appoint:

- 37 (1) Twenty-seven deputy municipal court clerks II.
- 38 (2) Ten deputy clerks III, M.C.
- 39 (3) Eleven deputy clerks IV, M.C.
- 40 (4) Six supervising deputy clerks II, M.C.
- 41 (5) One accounting technician II, M.C.
- 42 (6) One senior secretary III, Muni Ct.
- 43 (7) Two student professional workers.
- 44 (8) Seven student workers.
- 45 (9) Two assistant court administrators who shall receive monthly salaries eight schedules less
- 46 than the schedule specified for the court administrator of that court.

1 72784. In the Whittier Municipal Court District, the officers and attaches shall be appointed, as
2 follows:

3 (a) There is one court administrator who shall be the clerk appointed by the judges of the court
4 and who shall hold office at the pleasure of the judges of that court.

5 (b) The clerk may appoint:

6 (1) Nine deputy municipal court clerks I.

7 (2) Eleven deputy municipal court clerks II.

8 (3) Eight deputy clerks III, M.C.

9 (4) Six judicial assistants.

10 (5) One principal administrative assistant, M.C.

11 (6) One student professional worker, M.C., NCS.

12 (7) Five student workers, M.C., NCS.

13 (8) Three supervising deputy clerks II, M.C.

14 (9) One financial evaluator, M.C., NCS.

15 (10) One assistant court administrator who shall receive a monthly salary eight schedules less
16 than the schedule specified for the court administrator of that court.

17 **§§ 73075-73096.1 (repealed). Alameda County municipal court districts**

18 SEC. ____. Chapter 9.1 (commencing with Section 73075) of Title 8 of the Government
19 Code is repealed.

20 **Comment.** Sections 73075-73096.1 are repealed to reflect:

21 (1) Unification of the municipal and superior courts in Alameda County pursuant to Article VI,
22 Section 5(e), of the California Constitution, effective July 31, 1998. See Section 70211 (former
23 municipal court judgeships continued as superior court judgeships). See also Cal. Const. art. VI, §
24 16 (election of judges); Code Civ. Proc. § 38 (judicial districts); Elec. Code § 8203 (reelection of
25 incumbent judge); Section 69580 (number of judges in Alameda County). Cf. Section 71042.5
26 (preservation of judicial districts for purposes of publication); former Section 71264 (municipal
27 court served by marshal).

28 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
29 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
30 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
31 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
32 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
33 protection system), 71673 (authority of court). See also Sections 69941 (appointment of official
34 reporters), 69947 (compensation of official reporter).

35  **Notes.** We anticipate relocating court interpreter provisions to integrate them with trial court
36 employment and trial court funding provisions. This material is not yet drafted, and will be
37 circulated for comment separately.

38 The text of the repealed chapter is set out below.

39 **Chapter 9.1. Municipal Court Districts in Alameda County**

40 **Article 1. General Provisions**

41 73075. Each of the municipal court districts established in Alameda County shall have the
42 number of judges set out below opposite the name of the judicial district over which such court
43 has jurisdiction:

44 Alameda Judicial District..... 1

1 Berkeley-Albany Judicial District..... 4
2 Oakland-Piedmont-Emeryville Judicial District.....14
3 San Leandro-Hayward Judicial District..... 8
4 Fremont-Newark-Union City Judicial District..... 4
5 Livermore-Pleasanton-Dublin Judicial District. 3

6 73075.1. In any judicial district in Alameda County having a municipal court, in which only the
7 incumbent municipal court judge has filed nomination papers for the office of municipal court
8 judge, his name shall not appear on the ballot unless there is filed with the county clerk or
9 registrar of voters, within 20 days after the final date for filing nomination papers for the office, a
10 petition indicating that a write-in campaign will be conducted for the office and signed by 100
11 registered voters qualified to vote with respect to the office.

12 If a petition indicating that a write-in campaign will be conducted for the office at the general
13 election, signed by 100 registered voters qualified to vote with respect to the office, is filed with
14 the county clerk or registrar of voters not less than 45 days before the general election, the name
15 of the incumbent shall be placed on the general election ballot if it has not appeared on the direct
16 primary election ballot.

17 If, in conformity with this section, the name of the incumbent does not appear either on the
18 primary ballot or general election ballot, the county clerk or registrar of voters, on the day of the
19 general election, shall declare the incumbent reelected.

20 73076. Whenever reference to salary item number classification is made in any section of this
21 chapter, the item classification found in the salary ordinance established for municipal courts in
22 Alameda County and the salary ordinance for the County of Alameda shall apply.

23 73077. (a) Except as provided in this section, each clerk and deputy clerk appointed to a
24 position enumerated in this chapter, where compensation is designated by a schedule of steps, the
25 rate of compensation in case of an original appointment shall be at the rate designated under the
26 first step. After a person completes 13 full bi-weekly pay periods of continuous full-time service
27 in the same classification at the first or second step, he or she shall advance to the next step. After
28 he or she has completed 26 full bi-weekly pay periods of continuous service in the same
29 classification at the third or fourth step, he or she shall advance to the next step.

30 (b) The anniversary date of an employee shall always be the first day of a bi-weekly pay period.
31 For purposes of determining effective dates of advancement to higher steps, the anniversary date
32 of a person shall be the first day of the bi-weekly pay period the appointment is effective,
33 provided that the appointment is effective in the first five calendar days of that pay period,
34 excluding holidays; otherwise, the anniversary date shall be the first day of the succeeding bi-
35 weekly pay period.

36 (c) Where the schedule of steps shown for a classification begins at step 2, 3, or 4, the rate of
37 compensation in case of an original appointment shall be at the rate designated under the 2nd,
38 3rd, or 4th step, respectively, after which further increments shall be received as set forth in
39 subdivision (a). An initial appointment to a professional, technical, or administrative
40 classification may be made at any step in the salary range for that classification, provided the
41 request of the department head is in accordance with established criteria and has been authorized
42 by the county administrator and director of personnel and labor relations.

43 73078. The value in dollars of each bi-weekly salary provided by this chapter shall be at the
44 rates indicated opposite the item classification in the salary ordinance established for municipal
45 court and the county salary ordinance.

1 73079. If a clerk, deputy clerk, or attache of a municipal court in Alameda County changes his
2 position to another position of higher salary schedule, he shall receive compensation at the salary
3 schedule for the new position that represents one step increment over the amount he was
4 receiving in the former position.

5 73080. Persons appointed to positions in the court immediately following employment in
6 positions in other municipal courts in the County of Alameda, or in positions in the classified
7 service of the county as set forth in the county charter, shall receive credit for prior continuous
8 service in such positions. The clerk and each deputy clerk and attache, in addition to the
9 minimum salary for his position shall receive the increments to which his length of service in any
10 municipal court in Alameda County or any superseded court entitles him. In no circumstance
11 shall an employee of the court have his salary range reduced below that salary range he was
12 entitled to as a permanent employee before the effective date of this section.

13 73082. The Sheriff of Alameda County and his deputies shall ex officio be the marshal and
14 deputy marshals of the municipal courts in Alameda County.

15 Article 2. Courts in Alameda County

16 73083. This article applies only to municipal courts established in judicial districts in Alameda
17 County.

18 73084. (a) In each municipal court established in Alameda County one clerk who shall also be
19 known as the court administrative officer shall be appointed by the judge or judges of each court.

20 (b) The clerk and administrative officers of the following districts shall receive a bi-weekly
21 salary at the rate set forth for that classification in the ordinance established for municipal courts
22 in Alameda County:

	Ordinance Class No.
23 Alameda Judicial District	1690M
24 Berkeley-Albany Judicial District	1691M
25 Fremont-Newark-Union City Judicial District	1692M
26 Livermore-Pleasanton-Dublin Judicial District	1693M
27 Oakland-Piedmont-Emerystown Judicial District	1694M
28 San Leandro-Hayward Judicial District	1695M

31 73084.1. The clerk and administrative officer of the municipal court for the Alameda Judicial
32 District may appoint the following deputy clerks:

- 33 (a) One chief deputy clerk.
- 34 (b) Two deputy clerks, municipal courtroom clerk.
- 35 (c) Three deputy clerks, division chiefs.
- 36 (d) Three deputy clerks, senior municipal court clerk.
- 37 (e) Eight deputy clerks, municipal court clerk.
- 38 (f) One deputy clerk, clerk II.
- 39 (g) One deputy clerk, supervising accountant I.
- 40 (h) One deputy clerk, secretary II.

41 Not more than one such deputy clerk may be assigned as court interpreter at the additional
42 percentage compensation provided for county employees required to possess bilingual
43 capabilities.

1 73084.2. The clerk and administrative officer of the municipal court for the Berkeley-Albany
2 Judicial District may appoint the following deputy clerks:

- 3 (a) One chief deputy clerk.
- 4 (b) Three deputy clerks, division chief.
- 5 (c) One deputy clerk, financial hearing officer.
- 6 (d) Five deputy clerks, municipal courtroom clerk.
- 7 (e) Six deputy clerks, senior municipal court clerk.
- 8 (f) Ten deputy clerks, municipal court clerk.
- 9 (g) Two deputy clerks, clerk II.
- 10 (h) One deputy clerk, secretary II.
- 11 (i) One deputy clerk, supervising accountant I.
- 12 (j) One deputy clerk, account clerk II.
- 13 (k) One deputy clerk, account clerk I.
- 14 (l) Two deputy clerks, data input clerk.
- 15 (m) One deputy clerk, court attendant.
- 16 (n) Two court reporters.

17 Not more than three such deputy clerks may be assigned as court interpreter at the additional
18 percentage compensation provided for county employees required to possess bilingual
19 capabilities.

20 73084.3. The clerk and administrative officer of the municipal court for the Oakland-Piedmont-
21 Emeryville Judicial District may appoint the following deputy clerks:

- 22 (a) One chief deputy clerk.
- 23 (b) Three deputy clerks, division chiefs. The clerk and administrative officer may transfer the
24 division chiefs from one division to another regardless of any resulting change in salary as set
25 forth in Section 73086.
- 26 (c) Four deputy clerks, assistant division chiefs.
- 27 (d) One deputy clerk, calendar coordinator.
- 28 (e) Six deputy clerks, supervising municipal court clerk II.
- 29 (f) Eighteen deputy clerks, municipal courtroom clerk.
- 30 (g) Four deputy clerks, supervising municipal court clerk I.
- 31 (h) Eight deputy clerks, senior municipal court clerk.
- 32 (i) Fifty-eight deputy clerks, municipal court clerk.
- 33 (j) Ten clerks, clerk II.
- 34 (k) One deputy clerk, supervising secretary II.
- 35 (l) Two deputy clerks, secretary II.
- 36 (m) Eight deputy clerks, data input clerk.
- 37 (n) Two deputy clerks, pretrial specialist.
- 38 (o) One deputy clerk, management specialist.
- 39 (p) Two deputy clerks, financial hearing officers.
- 40 (q) One deputy clerk, systems analyst.
- 41 (r) Eight court reporters.
- 42 (s) One deputy clerk, court training officer.
- 43 (t) One deputy clerk, information systems director.
- 44 (u) One deputy clerk, information systems analyst.
- 45 (v) One deputy clerk, information systems specialist.

46 Not more than eight such deputy clerks may be assigned as court interpreters at the additional
47 percentage compensation provided for county employees required to possess bilingual
48 capabilities.

1 73084.4. The clerk and court administrator of the municipal court for the San Leandro-
2 Hayward Judicial District may appoint the following deputy clerks:

3 (a) One assistant clerk and court administrator.

4 (b) Five deputy clerks, division chiefs. The clerk and court administrator may transfer the
5 division chiefs from one division to another regardless of any resulting change in salary as set
6 forth in Section 73086.

7 (c) Nine deputy clerks, municipal courtroom clerk.

8 (d) Five deputy clerks, supervising municipal court clerk I.

9 (e) Three deputy clerks, senior municipal court clerk.

10 (f) Thirty-nine deputy clerks, municipal court clerk.

11 (g) One deputy clerk, supply clerk II.

12 (h) One deputy clerk, supervising secretary II.

13 (i) One deputy clerk, secretary II.

14 (j) One deputy clerk, accounting specialist.

15 (k) One deputy clerk, court attendant.

16 (l) Two deputy clerks, financial hearing officer.

17 (m) One deputy clerk, information systems analyst.

18 Not more than five such deputy clerks may be assigned as court interpreters at the additional
19 percentage compensation provided for county employees required to possess bilingual
20 capabilities.

21 73084.5. The clerk and administrative officer of the municipal court for the Fremont-Newark-
22 Union City Judicial District may appoint the following deputy clerks:

23 (a) One chief deputy clerk.

24 (b) Six deputy clerks, municipal courtroom clerk.

25 (c) Four deputy clerks, division chief.

26 (d) Six deputy clerks, senior municipal court clerk.

27 (e) Twenty-three deputy clerks, municipal court clerk.

28 (f) Four deputy clerks, clerk II.

29 (g) One deputy clerk, secretary II.

30 (h) One deputy clerk, supervising accountant I.

31 (i) Two deputy clerks, account clerk II.

32 (j) One deputy clerk, account clerk I.

33 (k) Three deputy clerks, data input clerk.

34 (l) Three deputy clerks, supervising municipal court clerk I.

35 (m) One deputy clerk, financial hearing officer.

36 (n) One deputy clerk, supervising secretary II.

37 (o) One deputy clerk, court attendant.

38 (p) One deputy clerk, pretrial specialist.

39 (q) One deputy clerk, information systems technician II.

40 Not more than five deputy clerks may be assigned as court interpreters at the additional
41 percentage compensation provided for county employees required to possess bilingual
42 capabilities.

43 73084.6. The clerk and administrative officer of the municipal court for the Livermore-
44 Pleasanton-Dublin Judicial District may appoint the following deputy clerks:

45 (a) One chief deputy clerk.

46 (b) Three deputy clerks, municipal courtroom clerk.

47 (c) Three deputy clerks, supervising municipal court clerk II.

- 1 (d) Four deputy clerks, senior municipal court clerk.
- 2 (e) Twelve deputy clerks, municipal court clerk.
- 3 (f) One deputy clerk, supervising accountant I.
- 4 (g) One deputy clerk, secretary II.
- 5 (h) Two deputy clerks, data input clerk.
- 6 (i) One deputy clerk, financial hearing officer.
- 7 (j) One deputy clerk, court attendant.

8 Not more than four such deputy clerks may be assigned as court interpreter at the additional
9 percentage compensation provided for county employees required to possess bilingual
10 capabilities.

11 73085. Chief deputy clerks of the following districts shall receive a bi-weekly salary at the rate
12 set forth for that item number classification in the ordinance established for municipal courts:

	Ordinance
	Class No.
15 Oakland-Piedmont-Emeryville Judicial District	1675M
16 Hayward-San Leandro Judicial District	1676M
17 Fremont-Newark-Union City Judicial District	1677M
18 Berkeley-Albany Judicial District	1678M
19 Livermore-Pleasanton-Dublin Judicial District	1674M
20 Alameda Judicial District	1679M

21 73086. Deputy clerks, division chiefs of the following districts shall receive a biweekly salary
22 at the rate set forth for that item number classification in the ordinance established for municipal
23 courts:

	Ordinance
	Class No.
26 Oakland-Piedmont-Emeryville Judicial District, criminal	1680M
27 Oakland-Piedmont-Emeryville Judicial District, civil	1681M
28 Oakland-Piedmont-Emeryville Judicial District, traffic	1682M
29 Berkeley-Albany Judicial District, division chief	1683M
30 San Leandro-Hayward Judicial District, division chief	1684M
31 Fremont-Newark-Union City Judicial District, division chief	1685M

32 73086.5. The following personnel of the Oakland-Piedmont-Emeryville Judicial District shall
33 receive a bi-weekly salary at the rate set forth for that item number classification in the ordinance
34 established for municipal courts:

	Ordinance
	Class No.
37 Deputy clerks, assistant division chief	1667M
38 Deputy clerks, calendar coordinator	1668M

39 73087. (a) Deputy clerks in each municipal court in Alameda County shall receive a biweekly
40 salary at the rate set forth for that item number classification in the ordinance established for
41 municipal courts as follows:

	Ordinance
	Class No.
44 Deputy clerk, municipal court clerk	1615
45 Deputy clerk, senior municipal court clerk	1620

1	Deputy clerk, supervising municipal court clerk I	1655M
2	Deputy clerk, supervising municipal court clerk II	1656M
3	Deputy clerk, municipal courtroom clerk	1660
4	Deputy clerk, court attendant	9067 or
5		9067N

(b) Deputy clerks in each municipal court in Alameda County shall receive a biweekly salary at the rate set forth for that item number classification in the Alameda County ordinance as follows:

8		Ordinance
9		Class No.
10	Deputy clerk, account clerk I	1305
11	Deputy clerk, account clerk II	1310
12	Deputy clerk, accounting technician	1315M
13	Deputy clerk, administrative services assistant I	0220M
14	Deputy clerk, administrative services officer I	0224M
15	Deputy clerk, clerk I	1115
16	Deputy clerk, clerk II	1120
17	Deputy clerk, data input clerk	1131
18	Deputy clerk, information systems analyst	0419M
19	Deputy clerk, secretary I	1215
20	Deputy clerk, secretary II	1220M
21	Deputy clerk, stenographer II	1210
22	Deputy clerk, supervising accountant I	0133M
23	Deputy clerk, supervising secretary I	1216M
24	Deputy clerk, supervising secretary II	1221M
25	Deputy clerk, financial hearing officer	1426

(c) Notwithstanding any other provisions of this code, the rules governing flexibly staffed classifications, the administration of the pay plan and additional compensation shall be the same as that for employees of Alameda County.

73088. All deputy clerks who are required by the clerk to work a “night shift” on each regular working day of a month shall be allowed additional compensation in addition to their regular compensation otherwise provided for in this article, such compensation for each such shift to be at the rate of 5 percent of the pay for his position. For the purposes of this section, a “night shift” is defined as meaning all time worked by a person required by the clerk to work at least five-eighths (5/8) of his normal daily tour of duty after 4:30 p.m. or before 8 a.m.

73089. With the approval of the board of supervisors, judges of each municipal court concerned within Alameda County may establish additional titles and pay rates as are required and may appoint additional deputy clerks, officers, assistants, and other employees as deemed necessary for the powers conferred by law upon the court and its members. Rates of compensation of the clerk and administrative officers, deputy clerks, officers, assistants, and other employees may be adjusted by joint action and approval of the board of supervisors and the judges in each respective municipal court within the county.

If the board of supervisors provides by ordinance or resolution for any increase in the number or rate of compensation of any municipal court personnel pursuant to this section, that increase shall be effective only until January 1, 2000, and shall be effective at the same time and in the same manner as increases for Alameda County employees generally.

1 73089.1. Any traffic trial commissioner appointed pursuant to Article 10 (commencing with
2 Section 72450) of Chapter 8 of this title to serve in a municipal court district in Alameda County,
3 shall receive a salary equal to 80 percent (80%) of the salary of a judge of the superior court.

4 73091. In addition to the positions created in this article, there are hereby created the following
5 positions to be filled only while higher positions remain unfilled and if persons in a lower grade
6 fail to qualify or receive an appointment to upgraded or newly created positions provided in this
7 article:

8 (a) One assistant division chief, supervising municipal court clerk II, or municipal courtroom
9 clerk position for each unfilled division chief position.

10 (b) One supervising municipal court clerk I or senior municipal court clerk position for each
11 unfilled municipal courtroom clerk position or supervising municipal court clerk II.

12 (c) One municipal court clerk position for each unfilled supervising municipal court clerk I or
13 senior municipal court clerk position.

14 (d) One clerk II position for each unfilled municipal court clerk position.

15 (e) One stenographer I position for each unfilled stenographer II position.

16 (f) One secretary I position for each unfilled secretary II position.

17 (g) One secretary II position for each unfilled supervising secretary II position.

18 Notwithstanding any other provisions of this code, all unfilled classified positions other than
19 those above may be filled by the next lower class as listed in the salary ordinance established for
20 municipal courts and the Alameda County salary ordinance.

21 73092. Whenever the business of the court requires, the appointing officer may request the
22 Civil Service Commission to study the duties of positions in any of the grades of deputy clerk and
23 on the basis of its findings, to certify eligibles with appropriate qualifications in typing,
24 stenography, account keeping, telephone switchboard and other mechanical equipment operation.

25 73093. Notwithstanding any other provision of this code, the clerk and deputy clerks provided
26 for by this article shall be entitled to receive the same mileage allowances for use of their private
27 automobile while on official business of the court as that provided for other employees of the
28 County of Alameda.

29 73094. The clerk and deputy clerks shall be entitled to the same vacation, sickness and other
30 leaves of absences, reinstatement privileges, longevity compensation, and similar privileges and
31 benefits as are now or may hereafter be provided for other employees of the County of Alameda,
32 State of California, including the right to participate in any group accident, health or life
33 insurance plan or service adopted by the Board of Supervisors of the County of Alameda, State of
34 California, and such privileges and benefits may be retrospectively applied.

35 73095. The judges of the Oakland-Piedmont-Emeryville Municipal Court may appoint one
36 official court interpreter. The individual appointed pursuant to this section shall hold office at the
37 pleasure of the judges and shall receive an annual salary including additional compensation for
38 bilingual skills, and all other benefits, in the same amount as are provided for the class of
39 municipal court clerk of the Oakland-Piedmont Municipal Court.

40 73096. Official reporters of municipal courts in Alameda County, in lieu of any other
41 compensation provided by law for their services in reporting testimony and proceedings in such
42 court, shall receive one of the following:

43 (a) Two hundred twenty-one dollars and ten cents (\$221.10) a day for the days they actually are
44 on duty under order of the court.

45 (b) A minimum payment of one hundred ten dollars and fifty-five cents (\$110.55) for serving
46 four hours or less a day.

1 (c) Regular official court reporters shall receive a salary, vacation leave, and sick leave, in the
 2 same amounts as the official reporters of the Superior Court in Alameda County as set forth in
 3 Alameda County Salary Ordinance for item number classification 1625.

4 Rates of compensation of regular official reporters and official reporters pro tempore may be
 5 adjusted by joint action and approval of the board of supervisors and a majority of the judges of
 6 the court, provided, however, that any changes in compensation which are made pursuant to this
 7 section shall be on an interim basis and shall remain in effect only until January 1, 2000, unless
 8 ratified by statute by the Legislature prior to that date.

9 73096.1. The judges of each municipal court district set forth below may appoint the following
 10 number of regular official reporters:

11 Alameda Judicial District	1
12 Berkeley-Albany Judicial District	4
13 Oakland-Piedmont-Emeryville Judicial District	8
14 San Leandro-Hayward Judicial District	7
15 Fremont-Newark-Union City Judicial District	5
16 Livermore-Pleasanton-Dublin Judicial District	2

17 **§§ 73100-73122 (repealed). San Bernardino County Municipal Court District**

18 SEC. ____ Chapter 9.2 (commencing with Section 73100) of Title 8 of the Government
 19 Code is repealed.

20 **Comment.** Sections 73100-73122 are repealed to reflect:

21 (1) Unification of the municipal and superior courts in San Bernardino County pursuant to
 22 Article VI, Section 5(e), of the California Constitution, effective August 10, 1998. See Section
 23 70211 (former municipal court judgeships continued as superior court judgeships). See also Cal.
 24 Const. art. VI, § 16 (election of judges); Code Civ. Proc. §§ 38 (judicial districts), 190 *et seq.*
 25 (jury selection); Sections 69508 (presiding judge), 69594 (number of judges in San Bernardino
 26 County). *Cf.* Section 71042.5 (preservation of judicial districts for purposes of publication).

27 (2) Elimination of the marshal's office as a result of consolidation with the sheriff's office in
 28 San Bernardino County, effective October 9, 1999. *Cf.* Section 26603 (sheriff shall attend
 29 superior court). For other provisions governing keepers fees, see Sections 26726 (fees for sheriff
 30 keeping property under attachment, execution, or claim and delivery), 71266 (sheriff fee statutes
 31 applicable to marshals), 72112 (deputy marshals serving as custodians).

32 (3) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
 33 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
 34 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
 35 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
 36 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
 37 protection system), 71673 (authority of court). See also Sections 68086 (fees for reporting
 38 services), 69941 (appointment of official reporters), 69947 (compensation of official reporter),
 39 69953.5 (daily transcript requiring more than one reporter), 72190 (court commissioners).

40 (4) Enactment of the Trial Court Funding Act. See Sections 77001 (local trial court
 41 management), 77003 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
 42 (state funding of trial court operations). See also Section 69952 (payment from Trial Court
 43 Operations Fund).

44  **Note.** The text of the repealed chapter is set out below.

Chapter 9.2. Municipal Courts in San Bernardino County

73100. There is in the County of San Bernardino, on and after the effective date of this section, a single municipal court district known as the San Bernardino County Municipal Court District.

73101. The San Bernardino County Municipal Court District shall consist of the following divisions, embracing that territory which is within the following judicial districts in the County of San Bernardino on the date specified, and as such divisions are thereafter modified by the board of supervisors or operation of law.

(a) On November 8, 1967:

(1) East Division--That territory within the Redlands Judicial District. On March 14, 1979, that territory within the Highland and Yucaipa Judicial Districts.

(2) Central Division--That territory within the San Bernardino Judicial District. On October 1, 1980, that territory within the Colton and Mission Judicial Districts.

(3) Valley Division--That territory within the Fontana and Rialto Judicial Districts. On January 1, 1979, that territory within the Bloomington Judicial District.

(4) West Valley Division--That territory within the West Valley Municipal Court District. On January 12, 1981, that territory within the Cucamonga-Etiwanda Judicial District.

(5) Victorville Division--That territory within the Victor Judicial District.

(b) On August 5, 1973:

(1) Barstow Division--That territory within the Barstow and Yermo-Belleville Judicial Districts.

(c) On November 26, 1973:

(1) Chino Division--That territory within the Chino Judicial District.

(d) On July 1, 1979:

(1) Morongo Basin Division--That territory within the Twenty-nine Palms Judicial District.

73101.5. There shall be the following number of judges in divisions of the San Bernardino County Municipal Court District:

(a) In the East Division, two.

(b) In the Central Division, seven.

(c) In the Valley Division, three.

(d) In the West Valley Division, seven.

(e) In the Victorville Division, two.

(f) In the Barstow Division, two.

(g) In the Chino Division, two.

(h) In the Morongo Basin Division, one.

73102. The Board of Supervisors of the County of San Bernardino may, by ordinance, create new divisions of the San Bernardino County Municipal Court District and may modify or enlarge the divisions created by this chapter. This provision shall not be construed to limit, or be limited by, existing provisions of law conferring authority upon the board of supervisors to revise judicial district boundaries or to consolidate judicial districts, provided that except for such changes in judicial district boundaries as may be mandated by statute, no further annexation will be made to the San Bernardino County Municipal Court District except after public hearing before the board of supervisors.

73103. For purposes of qualification and election of judges, the "division" referred to in this chapter is and shall continue to be the "district" referred to in subdivision (b) of Section 16 of Article VI of the Constitution of the State of California.

1 73104. Within each division of the San Bernardino County Municipal Court District, even in
2 divisions having only one judge, there shall be a supervising judge of the division.

3 73105. The judges of the San Bernardino County Municipal Court District shall, by majority
4 vote, elect one of the judges of the district to serve as presiding judge of the district and shall
5 formulate rules and regulations not inconsistent with law or rules and regulations adopted and
6 prescribed by the Judicial Council for transfer of cases, assignment of judges, scheduling of
7 vacation of judges, and other administrative matters such as will promote uniformity of
8 procedures and efficiency and economy in the business of the district. Such rules and regulations
9 shall be administered by the municipal court administrator under the supervision and control of
10 the presiding judge of the district. Any rules and regulations adopted pursuant to Section 72002.1
11 shall be adopted by a majority vote of the judges of the district.

12 73106. The judges of the district shall meet quarterly, and more often if necessary, upon the call
13 in writing of the presiding judge of the district or of any two supervising judges. At the last
14 meeting of each calendar year, the judges shall elect the presiding judge of the district for the next
15 ensuing year commencing January 1, shall review the business of the district, and shall make such
16 recommendations to the board of supervisors and to the Judicial Council as it deems desirable or
17 necessary to promote the administration of justice in the courts of the district.

18 73107. There shall be one clerk of the San Bernardino County Municipal Court District to be
19 known as the municipal court administrator who shall be appointed by, and serve at the pleasure
20 of, a majority of the judges, from among applicants certified to those judges on the basis of a
21 competitive examination pursuant to personnel rules and regulations of the County of San
22 Bernardino. The municipal court administrator shall receive an annual salary of eighty thousand
23 one hundred eighteen dollars (\$80,118) commencing July 1, 1992, and shall be the appointing
24 authority for those positions listed in Section 73113.

25 73109. The municipal court administrator shall be the administrative officer of the district
26 under the control and supervision of the presiding judge of the district. The judges shall prescribe
27 and regulate, by majority vote, the duties and authority of the municipal court administrator,
28 among which shall be:

29 (a) To direct and coordinate the nonjudicial activities of the district.

30 (b) To coordinate the personnel practices in compliance with rules of the district and those of
31 the County of San Bernardino.

32 (c) To prepare and administer the budget of the district.

33 (d) To coordinate with other county agencies the acquisition, utilization, maintenance, and
34 disposition of county facilities, equipment and supplies necessary for operation of the district.

35 (e) To initiate studies and prepare appropriate recommendations and reports to the presiding
36 judge of the district and the judges relating to the business of the district, including, but not
37 limited to, such matters as standardization of forms, procedures, and of classification and
38 compensation of officers and employees.

39 (f) To collect, compare, and analyze statistical data on a continuing basis concerning the status
40 of judicial and nonjudicial business of the district and to prepare periodic reports and
41 recommendations based on such data.

42 (g) To make arrangements for and attend all meetings of the judges, to assist the presiding
43 judge of the district in the preparation of the agenda, and to prepare minutes of the meetings of
44 the judges.

45 (h) To serve as liaison for the district with other persons, committees, boards, groups, and
46 associations as directed by the presiding judge of the district or the judges.

1 73110. (a) There shall be one marshal designated as the Marshal of San Bernardino County, for
2 the superior and municipal courts established in San Bernardino County. The marshal shall serve
3 at the pleasure of a majority of the judges of the superior and municipal courts in the county. The
4 marshal shall receive an annual salary of seventy-seven thousand eight hundred eighty-one
5 dollars (\$77,881) commencing July 1, 1992. The marshal shall be the appointing power for those
6 positions listed in Section 73113 as being appointed by the marshal.

7 (b) Whenever required, the marshal shall attend all superior and municipal courts held within
8 San Bernardino County, provided, however, that a marshal shall attend a civil action only if the
9 presiding judge or his or her designee makes a determination that the attendance of the marshal at
10 that action is necessary for reasons of public safety.

11 (c) Whenever a vacancy occurs in the position of Marshal of San Bernardino County, the
12 judges of the superior court and all the municipal courts in San Bernardino County, by a majority
13 vote of their aggregate number, shall select and appoint the marshal under the organization, rules,
14 and procedures they adopt or ratify therefor. Discharge of the marshal shall be by a majority vote
15 of the judges of the municipal courts and the superior courts.

16 73110.5. There shall be, in San Bernardino County, the Court Service Oversight Committee
17 which will consist of three judges from the municipal court, three judges from the superior court,
18 and the presiding judge of the municipal court in even-numbered years and the presiding judge of
19 the superior court in odd-numbered years. The presiding judge serving shall be the chairperson of
20 the committee. The presiding judge of the superior court shall be the appointing authority for the
21 members from the superior court and the presiding judge of the municipal court shall be the
22 appointing authority for the members from the municipal court. The superior court administrator,
23 the municipal court administrator, and the marshal shall be nonvoting members of the committee
24 and shall act in an advisory capacity to the committee. The committee shall review and approve
25 the marshal's budget annually. The committee may review and make recommendations to the
26 marshal concerning policy and procedural issues that relate to the marshal's court service
27 responsibility and may request action by the marshal to facilitate the efficient operation of the
28 courts. The committee shall have the authority to recommend, after a hearing has been held and
29 evidence presented, discipline or dismissal of the marshal of court services. The recommendation
30 shall be supported by a majority vote of the judges sitting on the committee. That
31 recommendation shall then be made to all the judges of the municipal and superior courts for
32 further action. Based on the recommendation of the committee, and after due consideration of all
33 facts and circumstances, the judges of the municipal and superior court, by a majority vote of
34 their total number, may discipline the marshal or dismiss the marshal from office. The committee
35 shall meet at least quarterly or as often as necessary to conduct business related to the marshal's
36 court service operation.

37 73111. A branch office of the Marshal of San Bernardino County shall be maintained in each
38 division of the superior and municipal courts of the county.

39 73111.5. Whenever required, the marshal shall attend all superior and municipal courts held
40 within San Bernardino County. However, a marshal shall attend a civil action only if the
41 presiding judge or his or her designee makes a determination that the attendance of the marshal at
42 that action is necessary for reasons of public safety.

43 73112. Mediators in small claims proceedings in San Bernardino County under the Small
44 Claims Act (Chapter 5.5 (commencing with Section 116.110) of Title 1 of Part 1 of the Code of
45 Civil Procedure) shall receive for their services such fees, not to exceed one hundred dollars
46 (\$100) per day, as may be established by the court upon authorization and approval of the board
47 of supervisors.

73113. The number of positions within each job classification which may be filled by appointment by the municipal court administrator and the marshal and the salary range prescribed in Section 73113.5 which constitutes the compensation for each job classification are as follows:

Appointed by the Municipal Court Administrator

Job Classification	Number	Salary Range Effective	
		12/28/91	06/27/92
Accountant I	1	J48	K48
Assistant Municipal Court Administrator	1	J72	K72
Automated Systems Analyst I	1	J53	K53
Automated Systems Analyst II	1	J60	K60
Automated Systems Technician	4	J42	K42
Clerk III	104	J30	K30
Clerk IV	11	J34	K34
Court Reporter	18	J65	K65
Courtroom Clerk II	41	J41	K41
Executive Secretary III	1	J42	K42
Fiscal Clerk II	11	J31	K31
Fiscal Clerk III	2	J36	K36
Legal Procedures Clerk I	51	J32	K32
Legal Procedures Clerk II	4	J38	K38
Legal Procedures Clerk III	7	J45	K45
Municipal Court Division Manager I	5	J55	K55
Municipal Court Division Manager II	3	J59	K59
Municipal Court Division Supervisor I	5	J45	K45
Municipal Court Division Supervisor II	3	J51	K51
Secretary I	1	J35	K35
Secretary II	6	J38	K38
Supervisor of Administrative Services I	1	J54	K54

Appointed by Marshal

Job Classification	Number	Salary Range Effective		
		***	***	***
Marshal's Captain	3	***	***	H29
Marshal's Lieutenant	8	***	***	H28
Marshal's Sergeant	9	***	***	H25
Deputy Marshal	112.5	***	***	F17
Administrative Clerk II	1	***	***	K43
Marshal's Clerk II	13	***	***	K31
Marshal's Clerk I	19	***	***	K29
Marshal's Technician	25	***	***	K32
Marshal's Radio Dispatch Clerk	5	***	***	K33
Executive Secretary II	1	***	***	K38
Staff Analyst II	1	***	***	K54

The marshal shall also appoint as many deputy marshal keepers as may be required by law. The deputy marshal keepers shall be compensated at the fee allowed for keeping property.

In hiring for vacancies in the position of deputy marshal, the marshal may appoint successful candidates as deputy marshal probationary at a flat hourly rate. The flat hourly rate shall be in the sum of fourteen dollars and sixty-three cents (\$14.63) commencing December 29, 1990, and shall be payable until successful completion of a probationary period of one year, except that the marshal may extend the probationary period for not to exceed six months, after which the deputy

1 marshal probationary shall be advanced to the deputy marshal classification at the “A” step of the
2 appropriate salary range.

3 73113.5. Whenever reference is made to a numbered salary range in any section of this chapter,
4 the salary schedule found in the salary ordinance of San Bernardino County in effect on
5 December 29, 1990, shall apply.

6 Administration of the salary plan provided by this chapter, including the hiring date; increases
7 within range; salary on promotion, transfer, or demotion; salary on position reclassification,
8 obligations and benefits and all other relevant matters, shall be in accordance with the current
9 personnel rules and ordinances of the County of San Bernardino. The provisions of the San
10 Bernardino County charter relating to civil service shall be applicable to all marshal employees in
11 the same manner and to the same extent as applicable, generally, to the officers and employees of
12 San Bernardino County. The San Bernardino County Civil Service Commission shall exercise the
13 same jurisdiction over marshal employees as it exercises over officers and employees of the
14 county.

15 Notwithstanding any other provisions of law, the salary and classifications of municipal court
16 and marshal employees provided by Sections 73107, 73110, 73113, 73114, 73121, and 73122,
17 and this section may be increased or decreased within the range limits of the salary schedule
18 incorporated by reference by this section in order to provide classification and compensation that
19 is comparable to county employees of similar qualifications and experience in the classified
20 service of San Bernardino County as that comparability is determined by the board of supervisors.
21 Any salary increases granted or reclassifications made pursuant to this paragraph shall be
22 effective only until January 1, 1994.

23 73114. By order entered in the minutes of the court, a majority of the judges may appoint up to
24 two secretaries as the business of the court requires, to be classified as secretary II. Each shall
25 receive a salary at a rate specified in range C38 of the salary schedule effective on July 1, 1989,
26 and range D38 effective June 30, 1990, and be otherwise subject to the salary plan provided by
27 Section 73113.5.

28 73115. In the event the board of supervisors creates any new divisions or modifies any
29 divisions established hereby pursuant to the provisions of Section 73102, the number,
30 classification, and compensation of additional municipal court personnel necessitated thereby
31 shall be governed by the provisions of Article 3 (commencing with Section 71080) of Chapter 6
32 and Article 4 (commencing with Section 72150) of Chapter 8 of Title 8 of this code.

33 73116. Trial jurors for each session of the courts of the district shall be selected from persons
34 residing within the divisions within which such sessions are held. Upon adoption of a rule
35 pertaining thereto by the judges, any division may use the same jury panel as that summoned for
36 service in the superior court. When selected from the superior court panel, persons so selected for
37 jury duty in the municipal court division need not be residents of the division.

38 73117. Official reporters in the Municipal Court of the San Bernardino County Municipal
39 Court District appointed pursuant to Section 72194 shall be attaches of that court and in lieu of
40 any other compensation provided by law for services in reporting testimony and proceedings in
41 that court shall receive salary and vacation leave time in the same amount as is received by the
42 official reporters of the Superior Court of the County of San Bernardino, which shall be charged
43 against the general fund of the county. Official reporters of the courts of the San Bernardino
44 County Municipal Court District, other than official reporters pro tempore, shall be entitled to the
45 same sick leave benefits as classified employees of the County of San Bernardino, and shall be

1 subject to the same regulations governing the accrual and use of such benefits as apply to county
2 employees, to the extent that Section 5 of Article VI of the California Constitution is not violated.

3 73118. In any civil action or proceedings, in addition to the fees required by Article 2
4 (commencing with Section 72050) of Chapter 8 of this title, a fee of sixteen dollars and fifty cents
5 (\$16.50) shall be paid to the clerk of the court by each party or jointly by parties appearing
6 jointly, once only in any such action or proceedings, in the following instances:

7 (a) Upon the filing of a complaint or other first paper;

8 (b) Upon the filing of an answer or other first paper on behalf of any party (or parties appearing
9 jointly) other than the plaintiff;

10 (c) Upon the filing of papers transmitted from another court on the transfer of a civil action or a
11 special proceeding.

12 In civil cases that last longer than one judicial day, a fee per day equal to the per diem rate for
13 official reporters pro tempore shall be charged to the parties for the services of an official reporter
14 for the second and each successive day a reporter is required. The foregoing fees shall apply to
15 cases in which the services of only one official reporter are required; in the event the court, at the
16 request of a party, orders a daily transcript, necessitating the services of two phonographic
17 reporters, the party requesting the daily transcript shall pay an additional fee per day equal to the
18 per diem rate for official reporters pro tempore for the services of the second reporter for the first
19 and each successive day.

20 The fees so required shall be taxed as costs in favor of the party paying the same and to whom
21 costs are awarded by the judgment of the court. All fees collected under the provisions of this
22 section shall be transmitted to the county treasurer in the same manner as fees collected under
23 Article 2 (commencing with Section 72050) of Chapter 8 of this title. They are not subject to
24 Section 6103.

25 ☞ **Note.** Issues involving filing fees are still unsettled. This section may need to be preserved
26 pending resolution of these issues.

27 The Commission is reviewing whether provisions governing the deposit of fees into the county
28 treasury remain viable, given the enactment of the Trial Court Funding Act, the Trial Court
29 Employment Protection and Governance Act, and other changes to the structure of the trial
30 courts. See Gov't Code §§ 77003 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial
31 Court Operations Fund), 77200 (state funding of trial court operations). These matters are also
32 being examined by a Joint Court-County Working Group on Trial Court Funding. The
33 Commission solicits comment on the proper treatment of these provisions.

34 73119. Fees for transcription of testimony and proceedings in the court shall be paid by the
35 litigants to official reporters and official reporters pro tempore as otherwise provided by law. In
36 all cases where by law the court may direct the payment of transcription fees out of the county
37 treasury, such fees shall, upon order of the court, be paid from the general fund including fees for
38 transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to
39 69953, inclusive, which shall be paid from the county treasury.

40 73120. Official reporters of the court shall be members of any retirement system maintained by
41 the county in which they are employed. For the purposes of such retirement system, the salary
42 provided for such reporters in this article shall be deemed their entire compensation.

43 73121. By majority vote, the judges may appoint a court commissioner who shall meet the
44 qualifications and have the powers and duties specified in Sections 72190, 72190.1, and 72190.2
45 of this code and Section 259 of the Code of Civil Procedure. Any commissioner so appointed
46 shall also have the power and duties of a traffic referee as provided in Article 9 (commencing

1 with Section 72400) of Chapter 8 of Title 8. The salary of the commissioner for all duties
2 performed pursuant to this section shall be equal to 85 percent of the salary of a judge of the
3 municipal court. A commissioner shall be entitled to the same benefits as are or shall be provided
4 to a commissioner of the superior court in the County of San Bernardino.

5 73122. Any traffic trial commissioner appointed pursuant to Section 72450 shall be entitled to
6 the same benefits as a commissioner appointed pursuant to Section 73121.

7 **§ 73300 (repealed). Salary payments**

8 SEC. _____. Section 73300 of the Government Code is repealed.

9 ~~73300. When an annual salary is prescribed in this chapter, the salary is payable in~~
10 ~~equal monthly installments, except that if an annual salary is prescribed in this chapter for~~
11 ~~the judges, clerks, and other officers and attaches of the municipal court of the City and~~
12 ~~County of San Francisco, such salary is payable either in equal monthly installments or in~~
13 ~~equal semimonthly installments, as may be determined pursuant to law.~~

14 **Comment.** Section 73300 is repealed to reflect:

15 (1) Unification of the municipal and superior courts pursuant to Article VI, Section 5(e), of the
16 California Constitution.

17 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Section
18 71623 (salaries).

19 **§ 73301 (amended). Prior service in court superseded by municipal court**

20 SEC. _____. Section 73301 of the Government Code is amended to read:

21 73301. Persons who succeeded to positions in the municipal court upon its
22 establishment shall receive credit for continuous prior service in superseded courts and in
23 the sheriff's department or constabulary of the county, and, in addition to the minimum
24 rate, such persons shall receive the annual increments commensurate with such years of
25 prior service up to the maximum rate set. This section applies to municipal courts
26 provided for in former Articles 3, 7, 12, 13, 15, 18, 22, 23, 29, 31, and 32 of this chapter.

27 **Comment.** Section 73301 is amended to reflect unification of the municipal and superior courts
28 pursuant to Article VI, Section 5(e), of the California Constitution.

29 ☞ **Note.** Is Section 73301 obsolete? The Commission solicits comment on whether the provision
30 continues to serve a useful purpose.

31 **§ 73330 (repealed). Calaveras County consolidated courts**

32 SEC. _____. Article 1.5 (commencing with Section 73330) of Chapter 10 of Title 8 of the
33 Government Code is repealed.

34 **Comment.** Section 73330 is repealed to reflect:

35 (1) Unification of the municipal and superior courts in Calaveras County pursuant to Article VI,
36 Section 5(e), of the California Constitution, effective June 3, 1998. See Sections 70210 (adoption
37 of rules), 70212 (officers and employees), 70215 (construction with other laws).

38 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
39 71615(c)(1) (preservation of employees' job classifications), 71620(a) (job classifications and
40 appointments), 71623 (salaries), 71640-71645 (employment selection and advancement), 71650-
41 71658 (employment protection system), 71673 (authority of court). See also Code Civ. Proc. §
42 195 (jury commissioners).

43 ☞ **Note.** The text of the repealed article is set out below.

Article 1.5. Calaveras County

73330. The judges of Calaveras County have approved the coordination and consolidation of the municipal and superior courts administratively and judicially to meet the requirements of California Rule of Court 991.

All matters affecting the employment of staff of the consolidated courts that are not specifically determined by this article or another provision of state law shall be governed by the personnel ordinance and resolutions of the County of Calaveras. Employees currently governed by the terms and conditions of the current Memorandum of Understanding between the County of Calaveras and the Calaveras County Employees Association shall continue to be covered by the agreement until amended or superseded by mutual agreement.

There shall be one clerk of the court and jury commissioner for the Calaveras County Consolidated Courts, who shall be the court executive officer and receive an annual salary set by the court, as provided for in Section 69898.

The Calaveras County Consolidated Courts are judicially and administratively consolidated with joint job classifications and the work of the Superior and Municipal Courts in Calaveras County is to be performed, minimally, by each of the positions herein identified by the trial courts of Calaveras County. The court executive officer, with the approval of the judges, may appoint the following authorized titles, number of positions, and compensation rates for employees of the Calaveras County consolidated courts:

No. of Positions	Position Title	Range
2	Supervising Court Clerks	1037
3	Court Clerk I/II	0631
6	Court Clerk I/II	0782
3	Legal Process Clerk I/II	0782
1	Account Clerk I/II	0558
2	Account Clerk I/II	0630

The court executive officer may also appoint other employees, with the approval of the board of supervisors, upon the recommendation of the courts, and those employees shall receive a salary recommended by the courts and approved by the board of supervisors.

The salaries associated with the ranges listed above are available in the office of the Auditor-Controller of Calaveras County.

§§ 73340-73366 (repealed). Contra Costa County municipal court districts

SEC. ____ . Article 2 (commencing with Section 73340) of Chapter 10 of Title 8 of the Government Code is repealed.

Comment. Sections 73340-73366 are repealed to reflect:

(1) Unification of the municipal and superior courts in Contra Costa County pursuant to Article VI, Section 5(e), of the California Constitution, effective June 8, 1998. See Section 70211 (former municipal court judgeships continued as superior court judgeships). See also Code Civ. Proc. § 38 (judicial districts); Section 69582 (number of judges in Contra Costa County). Cf. Section 71042.5 (preservation of judicial districts for purposes of publication).

(2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment protection system), 71673 (authority of court). See also Sections 69840 (powers, duties, and responsibilities of clerk of court), 69941 (appointment of official reporters), 69947 (compensation of official reporter), 72190 (court commissioners).

1 (3) Enactment of the Trial Court Funding Act. See Sections 77003 (“court operations” defined),
2 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations).

3 ☞ **Note.** The text of the repealed article is set out below.

4 **Article 2. Municipal Courts in Contra Costa County**

5 73340. This article applies only to municipal courts established in judicial districts in Contra
6 Costa County.

7 73341. Except as otherwise provided in this article, each municipal court district established in
8 Contra Costa County shall have the number of judges set forth opposite the name of the judicial
9 district over which that court has jurisdiction.

10 Bay Judicial District	5
11 Delta Judicial District	2
12 Mt. Diablo Judicial District	4
13 Walnut Creek-Danville Judicial District	3

14 73342. Consolidation of any judicial districts listed in Section 73341 shall be effective only
15 with the concurrent approval of the Board of Supervisors of Contra Costa County and a majority
16 of the judges in the affected judicial districts.

17 73343. Official reporters shall be appointed by the judges of each municipal court district
18 pursuant to Section 72194 and shall serve at the pleasure of the judges.

19 The salary of each official reporter shall be at the rates provided for by Section 73348, which
20 shall be a charge against the general fund of the county.

21 73344. (a) Pursuant to Section 72194, the judges of the court may appoint as many additional
22 reporters as the business of the court requires, who shall be known as official reporters pro
23 tempore. They shall serve without salary but shall receive as compensation a fee which shall be
24 an amount equivalent to 1.05 times the daily wage of the fourth step in the salary range for full-
25 time official reporters in Contra Costa County as provided for by Section 73348 for each day that
26 reporter is on duty under order of the court.

27 (b) Additional official reporters pro tempore may also be appointed on a half-day basis as the
28 business of the court requires. Those reporters shall serve without salary but shall receive as
29 compensation a fee which shall be 55 percent of the daily wage of an official reporter pro tempore
30 for each period up to four hours that the reporter is on duty under order of the court.

31 73345. Any official reporter may be assigned by the presiding judge of his or her district to act
32 as official reporter pro tempore in any municipal court in Contra Costa County. During any such
33 assignment he or she shall continue to receive his or her regular salary in lieu of any other
34 compensation provided by law.

35 73347. The official reporters of the court shall be members of any retirement system
36 maintained by the county. For the purposes of that retirement system, the salary provided for
37 reporters in this article shall be deemed their entire compensation.

38 73348. (a) In Contra Costa County, the annual salary of each regular official reporter shall be
39 based on a four-step salary plan with one-year increments. Effective October 1, 1997, the four
40 salary steps are as follows:

41 Step 1. Forty-nine thousand five hundred twelve dollars (\$49,512).

42 Step 2. Fifty-one thousand nine hundred eighty-four dollars (\$51,984).

1 Step 3. Fifty-four thousand five hundred eighty-eight dollars (\$54,588).

2 Step 4. Fifty-seven thousand three hundred twelve dollars (\$57,312).

3 The step of entry to the above schedule shall be Step 1. However, the judges of the court may
4 appoint a court reporter to a duly allocated exempt position at a higher step if, in the opinion of
5 the appointing judge, an individual to be appointed has the experience and qualifications to entitle
6 that individual to the higher initial step, and if the higher initial salary has the approval of the
7 presiding judge of the court and the board of supervisors, but in no case may the initial salary be
8 above the third step of the salary range. Except as provided below, official reporters shall advance
9 to the next higher step on the salary plan annually. The compensation of each official reporter pro
10 tempore shall be an amount which is equivalent to 1.05 times the daily wage of the fourth step in
11 the salary range for full-time official reporters in Contra Costa County for each day the reporter
12 actually is on duty under order of the court which per diem rate shall apply when an official
13 reporter is appointed pursuant to Section 869 of the Penal Code.

14 Irrespective of the step of the salary range to which initially appointed, an official court reporter
15 shall be eligible for advancement to the next higher step in the salary range after six months'
16 service, and thereafter shall advance on the salary range based on annual reviews.

17 (b) During the hours which the court is open for the transaction of judicial business, the regular
18 official reporter shall perform the duties required by law. When not engaged in the performance
19 of any other duty imposed upon him or her by law, he or she shall render stenographic or clerical
20 assistance to the judge of the court to which he or she is assigned as the judge may direct.

21 (c) The board of supervisors shall adjust the salary of regular official reporters as part of its
22 regular review of county employee compensation. The adjustment shall be to that salary level
23 closest to the average percentage adjustment in basic salaries of the county classes of superior
24 court clerk, legal clerk, secretary, and clerk (experienced level). The reporter salary adjustment
25 shall be effective on the same day as the effective date of the board's action as to all of the
26 aforesaid county classifications, but for official reporters of each municipal court district shall be
27 effective only until January 1 of the second year following the calendar year in which the
28 adjustment is made. The compensation of each official reporter pro tempore shall remain at the
29 rate specified in subdivision (a) for the days he or she actually is on duty until changed by the
30 board of supervisors at the same time and on the same basis as regular official reporters.

31 73349. Except as otherwise provided in this article, all paid employments of any municipal
32 court now established or which may subsequently be established in Contra Costa County shall be
33 under the merit system established in the county or the exempt system established by court
34 personnel rules. The merit board of the county shall exercise the same jurisdiction over municipal
35 court employments as it exercises over other county employments in the same manner as they
36 apply to other merit system employments in the Contra Costa County service. In addition, all paid
37 employments of any municipal court shall be subject to all provisions of the County Personnel
38 Management Regulations and of the County Salary Regulations except as otherwise may be
39 provided in this article.

40 In the event that one or more eligibles are not certified to a vacancy within six months of the
41 date the position became vacant, or of the date of receipt of an examination request, whichever is
42 later, the appointing authority may fill the vacancy by appointing any candidate who meets the
43 minimum qualifications for the class as set forth in the class specification. The appointee shall
44 thereby obtain merit system status as described above.

45 73350. Except as otherwise provided in this article, all employments of any municipal court
46 now established or which may be established in Contra Costa County shall be compensated and
47 receive other benefits in accordance with the salary ordinance of the county governing other
48 county employments. Any subsequent change in benefits provided by the salary ordinance to

1 employees of the county shall apply equally to employees of the municipal courts and shall have
2 the same effective date. These benefits may also be retroactively applied. References hereafter to
3 range allocation and salary steps apply to the basic salary schedule set forth in Section 73352.

4 Within-range step increases shall be granted only upon the affirmative recommendation of the
5 appointing authority.

6 Overtime payments must bear the same approval as within-range step increases.

7 73351. There are the following classes of positions into which each of the positions of the
8 municipal courts shall be assigned as prescribed in the section pertaining to each court:

9 (a) Deputy clerk-beginning level, which shall include all municipal court employments
10 assigned routine clerical tasks under continuous immediate supervision.

11 (b) Deputy clerk-data entry operator I, which shall include all municipal court employments at
12 the entry level assigned to operate data entry devices for the purpose of entering and verifying a
13 wide variety of data from coded or uncoded source documents.

14 (c) Deputy clerk-experienced level, which shall include all municipal court employments
15 assigned clerical tasks requiring exercise of discretion as to methods and priorities and for which
16 supervision is available on a periodic basis only.

17 (d) Deputy clerk-data entry operator II, which shall include all municipal court employments at
18 the experienced working level assigned to operate data entry devices for the purpose of entering
19 and verifying a wide variety of data from coded or uncoded source documents.

20 (e) Deputy clerk-senior level, which shall include all municipal court employments assigned
21 complex clerical work involving responsibility for the establishment, maintenance, calendaring,
22 issuance of process, and updating of case records using manual and automated systems.

23 (f) Deputy clerk-specialist level, which shall include all municipal court employments assigned
24 lead direction of a work unit or assigned clerical duties of a complex administrative nature,
25 requiring exercise of initiative and discretion in work organization, methods, and priorities.

26 (g) Deputy clerk-courtroom clerk, which shall include all municipal court employments
27 assigned clerical duties involving responsibility for keeping the minutes of court proceedings and
28 the processing and maintenance of a variety of documents and records.

29 (h) Municipal court division supervisor or court services coordinator-exempt, which shall
30 include all municipal court employments assigned responsibility for planning, organizing, and
31 directing the clerical activities of a division in a municipal court including the supervision of
32 clerical staff.

33 (i) Court operations coordinator I and II, or court services coordinator-exempt-levels A and B,
34 which shall include any municipal court position charged with the overall responsibility for
35 managing and supervising court clerical operations including courtroom duties.

36 (j) Court probation officer, which shall include all municipal court employments assigned to
37 exercise the same powers and duties of deputy probation officers with respect to the business of
38 the court.

39 (k) Court commissioner, which shall include all municipal court employments who exercise the
40 same powers and duties of judges of the court with respect to traffic and small claims matters.

41 (l) Executive officer, coordinated trial courts of Contra Costa County, which shall be
42 responsible for the overall administration of all municipal court judicial districts in the county.

43 (m) Municipal court systems and facilities manager, which shall be responsible for managing
44 the development, implementation, and enhancement of court systems, and related work as
45 required.

46 (n) Municipal court fiscal and administrative manager or fiscal budget officer-exempt, which
47 shall be responsible for planning, reviewing, and coordinating fiscal and accounting activities of
48 the county's municipal courts, and related work as required.

(o) Municipal court accounting specialist, which shall be responsible for assisting the municipal court fiscal and administrative manager with departmental budgetary and accounting activities, and for coordinating the day-to-day activities of the court collections unit.

(p) Municipal court collection agent, which shall be responsible for intensive collection efforts on delinquent court accounts.

The board of supervisors may create a new class or classes by specifying the number of positions for each new class and the compensation therefor, provided that the new class or classes shall be effective only until January 1 of the second year following the calendar year in which the classes are created, unless the change has been incorporated into this article.

73352. Whenever reference is made to a numbered salary level in any section of this article, the salary schedule applicable to equivalent employees of Contra Costa County as set forth in Section 73354 shall apply. If the board of supervisors adopts a revised salary schedule for equivalent county employees, the new schedule shall apply equally to municipal courts and conversion to the new schedule shall be effected for employees of the municipal courts in the same manner and on the same date as for county employees, but any adjustment shall be effective only until January 1 of the second year following the calendar year in which the adjustment is made, unless the change has been incorporated into this article.

73353. Effective October 1, 1997, classes of positions provided in Section 73351 are allocated to the salary schedule as follows:

Class Title	Salary Schedule	Pay Level
Deputy Clerk-Beginning Level	C5-1320	1700-2067
Deputy Clerk-Experienced Level	C5-1474	1983-2411
Deputy Clerk-Senior Level	XC-1623	2191-2798
Deputy Clerk-Specialist Level	XC-1745	2474-3160
Deputy Clerk-DEO I	C5-1387	1818-2210
Deputy Clerk-DEO II	C5-1484	2003-2435
Deputy Clerk-Courtroom Clerk	C5-1886	2994-3639
Court Operations Coordinator II	C5-2201	4102-4986
Court Operations Coordinator I	C5-2056	3548-4313
Court Services Coordinator-exempt	C5-1985	3305-4018
Court Services Administrator-exempt- Level A	C5-2261	4355-5294
Court Services Administrator-exempt- Level B	C5-2372	4866-5915
Court Probation Officer	C5-1997	3345-4066
Municipal Court Collection Agent	C5-1777	2685-3264
Municipal Court Computer Systems Technician	C5-1873	2955-3592
Municipal Court Accounting Specialist	XC-1824	2679-3422
Municipal Court Division Supervisor	C5-1911	3070-3731
Municipal Court Systems and Facilities Manager	C5-2246	4291-5215
Municipal Court Fiscal and Administrative Manager	C5-2269	4390-5336
Executive Officer, Coordinated Trial Courts of Contra Costa County	C5-2829	7684-9340

73353.2. The Contra Costa County Board of Supervisors may adopt a resolution establishing a pay-for-performance bonus as defined in subdivision (d). Such a resolution shall state that the bonus program shall be funded by the county solely out of county funds, that the compensation is not a "court operation" for purposes of Sections 77003 and 77204, that the payment of the compensation shall not be a state obligation under the Brown-Presley Trial Court Funding Act,

1 the Trial Court Realignment and Efficiency Act of 1991, or any other related measure, and that
2 the county agrees not to seek funding from the state for the payment of the authorized
3 compensation. If such a resolution is adopted:

4 (a) At six-month intervals, on January 1 and July 1 of each calendar year, the Executive
5 Officer, Coordinated Trial Courts of Contra Costa County, may conduct assessments of all
6 permanent employees in designated classes, for the purpose of determining eligibility for receipt
7 of a pay-for-performance bonus.

8 (b) The appointing authority for the position of Executive Officer, Coordinated Trial Courts of
9 Contra Costa County, may conduct an assessment on each January 1 and July 1 for the purpose of
10 determining eligibility for receipt of a pay-for-performance bonus.

11 (c) The employees described in subdivisions (a) and (b) who are determined eligible for a pay-
12 for-performance bonus at the semiannual review may be awarded that bonus. No pay-for-
13 performance bonus may be awarded for a period longer than six months from the date of the
14 semiannual review. Performance must be reevaluated each six months and reauthorization
15 approved pursuant to subdivisions (a) and (b) for any bonus to continue.

16 (d) "Pay-for-performance bonus," as used in this section, means a monthly bonus, based on
17 performance, equal to either 2.5 percent or 5 percent of the employee's monthly base pay as of
18 the date of the semiannual review, to be awarded for up to a six-month period.

19 ☞ **Note.** The Commission requests input as to whether the bonus program established in Section
20 73353.2 continues to reflect current practice and, therefore, should be preserved in some fashion.

21 73354. Certain classifications in the municipal courts are deemed to be equivalent in job and
22 salary level to certain classifications in the service of Contra Costa County and whenever the
23 salary of a classification in the service of Contra Costa County is adjusted by the board of
24 supervisors, the salary of the comparable classification in the municipal courts shall be adjusted a
25 commensurate number of levels on the salary schedule. The adjustment shall be effective on the
26 same day as the effective date of the action by the board of supervisors as it applies to the county
27 classifications, but the adjustment shall be effective only until January 1 of the second year
28 following the calendar year in which the adjustment is made, unless the change has been
29 incorporated into Article 2 (commencing with Section 73340) of Chapter 10.

30 (a) The individual court class and equivalent county class or relationship are as follows:

Court Class	Equivalent County Class
Deputy Clerk--Beginning	3% above Clerk--Beginning
Deputy Clerk--Experienced	Clerk--Experienced
Deputy Clerk--Senior	Clerk--Senior
Deputy Clerk--Specialist	Clerk--Specialist
Deputy Clerk--DEO I	Data Entry Operator I
Deputy Clerk--DEO II	Data Entry Operator II
Court Probation Officer	Deputy Probation Officer III
Municipal Court Reporter	Superior Court Reporter
Deputy Clerk--Courtroom Clerk	4.8% below Superior Court Clerk

41 (b) The municipal court classes listed below are designated management classes and are
42 eligible for all of the compensation and benefit considerations that the board of supervisors may
43 extend to county management employees. Whenever the board of supervisors adopts a general
44 salary adjustment for county management classes, the respective salary schedules of municipal
45 court management classes shall be adjusted by an equivalent percentage amount. In no event shall
46 the salary of Municipal Court Division Supervisor be less than 2.5 percent above the salary of
47 Deputy Clerk-Courtroom Clerk.

48 Management Positions:

1 Municipal Court Division Supervisor or Court Services Coordinator-Exempt
 2 Court Operations Coordinator II or Court Services Administrator-Exempt-Level A
 3 Court Operations Coordinator I or Court Services Administrator-Exempt-Level B
 4 Municipal Court Systems and Facilities Manager

5 Municipal Court Fiscal and Administrative Manager or Fiscal Budget Officer-Exempt
 6 Executive Officer, Coordinated Trial Courts of Contra Costa County

7 (c) The class of court probation officer shall be allocated to a five-step salary schedule in 5
 8 percent incremental steps with the top step equivalent to the top step of deputy probation officer
 9 III. Upon appointment, a new court probation officer shall be allocated to the first step of the
 10 salary schedule, except that an appointee with exceptionally high qualifications and experience
 11 may be appointed at a higher step with the board of supervisors' approval.

12 (d) The class of court commissioner shall be allocated to a three-step salary schedule, in 5
 13 percent incremental steps with the third step equivalent to 85 percent of the salary of a municipal
 14 court judge in the County of Contra Costa. Upon appointment, a new court commissioner shall be
 15 allocated to the first step of the schedule, except that an appointee with exceptionally high
 16 qualifications and experience may be appointed at a higher step with the board of supervisors'
 17 approval.

18 73355. The Executive Officer, Coordinated Trial Courts of Contra Costa County, shall serve as
 19 the clerk of the court for each judicial district and shall be appointed by a majority of the judges
 20 of Contra Costa County. Except as provided in Sections 73348 and 73356, the Executive Officer,
 21 Coordinated Trial Courts of Contra Costa County, shall appoint all other employments in the
 22 municipal court offices of the judicial districts in Contra Costa County. Persons in these positions
 23 shall serve as deputy clerks, with full statutory authority, in addition to other duties set forth in
 24 Section 73351.

25 73356. Certain classifications in the municipal courts are excluded from the merit system.

26 (a) A majority of the judges in Contra Costa County shall appoint the Executive Officer,
 27 Coordinated Trial Courts of Contra Costa County, whose position shall be exempt from the merit
 28 system. The Executive Officer, Coordinated Trial Courts of Contra Costa County, shall serve at
 29 the pleasure of the judges, and may be removed by a majority of the judges at their discretion.

30 (b) Appointment to the classification of court commissioner shall be made in accordance with
 31 Section 73362.

32 73357. Municipal court judicial districts in the County of Contra Costa may have no more than
 33 four court probation officers for all districts in total. Court probation officers shall be appointed
 34 by a majority of the judges of the court, or by the presiding judge in a two-judge court, to which
 35 the court probation officer is appointed. These positions report directly to the judges of the district
 36 to which they are appointed. Within the jurisdiction of the court and under the direction of the
 37 judges, court probation officers shall exercise all of the powers and perform all of the duties of a
 38 deputy probation officer as prescribed by law.

39 73358. The total number of positions authorized for operation of municipal courts in Contra
 40 Costa County is as follows:

41		Number of
42	Class Title	Positions
43	Deputy Clerk--(Deep Class), including Beginning, experienced, senior,	
44	and Specialist Levels	230
45	Deputy Clerk--DEO I or II	26
46	Deputy Clerk--Courtroom Clerk	18

1	Court Operations Coordinator II or Court Services	
2	Administrator-Exempt-Level A	2
3	Court Operations Coordinator I or Court Services	
4	Administrator-Exempt-Level B	2
5	Court Probation Officer	4
6	Municipal Court Division Supervisor or Court Services	
7	Coordinator-Exempt	15
8	Municipal Court Computer Systems Technician	1
9	Municipal Court Accounting Specialist	1
10	Municipal Court Collection Agent	1
11	Municipal Court Systems and Facilities Manager	1
12	Municipal Court Fiscal and Administrative Manager	
13	or Fiscal Budget Officer-Exempt	1
14	Executive Officer, Coordinated Trial Courts of Contra Costa County	1

15 73362. Municipal court judicial districts in the County of Contra Costa may have no more than
16 four court commissioners for all districts in total. Commissioners shall be appointed by a majority
17 of the judges of the court or courts, or by the presiding judge in a two-judge court, to which the
18 court commissioner is appointed. Commissioners shall serve at the pleasure of the majority of the
19 judges in the court or courts or at the pleasure of the presiding judge in a two-judge court and may
20 be removed by a majority of the judges at their discretion. Within the jurisdiction of the court or
21 courts and under the direction of the judges, commissioners shall exercise all the powers and
22 perform all of the duties authorized by law to be performed by commissioners of superior courts
23 and any additional powers and duties as may be prescribed by law. At the direction of the judges,
24 commissioners may have the same jurisdiction and exercise the same powers and duties as the
25 judges of the court with respect to any infraction or small claims action. The commissioners shall
26 possess the same qualifications the law requires of a municipal court judge and shall not engage
27 in the private practice of law. They shall be ex officio deputy clerks.

28 73363. (a) Upon the adoption of a resolution by the board of supervisors finding that there are
29 sufficient funds available in the budget for a particular municipal court district and
30 acknowledging that the judges of that district have determined the business of the court requires
31 such occasional service, there shall be one position of temporary court commissioner to serve that
32 municipal court district.

33 (b) A temporary court commissioner shall be appointed by the presiding judge of the court from
34 a list of temporary court commissioners established and approved by a majority of the judges of
35 that court. The presiding judge shall assure that all temporary commissioners maintain current
36 knowledge of the court's personnel and procedures. The court shall periodically review the
37 performance of each temporary commissioner and shall maintain an ongoing training program to
38 maintain their skills. Each temporary commissioner shall possess the same qualifications the law
39 requires of a municipal court judge, and shall have completed an orientation program satisfactory
40 to the presiding judge, including a review of the procedures and practices of the court, together
41 with observation of each particular calendar to which the commissioner may be assigned, and
42 shall not engage in the private practice of law before any court of the municipal court to which he
43 or she is appointed, and is subject to disqualification as provided for judges.

44 (c) A temporary court commissioner shall receive, as sole compensation for that service, an
45 hourly fee for each hour or fraction of an hour of service which is equivalent of the hourly wage
46 of the first step in the salary range for full-time official municipal court commissioners in Contra

1 Costa County, without any other benefit included in the compensation of any other municipal
2 court officer or employee in Contra Costa County.

3 (d) A temporary court commissioner shall perform those functions conferred by law and
4 assigned by the presiding judge. Before any action or proceeding is tried or heard by a temporary
5 court commissioner, any party to, or any attorney appearing in, the action or proceeding shall,
6 however, be entitled to require, by oral or written motion without notice, that the action or
7 proceeding be reassigned or transferred, whereupon the action or proceeding shall be reassigned
8 or transferred as promptly as possible to a judge, court commissioner, or referee of the court. The
9 court shall, prior to the commencement of any such trial or hearing, provide notice to each party
10 or attorney of record in the action or proceeding of this entitlement to require reassignment or
11 transfer.

12 73365. If an increase in the business of the court or any other emergency requires a greater
13 number of employees for the prompt and faithful discharge of the business of the court than the
14 number expressly provided by law or requires the performance of duties of positions in the lowest
15 salary bracket where all those positions have been filled, with the approval of the presiding judge
16 in a two-judge district, and the majority of the judges in a three-or-more-judge district, the
17 Executive Officer, Coordinated Trial Courts of Contra Costa County, may appoint as many
18 additional deputies as are needed. The additional deputies shall be appointed at the entrance level
19 classification and shall be selected in the same manner as those for whom express provision is
20 made, and they shall receive compensation on the basis of the hourly equivalent to the base rate
21 of pay as provided in the salary schedule in the same amount as the lowest salary bracket
22 provided for that class of employee. Employees may continue in those positions not longer than
23 90 days after the adjournment of the next regular session of the Legislature.

24 73366. Except as provided in this article, all persons serving as permanent employees of the
25 municipal courts shall be assigned to the positions authorized in this article in accordance with the
26 duties and responsibilities of their position classifications. The assignments shall be made by the
27 appointing authority in accordance with the rules under the merit system or the exempt system
28 established by court personnel rules.

29 **§§ 73390-73399.7 (repealed). Kings County Municipal Court**

30 SEC. ____. Article 3 (commencing with Section 73390) of Chapter 10 of Title 8 of the
31 Government Code is repealed.

32 **Comment.** Sections 73390-73399.7 are repealed to reflect:

33 (1) Unification of the municipal and superior courts in Kings County pursuant to Article VI,
34 Section 5(e), of the California Constitution, effective February 8, 2001. See Cal. Const. art. VI, §
35 23 and Section 70212(b) (preexisting court locations retained as superior court locations), Section
36 70211 (former municipal court judgeships continued as superior court judgeships). See also Cal.
37 Const. art. VI, §§ 15 (qualifications of judges), 16 (election of judges); Code Civ. Proc. §§ 38
38 (judicial districts), 190 *et seq.* (jury selection); Section 69585.5 (number of judges in Kings
39 County). *Cf.* Section 71042.5 (preservation of judicial districts for purposes of publication);
40 former Section 71264 (municipal court served by marshal).

41 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
42 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
43 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
44 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
45 (employment selection and advancement), 71650-71658 (employment protection system), 71673
46 (authority of court). See also Code Civ. Proc. § 195 (jury commissioners); Sections 69941
47 (appointment of official reporters), 69947 (compensation of official reporter).

1 (3) Enactment of the Trial Court Funding Act. See Sections 77001 (local trial court
2 management), 77003 (“court operations” defined), 77009 (Trial Court Operations Fund), 77200
3 (state funding of trial court operations). See also Sections 68073 (responsibility for court
4 operations and facilities), 69952 (payment from Trial Court Operations Fund), 69953 (payment of
5 fees).

6 ☞ **Note.** The text of the repealed article is set out below.

7 Article 3. Kings County Municipal Court

8 73390. This article applies to the municipal court for the County of Kings. The court referred to
9 in this article shall be the successor of the court to be established by the consolidation of the
10 Corcoran, Hanford, and Lemoore Judicial Districts by the Board of Supervisors of the County of
11 Kings, and it shall be known as the Kings County Municipal Court.

12 73391. (a) Upon the consolidation of the Corcoran, Hanford, and Lemoore Judicial Districts,
13 the Kings County Municipal Court District shall consist of the following divisions:

14 (1) Corcoran Division.

15 (2) Hanford Division.

16 (3) Lemoore Division.

17 (b) The boundaries of the divisions of the Kings County Municipal Court District shall be
18 established by the board of supervisors.

19 73391.5. The board of supervisors may, at any time, consolidate the Avenal Municipal Court
20 with the Kings County Municipal Court District. On the effective date of the consolidation and
21 thereafter, the Kings County Municipal Court District will consist of the Avenal, Corcoran,
22 Hanford, and Lemoore Divisions, and all provisions of this article shall apply to the Kings County
23 Municipal Court District as so formed.

24 73392. There are three judges in the Kings County Municipal Court District. However, upon
25 the consolidation of the Avenal Judicial District by the Legislature, pursuant to Section 73391.5,
26 there shall be four judges in the Kings County Municipal Court District. There shall be one judge
27 for each division.

28 Notwithstanding subdivision (c) of Section 77200, these judges shall not be deemed to
29 constitute judgeships authorized on or after January 1, 1990, for purposes of the Brown-Presley
30 Trial Court Funding Act.

31 73393. On the operative date of this article, the Municipal Court Judge of the Hanford
32 Municipal Court District and the Justice Court Judges of the Corcoran and Lemoore Judicial
33 Districts shall assume the positions of Municipal Court Judges of the Hanford, Corcoran, and
34 Lemoore Divisions, respectively. On the operative date of the consolidation of the Avenal
35 Municipal Court within the Kings County Municipal Court District, the Municipal Court Judge of
36 the Avenal Municipal Court shall assume the position of Municipal Court Judge of the Avenal
37 Division of the Kings County Municipal Court District. Judges shall be elected for six-year terms
38 beginning in 2000.

39 73394. For the purposes of election of judges, the “division” referred to in this article is and
40 shall continue to be the “district” referred to in subdivision (b) of Section 16 of Article VI of the
41 California Constitution. The judge of each division shall be elected by only the electors of the
42 division, and not from the Kings County Municipal Court District at large. However, any

1 otherwise qualified candidate is eligible to be elected from any division if he or she resides within
2 the boundaries of the district as a whole.

3 73395.1. The judges of the Kings County Municipal Court District shall formulate rules and
4 regulations not inconsistent with the law or rules and standards adopted and prescribed by the
5 Judicial Council for transfer of cases, assignment of judges, scheduling of vacation of judges, and
6 other administrative matters such as will promote uniformity of procedures and efficiency and
7 economy in the business of the district. Those rules and regulations shall be administered by the
8 court executive officer under the supervision and control of the presiding judge of the district.
9 Any rules and regulations adopted pursuant to Section 72002.1 shall be adopted by a majority
10 vote of the judges of the district.

11 73396. Facilities for the court shall be maintained in the Cities of Hanford, Corcoran, Lemoore,
12 and (if incorporated pursuant to Section 73391.5) Avenal, and in such other locations within the
13 County of Kings as are designated by the board of supervisors. The court shall hold sessions at
14 each facility as business requires. At the direction of the court, arraignment of criminal
15 defendants who are in custody at the Kings County Jail facility shall be held in the court facility
16 located in Hanford.

17  **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
18 preserved until completion of (1) the study and recommendation by the task force on court
19 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
20 on these issues.

21 73397. Notwithstanding any other provision of law, the court may adopt local rules for
22 purposes of selecting trial jurors pursuant to Section 203 of the Code of Civil Procedure.

23 Trial jurors for each session of the courts of the district shall be selected from persons residing
24 within the divisions within which such sessions are held. Upon adoption of a rule pertaining
25 thereto by the judges, any division may use the same jury panel as that summoned for service in
26 the superior court. When selected from the superior court panel, persons so selected for jury duty
27 in the municipal court division need not be residents of the division.

28 73398. There shall be one clerk of the court, known as the court executive officer/clerk of the
29 court, who shall be appointed by and serve at the pleasure of the majority of the judges of both
30 municipal and superior courts. The court executive officer/clerk of the court shall receive a salary
31 as provided by law.

32 73399. (a) The Court Executive Officer/Jury Commissioner may appoint the following
33 positions for both superior and municipal courts in Kings County:

- 34 (1) One Assistant Court Executive Officer who shall have a salary range of 107.0.
- 35 (2) One Research Attorney who shall have a salary range of 99.5.
- 36 (3) One Director of Operations who shall have a salary range of 95.5.
- 37 (4) One Court Financial Officer who shall have a salary range of 89.0.
- 38 (5) One Court Program Manager who shall have a salary range of 87.0.
- 39 (6) One Court Services Coordinator who shall have a salary range of 87.0.
- 40 (7) One Court Interpreter Coordinator who shall have a salary range of 83.0.
- 41 (8) One Court Administrator Assistant who shall have a salary range of 63.5.
- 42 (9) Nine Court Service Clerks III who shall have a salary range of 58.5.
- 43 (10) Thirteen Courtroom Clerks who shall have a salary range of 58.0.
- 44 (11) One Court Janitorial Supervisor who shall have a salary range of 56.5.
- 45 (12) Ten Court Service Clerks II who shall have a salary range of 52.0.
- 46 (13) One Account Clerk III who shall have a salary range of 52.0

1 (14) One Court Custodial Janitor who shall have a salary range of 49.0.

2 (15) Fourteen Court Service Clerks I who shall have a salary range of 47.0.

3 (16) One Office Assistant III who shall have a salary range of 43.5.

4 73399.1. The clerks and other attaches of the justice courts in Kings County shall succeed as
5 authorized by law to the equivalent municipal court positions.

6 73399.2. The sheriff and his or her deputies shall act as ex officio marshal and deputy marshals
7 of the court.

8 73399.3. Notwithstanding any other provision of law, effective July 1, 1996, the position of the
9 Constable of the Avenal Justice Court is abolished. The Legislature also finds and declares that,
10 notwithstanding the provisions of Section 71085, the position of elected marshal of the Avenal
11 Municipal Court was not created upon the adoption of Senate Constitutional Amendment 7 in
12 1994. The Kings County Sheriff shall serve as the ex officio marshal of the Avenal Municipal
13 Court until such time as the board of supervisors consolidates the Avenal Municipal Court with
14 the Kings County Municipal Court District, at which time the sheriff shall serve in the Avenal
15 Division as set forth in Section 73399.2.

16 73399.4. All officers and employees of the Kings County Municipal Court shall be entitled to
17 the same retirement, vacations, and other benefits allowed to employees of the county and be
18 subject to the personnel regulations, memorandum of understanding, management benefit
19 package, and the affirmative action plan of the County of Kings as they exist on January 1, 1990.

20 73399.5. The presiding judge may appoint as many reporters as the business of the court
21 requires, who shall be known as official reporters pro tempore, and who shall hold office at his or
22 her pleasure. The reporter shall serve without salary but shall receive for his or her services in
23 reporting testimony and proceedings in such court, the same compensation as is paid reporters pro
24 tempore of the superior court in Kings County, which in criminal cases shall, upon order of the
25 court, be a charge against the general fund of the county.

26 73399.6. Fees for transcription of testimony and proceedings in the court shall be paid by the
27 litigants to official reporters pro tempore as otherwise provided by law. In all cases where by law
28 the court may direct the payment of transcription fees out of the county treasury, such fees shall,
29 upon order of the court, be paid from the general funds, including fees for transcription of
30 testimony in proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive,
31 which shall be paid from the county treasury.

32 73399.7. This article shall not become operative until the effective date of an ordinance of the
33 board of supervisors approving the consolidation and reorganization of the municipal court.

34 **§§ 73400-73408 (repealed). Hanford Judicial District**

35 SEC. ____ . Article 3.1 (commencing with Section 73400) of Chapter 10 of Title 8 of
36 the Government Code is repealed.

37 **Comment.** Sections 73400-73408 are repealed to reflect:

38 (1) The fact that Article 3.1 was superseded by Article 3 (commencing with Section 73390)
39 establishing the Kings County Municipal Court, effective June 29, 1992.

40 (2) Unification of the municipal and superior courts in Kings County pursuant to Article VI,
41 Section 5(e), of the California Constitution, effective February 8, 2001. See Section 69585.5
42 (number of judges in Kings County).

1 ☞ **Note.** The text of the repealed article is set out below.

2 **Article 3.1. Kings County Municipal Court**

3 73400. This article applies to the municipal court established in the Hanford Judicial District,
4 County of Kings.

5 73401. There shall be one judge.

6 73402. There shall be one clerk of the court, known as the clerk-administrator, who shall be
7 appointed by the presiding judge of the court. He or she shall receive a salary specified in Range
8 76.5.

9 73404. (a) The clerk-administrator, with the concurrence of the presiding judge, may appoint:

10 (1) One account clerk III who shall receive a salary specified in Range 41.0.

11 (2) Two deputy municipal court clerks III who shall each receive a salary specified in Range
12 44.5.

13 (3) Three courtroom deputy municipal court clerks who shall each receive a salary specified in
14 Range 42.0.

15 (4) Six deputy municipal court clerks I/II who shall each receive a salary specified in Range
16 34.5 or Range 39.5 if promoted to the II level.

17 (b) The clerk-administrator, with the concurrence of the presiding judge and approval of the
18 board of supervisors, may appoint such additional employees as may be necessary, each
19 appointment to remain in effect only until January 1 of the second year following the year in
20 which the appointment was made, unless subsequently ratified by the Legislature.

21 73405. (a) Whenever reference to a numbered salary range is made in any section of this
22 article, the schedule of hourly rates of pay and approximate monthly equivalents found in the
23 Salary Resolution of the County of Kings in effect on October 3, 1988, shall apply.

24 (b) If the board of supervisors adopts a revised salary resolution for county employees or
25 applies new salary range numbers for the purpose of salary adjustment, the new salary rates shall
26 apply equally to the positions named in this article. Any salary adjustment made pursuant to this
27 section shall be effective on the same date as the action applicable to other county permanent
28 classified employees, but shall remain in effect only until January 1 of the second year following
29 the year in which such adjustment in salary is made, unless subsequently ratified by the
30 Legislature.

31 (c) The persons employed in the positions named in this article shall be entitled to all employee
32 benefits and holidays as they are provided and made applicable to positions within the classified
33 service pursuant to personnel ordinances and resolutions adopted by the Board of Supervisors of
34 the County of Kings.

35 (d) All matters affecting administration of salary and benefits, selection, appointment,
36 reclassification, and discipline of such municipal court officers and employees in those positions
37 which they hold shall be governed by the personnel ordinances and resolutions adopted by the
38 Board of Supervisors of the County of Kings, to the extent that such ordinances and resolutions
39 are not contrary to state law.

40 73406. The Sheriff of the County of Kings and his or her deputies specifically designated by
41 him or her shall be the ex officio marshal and deputy marshals, respectively, of the court and shall
42 act as such without additional compensation.

1 73407. (a) The presiding judge may appoint as many court reporters, known as official
2 reporters pro tempore, as the business of the court requires. Each official reporter pro tempore
3 shall perform the duties required of him or her by law. These reporters shall hold office at the
4 pleasure of the presiding judge.

5 (b) Fees for reporting and for transcription of testimony and proceedings in the court shall be
6 paid by the litigants to official reporters pro tempore as provided in Sections 69947 to 69954,
7 inclusive, or as otherwise provided by law as paid to reporters in the Superior Court of the County
8 of Kings. In all cases where by law the court may direct the payment of reporting and transcription
9 fees out of the county treasury, including fees for reporting and transcription of testimony and
10 proceedings in criminal cases as provided in Section 69952, such fees shall, upon order of the
11 court, be paid from the general fund of the county treasury.

12 73408. This article shall only be operative until the operative date of the Article 3 (commencing
13 with Section 73390) added to this Chapter by the act that enacted this article.

14 **§§ 73430-73443 (repealed). Kern County municipal court districts**

15 SEC. _____. Article 4 (commencing with Section 73430) of Chapter 10 of Title 8 of the
16 Government Code is repealed.

17 **Comment.** Sections 73430-73443 are repealed to reflect:

18 (1) Unification of the municipal and superior courts in Kern County pursuant to Article VI,
19 Section 5(e), of the California Constitution, effective July 1, 2000. See Section 70211 (former
20 municipal court judgeships continued as superior court judgeships). See also Code Civ. Proc. § 38
21 (judicial districts); Section 69585 (number of judges in Kern County). Cf. Section 71042.5
22 (preservation of judicial districts for purposes of publication); former Section 71264 (municipal
23 court served by marshal).

24 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
25 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
26 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
27 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
28 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
29 protection system), 71673 (authority of court). See also Sections 69941 (appointment of official
30 reporters), 69947 (compensation of official reporter).

31 (3) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
32 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations). See also
33 Sections 69952 (payment from Trial Court Operations Fund), 69953 (payment of fees).

34  **Note.** The text of the repealed article is set out below.

35 **Article 4. East and West Kern**

36 73430. This article applies to the municipal courts established in judicial districts in Kern
37 County.

38 73431. Each municipal court district established in Kern County shall have the number of
39 judges set forth opposite the name of the judicial district over which such court has jurisdiction.

40	Bakersfield Judicial District.....	9
41	East Kern Judicial District	2
42	North Kern Judicial District.....	3
43	South Kern Judicial District.....	3

1 73432.1. (a) The judges of the Bakersfield Municipal Court may appoint two commissioners.
2 The commissioners shall possess the same qualifications as the law requires of a judge of the
3 court. Within the jurisdiction of the court and under the direction of the judges, the
4 commissioners shall exercise the powers and perform the duties authorized by law to be
5 performed by commissioners of the superior court and any additional powers and duties as may
6 be prescribed by law.

7 (b) The commissioners shall be paid biweekly, pursuant to the payroll procedures in effect in
8 the County of Kern, in an amount equal to 70 to 85 percent of a municipal court judge's salary.
9 The court shall recommend to the board of supervisors the level of salary to be received by each
10 commissioner based on his or her qualifications, performance, and other factors deemed relevant
11 by the court, and the board of supervisors shall determine the salary level within the specified
12 range. The biweekly salary rate of each commissioner shall be adjusted at the same time and
13 manner and in the same percentage amount as set forth in Section 68203.

14 (c) In addition to the compensation provided for in this section, each commissioner shall be
15 entitled to and shall receive on the same basis as other county employees, the same benefits and
16 privileges with respect to retirement, group insurance, sick leave, and vacation. The
17 commissioners shall observe the same holidays as other court employees.

18 73433. There shall be one clerk-administrator in each municipal court who shall be appointed
19 by and serve at the pleasure of a majority of the judges of the court to which the clerk-
20 administrator is appointed. In a court with less than three judges, the presiding judge shall appoint
21 the clerk-administrator of the court. The clerk-administrator of the East Kern Municipal Court
22 shall receive the biweekly salary specified in range 56.7 of the salary schedule. The clerk-
23 administrator of the North Kern Municipal Court shall receive the biweekly salary specified in
24 range 56.7 of the salary schedule. The clerk-administrator of the South Kern Municipal Court
25 shall receive the biweekly salary specified in range 56.7 of the salary schedule. The clerk-
26 administrator of the Bakersfield Municipal Court shall receive the biweekly salary specified in
27 range 63.0 of the salary schedule.

28 73433.1. There shall be one assistant clerk-administrator in the Bakersfield Municipal Court
29 who shall be appointed by and serve at the pleasure of the majority of the judges of the court. The
30 assistant clerk-administrator shall receive the biweekly salary specified in range 56.7 of the salary
31 schedule.

32 73434. There shall be two judicial secretaries in the Bakersfield Municipal Court who shall be
33 appointed by and serve at the pleasure of a majority of the judges of the court. The judicial
34 secretaries shall receive a biweekly salary specified in range 47.3 of the salary schedule.

35 73435. The clerk-administrator of the Bakersfield Municipal Court may appoint:

36 (a) Three chief deputy municipal court clerks who shall act as the supervisors of the civil,
37 criminal, and traffic divisions of the court and each of whom shall receive the biweekly salary
38 specified in range 51.0 of the salary schedule.

39 (b) Seven senior deputy municipal court clerks, each of whom shall receive the biweekly salary
40 specified in range 48.9 of the salary schedule.

41 (c) One supervising courtroom clerk, who shall supervise the deputy municipal courtroom
42 clerks and who shall receive the biweekly salary specified in range 52.0 of the salary schedule.

43 (d) One senior courtroom clerk who shall receive the biweekly salary specified in range 51.0 of
44 the salary schedule.

45 (e) Eighteen deputy municipal courtroom clerks II or deputy municipal courtroom clerks I, each
46 of whom shall receive the biweekly salary specified in ranges 48.8 and 45.2, respectively, of the
47 salary schedule.

1 Deputy municipal courtroom clerk I shall be the entrance position to deputy municipal
2 courtroom clerk II. The clerk-administrator, with the concurrence of the presiding judge, may
3 advance any deputy municipal courtroom clerk I to the position of deputy municipal courtroom
4 clerk II without further examination, if the deputy municipal courtroom clerk I has served for six
5 months and otherwise meets the qualifications for deputy municipal courtroom clerk II and if the
6 presiding judge is satisfied with the deputy municipal courtroom clerk I's performance during the
7 six-month period.

8 (f) Fifty-two full-time deputy municipal court clerks II or I, each of whom shall receive the
9 biweekly salary specified in ranges 45.1 and 42.8, respectively, of the salary schedule.

10 Deputy municipal court clerk I shall be the entrance position to the clerk's staff. The clerk-
11 administrator may advance any deputy municipal court clerk I to the position of deputy municipal
12 court clerk II without further examination if the deputy municipal court clerk I has served for six
13 months and otherwise meets the qualifications for deputy municipal court clerk II.

14 (g) One accountant II or I who shall receive the biweekly salary specified in ranges 52.1 and
15 49.4, respectively, of the salary schedule. Accountant I shall be the entrance position to the
16 accountant series. The clerk-administrator may advance the accountant I to the position of
17 accountant II without further examination if the accountant I has served for one year and
18 otherwise meets the qualifications of accountant II.

19 (h) Two court services technicians, each of whom shall receive the biweekly salary specified in
20 range 45.1 of the salary schedule.

21 (i) Two deputy administrative court clerks, each of whom shall receive the biweekly salary
22 specified in range 44.8 of the salary schedule.

23 (j) One microphotographer who shall receive the biweekly salary specified in range 41.7 of the
24 salary schedule.

25 (k) One administrative services officer who shall receive the biweekly salary specified in range
26 58.6 of the salary schedule.

27 (l) One departmental systems coordinator I who shall receive the biweekly salary specified in
28 range 54.2 of the salary schedule.

29 (m) One court interpreter who shall receive the biweekly salary specified in range 45.1 of the
30 salary schedule.

31 (n) One court interpreter/coordinator who shall receive the biweekly salary specified in range
32 48.9 of the salary schedule.

33 (o) One senior microphotographer who shall receive the biweekly salary specified in range 45.9
34 of the salary schedule.

35 (p) Five court reporters who shall receive the biweekly salary specified in range 56.8 of the
36 salary schedule.

37 (q) One director of collections who shall receive the biweekly salary specified in range 57.8 of
38 the salary schedule.

39 (r) One court technology manager who shall receive the biweekly salary specified in range 58.6
40 of the salary schedule.

41 (s) One departmental systems coordinator II who shall receive the biweekly salary specified in
42 range 56.2 of the salary schedule.

43 (t) One computer telecommunication technician II who shall receive the biweekly salary
44 specified in range 52.3 of the salary schedule.

45 73435.1. (a) The judges of the East Kern Municipal Court may appoint one commissioner. The
46 commissioner shall possess the same qualifications as the law requires of a judge of the court.
47 Within the jurisdiction of the court and under the direction of the judges, the commissioner shall
48 exercise the powers and perform the duties authorized by law to be performed by the

1 commissioners of the superior court and any additional powers and duties as may be prescribed
2 by law.

3 (b) The commissioner shall be paid biweekly, pursuant to the payroll procedures in effect in the
4 County of Kern, in an amount equal to 70 to 85 percent of a municipal court judge's salary. The
5 court shall recommend to the board of supervisors the level of salary to be received by the
6 commissioner based on his or her qualifications, performance, and other factors deemed relevant
7 by the court, and the board of supervisors shall determine the salary level within the specified
8 range. The biweekly salary rate of the commissioner shall be adjusted at the same time and
9 manner and in the same percentage amount as set forth in Section 68203.

10 (c) In addition to the compensation provided for in this section, each commissioner shall be
11 entitled to and shall receive on the same basis as other county employees, the same benefits and
12 privileges with respect to retirement, group insurance, sick leave, and vacation. The
13 commissioner shall observe the same holidays as other court employees.

14 73436. The clerk-administrator of the East Kern Municipal Court may appoint:

15 (a) Two regional chief municipal court clerks who shall act as the supervisors of the branches
16 of the court and each of whom shall receive the biweekly salary specified in range 51.0 of the
17 salary schedule.

18 (b) Six regional senior deputy municipal court clerks, each of whom shall receive the biweekly
19 salary specified in range 48.9 of the salary schedule.

20 (c) Nineteen regional municipal court clerks III, II, or I, each of whom shall receive the
21 biweekly salary specified in ranges 47.2, 45.1, and 42.8, respectively, of the salary schedule.

22 Regional municipal court clerk I shall be the entrance position to the clerk's staff. The clerk-
23 administrator may advance any regional municipal court clerk I to the position of regional
24 municipal court clerk II without further examination if the regional municipal court clerk I has
25 served for six months and otherwise meets the qualifications for regional municipal court clerk II.

26 (d) One account clerk III who shall receive the biweekly salary specified in range 43.0 of the
27 salary schedule.

28 (e) One court reporter who shall receive the biweekly salary specified in range 56.8 of the
29 salary schedule.

30 73436.05. (a) The judges of the North Kern Municipal Court may appoint one commissioner.
31 The commissioner shall possess the same qualifications as the law requires of a judge of the
32 court. Within the jurisdiction of the court and under the direction of the judges, the commissioner
33 shall exercise the powers and perform the duties authorized by law to be performed by the
34 commissioners of the superior court and any additional powers and duties as may be prescribed
35 by law.

36 (b) The commissioner shall be paid biweekly, pursuant to the payroll procedures in effect in the
37 County of Kern, in an amount equal to 70 to 85 percent of a municipal court judge's salary. The
38 court shall recommend to the board of supervisors the level of salary to be received by the
39 commissioner based on his or her qualifications, performance, and other factors deemed relevant
40 by the court, and the board of supervisors shall determine the salary level within the specified
41 range. The biweekly salary rate of the commissioner shall be adjusted at the same time and
42 manner and in the same percentage amount as set forth in Section 68203.

43 (c) In addition to the compensation provided for in this section, each commissioner shall be
44 entitled to and shall receive on the same basis as other county employees, the same benefits and
45 privileges with respect to retirement, group insurance, sick leave, and vacation. The
46 commissioner shall observe the same holidays as other court employees.

47 73436.1. The clerk-administrator of the North Kern Municipal Court may appoint:

1 (a) Two regional chief municipal court clerks who shall act as the supervisors of the branches
2 of the court and each of whom shall receive the biweekly salary specified in range 51.0 of the
3 salary schedule.

4 (b) Two regional senior deputy municipal court clerks, each of whom shall receive the
5 biweekly salary specified in range 48.9 of the salary schedule.

6 (c) Twenty regional municipal court clerks III, II, or I, each of whom shall receive the biweekly
7 salary specified in ranges 47.2, 45.1, and 42.8, respectively, of the salary schedule.

8 The position of regional municipal court clerk I shall be the entrance position to the clerk's
9 staff. The clerk-administrator may advance any regional municipal court clerk I to the position of
10 regional municipal court clerk II without further examination, if the regional municipal court
11 clerk I has served for six months and otherwise meets the qualifications for regional municipal
12 court clerk II.

13 (d) One court reporter who shall receive the biweekly salary specified in range 56.8 of the
14 salary schedule.

15 (e) One regional court financial technician who shall receive the biweekly salary specified in
16 range 48.9 of the salary schedule.

17 73436.2. The clerk-administrator of the South Kern Municipal Court may appoint:

18 (a) Two regional chief municipal court clerk who shall act as the supervisor of the branches of
19 the court and who shall receive the biweekly salary specified in range 51.0 of the salary schedule.

20 (b) Two regional senior deputy municipal court clerks, each of whom shall receive the
21 biweekly salary specified in range 48.9 of the salary schedule.

22 (c) Twenty-two regional municipal court clerks III, II, or I, each of whom shall receive the
23 biweekly salary specified in ranges 47.2, 45.1, and 42.8, respectively, of the salary schedule.

24 The position of regional municipal court clerk I shall be the entrance position to the clerk's
25 staff. The clerk-administrator may advance any regional municipal court clerk I to the position of
26 regional municipal court clerk II without further examination, if the regional municipal court
27 clerk I has served for six months and otherwise meets the qualifications for regional municipal
28 court clerk II.

29 (d) One account clerk IV who shall receive the biweekly salary specified in range 45.8 of the
30 salary schedule.

31 (e) One court interpreter who shall receive the biweekly salary specified in range 45.1 of the
32 salary schedule.

33 (f) One court reporter who shall receive the biweekly salary specified in range 56.8 of the
34 salary schedule.

35 73437. (a) Whenever reference to a numbered salary range of the salary schedule is made in
36 any section of this article, the schedule of salary ranges found in the salary ordinance of the
37 County of Kern in effect on January 1, 1994, shall apply. The employees of the municipal courts
38 shall be paid biweekly pursuant to the payroll procedures in effect in the County of Kern.

39 (b) The minimum salary for each position shall normally be "step A" for the position. If it is
40 difficult to secure qualified personnel at that step or if a person of unusual qualifications is
41 engaged, the court or the clerk-administrator may hire at any step of the salary range applicable to
42 the position.

43 (c) Any employee who is promoted or whose position is reclassified from one class position to
44 a higher class position shall be placed in the step level of the higher class salary range which most
45 closely approximates a one-step increase from the former position, except that such increase shall
46 not exceed an amount equivalent to 1.4 steps in the salary schedule. In the event the "A" step of
47 the higher class position is greater than a 1.4-step increase over the salary of the employee in the

1 lower class position, the employee shall be placed at the “A” step in the salary range of the higher
2 class position.

3 (d) The Board of Supervisors of the County of Kern may adjust the salaries paid to employees
4 of the municipal courts as part of its county employee compensation plan. Such adjustment shall
5 be effective on the same date as the effective date of the action of the board of supervisors to
6 adjust compensation of other county employees. Any adjustment shall be effective only until
7 January 1 of the second year following the year in which the adjustment is made, unless ratified
8 by the Legislature.

9 (e) In addition to the compensation provided in this article, the attaches of the municipal court
10 shall receive, and they shall be entitled to, the same vacations, sick leaves, and similar privileges
11 and benefits as are now or may hereafter be provided for the employees of the County of Kern,
12 including the right to participate in any group, accident, health or life insurance plan adopted by
13 the Board of Supervisors of the County of Kern.

14 73437.5. (a) With the approval of the board of supervisors, a majority of the municipal court
15 judges may establish positions for officers, attaches, and employees in addition to those provided
16 by this article. The order and approval establishing any such position shall designate the position
17 title and salary range.

18 With the approval of the board of supervisors, a majority of the judges may appoint and employ
19 such additional officers, attaches and employees as it deems necessary for the performance of the
20 duties and exercise of the powers conferred by law upon the court and its members.

21 (b) Notwithstanding the provisions of Section 73437, rates of compensation of officers,
22 attaches and employees, except traffic referees, may be adjusted by approval of the board of
23 supervisors.

24 (c) Appointments or changes in compensation made pursuant to this section shall be on an
25 interim basis and shall expire January 1 of the second year following the calendar year in which
26 such appointments or changes in compensation are made, unless ratified by the Legislature.

27 73438. (a) Persons employed in the service on the 91st day after the 1953 Regular Session of
28 the Legislature shall receive credit for prior service in the justice’s court, police court, or
29 municipal court of the city and in the sheriff’s department or constabulary of the county, and, in
30 addition to the minimum rate, such persons shall receive the annual increments commensurate
31 with such years of prior service up to the maximum rate set. Changes of title created in
32 establishing the municipal court shall not detract from years of prior service.

33 (b) On the 90th day after the adjournment of the 1955 Regular Session of the Legislature, any
34 deputy clerk who has been continuously employed for a period of six months or more under an
35 appointment made pursuant to Sections 72150 and 72151 shall be placed by the clerk in the step
36 level of the salary range which would have been applicable to his position if he had been
37 originally appointed pursuant to this article. For the purpose of determining the right to
38 subsequent annual increments under this article, the anniversary date shall be the date of
39 commencement of such continuous employment.

40 (c) No salary of the clerk or any deputy clerk of the municipal court or any clerk employed in a
41 position in the office of the clerk of the court on the last court day immediately preceding the
42 effective date of the amendments to this article by the 1969 Regular Session of the Legislature
43 shall be reduced except for cause relating to the discipline of such employee or pursuant to the
44 adjustment provisions of this article.

45 73439. The Sheriff of Kern County and his deputies shall be ex officio marshal and deputy
46 marshals of the municipal courts in Kern County.

1 73440. Official reporters in the municipal courts shall be appointed pursuant to Section 72194
2 and in lieu of any other compensation provided by law for their services in reporting testimony
3 and proceedings in that court, shall receive a salary in the same sum as is paid the official
4 reporters of the superior court in Kern County, which shall be the biweekly salary specified in
5 range 54.6 of the salary schedule.

6 Each pro tempore official reporter shall be paid one hundred fifty dollars (\$150) a day for the
7 days he or she is actually on duty under order of the court. Official reporters shall be paid
8 biweekly pursuant to payroll procedures in effect in the County of Kern. Official reporters in the
9 municipal courts shall also be entitled to and shall receive, on the same basis as other county
10 employees, the same benefits and privileges with respect to retirement, group insurance, sick
11 leave, and vacation. Court reporters shall observe the same holidays as other court employees. For
12 the purpose of determining participation in the county retirement system, the salary provided for
13 such reporters in Sections 73435, 73436, 73436.1, and 73436.2 shall be deemed their entire
14 compensation.

15 73441. Fees for transcription of testimony and proceedings in such court shall be paid by the
16 litigants to official reporters as provided by law. In all cases where by law, the court may direct
17 the payment of transcription fees out of the county treasury, such fees shall, upon order of the
18 court, be paid from the general fund including fees for transcription of testimony and proceedings
19 in criminal cases pursuant to Sections 69947 to 69953, inclusive, which shall be paid from the
20 county treasury.

21 73442. A reporter's filing fee of seven dollars and fifty cents (\$7.50) shall be paid in actions
22 and proceedings as specified in Section 68090.5.

23 73443. All fees collected by officers or attaches except those which an attache is entitled to
24 retain pursuant to this article shall be paid into the county treasury.

25 ☞ **Note.** The Commission is reviewing whether county treasury provisions remain viable, given
26 the enactment of the Trial Court Funding Act, the Trial Court Employment Protection and
27 Governance Act, and other changes to the structure of the trial courts. See Gov't Code §§ 77003
28 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
29 (state funding of trial court operations). These matters are also being examined by a Joint Court-
30 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
31 treatment of this provision.

32 **§§ 73480-73490 (repealed). Lodi Municipal Court District**

33 SEC. ____ . Article 5 (commencing with Section 73480) of Chapter 10 of Title 8 of the
34 Government Code is repealed.

35 **Comment.** Sections 73480-73490 are repealed to reflect:

36 (1) Unification of the municipal and superior courts in San Joaquin County pursuant to Article
37 VI, Section 5(e), of the California Constitution, effective June 8, 1998. See Section 70211 (former
38 municipal court judgeships continued as superior court judgeships). See also Code Civ. Proc. § 38
39 (judicial districts); Section 69598 (number of judges in San Joaquin County). Cf. Section 71042.5
40 (preservation of judicial districts for purposes of publication).

41 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
42 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
43 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
44 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
45 (employment selection and advancement), 71650-71658 (employment protection system), 71673
46 (authority of court).

☞ **Note.** The text of the repealed article is set out below.

Article 5. Lodi

73480. This article applies to the municipal court established in a district embracing the City of Lodi.

73481. There shall be two judges.

73482. There shall be one clerk, who shall be the administrative officer and act as secretary to the judge and who shall receive a salary in accordance with Section 73487.

73483. The clerk may appoint:

- (a) Two municipal courtroom clerks.
- (b) One deputy clerk III.
- (c) Three deputy clerks II.
- (d) Seven deputy clerks I.
- (e) One deputy clerk-administrator.

73486. Whenever a reference is made to a numbered salary range in any section of this article, the schedule of biweekly salaries found in the salary resolution for the County of San Joaquin in effect shall apply.

73487. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the biweekly salary schedule contained in Section 73486, except that if the range shown opposite the title of the position includes a fraction, then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in the salary ordinance of the County of San Joaquin:

Position	Range
(a) Deputy clerk I	50.40
(b) Deputy clerk II	52.40
(c) Deputy clerk III	53.90
(d) Municipal courtroom clerk	56.90
(e) Clerk/Administrator	63.20
(f) Deputy clerk-administrator	58.10

Subject to the provisions of the salary ordinance of the County of San Joaquin, each person employed in the clerk's office may receive an annual increase in salary of one step on his or her assigned range, until the employee reaches the maximum step on the range assigned for his or her position. Thereafter no additional step increase shall be granted.

73489. Whenever the salary of a related class or classes of San Joaquin County employees is adjusted, the salary of the following classes may be adjusted by a percentage not to exceed the percentage of adjustment granted to the class or classes deemed by the board of supervisors to be related:

- (a) Deputy clerk I.
- (b) Deputy clerk II.
- (c) Deputy clerk III.
- (d) Municipal courtroom clerk.
- (e) Clerk/Administrator.
- (f) Deputy clerk administrator.

1 All adjustments to the salaries of the above-named classes shall be effective as of the same date
2 as the adjustment for the class or classes deemed to be related, and shall be effective only until
3 January 1 of the second year following the year in which the adjustment is made, unless ratified
4 by the Legislature.

5 73490. Notwithstanding any other provision of law, the provisions of the county ordinance
6 relating to civil service and the rules of the civil service commission adopted pursuant thereto,
7 shall be applicable to all employees in the same manner and to the same extent as applicable
8 generally to officers and employees of the County of San Joaquin.

9 Such employees shall be entitled to the same vacation, sick leave, leave of absence, and similar
10 benefits and may be appointed, promoted, demoted, terminated or transferred, or their status
11 otherwise adjusted in the same manner and with the same effect as is or may be provided by the
12 current salary ordinance of the County of San Joaquin, or the civil service ordinance of the
13 county, for employees of the county.

14 **§§ 73520-73530 (repealed). San Mateo County Judicial District**

15 SEC. _____. Article 6 (commencing with Section 73520) of Chapter 10 of Title 8 of the
16 Government Code is repealed.

17 **Comment.** Sections 73520-73530 are repealed to reflect:

18 (1) Unification of the municipal and superior courts in San Mateo County pursuant to Article
19 VI, Section 5(e), of the California Constitution, effective June 12, 1998. See Section 70211
20 (former municipal court judgeships continued as superior court judgeships). See also Code Civ.
21 Proc. § 38 (judicial districts); Section 69599 (number of judges in San Mateo County). Cf.
22 Section 71042.5 (preservation of judicial districts for purposes of publication); former Section
23 71264 (municipal court served by marshal).

24 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
25 71601(l) (“trial court employee” defined), 71615(c)(1) (preservation of employees’ job
26 classifications), 71620 (trial court personnel), 71622 (subordinate judicial officers), 71623
27 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
28 compensation plan benefits), 71629 (trial court employment benefits not affected), 71630-
29 71639.3 (labor relations), 71640-71645 (employment selection and advancement), 71650-71658
30 (employment protection system), 71673 (authority of court). See also Sections 68086 (fees for
31 reporting services), 69941 (appointment of official reporters), 69947 (compensation of official
32 reporter).

33 (3) Enactment of the Trial Court Funding Act. See Sections 77003 (“court operations” defined),
34 77200 (state funding of trial court operations). See also Section 68073 (responsibility for court
35 operations and facilities).

36  **Note.** The text of the repealed article is set out below.

37 **Article 6. Municipal Court in San Mateo County**

38 73520. This article applies only to the San Mateo County Judicial District.

39 73521. There shall be nine judges of the San Mateo County Judicial District.

40 73522. There shall be three court commissioners for the San Mateo County Judicial District, to
41 be appointed by a majority of the municipal court judges.

42 At the direction of the judges, the commissioners may have the same jurisdiction and exercise
43 the same powers and duties as commissioners of superior courts and as the judges of the
44 municipal courts with respect to all subordinate judicial functions of the courts. The

1 commissioners shall possess the same qualifications required of a municipal court judge and shall
2 hold office during the pleasure of the court appointing them and shall not engage in the private
3 practice of the law. They shall be ex officio deputy clerks.

4 Court commissioners shall receive a salary representing 80 percent of the annual salary for a
5 superior court judge. The commissioners shall be entitled to the same employee benefits which
6 are provided for other attaches and employees of the court, as determined by the board of
7 supervisors.

8 73523. The consolidated superior and municipal courts judges may, by a majority vote, appoint
9 a court executive officer who shall be the clerk of the superior and municipal courts of San Mateo
10 County. The court executive officer shall serve at the pleasure of a majority of the judges. The
11 court executive officer shall receive a biweekly salary at the rate specified in salary range number
12 5207 of the salary schedule. However, that salary may be adjusted pursuant to Section 73525. The
13 court executive officer shall be the appointing authority for the positions listed in Section 73524.

14 The superior and municipal court judges shall prescribe and regulate by majority vote the duties
15 and authority of the court executive officer, among which shall be:

16 (a) To direct and coordinate the nonjudicial activities of the consolidated superior and
17 municipal courts.

18 (b) To coordinate the personnel practices in compliance with rules of the consolidated courts,
19 California Rules of Court, or other pertinent rules or statutes.

20 (c) To prepare and administer the budget of the consolidated courts.

21 (d) To coordinate with county agencies, the acquisition, utilization, maintenance, and
22 disposition of facilities, equipment, and supplies necessary for the operation of the consolidated
23 courts.

24 (e) To initiate studies and prepare appropriate recommendations and reports to the presiding
25 judge and judges relating to the business of the consolidated superior and municipal courts,
26 including, but not limited to, such matters as standardization of forms and procedures, and of
27 classification and compensation of court attaches.

28 (f) To collect, compare, and analyze statistical data on a continuing basis concerning the status
29 of judicial and nonjudicial business of the consolidated superior and municipal courts and to
30 prepare periodic reports and recommendations based on that data.

31 (g) To provide for and conduct a program of in-service training for the personnel of the
32 consolidated superior and municipal courts.

33 (h) To prepare procedure guides for the personnel of the consolidated superior and municipal
34 courts.

35 (i) To make arrangements for and attend all meetings of the judges.

36 (j) To serve as liaison for the consolidated superior and municipal courts with other persons,
37 committees, boards, groups, and associations as directed by the presiding judge.

38 73524. The number of positions within each job classification which may be filled by
39 appointment by the municipal court administrator, and the salary which constitutes compensation
40 for each job classification, are as follows, subject to the authority of the board of supervisors to
41 adjust the monthly salary pursuant to Section 73525:

	Number	Classification	Salary Range Number
42			
43			
44	1	Deputy District Attorney III	4498
45	3	Deputy Court Executive Officer	3885
46	1	Deputy District Attorney II	3700
47	1	Financial Services Manager II	3700

1	1	Family Court Services Manager	3547
2	1	Information Technology Manager	3523
3	2	Supervising Research Attorney	3498
4	3	Court Services Manager II	3355
5	1	Information Technology Analyst	3139
6	1	Chief Court Investigator	3044
7	6	Management Analyst III	2897
8	2	Senior Accountant	2801
9	7	Research Attorney	2752
10	7	Family Court Counselor	2630
11	3	Court Investigator	2527
12	2	Information Technology Technician	2488
13	1	Community Program Specialist III	2365
14	3	Accountant I/II	1954/2284
15	1	Interpreter Services	2271
16	6	Court Services Manager I	2271
17	12	Municipal Court Clerk Supervisor	2271
18	1	Executive Assistant	2131
19	20	Municipal Courtroom Clerk	2096
20	25	Superior Courtroom Clerk II	2096
21	1	Judicial Secretary	1933
22	3	Legal Secretary II	1841
23	8	Jury Office Specialist	1765
24	18	Lead Deputy Court Clerk	1765
25	1	Senior Utility Worker	1764
26	3	Fiscal Office Specialist	1754
27	1	Lead Legal Office Assistant	1751
28	7	Legal Office Specialist	1751
29	2	Administrative Secretary III	1751
30	1	Legal Exhibits Technician	1680
31	1	Lead Data Entry Operator	1668
32	2	Lead Fiscal Office Assistant	1668
33	1	Office Specialist	1627
34	1	Legal Word Processor	1627
35	3	Administrative Secretary II	1668
36	1	Utility Worker II	1601
37	104	Deputy Court Clerk I/II	1470/1593
38	1	Public Service Specialist	1546
39	8	Fiscal Office Assistant II	1531
40	3	Data Entry Operator II	1472
41	5	Office Assistant II	1472

42 73524.1. Whenever reference to a salary other than that of commissioner is made in any section
43 of this article, the schedule of salaries found in the salary and benefits resolution of the County of
44 San Mateo in effect on March 1, 1990, shall apply. However, adjustments to those salaries may
45 be made pursuant to Section 73525.

46 73525. Subject to Section 72001, the compensation for any classification listed in Section
47 73523 or 73524 may be increased pursuant to the San Mateo County Salary Ordinance Resolution

1 and Memoranda of Understanding, if any, with the recognized labor organizations representing
2 court employees. Whenever a reference to a salary range number is made in this article, the
3 following schedule of biweekly salaries shall apply:

4 ☞ **Note.** To conserve paper, the schedule of biweekly salaries has not been reproduced.

5 73526. Notwithstanding any other provision of this article, until the 61st day after the final
6 adjournment of the next regular session of the Legislature, whenever a higher compensation is
7 provided for in positions in the classification of staff clerk I in the San Mateo County classified
8 service, each person holding a position in any of the classifications specified in this article shall
9 receive proportionately higher compensation on the salary schedule provided for in Section
10 73525, payable at the same time as that higher compensation provided in the salary ordinance of
11 that county.

12 73527. The sheriff shall be ex officio marshal and his or her designated deputies shall be ex
13 officio deputy marshals of the courts unless otherwise ordered by the judges of the respective
14 judicial districts.

15 73528. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of
16 Chapter 8 and the other provisions of this article, and in order to equalize the compensation of
17 employees of the consolidated superior and municipal court with the compensation paid to county
18 employees with commensurate duties and responsibilities, upon recommendation of the clerk of
19 the court with the approval of the judges of the consolidated superior and municipal courts and
20 the Board of Supervisors of the County of San Mateo, an officer or an attache of the court,
21 whether appointed under the provisions of this article or under Article 4 (commencing with
22 Section 72150) of Chapter 8, may be paid any compensation, which is within the ranges and
23 increments set forth in this article in excess of or less than the maximum to which such employee
24 would otherwise be entitled. However, that any such salary adjustment shall not extend longer
25 than 90 days after the adjournment of the next general session of the Legislature.

26 73529. Official reporters shall be appointed by the judges of the consolidated superior and
27 municipal courts pursuant to the provisions of Section 70043 or 72194 and shall serve at the
28 pleasure of the judges.

29 (a) The biweekly salary of each official reporter for the performance of duties required of each
30 reporter by law shall be at the rates specified in salary range number 3007 of the salary schedule.

31 At the time each reporter is hired, the salary of that reporter shall be fixed in the same manner
32 as provided for classified or unclassified employees of the county under the authority of the
33 county charter. A step advancement from step A to step B may be granted on the first day of the
34 pay period following completion of 26 full weeks of service in the position. A person may
35 advance to steps C, D, and E upon completion of successive 52-week periods of service. All merit
36 increases as provided herein shall be made at the determination of the judges of the court.

37 The per diem compensation for pro tempore reporters shall be one-tenth of step E in the
38 biweekly salary range established for official reporters, except that the rate of per diem
39 compensation shall be prorated on the basis of one-half day of compensation if the pro tempore
40 reporter renders only one-half day of service.

41 (b) Vacation allowances and sick leave allowances for official reporters shall be the same as
42 provided for classified or unclassified employees of the county under the authority of the county
43 charter.

44 (c) During the hours which the court is open for the transaction of judicial business, official
45 reporters shall devote full time to the performance of the duties required of them by law and shall
46 not engage in or solicit to engage in any other employment in their professional capacity.

1 Each official reporter shall perform the duties required of him or her by law. In addition, the
2 reporter shall render stenographic or clerical assistance, or both, to the judge or judges of the
3 consolidated superior and municipal courts as the judge or judges may direct.

4 73530. A reporter's filing fee of eleven dollars and fifty cents (\$11.50) shall be paid in actions
5 and proceedings as specified in Section 68090.5.

6 **§§ 73560-73572 (repealed). Monterey County Municipal Court District**

7 SEC. _____. Article 7 (commencing with Section 73560) of Chapter 10 of Title 8 of the
8 Government Code is repealed.

9 **Comment.** Sections 73560-73572 are repealed to reflect:

10 (1) Unification of the municipal and superior courts in Monterey County pursuant to Article VI,
11 Section 5(e), of the California Constitution, effective December 18, 2000. See Cal. Const. art. VI,
12 § 23 and Section 70212(b) (preexisting court locations retained as superior court locations),
13 Section 70211 (former municipal court judgeships continued as superior court judgeships). See
14 also Code Civ. Proc. §§ 38 (judicial districts), 190 *et seq.* (jury selection); Sections 68073
15 (responsibility for court operations and facilities), 69590 (number of judges in Monterey County).
16 *Cf.* Section 71042.5 (preservation of judicial districts for purposes of publication); former Section
17 71264 (municipal court served by marshal).

18 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
19 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
20 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
21 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
22 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
23 protection system), 71673 (authority of court). See also Section 69947 (compensation of official
24 reporter).

25 ☞ **Note.** The text of the repealed article is set out below.

26 **Article 7. Monterey County**

27 73560. This article applies to the Monterey County Municipal Court District, which
28 encompasses the entire County of Monterey.

29 73561. Facilities for the court shall be maintained in the Cities of Salinas and Monterey and at
30 court facilities provided elsewhere in accordance with law. The court shall determine the nature
31 and frequency of sessions held at court locations.

32 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
33 preserved until completion of (1) the study and recommendation by the task force on court
34 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
35 on these issues.

36 73562. There shall be 10 judges of the Monterey County Municipal Court District.

37 73564. The judges of the municipal court may appoint one commissioner, who shall hold office
38 at the pleasure of the majority of the judges. The commissioner shall possess the same
39 qualifications as are required by law of a judge of the municipal court, and shall not engage in the
40 private practice of law. Within the jurisdiction of the court and at the direction of the judges, the
41 commissioner shall exercise all of the powers and perform all of the duties which are authorized
42 by law.

1 The commissioner shall receive a salary of 70 to 80 percent of the salary of a judge of the
 2 municipal court. The judges shall determine the level of the salary to be received by the
 3 commissioner within the range and in accordance with the qualification, performance, and other
 4 factors deemed relevant by the judges, and in accordance with any agreement the judges may
 5 have with the County of Monterey.

6 The commissioner shall be entitled to the same employee benefits which are provided for other
 7 attaches and employees of the court, as determined by the board of supervisors.

8 73565. The municipal court judges may, by a majority vote, appoint a municipal court
 9 administrator who shall be the clerk of the municipal court. The municipal court administrator
 10 shall serve at the pleasure of a majority of the judges. He or she shall receive a salary of seven
 11 thousand and three dollars (\$7,003), provided, however, that the salary may be adjusted pursuant
 12 to Section 73568. He or she shall be the appointing authority for those positions listed in Section
 13 73566.

14 The municipal court judges shall prescribe and regulate by majority vote the duties and
 15 authority of the municipal court administrator among which shall be:

- 16 (a) To direct and coordinate the nonjudicial activities of the district.
- 17 (b) To coordinate the personnel practices in compliance with rules of the district and those of
 18 the County of Monterey.
- 19 (c) To prepare and administer the budget of the district.
- 20 (d) To coordinate with county agencies, the acquisition, utilization, maintenance, and
 21 disposition of facilities, equipment, and supplies necessary for the operation of the district.
- 22 (e) To initiate studies and prepare appropriate recommendations and reports for the presiding
 23 judge and judges on matters relating to the business of the district, including, but not limited to,
 24 standardization of forms, procedures, and the classification and compensation of court attaches.
- 25 (f) To collect, compare, and analyze statistical data on a continuing basis concerning the status
 26 of judicial and nonjudicial business of the district and to prepare periodic reports and
 27 recommendations based on that data.
- 28 (g) To provide for and conduct a program of in-service training for the personnel of the
 29 municipal court.
- 30 (h) To prepare procedural guides for the personnel of the municipal court.
- 31 (i) To make arrangements for and attend all meetings of the judges, to assist in the preparation
 32 of the agenda, and to prepare minutes of the meetings of the judges.
- 33 (j) To serve as liaison for the district with other persons, committee boards, groups, and
 34 associations as directed by the presiding judge.

35 73566. The number of positions within each job classification which may be filled by
 36 appointment by the municipal court administrator, and the salary which constitutes the
 37 compensation for each job classification, are as follows; provided, however, that the board of
 38 supervisors may adjust the monthly salary pursuant to Section 73568, and may adjust the number
 39 and classification of positions pursuant to Section 73569:

40	Number	Classification	Monthly Salary
41	2	Deputy Court Administrator	\$3,908-4,839
42	1	Administrative Services Officer	3,431-4,250
43	2	Municipal Court Division Manager	3,242-4,014
44	2	Court Calendar Coordinator	2,519-3,121
45	1	Supervising Data Processing Coordinator	2,433-3,014
46	2	Accounting Technician	2,257-2,796
47	3	Senior Account Clerk	1,943-2,407

1	5	Account Clerk	1,698-2,104
2	4	Municipal Court Clerk Supervisor	2,303-2,853
3	21	Deputy Court Clerk III	1,914-2,372
4	32.5	Deputy Court Clerk II	1,698-2,104
5	13	Courtroom Clerk	2,191-2,714
6	1	Court Interpreter	2,023-2,506
7	2	Senior Secretary (Confidential)	2,383-2,952
8	.5	Alcohol & Drug Counselor II	2,970-3,679

9 73567. Whenever reference to a salary other than that of commissioner is made in any section
10 of this article, the schedule of salaries found in the salary and benefits resolution of the County of
11 Monterey in effect on January 1, 1999, shall apply; provided, however, that adjustments to the
12 salaries may be made pursuant to Section 73568.

13 73568. Certain classes of positions prescribed in this article are deemed to be equivalent in job
14 and salary level to certain classes of positions of Monterey County. In order to maintain parity of
15 compensation and employee benefits between attaches of the municipal court and county
16 employees having commensurate duties and responsibilities and to provide appropriate salary
17 adjustments and employee benefits for related classes of court positions this section shall govern
18 salary adjustments and employee benefits for attaches of the municipal court in Monterey County.

19 On the effective date of any amendment to a resolution adjusting the salary of a county
20 employee classification, the salary of the equivalent court position shall be adjusted in an
21 equivalent amount.

22 Any adjustments made pursuant to this section shall be effective on the operative date of the
23 county salary and benefits resolution and shall remain in effect only until January 1, of the second
24 year following the year in which the change is made, unless subsequently ratified by the
25 Legislature.

26 Attaches of the municipal court district shall be entitled to all employee benefits that are
27 provided for or made applicable to the equivalent Monterey County employee classification,
28 including, but not limited to, anniversary dates, changes thereto, and step advancements.

29 73569. (a) With the approval of the board of supervisors, a majority of municipal court judges
30 may adjust the number and classification of positions for officers, attaches, and employees
31 provided by this article. The order and approval adjusting any such position shall designate the
32 position title and salary. Nothing in this article shall preclude a majority of the judges from
33 exercising powers in accordance with Sections 68073 and 72150.

34 When any additional positions are established, the municipal court administrator may appoint
35 and employ such additional officers, attaches, and employees as are necessary for the
36 performance of the duties and exercise of the powers conferred by law upon the court and its
37 member.

38 (b) Any adjustment made pursuant to this section shall be effective when established by the
39 board of supervisors and shall remain in effect only until January 1 of the second year following
40 the year in which such change is made, unless subsequently ratified by the Legislature.

41 (c) Notwithstanding any other provision of law, officers, attaches, and employees of the Salinas
42 Judicial District, Monterey Peninsula Judicial District, and North Monterey County Judicial
43 District, on the effective date of this section, shall succeed to equivalent or higher positions in the
44 Monterey County Municipal Court and shall receive prior service credit and maintain employee
45 benefits earned as officers, attaches, and employees of the superseded courts.

1 73570. The sheriff and his deputies shall act ex officio as the marshal and deputy marshals of
2 the court referred to in this article.

3 73571. A majority of the judges of the court may, by order, designate areas surrounding a court
4 location from which jurors for trial held at that location shall be selected.

5 73572. In Monterey County, the board of supervisors shall fix the compensation of official
6 court reporters pro tempore which shall be at the rate of seventy-five dollars (\$75) per diem. The
7 compensation of official court reporters pro tempore may be adjusted by action of the Board of
8 Supervisors of Monterey County.

9 **§§ 73580-73587 (repealed). Lake County Municipal Court**

10 SEC. ____ Article 7.5 (commencing with Section 73580) of Chapter 10 of Title 8 of the
11 Government Code is repealed.

12 **Comment.** Sections 73580-73587 are repealed to reflect:

13 (1) Unification of the municipal and superior courts in Lake County pursuant to Article VI,
14 Section 5(e), of the California Constitution, effective June 30, 1998. See Section 70211 (former
15 municipal court judgeships continued as superior court judgeships). See also Cal. Const. art. VI, §
16 16 (election of judges); Code Civ. Proc. § 38 (judicial districts); Section 69585.7 (number of
17 judges in Lake County). Cf. Section 71042.5 (preservation of judicial districts for purposes of
18 publication); former Section 71264 (municipal court served by marshal).

19 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
20 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
21 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
22 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
23 (employment selection and advancement), 71650-71658 (employment protection system), 71673
24 (authority of court). See also Sections 69941 (appointment of official reporters), 69947
25 (compensation of official reporter).

26  **Note.** The text of the repealed article is set out below.

27 **Article 7.5. Lake County**

28 73580. This article applies to the Lake County Municipal Court, which supersedes the
29 Northlake and Southlake Justice Court Districts and embraces the entire County of Lake.

30 73581. There are two judges. One judge shall be elected from a division comprising the
31 territory of the superseded Northlake Judicial District and one judge shall be elected from a
32 division comprising the territory of the superseded Southlake Judicial District, and these divisions
33 shall constitute the "districts" referred to in subdivision (b) of Section 16 of Article VI of the
34 California Constitution for the purposes of the qualification and election of judges. However, the
35 initial judges shall be selected pursuant to Sections 71080 and 71084.

36 73582. There shall be one municipal court executive officer who shall be appointed by a
37 majority of the judges of the court. The municipal court executive officer shall receive a salary in
38 the range of two thousand four hundred three dollars (\$2,403) to two thousand nine hundred
39 twenty dollars (\$2,920) per month.

40 73583. The municipal court executive officer, with the budgetary approval of the board of
41 supervisors, may fill the following positions, each of which shall receive a biweekly salary in the
42 range specified:

43 Number	Title	Salary Range
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1	1	Supervising Court Clerk	\$751.16- \$913.05
2	3	Court clerk III	\$643.36- \$782.02
3	11	Court clerk I/II	\$558.04- \$744.48
4	73584. The employees of the Lake County Municipal Court District shall be entitled to the		
5	same benefits and privileges as are granted to other employees of the County of Lake, as provided		
6	in the county's salary ordinance and other ordinances, resolutions, and rules applicable to other		
7	county employees.		
8	73585. The employees of the Lake County Municipal Court shall be governed by the personnel		
9	regulations, memoranda of understanding, management benefit package, and affirmative action		
10	plan of the County of Lake.		
11	73586. The salaries, benefits, and privileges of the Lake County Municipal Court may be		
12	adjusted, as directed by the board of supervisors as part of the county employee compensation		
13	plan. Any adjustment by this section shall only be effective until January 1 of the second calendar		
14	year after the calendar year in which the adjustment occurs, unless ratified by the Legislature.		
15	73586.1. The work of the superior and municipal courts in Lake County is to be performed,		
16	minimally, by each of the positions herein identified by the trial courts of Lake County (all		
17	employees paid biweekly with the exception of the Court Executive Officer and Assistant Court		
18	Executive Officer who are paid monthly), as follows:		
19	1	Court Executive Officer	Per Court Order
20	1	Assistant Court Executive Officer	\$3,212.59-3,904.97
21	1	Court Services Coordinator	888.50-1,080.00
22	3	Court Reporter I	1,281.50-1,557.70
23	1	Judicial Secretary II	932.90-1,134.00
24	1	Judiciary Secretary I	854.10-1,038.20
25	1	Deputy Jury Commissioner	787.20-956.80
26	3	Supervising Court Clerk	888.50-1,080.00
27	11	Court Clerk II	752.80-915.00
28	5	Court Clerk I	682.70-829.80
29	73587. The Sheriff of the County of Lake and his or her deputies specifically designated by him		
30	or her shall be ex officio marshal and deputy marshals, respectively, of the court and shall act as		
31	such without additional compensation.		

§§ 73600-73608 (repealed). El Dorado County Municipal Court

SEC. _____. Article 8 (commencing with Section 73600) of Chapter 10 of Title 8 of the Government Code is repealed.

Comment. Sections 73600-73608 are repealed to reflect:

(1) Unification of the municipal and superior courts in El Dorado County pursuant to Article VI, Section 5(e), of the California Constitution, effective August 1, 1998. *Cf.* former Section 71264 (municipal court served by marshal).

(2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits not affected), 71630-71639.3 (labor relations), 71640-71645 (employment selection and

1 advancement), 71650-71658 (employment protection system), 71673 (authority of court). See
 2 also Sections 69941 (appointment of official reporters), 69947 (compensation of official reporter).
 3 (3) Enactment of the Trial Court Funding Act. See Sections 77003 (“court operations” defined),
 4 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations).

5  **Note.** The text of the repealed article is set out below.

6 **Article 8. El Dorado County Municipal Court**

7 73600. This article applies to the El Dorado County Municipal Court, which supersedes the
 8 Ponderosa, Placerville, and Lake Valley Judicial Districts and embraces the entire County of El
 9 Dorado.

10 73601. (a) There is one court administrator for the municipal court, who shall be appointed by
 11 the board of supervisors with the concurrence of a majority of the judges of the municipal court of
 12 the county, and who shall hold office at the judges’ pleasure. The court administrator shall receive
 13 a monthly salary in the range of three thousand nine hundred forty-one dollars and sixty cents
 14 (\$3,941.60) to four thousand seven hundred ninety dollars and ninety-three cents (\$4,790.93).

15 (b) Notwithstanding subdivision (a) or any other provision of law, the board of supervisors may
 16 appoint or remove any other county officer as court administrator pursuant to the terms and
 17 conditions of an agreement approved by a majority of the judges of El Dorado County.

18 73602. The court administrator may, in accordance with the El Dorado County Personnel
 19 Rules, appoint the following employees, each of whom shall receive a monthly salary in the range
 20 specified:

Position	Salary Range
(a) One Administrative Services Officer	\$3,069.73-\$3,733.60
(b) One Executive Secretary	\$1,754.13-\$2,133.73
(c) One-half Accountant II	\$2,419.73-\$2,941.46
(d) Two Court Operation Supervisors	\$1,930.00-\$2,348.00
(e) Six Court Clerk IVs	\$1,790.00-\$2,177.00
(f) Seven Court Clerk IIIs	\$1,698.66-\$2,064.40
(g) Fifteen Court Clerk I/II	\$1,435.20-\$1,925.73
(h) One-half Data Entry Clerk I/II	\$1,334.66-\$1,768.00

30 73603. Subject to Section 72001, the compensation of officers and attaches shall be governed
 31 by the El Dorado County Personnel Rules, Salary Ordinance, and Memoranda of Understanding
 32 with the recognized labor organizations representing court employees.

33 73604. (a) The work of the superior and municipal courts in El Dorado County is to be
 34 performed, minimally, by each of the positions herein identified by the trial courts of El Dorado
 35 County:

Position	Salary Range
1 Court Executive Officer	\$5,657-6,876
1 Court Operations Manager	2,870-3,489
2 Deputy County Counsel IV	4,676-5,685
2 Court Commissioner	8,172-8,172
1 Dispute Resolution Officer	4,676-5,685
1 Departmental Systems Coordinator	2,827-3,437
4 Court Reporter	3,003-3,652
1 Chief Deputy Superior Court Clerk	2,329-2,832

1	1	Administrative Technician	2,366-2,875
2	5	Court Operations Supervisor	2,328-2,851
3	1.5	Family Mediation Counselor	2,769-3,367
4	1	Executive Secretary	1,924-2,338
5	1	Senior Accountant	2,922-3,553
6	.5	Accountant I/II	2,655-3,227
7	1	Fiscal Technician	1,814-2,206
8	3	Court Clerk IV	1,929-2,343
9	12	Court Clerk III	1,830-2,223
10	14	Judicial Assistant	2,026-2,461
11	.5	Secretary	1,599-1,943
12	28	Court Clerk I/II	1,707-2,074
13	.75	Data Entry Operator II	1,579-1,920

14 (b) The officers and attaches of the municipal court shall be entitled to the same vacation, sick
 15 leave, and benefits and privileges as are granted to other comparable employees of similar
 16 classification of El Dorado County under ordinances and resolutions of the board of supervisors.

17 (c) If an increase in the business of the court or any other emergency requires a greater number
 18 of attaches or employees for prompt and faithful discharge of the business of the court other than
 19 the number expressly provided in this article or requires the performance of duties of positions in
 20 a class not expressly provided in this article, with the approval of the presiding judge of the court
 21 and the board of supervisors, the Presiding Judge may appoint in accordance with the El Dorado
 22 County employee allocation schedule as many additional attaches or employees as are needed.
 23 The additional attaches or employees shall be selected and appointed in the same manner as those
 24 for whom express provision is made, and they shall receive salary and compensation as
 25 prescribed in this article or as prescribed by ordinance or resolution of the board of supervisors
 26 for classes not expressly provided in this article.

27 (d) All matters affecting the employment of court officers and attaches which are not
 28 specifically determined by this article or other provisions of state law shall be governed and
 29 regulated by the then current ordinances and resolutions of the Board of Supervisors of El Dorado
 30 County.

31 73605. Commencing January 7, 1991, the El Dorado County Sheriff shall be ex officio
 32 marshal.

33 73606. Any individual serving as an elected constable in any of the three justice court districts
 34 previously in existence at the time of the creation of the El Dorado Municipal Court shall, until
 35 the expiration of his or her current term in office, be entitled to carry out the duties of the office of
 36 marshal or deputy marshal under the same terms and conditions of employment and
 37 compensation as were provided prior to creation of the El Dorado County Municipal Court
 38 District. Notwithstanding any other provision of law, in the event of a vacancy in the position of
 39 marshal or deputy marshal prior to January 7, 1991, an appointment to fill a vacancy shall be
 40 made by the court administrator.

41 73607. All matters affecting the employment of officers and attaches of the El Dorado County
 42 Municipal Court District which are not specifically determined by this article or other provisions
 43 of state law shall be governed and regulated by the then current ordinances and resolutions of the
 44 Board of Supervisors of El Dorado County.

45 73608. The number, categories, and compensation of the officers, attaches, and employees
 46 provided by this article may be adjusted, as the need is determined, by the board of supervisors

1 and in accordance with established county personnel and budgetary procedures. Any such
2 adjustment shall be on an interim basis and shall remain effective only until January 1 of the
3 second year following the year in which such adjustment is made. Nothing in this section shall
4 preclude the judges of the El Dorado County Municipal Court District from exercising their
5 powers in accordance with Section 72150.

6 **§§ 73640-73650 (repealed). El Cajon Municipal Court District**

7 SEC. ____ Article 9 (commencing with Section 73640) of Chapter 10 of Title 8 of the
8 Government Code is repealed.

9 **Comment.** Sections 73640-73650 are repealed to reflect:

10 (1) Unification of the municipal and superior courts in San Diego County pursuant to Article
11 VI, Section 5(e), of the California Constitution, effective December 1, 1998. See Cal. Const. art.
12 VI, § 23 and Section 70212(b) (preexisting court locations retained as superior court locations),
13 Section 70211 (former municipal court judgeships continued as superior court judgeships). See
14 also Code Civ. Proc. § 38 (judicial districts); Section 69595 (number of judges in San Diego
15 County). Cf. Section 71042.5 (preservation of judicial districts for purposes of publication).

16 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
17 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
18 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
19 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
20 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
21 protection system), 71673 (authority of court). See also Sections 69941 (appointment of official
22 reporters), 69947 (compensation of official reporter).

23 (3) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
24 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations), 77211
25 ("900" telephone numbers). See also Sections 69952 (payment from Trial Court Operations
26 Fund), 69953 (payment of fees).

27  **Note.** The text of the repealed article is set out below.

28 **Article 9. El Cajon Judicial District**

29 73640. This article applies to the municipal court established in a district embracing the Judicial
30 District of El Cajon.

31 73641. There shall be 10 judges.

32 73642. (a) In addition to any other compensation and benefits, each judge of the municipal
33 court shall receive the same life insurance, accidental death and dismemberment insurance,
34 comprehensive annual physical examinations, executive flexible benefits plan (except that if
35 deferred compensation is selected, no adjustment based on retirement tier shall apply), and dental
36 and vision insurance as provided by the County of San Diego for the classification of chief
37 administrative officer. Changes in these benefits shall be effective on the same date as those for
38 the classification of chief administrative officer.

39 (b) Subject to approval by the board of supervisors, each judge of the municipal court shall
40 receive one or more of the following benefits: the same long-term disability insurance as provided
41 by the County of San Diego for the classification of chief administrative officer or retiree health
42 benefits whereby each judge of the municipal court serving on or after October 1, 1987, who
43 retires from the municipal court on or after January 1, 1989, shall receive the same amount of
44 insurance premium for retiree health benefits under the Public Employees' Medical and Hospital

1 Care Act (Part 5 (commencing with Section 22751) of Title 2) that the state provides to retired
2 superior court judges under that act.

3 ☞ **Note.** Issues involving judicial benefits are still unsettled. This section may need to be
4 preserved pending further study and review by interested parties, including the Judicial Council’s
5 Task Force on Judicial Service. The Commission solicits comments on these issues.

6 73643. There shall be one court administrator who shall serve as clerk of the court, and who
7 shall be appointed by the majority of the judges of the court. The biweekly salary of the court
8 administrator shall be within the biweekly rate range ES-15 indicated in the Compensation
9 Ordinance of the County of San Diego. The biweekly salary, and any advancement or reduction
10 within the range, shall be determined in accordance with the provisions set forth under Article 3.5
11 of the Compensation Ordinance of the County of San Diego and of subdivision (a) of Section
12 74345, except that any reference to “executive compensation committee” or “chief administrative
13 officer” in Article 3.5 of the Compensation Ordinance of the County of San Diego shall be
14 interpreted as “a majority of the judges.”

15 73644. The court administrator may appoint the following personnel:

16 (a) One assistant court administrator. The assistant court administrator shall serve as the
17 assistant clerk of the court and shall receive a biweekly salary within the biweekly rate range ES-
18 10 indicated in the Compensation Ordinance of the County of San Diego. The biweekly salary,
19 and any advancement or reduction within the range, shall be determined in accordance with the
20 provisions set forth under Article 3.5 of the Compensation Ordinance of the County of San Diego
21 and of subdivision (a) of Section 74345, except that any reference to “executive compensation
22 committee” or “chief administrative officer” in Article 3.5 of the Compensation Ordinance of the
23 County of San Diego shall be interpreted as “the court administrator.” A person shall not be
24 appointed to the class of assistant court administrator if any of the three deputy court
25 administrator positions are filled.

26 (b) Three deputy court administrators, who shall serve at the pleasure of the court
27 administrator. The deputy court administrators shall receive a salary within the biweekly range
28 ES-6 indicated in the Compensation Ordinance of the County of San Diego. The biweekly salary,
29 and any advancement or reduction within the range, shall be determined in accordance with the
30 provisions set forth under Article 3.5 of the Compensation Ordinance of the County of San Diego
31 and of subdivision (a) of Section 74345, except that any reference to “executive compensation
32 committee” or “the chief administrative officer” in Article 3.5 of the Compensation Ordinance of
33 the County of San Diego shall mean “the court administrator.” The deputy court administrator
34 positions shall be filled only upon the equivalent number of corresponding permanent vacancies
35 in the positions denoted in subdivision (c), (d), or (e).

36 (c) One deputy clerk-administrative assistant I, II, or III or deputy clerk-administrative services
37 manager I or II as the case may be. A deputy clerk-administrative assistant I shall receive a
38 biweekly salary at a rate equal to that specified for administrative assistant I in the classified
39 service of the County of San Diego. A deputy clerk-administrative assistant II shall receive a
40 biweekly salary at a rate equal to that specified for administrative assistant II in the classified
41 service of the County of San Diego. A deputy clerk-administrative assistant III shall receive a
42 biweekly salary at a rate equal to that specified for administrative assistant III in the classified
43 service of the County of San Diego. A deputy clerk-administrative services manager I shall
44 receive a biweekly salary at a rate equal to that specified for administrative services manager I in
45 the classified service of the County of San Diego. A deputy clerk-administrative services manager
46 II shall receive a biweekly salary at a rate equal to that specified for administrative services
47 manager II in the classified service of the County of San Diego.

1 (d) Three deputy clerk-division managers III each of whom shall receive a biweekly salary at a
2 rate 24.5 percent higher than that specified for deputy clerk-division manager II of the San Diego
3 Judicial District.

4 (e) Three deputy clerk-division managers I or II, as the case may be. A division manager I shall
5 receive a biweekly salary at a rate 10 percent higher than that specified for deputy clerk V of the
6 San Diego Judicial District. A division manager II shall receive a biweekly salary at a rate 15.5
7 percent higher than that specified for deputy clerk V of the San Diego Judicial District.

8 (f) One deputy clerk, associate, senior accountant, or accounting manager as the case may be. A
9 deputy clerk-associate accountant shall receive a biweekly salary at a rate equal to that specified
10 for the class of associate accountant in the classified service of the County of San Diego. A
11 deputy clerk-senior accountant shall receive a biweekly salary at a rate equal to that specified for
12 the class of senior accountant in the classified service of the County of San Diego. A deputy
13 clerk-accounting manager shall receive a biweekly salary at a rate equal to that specified for the
14 class of deputy clerk-division manager III.

15 (g) One deputy clerk-staff development specialist or deputy clerk-staff development
16 coordinator as the case may be. A deputy clerk-staff development specialist shall receive a
17 biweekly salary at a rate equal to that specified for staff development specialist in the classified
18 service of the County of San Diego. A deputy clerk-staff development coordinator shall receive a
19 biweekly salary at a rate 5 percent higher than that specified for staff development specialist in
20 the classified service of the County of San Diego.

21 (h) Eight deputy clerks V, each of whom shall receive a biweekly salary equal to that specified
22 for deputy clerk V in the San Diego Municipal Court. The duties of the class of deputy clerk V
23 shall include supervisory responsibilities.

24 (i) Sixteen deputy clerks IV. Each of the deputy clerks IV shall receive a biweekly salary at a
25 rate equal to the greater of that specified for superior court clerk in the superior court service of
26 the County of San Diego or 19.95 percent higher than that specified for deputy clerk III. One
27 deputy clerk IV who is assigned to the presiding judge in the master calendar department shall
28 receive a biweekly salary at a rate of 5 percent higher than that specified for the deputy clerk IV.
29 This increased biweekly rate shall apply only during the period of this assignment and shall not
30 apply to paid time off or to terminal payoff.

31 (j) Seventy-three deputy clerks III, II, or I, deputy clerk-intermediate clerk typists, or deputy
32 clerk-junior clerk typists, as the case may be. Each of the deputy clerks III shall receive a
33 biweekly salary at a rate equal to that specified for legal procedures clerk III in the classified
34 service of the County of San Diego. Each of the deputy clerks II shall receive a biweekly salary at
35 a rate equal to that specified for legal procedures clerk II in the classified service of the County of
36 San Diego. Each of the deputy clerks I shall receive a biweekly salary at a rate equal to that
37 specified for legal procedures clerk I in the classified service of the County of San Diego. At the
38 discretion of the court administrator, appointments to deputy clerk I or II may be at any step
39 within the salary range. Up to four of these positions may be filled at the level of deputy clerk-
40 intermediate clerk typist, or deputy clerk-junior clerk typist. A deputy clerk-intermediate clerk
41 typist shall receive a biweekly salary at a rate equal to that specified for intermediate clerk typist
42 in the classified service of the County of San Diego. A deputy clerk-junior clerk typist shall
43 receive a biweekly salary at a rate equal to that specified for junior clerk typist in the classified
44 service of the County of San Diego. In the absence of a deputy clerk IV, the court administrator
45 may assign a maximum of seven deputy clerks III to perform courtroom clerk duties, supervisory
46 duties, or training duties for 40 or more hours during a pay period. A deputy clerk III assigned to
47 perform these duties is eligible to receive a biweekly salary at a rate 10 percent higher than that
48 specified for a deputy clerk III. This increased biweekly salary shall apply only during pay

1 periods in which 40 or more hours are spent performing the supervisory, training, or courtroom
2 clerk duties specified above and shall not apply to paid leave or to terminal payoff.

3 (k) Six confidential deputy administrative clerks or, deputy administrative clerks III, II, or I, as
4 the case may be. A confidential deputy administrative clerk III and a deputy administrative clerk
5 III shall receive a biweekly salary at a rate equal to that specified for a deputy clerk IV. A
6 confidential deputy administrative clerk II and a deputy administrative clerk II shall receive a
7 biweekly salary at a rate equal to that specified for deputy clerk III. A confidential deputy
8 administrative clerk I and a deputy administrative clerk I shall receive a biweekly salary at a rate
9 equal to that specified for deputy clerk II.

10 (l) Four deputy clerk-collection officers I, II, or III as the case may be. A deputy clerk-
11 collection officer I shall receive a biweekly salary at a rate equal to that specified for revenue and
12 recovery officer I in the classified service of the County of San Diego. A deputy clerk-collection
13 officer II shall receive a biweekly salary at a rate equal to that specified for revenue and recovery
14 officer II in the classified service of the County of San Diego. A deputy clerk-collection officer
15 III shall receive a biweekly salary at a rate equal to that specified for revenue and recovery officer
16 III in the classified service of the County of San Diego. Only one (1) position can be filled at the
17 deputy clerk court collection officer III level. Persons appointed to this position on or after
18 January 1, 1999, shall serve at the pleasure of the court administrator.

19 (m) Three deputy clerk-court interpreters who shall receive a biweekly salary at a rate equal to
20 that specified for superior court clerk interpreter in the superior court service of the County of San
21 Diego.

22 (n) Three deputy clerk-data entry operators. No more than two of the deputy clerk-data entry
23 operator positions may be filled at the deputy clerk-senior data entry operator level. Each of the
24 deputy clerk-data entry operators shall receive a biweekly salary at a rate equal to that specified
25 for data entry operator in the classified service of the County of San Diego. Each of the deputy
26 clerk-senior data entry operators shall receive a biweekly salary at a rate equal to that specified
27 for senior data entry operator in the classified service of the County of San Diego.

28 (o) One deputy clerk-municipal court secretary who shall receive a biweekly salary at a rate
29 equal to that specified for confidential legal secretary III in the classified service of the County of
30 San Diego. At the discretion of the court administrator appointment to the deputy clerk-municipal
31 court secretary may be at any step within the salary range.

32 (p) One deputy clerk-administrative secretary III, II, or I, as the case may be. A deputy clerk-
33 administrative secretary III shall receive a biweekly salary at a rate equal to that specified for an
34 administrative secretary III in the classified service of the County of San Diego. A deputy clerk-
35 administrative secretary II shall receive a biweekly salary at a rate equal to that specified for an
36 administrative secretary II in the classified service of the County of San Diego. A deputy clerk-
37 administrative secretary I shall receive a biweekly salary at a rate equal to that specified for an
38 administrative secretary I in the classified service of the County of San Diego.

39 (q) Three deputy clerk-substance abuse assessors I or II, as the case may be. Notwithstanding
40 subdivision (b) of Section 73649, persons appointed to these positions on or after January 1,
41 1990, shall serve at the pleasure of the court administrator. A deputy clerk-substance abuse
42 assessor II shall receive a biweekly salary at a rate equal to that specified for the class of deputy
43 probation officer in the classified service of San Diego County. A deputy clerk-substance abuse
44 assessor I shall receive a biweekly salary at a rate 9 percent below that specified for a deputy
45 clerk-substance abuse assessor II. Appointments to deputy clerk-substance abuse assessor I and II
46 may be at any step within the salary range.

47 (r) One deputy clerk-court referral coordinator who shall receive a biweekly salary at a rate
48 7.25 percent higher than that specified for deputy clerk-court referral officer II. This position shall
49 be filled only upon the equivalent number of corresponding vacancies in the positions denoted in

1 subdivisions (d) and (e) of Section 74359.1. Appointments to the deputy clerk-court referral
2 coordinator may be at any step within the salary range.

3 (s) One deputy clerk-court referral officer II who shall receive a biweekly salary at a rate equal
4 to that specified for deputy probation officer in the classified service of the County of San Diego.
5 This position shall be filled only upon the equivalent number of corresponding vacancies in the
6 positions denoted in subdivisions (d) and (e) of Section 74359.1. Appointments to the deputy
7 clerk-court referral officer II may be at any step within the salary range.

8 (t) One deputy clerk-research attorney III who shall receive a biweekly salary equal to that
9 specified for a deputy county counsel III in the classified service of the County of San Diego.

10 (u) One deputy clerk-research attorney I, deputy clerk-research attorney II, or deputy clerk-law
11 clerk, as the case may be. A deputy clerk-research attorney I shall receive a biweekly salary equal
12 to that specified for a deputy county counsel I in the classified service of the County of San
13 Diego. A deputy clerk-research attorney II shall receive a biweekly salary equal to that specified
14 for a deputy county counsel II in the classified service of the County of San Diego. A deputy
15 clerk-law clerk shall receive a biweekly salary at a rate equal to that specified for a law clerk in
16 the classified service of the County of San Diego.

17 (v) One deputy clerk-legal assistant I or II, as the case may be. A deputy clerk-legal assistant I
18 shall receive a biweekly salary at a rate equal to that specified for legal assistant I in the classified
19 service of the County of San Diego. A deputy clerk-legal assistant II shall receive a biweekly
20 salary at a rate equal to that specified for legal assistant II in the classified service of the County
21 of San Diego.

22 (w) One deputy clerk-small claims advisor or deputy clerk-small claims counsel, as the case
23 may be. The deputy clerk-small claims advisor shall receive a biweekly salary at a rate of 18.63
24 percent less than that specified for small claims counsel in the classified service of the County of
25 San Diego. The deputy clerk-small claims counsel shall receive a biweekly salary at a rate equal
26 to that specified for small claims counsel in the classified service of the County of San Diego.

27 (x) Three deputy clerk-senior systems analyst, associate systems analyst, assistant systems
28 analyst, systems analyst trainee, or systems support analyst II, I, or trainee, as the case may be. A
29 deputy clerk-senior systems analyst shall receive a biweekly salary at a rate equal to that specified
30 for senior systems analyst in the classified service of the County of San Diego. A deputy clerk-
31 associate systems analyst shall receive a biweekly salary at a rate equal to that specified for
32 associate systems analyst in the classified service of the County of San Diego. A deputy clerk-
33 assistant systems analyst shall receive a biweekly salary at a rate equal to that specified for
34 assistant systems analyst in the classified service of the County of San Diego. A deputy clerk-
35 systems analyst trainee shall receive a biweekly salary at a rate equal to that specified for systems
36 analyst trainee in the classified service of the County of San Diego. A deputy clerk-systems
37 support analyst II shall receive a biweekly salary at a rate equal to that specified for a systems
38 support analyst II in the classified service of the County of San Diego. A deputy clerk-systems
39 support analyst I shall receive a biweekly salary at a rate equal to that specified for a systems
40 support analyst I in the classified service of the County of San Diego. A deputy clerk-systems
41 support analyst trainee shall receive a salary equal to that specified for a systems support analyst
42 trainee in the classified service of the County of San Diego.

43 (y) Three deputy clerk-municipal court computer specialists I, II, or III, as the case may be. A
44 deputy clerk-municipal court computer specialist I, II, or III shall receive a biweekly salary at a
45 rate equal to that specified for departmental computer specialist I, II, or III, respectively, in the
46 classified service of the County of San Diego.

47 (z) One deputy clerk-LAN systems supervisor or deputy clerk-LAN systems analyst III, II, or I,
48 as the case may be. A deputy clerk-LAN systems supervisor shall receive a biweekly salary at a
49 rate equal to that specified for LAN systems supervisor in the classified service of the County of

1 San Diego. A deputy clerk-LAN systems analyst III shall receive a biweekly salary at a rate equal
2 to that specified for LAN systems analyst III in the classified service of the County of San Diego.
3 A deputy clerk-LAN systems analyst II shall receive a biweekly salary at a rate equal to that
4 specified for LAN systems analyst II in the classified service of the County of San Diego. A
5 deputy clerk-LAN systems analyst I shall receive a biweekly salary at a rate equal to that
6 specified for LAN systems analyst I in the classified service of the County of San Diego.

7 (aa) Notwithstanding subdivision (b) of Section 73649, up to 10 extra help positions (hourly
8 rate) to be appointed by, and serve at the pleasure of, the court administrator in the class and
9 salary level deemed appropriate. These appointments shall be temporary for a period not to
10 exceed six months, plus one additional period of up to six months, at the court administrator's
11 option. Notwithstanding any other provisions of this section, the court administrator may fill these
12 positions with personnel employed for a period not to exceed 120 working days or 960 hours,
13 whichever is greater, during a fiscal year on a part-time basis.

14 (ab) Notwithstanding subdivision (b) of Section 73649, up to 10 deputy clerk-court workers
15 may be appointed by, and serve at the pleasure of, the court administrator. The class of deputy
16 clerk-court worker provides for temporary appointments to positions in classes not listed in
17 Sections 73640 to 73650, inclusive, pending a review and evaluation of the duties of these
18 positions by the court administrator, and the establishment of specific classes as provided in this
19 section. Prior to the establishment of those classes, the county personnel director shall conduct a
20 classification review and make recommendations to the municipal court as to the establishment of
21 those classes. The rate of pay for each individual employed in this class shall be within the range
22 proposed for the class pending establishment, at a rate determined by the court administrator,
23 following consultation with the county personnel director. The rules regarding appointment and
24 compensation as they relate to appointments to deputy clerk-court worker shall be the same as
25 those applicable to the class that is pending establishment. Appointments shall be temporary and
26 shall not exceed 18 months. Employee benefits, if applicable, shall be equal to those granted to
27 the class in the service of the County of San Diego to which the pending class will be tied for
28 benefit purposes. When that appointment is made, the class, compensation (including salary and
29 fringe benefits), and number of the positions may be established by joint action of the majority of
30 the judges and the board of supervisors in accordance with established county personnel and
31 budgetary procedures. In the event that the class pending establishment is tied to a class in the
32 unclassified service of the County of San Diego, the joint action may designate that persons
33 serving in the class pending establishment shall serve at the pleasure of the court administrator.
34 The court administrator may then appoint additional attaches to those classes of positions in the
35 same manner as those for which express provision is made, and they shall receive the
36 compensation so provided. Persons occupying deputy clerk-court worker positions shall have
37 their appointments expire not later than 30 calendar days following promulgation of a list of
38 certified eligibles for the new class. Appointments to the new class shall continue at the stated
39 compensation or as thereafter modified by joint action of the majority of the judges and board of
40 supervisors.

41 (ac) Notwithstanding subdivision (b) of Section 73649, the court administrator may appoint up
42 to 20 temporary extra help deputy clerk-municipal court trainees I, II, III, or V, who shall be paid
43 at an hourly rate and shall serve at the pleasure of the court administrator. A deputy clerk-
44 municipal court trainee I shall receive an hourly salary at a rate equal to that specified for student
45 worker I in the unclassified service of the County of San Diego. A deputy clerk-municipal court
46 trainee II shall receive an hourly salary at a rate equal to that specified for student worker II in the
47 unclassified service of the County of San Diego. A deputy clerk-municipal court trainee III shall
48 receive an hourly salary at a rate equal to that specified for student worker III in the unclassified
49 service of the County of San Diego. A deputy clerk-municipal court trainee V shall receive an

1 hourly salary at a rate equal to that specified for student worker V in the unclassified service of
2 the County of San Diego. Persons who graduate and receive a degree in the field which qualified
3 them for appointment to a deputy clerk-municipal court trainee class, may remain in the class and
4 be employed on a full-time basis for up to six months from the first day of the month following
5 their date of graduation.

6 (ad) Except as provided in this section, Section 74345 shall apply to the attaches appointed
7 pursuant to this section and Section 73643.

8 (ae) Notwithstanding any other provision of law, the number of positions and compensation of
9 positions in classifications authorized under subdivisions (a) to (ac), inclusive, and under Sections
10 73643, 73646, 73649.1, and 73650 may be adjusted as necessary by action of the majority of the
11 judges. The rules regarding appointment of persons to those positions shall be the same as those
12 applicable to the class of those positions. The action of the majority of the judges adjusting those
13 positions shall designate the class title or titles, number of positions, and compensation for each
14 respective class. Any adjustment made pursuant to this subdivision shall be effective upon action
15 of a majority of the judges and shall remain in effect until ratified by the Legislature.

16 73644.5. The El Cajon Municipal Court or any agency supporting the court may establish a
17 "900" telephone number or numbers, for computerized remote access by individuals or
18 organizations to court information. The proceeds from these "900" telephone numbers shall be
19 continuously and solely appropriated to the El Cajon Municipal Court or court support agency for
20 the purposes of ongoing staff information and data processing services.

21 73645. In the event of an increase in the number of judges the court administrator may appoint
22 one deputy clerk IV, one deputy clerk III, one deputy clerk II, and one deputy clerk I, for each
23 additional judgeship created.

24 73646. The court administrator may appoint three judicial secretaries, one of whom may be a
25 supervising judicial secretary, who shall serve at the pleasure of the court administrator. Each
26 judicial secretary shall receive a biweekly salary at a rate equal to that specified for administrative
27 secretary IV in the classified service of the County of San Diego. Appointments to judicial
28 secretary may be at any step within the salary range.

29 The position of judicial secretary shall be deemed comparable to the position of administrative
30 secretary IV in the classified service of San Diego County. Whenever the salary of the class of
31 administrative secretary IV is adjusted by the Board of Supervisors of San Diego County, the
32 salary of the class of judicial secretaries shall be adjusted a commensurate percentage in the
33 salary schedule on the same date.

34 The supervising judicial secretary shall receive a biweekly salary at a rate equal to that
35 specified for the classification of confidential legal secretary III in the classified service of the
36 County of San Diego. Appointments to supervising judicial secretary may be at any step within
37 the salary range. The position of supervising judicial secretary shall be deemed comparable to the
38 position of confidential legal secretary III in the classified service of San Diego County.
39 Whenever the salary of the class of confidential legal secretary III is adjusted by the Board of
40 Supervisors of San Diego County, the salary of the class of supervising judicial secretary shall be
41 adjusted a commensurate percentage in the salary schedule on the same date.

42 Notwithstanding Section 73649, the classifications of judicial secretary and supervising judicial
43 secretary, respectively, shall receive and be entitled to the same number of holidays, leaves of
44 absence, percentage of retirement offsets, and all other fringe benefits as are now or may hereafter
45 be provided for the classifications of administrative secretary IV and confidential legal secretary
46 III, respectively, in the classified service of the County of San Diego. However, the classifications
47 of judicial secretary and supervising judicial secretary shall be entitled to: (a) earn sick leave

1 credit at the rate of 5.385 percent of each hour of paid service during the pay period; (b) earn
2 vacation credit at the rate of 5.769 percent of each hour of paid service during the pay period and
3 accumulate vacation credit not to exceed 25 working days where the employee has less than 10
4 years of continuous service; and (c) earn vacation credit at the rate of 8.075 percent of each hour
5 of paid service during the pay period and accumulate vacation credit not to exceed 35 working
6 days where the employee has 10 years or more of continuous service. Notwithstanding the sick
7 leave and vacation credits indicated above, persons appointed to the positions of judicial secretary
8 and supervising judicial secretary on or after January 1, 1993, shall be entitled to earn and accrue
9 the same sick leave credit and vacation credit as an administrative secretary IV and confidential
10 legal secretary III, respectively, in the classified service of the County of San Diego.

11 73647. Persons who succeed to positions in the municipal court under provisions of the
12 Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in
13 superseded courts and in the sheriff's department or constabulary of the county. In determining
14 the rate of compensation to be paid to the officers and employees named in this article, service in
15 any city, municipal, or justice court of the State of California and service in the sheriff's
16 department or constabulary of the County of San Diego shall be deemed to be service in the
17 respective offices and employments in the Municipal Court of the El Cajon Judicial District.

18 73648. The municipal court shall hold sessions at such location, or locations, within the El
19 Cajon Judicial District as the Board of Supervisors of the County of San Diego may designate.

20 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
21 preserved until completion of (1) the study and recommendation by the task force on court
22 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
23 on these issues.

24 73649. (a) In addition to the salary provided in this article, the classes of attaches of the
25 municipal court shall receive, and they shall be entitled to the same number of holidays, leaves of
26 absence, and all other fringe benefits as are now or may hereafter be provided for the employees
27 of the County of San Diego in the comparable classes specified in Section 74345. The court
28 administrator shall receive the same number of holidays, leaves of absence, and all other fringe
29 benefits as are now or may hereafter be received by the class of chief probation officer of the
30 County of San Diego. The assistant court administrator and deputy court administrators shall
31 receive the same number of holidays, leaves of absence, and all other fringe benefits as are now
32 or may hereafter be received by the class of assistant chief probation officer of the County of San
33 Diego. All persons employed as deputy clerk-division manager I, deputy clerk-division manager
34 II, deputy clerk-division manager III, or deputy clerk-administrative assistant III shall receive the
35 same number of holidays, leaves of absence, and all other fringe benefits as are now or may
36 hereafter be received by the class of administrative assistant III in the classified service of the
37 County of San Diego. However, all officers, employees, and attaches of the municipal court shall
38 be eligible to enroll in the dental and vision group insurance plans sponsored by the County of
39 San Diego. The purpose and intent of this subdivision is to provide all court attaches except
40 judicial secretaries employed, traffic trial commissioners, and court reporters with any and all, but
41 no more than, those fringe benefits which are available to their comparable classes in the service
42 of the County of San Diego as specified in this section or in Section 74345. Whenever action or
43 approval by the chief administrative officer or county personnel director is required for the county
44 benefit, it shall be taken or given, as to municipal court officers and attaches other than those
45 serving at the pleasure of the court, by the court administrator with the approval of the majority of
46 the judges of the municipal court or their designees, or, as to those serving at the pleasure of the
47 court, by the majority of the judges of the municipal court or their designees. Changes in fringe

1 benefits shall be effective on the same date as those for employees of the County of San Diego in
2 the specified comparable classes. The majority of all the municipal court judges may adopt rules
3 for the conduct of and personnel privileges to be afforded the attaches of the court, excluding
4 fringe benefits.

5 (b) All attaches other than court reporters, judicial secretaries, traffic trial commissioners, and
6 other persons serving at the pleasure of their appointing authorities, may be appointed, promoted,
7 removed, suspended, laid off, or discharged for cause by the appointing authority subject in such
8 appointment, promotion, removal, suspension, layoff, or discharge to civil service provisions
9 applicable to the classified personnel of the County of San Diego. Whenever these attaches are
10 appointed or promoted to a position, they shall serve a probationary period of at least six months,
11 and not to exceed 18 months, as specified in the job announcement for the class prior to
12 appointment. If the San Diego County Charter is amended to repeal the Civil Service Rules and
13 the board of supervisors adopts new Personnel Rules, the reference to civil service provisions in
14 this subdivision shall mean the personnel rule provisions.

15 73649.1. (a) By order entered in the minutes of the court, a majority of judges may appoint two
16 commissioners. However, if the board of supervisors finds that there are sufficient funds for one
17 additional commissioner and adopts a resolution to that effect, a majority of judges may appoint
18 an additional commissioner. The commissioners shall serve at the pleasure of the judges and shall
19 receive a salary equal to 80 percent of the salary of a judge of the municipal court.

20 (b) A commissioner shall receive and be entitled to the same number of holidays, leaves of
21 absence, and all other fringe benefits as are now or may hereafter be provided for a chief deputy
22 county counsel in the classified service of the County of San Diego. However, a commissioner
23 shall be entitled to (1) earn sick leave credit at the rate of 5 percent of each hour of paid service
24 during the pay period, and (2) earn vacation credit at the rate of 8.075 percent of each hour of
25 paid service during the pay period until the commissioner has 15 years of county/court service. At
26 that time the commissioner will earn vacation at the same rate as chief deputy county counsel
27 with 15 years of county service.

28 (c) With the approval of a majority of judges of the court and the board of supervisors, a
29 commissioner may be reimbursed for any payment he or she makes for his or her annual State Bar
30 of California membership fee.

31 73650. Official reporters in the Municipal Court of the El Cajon Judicial District appointed
32 pursuant to Section 72194 shall be attaches of the court, and in lieu of any other compensation
33 provided by law for their services in reporting testimony and proceedings in the court shall be
34 paid a biweekly salary equal to that specified for official court reporters for the Superior Court of
35 the County of San Diego. These salaries shall be a charge against the general fund of the county.

36 Notwithstanding Section 72194, by joint action of the majority of the judges and the board of
37 supervisors in accordance with the county personnel and budgetary procedures, the class of chief
38 reporter may be established. The action of the majority of the judges and the resolution of the
39 board of supervisors shall designate that the class of chief reporter is limited to one position and
40 shall receive a biweekly salary at a rate 15 percent higher than that specified for official reporters.
41 The chief reporter shall be appointed by and serve at the pleasure of the judges and shall receive
42 the same number of holidays, leaves of absence, and all other fringe benefits as are now or may
43 hereafter be received by the chief reporter of the Superior Court of the County of San Diego.

44 Pursuant to Section 72194, the judges of the court may appoint as many additional reporters as
45 the business of the court may require, who shall be known as official reporters pro tempore, and
46 who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953,
47 inclusive, except that in lieu of the per diem fees provided in those sections for reporting
48 testimony and proceedings, the official reporters pro tempore shall in all cases be compensated at

1 a rate equal to that paid to official reporters pro tempore for the Superior Court of the County of
2 San Diego, which shall be a charge against the general fund of the County of San Diego.

3 Fees for transcription of testimony and proceedings in the court shall be paid by the litigants to
4 official reporters and official reporters pro tempore as otherwise provided by law. In all cases
5 where by law the court may direct the payment of transcription fees out of the county treasury,
6 those fees shall, upon order of the court, be paid from the general fund, including fees for
7 transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to
8 69953, inclusive.

9 Official reporters of the court shall be members of any retirement system maintained by the
10 county. For the purpose of the retirement system the salary provided in this article for those
11 reporters shall be deemed their entire compensation.

12 Notwithstanding the provisions of Section 73649, official reporters serve at the pleasure of the
13 judges and shall receive and be entitled to the same number of holidays, leaves of absence, and all
14 other fringe benefits as are now or may hereafter be provided for the official reporters of the
15 Superior Court of the County of San Diego.

16 **§§ 73660-73668 (repealed). Humboldt County Municipal Court District**

17 SEC. ____. Article 9.5 (commencing with Section 73660) of Chapter 10 of Title 8 of the
18 Government Code is repealed.

19 **Comment.** Sections 73660-73668 are repealed to reflect:

20 (1) Unification of the municipal and superior courts in Humboldt County pursuant to Article
21 VI, Section 5(e), of the California Constitution, effective June 10, 1998. See Cal. Const. art. VI, §
22 23 and Section 70212(b) (preexisting court locations retained as superior court locations), Section
23 70211 (former municipal court judgeships continued as superior court judgeships). See also Cal.
24 Const. art. VI, §§ 15 (qualifications of judges), 16 (election of judges); Code Civ. Proc. § 38
25 (judicial districts); Sections 68073 (responsibility for court operations and facilities), 69508
26 (presiding judge), 69584 (number of judges in Humboldt County). *Cf.* Section 71042.5
27 (preservation of judicial districts for purposes of publication).

28 For provisions relating to the sheriff, see Sections 26603 (superior court attendance), 26608,
29 26609, 26660-26665 (process and notices), 26611 (court crier), 26720-26751 (fees). See also
30 Code Civ. Proc. § 262.4 (conveyances on sale of real estate).

31 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
32 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
33 (salaries), 71629 (trial court employment benefits not affected), 71640-71645 (employment
34 selection and advancement), 71650-71658 (employment protection system), 71673 (authority of
35 court). See also Sections 69941 (appointment of official reporters), 69947 (compensation of
36 official reporter), 69953.5 (daily transcript requiring more than one reporter).

37 (3) Enactment of the Trial Court Funding Act. See Sections 77001 (local trial court
38 management), 77003 ("court operations" defined), 77200 (state funding of trial court operations).

39  **Note.** The text of the repealed article is set out below.

40 **Article 9.5. Humboldt Judicial District**

41 73660. There is in the County of Humboldt a single municipal court district known as the
42 Humboldt County Municipal Court District.

43 73660.5. The Humboldt County Municipal Court District consists of the following divisions
44 embracing that territory which was within the specified judicial districts in the County of
45 Humboldt as they existed on December 31, 1991, and as those divisions are thereafter modified
46 by the board of supervisors after public hearing or by operation of law:

1 (a) The North Humboldt Division, comprising the territory within the former North Humboldt
2 Judicial District.

3 (b) The Eureka Division, comprising the territory within the former Eureka Judicial District.

4 (c) The Eel River Division, comprising the territory within the former Eel River Judicial
5 District.

6 73661. In order that the citizens of the county may have convenient access to the court, the
7 location of permanent court facilities and locations where sessions of the court may be held other
8 than in the county seat shall be as determined by the board of supervisors.

9  **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
10 preserved until completion of (1) the study and recommendation by the task force on court
11 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
12 on these issues.

13 73661.5. The number of judges in each division is as follows:

14 (a) North Humboldt Division--one.

15 (b) Eureka Division--two.

16 (c) Eel River Division--one.

17 73662. (a) Upon the establishment of the Humboldt County Municipal Court District, judges
18 shall be eligible for office in the district, as follows:

19 (1) In the North Humboldt Division, the judge of the North Humboldt Judicial District shall
20 automatically become the judge of the North Humboldt Division.

21 (2) In the Eureka Division, the two judges of the Eureka Judicial District shall automatically
22 become the two judges of the Eureka Division.

23 (3) In the Eel River Division, the judge of the Eel River Judicial District shall automatically
24 become the judge of the Eel River Division.

25 (b) The time for election and qualification of the successor to any judge who becomes a judge
26 of the district pursuant to this section, shall be that previously fixed by law for the election and
27 qualification of the successors for the court and office superseded, had those courts not been
28 superseded.

29 73662.5. For the purposes of the qualification and election of judges, the “division” referred to
30 in this chapter is and shall continue to be the “district” referred to in subdivision (b) of Section 16
31 of Article VI of the California Constitution.

32 73663. Within each division, even in divisions having only one judge, there shall be a presiding
33 judge.

34 73663.5. The judges of the district shall meet quarterly, and more often if necessary, upon the
35 call in writing of any two judges. At the first meeting of each calendar year, the judges shall do all
36 of the following:

37 (a) Adopt a districtwide bail schedule.

38 (b) Review the business of the district.

39 (c) Formulate rules and regulations, not inconsistent with law or rules and regulations adopted
40 and prescribed by the Judicial Council, for transfer of cases, assignment of judges, scheduling of
41 vacation of judges, and other administrative matters such as will promote uniformity of
42 procedures and efficiency and economy in the business of the districts.

43 (d) Make such recommendations to the board of supervisors and to the Judicial Council as they
44 deem desirable or necessary to promote the administration of justice in the courts of the district.

1 73664. (a) In each division of the municipal court district in Humboldt County, there shall be a
2 clerk who shall be the administrative officer of the division and who shall be appointed by, and
3 shall serve at the pleasure, of the judge or judges of each division with the concurrence of the
4 board of supervisors.

5 (b) Upon the effective date of this article, all of the following shall occur:

6 (1) The clerk of the court of the North Humboldt Judicial District shall become the clerk of the
7 court of the North Humboldt Division.

8 (2) The clerk/municipal court executive officer of the Eureka Judicial District shall become the
9 clerk/municipal court executive officer of the Eureka Division.

10 (3) The clerk of the court of the Eel River Judicial District shall become the clerk of the court
11 of the Eel River Division.

12 73664.5. In addition to any other duties imposed on such officers by law, and as directed by the
13 presiding judges, the administrative officers shall meet quarterly, and more often as necessary, for
14 the following purposes:

15 (a) To direct and coordinate the nonjudicial activities of the district.

16 (b) To prepare, coordinate, and administer the budget of the district.

17 (c) To coordinate with county agencies, the acquisition, utilization, maintenance, and
18 disposition of facilities, equipment, and supplies necessary for the operation of each division.

19 (d) To initiate studies and prepare appropriate recommendations and reports to the presiding
20 judges relating to the business of the district, including, but not limited to, such matters as
21 standardization of forms and procedures and development and coordination of automated
22 accounting and case processing systems.

23 (e) To collect, compare, and analyze statistical data on a continuing basis concerning the status
24 of judicial and nonjudicial business of the district and to prepare periodic reports and
25 recommendations based on such data.

26 73665. (a) Effective January 1, 1999, the Sheriff of Humboldt County shall assume the duties
27 and responsibilities of the Humboldt County Marshal and the office of the marshal shall be
28 consolidated with the office of sheriff.

29 Upon the effective date of the consolidation there shall be established within the Humboldt
30 County Sheriff's Department a unit designated as the Court Security Services Division. The
31 Sheriff of Humboldt County shall be responsible for the management and operation of this
32 division, in accordance with this article. Personnel assigned to the Court Security Services
33 Division shall have all the power and shall perform all the duties of marshals and constables as set
34 forth in Sections 71264 to 71269, inclusive.

35 (b) Neither this article nor any provision hereof, shall be deemed in any manner to limit or
36 otherwise impair the power vested by all other laws, including Section 68073, in the Superior
37 Court of Humboldt County to secure proper provision of court-related services.

38 ☞ **Note.** Section 73665 will likely be preserved, in some form. A proposed amendment to this
39 section was circulated in an earlier mailing and is reproduced below as an added section. The
40 Commission requests input as to whether this section continues to serve a useful purpose, whether
41 the proposed sunset provision is appropriate, and whether further revisions are needed to reflect
42 current practice.

43 73666. (a) Permanent employees of the marshal's office on the effective date of consolidation
44 under this article shall be deemed qualified, and no other qualifications shall be required for
45 employment or retention. Probationary employees of the marshal's office on the effective date of
46 a consolidation under this article shall retain their probationary status and rights, and shall not be
47 deemed to have transferred so as to require serving a new probationary period.

1 (b) County service of employees of the marshal's office on the effective date of the
2 consolidation under this article, shall be counted toward seniority in the consolidated office, and
3 all time spent in the same, equivalent, or higher classification shall be counted toward
4 classification seniority.

5 (c) No provision of this section shall be deemed to restrict the authority of the sheriff to
6 discipline any employee in accordance with county personnel policies, and memoranda of
7 understanding, or rules, regulations, and procedures otherwise applicable, and except as otherwise
8 expressly provided in this section, the discretion of the sheriff to assign, promote, direct, and
9 control employees formerly assigned to the marshal's office shall not be deemed in any manner
10 restricted by virtue of the abolition or consolidation.

11  **Note.** Section 73666 will likely be preserved, in some form. A proposed amendment to this
12 section was circulated in an earlier mailing and is reproduced below as an added section. The
13 Commission requests input as to whether this section continues to serve a useful purpose, whether
14 the proposed sunset provision is appropriate, and whether further revisions are needed to reflect
15 current practice.

16 73667. (a) Official reporters shall be appointed by the judges of each municipal court district
17 pursuant to the provisions of Section 72194 and shall serve during the pleasure of the judge to
18 whom he or she is assigned. The number of reporters so appointed shall not exceed at any one
19 time the number of judges provided by law for the court.

20 (b) A judge of the municipal court may appoint an official reporter pro tempore to serve as the
21 business of the court may require, when an official reporter is unavailable.

22 (c) The salaries of each regular official reporter and each official reporter pro tempore shall be
23 as provided in Section 70127, except that such changes in compensation made pursuant to this
24 section shall be on an interim basis and shall expire on January 1 of the second calendar year after
25 the calendar year in which the change occurs, unless ratified by the Legislature.

26 (d) (1) In addition to any fee otherwise required in a civil case in which the court orders a daily
27 transcript necessitating the services of two phonographic reporters, the party requesting the daily
28 transcript shall pay a fee per day equal to the per diem rate for official reporters pro tempore for
29 the services of the second reporter for the first and each successive day.

30 (2) All fees paid under this subdivision shall be taxed as costs.

31 73668. All matters affecting the employment of the officers and attaches which are not
32 specifically determined by this article or other provision of state law, including, but not limited to,
33 the initial hiring rate for each position and the procedure for advancement to a higher step, shall
34 be governed and regulated by the then current salary ordinance of the County of Humboldt and
35 the rules of the Civil Service Commission of the County of Humboldt.

36 **§§ 73665-73666 (added). Humboldt County**

37 SEC. _____. Article 9.5 (commencing with Section 73665) is added to Chapter 10 of Title
38 8 of the Government Code, to read:

39 **Article 9.5. Humboldt County**

40 **§ 73665. Consolidation of marshal and sheriff offices**

41 73665. (a) Effective January 1, 1999, the Sheriff of Humboldt County shall assume the
42 duties and responsibilities of the Humboldt County Marshal and the office of the marshal
43 shall be consolidated with the office of sheriff.

1 Upon the effective date of the consolidation there shall be established within the
2 Humboldt County Sheriff's Department a unit designated as the Court Security Services
3 Division. The Sheriff of Humboldt County shall be responsible for the management and
4 operation of this division, in accordance with this article.

5 (b) Neither this article nor any provision hereof, shall be deemed in any manner to limit
6 or otherwise impair the power vested by all other laws in the Superior Court of Humboldt
7 County to secure proper provision of court-related services.

8 (c) This section shall remain in effect only until January 1, 2018, and as of that date is
9 repealed unless a later enacted statute, which is enacted before January 1, 2018, deletes or
10 extends that date. The repeal of this section does not affect any right or benefit to which a
11 person was entitled on the date of repeal.

12 **Comment.** Subdivision (a) of Section 73665 continues the first paragraph and the first two
13 sentences of the second paragraph of subdivision (a) of former Section 73665.

14 Subdivision (b) continues subdivision (b) of former Section 73665, omitting the reference to
15 Section 68073.

16 Subdivision (c) is new.

17 For provisions relating to restatements and continuations of existing law, see Section 2. For
18 disposition of the provisions of former Section 73665 that are not continued, see the Comment to
19 former Article 9.5 (commencing with former Section 73660).

20 **§ 73666. Employees of marshal's office**

21 73666. (a) Permanent employees of the marshal's office on the effective date of
22 consolidation under this article shall be deemed qualified, and no other qualifications
23 shall be required for employment or retention. Probationary employees of the marshal's
24 office on the effective date of a consolidation under this article shall retain their
25 probationary status and rights, and shall not be deemed to have transferred so as to
26 require serving a new probationary period.

27 (b) County service of employees of the marshal's office on the effective date of the
28 consolidation under this article, shall be counted toward seniority in the consolidated
29 office, and all time spent in the same, equivalent, or higher classification shall be counted
30 toward classification seniority.

31 (c) No provision of this section shall be deemed to restrict the authority of the sheriff to
32 discipline any employee in accordance with county personnel policies, and memoranda of
33 understanding, or rules, regulations, and procedures otherwise applicable, and except as
34 otherwise expressly provided in this section, the discretion of the sheriff to assign,
35 promote, direct, and control employees formerly assigned to the marshal's office shall not
36 be deemed in any manner restricted by virtue of the abolition or consolidation.

37 (d) This section shall remain in effect only until January 1, 2018, and as of that date is
38 repealed unless a later enacted statute, which is enacted before January 1, 2018, deletes or
39 extends that date. The repeal of this section does not affect any right or benefit to which a
40 person was entitled on the date of repeal.

41 **Comment.** Subdivisions (a)-(c) of Section 73666 continue subdivisions (a)-(c) of former
42 Section 73666 without change.

43 Subdivision (d) is new.

44 For provisions relating to restatements and continuations of existing law, see Section 2.

45 **§§ 73671-73679.5 (repealed). Northern Solano Judicial District**

46 SEC. _____. Article 9.7 (commencing with Section 73671) of Chapter 10 of Title 8 of the
47 Government Code is repealed.

1 **Comment.** Sections 73671-73679.5 are repealed to reflect:

2 (1) Unification of the municipal and superior courts in Solano County pursuant to Article VI,
3 Section 5(e), of the California Constitution, effective August 3, 1998. See Section 70211 (former
4 municipal court judgeships continued as superior court judgeships). See also Code Civ. Proc. § 38
5 (judicial districts); Sections 26603 (superior court attendance by sheriff), 69602 (number of
6 judges in Solano County). Cf. Section 71042.5 (preservation of judicial districts for purposes of
7 publication).

8 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
9 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
10 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
11 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
12 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
13 protection system), 71673 (authority of court). See also Code Civ. Proc. § 195 (jury
14 commissioners); Sections 68086 (fees for reporting services in civil cases generally), 69941
15 (appointment of official reporters), 69947 (compensation of official reporter), 69953.5 (daily
16 transcript requiring more than one reporter).

17 (3) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
18 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations).

19  **Note.** The text of the repealed article is set out below.

20 **Article 9.7. Northern Solano Judicial District**

21 73671. This article applies to the Northern Solano Judicial District in the County of Solano.

22 73672. There are four judges.

23 73672.1. The district consists of three divisions, as follows:

24 (a) The western division includes all of the territory within the Fairfield-Suisun Judicial District
25 on March 7, 1973.

26 (b) The eastern division includes all of the territory within the Vacaville Judicial District on
27 March 7, 1973.

28 (c) The northern division includes all of the territory within the Dixon Judicial District on
29 January 1, 1976.

30 73672.2. As public convenience requires, the Board of Supervisors of the County of Solano
31 may change the division boundaries by ordinance.

32 73672.6. There is one municipal court commissioner, who shall be appointed pursuant to
33 Article 10 (commencing with Section 72450) of Chapter 9. However, operative July 1, 1992,
34 there shall be two municipal court commissioners.

35 Any municipal court commissioner appointed pursuant to Article 10 (commencing with Section
36 72450) of Chapter 9 to serve a municipal court district in the County of Solano shall receive
37 compensation at a range of 60 to 80 percent of a superior court judge's salary. The presiding
38 judge of the municipal court has the authority to place individuals in this range.

39 73673. There is one municipal court executive officer, who shall be appointed by the presiding
40 judge with concurrence of a majority of the judges of the court, and shall hold office at the
41 pleasure of a majority of the judges. The municipal court executive officer shall administer the
42 nonjudicial activities of the court and serve as jury commissioner, exercising, insofar as
43 applicable to the municipal court, the powers of a jury commissioner of a superior court.

44 The municipal court executive officer shall receive a salary at the salary grade specified in
45 range 65-00400.

1 73674. The municipal court executive officer may appoint the following numbers of staff at the
 2 classifications and salary grades indicated:

3 Number	Classification	Salary Grade
4 1	Assistant Municipal Court Executive Officer	70-00400
5 2	Clerical Operations Manager	75-00800
6 1	Accountant	07-07300
7 1	Research Attorney	55-00075
8 4	Fiscal Clerk	09-02400
9 2	Judicial Secretary	09-03900
10 24	Legal Procedures Clerk	09-01800
11 12	Courtroom Clerk (Muni Court)	09-04100
12 1	Lead Legal Procedures Clerk	09-02800
13 1	Supervising Courtroom Clerk	08-01580
14 4	Supervising Legal Procedures Clerk	08-01200
15 1	Principal Court Clerk	08-01600
16 7	Data Entry Clerk	09-01000
17 2	Clerical Support Specialist	09-02200
18 1	Clerk	09-00600
19 6	Court Reporter (Muni Court)	09-04100
20 2	Interpretive Services Coordinator	07-03550
21 1	Lead Fiscal Clerk	09-03300
22 1	Fiscal Records Supervisor	08-01900
23 1	Systems Analyst	07-08600

24 73674.1. (a) Regular official court reporters shall report all criminal and civil proceedings in
 25 their respective courts. When not engaged in the performance of other duties imposed upon them
 26 by law, each reporter shall render such assistance as may be required in any other court of the
 27 county to which the reporter may be assigned, and perform such other verbatim reporting services
 28 as may be required such as, but not limited to, board of equalization hearings, public hearings,
 29 and depositions. During hours in which the court is open for the transaction of judicial business,
 30 official reporters shall devote full time to the performance of regular duties and shall not engage
 31 in any other employment in their professional capacity.

32 (b) Each regular official court reporter shall receive a salary at the rate specified in salary grade
 33 09-04100.

34 (c) For all transcripts incident to reporting services, each reporter shall receive the fees
 35 provided for in Article 9 (commencing with Section 69941) of Chapter 5 of this title. The initial
 36 hiring rate for each position shall be step 1, provided that the judges may appoint any such
 37 reporter at a higher initial step if, in the opinion of the majority of judges, an individual to be
 38 appointed has such experience and qualifications as to entitle the appointee to such higher initial
 39 step.

40 (d) A regular official court reporter shall serve at the pleasure of the appointing judge, but shall
 41 be entitled to the same benefits and privileges respecting longevity, service credits, cost-of-living
 42 or other general pay increases, retirement, vacation, sick leave, and group insurance which are
 43 provided other employees of the county. Court reporters shall be entitled to any increases
 44 provided other employees of the county respecting longevity, service credits, cost-of-living or
 45 general pay increases, retirement, vacation, sick leave, and group insurance, but such increases
 46 shall be on an interim basis and remain in effect only until January 1, 1993, unless ratified by
 47 statute by the Legislature prior to that date.

1 (e) Judges of the court may appoint as many official reporters pro tempore as the business of
2 the court requires. They shall be unsalaried but shall receive the fees provided in Article 9
3 (commencing with Section 69941) of Chapter 5 of this title, which fees, upon order of the court,
4 shall be a proper charge against the general fund of the county.

5 (f) (1) A reporter's filing fee of sixteen dollars (\$16) shall be paid in actions and proceedings as
6 specified in Section 68090.5.

7 (2) In addition to any fee otherwise required in civil cases that last longer than five judicial
8 days, a fee per day equal to the per diem rate for official reporters pro tempore shall be charged to
9 the parties for the services of an official reporter for the sixth and each successive day a reporter
10 is required.

11 (3) In addition to any fee otherwise required in a civil case in which the court orders a daily
12 transcript necessitating the services of two phonographic reporters, the party requesting the daily
13 transcript shall pay a fee per day equal to the per diem rate for official reporters pro tempore for
14 the services of the second reporter for the first and each successive day.

15 73674.5. So long as Solano County continues to receive block grant funding pursuant to the
16 Brown-Presley Trial Court Funding Act, the municipal court executive officer may appoint the
17 following numbers of staff at the classification and salary grades indicated:

18	Number	Classification	Salary Grade
19	(a) 2	Data Entry Clerk (LT-P)	09-01000
20	(b) 3	Courtroom Clerk	09-03400
21	(c) 1	Fiscal Clerk	09-02400
22	(d) 4	Legal Procedures Clerk	09-01800
23	(e) 1	Interpretive Services Coordinator	07-03700
24	(f) 1	Systems Analyst	30-01900
25	(g) 2	Clerk	09-00600

26 73675. The Sheriff of Solano County shall serve and assist the municipal court without
27 additional compensation. He may appoint four deputies to likewise serve and assist the court, who
28 shall also receive no additional compensation for such service and assistance.

29 73676. Wherever a reference to a salary grade number is made in this article, the schedules
30 found in the Memoranda of Understanding adopted by the Board of Supervisors of Solano
31 County effective January 1, 1991, shall apply. Any salary grade resulting from an amendment of
32 such schedule and listing shall remain effective only until January 1 of the second year following
33 the calendar year in which such change is made.

34 73677. Persons employed in any of the positions authorized by this article shall be paid the
35 salary assigned to salary grades specified in Sections 73673 and 73674 and subdivision (b) of
36 Section 73674.1.

37 Each person employed on January 1, 1968, shall receive credit for prior continuous service in
38 office including service in departments superseded upon the establishment of the municipal court,
39 and such prior service shall be deemed service in the new position. However, such credit shall be
40 given only when the presiding judge of the court determines that the officer or employee is
41 entitled to receive it. Officers and employees shall be appointed at the first step for the salary
42 grade assigned to their classification, except if it is difficult to secure qualified personnel, or if a
43 person of unusual qualifications is appointed, the judge may appoint that person at the second
44 step of the salary grade assigned to that classification.

45 If the judges are unable to secure a qualified person to fulfill the position of the municipal court
46 executive officer for that salary, the judges, with the concurrence of the board of supervisors, may

1 establish a salary at a rate not to exceed step 5 of the salary grade of the municipal court executive
2 officer that exists on the date of the appointment.

3 73678. (a) All increases in salary shall not be given as a matter of right but only when the
4 presiding judge of the court determines that the officer or employee is properly entitled to receive
5 it. Each person employed by the court shall have a merit increase eligibility date which shall be
6 the first day of the pay period following completion of the number of full pay periods of service
7 indicated on the following chart:

8 Salary Grade Step	Number of Full Pay
9 Number to Which	Periods of Service
10 Eligible	Completed Between Steps
11 2	13
12 3	13
13 4	26
14 5	39

15 (b) If any employee begins his or her employment on the first working day of a pay period, it
16 shall be considered for purposes of this section that such employment began on the first calendar
17 day of that pay period. The granting of any leave of absence without pay, other than military
18 leave of absence, exceeding seven consecutive calendar days in a pay period shall cause the merit
19 increase eligibility date to be extended to the first of the pay period following completion of the
20 leave of absence without pay.

21 However, an officer or employee who is promoted or reclassified to a position in a class with a
22 higher salary grade shall receive the recruiting salary for the higher class if it is greater than his or
23 her salary prior to promotion or reclassification, or such higher amount as would constitute at
24 least a one-step increase (approximately 5 percent) on the salary grade over the salary received
25 prior to the promotion or reclassification, not to exceed the top step of the new salary grade.

26 (c) The effective date of all promotions shall coincide with the first working date of a pay
27 period. A new merit increase eligibility date shall be established, which shall be the first day of
28 the pay period following completion of the number of full pay periods of service which
29 corresponds with the required period of service pursuant to subdivision (b).

30 73679. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of
31 Chapter 8 of Title 8 or any other provision of this article, in order to equalize the compensation of
32 employees of the municipal court with compensation paid to county employees with
33 commensurate duties and responsibilities, upon recommendation of the judges of the court and
34 with the approval of the Board of Supervisors of the County of Solano, an officer or an employee
35 of the court, whether appointed under the provisions of this article or under Article 4
36 (commencing with Section 72150) of Chapter 8 of Title 8, may be paid any compensation which
37 is within the salary grades and increments set forth in this article in excess of or less than the
38 maximum to which such officer or employee would otherwise be entitled under the salary grade
39 established for his or her classification as set forth in Section 73676. Any such salary adjustment
40 shall not extend longer than 60 days after the final adjournment of the next succeeding regular
41 session of the Legislature after such salary adjustment.

42 73679.5. Employees of the court shall have the benefits and privileges, not including
43 compensation, provided for employees of the County of Solano in that county's salary ordinance
44 and other ordinances and rules applicable to county employees. Employees of the court, except
45 the municipal court executive officer, shall be members of the County Civil Service System of the
46 County of Solano to the extent that such membership is not contrary to the provisions of Section 5
47 of Article VI of the California Constitution, or any other provisions of state law.

1 **§§ 73680-73697 (repealed). Consolidated Fresno Municipal Court District**

2 SEC. ____ Article 10 (commencing with Section 73680) of Chapter 10 of Title 8 of the
3 Government Code is repealed.

4 **Comment.** Sections 73680-73697 are repealed to reflect:

5 (1) Unification of the municipal and superior courts in Fresno County pursuant to Article VI,
6 Section 5(e), of the California Constitution, effective July 1, 1998. See Section 70211 (former
7 municipal court judgeships continued as superior court judgeships). See also Code Civ. Proc. § 38
8 (judicial districts); Section 69583 (number of judges in Fresno County). Cf. Section 71042.5
9 (preservation of judicial districts for purposes of publication); former Section 71264 (municipal
10 court served by marshal).

11 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
12 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
13 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
14 benefits), 71629 (trial court employment benefits not affected), 71640-71645 (employment
15 selection and advancement), 71650-71658 (employment protection system), 71673 (authority of
16 court). See also Sections 69941 (appointment of official reporters), 69947 (compensation of
17 official reporter).

18 (3) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
19 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations).

20 For provisions governing the deposit of fees collected by marshals and sheriffs, see Sections
21 24350 (fees collected by salaried county or court officer paid into county treasury), 24353 (money
22 collected by county or court officer paid into county treasury), 71266 (marshals' fees paid into
23 county treasury).

24  **Note.** The text of the repealed article is set out below.

25 **Article 10. Fresno**

26 73680. This article applies to the municipal court established in the Consolidated Fresno
27 Judicial District, County of Fresno.

28 73681. There shall be 10 judges.

29 73681.1. The judges of the Fresno County courts may appoint eight court commissioners who
30 shall possess the same qualifications as the law requires of a judge of a superior court. He or she
31 shall hold office at the pleasure of the judges and shall receive a salary of 85 percent of the salary
32 of a judge of the superior court.

33 73682. There shall be one court executive officer to be appointed by the judges of the Fresno
34 County courts who shall be the clerk, administrator, and secretary of the court, pursuant to
35 Section 69898. He or she shall hold office at the pleasure of the judges and shall receive a salary
36 as fixed by the judges of the court.

37 73683. (a) The work of the superior and municipal courts in Fresno County is to be performed,
38 minimally, by each of the positions herein identified by the trial courts of Fresno County.

39 (b) The executive officer may appoint the following court personnel who shall receive a salary
40 at the range indicated in the Fresno County Salary Resolution:

- 41 (1) One Associate Court Executive Officer-Downtown Operations, at salary within Band "C."
- 42 (2) One Assistant Court Executive Officer, at salary within Band "E."
- 43 (3) One Superior Court Program Coordinator, at salary within Band "G."
- 44 (4) Two Superior Court Program Managers, at salary within Band "G."
- 45 (5) Four Municipal Court Division Managers, at salary within Band "G."

1 (6) Three County Clerk Program Coordinators/County Clerk Program Coordinator-A, at salary
2 range 1435.

3 (7) One Juvenile Court Manager, at salary within Band “F.”

4 (8) One Administrative Services Assistant, at salary within Band “H.”

5 (9) One Court Personnel Analyst I or II, at salary range 1260 or 1456, respectively.

6 (10) One Senior Research Attorney, at salary range 2305.

7 (11) Eight Research Attorneys I, II, or III, at salary range 1302, 1667, or 2005, respectively.

8 (12) One Senior Superior Court Investigator, at salary range 1518.

9 (13) Three Superior Court Investigators I or II, at salary range 1231 or 1378, respectively.

10 (14) Seven Superior Court Examiners I or II, at salary range 1026 or 1140, respectively.

11 (15) One Senior Accountant/Senior Accountant-A, at salary range 1476.

12 (16) One Jury Services Program Supervisor, at salary range 1045.

13 (17) One Court Interpreter Service Coordinator, at salary range 1186.

14 (18) One Senior Court Interpreter, at salary range 1007.

15 (19) Four Court Interpreters, at salary range 980.

16 (20) Three Systems and Procedures Analysts I, II, or III/Systems and Procedures Analysts I-A,
17 II-A, or III-A, at salary range 1086, 1342, or 1555, respectively.

18 (21) Three Court Administrative Secretary-A, at salary range 1065.

19 (22) Eight Court Secretary I, II, or III, at salary range 714, 786, or 913, respectively.

20 (23) One Arbitration Clerk, at salary range 960.

21 (24) Two Supervising Court Clerk-A, at salary range 1338.

22 (25) Ten Senior Court Clerk/Senior Court Clerk-A, at salary range 1194.

23 (26) Forty-six Court Clerks I or II/Court Clerk I-A or II-A, at salary range 934 or 1045,
24 respectively.

25 (27) Five Supervising Legal Process Clerks/Supervising Legal Process Clerk-A, at salary range
26 1338.

27 (28) Five Senior Legal Process Clerks/Senior Legal Process Clerks-A, at salary range 1194.

28 (29) Fifty-one Legal Process Clerks I or II/Legal Process Clerks-A or II-A, at salary range 934
29 or 1045, respectively.

30 (30) One Accountant Clerk I, II, or III/Accountant Clerk I-A, II-A, or III-A, at salary range
31 625, 692, or 778, respectively.

32 (31) One Supervising Office Assistant II/Supervising Office Assistant II-A, at salary range 974.

33 (32) Sixty-five Office Assistants I, II, or III/Office Assistant I-A, II-A, III-A, at salary range
34 540, 656, or 729, respectively.

35 (c) Salary ranges indicated in paragraphs (1) to (31), inclusive, of subdivision (a), are effective
36 October 20, 1997.

37 (d) The executive officer may appoint any combination of the specified number of court clerks,
38 legal process clerks, office assistants, secretaries, research attorneys, investigators, examiners, or
39 systems and procedures analysts, not to exceed the total number of those positions described in
40 paragraphs (1) to (32), inclusive, of subdivision (b).

41 73684. Except as specifically provided in this article to the contrary, all benefits, privileges, and
42 other provisions affecting the employment of county employees shall apply to all officers and
43 attaches of the municipal court.

44 73685. The sheriff shall be ex officio marshal and the sheriff’s designated deputies shall be ex
45 officio deputy marshals of the court. The sheriff shall charge and collect for the sheriff’s services
46 rendered in the capacity of marshal of the court the fees allowed by law to sheriffs and shall pay
47 the same into the county treasury for the use and benefit of the county.

1 73686. Any officer or attache of the court who receives a promotion to a position having an
2 overlapping salary range shall be placed upon the step of the new salary range consistent with the
3 Fresno County Salary Resolution.

4 73687. The minimum salary for each position shall normally be the initial hiring rate for the
5 position. If it is difficult to secure qualified personnel at that rate or if a person of unusual
6 qualifications is engaged, the court or the clerk, as the case may be, may request to hire at a
7 higher step consistent with the Fresno County Salary Resolution.

8 73690. All matters affecting the employment of such officers and attaches and not specifically
9 determined by this article or other provision of state law shall be governed and regulated by the
10 then current salary ordinance of the County of Fresno.

11 73691. A majority of the judges may appoint 33 full-time court reporters to serve at the
12 pleasure of the judges and to be paid an annual salary established according to the following
13 salary schedule:

14 Step 1. \$45,366

15 Step 2. \$47,640

16 Step 3. \$49,997

17 Step 4. \$52,498

18 Reporters shall initially be placed at step 1 of the salary schedule except reporters may be
19 placed at a higher step with the approval of the county administrative officer, and shall be
20 advanced one step annually upon the anniversary date of that employment. If, because of
21 recruitment difficulties, it is necessary to appoint a court reporter at a step of the salary schedule
22 which is above the step at which any court reporters are currently employed, all court reporters
23 below that step will move to the higher step at the discretion of the judges of the court. Each
24 reporter shall accrue and be entitled to receive sick leave benefits at the rate of 3.6924 hours of
25 sick leave with pay for each pay period or major fraction thereof, served up to an accumulative
26 total of 156 working days. Each reporter shall accrue and receive vacation at the same rate as
27 judges of that court not to exceed 21 working days a year which may be accrued not to exceed 42
28 days to be taken when the judge to which he or she has been assigned consents.

29 73692. Pursuant to Section 72194, the judges of the court may appoint as many additional
30 reporters as the business of the court requires, who shall be known as official reporters pro
31 tempore. They shall serve without salary but shall receive the fees provided by Sections 69947 to
32 69953, inclusive, except that in lieu of the per diem fees provided in the section for reporting
33 testimony and proceedings the official reporters pro tempore shall be paid in accord with the
34 following:

35 Each pro tempore reporter shall be paid one hundred seventy-four dollars and forty-eight cents
36 (\$174.48) for a full day on duty under order of the court. For purposes of receiving the above
37 compensation, one or more of the following shall apply:

38 (a) The court has indicated in advance that the pro tempore assignment is for a full day.

39 (b) The pro tempore reporter was on duty for more than four hours.

40 Each pro tempore reporter shall be paid one hundred sixteen dollars and thirty-two cents
41 (\$116.32) for one-half day of duty under order of the court when (a) the court has indicated in
42 advance that the pro tempore assignment is for a half day and the pro tempore reporter is on duty
43 for four hours or less, generally exclusive of the noon recess; or (b) the court has indicated in
44 advance that the pro tempore assignment is for a full day but the pro tempore reporter is on duty
45 for four hours or less and consents to being released for the balance of the day.

1 Where a pro tempore reporter has agreed to a one-half day assignment, the courts shall make
2 every practicable effort to assure that the pro tempore reporter shall not be on duty for longer than
3 four hours, unless the pro tempore reporter agrees with the court to work beyond four hours. In
4 the latter case, the full-day pro tempore rate of one hundred seventy-four dollars and forty-eight
5 cents (\$174.48) shall apply.

6 Nothing herein shall be construed to limit the court's authority to in all instances pay a pro
7 tempore reporter at the rate of one hundred seventy-four dollars and forty-eight cents (\$174.48)
8 when, in the court's judgment, that rate is necessary to obtain pro tempore reporter services for
9 the court.

10 The above payments shall upon order of the court be a charge against the general fund of the
11 county.

12 73693. Notwithstanding Section 69945, the official reporters and official reporters pro tempore
13 shall report to the court when ordered to do so by any judge of said court. When not so ordered to
14 report, such reporters may be employed in their professional capacity elsewhere.

15 73694. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of
16 Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation
17 of employees of the municipal court with the compensation paid to county employees with
18 commensurate duties and responsibilities, upon the recommendation of the judges as to the clerk
19 and the clerk as to all other officers and attaches of the court, and with the approval of the Board
20 of Supervisors of the County of Fresno, the officers and attaches of the court may be paid a
21 compensation not exceeding 25 percent of the amounts provided for the position by Sections
22 73682 and 73684. Such increases may be made operative at the same time as the higher
23 compensation becomes operative for the similar positions within the County of Fresno. Any pay
24 increase authorized by this section shall only be effective until January 1 of the second calendar
25 year after the calendar year in which the change occurs, unless ratified by the Legislature.

26 73695. Interpreters appointed by the court pursuant to Section 68092 shall be allowed for each
27 day's actual attendance upon the court when legally required, a fee as may be allowed by the
28 court not to exceed one hundred fourteen dollars and ninety-six cents (\$114.96) per day or sixty-
29 three dollars and eighty cents (\$63.80) per half day. Where an interpreter has worked beyond 5
30 p.m., the interpreter will be paid at an additional rate of ten dollars (\$10) per hour for all hours or
31 portions thereof worked after 5 p.m. An interpreter employed in a permanent or extra help
32 position shall be paid at an additional rate of one and one-half times the regular hourly rate of pay
33 for all hours or portions thereof worked beyond eight hours in a day.

34 ☞ **Note.** We anticipate relocating court interpreter provisions to integrate them with trial court
35 employment and trial court funding provisions. This material is not yet drafted, and will be
36 circulated for comment separately.

37 In this connection, it should be noted that existing law requires certain court interpreter fees to
38 be deposited into the county treasury. The Commission is reviewing whether the county treasury
39 provisions remain viable, given the enactment of the Trial Court Funding Act, the Trial Court
40 Employment Protection and Governance Act, and other changes to the structure of the trial
41 courts. The Commission solicits comments on these points.

42 73696. In order to equalize the compensation of court reporters of the municipal and superior
43 court with compensation paid to other county employees, upon recommendation of the judges of
44 either the municipal or superior courts, and with approval of the Board of Supervisors of the
45 County of Fresno, the court reporters of such courts may be paid additional compensation not
46 exceeding 25 percent of the amounts provided for in Sections 70046.2, 73691 and 73692. Such

1 increases may be made operative at the same time as the higher compensation becomes operative
2 for other positions within the County of Fresno. Any pay increase authorized by this section shall
3 only be effective until January 1 of the second calendar year after the calendar year in which the
4 change occurs, unless ratified by the Legislature.

5 73697. Notwithstanding the provisions of Article 4 (commencing with Section 72150) and the
6 provisions of this article, whenever the business of the court or other emergency requires a greater
7 number of employees or a reclassification of employees in order to effectively carry out the duties
8 and functions of the court, the clerk may, with the approval of the board of supervisors, establish
9 new positions or reclassify existing positions for officers, attaches, and employees in addition to
10 those provided by this article. The order and approval establishing the position shall designate the
11 position title and salary range.

12 The employees so appointed or reclassified shall be appointed or classified to positions and
13 salary ranges as provided in the then current Fresno County salary and classification structure.
14 Appointments made pursuant to this section shall be effective only until January 1 of the second
15 calendar year after the calendar year in which the appointments are made, unless ratified by the
16 Legislature.

17 **§§ 73698-73699.6 (repealed). Central Valley Municipal Court District**

18 SEC. _____. Article 10.5 (commencing with Section 73698) of Chapter 10 of Title 8 of
19 the Government Code is repealed.

20 **Comment.** Sections 73698-73699.6 are repealed to reflect:

21 (1) Unification of the municipal and superior courts in Fresno County pursuant to Article VI,
22 Section 5(e), of the California Constitution, effective July 1, 1998. See Cal. Const. art. VI, § 23
23 and Section 70212(b) (preexisting court locations retained as superior court locations), Section
24 70211 (former municipal court judgeships continued as superior court judgeships). See also Cal.
25 Const. art. VI, § 16 (election of judges); Code Civ. Proc. §§ 38 (judicial districts), 190 *et seq.*
26 (jury selection); Sections 69508 (presiding judge), 69583 (number of judges in Fresno County).
27 Cf. Section 71042.5 (preservation of judicial districts for purposes of publication); former Section
28 71264 (municipal court served by marshal).

29 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
30 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
31 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71629 (trial court
32 employment benefits not affected), 71640-71645 (employment selection and advancement),
33 71650-71658 (employment protection system), 71673 (authority of court). See also Sections
34 69941 (appointment of official reporters), 69947 (compensation of official reporter).

35 (3) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
36 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations). See also
37 Sections 68073 (responsibility for court operations and facilities), 69952 (payment from Trial
38 Court Operations Fund), 69953 (payment of fees).

39  **Note.** The text of the repealed article is set out below.

40 **Article 10.5. Central Valley Municipal Court of Fresno County**

41 73698. This article applies to the Central Valley Municipal Court District of Fresno County.
42 The court referred to in this article shall become operative upon the consolidation of the Coalinga,
43 Firebaugh, Fowler-Caruthers, Kerman, Kingsburg-Riverdale, Parlier-Selma, Reedley-Dunlap, and
44 Sanger Judicial Districts by the Board of Supervisors of the County of Fresno.

1 73698.1. (a) On the operative date of this article, the Central Valley Municipal Court District
2 shall consist of the following divisions:

- 3 (1) Coalinga Division.
- 4 (2) Firebaugh Division.
- 5 (3) Fowler-Caruthers Division.
- 6 (4) Kerman Division.
- 7 (5) Kingsburg-Riverdale Division.
- 8 (6) Parlier-Selma Division.
- 9 (7) Reedley-Dunlap Division.
- 10 (8) Sanger Division.

11 (b) The boundaries of the divisions of the Central Valley Municipal Court District shall be
12 established by the Board of Supervisors of the County of Fresno.

13 73698.2. There are eight judges in the Central Valley Municipal Court District. There shall be
14 one judge for each division.

15 73698.3. On the operative date of this article, the justice court judges of the Coalinga,
16 Firebaugh, Fowler-Caruthers, Kerman, Kingsburg-Riverdale, Parlier-Selma, Reedley-Dunlap, and
17 Sanger Judicial Districts shall assume the positions of Municipal Court Judges of the Coalinga,
18 Firebaugh, Fowler-Caruthers, Kerman, Kingsburg-Riverdale, Parlier-Selma, Reedley-Dunlap, and
19 Sanger Divisions, respectively, pursuant to Section 71084.

20 73698.4. For the purposes of qualification and election of judges, the “division” referred to in
21 this article is and shall continue to be the “district” referred to in subdivision (b) of Section 16 of
22 Article VI of the California Constitution. The judge of each division shall be elected from the
23 division and only by the electors of the division, and not from the Central Valley Municipal Court
24 District at large.

25 73698.5. The judges of the Central Valley Municipal Court District shall, pursuant to local rule,
26 select one of the judges of the district to serve as presiding judge of the district and shall
27 formulate rules and regulations not inconsistent with law or rules and regulations adopted and
28 prescribed by the Judicial Council for transfer of cases, assignment of judges, scheduling of
29 vacation of judges, and other administrative matters such as will promote uniformity of
30 procedures and efficiency and economy in the business of the district. These rules and regulations
31 shall be administered by the court administrator under the supervision and control of the presiding
32 judge of the district. Any rules and regulations adopted pursuant to Section 72002.1 shall be
33 adopted by a majority vote of the judges of the district.

34 73698.6. Facilities for the court shall be maintained in the Cities of Coalinga, Firebaugh,
35 Fowler, Kerman, Kingsburg, Parlier, Selma, Reedley, and Sanger, and the communities of
36 Caruthers and Riverdale; and in such other locations within the County of Fresno as are
37 designated by the board of supervisors. The court shall hold sessions at each facility as business
38 requires. At the direction of the court, arraignment of criminal defendants who are in custody at
39 the Fresno County Detention Facility shall be held at the court facility located at the Fresno
40 County Detention Facility.

41 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
42 preserved until completion of (1) the study and recommendation by the task force on court
43 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
44 on these issues.

1 73698.7. Notwithstanding any other provision of law, the court may adopt local rules for
2 purposes of selecting trial jurors pursuant to Section 203 of the Code of Civil Procedure.

3 Trial jurors for each session of the courts of the district shall be selected from persons residing
4 within the divisions within which sessions are held.

5 73699. There shall be one associate court executive officer-branch court operations to be
6 appointed by the Court Executive Officer of the Fresno County Courts, who shall receive a salary
7 specified in Band "D" of the Fresno County Salary Resolution in effect on the effective date of
8 this article. The provisions of Section 71183 shall not apply to this position.

9 73699.1. (a) The work of the superior and municipal courts in Fresno County is to be
10 performed, minimally, by each of the positions herein identified by the trial courts of Fresno
11 County.

12 (b) The Court Executive Officer of the Fresno County Courts may, in consultation with the
13 judges of the court, appoint the following personnel who shall be compensated pursuant to
14 Sections 73683, 73684, 73685, 73686, and 73687:

15 (1) Forty-two Office Assistants I, II, or III/Office Assistants I-A, II-A, or III-A.

16 (2) Forty-two Legal Process Clerks I or II/Legal Process Clerks I-A, or II-A.

17 (3) Eight Supervising Legal Process Clerks.

18 (c) The executive officer may appoint any combination of the specified number of legal process
19 clerks and office assistants not to exceed the total number of those positions described in
20 paragraphs (1) to (32), inclusive, of subdivision (b).

21 73699.2. The court administrator, clerks, and other attaches of the justice courts in Fresno
22 County shall succeed as authorized by law to the equivalent municipal court position.

23 73699.3. The sheriff and his or her deputies shall act as ex officio marshal and deputy marshals
24 of the court.

25 73699.4. Except as specifically provided in this article to the contrary, all benefits and
26 privileges and other provisions affecting the employment of county employees shall apply to all
27 officers and attaches of the court. All officers and employees of the Central Valley Municipal
28 Court District shall be entitled to the same retirement, vacations, and other benefits allowed to
29 employees of the county and be subject to the personnel regulations, memoranda of
30 understanding, management benefits, and the affirmative action plan of the County of Fresno as
31 they exist on the effective date of this article.

32 73699.5. (a) A majority of the judges may appoint two full-time official reporters, to serve at
33 the pleasure of the judges, who shall be compensated pursuant to Section 73691.

34 (b) Pursuant to Section 72194, the judges of the court may appoint as many additional reporters
35 as the business of the court requires, who shall be known as official reporters pro tempore and
36 shall be compensated pursuant to Section 73692.

37 (c) Fees for transcription of testimony and proceedings in court shall be paid by the litigants to
38 official reporters and official reporters pro tempore as otherwise provided by law. In all cases
39 where by law the court may direct the payment of transcription fees out of the county treasury,
40 such fees shall, upon order of the court, be paid from general funds, including fees for
41 transcription of testimony in proceedings in criminal cases as provided in Sections 69947 to
42 69953, inclusive, which shall be paid from the county treasury.

43 73699.6. Interpreters appointed by the court pursuant to Section 68092 shall be allowed for
44 each day's or one-half day's actual attendance upon the court when legally required, such fee as

1 may be allowed by the court in accordance with Section 73695, unless the court finds good cause
2 for payment of such different amounts as may be necessary to carry out the business of the court.

3 ☞ **Note.** We anticipate relocating court interpreter provisions to integrate them with trial court
4 employment and trial court funding provisions. This material is not yet drafted, and will be
5 circulated for comment separately.

6 In this connection, it should be noted that existing law requires certain court interpreter fees to
7 be deposited into the county treasury. The Commission is reviewing whether the county treasury
8 provisions remain viable, given the enactment of the Trial Court Funding Act, the Trial Court
9 Employment Protection and Governance Act, and other changes to the structure of the trial
10 courts. See Gov't Code §§ 77003 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial
11 Court Operations Fund), 77200 (state funding of trial court operations). These matters are also
12 being examined by a Joint Court-County Working Group on Trial Court Funding. The
13 Commission solicits comment on the proper treatment of these provisions.

14 **§§ 73701-73714 (repealed). Manteca-Ripon-Escalon-Tracy Municipal Court District**

15 SEC. ____ . Article 11 (commencing with Section 73701) of Chapter 10 of Title 8 of the
16 Government Code is repealed.

17 **Comment.** Sections 73701-73714 are repealed to reflect:

18 (1) Unification of the municipal and superior courts in San Joaquin County pursuant to Article
19 VI, Section 5(e), of the California Constitution, effective June 8, 1998. See Section 70211 (former
20 municipal court judgeships continued as superior court judgeships). See also Code Civ. Proc. § 38
21 (judicial districts); Section 69598 (number of judges in San Joaquin County). *Cf.* Section 71042.5
22 (preservation of judicial districts for purposes of publication).

23 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
24 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
25 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
26 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
27 (employment selection and advancement), 71650-71658 (employment protection system), 71673
28 (authority of court).

29 ☞ **Note.** The text of the repealed article is set out below.

30 **Article 11. Manteca-Ripon-Escalon-Tracy**

31 73701. This article applies to the municipal court established in the judicial district embracing
32 the Cities of Manteca, Ripon, Escalon, and Tracy. The court referred to in this article is the
33 successor of the court established by the consolidation of the Manteca-Ripon-Escalon Judicial
34 District and the Tracy Judicial District by the Board of Supervisors of San Joaquin County.

35 73702. There shall be three judges.

36 73704. There shall be one clerk who shall be the administrative officer of the court and receive
37 the salary specified in Section 73710. The clerk shall serve at the pleasure of the judges.

38 73705. The clerk may appoint:

39 (a) Two junior administrative assistants.

40 (b) Seven deputy clerks II.

41 (c) Thirteen deputy clerks I.

42 (d) Four municipal courtroom clerks.

1 73709. Whenever a reference is made to a numbered salary range in any section of this article,
2 the schedule of biweekly salaries found in the salary resolution for the County of San Joaquin in
3 effect shall apply.

4 73710. Persons employed in any of the positions authorized by this article shall be paid the
5 salary assigned to the following ranges as set forth in the biweekly salary schedule contained in
6 Section 73709, except that if the range shown opposite the title of the position includes a fraction
7 then the person employed in such position shall be paid a salary equal to that opposite that
8 fractional range in the salary ordinance of the County of San Joaquin:

Position	Range
(a) Deputy clerk I	50.40
(b) Deputy clerk II	52.40
(c) Clerk Administrator.....	66.40
(d) Junior administrative assistant	57.60
(e) Municipal courtroom clerk	56.90

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15 Subject to the provisions of the salary ordinance of the County of San Joaquin, each person
16 employed in the clerk's office may receive an annual increase in salary of one step on his or her
17 assigned range, until the employee reaches the maximum step on the range assigned for his or her
18 position. Thereafter, no additional step increase shall be granted.

19 73713. Whenever the salary of a related class or classes of San Joaquin County employees is
20 adjusted, the salary of the following classes may be adjusted by a percentage not to exceed the
21 percentage of adjustment granted to the class or classes deemed by the board of supervisors to be
22 related:

- 23 (a) Deputy clerk I.
- 24 (b) Deputy clerk II.
- 25 (c) Clerk Administrator.
- 26 (d) Deputy clerk III.
- 27 (e) Junior Administrative assistant.
- 28 (f) Municipal courtroom clerk.

29 All adjustments to the salaries of the above-named classes shall be effective as of the same date
30 as the adjustment for the class, or classes, deemed to be related, and shall be effective only until
31 January 1 of the second year following the year in which the adjustment is made, unless ratified
32 by the Legislature.

33 73714. Notwithstanding any other provision of law, the provisions of the county ordinance
34 relating to civil service and the rules of the county civil service commission adopted pursuant
35 thereto, shall apply to all employees in the same manner and to the extent as applicable generally
36 to officers and employees of the County of San Joaquin.

37 Such employees shall be entitled to the same vacation, sick leave, and other employee benefits
38 and may be appointed, promoted, demoted, terminated, or transferred, or their status otherwise
39 adjusted in the same manner and with the same effect as is or may be provided by the current
40 salary ordinance of the County of San Joaquin, or the civil service ordinance of the County of San
41 Joaquin for the employees of the county.

42 **§§ 73730-73743 (repealed). Imperial County Municipal Court**

43 SEC. _____. Article 11.5 (commencing with Section 73730) of Chapter 10 of Title 8 of
44 the Government Code is repealed.

45 **Comment.** Sections 73730-73743 are repealed to reflect:

1 (1) Unification of the municipal and superior courts in Imperial County pursuant to Article VI,
2 Section 5(e), of the California Constitution, effective June 22, 1998. See Cal. Const. art. VI, § 23
3 and Section 70212(b) (preexisting court locations retained as superior court locations), Section
4 70211 (former municipal court judgeships continued as superior court judgeships). See also Code
5 Civ. Proc. § 38 (judicial districts); Section 69584.5 (number of judges in Imperial County). Cf.
6 Section 71042.5 (preservation of judicial districts for purposes of publication); former Section
7 71264 (municipal court served by marshal).

8 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
9 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
10 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
11 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
12 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
13 protection system), 71673 (authority of court). See also Code Civ. Proc. § 195 (jury
14 commissioners); Sections 69941 (appointment of official reporters), 69947 (compensation of
15 official reporter).

16 (3) Enactment of the Trial Court Funding Act. See Sections 77001 (local trial court
17 management), 77003 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
18 (state funding of trial court operations). See also Sections 68073 (responsibility for court
19 operations and facilities), 69952 (payment from Trial Court Operations Fund), 69953 (payment of
20 fees).

21 ☞ **Note.** The text of the repealed article is set out below.

22 Article 11.5. Imperial County

23 73730. There is hereby created a municipal court district which embraces the entire County of
24 Imperial. This article applies to the municipal court established within the district, which shall be
25 known as the Imperial County Municipal Court.

26 73731. (a) There shall be five judges.

27 (b) The persons appointed to or succeeding to the three judgeships created January 1, 1976, and
28 the one judgeship created January 10, 1977, shall serve until their successors are elected at the
29 November, 1978 general election and qualify to take office for full terms in January, 1979.

30 73732. Facilities for the court shall be maintained, at or near the county seat and at court
31 facilities provided elsewhere as determined by ordinance adopted by the board of supervisors.
32 The court shall determine the nature and frequency of sessions held at additional court locations
33 designated by the board of supervisors.

34 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
35 preserved until completion of (1) the study and recommendation by the task force on court
36 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
37 on these issues.

38 73733. There shall be one clerk of the court known as the clerk-administrator who shall be
39 appointed by the judges of the municipal court and who shall hold office at their pleasure. He
40 shall receive a monthly salary at a rate specified in range 71.

41 73734. Notwithstanding Section 72400, the judges may appoint a part-time traffic referee to
42 serve at the pleasure of the court. The salary of any such officer shall be that as set forth in
43 Section 72404 except that such compensation shall be prorated as the number of hours actually
44 served relates to a 40-hour workweek. Notwithstanding Section 72403, the part-time traffic
45 referee shall be eligible for membership in the county's retirement system subject to the same
46 rules which apply to part-time county employees.

1 73735. The sheriff and his deputies shall act as ex officio marshal and deputy marshals of the
2 court.

3 73736. The clerk-administrator may appoint:

4 (a) One deputy municipal court administrator who shall receive a monthly salary at a rate
5 specified in range 272.

6 (b) Five municipal court clerks III, each of whom shall receive a monthly salary at a rate
7 specified in range 170.

8 (c) Ten municipal court clerks II, each of whom shall receive a monthly salary at a rate
9 specified in range 155.

10 (d) Seven municipal court clerks I, each of whom shall receive a monthly salary at a rate
11 specified in range 137.

12 (e) One court reporter, who shall receive a monthly salary rate specified in range 282.

13 (f) Two interpreters, each of whom shall receive a monthly salary at a rate specified in range
14 179.

15 (g) One accounting supervisor, who shall receive a monthly salary at a rate specified in range
16 202.

17 (h) Six municipal court clerk supervisors, each of whom shall receive a monthly salary at a rate
18 specified in range 197.

19 (i) One account clerk III, who shall receive a monthly salary at a rate specified in range 151.

20 (j) One account clerk II, who shall receive a monthly salary at a rate specified in range 133.

21 (k) One legal office assistant II, who shall receive a monthly salary at a rate specified in range
22 165.

23 (l) One court computer coordinator, who shall receive a monthly salary at a rate specified in
24 range 239.

25 73737. The judges of the municipal court shall appoint a jury commissioner of the municipal
26 court who shall hold office at their pleasure and who shall exercise the power and duties provided
27 for in Section 72191. The jury commissioner shall receive a monthly salary at a rate specified in
28 range 55. The jury commissioner, may appoint two assistant jury commissioners, each of whom
29 shall receive a monthly salary at a rate specified in range 49.

30 Notwithstanding the above provisions of this section, the board of supervisors may direct the
31 superior court jury commissioner to serve as jury commissioner for municipal court pursuant to
32 Section 204a of the Code of Civil Procedure and transfer or terminate the positions provided for
33 in this section, provided that such direction and transfer or termination shall remain in effect only
34 until January 1, 1980, unless the Legislature ratifies such direction by amendment of this section.

35 73738. Whenever reference to a numbered salary range is made in any section of this article,
36 the schedule of monthly salaries found in the standard salary schedule in the salary resolution of
37 the County of Imperial in effect on July 19, 1977, shall apply.

38 73739. All employees of the Imperial County Municipal Court shall be entitled to the same
39 provisions with respect to retirement, vacations and other benefits allowed to employees of the
40 county.

41 73740. Certain positions in the municipal court are deemed to be comparable in job and salary
42 level to certain positions in the classified service of Imperial County. The following table sets
43 forth the court classifications with the comparable county classifications shown opposite thereto.

Court Classification	County Classification
Municipal court clerk III	Superior court clerk III
Municipal court clerk II	Superior court clerk II

1	Municipal court clerk I	Superior court clerk I
2	Legal stenographer I	Legal stenographer I
3	Interpreter	Interpreter
4	In the event that the salary for any classification which is shown above is increased by the	
5	board of supervisors, a commensurate increase shall be made in the salary for the comparable	
6	court classification. Any salary adjustment made pursuant to this section shall be effective the	
7	same date as the effective date of the action applicable to the respective and comparable county	
8	classifications, but shall remain in effect only until January 1 of the second year following the	
9	year in which such an adjustment in salary is made, unless subsequently ratified by the	
10	Legislature.	
11	73741. The position of clerk-administrator shall be allocated to a salary level which is 14	
12	ranges on the standard schedule above the salary range occupied by the chief deputy clerk. The	
13	salary level of clerk-administrator may be increased beyond the level herein provided by the joint	
14	action of a majority of judges of the municipal court and the board of supervisors, provided, such	
15	increases shall be effective the same date as the effective date of the action applicable to the	
16	respective and comparable county classifications, but shall remain in effect only until January 1st	
17	of the second year following the year in which such an adjustment in salary is made, unless	
18	subsequently ratified by the Legislature. The position of chief deputy clerk shall be allocated at a	
19	salary level which is eight salary ranges on the regular schedule above that of municipal court	
20	clerk III.	
21	Whenever the salary of chief deputy clerk is adjusted by the board, the salary range of clerk-	
22	administrator shall be adjusted to maintain the range separation as specified. Whenever the salary	
23	of municipal court clerk III is adjusted by the board of supervisors, the salary range of chief	
24	deputy clerk shall be adjusted to maintain the range number separation as specified. Except as	
25	hereinafter provided, any salary adjustment made pursuant to this section shall be effective the	
26	same date as the effective date of the action applicable to the respective county classification and	
27	shall remain in effect only until January 1 of the second year following the year in which such an	
28	adjustment in salary is made, unless subsequently ratified by the Legislature. The effective date of	
29	initial salary adjustments for the positions of clerk-administrator and chief deputy clerk shall be	
30	January 1, 1978.	
31	73742. The presiding judge may appoint as many regular official reporters and as many official	
32	reporters pro tempore as the business of the court requires. The reporters shall hold office during	
33	the pleasure of the presiding judge.	
34	73743. The regular official reporters shall receive the salary compensation and other benefits as	
35	are paid regular official reporters of the Superior Court of Imperial County pursuant to the	
36	provisions of Section 70045.5. Each official reporter shall perform the duties required of him by	
37	law. Reporters pro tempore shall be paid a per diem and other fees and expenses in the same	
38	manner as paid to reporters pro tempore of the Superior Court of Imperial County pursuant to the	
39	provisions of Section 70045.5.	
40	Fees for reporting and for transcription of testimony and proceedings in the court shall be paid	
41	by the parties to official reporters and official reporters pro tempore as otherwise provided by	
42	law. In all cases where by law the court may direct the payment of reporting and transcription	
43	fees out of the county treasury including fees for reporting and for transcription of testimony and	
44	proceedings in criminal cases as provided in Sections 69947 to 69952, inclusive, such fees shall,	
45	upon order of the court, be paid from the county treasury.	

1 **§§ 73750-73767 (repealed). Madera County Municipal Court District**

2 SEC. ____ Article 11.6 (commencing with Section 73750) of Chapter 10 of Title 8 of
3 the Government Code is repealed.

4 **Comment.** Sections 73750-73767 are repealed to reflect:

5 (1) Unification of the municipal and superior courts in Madera County pursuant to Article VI,
6 Section 5(e), of the California Constitution, effective July 1, 1998. See Cal. Const. art. VI, § 23
7 and Section 70212(b) (preexisting court locations retained as superior court locations), Section
8 70211 (former municipal court judgeships continued as superior court judgeships). See also Cal.
9 Const. art. VI, §§ 15 (qualifications of judges), 16 (election of judges); Code Civ. Proc. §§ 38
10 (judicial districts), 190 *et seq.* (jury selection); Sections 69508 (presiding judge), 69587 (number
11 of judges in Madera County). *Cf.* Section 71042.5 (preservation of judicial districts for purposes
12 of publication).

13 (2) Elimination of the marshal's office as a result of consolidation with the sheriff's office in
14 Madera County, effective January 1, 2000.

15 (3) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
16 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
17 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
18 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
19 (employment selection and advancement), 71650-71658 (employment protection system), 71673
20 (authority of court). See also Sections 69941 (appointment of official reporters), 69947
21 (compensation of official reporter).

22 (4) Enactment of the Trial Court Funding Act. See Sections 77001 (local trial court
23 management), 77003 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
24 (state funding of trial court operations). See also Section 68073 (responsibility for court
25 operations and facilities).

26  **Note.** The text of the repealed article is set out below.

27 **Article 11.6. Madera County**

28 73750. There is in the County of Madera, on and after the effective date of this section, a single
29 municipal court district known as the Madera County Municipal Court District.

30 73751. The Madera County Municipal Court District shall consist of the following divisions,
31 embracing the territory that is within the following judicial districts in the County of Madera on
32 the effective date of this section, as those districts may later be modified by the board of
33 supervisors or by operation of law:

- 34 (a) Madera Division, that territory within the Madera Judicial District.
35 (b) Borden Division, that territory within the Borden Judicial District.
36 (c) Chowchilla Division, that territory within the Chowchilla Judicial District.
37 (d) Sierra Division, that territory within the Sierra Judicial District.

38 73752. (a) There shall be one judge for each division. Upon the effective date of this article the
39 judges of the former Madera, Borden, Chowchilla, and Sierra Judicial Districts automatically
40 shall become the judges of the Madera, Borden, Chowchilla, and Sierra Divisions, respectively,
41 of the Madera County Municipal Court District.

42 (b) The time for election and qualification of the successor to any judge who becomes a judge
43 of the district pursuant to this article shall be that previously fixed by law for election and
44 qualification of the successors for the courts and offices superseded, had those courts not been
45 superseded.

1 (c) The judge of each division shall be elected by the electors resident within that division, and
2 not from the district at large. However, any otherwise qualified candidate is eligible to be elected
3 to any division if he or she resides within the district as a whole.

4 73753. The board may by ordinance modify or enlarge the divisions created by this chapter.
5 This section shall not be construed to limit or be limited by existing provisions of law conferring
6 authority upon the board to revise district boundaries or to consolidate districts.

7 73754. As used in this article:

8 (a) Except as otherwise provided, for purposes of qualification and election of judges,
9 “division” as used in this chapter means the “District” referred to in subdivision (b) of Section 16
10 of Article VI of the California Constitution.

11 (b) “Board” means the Board of Supervisors of the County of Madera.

12 (c) “County” means the County of Madera.

13 (d) “District” means the Madera County Municipal Court District.

14 73755. The judges of the district shall, by majority vote, elect one of their members to serve as
15 presiding judge and shall formulate rules and regulations consistent with those of the Judicial
16 Council for transfer of cases, assignment of judges, scheduling of vacation of judges, and other
17 administrative matters to promote uniformity of procedures, efficiency, and economy in the
18 business of the district.

19 73756. (a) Facilities for the district shall be maintained at the court facilities provided within
20 each division. The presiding judge shall determine the nature and frequency of sessions held at
21 the court facilities within each division.

22 (b) Trial jurors for each session of the courts of the district shall be selected from persons
23 residing within the divisions in which those sessions are held.

24 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
25 preserved until completion of (1) the study and recommendation by the task force on court
26 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
27 on these issues.

28 73757. (a) In Madera County the majority of the judges of the superior court have voted to
29 consolidate court services and security functions in the office of the Sheriff of Madera County.

30 (b) The sheriff’s functions shall include, but not be limited to, providing all bailiff functions for
31 the unified superior court in Madera County, and all other duties imposed by law upon deputy
32 sheriffs and peace officers generally.

33 (c) The sheriff shall be responsible for the service of all writs, notices, and other processes
34 issued by any court or other competent authority. Nothing in this section shall be construed as
35 limiting the responsibility or authority of a private person or registered process server from
36 serving process or notices in the manner prescribed by law, nor shall it limit the authority of the
37 sheriff or any other peace officer to serve warrants of arrest or other process specifically directed
38 by any court to the sheriff or any other peace officer.

39 (d) Each elected marshal holding office in Madera County as of January 1, 2000, shall become
40 an employee of the Madera County Sheriff’s Department in the position of Sheriff’s Bailiff, as of
41 that date and each elective position of Marshal of the Madera County Municipal Court District is
42 abolished as of that date. Each marshal transferring to the sheriff’s department pursuant to this
43 section shall be compensated at not less than the EL-10 step of Salary Range 43 (table B). No
44 transferring marshal shall lose peace officer status or be demoted or otherwise be adversely
45 affected by the consolidation of court-related services accomplished by this section. Each

1 transferring marshal employed in the position of Sheriff's Bailiff shall be deemed duly qualified
2 for that position and no other qualifications shall be required for that employment or retention in
3 that position. Any transferring marshal wishing to transfer to another position shall meet the
4 qualifications of a peace officer as required by subdivision (a) of Section 832 of the Penal Code
5 and any other requirements of the Madera County civil service system. For purposes of
6 establishing seniority within the class of Sheriff's Bailiff, each transferring marshal shall be
7 credited with the marshal's total years of services to Madera County as a constable and marshal.

8 ☞ **Note.** Section 73757 will likely be preserved, in some form. A proposed amendment to
9 Section 73757 providing for its automatic repeal in fifteen years was circulated in an earlier
10 mailing and is reproduced below as an added section. The Commission requests input as to
11 whether this section continues to serve a useful purpose, whether the proposed sunset provision is
12 appropriate, and whether further revisions are needed to reflect current practice.

13 73758. The Sheriff of Madera County shall be responsible for the transportation of prisoners
14 held in the county's adult correctional facility to and from necessary court appearances, medical
15 and dental trips, and transfers to or from local, state, or federal correctional facilities. To meet this
16 responsibility, the Sheriff of Madera County shall contract with the county department of
17 corrections, pursuant to Section 831.6 of the Penal Code, to provide these transportation services
18 by qualified personnel of the county department of corrections.

19 ☞ **Note.** Section 73758 will likely be preserved. The Commission requests input as to whether
20 this section continues to serve a useful purpose.

21 73759. (a) Clerical employees of the district may be appointed, as follows:

22 (1) Borden Division:

23 (A) One municipal court supervisor who shall receive the salary specified in range 18 to
24 increase to range 41 effective February 1, 1999.

25 (B) Two municipal court clerks III who shall receive the salary specified in range 33 in Table
26 B.

27 (C) Two and one-half municipal court clerks II who shall receive the salary specified in range
28 31 in Table B.

29 (2) Chowchilla Division:

30 (A) One municipal court supervisor who shall receive the salary specified in range 18 to
31 increase to range 41 effective December 1, 1998.

32 (B) Two municipal court clerks III's who shall receive the salary specified in range 33 in Table
33 B.

34 (C) One municipal court clerk II who shall receive the salary specified in range 31 in Table B.

35 (3) Madera Division:

36 (A) One municipal court supervisor who shall receive the salary specified in range 18, to
37 increase to range 41 effective February 1, 1999.

38 (B) One senior municipal court clerk who shall receive the salary specified in range 35 in Table
39 B.

40 (C) Ten and one-quarter municipal court clerks I or II. Municipal court clerks I shall receive the
41 salary specified in range 25 in Table B. Municipal court clerks II shall receive the salary specified
42 in range 31 in Table B.

43 (D) One court interpreter who shall receive the salary specified in range 34 (Table B).

44 (4) Sierra Division:

45 (A) One municipal court supervisor who shall receive the salary specified in range 18, to
46 increase to range 41 effective February 1, 1999.

47 (B) Two municipal court clerks III who shall receive the salary specified in range 33 in Table
48 B.

1 (C) Two municipal court clerks II who shall receive the salary specified in range 31 in Table B.

2 (D) One municipal court clerk I who shall receive the salary specified in range 25 in Table B.

3 (b) Notwithstanding the provisions of Article 4 (commencing with Section 72150), and the
4 provisions of this article, whenever the business of the district requires a greater number of
5 employees in order to effectively carry out the duties and functions of the respective divisions, a
6 majority of the judges of the district may, with the approval of the board, establish new positions
7 for officers, attaches, and employees in addition to those provided by this article. The order and
8 approval establishing such positions shall designate the position, title, and salary range for each
9 such position.

10 (c) At the request of the judges of the district, the county personnel department shall assist in
11 the recruitment and examination of court personnel. Personnel hired or appointed as official
12 reporters, official interpreters, staff attorneys, administrators, or other nonclerical positions on or
13 after the effective date of this article shall serve at, and may terminated at, the pleasure of the
14 majority of the judges of the district. Other provisions of the county civil service or personnel
15 rules or procedures shall not be applicable to such court employees unless made applicable by
16 local court rule. Benefits other than salary shall, for all court personnel, be the same as are now or
17 may be hereafter be provided to equivalent county classifications, as such equivalency is
18 determined by agreement of the majority of the judges of the district and the board, but shall not
19 exceed those provided for equivalent county classifications. To the extent necessary, and for the
20 sole purpose of implementing the intent of this subdivision, court employees shall be deemed
21 county employees for inclusion in those benefit programs provided to county employees as a
22 group or groups. All court employees, except pro tempore court reporters shall, if otherwise
23 eligible under statutory and retirement system membership requirements, be included in the
24 county's retirement system.

25 73760. (a) Whenever a reference is made to a numbered salary range in any section of this
26 article, the schedule of monthly salaries found in the salary resolution for the county in effect on
27 the effective date of this article shall apply.

28 (b) In the event the board amends the county salary resolution or adopts a new resolution to
29 provide for a change in compensation for the ranges or steps, those changes shall be effective for
30 the municipal court employees under this article on the effective date of the act of the board or the
31 effective date of this section, whichever is earlier, and shall remain effective only until January 1
32 of the second year following the year in which the change is made, unless ratified by the
33 Legislature.

34 73761. The officers, employees, and attaches of the municipal court district shall be entitled to
35 the same vacation, sick leave, and similar benefits and privileges as those granted to other county
36 employees under the ordinances and resolutions of the board.

37 73762. Official reporters shall be appointed by and serve at the pleasure of the majority of the
38 judges of the municipal court district pursuant to Section 72194. The salary of each official
39 reporter shall be at the rates provided by Section 70045.12, which shall be charged against the
40 general fund of the county.

41 73763. All matters affecting the employment, appointment, promotion, demotion, termination,
42 transfer, layoff, or discipline of municipal court officers, employees, or attaches that are not
43 specifically determined by this article shall be governed and regulated by the then-current
44 ordinances and resolutions of the county civil service commission and the board.

1 73764. Except as otherwise provided by resolution of the board, all officers, employees, and
2 attaches of the municipal court district shall devote their full time to the performance of their
3 duties.

4 73765. Notwithstanding the provisions of this article and Article 4 (commencing with Section
5 72150) of Chapter 8, the officers, employees, and attaches of the municipal court district may be
6 paid increased compensation, not to exceed 25 percent of the amounts specified in this article, in
7 order to equalize their compensation with that paid to county employees with commensurate
8 duties and responsibilities. These increases may be made upon the recommendation of a majority
9 of the judges of the municipal court district with the approval of the board and may be made
10 operative at the same time as the higher compensation becomes operative for similar county
11 positions. Any pay increase authorized by this section shall only be effective until January 1 of
12 the second calendar year after the calendar year in which the change occurs, unless ratified by the
13 Legislature.

14 73766. Except as otherwise provided by resolution of the board or by this article, all fees
15 collected by court officers and attaches shall be deposited in the county treasury.

16 ☞ **Note.** The Commission is reviewing whether county treasury provisions remain viable, given
17 the enactment of the Trial Court Funding Act, the Trial Court Employment Protection and
18 Governance Act, and other changes to the structure of the trial courts. See Gov't Code §§ 77003
19 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
20 (state funding of trial court operations). These matters are also being examined by a Joint Court-
21 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
22 treatment of this provision.

23 73767. For purposes of this article, the terms "officers," "employees," and "attaches" of the
24 municipal court district include the officers and employees of the marshal's office created herein.

25 **§ 73757 (added). Madera County**

26 SEC. _____. Article 11.6 (commencing with Section 73757) is added to Chapter 10 of
27 Title 8 of the Government Code, to read:

28 **Article 11.6. Madera County**

29 **§ 73757. Consolidation of court-related services**

30 73757. (a) In Madera County the majority of the judges of the superior court have
31 voted to consolidate court services and security functions in the office of the Sheriff of
32 Madera County.

33 (b) The sheriff's functions shall include, but not be limited to, providing all bailiff
34 functions for the unified superior court in Madera County, and all other duties imposed
35 by law upon deputy sheriffs and peace officers generally.

36 (c) The sheriff shall be responsible for the service of all writs, notices, and other
37 processes issued by any court or other competent authority. Nothing in this section shall
38 be construed as limiting the responsibility or authority of a private person or registered
39 process server from serving process or notices in the manner prescribed by law, nor shall
40 it limit the authority of the sheriff or any other peace officer to serve warrants of arrest or
41 other process specifically directed by any court to the sheriff or any other peace officer.

42 (d) Each elected marshal holding office in Madera County as of January 1, 2000, shall
43 become an employee of the Madera County Sheriff's Department in the position of

1 Sheriff's Bailiff, as of that date and each elective position of Marshal of the Madera
2 County Municipal Court District is abolished as of that date. Each marshal transferring to
3 the sheriff's department pursuant to this section shall be compensated at not less than the
4 EL-10 step of Salary Range 43 (table B). No transferring marshal shall lose peace officer
5 status or be demoted or otherwise be adversely affected by the consolidation of court-
6 related services accomplished by this section. Each transferring marshal employed in the
7 position of Sheriff's Bailiff shall be deemed duly qualified for that position and no other
8 qualifications shall be required for that employment or retention in that position. Any
9 transferring marshal wishing to transfer to another position shall meet the qualifications
10 of a peace officer as required by subdivision (a) of Section 832 of the Penal Code and any
11 other requirements of the Madera County civil service system. For purposes of
12 establishing seniority within the class of Sheriff's Bailiff, each transferring marshal shall
13 be credited with the marshal's total years of services to Madera County as a constable and
14 marshal.

15 (e) This section shall remain in effect only until January 1, 2018, and as of that date is
16 repealed unless a later enacted statute, which is enacted before January 1, 2018, deletes or
17 extends that date. The repeal of this section does not affect any right or benefit to which a
18 person was entitled on the date of repeal.

19 **Comment.** Subdivisions (a)-(d) of Section 73757 continue subdivisions (a)-(d) of former
20 Section 73757 without change.

21 Subdivision (e) is new.

22 For provisions relating to restatements and continuations of existing law, see Section 2.

23 **§§ 73770-73783 (repealed). Marin County Municipal Court**

24 SEC. _____. Article 12 (commencing with Section 73770) of Chapter 10 of Title 8 of the
25 Government Code is repealed.

26 **Comment.** Sections 73770-73783 are repealed to reflect:

27 (1) Unification of the municipal and superior courts in Marin County pursuant to Article VI,
28 Section 5(e), of the California Constitution, effective June 11, 1998. See Cal. Const. art. VI, § 23
29 and Section 70212(b) (preexisting court locations retained as superior court locations), Section
30 70211 (former municipal court judgeships continued as superior court judgeships). See also Code
31 Civ. Proc. § 38 (judicial districts); Section 69588 (number of judges in Marin County). Cf.
32 Section 71042.5 (preservation of judicial districts for purposes of publication); former Section
33 71264 (municipal court served by marshal)

34 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
35 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
36 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
37 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
38 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
39 protection system), 71673 (authority of court). See also Sections 69941 (appointment of official
40 reporters), 69947 (compensation of official reporter), 72190 (court commissioners).

41 (3) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
42 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations). See also
43 Sections 68086 (fees for reporting services in civil cases generally), 69952 (payment from Trial
44 Court Operations Fund), 69953 (payment of fees).

45  **Note.** The text of the repealed article is set out below.

46 **Article 12. Marin County**

47 73770. This article applies to the judicial district of the Marin County Municipal Court.

1 73771. There shall be four judges. A branch court shall be maintained at an appropriate location
2 in the former Western Judicial District.

3 73771.1. The judges of the Municipal Court, Judicial District of Marin County, shall appoint
4 one commissioner. The commissioner shall possess the same qualifications as the law requires of
5 the judge of the court. Such appointment shall be made pursuant to Section 72190 of the
6 Government Code.

7 73772. There shall be one clerk, who shall be the Court Executive Officer and receive an
8 annual salary recommended by the courts and approved by the board of supervisors.

9 73773. (a) Whereas the Marin County Courts are judicially and administratively consolidated
10 with joint job classifications, the work of the Superior and Municipal Courts in Marin County is
11 to be performed, minimally, by each of the positions herein identified by the trial courts of Marin
12 County. The Court Executive Officer, with the approval of the judges, may appoint the following
13 authorized titles, number of positions, and compensation rates for employees of the Marin County
14 Courts:

Title	No. of Positions	Biweekly Salary Scales
Assistant Court Executive Officer	1	\$3,002.40
Administrative Services Officer I	1	1,777.50 to 2,146.50
Administrative Services Assistant II	1	1,582.50 to 1,913.25
Attorney IV	1	2,564.00 to 2,843.20
Attorney III	2	2,368.80 to 2,494.40
Department Fiscal Manager	1	2,094.40 to 2,534.40
Systems Support Analyst II	1	2,151.00 to 2,604.00
Computer Technician I	1	1,097.25 to 1,332.75
Family Law Facilitator	.5	2,099.20 to 2,209.60
Legal Secretary II	1	1,206.75 to 1,374.75
Senior Secretary	1	1,302.75 to 1,557.75
Probate Examiner	1	1,459.50 to 1,745.25
Judicial Support Specialist	6	1,407.00 to 1,687.50
Legal Process Clerk	10	936.75 to 1,107.75
Court Division Manager	2	2,164.00 to 2,387.20
Legal Process Supervisor	4	1,407.00 to 1,687.50
Family Law Examiner	.8	1,459.50 to 1,745.25
Senior Accounting Assistant	1	1,166.25 to 1,385.25
Accounting Assistant	4	1,010.25 to 1,196.25
Legal Process Assistant II	25.6	1,040.25 to 1,231.50
Legal Process Specialist	18	1,206.75 to 1,438.50
Senior Legal Process Assistant	4	1,206.75 to 1,438.50
Courtroom Clerk	21	1,356.75 to 1,620.75
Supervising Courtroom Clerk	2	1,392.75 to 1,670.25

41 (b) Other employees as the board of supervisors may approve upon the recommendation of the
42 courts, each of whom shall receive a salary recommended by the courts and approved by the
43 board of supervisors.

44 Any appointee shall be compensated in the first step and advanced to each higher step upon
45 completion of the probationary period and each successive 12 months of service thereafter. Upon
46 the recommendation of the courts and approval of the board of supervisors, these employees may

1 be employed at, or may be granted, a special step increase to any step within the salary range on
2 the basis of experience and qualifications.

3 73774. The sheriff and his deputies shall act ex officio as the marshal and deputy marshals of
4 the court.

5 73776. Persons who succeed to positions in the municipal court under the provisions of the
6 Municipal and Justice Court Act of 1949, or the provisions of law succeeding that act, shall
7 receive credit for continuous prior service in superseded courts and shall receive, in addition to
8 the minimum rate, the annual increments commensurate with such years of prior service up to the
9 maximum rate set forth in this article.

10 73777. The judges may appoint one part-time traffic referee, who shall serve at the pleasure of
11 the judges. The part-time traffic referee shall satisfy the minimum eligibility standards provided
12 in Section 72400.

13 73779. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of
14 Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation
15 of employees of the municipal court with the compensation paid to county employees with
16 commensurate duties and responsibilities, upon recommendation of the clerk of the court with the
17 approval of the judges of the court and the Board of Supervisors of the County of Marin, an
18 officer or an attache of the court, whether appointed under the provisions of this article or under
19 Article 4 (commencing with Section 72150) of Chapter 8 of this title, may be paid any
20 compensation in excess of or less than the maximum to which such employee would otherwise be
21 entitled; provided, that any such salary adjustment shall expire on January 1 of the second
22 calendar year after the calendar year in which the adjustment is made.

23 73781. (a) Full-time official reporters appointed by the majority of the judges of the municipal
24 court pursuant to the provisions of Section 72194 and so designated, shall be attaches of the court
25 and shall receive a salary recommended by the municipal court and approved by the board of
26 supervisors.

27 Any appointee shall be compensated at the first step and advance to each higher step upon
28 completion of each year of service. Upon the recommendation of the municipal court and
29 approval of the board of supervisors, official reporters may be employed at or may be granted a
30 special step increase to any step within the salary range on the basis of experience or
31 qualifications.

32 (b) In addition to the compensation provided in this article, each full-time reporter of the
33 municipal court shall be entitled to, and shall receive, the same vacations, sick leave, and similar
34 privileges and benefits as are now, or may hereafter be provided for the employees of the County
35 of Marin, including the right to participate in any group, accident, health or life insurance plan
36 adopted by the board of supervisors of the county.

37 (c) The judges of the court may appoint as many part-time additional reporters as the business
38 of the court requires. The additional reporters shall be known as official reporters pro tempore,
39 and they shall serve without salary but shall receive, for reporting, fees at a per diem rate as fixed
40 by Sections 69948 and 69949 or as fixed by any special act governing the compensation of
41 official superior court reporters in the County of Marin, whichever is the greater. In criminal
42 cases such fees upon order of the court shall be a charge against the general fund of the county.

43 (d) Until such time as the salaries of full-time official reporters are approved by the board of
44 supervisors pursuant to subdivision (a), such reporters shall receive the salaries in effect
45 immediately prior to the effective date of the amendments to this section enacted by the
46 Legislature at its 1975-76 Regular Session.

1 (e) Any change in the salaries in effect immediately prior to the effective date of the
2 amendments to this section enacted by the Legislature at its 1975-76 Regular Session shall be on
3 an interim basis and shall expire on January 1 of the second calendar year after the calendar year
4 in which the change occurs, unless ratified by the Legislature.

5 73781.5. A designated full-time official reporter of the court shall be a member of any
6 retirement system maintained by the county in which he is employed, and while he holds office as
7 provided in Section 72194 shall be entitled to the same vacation, sick leave, and similar privileges
8 and benefits as are now or may hereafter be provided for the employees of the County of Marin,
9 including the right to participate in any group accident, health or life insurance plan adopted by
10 the board of supervisors of said county. For the purpose of such retirement system the salary
11 provided for in this article for such reporter shall be deemed his entire compensation. Such
12 reporter shall be eligible for the benefits provided by Section 31641.5 of this code, and for the
13 purpose of the application of said section the “county service” rendered by such reporter shall be
14 deemed to have commenced from the time of his appointment as an official reporter of said
15 municipal court, and the “aggregate compensation” received shall be deemed to be those sums
16 actually paid to said reporter for reporting only by said county during the period of said service.

17 73781.6. The official reporters of the court shall not use county equipment or county premises
18 or county working hours for the purpose of doing work not in the service of the county, or the
19 court.

20 73782. Except as otherwise provided by this article, fees for transcribing of testimony and
21 proceedings in the court shall be paid by the litigants to official reporters and official reporters
22 pro tempore and shall be retained by such reporters as their compensation for such services. In all
23 cases where by law the court may direct the payment of transcription fees out of the county
24 treasury and where such payment would not be in conflict with any provision in this article, such
25 fees shall, upon order of the court, be paid from the general fund, including fees for transcribing
26 of testimony and proceedings in criminal cases as provided in Sections 69948 to 69953, inclusive,
27 which shall be paid from the county treasury.

28 73783. In addition to the compensation provided in this article, the clerk, deputy clerks and
29 other attaches of the municipal court shall receive, and they shall be entitled to, the same
30 vacations, sick leaves, and similar privileges and benefits as are now, or may hereafter be
31 provided for the employees of the County of Marin, including the right to participate in any group
32 accident, health or life insurance plan adopted by the board of supervisors of said county and
33 including all rights afforded county employees by the Marin County Merit System Ordinance.
34 Such clerks, deputy clerks and other attaches shall be bound by the same or similar restrictions as
35 are applicable to other employees of the County of Marin.

36 **§§ 73783.1-73783.9 (repealed). Mariposa County Municipal Court District**

37 SEC. _____. Article 12.2 (commencing with Section 73783.1) of Chapter 10 of Title 8 of
38 the Government Code is repealed.

39 **Comment.** Sections 73783.1-73783.9 are repealed to reflect:

40 (1) Unification of the municipal and superior courts in Mariposa County pursuant to Article VI,
41 Section 5(e), of the California Constitution, effective June 3, 1998. See Cal. Const. art. VI, § 23
42 and Section 70212(b) (preexisting court locations retained as superior court locations), Section
43 70211 (former municipal court judgeships continued as superior court judgeships). See also Code
44 Civ. Proc. §§ 38 (judicial districts), 190 *et seq.* (jury selection); Sections 68073 (responsibility for
45 court operations and facilities), 69588.3 (number of judges in Mariposa County). *Cf.* Section

1 71042.5 (preservation of judicial districts for purposes of publication); former Section 71264
2 (municipal court served by marshal).

3 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
4 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
5 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
6 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
7 (employment selection and advancement), 71650-71658 (employment protection system), 71673
8 (authority of court).

9 ☞ **Note.** The text of the repealed article is set out below.

10 Article 12.2. Mariposa County Municipal Court District

11 73783.1. This article applies to the municipal court established in a judicial district embracing
12 the County of Mariposa.

13 73783.2. There shall be one judge.

14 73783.3. Facilities for the court shall be maintained at the county seat and at court facilities
15 provided elsewhere as determined by ordinance adopted by the board of supervisors. The court
16 shall determine the nature and frequency of sessions held at additional court locations designated
17 by the board of supervisors. Jurors shall be drawn from the entire county.

18 73783.4. There shall be one municipal court clerk who shall receive the salary specified in the
19 Mariposa County schedule of salary ranges. The municipal court judge may, in accordance with
20 the Mariposa County employee allocation schedule, appoint the following at the salary specified
21 in the Mariposa County schedule of salary ranges:

22 Three court clerks II who shall be deputy clerks.

23 One part-time office assistant I.

24 One part-time court clerk I.

25 73783.5. The sheriff shall be ex officio marshal and shall act in that capacity without additional
26 compensation. The sheriff's designated deputies shall be ex officio deputy marshals of the court.

27 73783.6. Whenever a reference is made to the Mariposa County schedule of salary ranges, that
28 schedule, as it was in effect on October 1, 1996, shall apply.

29 In the event the board of supervisors of the County of Mariposa amends the schedule of salary
30 ranges or adopts a new schedule which provides a change in compensation, those changes shall
31 be effective for the municipal court employees under the article on the effective date of the action
32 of the board of supervisors and shall remain in effect only until January 1 of the second year
33 following the year in which the change is made.

34 73783.7. The officers and attaches of the municipal court shall be entitled to the same vacation,
35 sick leave, and similar benefits and privileges as are granted to other employees of similar
36 classifications of the County of Mariposa under ordinances and resolutions of the board of
37 supervisors.

38 73783.8. If an increase in the business of the court or any other emergency requires a greater
39 number of attaches or employees for prompt and faithful discharge of the business of the court
40 other than the number expressly provided in this article or requires the performance of duties of
41 positions in a class not expressly provided in this article, with the approval of the presiding judge
42 of the court and the board of supervisors, the municipal judge may appoint in accordance with the

1 Mariposa County employee allocation schedule as many additional attaches or employees as are
2 needed. The additional attaches or employees shall be selected and appointed in the same manner
3 as those for whom express provision is made, and they shall receive salary and compensation as
4 prescribed in this article or as prescribed by ordinance or resolution of the board of supervisors
5 for classes not expressly provided in this article.

6 73783.9. All matters affecting the employment of municipal court officers and attaches which
7 are not specifically determined by this article or other provisions of state law shall be governed
8 and regulated by the then current ordinances and resolutions of the board of supervisors of the
9 County of Mariposa.

10 **§§ 73784-73785 (repealed). Mendocino County Municipal Court District**

11 SEC. _____. Article 12.3 (commencing with Section 73784) of Chapter 10 of Title 8 of
12 the Government Code is repealed.

13 **Comment.** Sections 73784-73785 are repealed to reflect:

14 (1) Unification of the municipal and superior courts in Mendocino County pursuant to Article
15 VI, Section 5(e), of the California Constitution, effective August 1, 1998. See Cal. Const. art. VI,
16 § 23 and Section 70212(b) (preexisting court locations retained as superior court locations),
17 Section 70211 (former municipal court judgeships continued as superior court judgeships). See
18 also Cal. Const. art. VI, §§ 15 (qualifications of judges), 16 (election of judges); Code Civ. Proc.
19 §§ 38 (judicial districts), 190 *et seq.* (jury selection); Sections 26603 (superior court attendance
20 by sheriff), 68073 (responsibility for court operations and facilities), 69688.7 (number of judges
21 in Mendocino County). *Cf.* Section 71042.5 (preservation of judicial districts for purposes of
22 publication).

23 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
24 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
25 (salaries), 71640-71645 (employment selection and advancement), 71650-71658 (employment
26 protection system), 71673 (authority of court). See also Sections 69941 (appointment of official
27 reporters), 69947 (compensation of official reporter).

28  **Note.** The text of the repealed article is set out below.

29 **Article 12.3. Mendocino County**

30 73784. This article applies to and establishes the Mendocino County Municipal Court District,
31 which shall embrace the entire County of Mendocino, and shall supersede the Anderson, Arena,
32 Long Valley, Round Valley, and Ten Mile Judicial Districts and the Mount San Hedrin Municipal
33 Court District.

34 73784.1. There is in the County of Mendocino one municipal court judicial district, known as
35 the Mendocino County Municipal Court District which shall have five judges.

36 73784.2. The Mendocino County Municipal Court District shall consist of two divisions as
37 follows:

38 The Coastal Division encompassing the territory of the former Ten Mile, Arena, and Anderson
39 Municipal Court Districts; and the Inland Division encompassing the territory of the former
40 Mount San Hedrin, Round Valley, and Long Valley Municipal Court Districts.

41 73784.3. The Coastal Division shall have two judges. The Inland Division shall have three
42 judges.

1 73784.4. The current judge of each judicial district superseded by this section shall
2 automatically become a judge of the newly formed judicial division encompassing the district in
3 existence upon the effective date of this section.

4 73784.5. The time for election and qualifications of the successor to any judge who becomes a
5 judge of a division pursuant to this section shall be that previously fixed by law for the election
6 and qualification of the successors for the court and office superseded, had those courts not been
7 superseded. When the current terms of the former Arena and Anderson Districts expire in the year
8 2000, only one judge shall be elected, and when the current terms of the former Mount San
9 Hedrin District expire in 1998, only one judge shall be elected. The judge of each division shall
10 be elected by the electors resident within that judicial division.

11 For the purposes of the qualification and election of judges, the “division” referred to in this
12 article is and shall continue to be the “district” referred to in subdivision (b) of Section 16 of
13 Article VI of the California Constitution.

14 73784.6. Each judge who was a judge of the part-time municipal court before the effective date
15 of this section shall be available for the balance of time necessary to comprise a full-time
16 workload.

17 73784.7. The sheriff shall provide bailiff and security services to the municipal court as
18 requested by the municipal court.

19 73784.8. Except as provided in Section 73784.9, there shall be one marshal, who shall serve at
20 the pleasure of the judges of the Mendocino County Municipal Court District. Upon the effective
21 date of this section, the marshal of the superseded Mount San Hedrin Municipal Court District
22 shall become the Marshal of the Mendocino County Municipal Court. The marshal shall be
23 responsible for service of civil and criminal process, and for municipal court bailiff and security
24 services as requested by judges.

25 73784.9. The elected constables of the former Anderson and Round Valley Judicial Districts
26 shall continue in office as assistant marshals until the expiration of their then-current terms, at
27 which time they may serve as assistant marshals under the direction and pleasure of the Marshal
28 of the Mendocino County Municipal Court. Each office of constable shall be abolished upon
29 expiration of the term in effect on the effective date of this section, or any vacancy, whichever
30 shall first occur, and the Marshal of the Mendocino County Municipal Court shall then succeed to
31 the duties of the offices so abolished.

32 73784.10. The location of permanent court facilities and locations where sessions of the court
33 may be held other than in the county seat shall be as determined by the board of supervisors.

34 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
35 preserved until completion of (1) the study and recommendation by the task force on court
36 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
37 on these issues.

38 73784.11. Trial jurors for each session of the courts of the district shall be selected from
39 persons residing within the divisions within which those sessions are held. Upon adoption of a
40 rule pertaining thereto by the judges, a division may use the same jury panel as that summoned
41 for services in the superior court. When selected from the superior court panel, persons so
42 selected for jury duty in a municipal court division need not be residents of the division.

73785. Effective July 1, 1997, the work of the superior and municipal courts in Mendocino County is to be performed, minimally, by each of the positions herein identified by the trial courts of Mendocino County.

	Number	Classification	Schedule
5	1	Court Executive Officer	5338 F
6	1	Assistant Court Executive Officer	4537 F
7	1	Marshal	941 F
8	2	Deputy Marshal	242 F
9	2	Court Reporter	3551 F
10	1	Interpreter/Coordinator	3380 F
11	3	Court Services Manager	2610-3172
12	3	Court Services Supervisor	2182-2652
13	10	Court Services Representative IV	1932-2352
14	15	Court Services Representative III	1764-2144
15	15	Court Services Representative II	1601-1948
16	4	Court Services Representative I	1417-1723
17	1	Judicial Secretary	2048-2489
18	1	Court Fiscal Manager	2899-3525
19	1	Court Accountant	2634-3203
20	1	Court Financial Hearing Officer	2128-2586
21	1	Account Clerk II	1568-1906
22	1	Account Clerk I	1417-1722
23	1	Research Attorney II	3416-4154
24	1	Court Computer System Coordinator	2516-3059
25	1	Drug Court Coordinator	3125-3797
26	1	Drug Court Case Manager	2657-3232

§§ 73790-73802 (repealed). Merced County Municipal Court

SEC. ____ . Article 12.5 (commencing with Section 73790) of Chapter 10 of Title 8 of the Government Code is repealed.

Comment. Sections 73790-73802 are repealed to reflect:

(1) Unification of the municipal and superior courts in Merced County pursuant to Article VI, Section 5(e), of the California Constitution, effective August 3, 1998. See Cal. Const. art. VI, § 23 and Section 70212(b) (preexisting court locations retained as superior court locations), Section 70211 (former municipal court judgeships continued as superior court judgeships). See also Code Civ. Proc. §§ 38 (judicial districts), 190 *et seq.* (jury selection); Section 69589 (number of judges in Merced County). *Cf.* Sections 71042.5 (preservation of judicial districts for purposes of publication), 71265 (marshals' powers, duties and liabilities).

(2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections 71601(l) ("trial court employee" defined), 71615(c)(1) (preservation of employees' job classifications), 71615(c)(5) (trial court as employer of all trial court employees), 71620 (trial court personnel), 71622 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment protection system), 71673 (authority of court). For provisions governing the employment and compensation of county employees, see Cal. Const. art. XI, §§ 1(b) and 4 (county governing board shall provide for the number, compensation, tenure, and appointment of employees) and Section 25300 (board of supervisors shall provide for the number,

1 compensation, tenure and appointment of county employees). See also Sections 69941
2 (appointment of official reporters), 69947 (compensation of official reporter).

3 (3) Enactment of the Trial Court Funding Act. See Sections 77003 (“court operations” defined),
4 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations). See also
5 Section 68073 (responsibility for court operations and facilities).

6 ☞ **Note.** The text of the repealed article is set out below.

7 Article 12.5. Merced County

8 73790. There is hereby created a municipal court district which embraces the entire County of
9 Merced. This article applies to the municipal court established within the district, which shall be
10 known as the Merced County Municipal Court.

11 73791. There shall be three judges of the Merced County Municipal Court.

12 73792. (a) Facilities for the court shall be maintained at or near the county seat and at court
13 facilities provided elsewhere as determined by ordinance adopted by the board of supervisors.
14 The court shall determine the nature and frequency of sessions held at additional court locations
15 designated by the board of supervisors.

16 (b) The judges of the court may, by rule, establish an area surrounding a court location from
17 which jurors for trials held at that location shall be selected.

18 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
19 preserved until completion of (1) the study and recommendation by the task force on court
20 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
21 on these issues.

22 73793. There shall be one administrative officer of the court known as the municipal court
23 clerk-administrator, who shall be appointed by a majority of the judges of the court. The court
24 clerk-administrator shall receive a biweekly salary on range 69.5.

25 73794. There shall be two traffic trial commissioners who shall be appointed by a majority of
26 the judges of the court.

27 73795.5. Official reporters in the Municipal Court in Merced County appointed pursuant to
28 Section 72194, in lieu of any other compensation provided by law for their services in reporting
29 testimony and proceedings in such court, shall receive an annual salary in the sum of fifteen
30 thousand nine hundred thirty-nine dollars and four cents (\$15,939.04), which shall be a charge
31 against the general fund of the county.

32 Any official reporter regularly assigned to a municipal court within the city limits of the City of
33 Merced who is temporarily assigned to a municipal court situated outside the city limits of
34 Merced shall receive mileage both ways from the court to which he is regularly assigned to the
35 municipal court to which he has been temporarily assigned. The rate for such mileage shall be
36 that fixed and paid to other county employees.

37 73796. There shall be one marshal of the Merced County Municipal Court. The marshal shall
38 receive a salary on range 68.5.

39 When a vacancy occurs in the office, a majority of the superior and municipal court judges
40 shall appoint the marshal and the marshal shall serve at their pleasure.

41 ☞ **Note.** Section 73796 will be preserved, in some form. A proposed amendment to this section
42 was circulated in an earlier mailing and is reproduced below as an added section.

1 73797. (a) The marshal may appoint:
2 (1) One assistant marshal on range 65.5.
3 (2) Two marshal's sergeants on range 61.2.
4 (3) Fourteen deputy marshals on range 57.9.
5 (4) Three civil assistants on range 50.7.
6 (5) One supervising civil assistant on range 53.8.

7 (b) The initial appointments to the positions of assistant marshal and deputy marshal shall be
8 made from persons who have served as constables in a justice court in Merced County during the
9 year of 1976. Such appointees shall become deputy marshals and receive the salary provided at
10 the fifth step of the range designated for deputy marshal. The assistant marshal initially appointed
11 shall receive the salary provided at the fifth step of the range designated for assistant marshal.

12 73798. There shall be in the municipal courts of Merced County the following positions, at a
13 minimum:

- 14 (a) One assistant municipal court administrator on range 63.6.
- 15 (b) One automation systems analyst on range 59.4.
- 16 (c) Five supervising municipal court clerks I on range 54.8.
- 17 (d) Twelve courtroom clerks I/II on range 51.7.
- 18 (e) Thirty-four court processing clerks on range 50.7.
- 19 (f) One secretary III on range 54.3.

20 73800. (a) Whenever reference to a numbered salary range is made in any section of this
21 article, the schedule of biweekly salaries found in the salary and personnel ordinance of the
22 County of Merced in effect on July 1, 1977, shall apply.

23 (b) Subject to the provisions of the salary ordinance of the County of Merced, each person
24 employed in the clerk's office or marshal's office may receive an annual increase in salary of one
25 step on his assigned range until the employee reaches the maximum step on the range assigned
26 for his position.

27 (c) Notwithstanding any other provision in this article, the salaries of municipal court
28 employees may, upon approval by the board of supervisors, be increased in the same manner and
29 at the same rate as a salary increase is effective for other permanent county salaried employees. It
30 is the purpose of this section to provide compensation for municipal court employees which is
31 comparable to that paid to county employees of similar qualifications and experience holding
32 equal or comparable positions in the Merced County classified service, as such comparability is
33 determined by the Merced County Board of Supervisors.

34 Any adjustment of salaries made pursuant to this subdivision shall remain in effect only until
35 January 1 of the second year following the year in which such adjustment is made.

36 (d) Employees of the municipal court shall be entitled to all employee benefits that are provided
37 for or made applicable to employees within the classified service pursuant to Merced County
38 ordinances or resolutions, to the extent that the benefits are not contrary to state law.

39 All matters affecting the employment of such municipal court employees which are not
40 specifically determined by other provisions of state law, shall be governed and regulated by the
41 personnel ordinances and resolutions of the Board of Supervisors of the County of Merced in
42 effect on July 1, 1977. If any such personnel ordinance or resolution is amended or a new
43 personnel ordinance or resolution is adopted, such amendment or new ordinance or resolution
44 shall be applicable to municipal court employees only until January 1 of the second year
45 following the year such amendment or new ordinance or resolution is enacted.

46 73801. With the approval of the board of supervisors, a majority of the judges of the court may
47 establish positions for officers, attaches, and employees in addition to those provided by this

1 article. The order and approval establishing any such position shall designate the position title and
2 pay rate and whether the provisions of Section 73800 are applicable to the position.

3 With the approval of the board of supervisors, a majority of the judges may appoint and employ
4 such additional officers, attaches, and employees as it deems necessary for the performance of the
5 duties and exercise of the powers conferred by law upon the court and its members.

6 Appointments made pursuant to this section shall be on an interim basis and shall expire
7 January 1 of the second year following the year in which such appointments are made.

8 73802. All fees collected by court officers and attaches for official duties shall be deposited in
9 the county treasury.

10 ☞ **Note.** The Commission is reviewing whether county treasury provisions remain viable, given
11 the enactment of the Trial Court Funding Act, the Trial Court Employment Protection and
12 Governance Act, and other changes to the structure of the trial courts. See Gov't Code §§ 77003
13 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
14 (state funding of trial court operations). These matters are also being examined by a Joint Court-
15 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
16 treatment of this provision.

17 **§ 73796 (added). Merced County**

18 SEC. _____. Article 12.5 (commencing with Section 73796) is added to Chapter 10 of
19 Title 8 of the Government Code, to read:

20 **Article 12.5. Merced County**

21 **§ 73796. Marshal**

22 73796. There shall be one marshal of the Merced County Superior Court. When a
23 vacancy occurs in the office, a majority of the superior court judges shall appoint the
24 marshal and the marshal shall serve at their pleasure.

25 **Comment.** The first sentence of Section 73796 continues the first sentence of the first
26 paragraph of former Section 73796, replacing a reference to the municipal court with a reference
27 to the superior court.

28 The second sentence continues the second paragraph of former Section 73796, omitting a
29 reference to the municipal court as obsolete.

30 For provisions relating to restatements and continuations of existing law, see Section 2. For
31 disposition of the provisions of former Section 73796 that are not continued, see the Comment to
32 former Article 12.5 (commencing with former Section 73790).

33 **§§ 73820-73828 (repealed). Nevada County Municipal Court**

34 SEC. _____. Article 13 (commencing with Section 73820) of Chapter 10 of Title 8 of the
35 Government Code is repealed.

36 **Comment.** Sections 73820-73828 are repealed to reflect:

37 (1) Unification of the municipal and superior courts in Nevada County pursuant to Article VI,
38 Section 5(e), of the California Constitution, effective July 1, 1998. See Section 70211 (former
39 municipal court judgeships continued as superior court judgeships). See also Section 69590.7
40 (number of judges in Nevada County). Cf. former Section 71264 (municipal court served by
41 marshal).

42 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
43 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
44 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred

1 compensation plan benefits), 71629 (trial court employment benefits not affected), 71630-
 2 71639.3 (labor relations), 71640-71645 (employment selection and advancement), 71650-71658
 3 (employment protection system), 71673 (authority of court). See also Sections 69941
 4 (appointment of official reporters), 69947 (compensation of official reporter).

5 (3) Enactment of the Trial Court Funding Act. See Sections 77003 (“court operations” defined),
 6 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations).

7  **Note.** The text of the repealed article is set out below.

8 Article 13. Nevada County Municipal Court

9 73820. This article applies to the Nevada County Municipal Court, which supersedes the Grass
 10 Valley, Nevada, and Truckee Judicial Districts and embraces the entire County of Nevada.

11 73821. There shall be three judges.

12 73822. There is one court executive officer for the Nevada County Consolidated Courts, who
 13 shall be appointed by the judges of the court, and who shall hold office at the judges’ pleasure.
 14 The court executive officer shall receive a monthly salary in the range of four thousand five
 15 hundred twenty-one dollars and thirty-one cents (\$4,521.31) to five thousand four hundred
 16 ninety-five dollars and sixty-seven cents (\$5,495.67).

17 73823. The court executive officer may, in accordance with the Nevada County Personnel
 18 Rules, appoint the following employees, each of whom shall receive a monthly salary in the range
 19 specified:

	Position	Salary Range
20		
21	3 Court Services Supervisors	\$2,372.10 to \$2,883.20
22	15 Court Services Assistants III or II	\$1,624.01 to \$2,270.00
23	16 Court Services Assistants I and II	\$1,412.58 to \$1,974.00
24	1 Court Accountant II or III	\$2,706.43 to \$3,783.13
25	1 Programmer Analyst I or II or III	\$2,120.56 to \$3,556.14
26	3 Judicial Secretaries	\$1,867.53 to \$2,270.00
27	2 Court Reporters	\$2,582.82 to \$3,141.70
28	1 Research Attorney II or III	\$3,558.31 to \$4,918.80

29 73824. Subject to Section 72001, the compensation of officers and attaches shall be governed
 30 by Nevada County Personnel Rules, Salary Ordinance, and Memoranda of Understanding with
 31 the recognized labor organizations representing court employees.

32 73825. The officers and attaches of the municipal court shall be entitled to the same vacation,
 33 sick leave, and benefits and privileges as are granted to other comparable employees of Nevada
 34 County.

35 73826. Commencing with the effective date of this legislation, the Nevada County Sheriff shall
 36 be ex officio marshal and shall act as such without additional compensation. The sheriff’s
 37 designated employees shall be ex officio marshals of the court.

38 73827. All matters affecting the employment of officers and attaches of the Nevada County
 39 Municipal Court District which are not specifically determined by this article or other provisions
 40 of state law shall be governed and regulated by the then current ordinances and resolutions of the
 41 Board of Supervisors of Nevada County.

1 73828. The number, categories, and compensation of the officers, attaches, and employees
2 provided by this article may be adjusted, as the need is determined, by the board of supervisors
3 and in accordance with established county personnel and budgetary procedures. Any such
4 adjustment shall be on an interim basis and shall remain effective only until January 1 of the
5 second year following the year in which such adjustment is made. The provisions of this section
6 are not intended to affect the application of Section 72150.

7 **§§ 73870-73877 (repealed). North Sacramento Municipal Court District**

8 SEC. _____. Article 14 (commencing with Section 73870) of Chapter 10 of Title 8 of the
9 Government Code is repealed.

10 **Comment.** Sections 73870-73877 are repealed to reflect:

11 (1) Unification of the municipal and superior courts in Sacramento County pursuant to Article
12 VI, Section 5(e), of the California Constitution, effective June 17, 1998. See Section 70211
13 (former municipal court judgeships continued as superior court judgeships). See also Code Civ.
14 Proc. § 38 (judicial districts); Section 69593 (number of judges in Sacramento County). *Cf.*
15 Section 71042.5 (preservation of judicial districts for purposes of publication).

16 (2) Elimination of the marshal's office as a result of consolidation with the sheriff's office in
17 Sacramento County, effective January 1, 1986.

18 (3) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
19 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
20 (salaries), 71640-71645 (employment selection and advancement), 71650-71658 (employment
21 protection system), 71673 (authority of court).

22  **Note.** The text of the repealed article is set out below.

23 **Article 14. North Sacramento**

24 73870. This article applies to the municipal court established in a district embracing the City of
25 North Sacramento.

26 73871. There shall be two judges.

27 73872. There shall be one clerk who shall be appointed by the judges of the court and who shall
28 be secretary of the court. The clerk shall receive a monthly salary at a rate specified in Schedule
29 28 of Section 73876.

30 73873. The clerk may appoint:

31 (a) Three deputy clerks, grade III, each of whom shall receive a monthly salary at a rate
32 specified in Schedule 21 of Section 73876.

33 (b) Four deputy clerks, grade II, each of whom shall receive a monthly salary at a rate specified
34 in Schedule 18 of Section 73876.

35 (c) Seven deputy clerks, grade I, each of whom shall receive a monthly salary at a rate specified
36 in Schedule 15 of Section 73876.

37 73874. There shall be one marshal who shall receive a monthly salary at a rate specified in
38 Schedule 28 of Section 73876. The marshal may appoint:

39 (a) Two deputy marshals, who shall be sergeants, each of whom shall receive a monthly salary
40 at a rate specified in Schedule 25 of Section 73876.

41 (b) Three deputy marshals, each of whom shall receive a monthly salary at a rate specified in
42 Schedule 23 of Section 73876.

1 (c) One deputy marshal clerk, grade III, who shall be a stenographer, and who shall receive a
 2 monthly salary at a rate specified in Schedule 21 of Section 73876.

3 (d) One deputy marshal clerk, grade I, who shall receive a monthly salary at a rate specified in
 4 Schedule 15 of Section 73876.

5 73875. On the effective date of this section, the present employees shall be paid at that step in
 6 the five-step range which is the nearest to equaling the present rate of pay of each employee plus
 7 a five percent (5%) increase over his present rate and such date shall determine his anniversary
 8 date for future salary increases.

9 After determination of these initial rates of pay within the five-step ranges, each employee shall
 10 serve one year in a step before qualifying for advancement to the next higher step in the pay
 11 range.

12 On and after the effective date of this section, all new employees shall be hired at the first step
 13 of the appropriate pay range.

14 For purposes of this article “anniversary date” means the effective date of the 1957 amendment
 15 to these sections for those officers and employees whose compensation is increased on said
 16 effective date and means the date of first employment or date of last salary increase whichever is
 17 later for all other officers and employees.

18 73876. Whenever reference to a numbered salary schedule is made in any section of this article
 19 the following schedule of monthly salaries shall apply:

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
15	\$341	\$358	\$376	\$395	\$415
16	358	376	395	415	436
17	376	395	415	436	458
18	395	415	436	458	481
19	415	436	458	481	505
20	436	458	481	505	530
21	458	481	505	530	556
22	481	505	530	556	584
23	505	530	556	584	613
24	530	556	584	613	644
25	556	584	613	644	676
26	584	613	644	676	710
27	613	644	676	710	745
28	644	676	710	745	782
29	676	710	745	782	821
30	710	745	782	821	862
31	745	782	821	862	905
32	862	905	950		
33	905	950	1,000		
34	950	1,000	1,050		
35	1,000	1,050	1,100		
36	1,050	1,100	1,150		
37	1,100	1,150	1,200		
38	1,150	1,200	1,250		
39	1,200	1,250	1,300		
40	1,250	1,300	1,350		

1 (a) Unless otherwise specifically provided each person appointed to a position, the
2 compensation of which is fixed by reference to the salary schedule set forth in this article, shall,
3 for the first 12 months of service, receive monthly the rate of compensation specified in the first
4 step of the salary schedule for the position to which he is appointed. Upon the first day of the
5 month following 12 months' continuous service in a class, the initial rate of compensation of such
6 person shall be increased to the next higher step of the salary schedule for the position occupied.
7 On and after the first day of the month following each ensuing 12 months of such service such
8 compensation shall be increased to the rate specified in the next higher step of the salary schedule
9 for the position occupied until such compensation equals the sum specified in the highest step of
10 the schedule pertaining to such position.

11 (b) When any person in the service of the court is appointed or promoted to another office or
12 position in such service compensated at a higher numbered schedule, he shall receive step 1 of
13 such schedule if step 1 is at least one step higher than the salary received in the office or position
14 relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office
15 or position which will provide a one-step of the schedule pertaining to such position.

16 (c) When any person in the service of the court is demoted to another office or position he shall
17 receive compensation at the highest step of the salary schedule applicable to the position to which
18 he is demoted which provides a salary not higher than that previously received by such person,
19 except that if such demotion is due to disciplinary action, the appointing power may specify any
20 step rate of such schedule which provides compensation not higher than that last previously
21 received by such person.

22 73877. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of
23 Chapter 8 of Title 8 and the provisions of this article, and in order to equalize the compensation of
24 employees of the municipal court with the compensation paid to county employees with
25 commensurate duties and responsibilities, upon recommendation of the judges of the court and
26 with the approval of the Board of Supervisors of the County of Sacramento, an officer or an
27 attache of the court, whether appointed under the provisions of this article or under Article 4 of
28 Chapter 8 of Title 8, may be paid any compensation, in excess of or less than the maximum to
29 which such employee would otherwise be entitled under the schedules set forth in this article.
30 Any such salary adjustment shall not extend longer than ninety (90) days after the adjournment of
31 the next general session of the Legislature.

32 **§§ 73950-73960 (repealed). North County Municipal Court District**

33 SEC. ____ . Article 16 (commencing with Section 73950) of Chapter 10 of Title 8 of the
34 Government Code is repealed.

35 **Comment.** Sections 73950-73960 are repealed to reflect:

36 (1) Unification of the municipal and superior courts in San Diego County pursuant to Article
37 VI, Section 5(e), of the California Constitution, effective December 1, 1998. See Cal. Const. art.
38 VI, § 23 and Section 70212(b) (preexisting court locations retained as superior court locations),
39 Section 70211 (former municipal court judgeships continued as superior court judgeships). See
40 also Code Civ. Proc. § 38 (judicial districts); Section 69595 (number of judges in San Diego
41 County). Cf. Section 71042.5 (preservation of judicial districts for purposes of publication).

42 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
43 71601(l)-(m) ("trial court employee" defined), 71615(c)(1) (preservation of employees' job
44 classifications), 71620 (trial court personnel), 71622 (subordinate judicial officers), 71623
45 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
46 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
47 (employment selection and advancement), 71650-71658 (employment protection system), 71673

1 (authority of court). See also Sections 69941 (appointment of official reporters), 69947
2 (compensation of official reporter).

3 (3) Enactment of the Trial Court Funding Act. See Sections 77001 (local trial court
4 management), 77003 (“court operations” defined), 77009 (Trial Court Operations Fund), 77200
5 (state funding of trial court operations), 77211 (“900” telephone numbers). See also Sections
6 68073 (responsibility for court operations and facilities), 69952 (payment from Trial Court
7 Operations Fund), 69953 (payment of fees).

8 (4) Elimination of the marshal’s office as a result of consolidation with the sheriff’s office in
9 San Diego County, effective January 1, 2000.

10 ☞ **Note.** The text of the repealed article is set out below.

11 Article 16. North County

12 73950. This article applies to the Municipal Court of the North County Judicial District.

13 73951. There are 11 judges.

14 73952. (a) In addition to any other compensation and benefits, each judge of the municipal
15 court shall receive the same life insurance, accidental death and dismemberment insurance,
16 comprehensive annual physical examinations, executive flexible benefits plan (except that if
17 deferred compensation is selected, no adjustment based on retirement tier shall apply), and dental
18 and vision insurance as provided by the County of San Diego for the classification of chief
19 administrative officer. Changes in these benefits shall be effective on the same date as for those
20 for the classification of chief administrative officer.

21 (b) Subject to approval by the board of supervisors, each judge of the municipal court shall
22 receive one or more of the following benefits: the same long-term disability insurance as provided
23 by the County of San Diego for the classification of chief administrative officer or retiree health
24 benefits whereby each judge of the municipal court serving on or after October 1, 1987, who
25 retires from the municipal court on or after January 1, 1989, shall receive the same amount of
26 insurance premium for retiree health benefits under the Public Employees’ Medical and Hospital
27 Care Act (Part 5 (commencing with Section 22751) of Title 2) that the state provides to retired
28 superior court judges under that act.

29 ☞ **Note.** Issues involving judicial benefits are still unsettled. This section may need to be
30 preserved pending further study and review by interested parties, including the Judicial Council’s
31 Task Force on Judicial Service. The Commission solicits comments on these issues.

32 73953. There shall be one court administrator who shall serve as clerk of the court, who shall
33 be appointed by, and serve at the pleasure of the majority of the judges of the court. The biweekly
34 salary of the court administrator shall be within the biweekly rate range ES-15 indicated in the
35 Compensation Ordinance of the County of San Diego. The biweekly salary, and any advancement
36 or reduction within the range, shall be determined in accordance with provisions set forth under
37 Article 3.5 of the Compensation Ordinance of the County of San Diego and of subdivision (a) of
38 Section 74345, except that any reference to “executive compensation committee” or “chief
39 administrative officer” in Article 3.5 of the Compensation Ordinance of the County of San Diego
40 shall be interpreted as “a majority of the judges.”

41 73954. The court administrator may appoint:

42 (a) One assistant court administrator at the direction of a majority of the judges of the court
43 who shall serve at the pleasure of the majority of the judges. The biweekly salary of the assistant
44 court administrator shall be within the biweekly rate range ES-10 indicated in the Compensation

1 Ordinance of the County of San Diego. The biweekly salary and any advancement or reduction
2 within the range shall be determined in accordance with the provisions set forth under Article 3.5
3 of the Compensation Ordinance of the County of San Diego and of subdivision (a) of Section
4 74345, except that any reference to “executive compensation committee” or “chief administrative
5 officer” in Article 3.5 of the Compensation Ordinance of the County of San Diego shall be
6 interpreted as “the court administrator.” A person shall not be appointed to the class of assistant
7 court administrator if all three deputy court administrator positions are filled.

8 (b) Three deputy court administrators, who shall serve at the pleasure of the court
9 administrator. The deputy court administrators shall receive a salary within the biweekly range
10 ES-6 indicated in the Compensation Ordinance of the County of San Diego. The biweekly salary,
11 and any advancement or reduction within the range, shall be determined in accordance with
12 Article 3.5 of the Compensation Ordinance of the County of San Diego and subdivision (a) of
13 Section 74345, except that any reference to “executive compensation committee” or “the chief
14 administrative officer” in Article 3.5 of the Compensation Ordinance of the County of San Diego
15 shall mean “the court administrator.” The deputy court administrator positions shall be filled only
16 upon the equivalent number of corresponding vacancies in the positions denoted in subdivision
17 (c), (d), or (l).

18 (c) Two deputy clerk-division managers III who shall receive a biweekly salary at a rate 24.5
19 percent higher than that specified for deputy clerk-division managers II.

20 (d) Four deputy clerk-division managers I or II, as the case may be. A division manager I shall
21 receive a biweekly salary at a rate 10 percent higher than that specified for deputy clerk V in the
22 San Diego Judicial District. A division manager II shall receive a biweekly salary at a rate 15.5
23 percent higher than that specified for deputy clerk V of the San Diego Judicial District.

24 (e) Ten deputy clerks V, who shall receive a salary at a rate equal to that specified for deputy
25 clerk V in the San Diego Municipal Court. The duties of the class of deputy clerk V shall include
26 supervisory responsibilities.

27 (f) Twenty-five deputy clerks IV, or senior deputy clerks, as the case may be. Each deputy clerk
28 IV shall receive a biweekly salary at a rate equal to the greater of that specified for superior court
29 clerk in the superior court service of the County of San Diego or 19.95 percent higher than that
30 specified for deputy clerk III. The class of senior deputy clerk shall not exceed three positions.
31 Each of the senior deputy clerks shall receive a biweekly salary at a rate 5 percent higher than that
32 specified for a deputy clerk IV. The duties of the class of senior deputy clerk shall be those of a
33 courtroom clerk and shall include supervisory responsibilities. One deputy clerk IV who is
34 assigned to the presiding judge in the master calendar department may receive a biweekly salary
35 at a rate of 5 percent higher than that specified for the deputy clerk IV. This increased biweekly
36 rate shall apply only during the period of this assignment and shall not apply to paid time off or to
37 terminal payoff.

38 (g) One hundred deputy clerks III, II, or I, or deputy clerk-intermediate clerk typists as the case
39 may be. Each of the deputy clerks III shall receive a biweekly salary at a rate equal to that
40 specified for legal procedures clerk III in the classified service of the County of San Diego. Each
41 deputy clerk II shall receive a biweekly salary at a rate equal to that specified for legal procedures
42 clerk II in the classified service of the County of San Diego. Each of the deputy clerks I shall
43 receive a biweekly salary at a rate equal to that specified for legal procedures clerk I in the
44 classified service of the County of San Diego. At the discretion of the court administrator,
45 appointments to the deputy clerk I or II classes may be at any step within the salary range. Up to
46 four of these positions may be filled at the level of deputy clerk-intermediate clerk typist. A
47 deputy clerk-intermediate clerk typist shall receive a biweekly salary at a rate equal to that
48 specified for intermediate clerk typist in the classified service of the County of San Diego. In the
49 absence of a deputy clerk IV, the court administrator may assign a maximum of eight deputy

1 clerks III to perform courtroom clerk duties, supervisory duties, or training duties for 40 or more
2 hours during a pay period. A deputy clerk III assigned to perform these duties is eligible to
3 receive a biweekly salary at a rate 10 percent higher than that specified for a deputy clerk III. This
4 increased biweekly salary shall apply only during pay periods in which 40 or more hours are
5 spent performing the supervisory, training, or courtroom clerk duties specified above and shall
6 not apply to paid leave or to terminal payoff.

7 (h) One deputy clerk-municipal court secretary. A deputy clerk-municipal court secretary shall
8 receive a biweekly salary at a rate equal to that specified for confidential legal secretary III in the
9 classified service of the County of San Diego. Appointments to the class of deputy-clerk
10 municipal court secretary may be at any step within the salary range at the discretion of the court
11 administrator.

12 (i) One deputy clerk-administrative secretary III, II, or I, as the case may be. A deputy clerk-
13 administrative secretary III shall receive a biweekly salary at a rate equal to that specified for
14 administrative secretary III in the classified service of the County of San Diego. A deputy clerk-
15 administrative secretary II shall receive a biweekly salary at a rate equal to that specified for
16 administrative secretary II in the classified service of the County of San Diego. A deputy clerk-
17 administrative secretary I shall receive a biweekly salary at a rate equal to that specified for
18 administrative secretary I in the classified service of the County of San Diego.

19 (j) Five deputy clerk-court interpreters who shall receive a biweekly salary at a rate equal to
20 that specified for superior court clerk interpreter in the superior court service of the County of San
21 Diego.

22 (k) One deputy clerk-interpreter coordinator, or deputy clerk-interpreter supervisor, as the case
23 may be. A deputy clerk-interpreter coordinator shall receive a biweekly salary at a rate equal to
24 that specified for deputy clerk V. A deputy clerk-interpreter supervisor shall receive a biweekly
25 salary at a rate equal to that specified for deputy clerk IV. Appointments to deputy clerk
26 interpreter-coordinator or deputy clerk-interpreter supervisor may be at any step within the salary
27 range at the discretion of the court administrator.

28 (l) One deputy clerk-administrative assistant I, II, or III, or deputy clerk-administrative services
29 manager I or II, as the case may be. The deputy clerk-administrative assistant I, II, or III shall
30 receive a biweekly salary at a rate equal to that specified for administrative assistant I, II, or III,
31 respectively, in the classified service of the County of San Diego. The deputy clerk-administrative
32 services manager I shall receive a biweekly salary at a rate equal to that specified for
33 administrative services manager I in the classified service of the County of San Diego. The
34 deputy clerk-administrative services manager II shall receive a biweekly salary at a rate equal to
35 that specified for administrative services manager II in the classified service of the County of San
36 Diego.

37 (m) Five confidential deputy administrative clerks III, II, or I or deputy administrative clerks
38 III, II, or I, as the case may be. A confidential deputy administrative clerk III shall receive a
39 biweekly salary at a rate equal to that specified for a deputy clerk IV. A confidential deputy
40 administrative clerk II shall receive a biweekly salary at a rate equal to that specified for a deputy
41 clerk III. A confidential deputy administrative clerk I shall receive a biweekly salary at a rate
42 equal to that specified for a deputy clerk II. Each deputy administrative clerk III shall receive a
43 biweekly salary at a rate equal to that specified for a deputy clerk IV. Each deputy administrative
44 clerk II shall receive a biweekly salary at a rate equal to that specified for deputy clerk III. Each
45 deputy administrative clerk I shall receive a biweekly salary at a rate equal to that specified for
46 deputy clerk II.

47 (n) One deputy clerk associate, senior, or deputy clerk-accounting manager, as the case may be.
48 A deputy clerk-accounting manager shall receive a biweekly salary equal to that of a deputy
49 clerk-division manager III. A deputy clerk-senior accountant shall receive a biweekly salary at a

1 rate equal to that specified for senior accountant in the classified service of the County of San
2 Diego. A deputy clerk-associate accountant shall receive a biweekly salary at a rate equal to that
3 specified for associate accountant in the classified service in the County of San Diego. A deputy
4 clerk-assistant accountant shall receive a biweekly salary at a rate equal to that specified for
5 assistant accountant in the classified service of the County of San Diego.

6 (o) One deputy clerk-assistant, or junior accountant, as the case may be. The deputy clerk-
7 assistant accountant shall receive a biweekly salary at a rate equal to that specified for an assistant
8 accountant in the classified service of the County of San Diego. The deputy clerk-junior
9 accountant shall receive a biweekly salary at a rate equal to that specified for a junior accountant
10 in the classified service of the County of San Diego.

11 (p) Two deputy clerk-research attorney I, deputy clerk-research attorney II, or deputy clerk-law
12 clerk, as the case may be. Persons appointed to either of these positions on or after January 1,
13 1991, shall serve at the pleasure of the court administrator. A deputy clerk-research attorney I
14 shall receive a biweekly salary at a rate equal to that specified for deputy county counsel I in the
15 classified service of the County of San Diego. A deputy clerk-research attorney II shall receive a
16 biweekly salary at a rate equal to that specified for deputy county counsel II in the classified
17 service of the County of San Diego. A deputy clerk-law clerk shall receive a biweekly salary at a
18 rate equal to that specified for law clerk in the classified service of the County of San Diego.

19 (q) One deputy clerk-staff development specialist or deputy clerk-staff development
20 coordinator as the case may be. A deputy clerk-staff development specialist shall receive a
21 biweekly salary at a rate equal to that specified for staff development specialist in the classified
22 service of the County of San Diego. A deputy clerk-staff development coordinator shall receive a
23 biweekly salary at a rate 5 percent higher than that specified for staff development specialist in
24 the classified service of the County of San Diego.

25 (r) Three deputy clerk-senior systems analyst, associate systems analyst, assistant systems
26 analyst, or systems analyst trainee as the case may be. A deputy clerk-senior systems analyst shall
27 receive a biweekly salary at a rate equal to that specified for senior systems analyst in the
28 classified service of the County of San Diego. A deputy clerk-associate systems analyst shall
29 receive a biweekly salary at a rate equal to that specified for associate systems analyst in the
30 classified service of the County of San Diego. A deputy clerk-assistant systems analyst shall
31 receive a biweekly salary at a rate equal to that specified for assistant systems analyst in the
32 classified service of the County of San Diego. A deputy clerk-systems analyst trainee shall
33 receive a biweekly salary at a rate equal to that specified for systems analyst trainee in the
34 classified service of the County of San Diego.

35 (s) Two deputy clerk-systems support analyst II or I as the case may be. A deputy clerk-systems
36 support analyst II shall receive a biweekly salary at a rate equal to that specified for systems
37 support analyst II in the classified service of the County of San Diego. A deputy clerk-systems
38 support analyst I shall receive a biweekly salary at a rate equal to that specified for systems
39 support analyst I in the classified service of the County of San Diego.

40 (t) Seven deputy clerk-court referral coordinators, deputy clerk referral officers II or I, as the
41 case may be. Notwithstanding subdivision (b) of Section 73957, persons appointed to these
42 positions shall serve at the pleasure of the court administrator. A deputy clerk-court referral
43 coordinator shall receive a biweekly salary at a rate 7.25 percent higher to that specified for the
44 class of deputy clerk-court referral officer II. The deputy clerk-court referral officer II shall
45 receive a biweekly salary at a rate equal to that specified for the class of deputy probation officer
46 in the classified service of the County of San Diego. A deputy clerk-court referral officer I shall
47 receive a biweekly salary at a rate of 9 percent below that specified for a deputy clerk-court
48 referral officer II. Two of the above positions shall be filled only upon the equivalent number of
49 corresponding vacancies in the positions denoted in subdivisions (d) and (e) of Section 74359.1.

1 Appointments to deputy clerk-court referral officer I and deputy clerk-court referral officer II may
2 be at any step within the salary range.

3 (u) Two deputy clerk-municipal court computer specialist I, II, or III, as the case may be. A
4 deputy clerk-municipal court computer specialist I, II, or III shall receive a biweekly salary at a
5 rate equal to that specified for departmental computer specialist I, II, or III, respectively, in the
6 classified service of the County of San Diego.

7 (v) One deputy clerk-data entry supervisor. A deputy clerk-data entry supervisor shall receive a
8 biweekly salary at a rate equal to that specified for data entry supervisor in the classified service
9 of the County of San Diego.

10 (w) Nine deputy clerk-data entry operators, or deputy clerk-senior data entry operators, as the
11 case may be. A deputy clerk-data entry operator shall receive a biweekly salary at the rate equal
12 to that specified for data entry operator in the classified service of the County of San Diego.

13 A deputy clerk-senior data entry operator shall receive a biweekly salary at a rate equal to that
14 specified for senior data entry operator in the classified service of the County of San Diego. No
15 more than five of these positions may be filled at the deputy clerk-senior data entry operator level.

16 (x) Five deputy clerk-collection officers I, II, or III, as the case may be. Each deputy clerk-
17 collection officer I shall receive a biweekly salary at a rate equal to that specified for revenue and
18 recovery officer I in the classified service of the County of San Diego. Each deputy clerk-
19 collection officers II shall receive a biweekly salary at a rate equal to that specified for revenue
20 and recovery officer II in the classified service of the County of San Diego. Each deputy clerk-
21 collection officer III shall receive a biweekly salary at a rate equal to that specified for revenue
22 and recovery officer III in the classified service of the County of San Diego. Persons appointed to
23 this position on or after January 1, 1999, shall serve at the pleasure of the court administrator.

24 (y) One deputy clerk-small claims advisor or deputy clerk-small claims counsel, as the case
25 may be. The deputy clerk-small claims advisor shall receive a biweekly salary at a rate equal to
26 that specified for small claims advisor in the classified service of the County of San Diego. The
27 deputy clerk-small claims counsel shall receive a biweekly salary at a rate equal to that specified
28 for small claims counsel in the classified service of the County of San Diego.

29 (z) Notwithstanding subdivision (b) of Section 73957, up to 10 extra help positions (hourly
30 rate) to be appointed by and serve at the pleasure of the court administrator in the class and salary
31 level deemed appropriate. These appointments shall be temporary for a period not to exceed six
32 months, plus one additional period of up to six months, at the court administrator's option.
33 Notwithstanding any other provisions of this section, the court administrator may fill these
34 positions with persons employed for a period not to exceed 120 working days or 960 hours,
35 whichever is greater, during a fiscal year on a part-time basis.

36 (aa) Notwithstanding subdivision (b) of Section 73957, up to 10 deputy clerk-court workers
37 may be appointed by and serve at the pleasure of the court administrator. The class of deputy
38 clerk-court worker provides for temporary appointments to positions in classes not listed in
39 Sections 73950 to 73960, inclusive, pending a review and evaluation of the duties of these
40 positions by the court administrator, and the establishment of specific classes as provided in this
41 section. Prior to the establishment of these classes, the county personnel director shall conduct a
42 classification review and make recommendations to the court administrator as to the
43 establishment of these classes. The rate of pay for each individual employed in this class of
44 deputy clerk-court worker shall be within the range proposed for the class pending establishment
45 at a rate determined by the court administrator following consultation with the county personnel
46 director. The rules regarding appointment and compensation as they relate to appointments to
47 deputy clerk-court worker shall be the same as those applicable to the class that is pending
48 establishment. Appointments shall be temporary and shall not exceed 18 months in duration.
49 Employee benefits, if applicable, shall be equal to those granted to the class in the service of the

1 County of San Diego to which the pending class will be tied for benefit purposes. When such an
2 appointment is made, the class, compensation (including salary and fringe benefits), and number
3 of these positions may be established by joint action of a majority of the judges and the board of
4 supervisors in accordance with established county personnel and budgetary procedures. In the
5 event that the class pending establishment is tied to a class in the unclassified service of the
6 County of San Diego, the joint action may designate that persons serving in the class pending
7 establishment shall serve at the pleasure of the court administrator. The court administrator may
8 then appoint additional attaches to such classes of positions in the same manner as those for
9 which express provision is made, and they shall receive the compensation so provided. Persons
10 occupying deputy clerk-court worker positions shall have their appointments expire not later than
11 30 calendar days following promulgation of a list of certified eligibles for the new class.
12 Appointments to the new class shall continue at the stated compensation or as thereafter modified
13 by joint action of a majority of the judges and the board of supervisors.

14 (ab) Notwithstanding subdivision (b) of Section 73957, the court administrator may appoint up
15 to 20 temporary extra help deputy clerk-municipal court trainees I, II, III, or V who shall be paid
16 at an hourly rate and shall serve at the pleasure of the court administrator. A deputy clerk-
17 municipal court trainee I shall receive an hourly salary at a rate equal to that specified for student
18 worker I in the unclassified service of the County of San Diego. A deputy clerk-municipal court
19 trainee II shall receive an hourly salary at a rate equal to that specified for student worker II in the
20 unclassified service of the County of San Diego. A deputy clerk-municipal court trainee III shall
21 receive an hourly salary at a rate equal to that specified for student worker III in the unclassified
22 service of the County of San Diego. A deputy clerk-municipal court trainee V shall receive an
23 hourly salary at a rate equal to that specified for student worker V in the unclassified service of
24 the County of San Diego. Persons who graduate and receive a degree in the field which qualified
25 them for appointment to a deputy clerk-municipal court trainee class, may remain in the class and
26 be employed on a full-time basis for up to six months from the first day of the month following
27 their date of graduation.

28 (ac) Except as provided herein, the provisions of Section 74345 shall apply to the attaches
29 appointed pursuant to this section and Section 73953.

30 (ad) Notwithstanding any other provision of law, the number of positions in classifications and
31 compensation of positions authorized under subdivisions (b) to (y), inclusive, (aa), (ab), and (ac)
32 and under Sections 73953, 73958, 73959, 73960, and 73960.1 may be adjusted as necessary by
33 action of the majority of the judges. The rules regarding appointment of persons to those positions
34 shall be the same as those applicable to the class of those positions. The action of the majority of
35 the judges adjusting those positions shall designate the class title or titles, number of positions,
36 and compensation for each respective class. Any adjustment made pursuant to this subdivision
37 shall be effective upon action of a majority of the judges and shall remain in effect until ratified
38 by the Legislature.

39 73954.5. The North County Municipal Court or any agency supporting this court may establish
40 a "900" telephone number or numbers for computerized remote access by individuals or
41 organizations to court information. The proceeds from those "900" telephone numbers shall be
42 continuously and solely appropriated to the use of the court or court support agency for the
43 purposes of staff and information data processing services.

44 73955. In the event that there shall be an increase in the number of judges, the clerk-
45 administrative officer may appoint one deputy clerk IV, one deputy clerk III, one deputy clerk II,
46 and one deputy clerk I for each respective additional judge. Such additional deputy clerks shall
47 receive a biweekly salary at a rate specified in Section 73954.

1 73956. The headquarters of the municipal court and the clerk and marshal of the North County
2 Judicial District shall be located within the City of Vista or such other place as shall be designated
3 by the Board of Supervisors of the County of San Diego. The municipal court shall hold sessions
4 at its headquarters and at a department at a location within the City of Escondido and at such
5 other location or locations within the North County Judicial District as shall be designated by the
6 board of supervisors. The clerk and marshal of the North County Judicial District shall maintain
7 branch offices at a location within the City of Escondido as shall be designated by the board of
8 supervisors. The Escondido branch office shall maintain the same office hours as the headquarters
9 offices and shall provide facilities for complete municipal court services, including the filing of
10 original complaints and other documents and the posting of bail, and the board of supervisors
11 shall provide facilities within the City of Escondido for the complete transaction of business of
12 the court including the holding of jury trials.

13 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
14 preserved until completion of (1) the study and recommendation by the task force on court
15 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
16 on these issues.

17 73957. (a) In addition to the salary provided in this article, the classes of attaches of the
18 municipal court shall receive, and they shall be entitled to the same number of holidays, leaves of
19 absence, and all other fringe benefits as are now or may hereafter be provided for the employees
20 of the County of San Diego in the comparable classes specified in Section 74345. The court
21 administrator shall receive the same number of holidays, leaves of absence, and all other fringe
22 benefits as are now or may hereafter be received by the classification of chief probation officer of
23 the County of San Diego. The assistant court administrator and deputy court administrators shall
24 receive the same number of holidays, leaves of absence, and other fringe benefits as are now or
25 hereafter received by the classification of assistant chief probation officer of the County of San
26 Diego. All persons employed as a deputy director shall receive the same number of holidays,
27 leaves of absence, and other fringe benefits as are now or hereafter received by the classification
28 of probation director of the County of San Diego. All persons employed as deputy clerk-division
29 managers III, II, and I, shall receive the same number of holidays, leaves of absence, and other
30 fringe benefits as are now or hereafter received by the classification of administrative assistant III
31 of the County of San Diego. However, all officers, employees, and attaches of the municipal court
32 shall be eligible to enroll in the dental and vision group insurance plans sponsored by the County
33 of San Diego. The purpose and intent of this subdivision is to provide all court attaches, except
34 commissioners, court reporters, and judicial secretaries, with any and all fringe benefits but not
35 more than those which are available to comparable classes in the classified service of the County
36 of San Diego as specified in this section or Section 74345. Whenever action or approval by the
37 chief administrative officer or the county personnel director is required for the county benefit, it
38 shall be taken or given, as to comparable municipal court officers and attaches other than those
39 serving at the pleasure of the court, by the court administrator with the approval of the majority of
40 the judges of the municipal court or their designees, or as to the court administrator and others
41 serving at the pleasure of the court, by a majority of the judges or their designees. Changes in
42 fringe benefits shall be effective on the same date as those for employees of the County of San
43 Diego in the specified comparable classes. The majority of all the municipal court judges may
44 adopt rules for the conduct of and personnel privileges to be afforded the attaches of the court,
45 excluding fringe benefits.

46 (b) All attaches, other than the court administrator, the assistant court administrator,
47 commissioners, court reporters, judicial secretaries, and other persons serving at the pleasure of
48 their appointing authorities, may be appointed, promoted, removed, suspended, laid off, or
49 discharged for cause by the appointing authority subject to such appointment, promotion,

1 removal, suspension, layoff, or discharge to civil service provisions applicable to the classified
2 personnel of the County of San Diego. Whenever such attaches are appointed or promoted to a
3 position, they shall serve a probationary period of at least six months and not to exceed 18
4 months, as specified in the job announcement for the class prior to the appointment.

5 73957.5. Any positions authorized by Section 73954 may be filled by independent contractors
6 on a contractual basis at the discretion of the court administrator. The provisions of Section 73957
7 shall not apply to any of the positions authorized by Section 73954 that are filled by independent
8 contractors on a contractual basis.

9 73958. Official reporters in the Municipal Court of the North County Judicial District
10 appointed pursuant to Section 72194 shall be attaches of such court, and in lieu of any other
11 compensation provided by law for their services in reporting testimony and proceedings in such
12 court shall be paid a biweekly salary equal to that specified for official court reporters for the
13 Superior Court of the County of San Diego. These salaries shall be a charge against the general
14 fund of the county.

15 Pursuant to Section 72194, the judges of the court may appoint as many additional reporters as
16 the business of the court may require, who shall be known as official reporters pro tempore, and
17 who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953,
18 inclusive, except that in lieu of the per diem fees provided in the sections for reporting testimony
19 and proceedings, the official reporters pro tempore shall in all cases be compensated at a rate
20 equal to that paid to official reporters pro tempore for the Superior Court of the County of San
21 Diego, which shall be a charge against the general fund of the County of San Diego.

22 Fees for transcription of testimony and proceedings in the court shall be paid by the litigants to
23 official reporters and official reporters pro tempore as otherwise provided by law. In all cases
24 where by law the court may direct the payment of transcription fees out of the county treasury,
25 such fees shall, upon order of the court, be paid from the general fund, including fees for
26 transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to
27 69953, inclusive.

28 Official reporters of such court shall be members of any retirement system maintained by the
29 county. For the purpose of such retirement system the salary provided in this article for such
30 reporters shall be deemed their entire compensation.

31 Notwithstanding the provisions of Section 73957, official reporters serve at the pleasure of the
32 judges and shall receive and be entitled to the same number of holidays, leaves of absence, and all
33 other fringe benefits as are now or may hereafter be provided for the official reporters of the
34 Superior Court of the County of San Diego.

35 73959. By order entered in the minutes of the court, a majority of judges may appoint three
36 judicial secretaries or supervising judicial secretaries, as the case may be, who shall serve at the
37 pleasure of the judges. The classification of supervising judicial secretary shall be limited to one
38 position and this one position only may be authorized by joint action of a majority of the judges
39 and the board of supervisors. The supervising judicial secretary shall receive a biweekly salary at
40 a rate equal to that specified for the classification of confidential legal secretary III in the
41 classified service of the County of San Diego, commencing at step 4 at initial employment and
42 advancing to step 5 at the end of one year of continuous service. The position of supervising
43 judicial secretary shall be deemed comparable to the position of confidential legal secretary III in
44 the classified service of the County of San Diego commencing at step 4 at initial employment and
45 advancing to step 5 at the end of one year of continuous service. The position of supervising
46 judicial secretary shall be deemed comparable to the position of confidential legal secretary III in
47 the classified service of San Diego County. Whenever the salary of the class of confidential legal
48 secretary III is adjusted by the Board of Supervisors of San Diego County, the salary of the class

1 of supervising judicial secretary shall be adjusted a commensurate percentage in the salary
2 schedule on the same date. Each judicial secretary shall receive a biweekly salary at a rate equal
3 to that specified for administrative secretary IV in the classified service of the County of San
4 Diego. Appointments in the class of judicial secretary may be at any step within the salary range
5 at the discretion of the judges. The position of judicial secretary shall be deemed comparable to
6 the position of administrative secretary IV in the classified service of San Diego County.
7 Whenever the salary of the class of administrative secretary IV is adjusted by the Board of
8 Supervisors of San Diego County, the salary of the class of judicial secretaries shall be adjusted a
9 commensurate percentage in the salary schedule on the same date. Notwithstanding the provisions
10 of subdivision (a) of Section 73957, the classifications of supervising judicial secretary and
11 judicial secretary respectively, shall receive and be entitled to the same number of holidays,
12 leaves of absence, retirement, and all other fringe benefits as are now or may hereafter be
13 provided for the classifications of confidential legal secretary III and administrative secretary IV,
14 respectively, in the classified service of the County of San Diego. However, the classifications of
15 supervising judicial secretary and judicial secretary shall be entitled to: (a) earn sick leave credit
16 at the rate of 5.385 percent of each hour of paid service during the pay period; (b) earn vacation
17 credit at the rate of 5.769 percent of each hour of paid service during the pay period and
18 accumulate vacation credit not to exceed 25 working days where the employee has less than 10
19 years of continuous service; and (c) earn vacation credit at the rate of 8.075 percent of each hour
20 of paid service during the pay period and accumulate vacation credit not to exceed 35 working
21 days where the employee has 10 years or more of continuous service. Notwithstanding the sick
22 leave and vacation credits indicated above, persons appointed to the positions of judicial secretary
23 and supervising judicial secretary on or after January 1, 1993, shall be entitled to earn and accrue
24 the same sick leave credit and vacation credit as an administrative secretary IV and confidential
25 legal secretary III, respectively, in the classified service of the County of San Diego.

26 73960. (a) By order entered in the minutes of the court, a majority of judges may appoint three
27 commissioners. However, if the board of supervisors finds that there are sufficient funds for up to
28 two additional commissioners and adopts a resolution or resolutions to that effect, a majority of
29 judges may appoint up to two additional commissioners. A commissioner shall serve at the
30 pleasure of the judges and shall receive a biweekly salary equal to 80 percent of the salary of a
31 judge of a municipal court.

32 (b) A commissioner shall receive and be entitled to the same number of holidays, leaves of
33 absence, and all other fringe benefits as are now or may hereafter be provided for a chief deputy
34 county counsel in the classified service of the County of San Diego. However, a commissioner
35 shall be entitled to (1) earn sick leave credit at the rate of 5 percent of each hour of paid service
36 during the pay period, and (2) earn vacation credit at the rate of 8.075 percent of each hour of
37 paid service during the pay period until a commissioner has 15 years of county/court service. At
38 that time, the commissioner will earn vacation at the same rate as chief deputy counsel with 15
39 years of county service.

40 (c) With the approval of a majority of judges of the court and the board of supervisors, each
41 commissioner may be reimbursed for any payment he or she makes for his or her annual State Bar
42 of California membership fee.

43 **§§ 74010-74014 (repealed). Marshal of Orange County**

44 SEC. ____ . Article 17.1 (commencing with Section 74010) of Chapter 10 of Title 8 of
45 the Government Code is repealed.

1 **Comment.** Sections 74010-74014 are repealed to reflect elimination of the marshal's office as
2 a result of consolidation with the sheriff's office in Orange County, effective _____.
3 See Section 69915 (Article 17.1 inoperative upon effective date of consolidation).

4 ☞ **Note.** The text of the repealed article is set out below.

5 **Article 17.1. Marshal of Orange County**

6 74010. (a) There shall be one marshal, designated as the Marshal of Orange County, for the
7 superior and municipal courts established in Orange County. The marshal shall serve at the
8 pleasure of a majority of the judges of the superior and municipal courts in the county.

9 The salary range of the marshal shall be 10 percent higher than the salary range of the assistant
10 marshal, and the marshal's salary shall be determined by the Joint Marshal Personnel Committee
11 within that range.

12 (b) The marshal shall possess the rights and powers and perform the duties imposed upon
13 marshals of courts generally and, when so authorized by the board of supervisors pursuant to
14 Section 74007, within Orange County, shall exercise all powers and perform all duties imposed
15 upon sheriffs with respect to proceedings in the superior court.

16 (c) Whenever a vacancy occurs in the position of Marshal of Orange County, the judges of the
17 superior court and all the municipal courts in Orange County by a majority vote of their aggregate
18 number, shall select and appoint the marshal under such organization, rules, and procedures as
19 they adopt or ratify therefor. Discharge of the marshal shall be by majority vote of the judges of
20 the municipal courts and the superior court.

21 (d) There shall be one assistant marshal, appointed by and serving at the pleasure of the
22 marshal. This appointment shall require the concurrence of a majority of the members of the Joint
23 Marshal Personnel Committee. Discharge of the assistant marshal shall be at the direction of the
24 marshal and shall require the concurrence of a majority of the members of the Joint Marshal
25 Personnel Committee. Upon discharge from the position of assistant marshal the employee has
26 the right to return to a non-executive management position in a lower class (or its equivalent) in
27 which the employee passed probation prior to becoming the assistant marshal. An individual who
28 enters the position of assistant marshal from outside the Marshal's Department of Orange County
29 shall have no right to a lower level position. The right to return to a lower class position shall not
30 be applicable if the discharge is for a reason or reasons which would otherwise preclude an
31 individual from being a peace officer.

32 (e) The salary range of the assistant marshal shall be 20 percent higher than the range of captain
33 in the marshal's department. The salary of the assistant marshal may be adjusted annually, within
34 its range, by the marshal with concurrence of the Joint Marshal Personnel Committee.

35 (f) The establishment of any range higher than provided above for the marshal and assistant
36 marshal shall be effective only until January 1 of the second year following the year in which the
37 establishment or change is made.

38 (g) A branch office of the Marshal of Orange County shall be maintained in each superior and
39 municipal court district facility, except where those facilities are shared, in which case one office
40 may serve the needs of both courts.

41 74011. (a) The Legislature finds and declares that the matter of appointing, promoting,
42 demoting, and dismissing persons in positions in the marshal's department and all other aspects of
43 the personnel management of the Marshal of Orange County is one of local concern. It further
44 finds and declares that, wherever possible, personnel management may grant to persons in

1 | positions with the marshal's department similar treatment with persons in positions with the
2 | County of Orange who are performing similar duties and who possess similar qualifications.

3 | (b) To achieve this legislative intent, the courts of Orange County shall create a personnel
4 | committee consisting of five judges, who will comprise the Joint Marshal Personnel Committee.
5 | There shall be two judges representing the municipal courts selected by a majority vote of the
6 | judges on the Municipal Court Judges Personnel Committee. There shall be two judges
7 | representing the superior court selected by a majority vote of the members of the Superior Court
8 | Marshal's Personnel Committee. The fifth member of the committee shall be selected by a
9 | majority vote of the aforementioned four members and may be selected from judges of either the
10 | municipal or superior court. If the four members cannot agree upon a fifth member, then the fifth
11 | member shall be selected by the judges of the superior court and the judges of the municipal
12 | courts in Orange County by a majority vote of their aggregate number. The five members shall,
13 | by majority vote, select one member to act as the committee's chair. The selection of the
14 | members of the Joint Marshal Personnel Committee shall occur no later than the 31st of January
15 | of each year with the term of office to be one year. Vacancies that occur within the term of
16 | appointment shall be filled by the original appointing body.

17 | (c) The Joint Marshal Personnel Committee may adopt rules and regulations for a personnel
18 | system for employees of the marshal's department. The Joint Marshal Personnel Committee shall
19 | hear all grievances referred to step 3 of a grievable action. The Joint Marshal Personnel
20 | Committee may adopt all or any part of the personnel and salary resolution or appropriate
21 | memoranda of understanding of the County of Orange. The Joint Marshal Personnel Committee
22 | may, by majority vote, make policies and adopt procedures pertaining to the operations of the
23 | marshal's department. Except as provided in this section, provisions relating to compensation or
24 | benefits shall require the concurrence of the board of supervisors.

25 | (d) The first one year served by a deputy marshal, court services officer, administrative
26 | manager, lieutenant or captain appointee, and the first six months served by any other appointee,
27 | shall be considered a probationary period, except for appointment to classes of positions serving
28 | at the pleasure of the appointing authority. The marshal shall have the power to dismiss without
29 | cause, in the case of a new employee, or to demote without cause, in the case of a promoted
30 | employee, during that probationary period.

31 | (e) With the approval of the board of supervisors, the personnel system adopted by the Joint
32 | Marshal Personnel Committee may be administered by the County of Orange through its
33 | personnel department.

34 | 74012. The marshal may make the following appointments at the designated salary ranges:

35 | ☞ **Note.** To conserve paper, the appointment schedule has not been reproduced.

36 | 74013. (a) It is the intent of the county to maintain parity in salary and benefits between those
37 | employees in the marshal's department and employees in the same or comparable classes for
38 | other departments. When the salary of a class in the service of Orange County is adjusted by the
39 | board of supervisors, the salary of the equivalent class in the marshal's department shall be
40 | adjusted in the same amount and at the same time. Salaries for classes not considered equivalent
41 | shall be adjusted based on internal relationships and other criteria customarily used in setting
42 | salaries in other county classes. In the event that a system of merit pay increases is established by
43 | the County of Orange for employees, merit increases, if justified, may be authorized by the Joint
44 | Marshal Personnel Committee for employees with similar qualifications and experience in
45 | equivalent classifications. Designation of certain classes as equivalent positions shall be as
46 | follows, except that their designation as equivalent positions may be changed or deleted at any

1 time following a classification study and an agreement between the county and the Joint Marshal
2 Personnel Committee:

3 ☞ **Note.** To conserve paper, the equivalent classification table has not been reproduced.

4 Positions in these classes within the marshal's department shall not be paid less salary than
5 positions in equivalent county classifications.

6 (b) If an increase in the business of the court or any other business necessity requires a greater
7 number of attaches or employees for the prompt and faithful discharge of the business of the court
8 than the number expressly provided in this article, or requires the performance of duties of
9 positions in a class not expressly provided in this article, the Joint Marshal Personnel Committee,
10 with the approval of the board of supervisors, may establish additional titles, pay rates, and
11 positions as they deem necessary for the performance of the duties and exercise of the powers
12 conferred by law upon the court. Rates of compensation of these officers, attaches, and employees
13 may be set by joint action and approval of the board of supervisors and the Joint Marshal
14 Personnel Committee. The establishment of additional titles, positions, and pay rates and changes
15 in compensation pursuant to this subdivision shall be effective only until January 1 of the second
16 year following the year in which the establishment or change is made. This section shall not affect
17 the appointment of additional deputy marshals pursuant to Section 72150.

18 74014. The assignment of persons holding the positions of deputy marshal I or court services
19 officer to individual courtrooms shall be made by the marshal with the concurrence of the
20 individual judge in whose courtrooms the assignment is to be made and shall be consistent with
21 local rules and procedures. Each deputy or officer shall serve in that assignment at the pleasure
22 and under the direction of that judge.

23 **§§ 74020-74030 (repealed). Placer County Municipal Court**

24 SEC. _____. Article 18 (commencing with Section 74020) of Chapter 10 of Title 8 of the
25 Government Code is repealed.

26 **Comment.** Sections 74020-74030 are repealed to reflect:

27 (1) Unification of the municipal and superior courts in Placer County pursuant to Article VI,
28 Section 5(e), of the California Constitution, effective June 30, 1998. See Cal. Const. art. VI, § 23
29 and Section 70212(b) (preexisting court locations retained as superior court locations), Section
30 70211 (former municipal court judgeships continued as superior court judgeships). See also Cal.
31 Const. art. VI, § 16(b) (election of superior court judges); Code Civ. Proc. §§ 198.5 (superior
32 court venires), 199.2 (Placer County venires); Sections 68073 (responsibility for court operations
33 and facilities), 69591.3 (number of judges in Placer County). Cf. former Section 71264
34 (municipal court served by marshal).

35 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
36 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
37 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
38 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
39 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
40 protection system), 71673 (authority of court). See also Sections 69941 (appointment of official
41 reporters), 69947 (compensation of official reporter).

42 (3) Enactment of the Trial Court Funding Act. See Section 77001 (local trial court
43 management).

44 ☞ **Note.** The text of the repealed article is set out below.

Article 18. Placer County

74020. This article shall be applicable to the municipal court hereby established for the geographical area encompassing the entire County of Placer, which shall hereby be known as the Placer County Municipal Court.

74020.5. (a) For the purposes of the qualification and election of a judge for the Tahoe Division, the Tahoe Division shall constitute a district for purposes of subdivision (b) of Section 16 of Article VI of the California Constitution.

(b) The territory comprising the former Tahoe Judicial District shall constitute the Tahoe Division of the Placer County Municipal Court.

(c) Trial jurors for each session of the Tahoe Division shall be selected from persons residing within the division. Trial jurors for each session of all other courts of the Placer County Municipal Court shall be selected from persons residing within the county, excluding those persons residing within the division.

74021. There shall be four judges and one commissioner. The salary of the commissioner shall be 75 percent of that of a municipal court judge. The judge of the Tahoe Judicial District shall succeed to office as municipal court judge for the Tahoe Division for the remainder of the term to which he or she was elected or appointed. The court shall provide circuit judge services to all branch courts established by the board of supervisors. The frequency and extent of such services shall be dependent upon the needs of the community and shall lie within the sound discretion of the court.

74022. The judges shall appoint, in accordance with Placer County civil service rules, one clerk/administrator who shall be secretary of the court.

74023. The municipal court administrator shall appoint, in accordance with Placer County civil service rules, all of the following:

(a) Two supervising municipal court clerks II for the court, who shall perform such duties as may be required by the court or the judges.

(b) Six deputy clerks, who shall be senior municipal court clerks.

(c) Twenty-one full-time and two half-time deputy clerks, who shall be municipal court clerks I or II.

(d) One deputy clerk, who shall be a master calendar clerk.

(e) One supervising municipal court clerk I.

(f) One administrative secretary.

(g) Three court reporters.

74024. The Placer County sheriff shall be ex officio marshal.

74025. The designated deputies of the sheriff of Placer County shall act as ex officio deputy marshals of the Placer County Municipal Court.

74026. Upon recommendation of the judges of the court and with approval of the board of supervisors, the court may appoint such additional employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon the court and its members. Any appointment made pursuant to this section shall be on an interim basis and shall expire January 1st of the second calendar year following the year in which such appointment is made unless ratified by the Legislature. This section shall not affect the application of Section 72150.

1 74030. (a) The positions enumerated in Sections 74022 to 74026, inclusive, shall receive a
 2 biweekly salary at step A of the range set forth below, as provided in Chapter 14 of the Placer
 3 County Code.

4 Step increases may be awarded at 5 percent at the end of the first six months and thereafter 5
 5 percent annually for the next 48 months to a maximum of 20 percent over the amount specified as
 6 step A:

8	Position	Salary Range
9	Municipal court administrator	49.0
10	Supervising municipal court clerk I	37.5
11	Supervising municipal court clerk II	39.5
12	Deputy clerk, municipal court clerk I	31.5
13	Deputy clerk, municipal court clerk II	33.5
14	Deputy clerk, master calendar clerk	36.5
15	Senior municipal court clerk	35.5
16	Administrative secretary	36.5
17	Court reporter	44.5

18 (b) If the board of supervisors adopts a revised salary schedule for county employees, the new
 19 schedule shall apply equally to employees of municipal courts and conversion of the new
 20 schedule shall be made for such employees in the same manner on the same date as for such other
 21 county employees. Also, employees and officers of the municipal court shall be entitled to all
 22 employee benefits as they are now provided and made applicable to positions within county
 23 service. All matters affecting the administration of salary and benefits, the selection, appointment,
 24 and reclassification of such municipal court officers and employees in those positions which they
 25 hold which are not specifically determined by the provisions of state law shall be governed by the
 26 personnel provisions of the Placer County Code. Any changes in compensation made pursuant to
 27 this subdivision shall be on an interim basis and shall expire January 1, of the second calendar
 28 year following such changes unless ratified by the Legislature.

29 **§§ 74130-74145 (repealed). Riverside County municipal court districts**

30 SEC. ____ . Article 20 (commencing with Section 74130) of Chapter 10 of Title 8 of the
 31 Government Code is repealed.

32 **Comment.** Sections 74130-74145 are repealed to reflect:

33 (1) Unification of the municipal and superior courts in Riverside County pursuant to Article VI,
 34 Section 5(e), of the California Constitution, effective July 29, 1998. See Section 70211 (former
 35 municipal court judgeships continued as superior court judgeships). See also Code Civ. Proc. § 38
 36 (judicial districts); Section 69592 (number of judges in Riverside County). Cf. Section 71042.5
 37 (preservation of judicial districts for purposes of publication).

38 (2) Elimination of the marshal's office as a result of consolidation with the sheriff's office in
 39 Riverside County, effective April 19, 1990.

40 (3) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
 41 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
 42 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
 43 benefits), 71629 (trial court employment benefits not affected), 71640-71645 (employment
 44 selection and advancement), 71650-71658 (employment protection system), 71673 (authority of
 45 court). See also Sections 69941 (appointment of official reporters), 69947 (compensation of
 46 official reporter).

1 (4) Enactment of the Trial Court Funding Act. See Sections 77001 (local trial court
2 management), 77003 (“court operations” defined), 77009 (Trial Court Operations Fund), 77200
3 (state funding of trial court operations).

4 ☞ **Note.** The text of the repealed article is set out below.

5 **Article 20. Riverside County**

6 74130. This article applies to the municipal courts established in Riverside County.

7 74131. (a) There are nine judges in the Western Riverside County Judicial District, which shall
8 include the City of Riverside and the Cities of Corona, Norco, and Moreno Valley.

9 (b) There are seven judges in the Desert Judicial District, which shall include the Cities of Palm
10 Springs, Indio, and Blythe.

11 (c) There are three judges in the Mt. San Jacinto Judicial District, which shall include the Cities
12 of Hemet, San Jacinto, Beaumont, and Banning. However, if the Riverside County Board of
13 Supervisors finds there are sufficient funds for an additional judge for the Mt. San Jacinto Judicial
14 District and adopts a resolution to that effect, there shall be four judges in the Mt. San Jacinto
15 Judicial District.

16 (d) There are two judges in the Three Lakes Judicial District.

17 74131.1. Notwithstanding the provisions of Section 72400, an incumbent judge of a superseded
18 justice court who had been elected to that office more than five years before the court was
19 superseded by a municipal court, had served continuously since taking office and succeeds to the
20 position of clerk, assistant clerk or deputy clerk in the municipal court that supersedes his court,
21 shall be authorized to exercise the same authority as a traffic referee and shall serve as a traffic
22 referee at the direction of the municipal court for which he is a clerk, assistant clerk or deputy
23 clerk. He shall receive as clerk and referee a salary that is no lower than the salary that was last
24 set for his position as a justice court judge.

25 74132. The provisions of this section shall apply to the clerks, marshals and their respective
26 assistants, deputies and other employees of each clerk and marshal of each judicial district.

27 (a) Each employee shall receive a salary computed upon a biweekly rate in accordance with the
28 range and step for his position specified in or pursuant to this article, as determined by the salary
29 schedule in the salary ordinance of Riverside County, in effect July 1, 1981.

30 (b) Except as otherwise provided in this article, each new employee shall for the first 1,040
31 hours of continuous service receive a salary at the rate specified for step 1 of the applicable range;
32 on the first day of the next biweekly period thereafter, his salary may increase to the rate for step
33 3; after 2,080, 4,160, and 6,240 additional hours of continuous service, his salary may increase to
34 the rates for steps 5, 7 and 9, respectively.

35 (c) Notwithstanding any other provisions of law, the salary of any employee may, upon
36 approval by the board of supervisors, be increased or decreased within the limits of the applicable
37 range and 22 percent above or below said limits, in order to provide compensation that is
38 comparable to that of county employees of similar qualifications and experience, holding equal or
39 comparable positions in the Riverside County classified service, as the comparability is
40 determined by the board; or the board of supervisors may increase or decrease the salary of any
41 marshal set pursuant to Section 74135 or Section 74137 to an amount equal to 22 percent greater
42 or lesser than the amount stated in such sections. The board of supervisors, with the concurrence
43 of the municipal court, may also allow or delete any such appointive positions as are necessary to
44 perform the work of the offices of each clerk and marshal. Any salary adjustment made or

1 additional appointive position established pursuant to this subdivision shall be effective only until
2 January 1 following the adjournment of the next regular session of the Legislature unless ratified
3 by the Legislature.

4 (d) Such employees shall be entitled to the same vacation, sick leave, leave of absence, and
5 similar benefits, and may be appointed, promoted, demoted, terminated or transferred, or their
6 status otherwise adjusted, in the same manner and with the same effect as is or may be provided
7 by the current salary ordinances of Riverside County for other employees of the county, and they
8 shall be subject to such employment qualifications as may be fixed by or pursuant to said
9 ordinance for their positions, in the same manner as for other positions in the employment of said
10 county.

11 74133. There shall be one clerk of each judicial district who shall be appointed by and hold
12 office at the pleasure of the judge or a majority of the judges of the judicial district. The clerk
13 shall serve as the court administrator.

14 74134. In the Western Riverside County Judicial District, the salary of the clerk/administrator
15 shall be on range 417 and the clerk/administrator may appoint:

- 16 (a) One accounting technician on range 245.
- 17 (b) One assistant clerk/administrator on range 358.
- 18 (c) One assistant clerk/administrator on range 323.
- 19 (d) One administrative services officer on range 342.
- 20 (e) Forty-seven judicial office assistants on range 212.
- 21 (f) Seven judicial services supervisors on range 272.
- 22 (g) Twenty-two judicial courtroom assistants on range 253.
- 23 (h) One judicial information systems administrator on range 350.
- 24 (i) One executive secretary I on range 265.
- 25 (j) Five senior accounting clerks on range 215.
- 26 (k) One senior accounting technician on range 280.
- 27 (l) Nine senior judicial office assistants on range 233.
- 28 (m) One stock clerk on range 189.
- 29 (n) One judicial secretary on range 265.
- 30 (o) One municipal court operations manager on range 335.
- 31 (p) One senior court reporter on range 366.
- 32 (q) One computer operator II on range 221.
- 33 (r) Five court reporters at one thousand nine hundred fifty-nine dollars and twenty cents
34 (\$1,959.20) biweekly.
- 35 (s) One departmental aide on range 129.
- 36 (t) One programmer/analyst IV on range 342.
- 37 (u) One senior judicial courtroom assistant on range 268.
- 38 (v) One staff analyst I on range 277.

39 74135. The board of supervisors may provide that municipal court commissioners shall receive
40 the same compensation as superior court commissioners while serving on assignment with the
41 superior court.

42 74135.1. By majority vote, the judges may appoint three court commissioners for the Western
43 Riverside County Judicial District. However, when the board of supervisors finds there are
44 sufficient funds for a fourth commissioner and adopts a resolution to that effect, there shall be
45 four court commissioners; provided, that if the Legislature authorizes one additional judge for the
46 district and the board of supervisors finds there are sufficient funds for that additional judge and

1 adopts a resolution to that effect, following the appointment or election of the additional judge,
2 there shall be no more than three court commissioners in the Western Riverside County Judicial
3 District.

4 The court commissioners shall meet the qualifications and have powers and duties specified in
5 Sections 72190 and 72190.1 of this code, and Section 259 of the Code of Civil Procedure. Any
6 commissioner so appointed shall also have the power and duties of a traffic referee, as provided in
7 Article 9 (commencing with Section 72400) of Chapter 8 of Title 8. The salary of a commissioner
8 for all duties performed pursuant to this section shall be equal to 75, 80, or 85 percent of the
9 salary of a judge of the municipal court, as determined by the court.

10 The additional commissioner position authorized by amendments to this section enacted during
11 the 1990 portion of the 1989-90 Regular Session shall not be counted in the calculation of trial
12 court funding pursuant to Section 77202, and the salary for this position shall not be considered as
13 a part of court operations for Riverside County for purposes of Sections 77003 and 77204.

14 74135.5. The traffic referee shall receive a salary equal to 60 percent of the salary of a judge of
15 the municipal court. He shall, after each year of service, receive an increase of 5 percent of the
16 salary of a judge of the municipal court but in no event shall he receive more than 65 percent of
17 the salary of a judge of the municipal court.

18 74135.6. By majority vote, the municipal court judges of Riverside County may appoint a court
19 commissioner who shall meet the qualifications and have the powers and duties specified in
20 Sections 72190, 72190.1, and 72190.2 of this code, and Section 259 of the Code of Civil
21 Procedure. Notwithstanding those powers and duties, the commissioner shall be primarily
22 assigned to hear and determine actions filed for enforcement of county and municipal ordinances.

23 The commissioner may sit in any judicial district in Riverside County, as need arises. The
24 salary of the commissioner for all duties performed pursuant to this section shall be equal to 75
25 percent of the salary of a judge of the municipal court. The commissioner shall be entitled to the
26 same benefits as are or shall be provided to a commissioner of the superior court in Riverside
27 County.

28 74136. In the Desert Judicial District, the salary of the clerk/administrator--Desert Judicial
29 District shall be on range 407 and the clerk/administrator may appoint:

- 30 (a) One accounting clerk on range 184.
- 31 (b) One accounting technician on range 245.
- 32 (c) One assistant clerk/administrator--Desert Judicial District on range 358.
- 33 (d) Six court reporters at one thousand nine hundred fifty-nine dollars and twenty cents
34 (\$1,959.20) biweekly.
- 35 (e) Three municipal court branch administrators I on range 288.
- 36 (f) Forty-seven judicial office assistants on range 212.
- 37 (g) Seven judicial services supervisors on range 272.
- 38 (h) Ten judicial courtroom assistants on range 253.
- 39 (i) One executive secretary I on range 265.
- 40 (j) Two senior accounting clerks on range 215.
- 41 (k) Eight senior judicial office assistants on range 233.
- 42 (l) One administrative services officer on range 342.

43 74136.1. At such time as the board of supervisors finds that there are sufficient funds for a
44 second court commissioner for the Desert Judicial District and adopts a resolution to that effect,
45 there shall be two court commissioners for the Desert Judicial District. However, if the
46 Legislature authorizes one additional judge for the district and the board of supervisors finds there
47 are sufficient funds for that additional judge and adopts a resolution to that effect, following the

1 appointment or election of the additional judge, there shall be one court commissioner in the
2 Desert Judicial District. The court commissioner shall have the same powers and receive the same
3 salary specified in Section 74135.1.

4 The commissioner position shall not be counted in the calculation of trial court funding
5 pursuant to Section 77202, and the salary for this position shall not be considered as a part of
6 court operations for Riverside County for purposes of Sections 77003 and 77204.

7 74137.5. Notwithstanding Section 74132, the assistant marshal shall serve at the pleasure of the
8 marshal; and upon removal by the marshal for any reason other than that which would be cause
9 for the discharge of any other assistant marshal, he or she shall revert to the rank held prior to
10 appointment as assistant marshal pursuant to this section.

11 74138. In the Corona Judicial District, the Riverside clerk/administrator may appoint:

- 12 (a) One assistant clerk/administrator on range 323.
- 13 (b) Twelve judicial office assistants on range 212.
- 14 (c) Three judicial services supervisors on range 272.
- 15 (d) Five judicial courtroom assistants on range 253.
- 16 (e) One senior accounting clerk on range 215.
- 17 (f) Four senior judicial office assistants on range 233.

18 74139. In the Corona Judicial District the marshal may appoint:

- 19 (a) One accounting clerk on range 138.
- 20 (b) Two deputy marshals I B on range 238.
- 21 (c) Two deputy marshals II B on range 269.
- 22 (d) One investigative assistant on range 161.
- 23 (e) One marshal's sergeant B on range 300.
- 24 (f) One typist clerk II on range 129.

25 74140. In each municipal court district, each regular official reporter of the municipal court
26 shall receive an annual salary of eighteen thousand eight hundred dollars (\$18,800). Each official
27 reporter pro tempore of the municipal court shall receive compensation at the rate of seventy
28 dollars (\$70) per day, for reporting in shorthand all proceedings in the municipal court as required
29 by law or the order of the municipal court.

30 74141. In the Mt. San Jacinto Judicial District the salary of the clerk/administrator--Mt. San
31 Jacinto Judicial District shall be on range 412, and the clerk/administrator may appoint:

- 32 (a) One staff analyst I on range 277.
- 33 (b) One assistant clerk/administrator--Mt. San Jacinto on range 348.
- 34 (c) Two municipal court branch administrators II on range 323.
- 35 (d) Twenty-one judicial office assistants on range 212.
- 36 (e) Three judicial services supervisors on range 272.
- 37 (f) Six judicial courtroom assistants on range 253.
- 38 (g) One senior accounting clerk on range 215.
- 39 (h) Two senior judicial office assistants on range 233.
- 40 (i) One executive secretary I on range 265.
- 41 (j) One administrative services officer on range 342.
- 42 (k) One judicial secretary on range 265.
- 43 (l) One municipal court branch administrator I on range 288.
- 44 (m) Two programmer/analysts IV on range 342.
- 45 (n) Two senior judicial courtroom assistants on range 268.
- 46 (o) One senior programmer/analyst on range 358.

1 74143. In the Three Lakes Judicial District, the salary of the clerk/administrator--Three Lakes
2 Judicial District shall be on range 412, and the clerk/administrator may appoint:

- 3 (a) Two municipal court branch administrators II on range 323.
- 4 (b) Fifteen judicial office assistants on range 212.
- 5 (c) Four judicial services supervisors on range 272.
- 6 (d) Six judicial courtroom assistants on range 253.
- 7 (e) Three senior judicial office assistants on range 233.
- 8 (f) One senior judicial courtroom assistant on range 268.
- 9 (g) One executive secretary I on range 265.
- 10 (h) One judicial secretary on range 265.

11 74143.1. In the Three Lakes Judicial District the clerk may appoint the traffic referee-assistant
12 clerk appointed pursuant to Section 74141 to also serve as the traffic referee-assistant clerk in the
13 Three Lakes Judicial District. Upon such appointment, one-fifth of the traffic referee-assistant
14 clerk's salary and benefits shall be apportioned to the Three Lakes Judicial District and four-fifths
15 of such salary and benefits to the Mt. San Jacinto Judicial District.

16 74143.2. When the board of supervisors finds that there are sufficient funds for a second court
17 commissioner for the Three Lakes Judicial District and adopts a resolution to that effect, there
18 shall be two court commissioners for the Three Lakes Judicial District. However, if the
19 Legislature subsequently authorizes one additional judge for the district and the board of
20 supervisors finds there are sufficient funds for the additional judge, the board of supervisors may
21 eliminate the second commissioner position for the Three Lakes Judicial District at any time after
22 the additional judge is sworn into office. The second court commissioner shall have the same
23 powers and receive the same salary specified in Section 74135.1.

24 The second commissioner position shall not be counted in the calculation of trial court funding
25 pursuant to Section 77202, and the salary for this position shall not be considered as part of court
26 operations for Riverside County for purposes of Sections 77003 and 77204.

27 74145. (a) In addition to any other compensation and benefits, each judge of the municipal
28 court shall receive the county flexible benefits plan.

29 (b) Subject to approval by the board of supervisors, each judge of the municipal court shall
30 receive the same long-term disability insurance as provided by the County of Riverside for other
31 elected county officials.

32  **Note.** Issues involving judicial benefits are still unsettled. This section may need to be
33 preserved pending further study and review by interested parties, including the Judicial Council's
34 Task Force on Judicial Service. The Commission solicits comments on these issues.

35 **§§ 74190-74201 (repealed). Sacramento Municipal Court District**

36 SEC. _____. Article 21.5 (commencing with Section 74190) of Chapter 10 of Title 8 of
37 the Government Code is repealed.

38 **Comment.** Sections 74190-74201 are repealed to reflect:

39 (1) Unification of the municipal and superior courts in Sacramento County pursuant to Article
40 VI, Section 5(e), of the California Constitution, effective June 17, 1998. See Section 70211
41 (former municipal court judgeships continued as superior court judgeships). See also Code Civ.
42 Proc. § 38 (judicial districts); Section 69593 (number of judges in Sacramento County). *Cf.*
43 Section 71042.5 (preservation of judicial districts for purposes of publication).

44 (2) Elimination of the marshal's office as a result of consolidation with the sheriff's office in
45 Sacramento County, effective January 1, 1986. See Section 26638.2 (Sections 74194-74195
46 inoperative upon effective date of consolidation).

1 (3) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
2 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
3 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
4 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
5 not affected), 71630-71639.3 (labor relations), 71640-71645 (employment selection and
6 advancement), 71650-71658 (employment protection system), 71673 (authority of court).

7  **Note.** The text of the repealed article is set out below.

8 **Article 21.5. Sacramento**

9 74190. This article applies to the municipal court established in a district embracing the Cities
10 of Sacramento and North Sacramento, formed by an ordinance, adopted pursuant to Section
11 71040 of this code, changing the boundaries of the municipal court district embracing the City of
12 Sacramento to include the municipal court district embracing the City of North Sacramento,
13 hereinafter referred to as a "consolidation." The consolidated court district shall be known as the
14 Sacramento Municipal Court District.

15 74191. There shall be 16 judges.

16 74191.7. (a) The judges of the Sacramento Municipal Court District shall appoint four and one-
17 half commissioners as the business of the court requires. The commissioners shall possess the
18 same qualifications as the law requires of a judge of the court. These appointments shall be
19 pursuant to Section 72190 and the commissioners shall receive a salary equal to 85 percent of the
20 annual salary for a court judge.

21 (b) Notwithstanding any other provision of law, commissioners shall earn vacation credit at the
22 rate of 6.5 hours for each biweekly pay period of full-time service, except as follows: (1) any
23 commissioner appointed by the court prior to July 16, 1979, shall be entitled to earn vacation
24 credit at the rate of 7.7 hours for each biweekly pay period of full-time service and (2) any
25 commissioner appointed by the court after July 16, 1979, and prior to February 12, 1981, shall be
26 entitled to earn vacation credit for each biweekly pay period of full-time service, and
27 commencing January 22, 1995, this rate shall increase to 7.4 hours for each biweekly pay period
28 of full-time service.

29 (c) The presiding judge of the superior and municipal courts may authorize a court
30 commissioner to exercise all the powers and perform all the duties authorized by law to be
31 performed by a commissioner of the superior court and a referee of the juvenile court appointed
32 pursuant to Section 247 of the Welfare and Institutions Code.

33 74192. (a) There shall be one clerk/administrator who shall be appointed by the judges of the
34 court and who shall be clerk of the court. The clerk/administrator shall receive a biweekly salary
35 at a rate specified in range 3011. The position of clerk/administrator shall not be deemed a civil
36 service position. The clerk/administrator shall be the appointing authority for the positions set
37 forth in this section. Each person appointed shall serve at the pleasure of the clerk/administrator.

38 (b) There shall be two assistant clerk/administrators. The assistant clerk/administrators for the
39 court shall receive a biweekly salary at a rate specified in range 2602. The positions of assistant
40 clerk/administrator for the court shall not be deemed a civil service position.

41 (c) There shall be one director of administrative services. The director of administrative
42 services for the court shall receive a biweekly salary at a rate specified in range 2245. The
43 position of director of administrative services shall not be deemed a civil service position.

1 (d) There shall be one departmental systems manager. The departmental systems manager for
2 the court shall receive a biweekly salary at a rate specified in range 2301. The position of
3 departmental systems manager shall not be deemed a civil service position.

4 (e) There shall be six court process managers. Each court process manager for the court shall
5 receive a salary at a rate specified in range 1856. The positions of court process manager for the
6 court shall not be deemed civil service positions.

7 (f) There shall be one system manager coordinator. The system manager coordinator shall
8 receive a biweekly salary at a rate specified in range 2015. The position of system manager
9 coordinator shall not be deemed a civil service position.

10 (g) There shall be one court interpreter. The court interpreter shall receive a biweekly salary at
11 a rate specified in range 1188. The position of court interpreter shall not be deemed a civil service
12 position.

13 (h) There shall be one senior court interpreter. The senior court interpreter shall receive a
14 biweekly salary at a rate specified in range 1253. The position of senior court interpreter shall not
15 be deemed a civil service position.

16 (i) There shall be 14 court process supervisors. The court process supervisors shall receive a
17 biweekly salary at a rate specified in range 1348. The positions of the court process supervisor for
18 the court shall not be deemed civil service positions.

19 (j) There shall be three administrative service officers II. The administrative service officers II
20 for the court shall receive a biweekly salary at a rate specified in range 1845. The positions of
21 administrative service officers II shall not be deemed civil service positions.

22 (k) There shall be one administrative services officer I. The administrative services officer I for
23 the court shall receive a biweekly salary at a rate specified in range 1530. The position of
24 administrative services officer I shall not be deemed a civil service position.

25 (l) There shall be one associate administrative analyst II. The associate administrative analyst II
26 shall receive a biweekly salary at a rate specified in range 1845. The position of associate
27 administrative analyst II shall not be deemed a civil service position.

28 (m) There shall be one accountant IV. The accountant IV shall receive a biweekly salary at a
29 rate specified in range 2087. The position of accountant IV shall not be deemed a civil service
30 position.

31 (n) There shall be one court process supervisor, confidential. The court process supervisor,
32 confidential, shall receive a biweekly salary at a rate specified in range 1368. The position of
33 court process supervisor, confidential, shall not be deemed a civil service position.

34 (o) There shall be one accountant II. The accountant II shall receive a biweekly salary at a rate
35 specified in range 1530. The position of accountant II shall not be deemed a civil service position.

36 (p) There shall be two departmental systems analyst/programmers. The departmental systems
37 analyst/programmers shall receive a biweekly salary at a rate specified in range 2091. The
38 positions of departmental systems analyst/programmer shall not be deemed civil service
39 positions.

40 (q) There shall be one accounting technician. The accounting technician shall receive a
41 biweekly salary at a rate specified in range 1347. The position of accounting technician shall not
42 be deemed a civil service position.

43 (r) There shall be one department secretary. The department secretary shall receive a biweekly
44 salary at a rate specified in range 1349. The position of department secretary shall not be deemed
45 a civil service position.

46 (s) There shall be four supervising municipal courtroom clerks. The supervising municipal
47 courtroom clerks shall receive a biweekly salary at a rate specified in range 1680. The positions
48 of supervising municipal courtroom clerk shall not be deemed civil service positions.

1 (t) There shall be eight pretrial release interviewers. The pretrial release interviewers shall
2 receive a biweekly salary at a rate specified in range 1125. The position of pretrial release
3 interviewer shall not be deemed a civil service position.

4 (u) There shall be one departmental data processing technician III. The departmental data
5 processing technician III shall receive a biweekly salary at a rate specified in range 1378. The
6 position of departmental data processing technician III shall not be deemed a civil service
7 position.

8 (v) There shall be one municipal court branch manager. The municipal court branch manager
9 shall receive a biweekly salary at a rate specified in range 2245. The position of municipal court
10 branch manager shall not be deemed a civil service position.

11 74192.5. A traffic referee in the Sacramento Municipal Court District shall receive annual
12 compensation:

13 (a) Equal to 50 percent of the salary of a judge of the municipal court during the first year of
14 service;

15 (b) Equal to 60 percent of the salary of a judge of the municipal court during the second year of
16 service;

17 (c) Equal to 65 percent of the salary of a judge of the municipal court during the third year of
18 service;

19 (d) Equal to 70 percent of the salary of a judge of the municipal court during the fourth year of
20 service; and

21 (e) Equal to 75 percent of the salary of a judge of the municipal court after the fourth year of
22 service.

23 74193. The administrator shall appoint:

24 (a) One hundred twenty-six deputy clerks, who shall be associate court process clerks, and who
25 shall each receive a biweekly salary at a rate specified in range 953 for level II and in range 919
26 for level I.

27 (b) Thirty deputy clerks, who shall be senior court process clerks and who shall each receive a
28 biweekly salary at a rate specified in range 1070.

29 (c) Six half-time deputy clerks, who shall be associate court process clerks and who shall
30 receive a biweekly salary at a rate specified in range 953 for level II and in range 919 for level I.

31 (d) Thirty deputy clerks, who shall be courtroom clerks and who shall each receive a biweekly
32 salary at a rate specified in range 1365 for level II and in range 1216 for level I.

33 (e) One half-time deputy clerk, who shall be a courtroom clerk and who shall receive a
34 biweekly salary at a rate specified in range 1365 for level II and in range 1216 for level I.

35 (f) Four deputy clerks who shall be court process specialists and who shall each receive a
36 biweekly salary at a rate specified in range 1128.

37 (g) Two deputy clerks, who shall be departmental data-processing technicians II and who shall
38 each receive a biweekly salary at a rate specified in range 1212.

39 (h) Eight deputy clerks, who shall be account clerks II and who shall each receive a biweekly
40 salary at a rate specified in range 1044.

41 (i) Two deputy clerks, who shall be account clerks III and who shall each receive a biweekly
42 salary at a rate specified in range 1128.

43 (j) One deputy clerk, who shall be a legal secretary II and who shall receive a biweekly salary
44 at a rate specified in range 1128.

45 (k) Two deputy clerks, who shall be legal secretaries II, confidential, and who shall receive a
46 biweekly salary at a rate specified in range 1203.

1 (l) One deputy clerk, who shall be a senior personnel clerk and who shall receive a biweekly
2 salary at a rate specified in range 1110.

3 74194. There shall be one marshal, Sacramento County, who shall be appointed by the judges
4 of the court, and who shall receive a biweekly salary at a rate specified in range 1767. The
5 position of marshal shall not be deemed to be a civil service position.

6 74195. The marshal shall appoint:

7 (a) One deputy marshal who shall be marshal's captain, who shall receive a biweekly salary at a
8 rate specified in range 1440.

9 (b) Two deputy marshals, who shall be marshal's lieutenants, each of whom shall receive a
10 biweekly salary at a rate specified in range 1306.

11 (c) Two deputy marshals, who shall be marshal's sergeants, each of whom shall receive a
12 biweekly salary at a rate specified in range 1227.

13 (d) Thirty-one deputy marshals, who shall be deputy marshals, each of whom shall receive a
14 biweekly salary at a rate specified in range 1059.

15 (e) One deputy marshal, who shall be a principal deputy clerk, who shall receive a biweekly
16 salary at a rate specified in range 1088.

17 (f) One typist-clerk III, confidential, who shall receive a biweekly salary at a rate specified in
18 range 732.

19 (g) Three deputy marshals, who shall be senior deputy clerks, each of whom shall receive a
20 biweekly salary at a rate specified in range 724.

21 (h) Five deputy marshals, who shall be associate deputy clerks, each of whom shall receive a
22 biweekly salary at a rate specified in range 612.

23 All deputy marshals listed in subdivisions (a) to (d), inclusive, are authorized incentive pay in
24 addition to the above rates as follows:

- 25 2 1/2 % of base pay..... (1) Intermediate POST Certificate
26 5 % of base pay..... (1) AA Degree
27 7 1/2 % of base pay..... (1) AA Degree + Intermediate or Advance POST Certificate
28 10 % of base pay..... (1) BS Degree
29 12 1/2 % of base pay (1) AA Degree + Advance POST Certificate
30 15 % of base pay..... (1) BS Degree + Intermediate POST Certificate
31 17 1/2 % of base pay (1) BS Degree + Advance POST Certificate

32 74195.5. Upon recommendation of the judges of the court and with approval of the board of
33 supervisors, the court may appoint such additional employees as it deems necessary for the
34 performance of the duties and exercise of the powers conferred by law upon the court and its
35 members. Any appointment made pursuant to this section shall be on an interim basis and shall
36 expire January 1st of the second calendar year following the year in which such appointment is
37 made unless ratified by the Legislature. This section shall not affect the application of Section
38 72150.

39 74196. (a) All attaches and employees of the Sacramento Municipal Court District shall be
40 entitled to anniversary dates and salary step increases and shall receive the same vacation, sick
41 leave, leave of absence, overtime, reinstatement, and similar privileges and benefits provided for
42 the officers and employees of the County of Sacramento in the manner provided in the
43 Sacramento County Personnel Ordinance or applicable agreements with recognized employee
44 organizations. Rights provided by the county to return to formerly held employment in county
45 civil service shall be applicable only to the positions of administrator and marshal.

1 (b) Except as otherwise provided in this article, the provisions of the Sacramento County
2 Charter relating to the civil service system of the county and the rules of the Civil Service
3 Commission adopted pursuant thereto shall be applicable to all attaches and employees of the
4 Sacramento Municipal Court District in the same manner and to the same extent as applicable
5 generally to the officers and employees of Sacramento County. The Sacramento County Civil
6 Service Commission shall exercise the same jurisdiction over the attaches and employees of the
7 Sacramento Municipal Court District as it exercises over the officers and employees of the
8 county.

9 (c) The provisions of subdivision (b) shall not apply to any officer or employee in a position
10 which this article expressly provides is not to be deemed a part of county civil service.

11 (d) Whenever reference to a numbered salary range is made in any section of this article, the
12 range referred to is one of the ranges provided for in Section 2. 78.410(d) of the Sacramento
13 County Personnel Ordinance.

14 74197. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of
15 Chapter 8 of Title 8 and the provisions of this article, and in order to equalize the compensation
16 of, and the classification of, employees of the municipal court with the compensation paid to, and
17 the classification of, county employees with commensurate duties and responsibilities, upon
18 recommendation of the judges of the court and with the approval of the Board of Supervisors of
19 the County of Sacramento, an officer or an attache of the court, whether appointed under the
20 provisions of this article or under Article 4 of Chapter 8 of Title 8, may be paid any compensation
21 in excess of or less than the maximum to which such employee would otherwise be entitled under
22 the schedules set forth in this article and there may also be a reclassification of the position of the
23 employee. Any such salary adjustment or reclassification shall not extend longer than ninety (90)
24 days after the adjournment of the next succeeding regular session of the Legislature after such
25 salary adjustment.

26 74201. (a) There shall be one pretrial release program manager. The appointing authority for
27 the position shall be the judges of the Sacramento Municipal Court. The position shall not be
28 deemed to be a civil service position and the incumbent shall serve at the pleasure of the judges of
29 the Sacramento Municipal Court. The salary range for the position shall be 1948.

30 (b) There shall be one attorney IV civil, range B. The appointing authority for the position shall
31 be the judges of the Sacramento Municipal Court. The position shall not be deemed a civil service
32 position and the incumbent shall serve at the pleasure of the judges of the Sacramento Municipal
33 Court. The salary range for the position shall be 2998.

34 (c) There shall be one attorney II. The appointing authority for the position shall be the judges
35 of the Sacramento Municipal Court. The position shall not be deemed a civil service position and
36 the incumbent shall serve at the pleasure of the judges of the Sacramento Municipal Court. The
37 salary range for the position shall be 1936.

38 **§§ 74205-74212 (repealed). South Sacramento County Municipal Court District**

39 SEC. ____. Article 21.6 (commencing with Section 74205) of Chapter 10 of Title 8 of
40 the Government Code is repealed.

41 **Comment.** Sections 74205-74212 are repealed to reflect:

42 (1) Unification of the municipal and superior courts in Sacramento County pursuant to Article
43 VI, Section 5(e), of the California Constitution, effective June 17, 1998. See Section 70211
44 (former municipal court judgeships continued as superior court judgeships). See also Code Civ.
45 Proc. § 38 (judicial districts); Section 69593 (number of judges in Sacramento County). Cf.
46 Section 71042.5 (preservation of judicial districts for purposes of publication); former Section
47 71264 (municipal court served by marshal).

1 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
2 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
3 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
4 compensation plan benefits), 71629 (trial court employment benefits not affected), 71630-
5 71639.3 (labor relations), 71640-71645 (employment selection and advancement), 71650-71658
6 (employment protection system), 71673 (authority of court).

7  **Note.** The text of the repealed article is set out below.

8 **Article 21.6. South Sacramento**

9 74205. This article applies to the municipal court established in a district formed by ordinance
10 adopted pursuant to Section 71040 known as the South Sacramento County Judicial District. The
11 district shall also be known as the South Sacramento County Municipal Court District.

12 74206. There shall be one judge.

13 74207. There shall be one clerk/administrator who shall be appointed by the judge of the court
14 and who shall be clerk of the court. The clerk/administrator shall receive a biweekly salary at a
15 rate specified in range 2056. The position of clerk/administrator shall not be deemed to be a civil
16 service position.

17 74208. There shall be the following positions for which the appointing authority shall be the
18 clerk/administrator:

19 (a) Two court process specialists who shall receive a biweekly salary at a rate specified in range
20 1179.

21 (b) One senior court process clerk who shall receive a biweekly salary at a rate specified in
22 range 1118.

23 (c) Three associate court process clerks II who shall receive a biweekly salary at a rate
24 specified in range 996.

25 (d) One municipal courtroom clerk II who shall receive a biweekly salary at a rate specified in
26 range 1426.

27 (e) One half court process specialist who shall receive a biweekly salary at a rate specified in
28 range 1179.

29 (f) One accounting technician who shall receive a biweekly salary at a rate specified in range
30 1347. The position of accounting technician shall not be deemed a civil service position.

31 74209. The sheriff and the sheriff's deputies shall be ex officio the marshal and deputy
32 marshals of the court and shall perform all the duties imposed and exercise all the powers
33 conferred upon the marshal and deputy marshals of a municipal court.

34 74210. (a) All attaches and employees of the court shall be entitled to anniversary dates and
35 salary step increases and shall receive the same vacation, sick leave, leave of absence, overtime,
36 reinstatement, and similar privileges and benefits provided for the officers and employees of the
37 County of Sacramento in the manner provided in the Sacramento County Personnel Ordinance or
38 applicable agreements with recognized employee organizations. Rights provided by the county to
39 return to formerly held employment in county civil service shall be applicable only to the position
40 of clerk/administrator.

41 (b) Except as otherwise provided in this article, the provisions of the Sacramento County
42 Charter relating to the civil service system of the county and the rules of the Sacramento County
43 Civil Service Commission adopted pursuant thereto shall be applicable to all attaches and

1 employees of the court in the same manner and to the same extent as applicable generally to the
2 officers and employees of Sacramento County. The Sacramento County Civil Service
3 Commission shall exercise the same jurisdiction over the attaches and employees of the court as it
4 exercises over the officers and employees of the county.

5 (c) The provisions of subdivision (b) shall not apply to any officer or employee in a position
6 which this article expressly provides is not to be deemed a part of county civil service.

7 (d) Whenever reference to a numbered salary range is made in any section of this article, the
8 range referred to is one of the ranges provided for in Section 2. 78.410(d) of the Sacramento
9 County Personnel Ordinance.

10 74211. Upon recommendation of the judge of the court, and with approval of the board of
11 supervisors, the clerk/administrator may appoint additional employees as he or she deems
12 necessary for the performance of the duties and exercise of the powers conferred by law upon the
13 court and its members. Any appointment made pursuant to this section shall be on an interim
14 basis and shall expire January 1st of the second calendar year following the year in which the
15 appointment is made unless ratified by the Legislature. This section shall not affect the
16 application of Section 72150.

17 74212. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of
18 Chapter 8 of Title 8, and the provisions of this article, and in order to equalize the compensation
19 of, and the classification of, employees of the court with the compensation paid to, and the
20 classification of, county employees with commensurate duties and responsibilities, upon
21 recommendation of the judge of the court and with the approval of the Board of Supervisors of
22 the County of Sacramento, an officer or an attache of the court, whether appointed under the
23 provisions of this article or under Article 4 (commencing with Section 72150) of Chapter 8 of
24 Title 8, may be paid any compensation in excess of or less than the maximum to which the
25 employee would otherwise be entitled under the schedules set forth in this article and there may
26 also be a reclassification of the position of the employee. Any such salary adjustment or
27 reclassification shall not extend longer than 90 days after the adjournment of the next succeeding
28 regular session of the Legislature after the salary adjustment.

29 **§§ 74340-74353 (repealed). San Diego Municipal Court District**

30 SEC. ____. Article 25 (commencing with Section 74340) of Chapter 10 of Title 8 of the
31 Government Code is repealed.

32 **Comment.** Sections 74340-74353 are repealed to reflect:

33 (1) Unification of the municipal and superior courts in San Diego County pursuant to Article
34 VI, Section 5(e), of the California Constitution, effective December 1, 1998. See Section 70211
35 (former municipal court judgeships continued as superior court judgeships). See also Code Civ.
36 Proc. § 38 (judicial districts); Section 69595 (number of judges in San Diego County); Veh. Code
37 § 40508.6 (administrative assessments). *Cf.* Section 71042.5 (preservation of judicial districts for
38 purposes of publication).

39 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
40 71601(l)-(m) (“trial court employee” defined), 71615(c)(1) (preservation of employees’ job
41 classifications), 71620 (trial court personnel), 71622 (subordinate judicial officers), 71623
42 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
43 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
44 (employment selection and advancement), 71650-71658 (employment protection system), 71673
45 (authority of court). See also Sections 69941 (appointment of official reporters), 69947
46 (compensation of official reporter).

1 (3) Enactment of the Trial Court Funding Act. See Sections 77003 (“court operations” defined),
2 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations). See also
3 Sections 69952 (payment from Trial Court Operations Fund), 69953 (payment of fees).

4 (4) Elimination of the marshal’s office as a result of consolidation with the sheriff’s office in
5 San Diego County, effective January 1, 2000.

6 ☞ **Note.** The text of the repealed article is set out below.

7 **Article 25. San Diego**

8 74340. This article applies to the municipal court established in a district embracing that
9 portion of the City of San Diego not included within the South Bay Municipal Court District.

10 74341. There are 28 judges.

11 74342. (a) In addition to any other compensation and benefits, each judge of the municipal
12 court shall receive the same life insurance, accidental death and dismemberment insurance,
13 comprehensive annual physical examinations, executive flexible benefits plan (except that if
14 deferred compensation is selected, no adjustment based on retirement tier shall apply), and dental
15 and vision insurance as provided by the County of San Diego for the classification of chief
16 administrative officer. Changes in these benefits shall be effective on the same date as for those
17 for the classification of chief administrative officer.

18 (b) Subject to approval by the board of supervisors, each judge of the municipal court shall
19 receive one or more of the following benefits: the same long-term disability insurance as provided
20 by the County of San Diego for the classification of chief administrative officer or retiree health
21 benefits whereby each judge of the municipal court serving on or after October 1, 1987, who
22 retires from the municipal court on or after January 1, 1989, shall receive the same amount of
23 insurance premium for retiree health benefits under the Public Employees’ Medical and Hospital
24 Care Act (Part 5 (commencing with Section 22751) of Title 2) that the state provides to retired
25 superior court judges under that act.

26 ☞ **Note.** Issues involving judicial benefits are still unsettled. This section may need to be
27 preserved pending further study and review by interested parties, including the Judicial Council’s
28 Task Force on Judicial Service. The Commission solicits comments on these issues.

29 74343. There shall be one court administrator who shall serve as clerk of the court.
30 Notwithstanding the provisions of Section 74348, the court administrator shall be appointed by
31 and serve at the pleasure of the majority of the judges. The biweekly salary of the court
32 administrator shall be within the biweekly rate range ES-15 indicated in the Compensation
33 Ordinance of the County of San Diego. The biweekly salary, and any advancement or reduction
34 within the range, shall be determined in accordance with the provisions set forth under Article 3.5
35 of the Compensation Ordinance of the County of San Diego and of subdivision (a) of Section
36 74345, except that any reference to “executive compensation committee” or “chief administrative
37 officer” in Article 3.5 of the Compensation Ordinance of the County of San Diego shall be
38 interpreted as “a majority of the judges.”

39 74344. The court administrator may appoint:

40 (a) One assistant court administrator, with the consent of a majority of the judges of the court,
41 who shall be empowered to act in the place and stead of the court administrator in the event that
42 the court administrator is absent or unavailable for any reason. Persons appointed to this position
43 on or after January 1, 1991, shall serve at the pleasure of the court administrator. The assistant
44 court administrator shall receive a biweekly salary within the biweekly rate range ES-12 indicated

1 in the Compensation Ordinance of the County of San Diego. The biweekly salary, and any
2 advancement or reduction within the range, shall be determined in accordance with the provisions
3 set forth under Article 3.5 of the Compensation Ordinance of the County of San Diego and of
4 subdivision (a) of Section 74345, except that any reference to “executive compensation
5 committee” or “chief administrative officer” in Article 3.5 of the Compensation Ordinance of the
6 County of San Diego shall be interpreted as “the court administrator.”

7 (b) Four deputy court administrators, with the consent of a majority of the judges of the court,
8 one of whom shall be empowered to act in the place and stead of the assistant court administrator
9 in the event that the assistant court administrator is absent or unavailable for any reason. Persons
10 appointed to these positions on or after January 1, 1991, shall serve at the pleasure of the court
11 administrator. A deputy court administrator shall receive a salary within the biweekly rate range
12 ES-10 indicated in the Compensation Ordinance of the County of San Diego. The biweekly
13 salary, and any advancement or reduction within the range, shall be determined in accordance
14 with the provisions set forth under Article 3.5 of the Compensation Ordinance of the County of
15 San Diego and of subdivision (a) of Section 74345, except that any reference to “executive
16 compensation committee” or “the chief administrative officer” in Article 3.5 of the Compensation
17 Ordinance of the County of San Diego shall be interpreted as “the court administrator.”

18 (c) Four deputy clerk-division managers III who shall receive a biweekly salary at a rate 24.5
19 percent higher than that specified for deputy clerk-division manager II. Two of these positions
20 may be designated as principal managers. When a position is designated principal manager, the
21 incumbent shall receive a bonus of 10 percent.

22 (d) Six deputy clerk-division managers II or deputy clerk-division managers I as the case may
23 be. A deputy clerk-division manager II shall receive a biweekly salary at a rate 15.5 percent
24 higher than that specified for deputy clerk V. A deputy clerk-manager I shall receive a biweekly
25 salary at a rate 10 percent higher than that specified for deputy clerk V.

26 (e) Thirteen deputy clerks V each of whom shall receive a biweekly salary at a rate 32.6 percent
27 higher than that specified for deputy clerk III.

28 (f) One deputy clerk V or deputy clerk-division manager I may be designated as calendar
29 coordinator by the court administrator and shall receive a bonus of 10 percent or 5 percent,
30 respectively.

31 (g) Sixty-seven deputy clerk-senior deputy clerks or deputy clerks IV, as the case may be. A
32 deputy clerk IV shall receive a biweekly salary at a rate equal to the greater of that specified for
33 superior court clerks in the superior court service of the County of San Diego or 19.95 percent
34 higher than that specified for deputy clerk III. The class of senior deputy clerk shall not exceed 20
35 positions. A senior deputy clerk shall receive a biweekly salary at a rate 5 percent higher than that
36 specified for deputy clerk IV. The duties of the class of senior deputy clerk shall include
37 supervisory responsibilities or special assignments.

38 (h) Two hundred twenty-three deputy clerks III, II, or I, deputy clerk-intermediate clerk typists,
39 or deputy clerk-junior typist as the case may be. Each deputy clerk III shall receive a biweekly
40 salary at a rate equal to that specified for legal procedures clerk III in the classified service of the
41 County of San Diego. Each deputy clerk II shall receive a biweekly salary at a rate equal to that
42 specified for legal procedures clerk II in the classified service of the County of San Diego. Each
43 deputy clerk I shall receive a biweekly salary at a rate equal to that specified for legal procedures
44 clerk I in the classified service of the County of San Diego. Appointments to deputy clerks I and
45 II may be at any step within the salary range at the discretion of the court administrator. A deputy
46 clerk-intermediate clerk typist shall receive a biweekly salary at a rate equal to that specified for
47 intermediate clerk typist in the classified service of the County of San Diego. A deputy clerk-
48 junior clerk typist shall receive a biweekly salary at a rate equal to that specified for junior clerk
49 typist in the classified service of the County of San Diego. In the absence of a deputy clerk IV,

1 the court administrator may assign a maximum of 15 deputy clerks III to perform courtroom clerk
2 duties, supervisory duties, or training duties for 40 or more hours during a pay period. A deputy
3 clerk III assigned to perform these duties is eligible to receive a biweekly salary at a rate 10
4 percent higher than that specified for a deputy clerk III. This increased biweekly salary shall
5 apply only during pay periods in which 40 or more hours are spent performing the supervisory,
6 training, or courtroom clerk duties specified above and shall not apply to paid leave or to terminal
7 payoff.

8 (i) One deputy clerk-accounting manager or senior accountant, as the case may be. A deputy
9 clerk-accounting manager shall receive a biweekly salary at a rate equal to that specified for the
10 class of deputy clerk-division manager III. A deputy clerk-senior accountant shall receive a
11 biweekly salary at a rate equal to that specified for senior accountant in the classified service of
12 the County of San Diego.

13 (j) Eleven deputy clerk-court interpreters, each of whom shall receive a biweekly salary at a
14 rate equal to that specified for superior court clerk interpreter in the superior court service of the
15 County of San Diego.

16 (k) One deputy clerk-senior staff interpreter who shall receive a biweekly salary at a rate equal
17 to that specified for deputy clerk V.

18 (l) One deputy clerk-municipal court secretary who shall receive a biweekly salary at a rate
19 equal to that specified for confidential legal secretary III in the classified service of the County of
20 San Diego. At the discretion of the court administrator appointment to the deputy clerk-municipal
21 court secretary may be at any step within the salary range.

22 (m) Two deputy clerk-administrative secretary IV, III, II, or I, as the case may be. A deputy
23 clerk-administrative secretary IV shall receive a biweekly salary at a rate equal to that specified
24 for administrative secretary IV in the classified service of the County of San Diego. A deputy
25 clerk-administrative secretary III shall receive a biweekly salary at a rate equal to that specified
26 for administrative secretary III in the classified service of the County of San Diego. A deputy
27 clerk-administrative secretary II shall receive a biweekly salary at a rate equal to that specified for
28 administrative secretary II in the classified service of the County of San Diego. A deputy clerk-
29 administrative secretary I shall receive a biweekly salary at a rate equal to that specified for
30 administrative secretary I in the classified service of the County of San Diego.

31 (n) One deputy clerk-administrative services manager II or I, as the case may be. A deputy
32 clerk-administrative services manager II shall receive a biweekly salary at a rate equal to that
33 specified for administrative services manager II in the classified service of the County of San
34 Diego. A deputy clerk-administrative services manager I shall receive a biweekly salary at a rate
35 equal to that specified for administrative services manager I in the classified service of the County
36 of San Diego.

37 (o) One deputy clerk-principal administrative analyst who shall receive a biweekly salary at a
38 rate equal to that specified for the class of principal administrative analyst in the classified service
39 of the County of San Diego.

40 (p) Seven deputy clerk-principal systems analysts, senior systems analysts, associate systems
41 analysts, assistant systems analysts, or systems analyst trainees, as the case may be. A deputy
42 clerk-principal systems analyst shall receive a biweekly salary at a rate equal to that specified for
43 principal systems analyst in the classified service of the County of San Diego. A deputy clerk-
44 senior systems analyst shall receive a biweekly salary at a rate equal to that specified for senior
45 systems analyst in the classified service of the County of San Diego. A deputy clerk-associate
46 systems analyst shall receive a biweekly salary at a rate equal to that specified for associate
47 systems analyst in the classified service of the County of San Diego. A deputy clerk-assistant
48 systems analyst shall receive a biweekly salary at a rate equal to that specified for assistant
49 systems analyst in the classified service of the County of San Diego. A deputy clerk-systems

1 analyst trainee shall receive a biweekly salary at a rate equal to that specified for systems analyst
2 trainee in the classified service of the County of San Diego.

3 (q) Three deputy clerk-LAN systems supervisors or deputy clerk-LAN systems analysts III, II,
4 or I, as the case may be. A deputy clerk-LAN systems supervisor shall receive a biweekly salary
5 at a rate equal to that specified for DIS LAN systems supervisor in the classified service of the
6 County of San Diego. A deputy clerk-LAN systems analyst III shall receive a biweekly salary at a
7 rate equal to that specified for DIS LAN systems analyst III in the classified service of the County
8 of San Diego. A deputy clerk-LAN systems analyst II shall receive a biweekly salary at a rate
9 equal to that specified for DIS LAN systems analyst II in the classified service of the County of
10 San Diego. A deputy clerk-LAN systems analyst I shall receive a biweekly salary at a rate equal
11 to that specified for DIS LAN systems analyst I in the classified service of the County of San
12 Diego.

13 (r) Two deputy clerk-research attorneys IV, or III, as the case may be. A deputy clerk-research
14 attorney IV shall receive a biweekly salary at a rate equal to that specified for deputy county
15 counsel IV in the classified service of the County of San Diego. A deputy clerk-research attorney
16 III shall receive a biweekly salary at a rate equal to that specified for deputy county counsel III in
17 the classified service of the County of San Diego. Notwithstanding subdivision (b) of Section
18 74348, persons appointed to these positions on or after January 1, 1991, shall serve at the pleasure
19 of the court administrator.

20 (s) Five deputy clerk-research attorneys II or I or deputy clerk-law clerk, as the case may be. A
21 deputy clerk-research attorney II shall receive a biweekly salary at a rate equal to that specified
22 for deputy county counsel II in the classified service of the County of San Diego. A deputy clerk-
23 research attorney I shall receive a biweekly salary at a rate equal to that specified for deputy
24 county counsel I in the classified service of the County of San Diego. A deputy clerk-law clerk
25 shall receive a biweekly salary at a rate equal to that specified for law clerk in the classified
26 service of the County of San Diego. Notwithstanding subdivision (b) of Section 74348, persons
27 appointed to these positions on or after January 1, 1990, shall serve at the pleasure of the court
28 administrator.

29 (t) Three deputy clerk-legal assistants II or I, as the case may be. A deputy clerk-legal assistant
30 II shall receive a biweekly salary at a rate equal to that specified for legal assistant II in the
31 classified service of the County of San Diego. A deputy clerk-legal assistant I shall receive a
32 biweekly salary at a rate equal to that specified for legal assistant I in the classified service of the
33 County of San Diego.

34 (u) Notwithstanding subdivision (b) of Section 74348, up to 10 deputy clerk-court workers may
35 be appointed by and serve at the pleasure of the court administrator. The class of deputy clerk-
36 court worker provides for temporary appointments to positions in classes not listed in Section
37 74345 pending a review and evaluation of the duties of these positions by the court administrator,
38 and the establishment of specific classes as provided in this section. Prior to the establishment of
39 these classes, the county personnel director shall conduct a classification review and make
40 recommendations to the court administrator as to the establishment of these classes. The rate of
41 pay for each individual employed in this class of deputy clerk-court worker shall be within the
42 designated range at a rate determined by the court administrator following consultation with the
43 county personnel director. The rules regarding appointment and compensation as they relate to
44 appointments to deputy clerk-court worker shall be the same as those applicable to the class that
45 is pending establishment. Appointments shall be temporary and shall not exceed 18 months in
46 duration. Employee benefits, if applicable, shall be equal to those granted to the class in the
47 service of the County of San Diego to which the pending class will be tied for benefit purposes.
48 When an appointment is made, the class, compensation (including salary and fringe benefits), and
49 number of these positions may be established by joint action of a majority of the judges and the

1 board of supervisors in accordance with established county personnel and budgetary procedures.
2 In the event that the class pending establishment is tied to a class in the unclassified service of the
3 County of San Diego, the joint action may designate that a person serving in the class pending
4 establishment shall serve at the pleasure of the court administrator. The court administrator may
5 then appoint additional attaches to such classes of positions in the same manner as those for
6 which express provision is made, and they shall receive the compensation so provided. Persons
7 occupying deputy clerk-court worker positions shall have their appointments expire no later than
8 30 calendar days following promulgation of a list of certified eligibles for the new class.
9 Appointments to the new class shall continue at the stated compensation or as thereafter modified
10 by joint action of a majority of the judges and the board of supervisors.

11 (v) Notwithstanding subdivision (b) of Section 74348, up to 10 extra help deputy clerk-junior
12 clerk positions (hourly rate) at the junior clerk-typist level, may be appointed by and serve at the
13 pleasure of the court administrator. These appointments shall be temporary for a period not to
14 exceed six months, plus one additional period not to exceed six months, at the court
15 administrator's option.

16 (w) Notwithstanding subdivision (b) of Section 74348, up to 22 extra help positions (hourly
17 rate) may be appointed by and serve at the pleasure of the court administrator in the class and at
18 the salary level deemed appropriate. These appointments shall be temporary for a period not to
19 exceed six months, plus one additional period not to exceed six months, at the court
20 administrator's option. Notwithstanding any other provisions of this section, the court
21 administrator may fill these positions with persons employed for a period not to exceed 120
22 working days or 960 hours, whichever is greater, during a fiscal year on a part-time basis.

23 (x) Notwithstanding subdivision (b) of Section 74348, the court administrator may appoint up
24 to 38 temporary extra help deputy clerk-municipal court trainees V, III, II, or I who shall be paid
25 at an hourly rate and shall serve at the pleasure of the court administrator. A deputy clerk-
26 municipal court trainee V shall receive an hourly salary at a rate equal to that specified for student
27 worker V in the service of the County of San Diego. A deputy clerk-municipal court trainee III
28 shall receive an hourly salary at a rate equal to that specified for student worker III in the service
29 of the County of San Diego. A deputy clerk-municipal court trainee II shall receive an hourly
30 salary at a rate equal to that specified for student worker II in the service of the County of San
31 Diego. A deputy clerk-municipal court trainee I shall receive a biweekly salary at a rate equal to
32 that specified for student worker I in the service of the County of San Diego. Persons who
33 graduate and receive a degree in the field which qualified them for appointment to a deputy clerk-
34 municipal court trainee class, may remain in the class and be employed on a full-time basis for a
35 period not to exceed six months from the first day of the month following their date of
36 graduation.

37 (y) Twelve confidential deputy administrative clerks III, II, I or deputy administrative clerks
38 III, II, or I, as the case may be. A confidential deputy administrative clerk III shall receive a
39 biweekly salary at a rate equal to that specified for deputy clerk IV. A confidential deputy
40 administrative clerk II shall receive a biweekly salary at a rate equal to that specified for deputy
41 clerk III. A confidential deputy administrative clerk I shall receive a biweekly salary at a rate
42 equal to that specified for deputy clerk II. A deputy administrative clerk III shall receive a
43 biweekly salary at a rate equal to that specified for deputy clerk IV. A deputy administrative clerk
44 II shall receive a biweekly salary at a rate equal to that specified for deputy clerk III. A deputy
45 administrative clerk I shall receive a biweekly salary at a rate equal to that specified for deputy
46 clerk II.

47 (z) One deputy clerk-municipal court personnel officer or personnel officer II or I, as the case
48 may be. A deputy clerk-municipal court personnel officer shall receive a biweekly salary at a rate
49 equal to that specified for departmental personnel officer III in the classified service of the

1 County of San Diego. A deputy clerk-personnel officer II shall receive a biweekly salary at a rate
2 equal to that specified for departmental personnel officer II in the classified service of the County
3 of San Diego. A deputy clerk-personnel officer I shall receive a biweekly salary at a rate equal to
4 that specified for departmental personnel officer I in the classified service of the County of San
5 Diego.

6 (aa) Ten deputy clerk-analysts III, II, I, or trainee, administrative assistant III, II, or I, as the
7 case may be. A deputy clerk-analyst III shall receive a biweekly salary at a rate equal to that
8 specified for analyst III in the classified service of the County of San Diego. A deputy clerk-
9 analyst II shall receive a biweekly salary at a rate equal to that specified for analyst II in the
10 classified service of the County of San Diego. A deputy clerk-analyst I shall receive a biweekly
11 salary at a rate equal to that specified for analyst I in the classified service of the County of San
12 Diego. A deputy clerk-analyst trainee shall receive a biweekly salary at a rate equal to that
13 specified for analyst trainee in the classified service of the County of San Diego. A deputy clerk-
14 administrative assistant III shall receive a biweekly salary at a rate equal to that specified for an
15 analyst III in the classified service of the County of San Diego. A deputy clerk-administrative
16 assistant II shall receive a biweekly salary at a rate equal to that specified for an analyst II in the
17 classified service of the County of San Diego. A deputy clerk-administrative assistant I shall
18 receive a biweekly salary at a rate equal to that specified for an analyst I in the classified service
19 of the County of San Diego.

20 (ab) Two deputy clerk-staff development coordinators or staff development specialists, as the
21 case may be. A deputy clerk-staff development coordinator shall receive a biweekly salary at a
22 rate 5 percent higher than that specified for staff development specialist in the classified service
23 of the County of San Diego. A deputy clerk-staff development specialist shall receive a biweekly
24 salary at a rate equal to that specified for staff development specialist in the classified service of
25 the County of San Diego.

26 (ac) One deputy clerk-court collection officer III who shall receive a biweekly salary at a rate
27 equal to that specified for revenue and recovery officer III in the classified service of the County
28 of San Diego. Persons appointed to these positions on or after January 1, 1999, shall serve at the
29 pleasure of the court administrator. Appointments to deputy clerk-court collection officers III may
30 be at any step within the salary range.

31 (ad) Five deputy clerk-court collection officers II or I, as the case may be. A deputy clerk-court
32 collection officer II shall receive a biweekly salary at a rate equal to that specified for revenue and
33 recovery officer II in the classified service of the County of San Diego. A deputy clerk-court
34 collection officer I shall receive a biweekly salary at a rate equal to that specified for revenue and
35 recovery officer I in the classified service of the County of San Diego. Persons appointed to these
36 positions on or after January 1, 1999, shall serve at the pleasure of the court administrator.
37 Appointments to deputy clerk-court collection officers II or I may be at any step within the salary
38 range.

39 (ae) Eleven deputy clerk-court referral coordinators, deputy clerk-court referral officers II or I,
40 as the case may be. A deputy clerk-court referral coordinator shall receive a biweekly salary at a
41 rate 7.25 percent higher to that specified for the class of deputy clerk-court referral officer II. A
42 deputy clerk-court referral officer II shall receive a biweekly salary at a rate equal to that
43 specified for the class of deputy probation officer in the classified service of San Diego County. A
44 deputy clerk-court referral officer I shall receive a biweekly salary at a rate 9 percent below that
45 specified for the class of deputy probation officer in the classified service of San Diego County.
46 Persons appointed to these positions on or after January 1, 1999, shall serve at the pleasure of the
47 court administrator. Three of the above positions shall be filled only upon the equivalent number
48 of corresponding vacancies in the positions denoted in Section 74359.1, subdivisions (d) and (e).

1 Appointments to deputy clerk-court referral coordinator, deputy clerk-court referral officer II or I
2 may be at any step within the salary range.

3 (af) Three deputy clerk-associate, assistant, or junior accountants, as the case may be. A deputy
4 clerk-associate accountant shall receive a biweekly salary at a rate equal to that specified for
5 associate accountant in the classified service of the County of San Diego. A deputy clerk-assistant
6 accountant shall receive a biweekly salary at a rate equal to that specified for assistant accountant
7 in the classified service of the County of San Diego. A deputy clerk-junior accountant shall
8 receive a biweekly salary at a rate equal to that specified for junior accountant in the classified
9 service of the County of San Diego.

10 (ag) Notwithstanding any other provision of law, the number of positions and compensation of
11 positions in classifications authorized under subdivisions (a) to (v), inclusive, and (x) to (af),
12 inclusive, of this section and Sections 74343, 74346, 74349, 74352, and 74359.1 may be adjusted
13 as necessary by action of a majority of the judges. The rules regarding appointment of persons to
14 the positions shall be the same as those applicable to the class of those positions. The action of a
15 majority of the judges adjusting those positions shall designate the class title or titles, number of
16 positions, and compensation for each respective class. Any adjustment made pursuant to this
17 subdivision shall be effective upon action of a majority of the judges and shall remain in effect
18 until ratified by the Legislature.

19 (ah) Positions authorized under Section 74344 may be filled by independent contractors on a
20 contractual basis with the approval of the court administrator. Should any of the positions be
21 filled by independent contractors on a contractual basis, Section 74345 or 74348 shall not apply
22 for these positions only.

23 74345. (a) All matters affecting the employment and compensation (including salary and fringe
24 benefits) of municipal court officers and attaches not specifically provided for in this article or
25 other provisions of state law shall be governed by the then current ordinances and resolutions of
26 the Board of Supervisors of the County of San Diego in the same manner as these employment
27 and compensation provisions may now or hereafter affect employees of the County of San Diego
28 in the comparable classes specified in this section or in Sections 73649, 73957, 74348, and 74749
29 if other comparable classes are specified in these sections. Whenever in the ordinances or
30 resolutions action or approval is required to be taken or given by the chief administrative officer
31 or the county personnel director, it shall be taken or given as to municipal court officers and
32 attaches, other than those serving at the pleasure of the court, by the court administrator with the
33 approval of a majority of the judges or their designees, or as to persons serving at the pleasure of
34 the court, by a majority of the judges or their designees.

35 (b) The hereinafter specified court classes are deemed to be comparable in job level to the
36 specified comparable classes in the service of the County of San Diego. Whenever the salaries of
37 such classes in the service of the County of San Diego are adjusted by the board of supervisors,
38 the salaries of the comparable classes in the office of the court administrator shall be adjusted a
39 commensurate amount effective on the same date. In no event shall the salary of the clerk, or any
40 deputy clerk who occupied his or her position on the day prior to the effective date of this section,
41 be less than his or her salary on that day. Any person whose title is changed as a result of the
42 enactment of or of any amendments to this article shall receive credit for continued service to
43 which he or she would be entitled under his or her previous position and shall receive
44 compensation at the step covering such length of service. Thereafter, any increments earned by
45 additional service in grade shall take effect upon the first day of the pay period following
46 completion of that required service. The comparable classes are as follows:

47  **Note.** To conserve resources, the table of comparable classes has not been reproduced.

1 Notwithstanding the comparable classes set forth above, if pursuant to subdivision (e) of
2 Section 73644, subdivision (g) of Section 74344, subdivision (e) of Section 73954, and
3 subdivision (g) of Section 74745, the class of deputy clerk IV is entitled to receive a biweekly
4 salary at a rate equal to that specified for superior court clerks in the superior court service of the
5 County of San Diego, the comparable county class for deputy clerk IV and senior deputy clerk
6 shall be the superior court clerk in the superior court service of the County of San Diego, except
7 with respect to benefits in which case the comparable county class shall be legal procedures clerk
8 III. Further, notwithstanding the comparable classes set forth above, the comparable class for the
9 class of deputy clerk-court interpreter for purposes of salary shall be the class of superior court
10 clerk interpreter in the superior court service of the County of San Diego and the comparable
11 class with respect to benefits shall be the class of legal procedures clerk III.

12 (c) Persons employed on or after January 1, 1975, in a class eligible for advancement in range
13 shall receive the same step increases applicable to persons so employed in the County of San
14 Diego on or after July 1, 1974. Persons employed prior to January 1, 1975, in a class eligible for
15 advancement in range shall receive the same step increases applicable to persons so employed in
16 the County of San Diego prior to July 1, 1975.

17 (d) Officers and attaches may be appointed to a class and position in the service of a court in
18 one judicial district from the service of a court in another judicial district within the County of
19 San Diego, from the service of the County of San Diego, from the service of the Superior Court
20 of the County of San Diego, or from the service of the marshal, in the same manner that
21 employees of the County of San Diego may be appointed in departments of the county. In
22 determining the step of the salary range at which such employee shall be paid, the employee shall
23 be given credit for the immediately preceding continuous prior service to a court, the marshal, or
24 the County of San Diego.

25 (e) A promotion is an appointment to a class compensated at a higher base salary, at any like-
26 numbered step, than the class relinquished. Upon promotion, an employee shall be placed at the
27 lowest step which provides at least a 5-percent increase over the base salary of the step occupied
28 in the former class, but in no event higher than the top step of the class to which promoted.

29 (f) A demotion is an appointment to a class compensated at a lower base salary, at any like-
30 numbered step, than the class relinquished. Upon demotion, an employee shall be placed at the
31 same numbered step in the class to which he or she was demoted as in the former class, except
32 that the step shall not be set lower than the normal entry step. If the demotion is to the class in
33 which the employee served immediately prior to being promoted, the employee's step shall be
34 that held immediately prior to the promotion.

35 74346. (a) There shall be eight commissioners who shall hold office at the pleasure of the
36 judges. A commissioner shall receive a salary equal to 80 percent of the salary of a judge of the
37 municipal court.

38 (b) A commissioner shall receive and be entitled to the same number of holidays, leaves of
39 absence, and all other fringe benefits as are now or may hereafter be provided for a chief deputy
40 county counsel in the classified service of the County of San Diego. However, a commissioner
41 shall be entitled to (1) earn sick leave credit at the rate of 5 percent of each hour of paid service
42 during the pay period; and (2) earn vacation credit at the rate of 8.075 percent of each hour of
43 paid service during the pay period.

44 (c) With the approval of a majority of the judges of the court and the board of supervisors, each
45 commissioner may be reimbursed for any payment he or she makes for his or her annual State Bar
46 of California membership fee.

47 74347. For the purposes of this article, the appointing authority means the person having the
48 power in the first instance to select the employee from an eligible list provided for that purpose.

1 74348. (a) In addition to the salary provided in this article, the classes of attaches of the
2 municipal court shall receive, and they shall be entitled to the same number of holidays, leaves of
3 absence, and all other fringe benefits as are now or may hereafter be provided for the employees
4 of the County of San Diego in the comparable classes specified in Section 74345. The court
5 administrator shall receive the same number of holidays, leaves of absence, and all other fringe
6 benefits as are now or may hereafter be received by the classification of chief probation officer of
7 the County of San Diego. The assistant court administrator and deputy court administrators shall
8 receive the same number of holidays, leaves of absence, and all other fringe benefits as are now
9 or may hereafter be received by the classification of assistant chief probation officer of the
10 County of San Diego. All persons employed as a deputy clerk-accounting manager or deputy
11 clerk-division managers III, II, or I shall receive the same number of holidays, leaves of absence,
12 and all other fringe benefits as are now or may hereafter be received by the classification of
13 administrative assistant III of the classified service of the County of San Diego. However, all
14 officers, employees, and attaches of the municipal court shall be eligible to enroll in the dental
15 and vision group insurance plans sponsored by the County of San Diego. The purpose and intent
16 of this subdivision is to provide all court attaches except judicial secretaries, commissioners,
17 traffic trial commissioners, court reporters, and the traffic referee with any and all fringe benefits,
18 but no more than those which are available to their comparable classes in the service of the
19 County of San Diego as specified in this section or in Section 74345. Whenever action or
20 approval by the chief administrative officer or the county personnel director is required for the
21 county benefit, it shall be taken or given as to comparable municipal court officers and attaches
22 other than those serving at the pleasure of the court, by the court administrator with the approval
23 of a majority of the judges or their designees, or as to the court administrator and others serving at
24 the pleasure of the court, by a majority of the judges or their designees. Changes in fringe benefits
25 shall be effective on the same date as for employees of the County of San Diego in comparable
26 classes. A majority of the judges may adopt rules for the conduct of and personnel privileges to
27 be afforded the attaches of the court, excluding fringe benefits.

28 (b) All attaches other than the traffic referee, commissioners, traffic trial commissioners, court
29 administrator, court reporters, judicial secretaries, and other persons serving at the pleasure of
30 their appointing authority, may be appointed, promoted, removed, suspended, laid off, or
31 discharged for cause by the appointing authority subject in such appointment, promotion,
32 removal, suspension, layoff, or discharge to civil service provisions applicable to the classified
33 personnel of the County of San Diego. Whenever such attaches are appointed or promoted to a
34 position, they must serve a probationary period of at least one year, but not to exceed 18 months,
35 as specified in the job announcement for the class prior to appointment. If the San Diego County
36 Charter is amended to repeal the Civil Service Rules and the board of supervisors adopts new
37 Personnel Rules, the reference to civil service provisions in this subdivision shall mean the
38 personnel rule provisions.

39 74349. Official reporters in the Municipal Court of the San Diego Judicial District appointed
40 pursuant to Section 72194 shall be attaches of such court and, in lieu of any other compensation
41 provided by law for their services in reporting testimony and proceedings in such court, shall be
42 paid a biweekly salary equal to that paid to regular official reporters for the Superior Court of the
43 County of San Diego. There shall also be one official reporter appointed by the court as chief
44 reporter, such appointment to be entered upon the minutes of the court, who shall receive
45 compensation in the sum of 15 percent in addition to any sum otherwise provided by this section.
46 These salaries shall be a charge against the general fund of the county. All persons employed in
47 the class of chief reporter shall receive the same number of holidays, leaves of absence, and all
48 other fringe benefits as are now or may hereafter be received by the chief reporter of the Superior
49 Court of the County of San Diego.

1 Pursuant to Section 72194, the judges of such court may appoint as many additional reporters
2 as the business of the court may require, who shall be known as official reporters pro tempore,
3 and who shall serve without salary but shall receive the fees provided by Sections 69947 to
4 69953, inclusive, except that in lieu of the per diem fees provided in those sections for reporting
5 testimony and proceedings, the official reporters pro tempore shall in all cases be compensated at
6 a rate equal to that paid to official reporters pro tempore for the Superior Court of the County of
7 San Diego, which shall be a charge against the general fund of the County of San Diego.

8 Fees for transcription of testimony and proceedings in the court shall be paid by the litigants to
9 official reporters and official reporters pro tempore as otherwise provided by law. In all cases
10 where by law the court may direct the payment of transcription fees out of the county treasury,
11 those fees shall, upon order of the court, be paid from the general fund including fees for
12 transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to
13 69953, inclusive.

14 Official reporters of the court shall be members of any retirement system maintained by the
15 county. For the purpose of the retirement system the salary provided in this article for such
16 reporters shall be deemed their entire compensation.

17 Notwithstanding Section 74348, official reporters serve at the pleasure of the judges and shall
18 receive and be entitled to the same number of holidays, leaves of absence, and all other fringe
19 benefits as are now or may hereafter be provided for the official reporters of the Superior Court of
20 the County of San Diego.

21 74351. The Municipal Courts of the County of San Diego shall establish administrative
22 assessments not to exceed ten dollars (\$10) for clerical and administrative costs incurred for the
23 following activities:

24 (a) An assessment for the cost of recording and maintaining a record of the defendant's prior
25 convictions for violations of the Vehicle Code. The assessment shall be payable at the time of
26 payment of a fine or when bail is forfeited for any subsequent violations of the Vehicle Code
27 other than parking, pedestrian, or bicycle violations.

28 (b) An assessment for all defendants whose driver's license or automobile registration is
29 attached or restricted pursuant to Section 40509 or 40509.5 of the Vehicle Code to cover the cost
30 of notifying the Department of Motor Vehicles of the attachment or restriction.

31 74352. By order entered upon the minutes of the court, a majority of the judges of the
32 municipal court of the San Diego Judicial District may direct the court administrator to appoint as
33 many competent judicial secretaries as the business of the court requires, not to exceed eight, who
34 shall serve at the pleasure of the court administrator. One of these secretaries may be appointed
35 by the court administrator as the chief judicial secretary and, while serving in that capacity, shall
36 receive a biweekly salary of one thousand five hundred eighty-seven dollars and twenty cents
37 (\$1,587.20). An appointment after January 1, 1997, to such position shall receive a biweekly
38 salary at a rate equal to that specified for the classification of confidential legal secretary III in the
39 classified service of the County of San Diego and may be at any step within the salary range.

40 A judicial secretary other than the chief judicial secretary shall receive a biweekly salary at a
41 rate equal to that specified for administrative secretary IV in the classified service of the County
42 of San Diego. Appointments to judicial secretary may be at any step within the salary range.

43 Whenever the salary of administrative secretary IV or confidential legal secretary III of the
44 classified service of the County of San Diego is adjusted by the Board of Supervisors of the
45 County of San Diego, the salaries of a chief judicial secretary appointed after January 1, 1997,
46 and judicial secretaries shall be adjusted a commensurate percentage on the same date, such
47 adjustments to take effect on the effective date of any amendments to this article. The salary of a

1 chief judicial secretary appointed before January 1, 1997, shall not be adjusted until such time as
2 the salary of a judicial secretary equals or surpasses that of the chief judicial secretary whereby it
3 then shall be adjusted the same commensurate percentage to equal the biweekly salary of judicial
4 secretary.

5 Notwithstanding Section 74348, judicial secretaries shall receive and be entitled to the same
6 number of holidays, leaves of absence and all other fringe benefits as are now or may hereafter be
7 provided for administrative secretary IV or confidential legal secretary III in the classified service
8 of the County of San Diego. However, the chief judicial secretary and judicial secretaries shall be
9 entitled to: (a) earn sick leave credit at the rate of 5.385 percent of each hour of paid service
10 during the pay period; (b) earn vacation credit at the rate of 5.769 percent of each hour of paid
11 service during the pay period and accumulate vacation credit not to exceed 25 working days
12 where the employee has less than 10 years of continuous service; and (c) earn vacation credit at
13 the rate of 8.075 percent of each hour of paid service during the pay period and accumulate
14 vacation credit not to exceed 35 working days where the employee has 10 years or more of
15 continuous service.

16 74353. In the event that there shall be an increase in the number of judges as provided in
17 Section 74341, the clerk of the court may appoint one deputy clerk IV, one deputy clerk III, one
18 deputy clerk II, and one deputy clerk I for each respective additional judge so appointed. Such
19 additional deputy clerks shall receive a biweekly salary at a rate specified in the appropriate
20 schedule incorporated by Section 74745.

21 **§§ 74355-74359.2 (repealed). San Diego County Pretrial Services Unit personnel**

22 SEC. ____ Article 25.1 (commencing with Section 74355) of Chapter 10 of Title 8 of
23 the Government Code is repealed.

24 **Comment.** Sections 74355-74359.2 are repealed to reflect:

25 (1) Unification of the municipal and superior courts in San Diego County pursuant to Article
26 VI, Section 5(e), of the California Constitution, effective December 1, 1998. See Code Civ. Proc.
27 § 38 (judicial districts). Cf. Section 71042.5 (preservation of judicial districts for purposes of
28 publication).

29 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
30 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
31 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
32 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
33 (employment selection and advancement), 71650-71658 (employment protection system), 71673
34 (authority of court).

35  **Note.** The text of the repealed article is set out below.

36 **Article 25.1. Municipal Courts of San Diego County**

37 74355. This article applies jointly to the four municipal courts established in this chapter as the
38 El Cajon Judicial District, North County Judicial District, San Diego Judicial District, and South
39 Bay Judicial District for purposes of establishing positions, and compensation for these positions,
40 for the San Diego County Pretrial Services Unit.

41 74359.1. A majority of the Court Administrators of the Municipal Courts of San Diego County
42 may make appointments to the San Diego County Pretrial Services Unit, as follows:

43 (a) Six deputy clerks III, II, or I or deputy clerk-intermediate clerk typists, as the case may be.
44 Each deputy clerk III shall receive a biweekly salary at a rate equal to that specified for legal

1 | procedures clerk III in the classified service of the County of San Diego. Each deputy clerk II
2 | shall receive a biweekly salary at a rate equal to that specified for legal procedures clerk II in the
3 | classified service of the County of San Diego. Each deputy clerk I shall receive a biweekly salary
4 | at a rate equal to that specified for legal procedures clerk I in the classified service of the County
5 | of San Diego. Appointments to deputy clerk I may be at any step within the salary range at the
6 | discretion of a majority of the Court Administrators of the Municipal Courts of San Diego
7 | County. A deputy clerk-intermediate clerk typist shall receive a biweekly salary at a rate equal to
8 | that specified for intermediate clerk typist in the classified service of the County of San Diego.
9 | One of these positions may be filled at the level of deputy clerk-intermediate clerk typist.

10 | (b) Notwithstanding subdivision (b) of Section 74359.2, up to 20 temporary extra help deputy
11 | clerk-municipal court trainees V, III, II, or I, as the case may be, who shall be paid at an hourly
12 | rate and shall serve at the pleasure of a majority of the Court Administrators of the Municipal
13 | Courts of San Diego County. A deputy clerk-municipal court trainee V shall receive a biweekly
14 | salary at a rate equal to that specified for student worker V in the unclassified service of the
15 | County of San Diego. A deputy clerk-municipal court trainee III shall receive a biweekly salary at
16 | a rate equal to that specified for student worker III in the unclassified service of the County of
17 | San Diego. A deputy clerk-municipal court trainee II shall receive a biweekly salary at a rate
18 | equal to that specified for student worker II in the unclassified service of the County of San
19 | Diego. A deputy clerk-municipal court trainee I shall receive a biweekly salary at a rate equal to
20 | that specified for student worker I in the unclassified service of the County of San Diego. Persons
21 | who graduate and receive a degree in the field which qualified them for appointment to a deputy
22 | clerk-municipal court trainee class, may remain in the class and be employed on a full-time basis
23 | for a period not to exceed six months from the first day of the month following their date of
24 | graduation.

25 | (c) One deputy clerk-pretrial services manager who shall receive a biweekly salary at a rate
26 | 22.46 percent higher than that specified for deputy clerk-supervising pretrial services officer.

27 | (d) Four deputy clerk-supervising pretrial services officers who shall receive a biweekly salary
28 | at a rate 7.25 percent higher than that specified for deputy clerk-pretrial services officer.

29 | (e) Eight deputy clerk-pretrial services officers who shall receive a biweekly salary at a rate
30 | equal to that specified for deputy probation officer in the classified service of the County of San
31 | Diego.

32 | (f) Notwithstanding subdivision (b) of Section 74359.2, up to three extra help positions (hourly
33 | rate) to be appointed by and serve at the pleasure of a majority of the Court Administrators of the
34 | Municipal Courts of San Diego County in the class and salary level deemed appropriate. These
35 | appointments shall be temporary for a period not to exceed six months, plus one additional period
36 | of up to six months, at the option of a majority of the Court Administrators of the Municipal
37 | Courts of San Diego County. Notwithstanding any other provisions of this section, a majority of
38 | the Court Administrators of the Municipal Courts of San Diego County may fill these positions
39 | with persons employed for a period not to exceed 120 working days or 960 hours, whichever is
40 | greater, during a fiscal year on a part-time basis.

41 | (g) Notwithstanding subdivision (b) of Section 74359.2, up to two deputy clerk-court workers
42 | may be appointed by and serve at the pleasure of a majority of the Court Administrators of the
43 | Municipal Courts of San Diego County. The class of deputy clerk-court worker provides for
44 | temporary appointments to positions in classes not listed in Section 74345 pending a review and
45 | evaluation of the duties of these positions by the Court Administrators of the Municipal Courts of
46 | San Diego County, and the establishment of specific classes as provided in this section. Prior to
47 | the establishment of these classes, the county personnel director shall conduct a classification
48 | review and make recommendations to the Court Administrators of the Municipal Courts of San
49 | Diego County as to the establishment of these classes. The rate of pay for each individual

1 employed in this class shall be within the designated range at a rate determined by a majority of
2 the Court Administrators of the Municipal Courts of San Diego County following consultation
3 with the county personnel director. The rules regarding appointment and compensation as they
4 relate to appointments of deputy clerk-court worker shall be the same as those applicable to the
5 class that is pending establishment. Appointments shall be temporary and shall not exceed six
6 months in duration. Employee benefits, if applicable, shall be equal to those granted to the class
7 in the service of the County of San Diego to which the pending class will be tied for benefit
8 purposes. When an appointment is made, the class, compensation (including salary and fringe
9 benefits), and number of these positions may be established by joint action of a majority of the
10 Judges of the Municipal Courts of San Diego County and the board of supervisors in accordance
11 with established county personnel and budgetary procedures. In the event that the class pending
12 establishment is tied to a class in the unclassified service of the County of San Diego, the joint
13 action may designate that the person serving in the class pending establishment shall serve at the
14 pleasure of the Court Administrators of the Municipal Courts of San Diego County. A majority of
15 the Court Administrators of the Municipal Courts of San Diego County may then appoint
16 additional attaches to such classes of positions in the same manner as those for which express
17 provision is made, and they shall receive the compensation so provided. Persons occupying
18 deputy clerk-court worker positions shall have their appointments expire not later than 30
19 calendar days following promulgation of a list of certified eligibles for the new class.
20 Appointments to the new class shall continue at the stated compensation or as thereafter modified
21 by joint action of the majority of the Judges of the Municipal Courts of San Diego County and the
22 board of supervisors.

23 (h) The positions identified in subdivisions (a) to (g), inclusive, shall be administered by one
24 Court Administrator, selected by a majority of the Court Administrators of the Municipal Courts
25 of San Diego County, subject to policy direction of a majority of the Court Administrators of the
26 Municipal Courts of San Diego County. The purpose and intent of this subdivision is to allow the
27 Court Administrators of the Municipal Courts of San Diego County to determine the work
28 assignments of pretrial services personnel.

29 (i) Except as provided herein, Section 74345 shall apply to the attaches appointed pursuant to
30 this section.

31 (j) Notwithstanding any other provision of law, the number of positions in classifications
32 authorized under subdivisions (a) to (g), inclusive, may be increased by up to four additional
33 positions by joint action of a majority of the Judges of the Municipal Courts of San Diego County
34 and the board of supervisors in accordance with established county personnel and budgetary
35 procedures. The rules regarding appointments of persons to these positions shall be the same as
36 those applicable to the class of such positions. The action of a majority of the Judges of the
37 Municipal Courts of San Diego County and the resolution of the board of supervisors adjusting
38 these positions shall designate the class title or titles and number of positions to be added to each
39 respective class. Any adjustment made pursuant to this subdivision shall be effective upon the
40 adoption of a resolution by the board of supervisors and shall remain in effect only until January 1
41 of the second year following the year in which a resolution becomes effective, unless earlier
42 ratified by the Legislature.

43 74359.2. (a) In addition to the salary provided in this article, the classes of attaches of the San
44 Diego County Pretrial Services Unit shall receive, and they shall be entitled to, the same number
45 of holidays, leaves of absence, and all other fringe benefits as are now or may hereafter be
46 provided for the employees of the County of San Diego in the comparable classes specified in
47 Section 74345. The deputy clerk-pretrial services manager shall receive the same number of
48 holidays, leaves of absence, and all other fringe benefits as are now or may hereafter be received

1 by the classification of administrative assistant III of the classified service of the County of San
2 Diego. The deputy clerk-supervising pretrial services officer and deputy clerk-pretrial services
3 officer shall receive the same number of holidays, leaves of absence, and all other fringe benefits
4 as are now or may hereafter be received by the classification of legal procedures clerk III of the
5 classified service of the County of San Diego. However, all employees of the San Diego County
6 Pretrial Services Unit shall be eligible to enroll in the dental and vision group insurance plans
7 sponsored by the County of San Diego. The purpose and intent of this subdivision is to provide
8 all San Diego County Pretrial Services Unit employees with any and all fringe benefits, but no
9 more than those which are available to their comparable classes in the service of the County of
10 San Diego as specified in this section or in Section 74345. Whenever action or approval by the
11 chief administrative officer or the county personnel director is required for the county benefit, it
12 shall be taken or given as to comparable San Diego County Pretrial Services Unit employees, by a
13 majority of the Court Administrators of the Municipal Courts of San Diego County. Changes in
14 fringe benefits shall be effective on the same date as those for employees of the County of San
15 Diego in comparable classes. A majority of the Court Administrators of the Municipal Courts of
16 San Diego County may adopt rules for the conduct of and personnel privileges afforded the
17 attaches of the court, excluding fringe benefits.

18 (b) All employees, other than those persons serving at the pleasure of the Court Administrators
19 of the Municipal Courts of San Diego County, may be appointed, promoted, removed, suspended,
20 laid off, or discharged for cause by a majority of the Court Administrators of the Municipal
21 Courts of San Diego County subject in that appointment, promotion, removal, suspension, layoff,
22 or discharge to civil service provisions applicable to the classified personnel of the County of San
23 Diego. Whenever these employees are appointed or promoted to a position, they must serve a
24 probationary period of one year. If the San Diego County Charter is amended to repeal the Civil
25 Service Rules and the board of supervisors adopts new Personnel Rules, the reference to civil
26 service provisions in this subdivision shall mean the personnel rule provisions.

27 **§§ 74500-74521 (repealed). City and County of San Francisco Municipal Court**

28 SEC. ____ . Article 26 (commencing with Section 74500) of Chapter 10 of Title 8 of the
29 Government Code is repealed.

30 **Comment.** Sections 74500-74521 are repealed to reflect:

31 (1) Unification of the municipal and superior courts in the City and County of San Francisco
32 pursuant to Article VI, Section 5(e), of the California Constitution, effective December 31, 1998.
33 See Section 70211 (former municipal court judgeships continued as superior court judgeships).
34 See also 69596 (number of judges in City and County of San Francisco).

35 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
36 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
37 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
38 benefits), 71629 (trial court employment benefits not affected), 71640-71645 (employment
39 selection and advancement), 71650-71658 (employment protection system), 71673 (authority of
40 court). See also Code Civ. Proc. § 195 (jury commissioners); Sections 69941 (appointment of
41 official reporters), 69947 (compensation of official reporter).

42 (3) Enactment of the Trial Court Funding Act. See Sections 77001 (local trial court
43 management), 77003 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
44 (state funding of trial court operations). See also Sections 68086 (fees for reporting services in
45 civil cases generally), 69952 (payment from Trial Court Operations Fund), 69953 (payment of
46 fees).

47  **Notes.** The Commission is reviewing whether provisions requiring the deposit of certain court
48 reporter fees into the county treasury remain viable, given the enactment of the Trial Court

1 Funding Act, the Trial Court Employment Protection and Governance Act, and other changes to
2 the structure of the trial courts. See, e.g., Gov't Code §§ 74513 (per diem fee payable to official
3 reporter), 74521 (transmittal of funds to city and county treasurer). See also Gov't Code §§ 77003
4 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
5 (state funding of trial court operations). These matters are also being examined by a Joint Court-
6 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
7 treatment of these provisions.

8 The text of the repealed article is set out below.

9 Article 26. San Francisco

10 74500. This article applies to the municipal court in the City and County of San Francisco.

11 74501. There shall be 19 judges; provided that there shall be 20 judges at such time as the
12 Board of Supervisors of San Francisco finds there are sufficient funds for an additional judge of
13 the municipal court, and adopts a resolution to that effect.

14 ☞ **Note.** Sections 74501.1 & 74501.2 are not reproduced here, because they were repealed by
15 AB 1700 (Steinberg & Frommer), 2001 Cal. Stat. ch. 824, §§ 30-31.

16 74502. (a) Notwithstanding any other provision of this code, the municipal court positions
17 specified in this section shall be paid at a minimum the monthly equivalent amount specified.

18 Notwithstanding any other provision of this code, whenever any vacancy occurs in a position
19 specified in this section, the judges, or a majority of the judges of the court, shall appoint a person
20 to the vacancy, who shall hold office at their pleasure, and who shall receive the salary specified
21 in this section. The appointing authority, in its discretion, may appoint two part-time appointees
22 to a class number, who shall each receive a salary equal to the pro rata share of the salary
23 specified in this section.

24 The salary at initial appointment to a class number shall be at step one during the first year of
25 service in that class number, except the appointing authority, in its discretion and excluding
26 positions specified in subdivision (c), when the appointee is qualified may start an appointee at a
27 step level other than step one. After the first year of permanent certification and commencing on
28 the first day of the month following the next anniversary of the appointment, the appointee shall
29 advance to the next step of the class number until the top step in the class is reached.

30 (b) There shall be one clerk-administrator who shall serve as clerk of the court and secretary to
31 the judges, perform duties specified in the law and those assigned by the judges, and who shall be
32 paid a salary, as clerk class number 0210, of six thousand nine hundred thirty-three dollars
33 (\$6,933) for step one, of seven thousand three hundred thirteen dollars (\$7,313) for step two, and
34 of seven thousand four hundred eighty-one dollars (\$7,481) for step three.

35 (c) Notwithstanding the provisions of Section 72400, there shall be three court commissioners
36 who shall have the powers and duties specified in Sections 72401, 72402, and 72403, who shall
37 perform such duties as assigned by the presiding judge and who shall be paid a salary, as class
38 number 0250, equal to 50 percent of the salary of a judge of the municipal court during the first
39 year of service; subject to approval of the judges, or a majority of them, a salary equal to 65
40 percent of the salary of a judge of the municipal court after the first year of permanent
41 certification, commencing on the first day of the month following the first anniversary of
42 appointment; and subject to the approval of the judges, or a majority of them, a maximum salary
43 equal to 80 percent of the salary of a judge of the municipal court after the second year of
44 permanent certification, commencing on the first day of the month following the second
45 anniversary of appointment.

1 (d) There shall be two chief deputies, one with overall responsibility for the civil small claims
2 and administrative divisions, and one with overall responsibility for the criminal and traffic
3 divisions, each of whom shall also serve as jury commissioner and who shall exercise insofar as
4 applicable to the municipal court, the powers of a jury commissioner of a superior court and who
5 shall be paid a salary, as deputy clerk class number 0220, of five thousand nine hundred thirty-
6 three dollars (\$5,933) for step one, of six thousand two hundred fifty-nine dollars (\$6,259) for
7 step two, and of six thousand six hundred four dollars (\$6,604) for step three.

8 (e) There shall be one executive assistant to the presiding judge who shall be paid a salary, as
9 deputy clerk class number 0221, of five thousand six hundred twenty-nine dollars (\$5,629) for
10 step one, of five thousand nine hundred thirty-three dollars (\$5,933) for step two, and of six
11 thousand two hundred fifty-nine dollars (\$6,259) for step three, and who shall perform such
12 duties as assigned by the presiding judge, or as assigned by the clerk-administrator after the
13 approval of the presiding judge. When the executive assistant to the presiding judge is a member
14 of the State Bar, the executive assistant may perform duties for the court in the field of law at the
15 direction of the presiding judge with the concurrence of the administrative committee and be paid
16 in addition to the salary provided by this article, the additional sum of four hundred dollars (\$400)
17 monthly.

18 (f) There shall be one executive secretary to the presiding judge who shall serve as confidential
19 executive secretary to the presiding judge and executive assistant, who shall perform such duties
20 as are assigned by the presiding judge, the executive assistant, or the clerk-administrator after the
21 approval of the presiding judge, and who shall be paid the salary, as deputy class number 0285, of
22 three thousand seven hundred thirty-seven dollars (\$3,737) for step one, of three thousand nine
23 hundred fifty-nine dollars (\$3,959) for step two, and of four thousand one hundred ninety-eight
24 dollars (\$4,198) for step three.

25 (g) There shall be one small claims legal adviser who shall be paid a salary, as deputy clerk
26 class number 0260, of four thousand six hundred fifty-two dollars (\$4,652) for step one, of four
27 thousand eight hundred thirty-three dollars (\$4,833) for step two, of five thousand one hundred
28 twenty dollars (\$5,120) for step three, of five thousand three hundred sixty-eight dollars (\$5,368)
29 for step four, and of five thousand six hundred twenty-eight dollars (\$5,628) for step five, and
30 who shall perform such duties pursuant to Section 116.260 of the Code of Civil Procedure.

31 (h) There shall be one deputy clerk who shall be appointed criminal courts calendar coordinator
32 who shall be paid a salary, as deputy clerk class number 0225, of five thousand seventy-six
33 dollars (\$5,076) for step one, of five thousand three hundred fifty-five dollars (\$5,355) for step
34 two, and of five thousand six hundred fifty dollars (\$5,650) for step three, and perform such
35 duties as are assigned by the judges of the court.

36 74503. (a) Notwithstanding any other provision of this code, the municipal court positions
37 specified in this section shall be paid at a minimum the monthly equivalent amount specified.

38 Whenever any vacancy occurs in a position specified in this section, the clerk-administrator
39 shall appoint, upon consent of a majority of the judges, or a majority of the judges of the court
40 may appoint a person to the vacancy who shall hold office at the pleasure of the appointing
41 authority, and who shall receive the salary specified in this section. The appointing authority, in
42 its discretion, may appoint two part-time appointees to a class number, who shall each receive a
43 salary equal to the pro rata share of the salary specified in this section.

44 The salary at initial appointment to a class number shall be at step one during the first year of
45 service in that class number, except the appointing authority, in its discretion and when the
46 appointee is so qualified may start an appointee at a step level other than step one. After the first
47 year of permanent certification and commencing on the first day of the month following the next

1 anniversary of the appointment, the appointee shall advance to the next step of the class number
2 until the top step in the class is reached.

3 (b) There shall be one court training coordinator who shall be paid a salary, as deputy clerk
4 class number 0222, of five thousand seventy-six dollars (\$5,076) for step one, of five thousand
5 three hundred fifty-five dollars (\$5,355) for step two, and of five thousand six hundred fifty
6 dollars (\$5,650) for step three, and who shall perform such duties as are assigned by the clerk-
7 administrator.

8 (c) There shall be one deputy clerk who shall be appointed court systems coordinator, who shall
9 be paid a salary, as deputy clerk class number 0222, of five thousand seventy-six dollars (\$5,076)
10 for step one, of five thousand three hundred fifty-five dollars (\$5,355) for step two, and of five
11 thousand six hundred fifty dollars (\$5,650) for step three, and who shall perform such duties as
12 are assigned by the clerk-administrator.

13 (d) There shall be one deputy clerk who shall be appointed assistant court systems coordinator
14 who shall be paid a salary, as deputy clerk class number 0273, of four thousand three hundred
15 forty-three dollars (\$4,343) for step one, of four thousand five hundred eighty-three dollars
16 (\$4,583) for step two, and of four thousand eight hundred thirty-five dollars (\$4,835) for step
17 three, and who shall perform such duties as are assigned by the clerk-administrator.

18 (e) There shall be one court fiscal officer who shall be paid a salary, as deputy clerk class
19 number 0223, of five thousand nine hundred thirty-three dollars (\$5,933) for step one, of six
20 thousand two hundred fifty-nine dollars (\$6,259) for step two, and of six thousand six hundred
21 four dollars (\$6,604) for step three and who shall perform such duties as are assigned by the
22 clerk-administrator.

23 (f) There shall be one court computer system director who shall be paid a salary, as deputy
24 clerk class number 0242, of seven thousand two hundred thirty-seven dollars (\$7,237) for step
25 one, of seven thousand five hundred ninety-eight dollars (\$7,598) for step two, of seven thousand
26 nine hundred seventy-eight dollars (\$7,978) for step three, of eight thousand three hundred
27 seventy-two dollars (\$8,372) for step four, and of eight thousand seven hundred ninety-seven
28 dollars (\$8,797) for step five, and who shall perform such duties as are assigned by the clerk-
29 administrator.

30 (g) There shall be one court traffic system programmer who shall be paid a salary, as deputy
31 clerk class number 0243, of five thousand nine hundred fifty-three dollars (\$5,953) for step one,
32 of six thousand two hundred fifty-three dollars (\$6,253) for step two, of six thousand five hundred
33 sixty-four dollars (\$6,564) for step three, of six thousand eight hundred ninety-two dollars
34 (\$6,892) for step four, and of seven thousand two hundred seventy-three dollars (\$7,273) for step
35 five, and who shall perform such duties as are assigned by the clerk-administrator.

36 (h) There shall be one court traffic senior application programmer who shall be paid a salary as
37 deputy clerk class number 0244, of five thousand nine hundred fifty-three dollars (\$5,953) for
38 step one, of six thousand two hundred fifty-three dollars (\$6,253) for step two, of six thousand
39 five hundred sixty-four dollars (\$6,564) for step three, of six thousand eight hundred ninety-two
40 dollars (\$6,892) for step four, and of seven thousand two hundred seventy-three dollars (\$7,273)
41 for step five, and who shall perform such duties as are assigned by the clerk-administrator.

42 (i) There shall be one court application programmer who shall be paid a salary as deputy clerk
43 class number 0246, of five thousand one hundred fifty-two dollars (\$5,152) for step one, of five
44 thousand four hundred eight dollars (\$5,408) for step two, of five thousand six hundred sixty-nine
45 dollars (\$5,669) for step three, of five thousand nine hundred fifty-three dollars (\$5,953) for step
46 four, and of six thousand two hundred fifty-three dollars (\$6,253) for step five, and who shall
47 perform such duties as are assigned by the clerk-administrator.

48 (j) There shall be one court technical writer who shall be paid a salary as deputy clerk class
49 number 0248, of three thousand six hundred sixty dollars (\$3,660) for step one, of three thousand

1 eight hundred forty-three dollars (\$3,843) for step two, of four thousand thirty-three dollars
2 (\$4,033) for step three, of four thousand two hundred thirty-six dollars (\$4,236) for step four, and
3 of four thousand four hundred forty-seven dollars (\$4,447) for step five, and who shall perform
4 such duties as are assigned by the clerk-administrator.

5 (k) There shall be one court technical programmer who shall be paid a salary, as deputy clerk
6 class number 0248, of three thousand six hundred sixty dollars (\$3,660) for step one, of three
7 thousand eight hundred forty-three dollars (\$3,843) for step two, of four thousand thirty-three
8 dollars (\$4,033) for step three, of four thousand two hundred thirty-six dollars (\$4,236) for step
9 four, and of four thousand four hundred forty-seven dollars (\$4,447) for step five, and who shall
10 perform such duties as are assigned by the clerk-administrator.

11 (l) There shall be one court program analyst manager who shall be paid a salary, as deputy
12 clerk class number 0240, of four thousand six hundred thirty-nine dollars (\$4,639) for step one, of
13 four thousand eight hundred seventy-nine dollars (\$4,879) for step two, of five thousand one
14 hundred twenty-eight dollars (\$5,128) for step three, of five thousand three hundred eighty-three
15 dollars (\$5,383) for step four, and of five thousand six hundred fifty-two dollars (\$5,652) for step
16 five, and who shall perform such duties as are assigned by the clerk-administrator.

17 (m) There shall be one deputy clerk who shall be appointed assistant fiscal officer who shall be
18 paid a salary, as deputy clerk class number 0275, of four thousand three hundred forty-three
19 dollars (\$4,343) for step one, of four thousand five hundred eighty-three dollars (\$4,583) for step
20 two, and of four thousand eight hundred thirty-five dollars (\$4,835) for step three, and who shall
21 perform such duties as are assigned by the clerk-administrator.

22 (n) There shall be one assistant court program analyst manager who shall be paid a salary, as
23 deputy clerk class number 0278, of three thousand five hundred thirty-nine dollars (\$3,539) for
24 step one, of three thousand nine hundred eight dollars (\$3,908) for step two, of four thousand one
25 hundred dollars (\$4,100) for step three, of four thousand three hundred six dollars (\$4,306) for
26 step four, and of four thousand five hundred twenty-five dollars (\$4,525) for step five, and who
27 shall perform such duties as are assigned by the clerk-administrator.

28 (o) There shall be one confidential administrative legal stenographer who shall be paid a salary,
29 as deputy clerk class number 0287, of three thousand seven hundred thirteen dollars (\$3,713) for
30 step one, of three thousand nine hundred thirty-five dollars (\$3,935) for step two, and of four
31 thousand one hundred seventy-two dollars (\$4,172) for step three, and who shall perform such
32 duties as are assigned by the clerk-administrator.

33 (p) There shall be one personnel-payroll clerk who shall be paid a salary, as deputy clerk class
34 number 0289, of three thousand seven hundred thirteen dollars (\$3,713) for step one, of three
35 thousand nine hundred thirty-five dollars (\$3,935) for step two, and of four thousand one hundred
36 seventy-two dollars (\$4,172) for step three, and who shall perform such duties as are assigned by
37 the clerk-administrator.

38 (q) There shall be one interpreter coordinator, who shall be paid a salary, as deputy clerk class
39 number 0293, of three thousand two hundred sixteen dollars (\$3,216) for step one, of three
40 thousand four hundred ten dollars (\$3,410) for step two, and of three thousand six hundred
41 thirteen dollars (\$3,613) for step three, and who shall perform such duties as are assigned by the
42 clerk-administrator.

43 (r) There shall be four information clerks who shall be paid a salary, as deputy clerk class
44 number 0340, of two thousand four hundred sixty-six dollars (\$2,466) for step one, of two
45 thousand eight hundred two dollars (\$2,802) for step two, of three thousand one hundred forty-
46 seven dollars (\$3,147) for step three, and of three thousand two hundred fifty-five dollars
47 (\$3,255) for step four, and who shall perform such duties as are assigned by the clerk-
48 administrator.

1 (s) There shall be one information clerk-supervisor who shall be paid a salary, as deputy clerk
2 class number 0342, of three thousand one hundred forty-seven dollars (\$3,147) for step one, of
3 three thousand two hundred fifty-five dollars (\$3,255) for step two, of three thousand three
4 hundred sixty-five dollars (\$3,365) for step three, and of three thousand four hundred eighty
5 dollars (\$3,480) for step four, and who shall perform such duties as are assigned by the clerk-
6 administrator.

7 (t) There shall be three legal research attorneys who shall be paid a salary, as deputy clerk class
8 number 0360, of four thousand fifty-two dollars (\$4,052) for step one, of four thousand two
9 hundred seventy-five dollars (\$4,275) for step two, and of four thousand five hundred eleven
10 dollars (\$4,511) for step three, and who shall perform such duties as are assigned by the clerk-
11 administrator.

12 (u) There shall be one assistant training coordinator, who shall be paid a salary, as deputy clerk
13 class number 0297, of three thousand two hundred sixteen dollars (\$3,216) for step one, of three
14 thousand four hundred ten dollars (\$3,410) for step two, and of three thousand six hundred
15 thirteen dollars (\$3,613) for step three, and who shall perform such duties as are assigned by the
16 clerk-administrator.

17 74504. Notwithstanding any other provision of this code, the municipal court positions
18 specified in this section shall be paid at a minimum the monthly equivalent amount specified.

19 The salary at initial appointment to a class number shall be at step one during the first year of
20 service in that class number, except when the appointee is qualified by current civil service
21 classification for other than step one. After the first year of permanent certification and
22 commencing on the first day of the month following the next anniversary of the appointment, the
23 appointee shall advance to the next step of the class number until the top step in the class is
24 reached. The appointing authority, in its discretion, may appoint two part-time appointees to a
25 class number, who shall each receive a salary equal to the pro rata share of the salary specified in
26 this section.

27 The clerk-administrator shall appoint and assign the duties and responsibilities for the
28 following:

29 (a) Three deputy clerks who shall be the division chiefs in the civil, criminal and traffic
30 divisions of the court who shall be paid a salary, as deputy clerk class number 0230, of five
31 thousand seventy-six dollars (\$5,076) for step one, of five thousand three hundred fifty-five
32 dollars (\$5,355) for step two, and of five thousand six hundred fifty dollars (\$5,650) for step
33 three.

34 (b) Seven deputy clerks who shall be assistant division chiefs and who shall be paid a salary, as
35 deputy clerk class number 0270, of four thousand three hundred forty-three dollars (\$4,343) for
36 step one, of four thousand five hundred eighty-three dollars (\$4,583) for step two, and of four
37 thousand eight hundred thirty-five dollars (\$4,835) for step three.

38 (c) Thirty-four deputy clerks who shall be paid a salary, as deputy clerk class number 0280, of
39 three thousand seven hundred thirteen dollars (\$3,713) for step one, of three thousand nine
40 hundred thirty-five dollars (\$3,935) for step two, and of four thousand one hundred seventy-two
41 dollars (\$4,172) for step three, and who shall perform such duties as are assigned by the clerk-
42 administrator.

43 (d) Twenty-five deputy clerks who shall be paid a salary, as deputy clerk class number 0290, of
44 three thousand two hundred sixteen dollars (\$3,216) for step one, of three thousand four hundred
45 ten dollars (\$3,410) for step two, and of three thousand six hundred thirteen dollars (\$3,613) for
46 step three.

47 (e) Thirty-eight deputy clerks who shall be paid a salary, as deputy clerk class number 0320, of
48 two thousand six hundred ninety-nine dollars (\$2,699) for step one, of two thousand eight

1 | hundred sixty-two dollars (\$2,862) for step two, and of three thousand thirty dollars (\$3,030) for
2 | step three.

3 | (f) Eighty-two deputy clerks who shall be paid a salary, as deputy clerk class number 0330, of
4 | two thousand two hundred sixty-eight dollars (\$2,268) for step one, of two thousand four hundred
5 | five dollars (\$2,405) for step two, and of two thousand five hundred forty-seven dollars (\$2,547)
6 | for step three.

7 | (g) Eight half-time deputy clerks who shall be paid a salary, as deputy clerk class number 0331,
8 | of one thousand one hundred thirty-four dollars (\$1,134) for step one, of one thousand two
9 | hundred two dollars (\$1,202) for step two, and of one thousand two hundred seventy-three dollars
10 | (\$1,273) for step three.

11 | (h) Two accountants who shall be paid a salary, as civil service class number 1650, of two
12 | thousand five hundred forty-three dollars (\$2,543) for step one, of two thousand six hundred
13 | sixty-seven dollars (\$2,667) for step two, of two thousand seven hundred ninety-five dollars
14 | (\$2,795) for step three, of two thousand nine hundred thirty-four dollars (\$2,934) for step four,
15 | and of three thousand seventy-five dollars (\$3,075) for step five.

16 | (i) One senior account clerk who shall be paid a salary, as civil service class number 1632, of
17 | two thousand four hundred seventy-one dollars (\$2,471) for step one, of two thousand five
18 | hundred ninety dollars (\$2,590) for step two, of two thousand seven hundred seventeen dollars
19 | (\$2,717) for step three, of two thousand eight hundred forty-nine dollars (\$2,849) for step four,
20 | and of two thousand nine hundred ninety-one dollars (\$2,991) for step five.

21 | (j) Two account clerks who shall be paid a salary, as civil service class number 1630, of two
22 | thousand one hundred fifty-one dollars (\$2,151) for step one, of two thousand two hundred fifty-
23 | five dollars (\$2,255) for step two, of two thousand three hundred sixty-six dollars (\$2,366) for
24 | step three, of two thousand four hundred eighty-two dollars (\$2,482) for step four, and of two
25 | thousand six hundred three dollars (\$2,603) for step five.

26 | (k) Eleven data entry operators who shall be paid a salary, as civil service class number 1720,
27 | of one thousand eight hundred ninety-two dollars (\$1,892) for step one, of one thousand nine
28 | hundred eighty-four dollars (\$1,984) for step two, of two thousand seventy-nine dollars (\$2,079)
29 | for step three, of two thousand two hundred thirty-five dollars (\$2,235) for step four, and of two
30 | thousand two hundred eighty-eight dollars (\$2,288) for step five.

31 | (l) One deputy clerk, and while assigned by the clerk-administrator as assistant personnel-
32 | payroll deputy, shall be paid, in addition to the salary provided by this article, the additional sum
33 | of one hundred dollars (\$100) monthly.

34 | (m) One deputy clerk, and while assigned by the clerk-administrator as budget-purchasing
35 | deputy to the court fiscal officer, shall be paid, in addition to the salary provided by this article,
36 | the additional sum of fifty dollars (\$50) monthly.

37 | (n) Two deputy clerks who shall serve as master calendar clerk, civil, and master calendar
38 | clerk, criminal, and while assigned to such position by the clerk-administrator, shall be paid, in
39 | addition to the salary provided by this article, the additional sum of one hundred dollars (\$100)
40 | monthly.

41 | (o) Six deputy clerks and while assigned by the clerk-administrator and where specific duties
42 | merit may be paid at the discretion of the appointing authority, in addition to the salary provided
43 | by this article, the additional sum of fifty dollars (\$50) monthly.

44 | (p) Two deputy clerks who shall serve as master jury calendar clerk, civil, and master jury
45 | calendar clerk, criminal, and while assigned to such position by the clerk-administrator shall be
46 | paid, in addition to the salary provided by this article, the additional sum of one hundred dollars
47 | (\$100) monthly.

1 (q) One deputy clerk, while assigned by the clerk-administrator as principal courtroom clerk
2 serving in the criminal law and motion court, shall be paid, in addition to the salary provided by
3 this article, the additional sum of one hundred dollars (\$100) monthly.

4 (r) Deputy clerks who are required and authorized to work more than 40 hours in a week shall
5 be entitled to overtime pay for that period in excess of the 40 hours at a rate equal to one and one-
6 half times the amount to which they are otherwise entitled.

7 74504.5. (a) With the approval of the board of supervisors, a majority of municipal court judges
8 may establish positions for officers, attaches, and employees in addition to those provided by this
9 article. The order and approval establishing any such position shall designate the position title and
10 pay rate and whether the provisions of Section 74507 are applicable to the position.

11 With the approval of the board of supervisors, a majority of the judges may appoint and employ
12 such additional officers, attaches, and employees as it deems necessary for the performance of the
13 duties and exercise of the powers conferred by law upon the court and its members.

14 (b) Rates of compensation of all court personnel provided by this article may be adjusted by
15 joint action and approval of the board of supervisors and a majority of the judges of the court.

16 (c) Appointments or changes in compensation made pursuant to this section shall be on an
17 interim basis and shall expire January 1 of the second calendar year following such appointments
18 or changes in compensation, unless ratified by the Legislature.

19 74505. A night shift is a tour of duty which commences after 2 p.m. and prior to 6 a.m.
20 Attaches who are required to work a night shift or any shift on Saturdays, Sundays or holidays
21 shall be paid six and one-quarter (6 1/4) percent more than the amount to which they are
22 otherwise entitled.

23 74506. Any incumbent permanently appointed on September 19, 1947, to the position of clerk
24 of the municipal court established pursuant to the Municipal Court Act of 1925 or any of the
25 positions of such court for which the clerk made appointments pursuant to Section 6a of the
26 Municipal Court Act of 1925 are deemed to have been appointed to the position in such court as
27 of the date of their permanent appointment to the position.

28 74507. Whenever a position described in Section 74504 becomes vacant, the appointing officer
29 shall request the civil service commission to certify to the appointing officer for appointment the
30 highest person on the list of eligibles of male or female sex as indicated in the request of the
31 appointing authority. Lists of eligibles for such promotive positions, subsequent to those lists in
32 existence on September 19, 1947, shall be composed only of persons holding the next lower rank
33 or ranks of deputy clerks in such municipal courts. Monthly compensation shall determine that
34 such deputy clerks are of the next lower rank or ranks. Temporary appointees shall receive the
35 salary set up opposite the title of their respective positions. Temporary appointments to promotive
36 positions shall be made from the next lower rank or ranks.

37 74508. All attaches appointed to positions in the court are entitled to the benefits of the civil
38 service provisions of the charter of the City and County of San Francisco, and are entitled to and
39 are subject to any retirement and health service provisions in the charter.

40 74509. Any attache of the municipal court shall be granted indefinite leave of absence by the
41 appointing authority to accept other appointive position or positions in the municipal court. While
42 on such indefinite leave and while employed in any other appointive position or positions in the
43 municipal court, such attache shall continue to participate in the retirement and health service
44 provisions of the charter in the same manner as heretofore provided, and there shall accrue to all
45 such attaches all the benefits derived from seniority in the same manner and to the same extent as

1 | though such attaches were continuing in the position such attaches held prior to appointment to
2 | such other appointive position or positions in the municipal court.

3 | 74510. Nothing in this article shall affect any rights or benefits which may have accrued to any
4 | deputy clerk of the municipal court by reason of military leave of absence or war effort leave.

5 | 74511. Official reporters in the Municipal Court in the City and County of San Francisco
6 | appointed pursuant to Section 72194, in lieu of any other compensation provided by law for their
7 | services in reporting testimony and proceedings in such court, shall receive a salary in the same
8 | sum monthly or per diem as is paid the official reporters of the Superior Court in the City and
9 | County of San Francisco, which shall be a charge against the general fund of the city and county.

10 | Such reporters shall be entitled to vacation and sick leave in the same amount as provided
11 | official reporters of the superior court in the city and county and shall be entitled and subject to
12 | any retirement and health service provisions of the charter of the city and county.

13 | 74512. Pursuant to Section 72194, the judges of such court may appoint as many additional
14 | reporters as the business of the court may require, who shall be known as official reporters pro
15 | tempore, and who shall serve without salary but shall receive the fees provided by Section 69947
16 | to 69953, inclusive, except that in lieu of the per diem fees provided in said sections for reporting
17 | testimony and proceedings, the official reporters pro tempore shall in all cases receive the same
18 | per diem as is paid the official reporters pro tempore of the superior court in the City and County
19 | of San Francisco which shall be a charge against the general fund of the city and county.

20 | 74513. All per diem fees otherwise payable by law by the parties to proceedings in the court to
21 | official reporters or official reporters pro tempore shall be paid to the clerk of the court. All fees
22 | shall be deposited in the treasury of the city and county to the credit of the general fund.

23 | 74514. Fees for transcription of testimony and proceedings in such court shall be paid by the
24 | litigants to official reporters and official reporters pro tempore as otherwise provided by law. In
25 | all cases where by law, the court may direct the payment of transcription fees out of the city and
26 | county treasury, such fees shall, upon order of the court, be paid from the general fund including
27 | fees for transcription of testimony and proceedings in criminal cases as provided in Sections
28 | 69947 to 69953, inclusive, which shall be paid from the city and county treasury.

29 | 74515. Official reporters of such court shall be members of any retirement system maintained
30 | by the city and county. For the purpose of such retirement system the salary provided in this
31 | article for such reporters shall be deemed their entire compensation.

32 | 74516. Section 72194 does not apply to phonographic reporters of the criminal division of the
33 | municipal court of or the City and County of San Francisco who were acting in that capacity on
34 | September 19, 1947 in the municipal court established pursuant to the Municipal Court Act of
35 | 1925 and who were certified by the civil service commission of the city and county, or were
36 | appointed to the court superseded by such municipal court established pursuant to the Municipal
37 | Court Act of 1925. All such reporters shall be deemed the duly appointed, qualified, and acting
38 | phonographic reporters of the criminal division of the municipal court and shall be entitled to all
39 | the benefits of the civil service and retirement provisions of the charter of the city and county and
40 | of the rules of the civil service commission having jurisdiction respecting suspensions and
41 | dismissals of employees.

42 | 74517. Each official phonographic reporter appointed pursuant to the provisions of Section
43 | 72494 or 74516 shall retain his appointment and status as such phonographic reporter pursuant to
44 | such sections, subject to the compulsory age of retirement under such retirement system.

1 74518. In the municipal court no further fee shall be collected from, or assessed against, any
2 party to any proceeding for the services of a phonographic reporter in taking down in shorthand
3 the testimony and other proceedings in the trial or hearing of any matter as required by law or by
4 order of the court. Such phonographic reporter shall be allowed and shall receive, unless waived
5 by him, the fees allowed by law for transcribing his shorthand notes of the testimony and
6 proceedings reported by him, and such fees for transcriptions shall be paid as provided by
7 Sections 69947 to 69953, inclusive, and by any other law pertinent to the case.

8 74520. The fee required by Section 74519 shall be taxed as costs in favor of any party paying it
9 and to whom costs are awarded by the judgment of the court. It is not subject to Section 6103.

10 74521. On or before the first day of each calendar month the clerk of the municipal court shall
11 transmit to the city and county treasurer all money paid to him pursuant to Section 74519 during
12 the preceding calendar month, or up to the day immediately preceding the day in which he
13 transmits such money. The money shall be deposited in the general fund of the city and county.

14 **§§ 74600-74613 (repealed). San Luis Obispo County Municipal Court**

15 SEC. _____. Article 27 (commencing with Section 74600) of Chapter 10 of Title 8 of the
16 Government Code is repealed.

17 **Comment.** Sections 74600-74613 are repealed to reflect:

18 (1) Unification of the municipal and superior courts in San Luis Obispo County pursuant to
19 Article VI, Section 5(e), of the California Constitution, effective July 1, 1998. See Cal. Const. art.
20 VI, § 23 and Section 70212 (preexisting court locations retained as superior court locations),
21 Section 70211 (former municipal court judgeships continued as superior court judgeships). See
22 also Code Civ. Proc. § 38 (judicial districts); Sections 69508 (presiding judge), 69598.5 (number
23 of judges in San Luis Obispo County). Cf. Section 71042.5 (preservation of judicial districts for
24 purposes of publication); former Section 71264 (municipal court served by marshal).

25 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
26 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
27 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
28 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
29 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
30 protection system), 71673 (authority of court). See also Sections 69941 (appointment of official
31 reporters), 69947 (compensation of official reporter).

32 (3) Enactment of Section 69505 (business-related travel expenses of trial court judges and
33 employees).

34 (4) Enactment of the Trial Court Funding Act. See Sections 77001 (local trial court
35 management), 77003 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
36 (state funding of trial court operations). See also Sections 68073 (responsibility for court
37 operations and facilities), 69952 (payment from Trial Court Operations Fund), 69953 (payment of
38 fees).

39  **Note.** The text of the repealed article is set out below.

40 **Article 27. San Luis Obispo County**

41 74600. There is hereby created a municipal court district which embraces the entire County of
42 San Luis Obispo. This article applies to the municipal court established within the district, which
43 shall be known as the San Luis Obispo County Municipal Court.

44 74601. There shall be four judges; provided, that at such time as the San Luis Obispo County
45 Board of Supervisors finds there are sufficient funds for five judges and adopts a resolution to

1 that effect, there shall be four judges. The judges shall select one of them to be presiding judge of
2 the court. Thereafter, the duties of the presiding judge of the court shall alternate annually among
3 the judges.

4 74602. (a) Facilities for the court shall be maintained in the City of San Luis Obispo, and may
5 be maintained at any other location within the county. The court may hold sessions at each
6 facility, as business requires. At the direction of the presiding judge, any traffic referee or juvenile
7 court hearing officer appointed pursuant to Section 74605 may perform his or her duties at any
8 court location. At the direction of the court, arraignment of criminal defendants who are in
9 custody at the San Luis Obispo County Jail facility shall be held at that facility.

10 (b) The judges of the court shall be reimbursed for traveling expenses at the rate provided for
11 employees of the county in accordance with the county travel policy.

12 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
13 preserved until completion of (1) the study and recommendation by the task force on court
14 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
15 on these issues.

16 74603. There shall be one commissioner of the San Luis Obispo County Municipal Court, who
17 shall be appointed by the presiding judge with the concurrence of a majority of the judges of the
18 court, and shall hold office at the pleasure of a majority of the judges. The commissioner shall
19 possess the same qualifications as the law requires of a judge of the municipal court. The
20 appointment shall be pursuant to Section 72190 and the commissioner shall receive a salary
21 which equals 85 percent of the annual salary of a superior court judge. The commissioner is a
22 court employee within the meaning of Section 74609. The duties of the commissioner shall be as
23 prescribed by law.

24 74604. There shall be one clerk of the court known as the court executive officer, who shall be
25 appointed by the presiding judge with the concurrence of a majority of the judges of the court,
26 and shall hold office at the pleasure of the majority of the judges of the court. The monthly
27 compensation to be paid to the court executive officer shall be range 3283 of the San Luis Obispo
28 County Salary Table. In addition to any other duties imposed on such officer by law, the court
29 executive officer shall have the following duties:

30 (a) To direct and coordinate the nonjudicial activities of the court.

31 (b) To coordinate the personnel practices in compliance with rules of the court.

32 (c) To prepare and administer the budget of the court.

33 (d) To coordinate with other county agencies the acquisition, utilization, maintenance and
34 disposition of county facilities, equipment and supplies necessary for operation of the court.

35 (e) To initiate studies and prepare appropriate recommendations and reports to the presiding
36 judge relating to the business of the court, including, but not limited to, standardization of forms,
37 procedures, and classification and compensation of officers and employees.

38 (f) To collect, compare, and analyze statistical data on a continuing basis concerning the status
39 of judicial and nonjudicial business of the court and to prepare periodic reports and
40 recommendations based on that data.

41 (g) To serve as liaison for the court with other persons, committees, boards, groups, and
42 associations as directed by the presiding judge.

43 (h) To provide for and conduct a program of in-service training for the personnel of the
44 municipal court.

45 74605. (a) Notwithstanding Section 72400, the presiding judge of the court may also appoint
46 the court executive officer to serve as traffic referee without additional compensation, provided
47 such officer has been a member of the State Bar of California for at least five years.

1 (b) Notwithstanding any other provision of law, the court executive officer may be appointed
2 by the juvenile court judge of the superior court, with the approval of the presiding judge of the
3 municipal court, to serve as a juvenile court hearing officer without additional compensation.

4 74606. The county sheriff shall be ex officio marshal of the court and shall act as such without
5 additional compensation. The sheriff may appoint up to six deputies, or more if the business of
6 the court requires, to be ex officio deputy marshals.

7 74607. The presiding judge may make appointments to the following authorized positions:

8 Number	Classification	Salary Range
9 1	Director of Criminal Court Operations	2813
10 1	Calendar Coordinator	1390
11 12	Municipal Court Clerk Trainee, or	1056
12	Municipal Court Clerk I, or	1155
13	Municipal Court Clerk II	1241
14 2	Municipal Court Account Technician	1186
15 1	Municipal Court Senior Account Clerk	1085
16 2	Municipal Court Account Clerk	0929
17 1	Accountant I, or	1480
18	Accountant II, or	1693
19	Accountant III	2042
20 28	Municipal Court Legal Process Clerk, or	0881
21	Municipal Court Legal Process Clerk I, or	1056
22	Municipal Court Legal Process Clerk II, or	1155
23	Municipal Court Legal Process Clerk III	1223
24 2	Municipal Court Legal Process Clerk III-- 1/2 time	1223
25 4	Supervising Municipal Court Clerk	1390
26 1	Supervising Municipal Court Legal Process Clerk	1358
27 1	Administrative Services Officer I, or	1480
28	Administrative Services Officer II	1693
29 1	Court Data Manager	2380
30 1	Court Automation Analyst	2380
31 1	Mail Clerk	0881

32 74608. The clerks, the constables, their deputies and attaches, and all other officers or
33 employees of the superseded justice courts in San Luis Obispo County, shall become the deputy
34 clerks, deputy sheriffs and ex officio deputy marshals, and officers or employees of the municipal
35 court upon its organization so far as such equivalent positions are provided in Sections 74606 and
36 74607.

37 If it appears that two or more clerks, constables, deputies and other officers or attaches of the
38 superseded justice courts are equally entitled by virtue of the office held in any such court, to any
39 office in the municipal court, the presiding judge of the municipal court shall determine which
40 person is entitled to the office over which the conflict exists.

41 74609. All employees of the San Luis Obispo County Municipal Court shall be entitled to the
42 same vacation, sick leave, leave of absence, right to participate in the county retirement system,
43 and similar benefits.

44 74610. (a) The positions enumerated in Sections 74604, 74607, and 74608 are deemed to be
45 comparable in job and salary level to certain positions in the service of San Luis Obispo County.

The following table sets forth the court classifications with the comparable county classifications shown opposite thereto:

Court Classification	County Classification
Court Executive Officer/Traffic Referee	Deputy County Counsel IV (Confidential)
Director of Criminal Court Operations	Chief Pharmacist
Calendar Coordinator	Supervising Superior Court Clerk
Municipal Court Clerk I, II	Superior Court Clerk I, II
Municipal Court Clerk Trainee	Legal Process Clerk I
Municipal Court Accounting Technician	Accounting Technician
Municipal Court Senior Account Clerk	Senior Account Clerk
Municipal Court Account Clerk	
Accountant I, II, III	Account Clerk Accountant I, II, III
Municipal Court Legal Process Clerk	Legal Process Clerk Trainee
Municipal Court Legal Process Clerk I, II, III	Legal Process Clerk I, II, III
Municipal Court Legal Process Clerk III--1/2 time	Legal Process Clerk III
Supervising Municipal Court Clerk	Supervising Superior Court Clerk
Supervising Municipal Court Legal Process Clerk	Supervising Legal Process Clerk
Administrative Services Officer I, II	Administrative Services Officer I, II
Court Data Manager	Programmer Analyst II plus 10 percent
Court Automation Analyst	Senior Programmer Analyst
Mail Clerk	Mail Clerk

In the event that the salary for any classification which is shown above is increased by the board of supervisors, a commensurate increase shall be made in the salary for the comparable court classification. Salary adjustments made pursuant to this section shall be effective the same date as the effective date of actions of the board of supervisors applicable to the respective and comparable county classifications, but shall remain effective only until January 1 of the second year following the year in which such an adjustment is made.

(b) Upon recommendation of the judges of the court, and with the approval of the board of supervisors, the court may appoint additional employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon the court and its members. Any appointment made pursuant to this section shall be on an interim basis and shall expire January 1 of the second calendar year following the year in which the appointment is made unless ratified by the Legislature. This section shall not affect the application of Section 72150.

74611. Whenever reference to a numbered salary range is made in any section of this article, the range number is the hourly rate at the beginning of the assigned range with each range having five steps each step within the range being 5 percent greater than the previous step.

In the event the board of supervisors amends the resolution establishing salary ranges and monthly salary rates for the personnel of the County of San Luis Obispo effective on the date of this act, or passes a new resolution which provides for a change in compensation for ranges or steps, such changes shall be effective for court employees on the effective date of the action of the board of supervisors and shall remain effective only until January 1 of the second year following the year in which such a change is made.

74612. The presiding judge may appoint as many reporters as the business of the court requires, who shall be known as official reporters pro tempore, and who shall hold office at his pleasure. The reporters shall serve without salary but shall receive for their services in reporting testimony and proceedings in such court, the same compensation as is paid reporters pro tempore of the

1 superior court of San Luis Obispo County, which, in criminal cases, shall upon order of the court
2 be a charge against the general fund of the county.

3 74613. Fees for transcription of testimony and proceedings in the court shall be paid by the
4 litigants to official reporters pro tempore as otherwise provided by law. In all cases where by law
5 the court may direct the payment of transcription fees out of the county treasury, such fees shall,
6 upon order of the court, be paid from the general funds, including fees for transcription of
7 testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive,
8 which shall be paid from the county treasury.

9 **§ 74602 (added). San Luis Obispo County**

10 SEC. ____. Article 27 (commencing with Section 74602) is added to Chapter 10 of Title
11 8 of the Government Code, to read:

12 Article 27. San Luis Obispo County

13 **§ 74602. Superior court sessions and facilities in San Luis Obispo County**

14 74602. Facilities for the San Luis Obispo County Superior Court shall be maintained in
15 the City of San Luis Obispo, and may be maintained at any other location within the
16 county. The court may hold sessions at each facility, as business requires. At the direction
17 of the presiding judge, any subordinate judicial officer may perform his or her duties at
18 any court location. At the direction of the court, arraignment of criminal defendants who
19 are in custody at the San Luis Obispo County Jail facility shall be held at that facility.

20 **Comment.** Section 74602 continues the substance of subdivision (a) of former Section 74602,
21 replacing references to “any traffic referee or juvenile court hearing officer” with a reference to
22 “any subordinate judicial officer.”

23 For provisions relating to restatements and continuations of existing law, see Section 2. For
24 disposition of the provisions of former Section 74602 that are not continued, see the Comment to
25 former Article 27 (commencing with former Section 74600).

26 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
27 further revised on completion of (1) the study and recommendation by the task force on court
28 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
29 on these issues.

30 **§§ 74640-74649 (repealed). Santa Barbara County municipal court districts**

31 SEC. ____. Article 28 (commencing with Section 74640) of Chapter 10 of Title 8 of the
32 Government Code is repealed.

33 **Comment.** Sections 74640-74649 are repealed to reflect:

34 (1) Unification of the municipal and superior courts in Santa Barbara County pursuant to
35 Article VI, Section 5(e), of the California Constitution, effective August 3, 1998. See Cal. Const.
36 art. VI, § 23 and Section 70212(b) (preexisting court locations retained as superior court
37 locations), Section 70211 (former municipal court judgeships continued as superior court
38 judgeships). See also Cal. Const. art. VI, §§ 15 (qualifications of judges), 16 (election of judges);
39 Code Civ. Proc. §§ 38 (judicial districts), 190 *et seq.* (jury selection); Section 69599.5 (number of
40 judges in Santa Barbara County). *Cf.* Section 71042.5 (preservation of judicial districts for
41 purposes of publication); former Section 71264 (municipal court served by marshal).

42 (2) Elimination of the marshal’s office as a result of consolidation with the sheriff’s office in
43 Santa Barbara County, effective January 1, 1997.

1 (3) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
2 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
3 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
4 benefits), 71629 (trial court employment benefits not affected), 71640-71645 (employment
5 selection and advancement), 71650-71658 (employment protection system), 71673 (authority of
6 court). See also Sections 69941 (appointment of official reporters), 69947 (compensation of
7 official reporter), 72190 (court commissioners).

8 (4) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
9 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations). See also
10 Sections 68073 (responsibility for court operations and facilities), 69952 (payment from Trial
11 Court Operations Fund),

12 ☞ **Note.** The text of the repealed article is set out below.

13 **Article 28. Santa Barbara County**

14 74640. There are in the County of Santa Barbara two municipal court districts, known as the
15 Santa Barbara Municipal Court and the North Santa Barbara County Municipal Court.

16 74640.1. The North Santa Barbara County Municipal Court is comprised of three divisions,
17 embracing that territory in the county which was specified to be within the Santa Maria Municipal
18 Court District, the Lompoc Municipal Court District, and the Solvang Justice Court District as
19 they existed on December 31, 1994; and with such modifications to division boundaries as may
20 thereafter be made by the board of supervisors, after public hearing, or by operation of law.

21 74640.2. In order that the citizens residing in each division of the North Santa Barbara County
22 Municipal Court may have convenient access to the court, sufficient court facilities, including
23 staff and other necessary personnel, shall be maintained in each division at the following sites or
24 as otherwise designated by the board of supervisors:

- 25 (a) In the Santa Maria Division, in the City of Santa Maria.
- 26 (b) In the Lompoc Division, in the City of Lompoc.
- 27 (c) In the Solvang Division, in the City of Solvang.

28 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
29 preserved until completion of (1) the study and recommendation by the task force on court
30 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
31 on these issues.

32 74641. Each of the municipal court districts in the County of Santa Barbara shall have the
33 following number of judges and commissioners:

- 34 (a) Santa Barbara 4 judges and two commissioners
- 35 (b) Northern Santa Barbara:
 - 36 (1) Santa Maria Division 3 judges and 1 commissioner
 - 37 (2) Lompoc Division 1 judge
 - 38 (3) Solvang Division 1 judge

39 74641.1. The judges of the Santa Barbara-Goleta Municipal Court District shall appoint a
40 commissioner as the business of the court requires. The commissioner shall possess the same
41 qualifications as the law requires of a judge of the municipal court. Such appointment shall be
42 pursuant to Section 72190 and such commissioner shall receive a salary which equals 85 percent
43 of the annual salary of a municipal court judge.

1 74641.2. (a) In the North Santa Barbara Judicial District, judges shall be eligible for offices in
2 the district as follows:

3 (1) In the Santa Maria Division, the two judges of the Santa Maria Judicial District shall
4 automatically become the two judges of the Santa Maria Division.

5 (2) In the Lompoc Division, the judge of the Lompoc Judicial District shall automatically
6 become the judge of the Lompoc Division.

7 (3) In the Solvang Division, the judge of the Solvang Judicial District shall automatically
8 become the judge of the Solvang Division.

9 (b) The time for election and qualification of the successor to any judge who becomes the judge
10 of a division pursuant to this section shall be that previously fixed by law for the election and
11 qualification of the successors for the court and office superseded, had those courts not been
12 superseded. The judge of each division shall be elected by the electors resident within that
13 division, and not from the North Santa Barbara Judicial District at large. However, any otherwise
14 qualified candidate is eligible to be elected to any division if he or she resides within the
15 boundaries of the district as a whole.

16 74641.3. Trial jurors for each session of the courts of the district shall be selected from persons
17 residing within the divisions in which the sessions are held. Upon adoption of a rule pertaining
18 thereto by the judges, any division may use the same jury panel as that summoned for service in
19 the North County Division of the Superior Court. When selected from the superior court panel,
20 persons selected for jury duty in a municipal court division need not be residents of that division.
21 Nothing in this article shall be interpreted to in any way limit the authority of the court to adopt
22 local rules for purposes of selecting trial jurors pursuant to Section 203 of the Code of Civil
23 Procedure.

24 74642. Within the Santa Barbara Judicial District there shall be the following officers, attaches,
25 and employees:

Santa Barbara Municipal Court		Salary Range
2	Account Clerk III-Ct.	413
1	Account Technician-Ct.	441
1	Business Manager II-Ct.	563
1	Assistant Clerk-Admin. Officer (SB)	564
1	Clerk-Administrative Officer (SB)	614
2	Collections Rep.-Ct.	439
2	Commissioner, Municipal Court	3,266.89/BI-WKLY
1	Judicial Services Manager	560
2	Court Interpreter	452
1	Department Analyst-Ct.	518
1	Department DP Spec.-Ct.	497
1	EDP Sys. & Prog. Anlst. I/II-Ct.	537/554
1	EDP System & Prog. Analyst-I Ct. D	537
	OR EDP System & Prog. Analyst II- Ct. D	554
1	Exec. Secretary-Ct.	459
31	Judicial Asst. I-Ct. OR	407
	Judicial Asst. II-Ct.	428
2	Judicial Asst. I-Ct. D OR	407
	Judicial Asst. II-Ct. D	428
14	Judicial Asst. III-Ct.	462
1	Judicial Asst. III-Ct. D	462

1	1	Judicial Cal. Coord.--Ct.	495
2	5	Judicial Services Supv.--Ct.	481
3	2	Official Court Reporter-Municipal Court D	546
4	1	Official Court Reporter-Municipal Court	546
5	4	Own Recognizance Officer	494
6	1	Own Recognizance Supervisor	514
7	74643. Within the North Santa Barbara County Municipal Court there shall be the following		
8	officers, attaches, and employees:		
9	North Santa Barbara County Municipal Court		Salary Range
10	1	Account Tech.--Ct.	441
11	2	Own Recognizance Officer	494
12	1	Own Recognizance Supervisor	514
13	1	Court Clerk Chief--Ct.	515
14	3	Court Interpreter	452
15	2	Department DP Specialist--Ct.	497
16	1	Executive Secretary--Ct.	459
17	27	Judicial Asst. I/II--Ct.	407/428
18	13	Judicial Asst. III--Ct.	462
19	3	Judicial Services Supv.--Ct.	481
20	2	Judicial Services Manager	560
21	1	Judicial Services Manager Senior	580
22	1	Legal Research Asst. or Legal Research Asst.--Sr.	621/650
23	1	Traffic Referee	\$2,828/BI-WKLY

74644.1. (a) There shall be one marshal, designated as the Marshal of Santa Barbara County, for the municipal courts established in Santa Barbara County. The marshal shall be deemed the head of the department denominated as the Santa Barbara County Marshal's Office. That department shall be responsible for all court services for the municipal courts, including bailiff duties in the courts, all service of process and other civil papers, and service of all criminal warrants issued by the municipal courts of Santa Barbara County. The jurisdiction of the marshal's office over criminal warrants shall be concurrent to the jurisdiction existing in the Santa Barbara County Sheriff's Department over these warrants.

The marshal shall serve at the pleasure of a combined majority of the Santa Barbara Municipal Court judges, and the Northern Santa Barbara Municipal Court judges, hereafter referred to as the judges of the Santa Barbara County courts. The marshal shall possess the rights, duties, and powers imposed upon marshals generally.

The salary range of the marshal shall be at level 560. The marshal shall receive the elected official management benefits for the balance of the term to which he or she was previously elected, after which the marshal shall receive management benefits set at the appropriate level for appointed department heads. Any salary adjustment for this position within that range shall be made by the Marshal's Oversight Committee.

(b) The marshal positions existing in the Santa Barbara, Santa Maria, and Lompoc municipal courts, and the constable position in the Solvang Justice Court, are abolished. In no event shall the marshal of the Santa Maria Municipal Court be employed at a lesser pay range or with fewer benefits than that to which he or she was entitled on the operative date of this section, for the term to which he or she was elected.

(c) Whenever a vacancy occurs in the position of Marshal of Santa Barbara County, the judges of the Santa Barbara County municipal courts, by a majority vote of their aggregate number, shall select and appoint the marshal under any organization, rules, and procedures they adopt or ratify.

1 Discharge of the marshal shall be by majority vote of the judges of the municipal courts of Santa
2 Barbara County. The judges of the Santa Barbara County municipal and justice courts may, by
3 two-thirds vote, delegate any function under this section to the Marshal's Oversight Committee.

4 (d) The judges of the Santa Barbara County municipal courts shall create a Marshal's Oversight
5 Committee consisting of three judges. The three judges shall be selected to sit on the committee
6 on an annual basis. The committee shall consist of one judge from the South County selected by
7 the Santa Barbara Municipal Court judges, and one judge from the North County selected by the
8 Santa Maria Municipal Court judges, the Lompoc Municipal Court judge, and the Solvang Justice
9 Court judge. The third judge shall be appointed by the two selected judges and shall rotate
10 between the North County and the South County courts. The Marshal's Oversight Committee
11 may, by majority vote, make policies and adopt procedures pertaining to the operations and
12 personnel administration of the marshal's department.

13 (e) There shall be two assistant marshals, one primarily assigned to the North County courts
14 and one primarily assigned to the South County courts. Each assistant marshal shall be appointed
15 by and serve at the pleasure of the marshal. This appointment shall require the concurrence of a
16 majority of the members of the Marshal's Oversight Committee. Discharge of an assistant
17 marshal shall be at the direction of the marshal and shall require the concurrence of a majority of
18 the members of the Marshal's Oversight Committee.

19 (f) The salary range of an assistant marshal shall be at level 530. The salary of the assistant
20 marshal may be adjusted annually, within its range, by the marshal with concurrence of the
21 Marshal's Oversight Committee.

22 (g) A branch office of the Marshal of Santa Barbara County shall be maintained in each
23 municipal court facility.

24 74644.2. (a) All personnel of the Santa Barbara Marshal's Office, the Santa Maria Marshal's
25 Office, and the Lompoc Marshal's Office on the effective date of this section shall automatically
26 become members of the consolidated Santa Barbara County Marshal's Office at their existing or
27 equivalent classifications, salaries, and benefits.

28 (b) Permanent employees described in subdivision (a) shall be deemed qualified, and no other
29 qualifications shall be required for employment or retention.

30 (c) No employee of any marshal's office affected by this section shall lose peace officer status,
31 or be demoted or otherwise adversely affected by the consolidation of court services
32 accomplished by this section.

33 (d) The assignment of persons holding the position of deputy marshal to individual courtrooms
34 shall be made by the marshal with the concurrence of the individual judge in whose courtroom
35 the assignment is to be made and shall be consistent with local rules and procedures. Each deputy
36 or officer shall serve in that assignment at the pleasure and under the direction of that judge.

37 (e) A salary comparison study shall be conducted by the Santa Barbara County Personnel
38 Department, to be completed by April 15, 1994, to identify the appropriate salary level of the
39 marshal and the assistant marshals under the consolidation required by Section 74644.1. These
40 salaries shall be adjusted in accordance with the findings of the salary study and with the
41 concurrence of the Marshal's Oversight Committee.

42 74645. (a) It is the purpose of this section to provide compensation for municipal court
43 employees and officers which is comparable to that paid to county employees holding equal or
44 comparable positions in the Santa Barbara classified service as that comparability is determined
45 by the Santa Barbara County Board of Supervisors.

46 (b) Whenever reference to a numbered salary range is made in any section of this article, the
47 schedule and the salary ordinance of the County of Santa Barbara in effect on January 1 of the
48 preceding year, shall apply.

1 (c) If the board of supervisors adopts a revised salary schedule for county employees, the new
2 schedule shall apply equally to employees of municipal courts and marshals' offices and
3 conversion to the new schedule shall be made for the employees in the same manner on the same
4 date as for the classified service.

5 (d) Notwithstanding any of the provisions of this article, the salary and benefits of municipal
6 court employees and officers shall be changed in the same manner and at the same rate as a salary
7 and benefit change is effective for other permanent county classified positions. Employees and
8 officers of the municipal court shall be entitled to all employee benefits as they are provided and
9 made applicable to positions within the classified service pursuant to Santa Barbara County
10 ordinances or resolutions, to the extent that the benefits are not contrary to state law.

11 (e) All matters affecting the administration of salary and benefits, the selection, appointment,
12 and reclassification of municipal court officers and employees in those positions which they hold
13 which are not specifically determined by the provision of state law shall be governed by the
14 personnel ordinances and resolutions of the Board of Supervisors of the County of Santa Barbara.

15 (f) Nothing in this article shall be construed to place marshals' or clerks' offices, their
16 employees and attaches under the civil service system of Santa Barbara County but those
17 employees and attaches may be placed under that civil service system by court rule adopted by
18 the judges of their respective courts.

19 (g) Any changes in compensation made pursuant to this section shall be on an interim basis and
20 shall expire January 1 of the second calendar year following the changes unless ratified by the
21 Legislature.

22 74646. With the approval of the board of supervisors, a majority of municipal court judges of a
23 municipal court district in the county may adjust the number and classification of positions for
24 officers, attaches, and employees provided by this article. The order and approval adjusting any
25 such position shall designate the position title and salary.

26 When any additional or redesignated positions are so established, the court may appoint and
27 employ such additional or redesignated officers, attaches, and employees as are necessary for the
28 performance of the duties and exercise of the powers conferred by law upon the court and its
29 members.

30 Any adjustment made pursuant to this section shall be effective when established by the board
31 of supervisors and shall remain in effect only until January 1 of the second year following the
32 year in which such change is made unless subsequently ratified by the Legislature.

33 74647. (a) The judges of the Santa Barbara District may appoint two court commissioners. The
34 judges of the Santa Maria Division of the Northern Santa Barbara Municipal Court may appoint
35 one court commissioner.

36 (b) Commissioners shall be appointed by a majority of the judges of the court or courts, or by
37 the senior judge of a two-judge court, to which the court commissioner is appointed.
38 Commissioners shall serve at the pleasure of the majority of the judges in the court or courts or at
39 the pleasure of the presiding judges in the court or courts or at the pleasure of the senior judge in
40 a two-judge court and may be removed by a majority of the judges at their discretion. Within the
41 jurisdiction of the court or courts and under the direction of the judges, commissioners shall
42 exercise all the powers and perform all of the duties authorized by law to be performed by
43 commissioners of superior courts and any additional powers and duties as may be prescribed by
44 law. At the direction of the judges, commissioners may have the same jurisdiction and exercise
45 the same powers and duties as the judges of the court with respect to any infraction or small
46 claims action. The commissioners shall possess the same qualifications the law requires of a
47 municipal court judge and shall not engage in the private practice of law. They shall be ex officio

1 deputy clerks. Commissioners shall receive a salary equal to 85 percent of the salary paid to
2 municipal court judges in Santa Barbara County.

3 (c) Full-time official reporters appointed by the majority of the judges of the municipal court
4 pursuant to the provisions of Section 72194 and so designated, shall be attaches of the court and
5 shall receive a biweekly salary in accordance with the provisions of Section 70059.7. That salary
6 shall be paid at the same times and according to the same procedures as salaries of employees of
7 the County of Santa Barbara. During the hours when the court is open for the transaction of
8 judicial business, official reporters shall devote full time to the performance of the duties required
9 of them by law and shall not engage in or solicit to engage in any other employment in their
10 professional capacity.

11 (d) The judges of the court may appoint as many part-time additional reporters as the business
12 of the court requires. The additional reporters shall be known as official reporters pro tempore,
13 and they shall serve without salary but shall receive, for reporting, fees at the per diem rate fixed
14 by Section 70059.7. Rates of compensation of regular official reporters and official reporters pro
15 tempore may be adjusted by joint action and approval of the board of supervisors and a majority
16 of the judges of the court, provided, however, that any changes in compensation which are made
17 pursuant to this section shall be on an interim basis and shall remain in effect only until January 1,
18 1991, unless ratified by statute by the Legislature prior to that date. In criminal cases such fees
19 upon order of the court shall be a charge against the general fund of the county.

20 (e) An official reporter when not engaged in the performance of duties of the municipal court,
21 may be appointed to serve as such reporter for the Santa Barbara County Grand Jury or in any
22 other court in the County of Santa Barbara.

23 74648. All fees collected by court officers and attaches for official duties shall be deposited in
24 the county treasury.

25 ☞ **Note.** The Commission is reviewing whether county treasury provisions remain viable, given
26 the enactment of the Trial Court Funding Act, the Trial Court Employment Protection and
27 Governance Act, and other changes to the structure of the trial courts. See Gov't Code §§ 77003
28 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
29 (state funding of trial court operations). These matters are also being examined by a Joint Court-
30 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
31 treatment of this provision.

32 74649. In order to help defray the costs of reporting services, in addition to fees required by
33 other laws for the filing of the first paper in a civil action, there shall be an additional charge of
34 ten dollars (\$10) in each court with designated full-time reporters.

35 ☞ **Note.** Issues involving filing fees are still unsettled. This section may need to be preserved
36 pending resolution of these issues. The Commission solicits comments on these issues.

37 **§§ 74660-74673 (repealed). Santa Clara County Municipal Court**

38 SEC. _____. Article 28.5 (commencing with Section 74660) of Chapter 10 of Title 8 of
39 the Government Code is repealed.

40 **Comment.** Sections 74660-74673 are repealed to reflect:

41 (1) Unification of the municipal and superior courts in Santa Clara County pursuant to Article
42 VI, Section 5(e), of the California Constitution, effective July 30, 1998. See Section 70211
43 (former municipal court judgeships continued as superior court judgeships). See also Code Civ.
44 Proc. § 38 (judicial districts); Section 69600 (number of judges in Santa Clara County). Cf.
45 Section 71042.5 (preservation of judicial districts for purposes of publication); former Section
46 71264 (municipal court served by marshal).

1 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
2 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
3 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
4 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
5 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
6 protection system), 71673 (authority of court). See also Sections 69941 (appointment of official
7 reporters), 69947 (compensation of official reporter), 72190 (court commissioners).

8 (3) Enactment of the Trial Court Funding Act. See Sections 77001 (local trial court
9 management), 77003 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
10 (state funding of trial court operations). See also Sections 68086 (fees for reporting services in
11 civil cases generally), 69952 (payment from Trial Court Operations Fund), 69953 (payment of
12 fees).

13  **Note.** The text of the repealed article is set out below.

14 Article 28.5. Municipal Courts in the County of Santa Clara

15 74660. This article applies only to the municipal court in the Santa Clara County Judicial
16 District.

17 74661. There are 26 judges for the Santa Clara County Judicial District. However, at such time
18 as the Santa Clara County Board of Supervisors finds that there are sufficient funds to provide for
19 up to nine additional judges and adopts a resolution or resolutions to that effect. There shall be up
20 to 35 judges.

21 74662. The judges of the Santa Clara County Judicial District may appoint one commissioner
22 in addition to any traffic trial commissioners appointed pursuant to Article 10 (commencing with
23 Section 72450) of Chapter 9. The duties of each commissioner shall be as prescribed by law.
24 Each commissioner shall possess the same qualifications as the law requires of a judge of the
25 court. Each commissioner shall hold office at the pleasure of the judges and shall receive a salary
26 equal to 86.9 percent of the salary of a judge of the municipal court. Each commissioner shall be
27 an ex officio deputy clerk of the court. Each commissioner shall be a member of the same
28 retirement system and shall receive the same fringe benefits as the board of supervisors
29 determines from time to time shall apply to regular coded attaches appointed by the clerk-
30 administrative officer of the court.

31 74662.5. Any traffic referee appointed pursuant to Section 72400 in Santa Cruz County shall
32 receive a salary equal to 60 percent of a salary of a judge of the municipal court.

33  **Note.** It is unclear whether Section 74662.5 applies to Santa Cruz County or Santa Clara
34 County. Although the statute specifically refers to Santa Cruz County, the section falls within
35 Article 28.5 (commencing with Section 74660) — Municipal Courts in Santa Clara County.

36 74663. (a) In the Santa Clara County Judicial District there shall be one chief administrative
37 officer/clerk who shall receive a base salary of three thousand five hundred ninety-eight dollars
38 and twenty-four cents (\$3,598.24) biweekly, plus or minus 12 1/2 percent, and shall,
39 notwithstanding Section 74666, be appointed by and serve at the pleasure of a majority of the
40 judges of the municipal court. In addition, there will be one legal aide (unclassified) and one staff
41 attorney (unclassified) who shall be appointed by and serve at the pleasure of a majority of the
42 judges. The legal aide shall serve one-year terms. The legal aide shall be appointed by and serve
43 at the pleasure of a majority of the judges and shall receive a salary as specified in range 45.0B,
44 and the staff attorney shall receive a salary as specified in range 40.0A. The Santa Clara County

1 Salary Ordinance No. NS-5.97 and NS.20.97, as amended, for the fiscal year July 1, 1997,
2 through June 30, 1998, are the sources for all salaries.

3 (b) The chief-administrative officer/clerk may appoint all of the following:

4 (1) One assistant chief administrative officer/clerk who shall receive a base salary of two
5 thousand nine hundred two dollars and eighty-eight cents (\$2,902.88), biweekly, plus or minus 12
6 1/2 percent.

7 (2) One deputy administrator/court operations who shall receive a salary as specified in range
8 40.7A.

9 (3) One deputy administrator/court services who shall receive a salary as specified in range
10 40.7A.

11 (4) One administrative services manager II who shall receive a salary as specified in range
12 42.4A.

13 (5) One departmental systems specialist II who shall receive a salary as specified in range
14 42.6A, or one departmental systems specialist I who shall receive a salary as specified in range
15 40.6A.

16 (6) One municipal court department information systems specialist who shall receive a salary as
17 specified in range 26.0Y.

18 (7) Two management analysts who shall receive a salary as specified in range 37.9A, or
19 associate management analyst B who shall receive a salary as specified in range 34.1A, or
20 associate management analyst A who shall receive a salary as specified in range 31.0A.

21 (8) Two accountants III who shall receive a salary as specified in range 37.4A, or accountants
22 II who shall receive a salary as specified in range 46.8B, or accountant/auditor appraiser who
23 shall receive a salary as specified in range 44.0B.

24 (9) One accountant II who shall receive a salary as specified in range 46.8B, or
25 accountant/auditor appraiser who shall receive a salary as specified in range 44.0B.

26 (10) One administrative support officer I who shall receive a salary as specified in range 35.0A.

27 (11) Two secretaries III who shall receive a salary as specified in range 43.4B, or secretaries II
28 who shall receive a salary as specified in range 41.4B, or secretaries I who shall receive a salary
29 as specified in range 39.2B.

30 (12) One secretaries II who shall receive a salary as specified in range 41.4B, or secretaries I
31 who shall receive a salary as specified in range 39.2B, or office clerk who shall receive a salary as
32 specified in range 35.2B.

33 (13) One account clerk II who shall receive a salary as specified in range 38.6B.

34 (14) One municipal court division manager III who shall receive a base salary of two thousand
35 five hundred thirty-one dollars and fifty-two cents (\$2,531.52) biweekly, plus or minus 12 1/2
36 percent.

37 (15) Two municipal court division managers II who shall receive a base salary of two thousand
38 three hundred thirty dollars and fifty-six cents (\$2,330.56) biweekly, plus or minus 12 1/2
39 percent.

40 (16) Three municipal court division managers I who shall receive a base salary of two thousand
41 one hundred eighty-seven dollars and four cents (\$2,187.04) biweekly, plus or minus 12 1/2
42 percent.

43 (17) Three and one-half chief deputy court clerks I who shall receive a salary as specified in
44 range 36.5A.

45 (18) Thirteen supervising deputy court clerks II who shall receive a salary as specified in range
46 34.5A.

47 (19) Four supervising deputy court clerks I who shall receive a salary as specified in range
48 32.7A.

1 (20) Ten assistant supervising deputy court clerks who shall receive a salary as specified in
2 range 31.7A.

3 (21) Sixty-two municipal courtroom clerks who shall receive a salary as specified in range
4 44.8B.

5 (22) Two hundred nine and one-half deputy court clerks II who shall receive a salary as
6 specified in range 42.1B or deputy court clerks I who shall receive a salary as specified in range
7 35.9B.

8 (23) Two court services coordinators who shall receive a salary as specified in range 33.6A.

9 (24) Seven accountant assistants who shall receive a salary as specified in range 40.5B.

10 (25) One security guard who shall receive a salary as specified in range 39.1B.

11 (26) One storekeeper who shall receive a salary as specified in range 37.9B.

12 (27) One messenger-driver who shall receive a salary as specified in range 36.8B.

13 (28) Thirty-four municipal court court reporters (unclassified) who shall receive a salary as
14 specified in range 51.5K.

15 74665. In the Santa Clara County Judicial District the judges of these courts, pursuant to
16 Section 72194, may appoint as many additional reporters as the business of the courts may
17 require, who shall be known as official reporters pro tempore, and who shall serve without salary
18 but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of
19 the per diem fees provided in those sections for reporting testimony and proceedings, the official
20 reporters pro tempore shall in all cases receive one hundred fourteen dollars and eighty-five cents
21 (\$114.85) per half day and two hundred twenty-nine dollars and seventy cents (\$229.70) per day,
22 which shall, upon order of the court, be a charge against the general fund of the county. If the
23 board of supervisors increases the per diem fees for official court reporters pro tempore in the
24 superior court pursuant to Section 70046.1, this increase shall apply equally for all official
25 reporters pro tempore in the municipal courts, but all of these increases shall be effective only
26 until the second year following the calendar year in which the adjustment is made.

27 74666. Attaches of the Santa Clara County Judicial District shall be subject to the provisions of
28 merit system rules established pursuant to the charter of the County of Santa Clara in the same
29 manner and to the same extent as applicable generally to officers and employees of said county.

30 Each attache shall receive a salary computed in accordance with the range established for that
31 position or classification in order to provide compensation comparable to other positions and
32 classifications in the county service as such comparability is determined by the board of
33 supervisors. Whenever reference to a numbered salary range is made in any section of this article,
34 the schedule found in the basic salary plan as adopted by the board of supervisors, which includes
35 the same range numbers and rates of pay utilized for general employees of Santa Clara County,
36 shall apply.

37 If the board of supervisors increases or decreases salaries, or adopts a revised salary plan, the
38 new schedule of salaries and ranges shall apply equally to and be effective for such attaches of the
39 court in the manner and on the date as is determined by the board of supervisors, but all such
40 changes or adjustments shall be effective only until the second year following the calendar year in
41 which the adjustment is made.

42 Such attaches shall be entitled to receive, on prescribed terms and conditions, such vacation,
43 sick leave, leave of absence, and other benefits as are or may be provided by the board of
44 supervisors from time to time. Such attaches may be appointed, promoted, demoted, terminated,
45 or transferred, or their status otherwise adjusted, in the same manner and with the same effect as
46 is or may be provided for by law. Such attaches shall be subject to such employment
47 qualifications as may be adopted for their positions.

1 This section is expressly subject to the provisions of Section 72002.1 and any other provisions
2 of state law regarding attaches of the court.

3 74667. In the Santa Clara County Judicial District the sheriff shall be ex officio marshal and
4 shall act as such without additional compensation and his designated deputies shall be ex officio
5 deputy marshals of the court.

6 74668. In the Santa Clara County Judicial District all per diem fees otherwise payable by law
7 by the parties to proceedings in the court to official reporters or official reporters pro tempore
8 shall be paid to the clerk of the court. All fees shall be deposited in the treasury of the county to
9 the credit of the general fund.

10 ☞ **Note.** The Commission is reviewing whether county treasury provisions remain viable, given
11 the enactment of the Trial Court Funding Act, the Trial Court Employment Protection and
12 Governance Act, and other changes to the structure of the trial courts. See Gov't Code §§ 77003
13 and Cal. R. Ct. 810 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
14 (state funding of trial court operations). These matters are also being examined by a Joint Court-
15 County Working Group on Trial Court Funding. The Commission solicits comment on the proper
16 treatment of this provision.

17 74669. In the Santa Clara County Judicial District fees for transcription of testimony and
18 proceedings in such courts shall be paid by the litigants to official reporters and official reporters
19 pro tempore as otherwise provided by law. In all cases where by law, the court may direct the
20 payment of transcription fees out of the county treasury, such fees shall, upon order of the court,
21 be paid from the general fund including fees for transcription of testimony and proceedings in
22 criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the
23 county treasury.

24 74670. In the Santa Clara County Judicial District no further fee shall be collected from, or
25 assessed against, any party to any proceeding for services of a phonographic reporter in taking
26 down in shorthand the testimony and other proceedings in the trial or hearing of any matter as
27 required by law or by order of the court. Such phonographic reporter shall be allowed and shall
28 receive, unless waived by him, the fees allowed by law for transcribing his shorthand notes of the
29 testimony and proceedings reported by him, and such fees for transcription shall be paid as
30 provided by Sections 69947 to 69953, inclusive, and by any other law pertinent to the case.

31 74672. In the Santa Clara County Judicial District the fee required by Section 74671 shall be
32 taxed as costs in favor of any party paying it and to whom costs are awarded by the judgment of
33 the court. It is not subject to Section 6103.

34 The clerk of the Santa Clara County Judicial District shall transmit to the county treasurer in
35 accordance with Section 24353 all money paid to him pursuant to Section 74671. The money
36 shall be deposited in the general fund of the county.

37 74673. In any county with a population of over 1,000,000 and not over 1,070,000 as
38 determined by the 1970 federal census and in which there is, or may be, established by a majority
39 vote of the judges of the superior court and a majority vote of the judges of the municipal court of
40 that county a joint committee comprised of an equal number of superior court and municipal court
41 judges, such committee shall advise the respective courts on matters relating to the administration
42 of criminal justice. Upon concurrence of a majority of the superior court judges and a majority of
43 the municipal court judges, the joint committee may initiate and administer programs, services
44 and other matters relating to the improvement of the criminal justice system.

45 The executive director and any and all other employees of the joint committee shall be
46 appointed by and serve at the pleasure of the joint committee. The number and compensation of

1 all employees of the joint committee shall be fixed by the board of supervisors. All expenses of
2 the joint committee shall be paid from the general fund of the county, subject to the approval of
3 the board of supervisors.

4 **§§ 74690-74699 (repealed). Santa Cruz County Municipal Court**

5 SEC. _____. Article 29 (commencing with Section 74690) of Chapter 10 of Title 8 of the
6 Government Code is repealed.

7 **Comment.** Sections 74690-74699 are repealed to reflect:

8 (1) Unification of the municipal and superior courts in Santa Cruz County pursuant to Article
9 VI, Section 5(e), of the California Constitution, effective July 1, 1998. See Section 70211 (former
10 municipal court judgeships continued as superior court judgeships). See also Code Civ. Proc. § 38
11 (judicial districts); Section 69600.5 (number of judges in Santa Cruz County). Cf. Section
12 71042.5 (preservation of judicial districts for purposes of publication); former Section 71264
13 (municipal court served by marshal).

14 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
15 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
16 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
17 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
18 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
19 protection system), 71673 (authority of court). See also Sections 69941 (appointment of official
20 reporters), 69947 (compensation of official reporter), 72190 (court commissioners).

21 (3) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
22 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations).

23  **Note.** The text of the repealed article is set out below.

24 **Article 29. Santa Cruz County**

25 74690. This article applies to the municipal courts established in districts in Santa Cruz County.

26 74691. There are five judges.

27 74692. (a) There shall be one clerk of the municipal court in Santa Cruz County, who shall be
28 known as court administrator-clerk of the municipal court, and who shall be appointed by and
29 serve at the pleasure of a majority of the judges of the municipal court. The court administrator-
30 clerk of the municipal court shall receive a salary at the rate specified in rate ND of the salary
31 schedule. The position of court administrator-clerk of the municipal court shall not be deemed a
32 civil service position.

33 (b) There shall be one assistant clerk of the municipal court who shall be appointed by the court
34 administrator-clerk of the municipal court, with the approval of a majority of the judges of the
35 municipal court.

36 74693. The court administrator-clerk of the municipal court may appoint:

37 (a) One assistant court administrator-clerk of the municipal court, who shall receive a salary at
38 a rate specified in range MT of the salary schedule.

39 (b) One supervising deputy court clerk, grade II, who shall receive a salary at the rate specified
40 in range M9 of the salary schedule.

41 (c) Six supervising deputy court clerks, grade I, who shall receive a salary at the rate specified
42 in range JM of the salary schedule.

1 (d) Seven senior municipal courtroom clerks who shall receive a salary at the rate specified in
2 range JN of the salary schedule.

3 (e) Nine municipal courtroom clerks who shall receive a salary at the rate specified in range D6
4 of the salary schedule.

5 (f) Twenty-nine clerks, grade II or deputy court clerks. Clerks, grade II shall receive a salary at
6 the rate specified in range 28 of the salary schedule. Deputy court clerks shall receive a salary at
7 the rate specified in range 32 of the salary schedule.

8 (g) Two clerks, grade II, who shall receive a salary at the rate specified in range 27 of the salary
9 schedule.

10 (h) Three typist clerks, each of whom shall be either grade I or grade II. Grade I typist clerks
11 shall receive a salary at the rate specified in range J7 of the salary schedule. Grade II typist clerks
12 shall receive a salary at the rate specified in range J8 of the salary schedule.

13 (i) One secretary, who shall receive a salary at the rate specified in range D4 of the salary
14 schedule.

15 (j) One departmental systems analyst, who shall receive a salary at the rate specified in range
16 KF of the salary schedule.

17 (k) One supervising accountant, grade I, who shall receive a salary at the rate specified in range
18 FX of the salary schedule.

19 (l) Two account clerks, grade III, who shall receive a salary at the rate specified in range FH of
20 the salary schedule.

21 (m) .50 payroll clerk, who shall receive a salary at the rate specified in range FN of the salary
22 schedule.

23 (n) 1.50 receptionists, who shall receive a salary at the rate specified in range 27 of the salary
24 schedule.

25 (o) .70 assistant departmental administrative analyst, who shall receive a salary at the rate
26 specified in range KF of the salary schedule.

27 (p) One data entry operator, grade II, who shall receive a salary at the rate specified in range D2
28 of the salary schedule.

29 (q) Seven court reporters, who shall receive a salary at the rate specified in range 62 of the
30 salary schedule.

31 (r) One traffic commissioner, who shall receive a salary at the rate specified in range DO of the
32 salary schedule.

33 (s) Two court interpreters, who shall receive a salary at a rate specified in range WC of the
34 salary schedule.

35 (t) One judicial administrative assistant, who shall receive a salary at the rate specified in range
36 LH of the salary schedule.

37 74693.1. Whenever reference to a numbered salary range is made in any section of this article,
38 the schedule of salaries adopted by resolution of the Board of Supervisors of Santa Cruz County
39 in effect on January 1, 1988, shall apply.

40 Unless otherwise specifically provided, each person appointed to a position, the compensation
41 of which is fixed by reference to a salary range incorporated by this section, shall be placed in the
42 step of the specified salary range and advanced in step in the specified salary range in accordance
43 with the personnel practices of the County of Santa Cruz.

44 74693.2. All employees of the Santa Cruz Municipal Court shall be entitled to the same
45 provisions with respect to retirement, vacations and other benefits allowed to other employees of
46 the county, and be subject to the personnel regulations, memoranda of understanding and the
47 affirmative action plan of the County of Santa Cruz.

1 74693.3. The positions enumerated in Sections 74692 and 74693, inclusive, are deemed to be
2 comparable in job and salary level to positions of the same title listed in the service of Santa Cruz
3 County.

4 Notwithstanding any other provision of law, in the event that any class, the number of positions
5 prescribed for any class, or the salary, benefits, personnel regulations, memoranda of
6 understanding or affirmative action plan for any class which is shown above is modified by the
7 civil service commission or board of supervisors, or both, a commensurate modification shall,
8 with the approval of the presiding judge of the municipal court, be made for the comparable court
9 class. Any adjustment made pursuant to this section shall be effective the same date as the
10 effective date of the action applicable to the respective and comparable county class, but shall
11 remain in effect only until January 1 of the second year in which such change is made, unless
12 subsequently ratified by the Legislature.

13 74694. The sheriff of the county shall be ex officio marshal of the court and may appoint two of
14 his deputies to act as ex officio deputy marshals of the court.

15 74695. Each judge of the municipal court in the County of Santa Cruz may appoint a competent
16 phonographic reporter, pursuant to Section 72194, to be known as an official reporter of such
17 court, and such pro tempore reporters as necessary to report the proceedings of the court. Official
18 reporters shall hold office at the pleasure of the appointing judge and shall be attaches of the court
19 and shall receive a biweekly salary as specified in salary schedule 62 of the County of Santa
20 Cruz, which shall be a charge against the general fund of the county. During the hours which the
21 courts are open for transaction of judicial business, official reporters shall devote full time to the
22 performance of the duties required of them by law. The duties of official reporters appointed
23 pursuant to this section shall be performed as elsewhere provided by law.

24 74698. The judges of the municipal court shall appoint one court commissioner. The
25 commissioner shall possess the same qualifications as the law requires of a judge of the court.
26 Within the jurisdiction of the court and under the direction of the judges, the commissioner shall
27 exercise the powers and perform the duties authorized by the law. The commissioner shall hold
28 office at the pleasure of the judges and shall receive a monthly salary at the rate established by the
29 judges. In no event shall such salary exceed the salary provided for a judge of the municipal
30 court. The commissioner shall be an ex officio deputy clerk of the court and shall be a member of
31 any retirement system which includes attaches of the court. The commissioner may engage in the
32 private practice of law upon approval of the judges.

33 74699. Notwithstanding any other provision of the law, the compensation rate for each official
34 court reporter pro tempore shall be ninety dollars (\$90) a day for each day such official court
35 reporter pro tempore provides court reporting services to this municipal court, or at a rate equal to
36 but not less than the rate of compensation established by the county board of supervisors for
37 official court reporters pro tempore appointed by the superior court of the County of Santa Cruz.

38 **§§ 74700-74711 (repealed). Sonoma County Municipal Court**

39 SEC. ____. Article 29.5 (commencing with Section 74700) of Chapter 10 of Title 8 of
40 the Government Code is repealed.

41 **Comment.** Sections 74700-74711 are repealed to reflect:

42 (1) Unification of the municipal and superior courts in Sonoma County pursuant to Article VI,
43 Section 5(e), of the California Constitution, effective June 12, 1998. See Section 70211 (former
44 municipal court judgeships continued as superior court judgeships). See also Code Civ. Proc. § 38
45 (judicial districts); Sections 68202-68203 (salary of superior court judge), 69603 (number of

1 judges in Sonoma County). Cf. Section 71042.5 (preservation of judicial districts for purposes of
2 publication); former Section 71264 (municipal court served by marshal).

3 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
4 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
5 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
6 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
7 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
8 protection system), 71673 (authority of court). See also Code Civ. Proc. § 259 (powers of court
9 commissioners); Sections 69941 (appointment of official reporters), 69947 (compensation of
10 official reporter), 72190 (court commissioners).

11 (3) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
12 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations).

13  **Note.** The text of the repealed article is set out below.

14 Article 29.5. Sonoma County

15 74700. This article applies to the municipal court district which embraces all of Sonoma
16 County and is known as the Sonoma County Municipal Court. This article establishes a uniform
17 compensation schedule which shall apply to the Sonoma County Municipal Court and provides
18 the personnel for such court.

19 74701. Judges of the Sonoma County Municipal Court shall be compensated in accordance
20 with the uniform salary statutes.

21 74701.5. The judges of the Sonoma County Municipal Court may, by majority vote, appoint
22 two court commissioners who shall meet the qualifications and have the powers and duties
23 specified in Sections 72190 and 72190.1 of this code, and Section 259 of the Code of Civil
24 Procedure. However, if the board of supervisors finds that there are sufficient funds for one
25 additional court commissioner and adopts a resolution to that effect, there shall be three court
26 commissioners. Any commissioner so appointed shall also have the power and duties of a traffic
27 referee, as provided in Article 9 (commencing with Section 72400) of Chapter 8 of Title 8. The
28 salary of the commissioner for all duties performed pursuant to this section shall be equal to 85
29 percent of the annual salary of a judge of a municipal court. The commissioner shall be a member
30 of the Sonoma County Retirement System and shall receive vacation, sick leave, and fringe
31 benefits identical to those provided Sonoma County administrative management employees.

32 74702. There shall be one clerk administrator who shall be the court executive officer and who
33 shall be appointed by, and serve at the pleasure of, the judges of the municipal court. In addition
34 to the duties imposed on this position by law, the judges of the municipal court may prescribe and
35 delegate to the clerk administrator such administrative powers and duties as they deem necessary
36 for the optimal administration of the court.

37 The salary of the clerk administrator shall be established by joint action of the Sonoma County
38 Board of Supervisors and a majority of the judges of the municipal court at an amount equal to
39 that paid county department heads with comparable experience and responsibility. The clerk
40 administrator shall receive the same privileges with respect to sick leave, vacations, and fringe
41 benefits as provided equivalent department heads employed by the county.

42 74703. (a) The judges of the Sonoma County Municipal Court may, with the approval of the
43 board of supervisors, appoint a permanent full-time traffic referee, in addition to the appointment
44 of any other traffic referee authorized by statute, to be funded entirely by the County of Sonoma.
45 The permanent full-time traffic referee shall hold office at the pleasure of the judges. The judges

1 may also appoint temporary traffic referees, as needed, to assist in processing traffic caseloads
2 during times of training, illness, or vacation of the full-time traffic referee.

3 (b) The permanent full-time traffic referee and temporary traffic referees shall have the powers
4 and duties specified in Sections 72401 and 72402, as well as the powers of a deputy clerk of the
5 court, and shall perform such other duties as may be assigned by the court.

6 (c) The permanent full-time traffic referee shall receive a salary equal to 60 percent of the
7 annual salary of a municipal court judge. The permanent full-time traffic referee shall receive sick
8 leave, vacation leave, and benefits identical to those provided to Sonoma County administrative
9 management employees.

10 (d) The temporary traffic referees shall receive a salary identical to that of the permanent full-
11 time traffic referee, except that the compensation shall be prorated as the number of hours
12 actually served relates to a 40-hour workweek. Temporary traffic referees shall not receive sick
13 leave, vacation leave, or benefits, other than those mandated by state or federal law.

14 (e) The permanent full-time traffic referee shall be appointed from a list of temporary traffic
15 referees established and approved by a majority of the judges of that court. The number of
16 temporary traffic referees shall be such that each temporary traffic referee serves on the bench an
17 average of at least three days in each month, and the presiding judge shall assure that all
18 temporary traffic referees maintain current knowledge of the procedures. The court shall
19 periodically review the performance of each temporary traffic referee and shall maintain an
20 ongoing training program to maintain their skills. Each temporary traffic referee shall possess the
21 same qualifications the law requires of a municipal court judge, and shall have completed an
22 orientation program satisfactory to the presiding judge, including a review of the procedures and
23 practices of the court, together with observation of each particular calendar to which the traffic
24 referee may be assigned, and shall not engage in the private practice of law before any court of
25 the municipal to which he or she is appointed, and is subject to disqualification as provided for
26 judges.

27 (f) A permanent full-time traffic referee and each temporary traffic referee shall perform those
28 functions conferred by law and assigned by the presiding judge. Before any action or proceeding
29 is tried or heard by a permanent full-time traffic referee or temporary traffic referee, any party to,
30 or any attorney appearing in, the action or proceeding shall, however, be entitled to require, by
31 oral or written motion without notice, that the action or proceeding be reassigned or transferred,
32 whereupon the action or proceeding shall be reassigned or transferred as promptly as possible to a
33 judge, court commissioner, or referee of the court. The court shall, prior to the commencement of
34 any such trial or hearing, provide notice to each party or attorney of record in the action or
35 proceeding of this entitlement to require reassignment or transfer.

36 (g) The permanent full-time traffic referee position and the temporary traffic referee positions
37 shall not be counted in the calculation of trial court funding pursuant to Section 77202, and the
38 salary for these positions shall not be considered as part of “court operations” for purposes of
39 Sections 77003 and 77204.

40 74705. Certain classes of employment in the municipal courts are deemed to be equivalent in
41 job responsibility and salary level to certain classes in the service of the County of Sonoma, or in
42 some instances, to such classes plus or minus a specified percentage rate. Whenever the salary of
43 those classes in the service of the County of Sonoma is adjusted by the board of supervisors, the
44 salary of the comparable classes in the municipal courts shall be adjusted to a like extent plus or
45 minus the percentage rate specified in this section, if applicable. The adjustment shall become
46 effective on the same date as the effective date of the action by the board of supervisors, as it
47 applies to the classes in the service of the county, but the adjustment shall remain effective only
48 until January 1 of the second year following the calendar year in which the adjustment is made.

49 Municipal Court Classification

County Classification

1	Municipal Court Executive Officer	Municipal Court Executive Officer
2	Assistant Court Executive Officer	Municipal Court Assistant Executive Officer
3	Administrative Assistant	Administrative Assistant
4	Municipal Court Services Manager	Municipal Court Services Manager
5	Municipal Court Reporter	Municipal Court Reporter
6	Municipal Court Secretary	Municipal Court Secretary
7	Executive Secretary	Executive Secretary
8	Municipal Court Division Supervisor	Municipal Court Division Supervisor
9	Municipal Courtroom Clerk	Municipal Courtroom Clerk
10	Municipal Court Clerk III	Municipal Court Clerk III
11	Account Clerk III	Account Clerk III
12	Account Clerk II/I	Account Clerk II/I
13	Municipal Court Clerk II	Municipal Court Clerk II
14	Municipal Court Clerk I	Municipal Court Clerk I

15 74706. All fees collected by the sheriff or his deputies for services to the municipal court shall
16 be deposited with the county treasurer.

17 74707. Section 70047.5 shall govern the salary, retirement, vacation, sick leave, and other
18 benefits applicable to official reporters of the municipal court, appointed pursuant to Section
19 72194, in addition to providing for the daily reimbursement rate and other expenses of reporters
20 pro tempore.

21 74708. In the municipal court in the district which coincides with all the territory in the County
22 of Sonoma, there shall be the following personnel:

23 (a) There shall be six judges who may together appoint:

24 (1) Two court commissioners.

25 (2) One municipal court executive officer, who will serve as clerk of the court.

26 (3) Four municipal court reporters.

27 (4) One municipal court secretary.

28 (b) The municipal court executive officer may appoint:

29 (1) One assistant municipal court executive officer.

30 (2) Two administrative assistants.

31 (3) One municipal court services manager.

32 (4) One executive secretary.

33 (5) Six municipal court division supervisors.

34 (6) Eight municipal courtroom clerks.

35 (7) Sixteen municipal court clerks III.

36 (8) One account clerk III.

37 (9) Four account clerks II/I.

38 (10) Twenty-six and one-half municipal court clerks II/I.

39 74710. No provision is made for marshal or deputy marshals in the Sonoma County Municipal
40 Court and no compensation is established for any such marshal and deputy marshal positions. In
41 lieu thereof, the Sheriff of the County of Sonoma shall be ex officio marshal and shall serve the
42 court without additional compensation.

43 74711. All officers and employees of the municipal court shall be entitled to the privileges
44 afforded their equivalent county class by the Sonoma County Salary Ordinance or the applicable
45 memorandum of understanding with respect to sick leave, vacations, and other benefits. The
46 municipal court officers and employees may be appointed, promoted, demoted, reclassified,

1 terminated or transferred, or their status otherwise adjusted, in the same manner and with the
2 same effect as is provided by the salary ordinance or the applicable memorandum of
3 understanding in effect at the time of any such adjustment in status.

4 **§§ 74720-74731 (repealed). Siskiyou County Municipal Court District**

5 SEC. ____ Article 29.6 (commencing with Section 74720) of Chapter 10 of Title 8 of
6 the Government Code is repealed.

7 **Comment.** Sections 74720-74731 are repealed to reflect:

8 (1) Unification of the municipal and superior courts in Siskiyou County pursuant to Article VI,
9 Section 5(e), of the California Constitution, effective June 4, 1998. See Cal. Const. art. VI, § 23
10 and Section 70212(b) (preexisting court locations retained as superior court locations), Section
11 70211 (former municipal court judgeships continued as superior court judgeships). See also Cal.
12 Const. art. VI, §§ 15 (qualifications of judges), 16 (election of judges); Code Civ. Proc. §§ 38
13 (judicial districts), 190 *et seq.* (jury selection); Section 69601.7 (number of judges in Siskiyou
14 County). *Cf.* Section 71042.5 (preservation of judicial districts for purposes of publication);
15 former Section 71264 (municipal court served by marshal).

16 (2) The fact that the office of deputy marshal no longer exists in Siskiyou County following
17 expiration of the former constables' terms of office.

18 (3) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
19 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
20 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
21 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
22 (employment selection and advancement), 71650-71658 (employment protection system), 71673
23 (authority of court). See also Sections 69941 (appointment of official reporters), 69947
24 (compensation of official reporter).

25 ☞ **Note.** The text of the repealed article is set out below.

26 **Article 29.6. Siskiyou County**

27 74720. The Siskiyou County Municipal Court District shall supersede the Western,
28 Southeastern, and Dorris/Tulelake Judicial Districts and shall embrace the entire County of
29 Siskiyou.

30 74721. There shall be three judges.

31 74722. The present judicial incumbents in the superseded judicial districts shall succeed to the
32 judicial positions of the new municipal court district.

33 74723. The time for election and qualifications of the successor to any judge who becomes a
34 judge of the municipal court shall be that previously fixed by law for the election and
35 qualifications of successors. The judges of the district shall be elected at large by the electors
36 resident within the district. Any otherwise qualified candidate is eligible to be elected if he or she
37 resides within the district.

38 74724. The court shall maintain facilities at Yreka, Dorris, Weed, and other locations
39 determined by the court. The court shall determine the nature and frequency of sessions to be held
40 at additional court locations.

41 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
42 preserved until completion of (1) the study and recommendation by the task force on court

1 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
2 on these issues.

3 74725. Trial jurors for each session of the courts of the district shall be selected from the
4 persons residing within the district.

5 74726. The officers, employees, and attaches of the municipal court shall be entitled to the
6 same vacation, sick leave, and similar benefits and privileges as those granted to other employees
7 of the county. Incumbent officers, employees, and attaches of the superseded courts shall retain
8 all accrued benefits and privileges.

9 74727. (a) All matters affecting the employment of the officers, employees, and attaches that
10 are not specifically determined by this article or another provision of state law shall be governed
11 by the current personnel ordinance of the County of Siskiyou.

12 (b) The Board of Supervisors of the County of Siskiyou may adjust the salaries paid to
13 employees of the municipal court as part of its county employee compensation plan. Any
14 adjustment shall be effective on the same date as the effective date of the action of the board to
15 adjust compensation of other county employees. Any adjustment shall be effective only until
16 January 1 of the second year following the year in which the adjustment is made, unless ratified
17 by the Legislature.

18 74727.5. (a) Whenever a reference is made to a numbered salary range in any section of this
19 article, the schedule of biweekly salaries found in the salary ordinance of Siskiyou County shall
20 apply.

21 (b) The work of the superior and municipal courts in Siskiyou County is to be performed,
22 minimally, by each of the positions herein identified by the trial courts of Siskiyou County.

23 (c) The court may appoint the following numbers of staff at the classification and salary ranges
24 indicated:

Number	Classification	Salary Range
1	Director of Family Court Services	51
1	Court Reporter	48
1.75	Research Attorney (Attorney III)	60
1	Court Manager II	45
2	Court Manager I	41
2	Judicial Secretary	38
1	Senior Legal Secretary	32
1	Legal Secretary	28
.5	Court Mediator/Evaluator	40
2	Information System Specialist III	46
4	Court Clerk III	30
20	Court Clerk II	26
1	Court Executive Officer	59
.75	Family Law Facilitator (Attorney III)	60
1	Bailiff	30

41 74728. The Siskiyou County Sheriff shall be ex officio marshal.

42 74729. There shall be three deputy marshals. Any person lawfully and rightfully holding the
43 office of constable on November 8, 1994, is entitled to serve as deputy marshal, with the same
44 compensation and the same terms of employment he or she had as a constable, for the remainder
45 of his or her elected or appointed term.

1 74730. So long as a new position of deputy marshal is occupied by a person who occupied the
2 position of a constable prior to November 8, 1995, the relationship of the new deputy marshal to
3 the County of Siskiyou shall remain the same as the relationship of such person occupying the
4 office of constable was prior to November 8, 1994. Nothing shall be interpreted as waiving any
5 rights the County of Siskiyou may have with regard to, or changing the status of, any person
6 occupying the position of constable prior to November 8, 1994, or as affecting the rights of any
7 person claiming a right to occupy the position of constable prior to November 8, 1994, except to
8 the extent permitted by Proposition 191 amending Section 5 of Article VI of the California
9 Constitution.

10 74731. Except as otherwise provided, the designated deputies of the Sheriff of Siskiyou County
11 shall act as ex officio deputy marshals of the Siskiyou County Municipal Court.

12 **§§ 74740-74750 (repealed). South Bay Municipal Court District**

13 SEC. _____. Article 30 (commencing with Section 74740) of Chapter 10 of Title 8 of the
14 Government Code is repealed.

15 **Comment.** Sections 74740-74750 are repealed to reflect:

16 (1) Unification of the municipal and superior courts in San Diego County pursuant to Article
17 VI, Section 5(e), of the California Constitution, effective December 1, 1998. See Cal. Const. art.
18 VI, § 23 and Section 70212(b) (preexisting court locations retained as superior court locations),
19 Section 70211 (former municipal court judgeships continued as superior court judgeships). See
20 also Code Civ. Proc. § 38 (judicial districts); Section 69595 (number of judges in San Diego
21 County). Cf. Section 71042.5 (preservation of judicial districts for purposes of publication).

22 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
23 71601(l)-(m) (“trial court employee” defined), 71615(c)(1) (preservation of employees’ job
24 classifications), 71620 (trial court personnel), 71622 (subordinate judicial officers), 71623
25 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
26 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
27 (employment selection and advancement), 71650-71658 (employment protection system), 71673
28 (authority of court). See also Sections 69941 (appointment of official reporters), 69947
29 (compensation of official reporter).

30 (3) Enactment of the Trial Court Funding Act. See Sections 77003 (“court operations” defined),
31 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations), 77211
32 (“900” telephone numbers). See also Sections 69952 (payment from Trial Court Operations
33 Fund), 69953 (payment of fees).

34 ☞ **Note.** The text of the repealed article is set out below.

35 **Article 30. South Bay Judicial District**

36 74740. Notwithstanding Section 71040, there shall be a municipal court in a judicial district,
37 embracing the Cities of Chula Vista, Coronado, Imperial Beach, National City, that portion of the
38 City of San Diego lying southerly of the City of Chula Vista and the portion of the City of San
39 Diego lying within San Diego Bay south of a westerly continuation of the northern boundary of
40 National City to the point of intersection with the eastern boundary of the City of Coronado, and
41 such other contiguous area as the board of supervisors may direct, designated the South Bay
42 Judicial District.

43 This article applies to the municipal court established pursuant to this section.

44 74741. There shall be seven judges.

1 74742. (a) In addition to any other compensation and benefits, each judge of the municipal
2 court shall receive the same life insurance, accidental death and dismemberment insurance,
3 comprehensive annual physical examinations, executive flexible benefits plan (except that if
4 deferred compensation is selected, no adjustment based on retirement tier shall apply), and dental
5 and vision insurance as provided by the County of San Diego for the classification of chief
6 administrative officer. Changes in such benefits shall be effective on the same date as for those
7 for the classification of chief administrative officer.

8 (b) Subject to approval by the board of supervisors, each judge of the municipal court shall
9 receive one or more of the following benefits: the same long-term disability insurance as provided
10 by the County of San Diego for the classification of chief administrative officer or retiree health
11 benefits whereby each judge of the municipal court serving on or after October 1, 1987, who
12 retires from the municipal court on or after January 1, 1989, shall receive the same amount of
13 insurance premium for retiree health benefits under the Public Employees' Medical and Hospital
14 Care Act (Part 5 (commencing with Section 22751) of Title 2) that the state provides to retired
15 superior court judges under that act.

16 ☞ **Note.** Issues involving judicial benefits are still unsettled. This section may need to be
17 preserved pending further study and review by interested parties, including the Judicial Council's
18 Task Force on Judicial Service. The Commission solicits comments on these issues.

19 74743. (a) By order entered in the minutes of the court, a majority of judges may appoint two
20 commissioners. However, if the board of supervisors finds that there are sufficient funds for one
21 additional commissioner and adopts a resolution to that effect, a majority of judges may appoint
22 an additional commissioner. The commissioners shall serve at the pleasure of the judges and shall
23 receive a salary equal to 80 percent of the salary of a judge of the municipal court.

24 (b) A commissioner shall receive and be entitled to the same number of holidays, leaves of
25 absence, and all other fringe benefits as are now or may hereafter be provided for a chief deputy
26 county counsel in the classified service of the County of San Diego. However, a commissioner
27 shall be entitled to (1) earn sick leave credit at the rate of 5 percent of each hour of paid service
28 during the pay period; and (2) earn vacation credit at the rate of 8.075 percent of each hour of
29 paid service during the pay period until such time as the commissioner has 15 years of
30 county/court service. At that time, the commissioner will earn vacation at the same rate as chief
31 deputy county counsel with 15 years of county service.

32 (c) With the approval of a majority of the judges of the court and the board of supervisors, a
33 commissioner may be reimbursed for any payment he or she makes for his or her annual State Bar
34 of California membership fee.

35 74744. There shall be one court administrator who shall serve as clerk of the court and who
36 shall be appointed by a majority of the judges of the court. The salary of the court administrator
37 shall be within the biweekly rate range ES-15 indicated in the Compensation Ordinance of the
38 County of San Diego. The biweekly salary, and any advancement or reduction within the range,
39 shall be determined in accordance with the provisions set forth under Article 3.5 of the
40 Compensation Ordinance of the County of San Diego and of subdivision (a) of Section 74345,
41 except that any reference to "executive compensation committee" or "chief administrative
42 officer" in Article 3.5 of the Compensation Ordinance of the County of San Diego shall be
43 interpreted as "a majority of the judges."

44 74745. The court administrator may appoint with the approval of the judges:

45 (a) Three deputy court administrators. Persons appointed to this position on or after January 1,
46 1993, shall serve at the pleasure of the court administrator. The deputy court administrators shall
47 receive a salary within the biweekly rate range ES-6 indicated in the Compensation Ordinance of

1 the County of San Diego. The biweekly salary, and any advancement or reduction within the
2 range, shall be determined in accordance with the provisions set forth under Article 3.5 of the
3 Compensation Ordinance of the County of San Diego and of subdivision (a) of Section 74345,
4 except that any reference to “executive compensation committee” or “the chief administrative
5 officer” in Article 3.5 of the Compensation Ordinance of the County of San Diego shall be
6 interpreted as “the court administrator.”

7 (b) One deputy clerk-administrative assistant trainee, I, II, or III as the case may be. A deputy
8 clerk-administrative assistant trainee shall receive a biweekly salary at a rate equal to that
9 specified for administrative trainee in the classified service of the County of San Diego. A deputy
10 clerk-administrative assistant I shall receive a biweekly salary at a rate equal to that specified for
11 administrative assistant I in the classified service of the County of San Diego. A deputy clerk-
12 administrative assistant II shall receive a biweekly salary at a rate equal to that specified for
13 administrative assistant II in the classified service of the County of San Diego. A deputy clerk-
14 administrative assistant III shall receive a biweekly salary at a rate equal to that specified for
15 administrative assistant III in the classified service of the County of San Diego.

16 (c) One deputy clerk-division manager I, II, or III, as the case may be. A division manager I
17 shall receive a biweekly salary at a rate 10 percent higher than that specified for deputy clerk V in
18 the San Diego Judicial District. A division manager II shall receive a biweekly salary at a rate
19 15.5 percent higher than that specified for deputy clerk V in the San Diego Judicial District. A
20 division manager III shall receive a biweekly salary at a rate 24.5 percent higher than that
21 specified for deputy clerk-division manager II.

22 (d) Seven deputy clerks V each of whom shall receive a biweekly salary equal to that specified
23 for deputy clerk V in the San Diego Municipal Court. The duties of the class of deputy clerk V
24 shall include supervisory responsibilities.

25 (e) One deputy clerk, associate, senior accountant, or accounting manager, as the case may be.
26 A deputy clerk-associate accountant shall receive a biweekly salary at a rate equal to that
27 specified for associate accountant in the classified service of the County of San Diego. A deputy
28 clerk-senior accountant shall receive a biweekly salary at a rate equal to that specified for senior
29 accountant in the classified service of the County of San Diego. A deputy clerk-accounting
30 manager shall receive a biweekly salary at a rate equal to that specified for deputy clerk-division
31 manager III.

32 (f) One deputy clerk-staff development specialist or a deputy clerk-staff development
33 coordinator, as the case may be. A deputy clerk-staff development specialist shall receive a
34 biweekly salary at a rate equal to that specified for staff development specialist in the classified
35 service of the County of San Diego. A deputy clerk-staff development coordinator shall receive a
36 biweekly salary at a rate 5 percent higher than that specified for staff development specialist in
37 the classified service of the County of San Diego.

38 (g) One deputy clerk-volunteer program coordinator. A deputy clerk-volunteer program
39 coordinator shall receive a biweekly salary at a rate equal to the greater of that specified for
40 volunteer program coordinator in the superior court service of the County of San Diego or 15.75
41 percent higher than that specified for deputy clerk III.

42 (h) Ten deputy clerks IV. Each of the deputy clerks IV shall receive a biweekly salary at a rate
43 equal to the greater of that specified for superior court clerk in the superior court service of the
44 County of San Diego or 19.95 percent higher than that specified for deputy clerk III.

45 (i) Sixty-four deputy clerks III, II, or I, or deputy clerk-intermediate clerk typists, as the case
46 may be. Each of the deputy clerks III shall receive a biweekly salary at a rate equal to that
47 specified for legal procedures clerk III in the classified service of the County of San Diego. Each
48 of the deputy clerks II shall receive a biweekly salary at a rate equal to that specified for legal
49 procedures clerk II in the classified service of the County of San Diego. Each of the deputy clerks

1 I shall receive a biweekly salary at a rate equal to that specified for legal procedures clerk I in the
2 classified service of the County of San Diego. At the discretion of the court administrator,
3 appointments to the deputy clerk I and II classification may be at any step within the salary range.
4 Up to three of these positions may be filled at the level of deputy clerk-intermediate clerk typist.
5 A deputy clerk-intermediate clerk typist shall receive a biweekly salary at a rate equal to that
6 specified for intermediate clerk typist in the classified service of the County of San Diego. In the
7 absence of a deputy clerk IV, the court administrator may assign a maximum of five deputy clerks
8 III to perform courtroom clerk duties, supervisory duties, or training duties for 40 or more hours
9 during a pay period. A deputy clerk III assigned to perform these duties is eligible to receive a
10 biweekly salary at a rate 10 percent higher than that specified for a deputy clerk III. This
11 increased biweekly salary shall apply only during pay periods in which 40 or more hours are
12 spent performing the supervisory, training, or courtroom clerk duties specified above and shall
13 not apply to paid leave or to terminal payoff.

14 (j) One deputy clerk-administrative secretary IV, III, II, or I, as the case may be. A deputy
15 clerk-administrative secretary IV shall receive a biweekly salary at a rate equal to that specified
16 for administrative secretary IV in the classified service of the County of San Diego. A deputy
17 clerk-administrative secretary III shall receive a biweekly salary at a rate equal to that specified
18 for administrative secretary III in the classified service of the County of San Diego. A deputy
19 clerk-administrative secretary II shall receive a biweekly salary at a rate equal to that specified for
20 administrative secretary II in the classified service of the County of San Diego. A deputy clerk-
21 administrative secretary I shall receive a biweekly salary at a rate equal to that specified for
22 administrative secretary I in the classified service of the County of San Diego.

23 (k) Four deputy clerk-court interpreters who shall receive a biweekly salary at a rate equal to
24 that specified for superior court clerk-interpreter in the superior court service of the County of
25 San Diego.

26 (l) Notwithstanding subdivision (b) of Section 74749, up to 10 deputy clerk-court workers may
27 be appointed by and serve at the pleasure of the court administrator. The class of deputy clerk-
28 court worker provides for temporary appointments to positions in classes not listed in Sections
29 74740 to 74750, inclusive, pending a review and evaluation of the duties of these positions by the
30 court administrator, and the establishment of specific classes as provided in this section. Prior to
31 the establishment of those classes, the county personnel director shall conduct a classification
32 review and make recommendations to the municipal court as to the establishment of those classes.
33 The rate of pay for each individual employed in this class of deputy clerk-court worker shall be
34 within the range proposed for the class pending establishment, at a rate determined by the court
35 administrator following consultation with the county personnel director. The rules regarding
36 appointment and compensation as they relate to appointments to deputy clerk-court worker shall
37 be the same as those applicable to the class that is pending establishment. Appointments shall be
38 temporary and shall not exceed 18 months. Employee benefits, if applicable, shall be equal to
39 those granted to the class in the classified service of the County of San Diego to which the
40 pending class shall be tied for benefit purposes. When that appointment is made, the class,
41 compensation (including salary and fringe benefits), and number of those positions may be
42 established by joint action of the majority of the judges and the board of supervisors in
43 accordance with established county personnel and budgetary procedures. In the event that the
44 class pending establishment is tied to a class in the unclassified service of the County of San
45 Diego, the joint action may designate that persons serving in the class pending establishment shall
46 serve at the pleasure of the court administrator. The court administrator may then appoint
47 additional attaches to the classes of positions in the same manner as those for which express
48 provision is made, and they shall receive the compensation so provided. Persons occupying
49 deputy clerk-court worker positions shall have their appointments expire not later than 30

1 calendar days following promulgation of a list of certified eligibles for the new class.
2 Appointments to the new class shall continue at the stated compensation or as thereafter modified
3 by joint action of the majority of the judges and the board of supervisors.

4 (m) Notwithstanding subdivision (b) of Section 74749, up to 10 extra help positions (hourly
5 rate) to be appointed by and serve at the pleasure of the court administrator in the class and salary
6 level deemed appropriate. These appointments shall be temporary for a period not to exceed six
7 months, plus one additional period of up to six months, at the court administrator's option.
8 Notwithstanding any other provisions of this section, the court administrator may fill these
9 positions with personnel employed for a period not to exceed 120 working days or 960 hours,
10 whichever is greater, during a fiscal year on a part-time basis.

11 (n) Notwithstanding subdivision (c) of Section 74749, the court administrator may appoint up
12 to 15 temporary extra help deputy clerk-municipal court trainees I, II, III, or V, who shall be paid
13 at an hourly rate and shall serve at the pleasure of the court administrator. A deputy clerk-
14 municipal court trainee I shall receive an hourly salary at a rate equal to that specified for student
15 worker I in the unclassified service of the County of San Diego. A deputy clerk-municipal court
16 trainee II shall receive an hourly salary at a rate equal to that specified for student worker II in the
17 unclassified service of the County of San Diego. A deputy clerk-municipal court trainee III shall
18 receive an hourly salary at a rate equal to that specified for student worker III in the unclassified
19 service of the County of San Diego. A deputy clerk-municipal court trainee V shall receive a
20 biweekly salary at a rate equal to that specified for student worker V in the classified service of
21 the County of San Diego. Persons who graduate and receive a degree in the field which qualified
22 them for appointment to a deputy clerk-municipal court trainee class, may remain in the class and
23 be employed on a full-time basis for up to six months from the first day of the month following
24 their date of graduation.

25 (o) Except as provided herein, the provisions of Section 74345 shall apply to the attaches
26 appointed pursuant to this section and Section 74744.

27 (p) Three confidential deputy administrative clerks or deputy administrative clerks III, II, or I,
28 as the case may be. A confidential deputy administrative clerk III and a deputy administrative
29 clerk III shall receive a biweekly salary at a rate equal to that specified for deputy clerk IV. A
30 confidential deputy administrative clerk II and a deputy administrative clerk II shall receive a
31 biweekly salary at a rate equal to that specified for deputy clerk III. A confidential deputy
32 administrative clerk I and a deputy administrative clerk I shall receive a biweekly salary at a rate
33 equal to that specified for deputy clerk II.

34 (q) One deputy clerk-municipal court secretary, who shall receive a salary at a rate equal to that
35 specified for confidential legal secretary III in the classified service of the County of San Diego.
36 At the discretion of the court administrator appointment to the deputy clerk-municipal court
37 secretary may be at any step within the salary range.

38 (r) Three deputy clerk-senior systems analyst, associate systems analyst, assistant systems
39 analyst, or systems analyst trainee, or systems support analyst II, I, or trainee, or LAN systems
40 analysts III, II, or I, as the case may be. A deputy clerk-senior systems analyst shall receive a
41 biweekly salary at a rate equal to that specified for senior systems analyst in the classified service
42 of the County of San Diego. A deputy clerk-associate systems analyst shall receive a biweekly
43 salary at a rate equal to that specified for associate systems analyst in the classified service of the
44 County of San Diego. A deputy clerk-assistant systems analyst shall receive a biweekly salary at
45 a rate equal to that specified for assistant systems analyst in the classified service of the County of
46 San Diego. A deputy clerk-systems analyst trainee shall receive a biweekly salary at a rate equal
47 to that specified for systems analyst trainee in the classified service of the County of San Diego.
48 A deputy clerk-systems support analyst II shall receive a biweekly salary at a rate equal to that
49 specified for systems support analyst II in the classified service of the County of San Diego. A

1 deputy clerk-systems support analyst I shall receive a biweekly salary at a rate equal to that
2 specified for systems support analyst I in the classified service of the County of San Diego. A
3 deputy clerk-systems support analyst trainee shall receive a salary equal to that specified for
4 systems support analyst trainee in the classified service of the County of San Diego. A deputy
5 clerk-LAN systems analyst III shall receive a biweekly salary at a rate equal to that specified for
6 DIS LAN systems analyst III in the classified service of the County of San Diego. A deputy
7 clerk-LAN systems analyst II shall receive a biweekly salary at a rate equal to that specified for
8 DIS LAN systems analyst II in the classified service of the County of San Diego. A deputy clerk-
9 LAN systems analyst I shall receive a biweekly salary at a rate equal to that specified for DIS
10 LAN systems analyst I in the classified service of the County of San Diego.

11 (s) One deputy clerk-municipal court computer specialist I, II, or III, as the case may be. A
12 deputy clerk-municipal court computer specialist I, II, or III shall receive a biweekly salary at a
13 rate equal to that specified for departmental computer specialist I, II, or III, respectively, in the
14 classified service of the County of San Diego.

15 (t) Three deputy clerk-collection officers I, II, or III, as the case may be. A deputy clerk-
16 collection officer I shall receive a biweekly salary at a rate equal to that specified for revenue and
17 recovery officer I in the classified service of the County of San Diego. A deputy clerk-collection
18 officer II shall receive a biweekly salary at a rate equal to that specified for revenue and recovery
19 officer II in the classified service of the County of San Diego. A deputy clerk-collection officer
20 III shall receive a biweekly salary at a rate equal to that specified for revenue and recovery officer
21 III in the classified service of the County of San Diego. Persons appointed to these positions on or
22 after January 1, 1999, shall serve at the pleasure of the court administrator.

23 (u) One deputy clerk-small claims adviser or deputy clerk-small claims counsel, as the case
24 may be. The deputy clerk-small claims adviser shall receive a biweekly salary at a rate of 18.63
25 percent less than that specified for small claims counsel in the classified service of the County of
26 San Diego. The deputy clerk-small claims counsel shall receive a biweekly salary at a rate equal
27 to that specified for small claims counsel in the classified service of the County of San Diego.

28 (v) Two deputy clerk-substance abuse assessors I or II, as the case may be. Notwithstanding
29 subdivision (b) of Section 73649, persons appointed to these positions on or after January 1,
30 1998, shall serve at the pleasure of the court administrator. A substance abuse assessor II shall
31 receive a biweekly salary at a rate equal to that specified for the class of deputy probation officer
32 in the classified service of the County of San Diego. A deputy clerk-substance abuse assessor I
33 shall receive a biweekly salary at a rate 9 percent below that specified for a deputy clerk-
34 substance abuse assessor II. Appointments to deputy clerk-substance abuse assessor I and II may
35 be at any step within the salary range.

36 (w) One deputy clerk-court referral officers II or deputy clerk-court referral officers I, as the
37 case may be. A deputy clerk-court referral officer II shall receive a biweekly salary at a rate equal
38 to that specified for the class of deputy probation officer in the classified service of San Diego
39 County. A deputy clerk-court referral officer I shall receive biweekly salary at a rate of 9 percent
40 below that specified for the class of deputy probation officer in the classified service of San
41 Diego County. The above positions shall be filled only upon the equivalent number of
42 corresponding vacancies in the positions denoted in subdivisions (d) and (e) of Section 74359.1.

43 (x) Notwithstanding any other provision of law, the number of positions and compensation of
44 positions in classifications authorized under subdivisions (a) to (k), inclusive, under subdivisions
45 (m), (n), and (p) to (x), inclusive, and under Sections 74743, 74744, and 74750 may be adjusted
46 as necessary by action of the majority of the judges. The rules regarding appointments of persons
47 to those positions shall be the same as those applicable to the class of those positions. The action
48 of the majority of the judges adjusting those positions shall designate the class title or titles,
49 number of positions, and compensation for each respective class. Any adjustment made pursuant

1 to this subdivision shall be effective upon action of the majority of judges and shall remain in
2 effect until ratified by the Legislature.

3 74745.1. Any positions authorized by Section 74745 may be filled by independent contractors
4 on a contractual basis at the discretion of the court administrator. Should any of the positions be
5 filled by independent contractors on a contractual basis, the provisions of Section 74745 shall not
6 apply for these positions only.

7 74745.5. The South Bay Municipal Court or any agency supporting this court may establish a
8 “900” telephone number or numbers for computerized remote access by individuals or
9 organizations to court information. The proceeds from those “900” telephone numbers shall be
10 continuously and solely appropriated to the use of the court or court support agency providing
11 access to the individuals or organizations for purposes of staff and information data processing
12 services.

13 74746. In the event that there shall be an increase in the number of judges as provided in
14 Section 74743, the court administrator may appoint one deputy clerk IV, one deputy clerk III, and
15 one deputy clerk II, for each respective additional judge so appointed. Such additional deputy
16 clerks shall receive the biweekly salaries specified for their respective classes by Section 74745.

17 74747. Persons who succeed to positions in the municipal court under provisions of the
18 Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in
19 superseded courts and in the sheriff’s department or constabulary of the county. In determining
20 the rate of compensation to be paid to the officers and employees named in this article, service in
21 any city, municipal or justice court of the State of California and service in the sheriff’s
22 department or constabulary of the County of San Diego shall be deemed to be service in the
23 respective offices and employments in the Municipal Court of the South Bay Judicial District.

24 74748. The municipal court shall hold sessions in the City of Chula Vista and at such other
25 places as the board of supervisors, by ordinance, may designate.

26 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
27 preserved until completion of (1) the study and recommendation by the task force on court
28 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
29 on these issues.

30 74749. (a) In addition to the salary provided in this article, the attaches of the municipal court
31 shall receive, and they shall be entitled to the same number of holidays, leaves of absence,
32 percentage of retirement offsets and all other fringe benefits as now or may hereafter be provided
33 for the employees of the County of San Diego in the comparable classes specified in Section
34 74345.

35 The court administrator shall receive the same number of holidays, leaves of absence, and all
36 other fringe benefits as are now or may be hereafter received by the classification of chief
37 probation officer of the County of San Diego. The deputy court administrators shall receive the
38 same number of holidays, leaves of absence, and all other fringe benefits as are now or may be
39 hereafter received by the classification of assistant chief probation officer of the County of San
40 Diego. All persons employed as deputy clerk-division manager III, deputy clerk-division manager
41 II, or deputy clerk-division manager I, shall receive the same number of holidays, leaves of
42 absence, and all other fringe benefits as are now or may hereafter be received by the class of
43 administrative assistant III in the classified service of the County of San Diego. However, all
44 officers, employees, and attaches of the municipal court shall be eligible to enroll in the dental
45 and vision group insurance plans sponsored by the County of San Diego.

1 The purpose and intent of this subdivision is to provide all court attaches except the
2 commissioner and court reporters with any and all fringe benefits but no more than those which
3 are available to their comparable classes in the service of the County of San Diego as specified
4 herein or in Section 74345. Whenever action or approval by the chief administrative officer or
5 county personnel director is required for the county benefit, it shall be taken or given, as to
6 comparable municipal court officers and attaches other than those serving at the pleasure of the
7 court, by the court administrator with the approval of the majority of the judges of the municipal
8 court or their designees, or as to those serving at the pleasure of the court, by the majority of the
9 judges or their designees. Changes in benefits shall be effective on the same date as those for
10 employees of the County of San Diego in the specified comparable classes. The majority of all
11 the municipal court judges may adopt rules for the conduct of the personnel privileges to be
12 afforded the attaches of the court excluding fringe benefits.

13 (b) All attaches other than the commissioner and the court reporters, and other persons serving
14 at the pleasure of their appointing authorities, may be appointed, promoted, removed, suspended,
15 laid off, or discharged for cause by the appointing authority subject in such appointment,
16 promotion, removal, suspension, lay off, or discharge to civil service provisions applicable to the
17 classified personnel of the County of San Diego. Whenever those attaches are appointed or
18 promoted to a position, they must serve a probationary period of at least six months and not to
19 exceed 18 months, as specified in the job announcement for the class prior to appointment.

20 74750. Official reporters in the Municipal Court of the South Bay Judicial District appointed
21 pursuant to Section 72194 shall be attaches of such court, and in lieu of any other compensation
22 provided by law for their services in reporting testimony and proceedings in such court shall be
23 paid a biweekly salary equal to that specified for official court reporters for the Superior Court of
24 the County of San Diego. These salaries shall be a charge against the general fund of the county.

25 Pursuant to Section 72194, the judges of such court may appoint as many additional reporters
26 as the business of the court may require, who shall be known as official reporters pro tempore,
27 and who shall serve without salary but who shall receive the fees provided by Sections 69947 to
28 69953, inclusive, except that in lieu of the per diem fees provided in such sections for reporting
29 testimony and proceedings, the official reporters pro tempore shall in all cases be compensated at
30 a rate equal to that paid to official reporters pro tempore for the Superior Court of the County of
31 San Diego, which shall be a charge against the general fund of the County of San Diego.

32 Fees for transcription of testimony and proceedings in such court shall be paid by the litigants
33 to official reporters and official reporters pro tempore as otherwise provided by law. In all cases
34 where by law the court may direct the payment of transcription fees out of the county treasury,
35 such fees shall, upon order of the court, be paid from the general fund, including fees for
36 transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to
37 69953, inclusive.

38 Official reporters of such court shall be members of any retirement system maintained by the
39 county. For the purpose of such retirement system the salary provided in this article for such
40 reporters shall be deemed their entire compensation.

41 Notwithstanding the provisions of Section 74749, official reporters serve at the pleasure of the
42 judges and shall receive and be entitled to the same number of holiday, leaves of absence, and all
43 other fringe benefits as are now or may hereafter be provided for by rule for the official reporters
44 of the Superior Court of the County of San Diego.

1 §§ 74760-74767 (repealed). Glenn County Municipal Court District

2 SEC. ____ Article 30.1 (commencing with Section 74760) of Chapter 10 of Title 8 of
3 the Government Code is repealed.

4 **Comment.** Sections 74760-74767 are repealed to reflect:

5 (1) Unification of the municipal and superior courts in Glenn County pursuant to Article VI,
6 Section 5(e), of the California Constitution, effective July 31, 1998. See Cal. Const. art. VI, § 23
7 and Section 70212(b) (preexisting court locations retained as superior court locations), Section
8 70211 (former municipal court judgeships continued as superior court judgeships). See also Cal.
9 Const. art. VI, § 16 (election of judges); Section 69583.5 (number of judges in Glenn County).

10 (2) Elimination of the marshal's office and the transfer of its functions to the sheriff's office,
11 effective August 17, 1999. *Cf.* former Section 74766 (marshal of Glenn County).

12 (3) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
13 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
14 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
15 compensation plan benefits), 71629 (trial court employment benefits not affected), 71630-
16 71639.3 (labor relations), 71640-71645 (employment selection and advancement), 71650-71658
17 (employment protection system), 71673 (authority of court). See also Code Civ. Proc. § 195 (jury
18 commissioners); Sections 69941 (appointment of official reporters), 69947 (compensation of
19 official reporter).

20 ➡ **Note.** The text of the repealed article is set out below.

21 Article 30.1. Glenn County

22 74760. The Glenn County Municipal Court District shall supersede the Glenn County Judicial
23 District and shall embrace the entire County of Glenn.

24 74761. There shall be one judge.

25 74762. The incumbent judge of the superseded judicial district in that office on November 8,
26 1994, shall succeed to the judgeship of the municipal court district.

27 74763. The time for election and qualification of the successor to the judge who becomes the
28 first judge of the municipal court shall be that previously fixed by law for the election and
29 qualifications of successors to municipal court judges generally. The judge shall be elected at
30 large by the electors resident within the district.

31 74764. The court shall maintain facilities at Willows and other locations determined by the
32 court. The court shall determine the nature and frequency of sessions to be held at additional court
33 locations.

34 74765. (a) All matters affecting the employment of the officers, employees, and attaches of the
35 consolidated courts that are not specifically determined by this article or another provision of
36 state law shall be governed by the personnel ordinance and resolutions of the County of Glenn.
37 Employees currently governed by the terms and conditions of the current Memorandum of
38 Understanding between the County of Glenn and the Glenn County Employees Association shall
39 continue to be covered by the agreement until amended or superseded by mutual agreement.

40 (b) The officers, employees, and attaches of the consolidated courts shall be entitled to the same
41 vacation, sick leave, and similar benefits and privileges as those granted to other employees of the
42 county who are not represented by an employee association authorized to meet and confer with
43 the County of Glenn over the terms and conditions of the employment of the employees
44 represented by the association. Incumbent officers, employees, and attaches of the superseded

1 court shall retain all accrued benefits and privileges resulting from service in the superseded court
 2 if Constitutional Amendment 4 is passed by the voters and adopted by unanimous vote of the
 3 judges of the Glenn County Superior and Municipal Courts of the County of Glenn.

4 (c) The Board of Supervisors of the County of Glenn may adjust the salaries paid and benefits
 5 provided to employees of the consolidated courts as part of its county employee compensation
 6 plan:

7 (1) There shall be one clerk and jury commissioner for the Glenn County Consolidated Courts,
 8 who shall be the court Executive Officer and receive an annual salary recommended by the courts
 9 and approved by the board of supervisors.

10 (2) The Glenn County Courts are judicially and administratively consolidated with joint job
 11 classifications, the work of the Superior and Municipal Courts in Glenn County is to be
 12 performed minimally by each of the positions herein identified by the trial courts of Glenn
 13 County. The Court Executive Officer with the approval of the judges may appoint the following
 14 authorized titles, number of positions and compensation rates for employees of the Glenn County
 15 Courts:

16	Position Title	No. of 17 Positions	Biweekly Salary
18	Deputy Court Executive Officer	1	1,760.00-1,760.00
19	Court Analyst	1	1,091.20-1,329.60
20	Court Administrative Services Officer	1	964.00-1,175.20
21	Court Accounting Technician	1	1,012.80-1,234.40
22	Legal Process Clerk Supervisor	1	964.00-1,175.20
23	Legal Process Clerk IV	1	895.20-1,091.20
24	Legal Process Clerk III	3	811.20-988.80
25	Legal Process Clerk II	8	734.40-895.20
26	Legal Process Clerk I	2	682.40-832.00
27	Administrative Secretary/Law Librarian	1	717.60-873.60
28	Technology Technician	1	1,091.20-1,329.60
29	Court Conciliator Supervising	1	2,880.00-2,880.00
30	Court Investigator	1	323.05-323.05
31	Court Reporter	1	1,297.00-1,297.00
32	Court Interpreter	1	607.50-607.50

33 Such other employees as the board of supervisors may approve upon the recommendation of
 34 the consolidated courts, each of which shall receive a salary recommended by the courts and
 35 approved by the board of supervisors. Any appointee shall be compensated in the first step of the
 36 range and advanced to each higher step upon satisfactory completion of 12 months service in the
 37 preceding range. Upon the recommendation of the courts and approval of the board of
 38 supervisors, such employees may be employed at, or may be granted, a special step increase to
 39 any step within the salary range on the basis of experience and qualifications.

40 74766. (a) The Constable of the Glenn County Judicial District in office on November 8, 1994,
 41 is entitled to serve as marshal of the municipal court, with the same compensation and the same
 42 terms of employment enjoyed as that constable, for the remainder of the constable's elected term.

43 (b) Upon expiration of the term of the person first holding the office of marshal, or upon the
 44 first vacancy in that office, the office shall thereafter be an appointive office, and the marshal
 45 shall thereafter be appointed by and serve at the pleasure of the court.

46 74767. (a) Notwithstanding any other provision of this title, the Board of Supervisors of Glenn
 47 County, with the written consent of the majority of judges of the Glenn County Superior and
 48 Municipal Courts, may order the consolidation of court-related services provided by the marshal

1 and the sheriff within that county. If the judges of these courts fail to notify the board of
2 supervisors within 90 days of the board's request for the judges' consent, or if the judges are
3 evenly divided on the matter, the board of supervisors shall determine under which agency, either
4 the marshal or the sheriff, court-related services shall be consolidated, and shall proceed to
5 implement the consolidation as if the written consent of a majority of the judges of these courts
6 had been presented to the board of supervisors.

7 (b) Except as provided in subdivision (f), all personnel of the marshal's office or personnel of
8 the sheriff's office affected by a consolidation of court-related services under this section shall
9 become employees of that consolidated office at their existing or equivalent classifications,
10 salaries, and benefits.

11 (c) Permanent employees of the marshal's office or sheriff's office on the effective date of
12 consolidation under this section who become employees of the consolidated office shall be
13 deemed permanent employees of the consolidated office. Probationary employees of the
14 marshal's office or the sheriff's office on the effective date of a consolidation under this section
15 who become employees of the consolidated office shall retain their probationary status and rights,
16 and shall not be deemed to have transferred so as to require serving a new probationary period.

17 (d) All county service or service by employees of the marshal's office or the sheriff's office on
18 the effective date of a consolidation under this section shall be counted toward seniority in that
19 court-related services office, and all time spent in the same, equivalent, or higher classification
20 shall be counted toward classification seniority.

21 (e) No employee of the marshal's office or the sheriff's office on the effective date of a
22 consolidation under this section shall lose peace officer status, or be demoted or otherwise
23 adversely affected solely because of the consolidation of court-related services, unless the number
24 of authorized deputy sheriff positions that are vacant on the effective date of the consolidation is
25 less than the number of sheriff's bailiffs who do not elect to accept other employment in the
26 sheriff's office or employment in the marshal's office pursuant to subdivision (f).

27 (f) If court-related services are consolidated under the marshal's office, all sheriff's bailiffs
28 affected by the consolidation shall be given the option of becoming employees of the marshal's
29 office or of remaining with the sheriff's office. If all deputy marshal positions are not filled
30 because of the exercise of this option by these bailiffs, the marshal may accept qualified
31 applicants from the sheriff's office under the provisions of subdivisions (b), (c), (d), and (e).

32 **§§ 74780-74792 (repealed). Stanislaus County Municipal Court**

33 SEC. _____. Article 31 (commencing with Section 74780) of Chapter 10 of Title 8 of the
34 Government Code is repealed.

35 **Comment.** Sections 74780-74792 are repealed to reflect:

36 (1) Unification of the municipal and superior courts in Stanislaus County pursuant to Article
37 VI, Section 5(e), of the California Constitution, effective July 31, 1998. See Section 70211
38 (former municipal court judgeships continued as superior court judgeships). See also Code Civ.
39 Proc. §§ 38 (judicial districts), 190 *et seq.* (jury selection); Section 69604 (number of judges in
40 Stanislaus County). *Cf.* Section 71042.5 (preservation of judicial districts for purposes of
41 publication).

42 (2) Elimination of the marshal's office as a result of consolidation with the sheriff's office in
43 Stanislaus County, effective _____. For provisions relating to the sheriff, see
44 Sections 26603 (superior court attendance) 26608, 26609, 26660-26665 (process and notices),
45 26611 (court crier), 26720-26751 (fees). See also Code Civ. Proc. § 262.4 (conveyances on sale
46 of real estate).

47 (3) The fact that provisions relating to the Court Services Bureau and Court Security Services
48 Oversight Committee are obsolete. See Section 77212.5(a) (agreement with sheriff's department
49 regarding court security services).

1 (4) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
2 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
3 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
4 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
5 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
6 protection system), 71673 (authority of court). See also Sections 69941 (appointment of official
7 reporters), 69947 (compensation of official reporter).

8 (5) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
9 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations). See also
10 Sections 69952 (payment from Trial Court Operations Fund), 69953 (payment of fees).

11  **Note.** The text of the repealed article is set out below.

12 Article 31. Stanislaus County

13 74780. This article applies to the municipal court established in a judicial district embracing the
14 County of Stanislaus. This court shall be known as the Stanislaus County Municipal Court.

15 74781. There are eight judges.

16 74782. (a) Whenever reference to a numbered salary range is made in any section of this
17 article, the schedule found in the salary and position allocation resolution of the County of
18 Stanislaus in effect December 1, 1981, shall apply.

19 (b) Except as otherwise provided in this article, each new officer or employee shall for the first
20 12 full calendar months of continuous service receive a salary at the monthly rate specified for
21 step 1 of the applicable range; on the first day of the next calendar month thereafter, his salary
22 may increase to the rate of step 2; after one, two and three additional years of continuous service,
23 his salary may increase to the rates for steps 3, 4, and 5, respectively. These increases shall be
24 granted only with the approval of the officer's or employee's appointing authority.

25 (c) Notwithstanding any other provision of law, the salary of any officer or employee may be
26 increased by the board of supervisors in order to provide compensation that is comparable to that
27 of county employees of similar qualifications and experience, holding equal or comparable
28 positions in the Stanislaus County classified service, as the comparability is determined by the
29 board. If the salaries of incumbent officers and employees are increased to provide compensation
30 that is comparable to that of county employees holding comparable positions, the officers and
31 employees may, with the approval of their appointing authority, retain the same salary step in the
32 salary range made applicable to their position as they occupied under the superseded salary range.
33 For the purpose of determining eligibility for subsequent annual increments, however, the
34 officer's and employee's anniversary date for step advancement shall not change. Any pay
35 increase authorized by this section shall only be effective until January 1 of the second calendar
36 year after the calendar year in which the change occurs, unless ratified by the Legislature.

37 (d) If any officer or employee in the service of the court is appointed or promoted to another
38 office or position in such service which is compensated at a higher salary range, he or she shall
39 receive the compensation provided pursuant to the salary and classification procedures of the
40 county.

41 (e) If any officer or employee in the service of the court is demoted to another office or
42 position, he or she shall receive the compensation provided pursuant to the salary and
43 classification procedures of the county.

44 74782.1. A majority of the municipal court judges may appoint one commissioner who shall
45 possess the same qualifications as the law requires of a judge of a municipal court. The duties of

1 the commissioner shall be as prescribed by law. The commissioner shall receive 80 percent of the
2 salary of a judge of the municipal court and shall not engage in the private practice of law. The
3 commissioner shall be entitled to all employee benefits that are provided for or made applicable
4 to the other employees of the court.

5 ☞ **Note.** The staff is researching the following matter, which will be dealt with separately: Ethics
6 (private practice of law).

7 74783. There shall be one clerk-administrator who shall be appointed by and serve at the
8 pleasure of a majority of the judges of the court. The clerk-administrator and all other court
9 employees shall receive the salary specified in the salary resolution for Stanislaus County which
10 is in effect. The clerk may appoint, with the approval of the judges of the court, all of the
11 following:

- 12 (a) One assistant clerk-administrator.
- 13 (b) Ten courtroom clerks.
- 14 (c) Four supervising legal clerks II.
- 15 (d) One accountant I.
- 16 (e) Nine legal clerks III.
- 17 (f) One account clerk III.
- 18 (g) One supervising judicial secretary.
- 19 (h) Thirty-three legal clerks I/II.
- 20 (i) One supervising courtroom clerk.
- 21 (j) Four supervising legal clerks I.
- 22 (k) One staff services coordinator.
- 23 (l) Four interpreters.
- 24 (m) One master calendar clerk.

25 74784. (a) Except as provided in subdivision (b), there shall be one marshal who shall be
26 appointed by and serve at the pleasure of a majority of the judges of the court. The marshal and
27 all other marshal employees shall receive the salary specified in the salary resolution for
28 Stanislaus County which is in effect. The marshal may appoint, with the approval of the judges of
29 the court all of the following:

- 30 (1) Two marshal-captains.
- 31 (2) Nineteen deputy marshals.
- 32 (3) One supervising civil process technician.
- 33 (4) One civil process technician.
- 34 (5) Three civil process clerks.
- 35 (6) Three marshal technicians.
- 36 (7) The number of deputy marshal-keepers as may be required by law.

37 (b) Notwithstanding any other provision of law, the Board of Supervisors of Stanislaus County
38 may find that cost savings can be realized by eliminating the office of marshal and consolidating
39 the court-related services provided by the sheriff and the marshal within that county. If that
40 finding is made and such a consolidation is approved by resolution of the board, there shall be
41 conducted among all of the judges of the superior and municipal courts of that county an election
42 to approve the consolidation as set forth in the board's resolution. The outcome shall be
43 determined by a simple majority of votes cast. The registrar of voters shall administer that
44 election within a reasonable period of time in an expeditious fashion and tabulate the results
45 thereof. The results of that election shall be reported within five days following the election
46 period by the registrar of voters to the board of supervisors and to the judges of the superior and
47 municipal courts of that county. The board of supervisors shall immediately commence and,

1 within a reasonable time not to exceed 90 days, implement the consolidation as approved by a
2 majority of the votes cast in that election. However, if prior to the effective date of this
3 subdivision, the board of supervisors passes a resolution setting forth the terms and conditions of
4 the consolidation and makes a finding of cost savings, and if the judges of the superior and
5 municipal courts approve the consolidation by a majority vote and so certify to the board, no
6 election shall be necessary under this subdivision and the board shall commence the
7 implementation of the consolidation.

8 Upon any consolidation pursuant to this subdivision, the board of supervisors and the sheriff
9 shall create a Court Services Bureau within the office of the sheriff, which shall carry out all
10 current functions of the marshal and the court security and civil divisions of the sheriff's
11 department, and which shall commence to exist at the time the office of marshal is eliminated.

12 A Court Security Services Oversight Committee consisting of two judges of the superior court
13 and two judges of the municipal court shall be created upon the elimination of the office of
14 marshal, which shall have the authority and duty to oversee the funding, staffing, and operation of
15 the Court Services Bureau. That authority and those duties shall include the following:

16 (1) To recommend approval to the superior and municipal courts of transfers of staff in and out
17 of the Court Services Bureau, and security measures and plans prepared by the Court Services
18 Bureau.

19 (2) As between the sheriff and the courts, a majority vote of the superior court judges and a
20 majority vote of the municipal court judges shall be the final determination of the staffing level
21 subsequent to the 1992-93 fiscal year, and funding level and budget of the Court Services Bureau
22 prepared for the Court Services Bureau prior to submission to the board of supervisor. However, a
23 minimum of 14 deputy sheriff coroners shall staff and serve the municipal court on a daily basis,
24 except as to a lesser number authorized on any given day by, the presiding judge of the municipal
25 court.

26 The sheriff, through the Court Services Bureau Commander, shall provide bailiffing, court
27 security, and prisoner holding and transportation for the superior court and municipal court and
28 shall process and serve civil and criminal process, including subpoenas and warrants. The sheriff
29 shall provide such other services as are determined to be necessary by the Court Security Services
30 Oversight Committee.

31 The sheriff shall be the appointing authority for all Court Services Bureau positions and
32 employees. All persons so appointed shall be subject to the approval of the majority of the judges
33 of the superior court and a majority of the judges of the municipal court.

34 The incumbent marshal of the Stanislaus County Municipal Court shall become commander of
35 the Court Services Bureau at the rank of lieutenant. Any compensation or benefit in addition to
36 that of a lieutenant shall be subject to a written agreement between the county and the incumbent
37 marshal, and he shall not be transferred except by a majority vote of the superior court judges and
38 a majority vote of the municipal court judges of Stanislaus County upon recommendation of the
39 Court Security Services Oversight Committee.

40 The selection, appointment, and removal of subsequent commanders of the Court Services
41 Bureau shall be made by the sheriff as directed by the majority vote of the superior court judges
42 and a majority vote of the municipal court judges of Stanislaus County from a list of qualified
43 candidates submitted by the sheriff and recommended by the Court Security Services Oversight
44 Committee.

45 The two incumbent marshal captains of the Stanislaus County Marshal's Office shall become
46 sergeants in the sheriff's department and be assigned to the Court Services Bureau and shall not
47 be removed without their consent, or absent such consent, by a majority vote of the superior court
48 judges and a majority vote of the municipal court judges of Stanislaus County.

1 All sworn personnel of the marshal's office who are assigned to court services on the date of
2 any such elimination of the marshal's office shall become members of the Court Services Bureau,
3 with those permanent employees holding the rank of deputy marshal becoming deputy sheriff
4 coroners.

5 Sworn personnel may be transferred to another position in the sheriff's office at the same or
6 equivalent classification, but shall not be involuntarily transferred out of the Court Services
7 Bureau.

8 Any such personnel who are probationary employees shall retain their probationary status and
9 rights and shall not be required to start a new probationary period.

10 No employee of the marshal's office on any such date the marshal's office is eliminated shall
11 lose peace officer status or be demoted or otherwise adversely affected by the consolidation of
12 court services accomplished by this subdivision.

13 Peace Officer Standards and Training certificates held by employees of the marshal's office and
14 sheriff's department on the date of any such elimination of the marshal's office shall be
15 considered the same for purposes of this subdivision.

16 Notwithstanding any other provision of this subdivision, the sheriff shall make all transfers
17 within the Court Services Bureau consistent with existing personnel policies of the sheriff,
18 memorandums of understanding, if any, and other such county personnel management rules and
19 regulations.

20 Any deputy marshal or marshal captain on the date of any such elimination of the marshal's
21 office who transfers out of the Court Services Bureau to another division of the sheriff's
22 department and subsequently fails to meet the employment requirements of that division, may be
23 transferred back to the Court Services Bureau at the sole discretion of the sheriff.

24 Any employee of the sheriff's department who desires to transfer into the Court Services
25 Bureau shall make application through the appropriate division to the Court Services Bureau
26 commander. Any such employee must agree to remain in the Court Services Bureau for at least
27 three to five years.

28 All sworn permanent employees subsequently assigned to the Court Services Bureau shall be
29 required to meet those requirements of the California Commission on Peace Officer Standards
30 and Training.

31 The county's personnel regulations and other governing county ordinances and resolutions shall
32 determine seniority and layoff order, and displacement rights of all employees including all
33 continuous county service shall be counted toward county seniority.

34 No increase in the cost of court security for the superior court and municipal court in Stanislaus
35 County between fiscal year 1992-93 and fiscal year 1991-92 shall be considered for purposes of
36 determining the cost of court operations pursuant to the Brown-Presley Trial Court Funding Act
37 (Chapter 13 (commencing with Section 77000) of Title 8 of the Government Code),
38 notwithstanding any staffing level increase which may be required by the courts under this
39 subdivision; and the cost of any such increase shall not be a charge against trial court funds.

40 ☞ **Note.** Section 74784 will be preserved, in some form. A proposed amendment to this section
41 is reproduced below as an added section.

42 74785. Official reporters in the municipal court appointed pursuant to Section 72194 shall be
43 attaches of the court and, in lieu of any other compensation provided by law for their services in
44 reporting testimony in criminal proceedings in the court, shall receive a salary specified in the
45 salary resolution for Stanislaus County which is in effect.

46 74786. In addition to the compensation provided by this article, the employees, attaches, and
47 other personnel of the court shall receive no more than the same holidays, vacations, sick leaves,

1 and retirement benefits as the employees of the County of Stanislaus pursuant to the Ordinance
2 Code of the County of Stanislaus.

3 74787. The court may establish by rule areas surrounding court locations from which jurors for
4 trials held at such locations shall be selected.

5 74788. Pursuant to Section 72194, the judges of the court may appoint as many additional
6 reporters as the business of the court requires. The additional reporters shall be known as official
7 reporters pro tempore, and shall serve without salary but shall receive the fees provided as
8 follows:

9 (a) Commencing January 1, 1985, one hundred dollars (\$100) a day or any part of a day.

10 (b) Commencing January 1, 1986, one hundred five dollars (\$105) a day or any part of a day.

11 (c) Commencing January 1, 1987, one hundred fifteen dollars (\$115) a day or any part of a day.

12 74789. As otherwise provided by law, fees for transcription of testimony and proceedings in the
13 court shall be paid by the litigants to official reporters and official reporters pro tempore. In all
14 cases where by law the court may direct the payment of transcription fees out of the county
15 treasury, the fees shall, upon order of the court be paid from the general fund, including fees for
16 transcription of testimony and proceedings in criminal cases as provided in Sections 69947 and
17 69953, inclusive, which shall be paid from the county treasury.

18 74790. Official reporters of the court shall be members of any retirement system maintained by
19 the county in which they are employed. For the purpose of the retirement system, the
20 compensation of each reporter shall be the total of all per diem and transcription fees paid by the
21 county to all of the reporters of the municipal court for all phonographic-reporting services,
22 divided by the number of municipal court official reporters, plus his salary.

23 74791. In the event the Board of Supervisors of the County of Stanislaus amends the resolution
24 establishing salary ranges and salary rates for the personnel of the County of Stanislaus or adopts
25 a new resolution which provides for a change in compensation for ranges or steps, such changes
26 shall be effective for the municipal court employees under this article on the effective date of the
27 action of the board of supervisors, or the effective date of this section, whichever is earlier.

28 74792. In the event the Board of Supervisors of the County of Stanislaus amends the resolution
29 establishing salary ranges and salary rates for the personnel of the County of Stanislaus or adopts
30 a new resolution which provides for a change in compensation for ranges or steps, such changes
31 shall be effective for the municipal court employees under this article on the effective date of the
32 action of the board of supervisors, or the effective date of this section, whichever is earlier, but all
33 such changes shall be effective only until the second year following the calendar year in which
34 the change is made.

35 **§ 74784 (added). Stanislaus County**

36 SEC. _____. Article 31 (commencing with Section 74784) is added to Chapter 10 of Title
37 8 of the Government Code, to read:

38 Article 31. Stanislaus County

39 **§ 74784. Former marshal's office personnel in Stanislaus County**

40 74784. (a) All sworn personnel of the former Stanislaus County marshal's office who
41 are assigned to court services on the date of the elimination of the marshal's office shall

1 become members of the sheriff's Court Services Bureau, with those permanent
2 employees holding the rank of deputy marshal becoming deputy sheriff coroners.

3 Sworn personnel may be transferred to another position in the sheriff's office at the
4 same or equivalent classification, but shall not be involuntarily transferred out of the
5 Court Services Bureau.

6 (b) This section shall remain in effect only until January 1, 2018, and as of that date is
7 repealed unless a later enacted statute, which is enacted before January 1, 2018, deletes or
8 extends that date. The repeal of this section does not affect any right or benefit to which a
9 person was entitled on the date of repeal.

10 **Comment.** The first paragraph of subdivision (a) of Section 74784 continues the eleventh
11 paragraph of subdivision (b) of former Section 74784, making clear that the provision applies to
12 sworn personnel of the former Stanislaus County marshal's office.

13 The second paragraph of subdivision (a) continues the twelfth paragraph of subdivision (b) of
14 former Section 74784 without change.

15 Subdivision (b) is new.

16 For provisions relating to restatements and continuations of existing law, see Section 2. For
17 disposition of the provisions of former Section 74784 that are not continued, see the Comment to
18 former Article 31 (commencing with former Section 74780).

19 **§§ 74800-74811 (repealed). Stockton Municipal Court District**

20 SEC. _____. Article 32 (commencing with Section 74800) of Chapter 10 of Title 8 of the
21 Government Code is repealed.

22 **Comment.** Sections 74800-74811 are repealed to reflect:

23 (1) Unification of the municipal and superior courts in San Joaquin County pursuant to Article
24 VI, Section 5(e), of the California Constitution, effective June 8, 1998. See Section 70211 (former
25 municipal court judgeships continued as superior court judgeships). See also Code Civ. Proc. § 38
26 (judicial districts); Section 69598 (number of judges in San Joaquin County). Cf. Section 71042.5
27 (preservation of judicial districts for purposes of publication).

28 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
29 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
30 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
31 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
32 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
33 protection system), 71673 (authority of court). See also Sections 69941 (appointment of official
34 reporters), 69947 (compensation of official reporter).

35 (3) Elimination of the marshal's office as a result of consolidation with the sheriff's office in
36 San Joaquin County, effective May 27, 1997.

37  **Note.** The text of the repealed article is set out below.

38 **Article 32. Stockton**

39 74800. This article applies to the municipal court established in a district embracing the City of
40 Stockton.

41 74801. There shall be six judges. However, on July 1, 1986, there shall be seven judges.

42 74802. There shall be one clerk who shall be the administrative officer and who shall receive
43 the salary specified in Section 74807.

44 74803. The clerk may appoint:

45 (a) One courtroom calendar coordinator.

- 1 (b) Twelve municipal courtroom clerks.
- 2 (c) Four deputy clerks III.
- 3 (d) Two judicial secretaries.
- 4 (e) Four deputy clerks II.
- 5 (f) Thirty-nine deputy clerks I.
- 6 (g) One accounting technician II.
- 7 (h) One administrative assistant I.
- 8 (i) One assistant clerk-administrator.
- 9 (j) Two court reporters.
- 10 (k) One office systems analyst.

11 74805. The marshal may appoint:

- 12 (a) Five marshal sergeants.
- 13 (b) Twenty-one deputy marshals.
- 14 (c) Four office assistants III.

15 74806. Whenever a reference is made to a numbered salary range in any section of this article,
16 the schedule of biweekly salaries found in the salary resolution for the County of San Joaquin in
17 effect shall apply.

18 74807. Persons employed in any of the positions authorized by this article shall be paid the
19 salary assigned to the following ranges as set forth in the biweekly salary schedule contained in
20 Section 74806, except that if the range shown opposite the title of the position includes a fraction
21 then the person employed in such position shall be paid a salary equal to that shown opposite said
22 fractional range in the salary ordinance of the County of San Joaquin:

23	Position	Range
24	(a) Deputy clerk I	50.40
25	(b) Deputy clerk II	52.40
26	(c) Deputy clerk III	53.90
27	(d) Judicial secretary	54.60
28	(e) Municipal courtroom clerk	56.90
29	(f) Clerk/Administrator	71.00
30	(g) Deputy marshal	60.70
31	(h) Marshal sergeant	63.00
32	(i) Courtroom calendar coordinator	58.90
33	(j) Accounting technician II	56.10
34	(k) Administrative assistant I	59.60
35	(l) Assistant clerk administrator	61.30
36	(m) Office assistant III	51.40
37	(n) Court reporter	64.10
38	(o) Office systems analyst	58.90

39 Subject to the provisions of the salary ordinance of the County of San Joaquin, each person
40 employed in the clerk's office or the marshal's office may receive an annual increase in salary of
41 one step on his or her assigned range until the employee reaches the maximum step on the range
42 assigned for his or her position. Thereafter no additional step increase shall be granted.

43 74807.5. There shall be one commissioner. The commissioner shall exercise, within the
44 jurisdiction of the court, all the powers and perform all the duties authorized by law. The
45 commissioner shall receive a salary equal to 70, 75, or 80 percent of the salary of a judge of the
46 municipal court and shall be entitled to all employee benefits that are provided for or made
47 applicable to the other employees of the court. The court shall determine the level of salary to be

1 received by a court commissioner, making adjustments on the three levels in accordance with the
2 qualifications, performance, and other factors deemed relevant by the court.

3 74808. Whenever the salary of a related class or classes of San Joaquin County employees is
4 adjusted, the salary of the following classes may be adjusted by a percentage not to exceed the
5 percentage of adjustment granted to the class or classes deemed by the board of supervisors to be
6 related:

- 7 (a) Deputy clerk I.
- 8 (b) Deputy clerk II.
- 9 (c) Deputy clerk III.
- 10 (d) Judicial secretary.
- 11 (e) Municipal courtroom clerks.
- 12 (f) Clerk/Administrator.
- 13 (g) Courtroom calendar coordinator.
- 14 (h) Deputy marshal.
- 15 (i) Marshal sergeant.
- 16 (j) Accounting technician II.
- 17 (k) Administrative assistant I.
- 18 (l) Assistant clerk administrator.
- 19 (m) Office assistant III.
- 20 (n) Court reporter.
- 21 (o) Office systems analyst.

22 All adjustments to the salaries of the above-named classes shall be effective as of the same date
23 as the adjustment for the class, or classes, deemed to be related, and shall be effective only until
24 January 1 of the second year following the year in which the adjustment is made, unless earlier
25 ratified by the Legislature.

26 74809. Notwithstanding any other provisions of law, the provisions of the county ordinance
27 relating to civil service and the rules of the civil service commission adopted pursuant thereto,
28 shall apply to all employees in the same manner and to the same extent as applicable generally to
29 officers and employees of the County of San Joaquin.

30 Such employees shall be entitled to the same vacation, sick leave, leave of absence, and similar
31 benefits, including uniform allowances for the deputy marshals and clerical employees who
32 regularly perform matron duties in the marshal's office, and may be appointed, promoted,
33 demoted, terminated or transferred, or their status otherwise adjusted in the same manner and
34 with the same effect as is or may be provided by the current salary ordinance of San Joaquin
35 County, or the civil service ordinance of the county, for employees of the county.

36 74810. (a) (1) Because cost savings or operational efficiencies, or both, can be realized by
37 consolidation of the three separate marshal's offices within the county, there shall be one marshal
38 for San Joaquin County designated as the Marshal of San Joaquin County. The marshal shall be
39 deemed the head of the department denominated as the San Joaquin County Marshal's Office. It
40 is the intent of this section to create a unified, appointive marshal's office.

41 (2) The office shall be responsible for all municipal court services, including bailiff duties in
42 such courts, service of process and other papers as required by such courts, and service of
43 criminal warrants issued by such courts. The marshal shall have the rights, duties, and powers
44 imposed upon marshals generally by law.

45 (b) (1) The marshal shall be appointed by, and serve at the pleasure of, the majority of judges of
46 all municipal courts in the county. When making such appointment, the judges shall consider, but

1 shall not be bound by, the recommendation of a committee comprised of the presiding judges of
2 each municipal court in the county.

3 (2) The marshal initially appointed pursuant to this section shall be selected from those
4 individuals who hold the position of marshal of one of the municipal courts of the county
5 immediately prior to the operative date of subdivision (a).

6 (c) (1) The salary range of the marshal originally appointed pursuant to this section shall be at a
7 minimum level of salary range 69E (\$2,430.40 biweekly). The salary range for any individual
8 appointed marshal after the original appointment of the marshal pursuant to this section shall be
9 set by the board of supervisors of the county.

10 (2) Until the end of the term of office to which he or she was elected immediately prior to the
11 operative date of this section, the marshal initially appointed pursuant to this section shall receive
12 all benefits currently received by the elected department heads of the county. Thereafter, the
13 marshal shall receive all benefits received by appointed department heads of the county. The
14 specific terms and conditions of the benefits to be received by the marshal initially appointed
15 pursuant to this section, including the rates of accrual and accumulation, shall be set forth in a
16 memorandum of understanding between the county and the three elected marshals of the county
17 which memorandum shall be adopted prior to the operative date of subdivision (a).

18 (3) Unless otherwise provided for in this section, salary and benefit adjustments for the marshal
19 shall be made by the board of supervisors of the county.

20 (d) (1) The marshal shall appoint, as necessary, an assistant marshal or assistant marshals who
21 shall serve at the pleasure of the marshal.

22 (2) The marshal shall initially appoint two assistant marshals who shall serve at the pleasure of
23 the marshal, but who shall not serve longer than is provided for in subdivision (h). The two
24 assistant marshals initially appointed pursuant to this section shall be selected from those
25 individuals who hold the position of marshal of one of the municipal courts of the county
26 immediately prior to the operative date of subdivision (a). Upon the first occurrence of a vacancy
27 in an assistant marshal's position, that position shall cease to exist.

28 (e) (1) The salary range of the two assistant marshals appointed pursuant to paragraph (2) of
29 subdivision (d) shall be at a minimum level of salary range 66.8E (\$2,089.60 biweekly). The
30 salary differential between the marshal and the two assistant marshals initially appointed pursuant
31 to paragraph (2) of subdivision (d) shall be maintained until the vacancy in the second of the
32 original two assistant marshal positions created by this section. The salary range for any
33 individual appointed to the assistant marshal position after the vacancy of the second of the
34 original two assistant marshal positions created by this section shall be set by the board of
35 supervisors of the county.

36 (2) Until the end of the term of office to which they were elected immediately prior to the
37 operative date of subdivision (a), the two assistant marshals appointed pursuant to this
38 subdivision shall receive all benefits currently received by the elected department heads of the
39 county. The specific terms and conditions of the benefits to be received by the two assistant
40 marshals initially appointed pursuant to paragraph (2) of subdivision (d), including the rates of
41 accrual and accumulation, shall be set forth in a memorandum of understanding between the
42 county and the three elected marshals of the county which memorandum shall be adopted prior to
43 the operative date of subdivision (a). Thereafter, they shall receive the benefits received by
44 appointed department heads of the county. After the occurrence of a vacancy in the remaining
45 assistant marshal position, any individual appointed to fill that position shall receive all benefits
46 received by assistant department heads of the county.

47 (3) Unless otherwise provided for in this subdivision, salary and benefit adjustments for
48 assistant marshal positions shall be made by the board of supervisors of the county.

1 (f) The office of the marshal shall be maintained in the Stockton Judicial District. A branch
2 office of the marshal shall be maintained in the Lodi Judicial District and one in the Manteca-
3 Ripon-Escalon-Tracy Judicial District.

4 (g) (1) All personnel of the Lodi Marshal's Office, the Manteca-Ripon-Escalon-Tracy
5 Marshal's Office, and the Stockton Marshal's Office on the operative date of this section shall
6 automatically become members of the consolidated San Joaquin County Marshal's Office at their
7 existing classifications, salaries, and benefits. All personnel assigned to the separate marshal's
8 offices as of the operative date of this section shall not lose peace officer status, or be demoted or
9 otherwise adversely affected by the consolidation. All county municipal court marshal's office
10 civil service time of personnel affected by this consolidation shall be counted toward county civil
11 service seniority.

12 (2) Permanent employees described in this section shall be deemed qualified, and no other
13 qualifications shall be required for employment or retention as a result of this consolidation.
14 Probationary employees on the operative date of subdivision (a) shall retain their probationary
15 status and rights, and shall not be deemed to have transferred so as to require serving a new
16 probationary period.

17 (h) Notwithstanding any other provisions of law, the marshal originally appointed pursuant to
18 this section, and the two assistant marshals originally appointed pursuant to paragraph (2) of
19 subdivision (d), shall be retired not later than the last day of the calendar month in which such
20 individuals attain age 65.

21 (i) Subdivision (a) shall become operative on January 2, 1995, and on that date the three elected
22 marshal positions in San Joaquin County are abolished.

23 74811. Whenever any person occupying the position of office assistant III in the office of the
24 marshal performs the duties of a matron in that office, her salary shall be increased by a sum
25 equivalent to 2 1/2 percent of the salary otherwise payable during the period of the performance
26 of such duties.

27 Article 32.3. San Joaquin County Court Security and Civil Process
28 Consolidation

29 Article 32.3. San Joaquin County Court Security and Civil Process
30 Consolidation

31 **§ 74820.1 (amended). Consolidation of court-related services**

32 SEC. ____ . Section 74820.1 of the Government Code is amended to read:

33 74820.1. ~~(a) Notwithstanding any other provision of law, the Board of Supervisors of~~
34 ~~San Joaquin County may determine that it is in the public interest to consolidate court~~
35 ~~security functions provided by the sheriff and the marshal within that county.~~

36 ~~(b) If that finding is made, there shall be conducted among all of the incumbent judges~~
37 ~~and commissioners of the superior and municipal courts of that county an election to~~
38 ~~determine the office, either the marshal's office or sheriff's office, under which those~~
39 ~~services shall be consolidated. The outcome shall be determined by a simple majority of~~
40 ~~votes cast, provided that the total number of votes cast exceeds 50 percent of the number~~
41 ~~of incumbent superior and municipal judges and commissioners in the county, by at least~~
42 ~~one vote. The registrar of voters shall administer that election and tabulate the results~~
43 ~~thereof within 15 days after the board of supervisors makes that finding. The results of~~

1 the election shall be publicly reported within 15 days following the election period by the
2 registrar of voters to the board of supervisors.

3 ~~(e) The board of supervisors shall immediately commence and, within a reasonable~~
4 ~~time not to exceed 90 days, implement the decision made by a majority of the incumbent~~
5 ~~judges and commissioners of the superior and municipal courts of that county in that~~
6 ~~election. If the results of the election are evenly divided, the board of supervisors may~~
7 ~~call additional elections without making additional findings. This article applies to the~~
8 ~~abolition of the marshal's office and the consolidation of court security functions and~~
9 ~~service of process and notice functions in the sheriff's office.~~

10 **Comment.** Section 74820.1 is amended to reflect consolidation of court-related services in San
11 Joaquin County within the sheriff's office, effective May 27, 1997.

12 **§ 74820.2 (amended). Court services division**

13 SEC. ____ . Section 74820.2 of the Government Code is amended to read:

14 74820.2. There is a court services division within the San Joaquin County Sheriff's
15 Department to provide security within the superior and municipal courts court.

16 **Comment.** Section 74820.2 is amended to reflect unification of the municipal and superior
17 courts in San Joaquin County pursuant to Article VI, Section 5(e), of the California Constitution,
18 effective June 8, 1998.

19 **§ 74820.3 (amended). Court services division positions and employees**

20 SEC. ____ . Section 74820.3 of the Government Code is amended to read:

21 74820.3. (a) The sheriff shall be the appointing authority for all court services division
22 positions and employees.

23 ~~(b) The incumbent marshal of San Joaquin County shall become the sheriff's division~~
24 ~~chief (exempt) of the court services division upon the operative date of this section and~~
25 ~~may not be removed except by the sheriff with the concurrence of a majority of the~~
26 ~~incumbent judges and commissioners. His or her salary and benefits shall not be reduced.~~
27 ~~Upon the vacancy of this initial position, the classification, salary, and benefits shall be~~
28 ~~reevaluated by the county.~~

29 ~~(c) (b) Selection, appointment, and removal of subsequent chiefs of the court services~~
30 ~~division shall be made by a majority vote of the incumbent superior court and municipal~~
31 ~~court judges and commissioners from a list of qualified candidates submitted by a~~
32 ~~committee comprised of the sheriff, and an incumbent judge of the superior court, and an~~
33 ~~incumbent judge of the municipal court selected by the board of supervisors.~~

34 ~~(d) The two incumbent assistant marshals in the marshal's office shall become sheriff's~~
35 ~~commanders, court services division, in the sheriff's department and shall be assigned to~~
36 ~~the division of court services upon the operative date of this section. They may not be~~
37 ~~removed except by the sheriff with the concurrence of the majority of incumbent judges~~
38 ~~and commissioners. Their salary and benefits shall not be reduced. Upon the first vacancy~~
39 ~~of one of the two sheriff's commanders, the position shall be eliminated. Upon the second~~
40 ~~vacancy of the two sheriff's commanders, the classification, salary, and benefits shall by~~
41 ~~reevaluated by the county.~~

42 **Comment.** Subdivision (b) of Section 74820.3 is amended to reflect unification of the
43 municipal and superior courts in San Joaquin County pursuant to Article VI, Section 5(e), of the
44 California Constitution, effective June 8, 1998.

45 Obsolete provisions in former subdivisions (b) and (d) regarding the former incumbent marshal
46 and assistant marshals have been deleted.

1 **§ 74820.4 (repealed). Effect of consolidation on personnel**

2 SEC. ____ . Section 74820.4 of the Government Code is repealed.

3 74820.4. (a) All personnel of the marshal's office subject to consolidation shall become
4 members of the sheriff's office. Their salary and benefits shall not be reduced. Permanent
5 employees presently holding the rank of deputy or sergeant, respectively, in the marshal's
6 office may become deputy sheriffs or sheriff's sergeants upon consolidation if they meet
7 the qualifications for deputy sheriffs or sheriff's sergeants. If they cannot meet the
8 qualifications for deputy sheriffs or sheriff's sergeants or desire to remain in court
9 services, they may become deputy sheriff's sergeants at the nearest equivalent step
10 without step increases or deputy sheriff I's without a loss in pay.

11 (b) Deputy sheriffs and sheriff's sergeants may be transferred to other positions in the
12 sheriff's office at the same or equivalent classification. Those who remain sheriff's
13 sergeants at the nearest equivalent step without step increases or deputy sheriff I's may
14 not be involuntarily transferred out of the court services division.

15 (c) Permanent employees of the sheriff's office assigned to court services on the
16 operative date of the consolidation and permanent employees of the marshal's office on
17 the operative date of the consolidation shall be deemed qualified for employment and
18 retention in the San Joaquin County Sheriff's Department. Probationary employees of the
19 sheriff's department assigned to court services on the operative date of the consolidation
20 and probationary employees of the marshal's office on the operative date of the
21 consolidation shall retain their probationary status and rights, and shall not be required to
22 start a new probationary period.

23 (d) For personnel of the sheriff's office assigned to court services on the operative date
24 of the consolidation and personnel of the marshal's office on the operative date of the
25 consolidation, all county service shall be counted toward county seniority, and all time
26 spent in the same classification, and all time spent in the equivalent or higher
27 classification shall be counted toward classification seniority. All county seniority shall
28 be credited as departmental seniority. For layoff and displacement purposes, all covered
29 service in the sheriff's department and marshal's office shall be counted equally, and the
30 county's personnel management regulations and other governing county ordinances and
31 resolutions shall determine the class, county, and departmental seniority dates, the
32 seniority and layoff order, and the displacement rights of all employees.

33 (e) No employee of the sheriff's office assigned to court services on the operative date
34 of the consolidation or employee of the marshal's office on the operative date of the
35 consolidation shall lose peace officer status or be demoted by the consolidation of court
36 services pursuant to this section. Peace Officer Standards and Training certificates held
37 on the operative date of this section by employees of the San Joaquin County Marshal's
38 Department and the San Joaquin County Sheriff's Department shall be considered the
39 same for purposes of this section.

40 **Comment.** Section 74820.4 is repealed to reflect consolidation of court-related services in San
41 Joaquin County within the sheriff's office, effective May 27, 1997.

42 **§ 74820.5 (repealed). Transfers**

43 SEC. ____ . Section 74820.5 of the Government Code is repealed.

44 74820.5. Notwithstanding any other provision of this article, the sheriff shall make all
45 transfers within the court services division consistent with existing personnel policies of
46 the sheriff, memoranda of understanding, if any, and other county personnel
47 management, rules, and regulations.

48 **Comment.** Section 74820.5 is repealed as unnecessary.

1 **§ 74820.6 (repealed). Marshal's office abolished**

2 SEC. ____ . Section 74820.6 of the Government Code is repealed.
3 ~~74820.6. The marshal's office is abolished.~~

4 **Comment.** Section 74820.6 is repealed to reflect consolidation of court-related services in San
5 Joaquin County within the sheriff's office, effective May 27, 1997.

6 **§ 74820.7 (repealed). Operation of §§ 74820.2 to 74820.6**

7 SEC. ____ . Section 74820.7 of the Government Code is repealed.

8 ~~74820.7. Sections 74820.2 to 74820.6, inclusive, shall become operative only if the~~
9 ~~sheriff's office is selected as the office under which court security services shall be~~
10 ~~consolidated. Under those circumstances, the sections shall become operative upon the~~
11 ~~vote of the incumbent judges and commissioners of the county so selecting the sheriff.~~

12 **Comment.** Section 74820.7 is repealed to reflect consolidation of court-related services in San
13 Joaquin County within the sheriff's office, effective May 27, 1997.

14 **§ 74820.8 (repealed). Marshal of the consolidated offices**

15 SEC. ____ . Section 74820.8 of the Government Code is repealed.

16 ~~74820.8. The incumbent marshal shall be the marshal of the consolidated offices. The~~
17 ~~marshal shall be appointed by, and serve at the pleasure of, the majority of the incumbent~~
18 ~~judges and commissioners of the superior court and all municipal courts in the county.~~
19 ~~When making that appointment, the incumbent judges and commissioners shall consider,~~
20 ~~but shall not be bound by, the recommendation of a committee comprised of the presiding~~
21 ~~judges of the superior court and each municipal court.~~

22 **Comment.** Section 74820.8 is repealed to reflect consolidation of court-related services in San
23 Joaquin County within the sheriff's office, effective May 27, 1997.

24 **§ 74820.9 (repealed). Salaries, benefits and ratings**

25 SEC. ____ . Section 74820.9 of the Government Code is repealed.

26 ~~74820.9. Deputy sheriffs and sheriff's sergeants who become members of the~~
27 ~~consolidated office shall do so at their existing salaries and benefits, and shall be y-rated~~
28 ~~in accordance with the County Salary Ordinance. All other staff who become members of~~
29 ~~the consolidated office shall do so at their existing salaries and benefits.~~

30 **Comment.** Section 74820.9 is repealed to reflect consolidation of court-related services in San
31 Joaquin County within the sheriff's office, effective May 27, 1997.

32 **§ 74820.10 (repealed). Status of sheriff employees**

33 SEC. ____ . Section 74820.10 of the Government Code is repealed.

34 ~~74820.10. Permanent employees of the sheriff's department on the operative date of the~~
35 ~~consolidation shall be deemed qualified, and no other qualifications shall be required for~~
36 ~~employment or retention. Probationary employees of the sheriff's department on the~~
37 ~~operative date of the consolidation shall retain their probationary status and rights, and~~
38 ~~shall not be deemed to have transferred so as to require serving a new probationary~~
39 ~~period.~~

40 **Comment.** Section 74820.10 is repealed to reflect consolidation of court-related services in
41 San Joaquin County within the sheriff's office, effective May 27, 1997.

1 **§ 74820.11 (repealed). Seniority**

2 SEC. ____ . Section 74820.11 of the Government Code is repealed.

3 ~~74820.11. All county service or service in the sheriff's department of employees of the~~
4 ~~sheriff's department on the operative date of the consolidation shall be counted toward~~
5 ~~seniority in the court-related services office, and all time spent in the same, equivalent, or~~
6 ~~higher classification shall be counted toward classification seniority.~~

7 **Comment.** Section 74820.11 is repealed to reflect consolidation of court-related services in
8 San Joaquin County within the sheriff's office, effective May 27, 1997.

9 **§ 74820.12 (repealed). Peace officer status**

10 SEC. ____ . Section 74820.12 of the Government Code is repealed.

11 ~~74820.12. No employee of the sheriff's department on the operative date of the~~
12 ~~consolidation shall lose peace officer status.~~

13 **Comment.** Section 74820.12 is repealed to reflect consolidation of court-related services in
14 San Joaquin County within the sheriff's office, effective May 27, 1997.

15 **§ 74820.13 (repealed). Operation of §§ 74820.8 to 74820.12**

16 SEC. ____ . Section 74820.13 of the Government Code is repealed.

17 ~~74820.13. Sections 74820.8 to 74820.12, inclusive, shall become operative only if the~~
18 ~~marshal is selected as the agency under which court-related services shall be~~
19 ~~consolidated, in which case those sections shall become operative upon the vote of the~~
20 ~~incumbent judges and commissioners of the county so selecting the marshal.~~

21 **Comment.** Section 74820.13 is repealed to reflect consolidation of court-related services in
22 San Joaquin County within the sheriff's office, effective May 27, 1997.

23 **§ 74820.14 (repealed). Service of process and notice functions**

24 SEC. ____ . Section 74820.14 of the Government Code is repealed.

25 ~~74820.14. Notwithstanding the other provisions of this article, if it finds that it is in the~~
26 ~~public interest, the board of supervisors may consolidate the service of process and notice~~
27 ~~functions in either the sheriff's or the marshal's office. If the service of process and notice~~
28 ~~functions are consolidated, personnel shall be transferred under the provisions of this~~
29 ~~article that relate to personnel matters.~~

30 **Comment.** Section 74820.14 is repealed to reflect consolidation of court-related services in
31 San Joaquin County within the sheriff's office, effective May 27, 1997.

32 **§§ 74830-74839 (repealed). Sutter County Municipal Court**

33 SEC. ____ . Article 32.5 (commencing with Section 74830) of Chapter 10 of Title 8 of
34 the Government Code is repealed.

35 **Comment.** Sections 74830-74839 are repealed to reflect:

36 (1) Unification of the municipal and superior courts in Sutter County pursuant to Article VI,
37 Section 5(e), of the California Constitution, effective June 3, 1998. See Section 70211 (former
38 municipal court judgeships continued as superior court judgeships). See also Code Civ. Proc. § 38
39 (judicial districts); Section 69604.3 (number of judges in Sutter County). *Cf.* Section 71042.5
40 (preservation of judicial districts for purposes of publication); former Section 71264 (municipal
41 court served by marshal).

42 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
43 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
44 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred

1 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
2 (employment selection and advancement), 71650-71658 (employment protection system), 71673
3 (authority of court). See also Section 69947 (compensation of official reporter).

4 ☞ **Note.** The text of the repealed article is set out below.

5 Article 32.5. Sutter County

6 74830. This article applies to the municipal court established in a judicial district embracing the
7 County of Sutter. This court shall be known as the Sutter County Municipal Court.

8 74831. There are two judges.

9 74832. There shall be one clerk of the Sutter County Municipal Court who shall be known as
10 court administrator. The court administrator shall be appointed by the majority of the judges of
11 the court, or in the case of an equal division of the judges of the court, the senior judge, and shall
12 receive the salary specified in M38 of the county's salary system. The court administrator may
13 appoint:

14 Title of Job	Applicable	Number of
15 Classification	Salary	Positions
16	Range	Authorized
17 Municipal court clerk III	G 31	2
18 Municipal court clerk II	G 28	1
19 Municipal court clerk I	G 26	4
20 Municipal court clerk I	G 26	
21 or clerk typist II	G 25	1

22 74833. The sheriff shall be ex officio marshal and shall act as such without additional
23 compensation. The sheriff's designated deputies shall be ex officio deputy marshals of the court.

24 74834. (a) Whenever a reference is made to a numbered salary range in any section of this
25 article, the schedule of biweekly salaries found in the salary resolution for the County of Sutter in
26 effect on July 1, 1987, shall apply.

27 (b) In the event the Board of Supervisors of the County of Sutter amends the resolution
28 establishing salary ranges and biweekly salary rates for the personnel of the County of Sutter,
29 effective on the date of this section, or adopts a new resolution which provides for a change in
30 compensation for ranges or steps, such changes shall be effective for the municipal court
31 employees under this article on the effective date of the action of the board of supervisors and
32 shall remain effective only until January 1 of the second year following the year in which such
33 change is made.

34 (c) Notwithstanding the provisions of this article, and in order to equalize the compensation of
35 employees of the municipal court with the compensation paid to county employees with
36 commensurate duties and responsibilities, upon recommendation of the judge of the court and
37 with the approval of the Board of Supervisors of the County of Sutter, an officer or employee of
38 this court may be paid any compensation which is within the ranges and increments set forth in
39 this article in excess of or less than the maximum to which such officer or employee would
40 otherwise be entitled under the salary range established for his classification by this article. Any
41 such salary adjustment shall remain effective only until January 1 of the second year following
42 the year in which such change is made.

1 74835. The officers and attaches of the municipal court shall be entitled to the same vacation,
2 sick leave, and similar benefits and privileges as are granted to other employees of the County of
3 Sutter under ordinances and resolutions of the board of supervisors.

4 74836. If an increase in the business of the court or any other emergency requires a greater
5 number of attaches or employees for prompt and faithful discharge of the business of the court
6 other than the number expressly provided in this article or requires the performance of duties of
7 positions in a class not expressly provided in this article, with the approval of the judge of the
8 court and the board of supervisors, the clerk may appoint as many additional attaches or
9 employees as are needed. The additional attaches or employees shall be selected and appointed in
10 the same manner as those for whom express provision is made, and they shall receive salary and
11 compensation as prescribed in this article or as prescribed by ordinance or resolution of the board
12 of supervisors for classes not expressly provided in this article.

13 Additional attaches and employees may continue in such positions only until the January 1
14 following their appointments, provided, however, if 180 days do not elapse between the date of
15 the appointments and the following January 1, then such appointments shall be effective until
16 January 1 of the following year. The provisions of this section are not intended to affect the
17 application of Section 72150.

18 74837. All matters affecting the employment of such municipal court officers and attaches
19 which are not specifically determined by this article or other provisions of state law shall be
20 governed and regulated by the then current ordinances and resolutions of the Board of
21 Supervisors of the County of Sutter.

22 74838. All officers and attaches of the municipal court shall devote their full time to the
23 performance of their duties.

24 74839. In lieu of any other compensation, including reimbursement for expenses, in Sutter
25 County the board of supervisors may, with the approval of the presiding judge of the Sutter
26 County Municipal Court, contract with official court reporters and reporters pro tempore, for the
27 municipal court at a rate of two thousand fifty dollars (\$2,050) per month. The board of
28 supervisors may negotiate changes in this rate of compensation, but any such change shall remain
29 in effect only until January 1 of the second year following the year in which the change is made.

30 **§§ 74840-74851 (repealed). Vallejo-Benicia Judicial District**

31 SEC. _____. Article 33 (commencing with Section 74840) of Chapter 10 of Title 8 of the
32 Government Code is repealed.

33 **Comment.** Sections 74840-74851 are repealed to reflect:

34 (1) Unification of the municipal and superior courts in Solano County pursuant to Article VI,
35 Section 5(e), of the California Constitution, effective August 3, 1998. See Section 70211 (former
36 municipal court judgeships continued as superior court judgeships). See also Code Civ. Proc. § 38
37 (judicial districts); Section 69602 (number of judges in Solano County). Cf. Section 71042.5
38 (preservation of judicial districts for purposes of publication).

39 (2) Elimination of the marshal's office as a result of consolidation with the sheriff's office in
40 Solano County, effective August 3, 1998. For provisions governing keepers fees, see Sections
41 26726 (fees for sheriff keeping property under attachment, execution, or claim and delivery),
42 71266 (sheriff fee statutes applicable to marshals), 72112 (deputy marshals serving as
43 custodians).

44 (3) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
45 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622

(subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment protection system), 71673 (authority of court). See also Code Civ. Proc. § 195 (jury commissioners); Sections 69941 (appointment of official reporters), 69947 (compensation of official reporter).

(4) Enactment of the Trial Court Funding Act. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations).

 **Note.** The text of the repealed article is set out below.

Article 33. Vallejo-Benicia Judicial District

74840. This article applies to the Vallejo-Benicia Judicial District in the County of Solano.

74841. There are three judges.

74841.5. There is one traffic trial commissioner, who shall be appointed by the presiding judge with concurrence of the judges of the court, and shall hold office at the pleasure of the judges.

The qualifications, powers and duties, and compensation of the commissioner shall be determined pursuant to Article 10 (commencing with Section 72450) of Chapter 9.

The traffic trial commissioner position shall not be counted in the calculation of trial court funding pursuant to Section 77202, and the salary for this position shall not be considered as a part of court operations for Solano County for purposes of Sections 77003 and 77204.

74842. There shall be one municipal court executive officer, who shall also serve as the clerk/administrator, who shall be appointed by the presiding judge with concurrence of a majority of the judges of the court, and shall hold office at the pleasure of a majority of the judges. The clerk/administrator shall administer the nonjudicial activities of the court and serve as jury commissioner, exercising insofar as applicable to the municipal court, the powers of a jury commissioner of a superior court.

The clerk/administrator shall receive compensation at the classification and salary grade indicated:

Number	Classification	Salary Grade
(a) 1	Municipal Court Executive Officer	65-00400

The position shall be entitled to the same benefits and privileges respecting retirement, vacation, sick leave, insurance, administrative leave, and expense account which are provided other management employees of the county.

74843. The clerk/administrator may appoint the following numbers of staff at the classifications and salary grades indicated:

Number	Classification
1	Accountant/Accountant (entry)
1	Administrative Secretary
1	Assistant Municipal Court Executive Officer
1	Clerical Support Specialist
1	Clerk
6	Courtroom Clerks
3	Court Reporters (Municipal Court)
1	Data Entry Clerk
1	Data Systems Coordinator

1	1	Electronic Recording Monitor
2	5	Fiscal Clerk/Clerk Trainee
3	1	Fiscal Records Supervisor
4	1	Judicial Secretary
5	1	Lead Fiscal Clerk
6	2	Lead Legal Procedures Clerk
7	22	Legal Procedures Clerk/Trainee
8	1	Master Calendar Clerk
9	1	Supervising Courtroom Clerk
10	3	Supervising Legal Procedures Clerk

74843.5. So long as Solano County continues to receive block grant funding pursuant to the Brown-Presley Trial Court Funding Act, the clerk/administrator may appoint the following numbers of staff at the classification and salary grades indicated:

Number	Classification	Salary Grade
(a) 1	Courtroom Clerk	09-03400
(b) 2	Fiscal Clerks	09-02400
(c) 2	Legal Procedures Clerks	09-01800
(d) 1	Clerk	09-00600
(e) 1	Data Systems Coordinator	75-01400
(f) 1	Electronic Recording Monitor	09-03250

74844. There is one marshal who shall be elected by the voters of the judicial district and who shall receive a salary at the rate specified in salary grade 60-00200.

74845. The marshal may appoint the following numbers of staff at the classifications and salary grades indicated:

Number	Classification	Salary Grade
(a) 1	Sergeant-Marshall	04-00100
(b) 1	Lead Legal Procedures Clerk	09-02800
(c) 7	Deputy Marshal or Deputy Marshal Trainee	03-00300
(d) 2	Legal Procedures Clerk	09-01800

74845.1. The marshal may appoint as many deputy marshal-keepers as may be required by law. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered. Deputies serving under the provisions of this section are not salaried employees of the judicial district for the purposes of obtaining civil service status or any other benefits of this article.

74845.2. So long as Solano County continues to receive block grant funding pursuant to the Brown-Presley Trial Court Funding Act, the marshal may appoint the following numbers of staff at the classification and salary grade indicated:

Number	Classification	Salary Grade
(a) 1	Deputy Marshal or Deputy Marshal Trainee	03-00300

74846. Whenever a reference to a salary grade number is made in this article, the schedules found in the Memoranda of Understanding adopted by the Board of Supervisors of the County of Solano and effective on January 1, 1991, shall apply. Any schedule and listing shall remain effective only until January 1 of the second year following the calendar year in which the change is made.

1 74847. Persons employed in any of the positions authorized by this article shall be paid the
2 salary assigned to the ranges as set forth in the salary grades in Sections 74842, 74843, 74844,
3 74845, and 74851.

4 Each person employed in the office of the executive officer and the office of the marshal,
5 including the executive officer and the marshal, on January 1, 1968, shall receive credit for prior
6 continuous service in office including service in departments superseded upon the establishment
7 of the municipal court, and such prior service shall be deemed service in the new position.
8 However, such credit shall be given only when the judges of the court determine that the officer
9 or employee is entitled to receive it. The executive officer and other employees of the court shall
10 be appointed at the first step for the grade assigned to their classification, except if it is difficult to
11 secure qualified personnel, or if a person of unusual qualifications is hired, the judges may
12 appoint such person at the second step of the grade assigned to that classification. In the case of
13 the appointment of the executive officer, the judges shall be authorized, if they deem it necessary,
14 to appoint at a higher step, not to exceed the fifth step of the grade assigned to that classification
15 as set forth in Section 74842, and, provided, further that if the judges are unable to secure a
16 qualified person to fulfill the position of executive officer for a salary as hereinabove provided,
17 then the judges with the concurrence of the board of supervisors and the county administrator
18 may establish a salary at a rate not to exceed step 5 of the salary grade of the executive officer on
19 the date of the appointment.

20 74848. (a) All increases in salary shall not be given as matter of right but only when the judges
21 of the court determine that the officer or employee is properly entitled to receive it. Each person
22 employed in the office of the executive officer and in the office of the marshal, including the
23 executive officer but not including the marshal, shall have a merit increase eligibility date which
24 shall be the first day of the pay period following completion of the number of full pay periods of
25 services indicated on the following chart.

Salary Grade Step Number to Which Eligible	Number of Full Pay Periods of Service Completed Between Steps
2	13
3	13
4	26
5	39

33 (b) If an employee begins his or her employment on the first working day of a pay period, it
34 shall be considered for purposes of this section that such employment began on the first calendar
35 day of that pay period. The granting of any leave of absence without pay, other than military
36 leave of absence, exceeding seven consecutive calendar days in a pay period shall cause the merit
37 increase eligibility date to be extended to the first day of the pay period following completion of
38 the leave of absence without pay.

39 However, an officer or employee who is promoted or reclassified to a position in a class with a
40 higher salary shall receive the recruiting salary for the higher class if it is greater than his salary
41 prior to promotion or reclassification, or such higher amount as would constitute a one-step
42 increase (approximately 5 percent) on the salary grade over the salary received prior to the
43 promotion or reclassification, not to exceed the top step on the new salary grade.

44 (c) The effective date of all promotions shall coincide with the first working day of a pay
45 period. Upon the promotion or reclassification, a new merit increase eligibility date shall be
46 established, which shall be the first day of the pay period following completion of the number of
47 full pay periods service which corresponds with the required period of service pursuant to
48 subdivision (b).

1 74849. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of
2 Chapter 8 of Title 8 or any other provision of this article, in order to equalize the compensation of
3 employees of the municipal court with the compensation paid to county employees with
4 commensurate duties and responsibilities, upon recommendation of the judges of the court and
5 with the approval of the Board of Supervisors of the County of Solano, an officer or employee of
6 the court, except the marshal, whether appointed under the provisions of this article or under
7 Article 4 (commencing with Section 72150) of Chapter 8 of Title 8, may be paid any
8 compensation which is within the ranges and increments set forth in this article in excess of or
9 less than the maximum to which such officer or employee would otherwise be entitled under the
10 salary grade established for his or her classification as set forth in Section 74846. Any such salary
11 adjustment shall not extend longer than 60 days after the final adjournment of the next succeeding
12 regular session of the Legislature after such salary adjustment.

13 74850. Employees of the office of the executive officer and marshal, including the executive
14 officer and the marshal, shall have the benefits and privileges, not including compensation,
15 provided for employees of the County of Solano in that county's salary ordinance and other
16 ordinances and rules applicable to county employees.

17 Employees of the office of the executive officer and marshal, except the executive officer and
18 the marshal, shall be members of the County Civil Service System of the County of Solano to the
19 extent that such membership is not contrary to the provisions of Section 5 of Article VI of the
20 California Constitution, or any other provisions of state law.

21 74851. (a) Regular official court reporters shall report all criminal and civil proceedings in their
22 respective courts. When not engaged in the performance of other duties imposed by law, each
23 reporter shall render such assistance as may be required in any other court of the county to which
24 he or she may be assigned, and perform such other verbatim reporting services as may be required
25 such as, but not limited to, board of equalization hearings, public hearings, and depositions.
26 During hours in which the court is open for the transaction of judicial business, official reporters
27 shall devote full time to the performance of regular duties and shall not engage in any other
28 employment in their professional capacity.

29 (b) Each regular official court reporter shall receive compensation at the classification and
30 salary grade indicated:

Number	Classification	Salary Grade
(1)	Court Reporter	09-04100

33 (c) For all transcripts incident to reporting services, each reporter shall receive the fees
34 provided for in Article 9 (commencing with Section 69941) of Chapter 5 of this title. The initial
35 hiring rate for each position shall be step 1, provided that the judges may appoint any such
36 reporter at a higher initial step if, in the opinion of the majority of judges, an individual to be
37 appointed has such experience and qualifications as to entitle him or her to such higher initial
38 step.

39 (d) A regular official court reporter shall serve at the pleasure of the appointing judge, but shall
40 be entitled to the same benefits and privileges respecting longevity, service credits, cost-of-living
41 or other general pay increases, retirement, vacation, sick leave, and group insurance which are
42 provided other employees of the county. Court reporters shall be entitled to any increases
43 provided other employees of the county respecting longevity, service credits, cost-of-living or
44 general pay increases, retirement, vacation, sick leave, and group insurance, but such increases
45 shall be on an interim basis and remain in effect only until January 1, 1993, unless ratified by
46 statute by the Legislature prior to that date.

47 (e) Judges of the court may appoint as many official reporters pro tempore as the business of
48 the court requires. They shall be unsalaried but shall receive the fees provided by Article 9

(commencing with Section 69941) of Chapter 5 of this title, which fees, upon order of the court, shall be a proper charge against the general fund of the county.

§§ 74860-74868 (repealed). Tehama County Municipal Court

SEC. ____ . Article 34 (commencing with Section 74860) of Chapter 10 of Title 8 of the Government Code is repealed.

Comment. Sections 74860-74868 are repealed to reflect:

(1) Unification of the municipal and superior courts in Tehama County pursuant to Article VI, Section 5(e), of the California Constitution, effective August 1, 1998. See Section 70211 (former municipal court judgeships continued as superior court judgeships). See also Section 69604.5 (number of judges in Tehama County). Cf. former Section 71264 (municipal court served by marshal).

(2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment protection system), 71673 (authority of court).

 **Note.** The text of the repealed article is set out below.

Article 34. Tehama County

74860. This article applies to the Tehama County Municipal Court, which supersedes the Corning and Red Bluff Justice Court Districts and embraces the entire County of Tehama.

74861. There are two judges. The initial judges shall be selected pursuant to Sections 71080 and 71084.

74862. The Tehama County Sheriff shall be ex officio marshal.

74863. There shall be two deputy marshals. Any person serving as an elected constable on December 31, 1992, is entitled to serve as deputy marshal with the same compensation and terms of employment he or she had as constable, for the remainder of his or her elected term.

74864. Except as otherwise provided in this article, the designated deputies of the Sheriff of Tehama County shall act as ex officio deputy marshals of the Tehama County Municipal Court.

74865. Upon recommendation of the judges of the county, and with the approval of the board of supervisors, the court may appoint such additional employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon the court and its members. Any appointment made pursuant to this section shall be on an interim basis and shall expire January 1 of the second calendar year following the year in which the appointment was made unless ratified by the Legislature. This section does not affect the application of Section 72150.

74866. (a) Whenever reference to a numbered salary range is made in this article, the salary and position schedule of the respective employee bargaining agreement in effect on July 1, 1992, shall apply.

1 (b) Except as otherwise provided in this article, employees shall receive step advances,
2 promotions, and demotions as prescribed pursuant to the salary and classification procedures of
3 the county for the respective position.

4 (c) Notwithstanding any other provision of law, the salary of any officer or employee may be
5 increased by the board of supervisors in order to provide compensation that is comparable to that
6 of county employees of similar qualifications and experience, holding equal or comparable
7 positions in the Tehama County classified service, as the comparability is determined by the
8 board. Any pay increase authorized by this section shall only be effective until January 1 of the
9 second calendar year after the calendar year in which the change occurs, unless ratified by the
10 Legislature.

11 74867. (a) The court executive officer, with the concurrence of a majority of the judges of the
12 court, may appoint all of the following:

Number	Title	Salary Range
14 1	Court Services Supervisor	(M64)
15 2	Court Division Managers	(M57)
16 1	Municipal Court Clerk III	(T46)
17 6	Municipal Court Clerks II	(T42)
18 7	Municipal Court Clerks I	(T39)
19 2	Accounting Technicians	(T47)

20 (b) Employees of the Red Bluff and Corning Justice Courts assuming substantially the same
21 positions in the Tehama County Municipal Court shall be placed at the same range and step they
22 previously occupied.

23 74868. In addition to the compensation provided by this article, the employees, attaches, and
24 other personnel of the court shall receive the same number of holidays, vacations, and other
25 benefits as the employees of the County of Tehama pursuant to the adopted bargaining
26 agreements of the respective units.

27 **§§ 74900-74913 (repealed). Ventura County Municipal Court**

28 SEC. _____. Article 35 (commencing with Section 74900) of Chapter 10 of Title 8 of the
29 Government Code is repealed.

30 **Comment.** Sections 74900-74913 are repealed to reflect:

31 (1) Unification of the municipal and superior courts in Ventura County pursuant to Article VI,
32 Section 5(e), of the California Constitution, effective June 10, 1998. See Cal. Const. art. VI, § 23
33 and Section 70212 (preexisting court locations retained as superior court locations), Section
34 70211 (former municipal court judgeships continued as superior court judgeships). See also Code
35 Civ. Proc. § 38 (judicial districts); Section 69606 (number of judges in Ventura County). Cf.
36 Section 71042.5 (preservation of judicial districts for purposes of publication).

37 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
38 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
39 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
40 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
41 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
42 protection system), 71673 (authority of court).

43 (3) Enactment of Section 69505 (business-related travel expenses of trial court judges and
44 employees).

45 (4) Enactment of the Trial Court Funding Act. See Sections 77001 (local trial court
46 management), 77003 ("court operations" defined), 77009 (Trial Court Operations Fund), 77200
47 (state funding of trial court operations).

1 ☞ **Note.** The text of the repealed article is set out below.

2 Article 35. Ventura County

3 74900. This article applies to the municipal court established in the judicial district embracing
4 the County of Ventura, which shall be known as the Ventura County Municipal Court.

5 74901. There are 12 judges.

6 74903. A majority of the judges of the Ventura County Municipal Court may adopt rules and
7 procedures for the conduct of judicial business and matters connected with judicial administration
8 within the district which are not inconsistent with law or with the rules adopted and prescribed by
9 the Judicial Council.

10 ☞ **Note.** Section 74904 is not reproduced here, because it was repealed by AB 1700 (Steinberg
11 & Frommer), 2001 Cal. Stat. ch. 824, § 32.

12 74905. (a) There shall be one clerk of the Ventura County Coordinated Courts, who shall be
13 known as the court executive officer and who shall be appointed by and serve at the pleasure of a
14 majority of the judges of the coordinated courts. The court executive officer shall receive the
15 biweekly compensation of four thousand three hundred eighteen dollars (\$4,318) to four thousand
16 eight hundred seventy-four dollars (\$4,874).

17 (b) There shall be two assistant executive officers and four deputy executive officers of the
18 Ventura County Coordinated Courts who shall be appointed by and serve at the pleasure of the
19 court executive officer. The assistant executive officers shall receive the biweekly compensation
20 of two thousand six hundred sixty-six dollars (\$2,666) to three thousand eight hundred thirteen
21 dollars (\$3,813). The deputy executive officers shall receive the biweekly compensation of two
22 thousand one hundred and one dollars (\$2,101) to three thousand and one dollars (\$3,001).

23 (c) The rate of biweekly compensation to be paid to the court executive officer, within the
24 compensation ranges set forth within subdivision (a), shall be established by a majority of the
25 judges of the Ventura County Coordinated Courts at an amount equal to that paid county
26 employees with comparable experience and responsibility. The rate of biweekly compensation to
27 be paid to the assistant executive officers, and the deputy executive officers, within the
28 compensation ranges set forth in subdivision (b), shall be established by joint action of the courts
29 and approval of the board of supervisors or their designee, at an amount equal to that paid county
30 employees with comparable experience and responsibility.

31 74907. Whereas the Ventura County Courts are judicially coordinated and administratively
32 consolidated with joint job classifications, the work of the superior and municipal courts in
33 Ventura County is to be performed, minimally, by each of the positions herein identified by the
34 trial courts of Ventura County. The court executive officer may appoint the following positions
35 which shall receive biweekly compensation as specified in Section 74909:

- 36 (a) Eight court program managers.
- 37 (b) Four court office systems coordinator II.
- 38 (c) Two financial evaluation officers II.
- 39 (d) Seventeen court program supervisors.
- 40 (e) Two court program supervisors: fiscal.
- 41 (f) Two court program managers: collections.
- 42 (g) One court program manager: facilities.
- 43 (h) One administrative assistant II.
- 44 (i) Two court personnel assistants.

- 1 (j) Seven collections officers II.
- 2 (k) One court program manager: fiscal.
- 3 (l) One courier II.
- 4 (m) Eighty-five court services assistants II.
- 5 (n) Thirteen court services assistants III.
- 6 (o) Seven fiscal assistants II.
- 7 (p) Six fiscal assistants III.
- 8 (q) One fiscal assistant IV.
- 9 (r) Three fiscal technicians I.
- 10 (s) One court program manager: human resources.
- 11 (t) One court office systems coordinator III.
- 12 (u) Sixty-seven judicial assistants.
- 13 (v) Six attorneys: 84 months.
- 14 (w) Two management assistants II.
- 15 (x) One management assistant IV: confidential.
- 16 (y) Three collections officers III.
- 17 (z) Two fiscal technicians II.
- 18 (aa) Two data entry operators III.
- 19 (ab) Four court interpreter/translators.
- 20 (ac) Two office assistants II.
- 21 (ad) One office assistant III.
- 22 (ae) Two senior attorneys.
- 23 (af) One senior court interpreter/translator.
- 24 (ag) One court program manager: systems.
- 25 (ah) One court personnel analyst I.
- 26 (ai) One court personnel aide.
- 27 (aj) One court program assistant.
- 28 (ak) One court program manager: family mediation.
- 29 (al) Eight family relations mediators.
- 30 (am) One court child care coordinator II.

31 74908. (a) Provided that the Board of Supervisors of Ventura County has adopted a resolution
32 pursuant to subdivision (b), in Ventura County the judges of the superior and municipal courts, by
33 majority vote, may appoint two court commissioners to be shared by the courts, and may provide
34 that the commissioners in addition to the powers and duties specified in Section 259 of the Code
35 of Civil Procedure, may perform the duties of a probate commissioner specified in Section 69897,
36 and if appointed by the presiding judge of the juvenile court, shall perform the duties of a juvenile
37 court referee as specified in Section 248 of the Welfare and Institutions Code, and at the direction
38 of the judges may have the same jurisdiction and exercise the same powers and duties as the
39 judges of the court with respect to any infraction or small claims action.

40 (b) The county shall be bound by, and the resolution adopted by the board of supervisors shall
41 specifically recognize, the following conditions:

42 (1) The county has sufficient funds for the support of the positions and any staff who will
43 provide direct support to the positions, agrees to assume any and all additional costs that may
44 result therefrom, and agrees that no state funds shall be made available, or shall be used, in
45 support of the positions or any staff who provide direct support to the positions.

46 (2) The additional commissioners shall not be deemed judicial positions for purposes of
47 calculating trial court funding pursuant to Section 77202.

(3) The salaries for these positions and for any staff who provide direct support to these positions shall not be considered as part of court operations for purposes of Sections 77003 and 77204.

(4) The county agrees not to seek funding from the state for payment of the salaries, benefits, or other compensation for these positions or for any staff who provide direct support to these positions.

(c) Any commissioner appointed pursuant to this section shall have been a member of the State Bar for not less than five years, shall hold office at the pleasure of the judges of the superior and municipal courts, and shall not engage in the private practice of law. They shall be ex officio deputy clerks.

(d) The salary of these court commissioners for all duties performed pursuant to this section shall be set by the board of supervisors, not to exceed 85 percent of the annual salary of a superior court judge. The commissioners shall be members of the Ventura County Employees' Retirement System and shall receive the benefits, as set forth for court commissioners, in the County of Ventura Management, Confidential Clerical, and Other Unrepresented Employees Resolution.

(e) Notwithstanding any other provision of law, shared court commissioners who have been duly appointed pursuant to this section and have thereafter retired from service, may be assigned by the presiding judges of the superior and municipal courts to serve as a shared court commissioner for any period of time that there is a need for the prompt and efficient discharge of the business of the superior or municipal courts. While so serving, they shall be paid the full compensation of a court commissioner, payable as follows: they shall continue to receive their retirement allowance, and in addition the county shall pay the amount equal to the difference between the retirement allowance and full compensation. That employment shall not operate to reinstate them as a member of the county retirement system or to terminate or suspend their retirement rights or allowance, and no deductions shall be made from the compensation as contributions to the retirement system.

(f) The shared court commissioner positions authorized by this section shall be in lieu of any court commissioner positions authorized by Section 70141. If any shared court commissioners are appointed in Ventura County pursuant to this section, Section 70141 shall be inapplicable to Ventura County.

☞ **Note.** The staff is researching whether the provisions relating to retired annuitants should be preserved. The Commission solicits comments on this issue and whether these provisions are superseded by provisions of the individual retirement plans, the Trial Court Funding Act, the Trial Court Employment Protection and Governance Act, and other changes to the structure of the trial courts.

74909. (a) The following biweekly salary schedule, which is consistent with the Salary Ordinance of the County of Ventura, shall apply to the personnel of the Ventura County Coordinated Courts:

Coordinated Courts Classification	Biweekly Rate
Court Program Manager	\$1,546.82-2,203.33
Court Program Manager-Collections	1,615.76-2,303.12
Court Program Manager-Facilities	1,725.09-2,462.23
Administrative Assistant II	1,132.99-1,588.88
Court Personnel Assistant	1,060.90-1,505.70
Court Program Manager-Fiscal	1,951.32-2,785.61
Court Program Manager-Human Resources	1,725.09-2,462.23
Court Office Systems Coordinator II	1,238.67-1,741.86
Financial Evaluation Officer II	860.25-1,203.52
Court Program Supervisor	1,126.38-1,577.55

1	Collections Officer II	819.47-1,146.62
2	Collections Officer III	860.25-1,203.52
3	Courier II	644.68- 900.70
4	Court Services Assistant II	839.44-1,175.08
5	Court Services Assistant III	902.70-1,263.16
6	Fiscal Assistant II	692.95- 968.61
7	Fiscal Assistant III	781.18-1,092.49
8	Fiscal Assistant IV	924.33-1,294.37
9	Fiscal Technician II	994.25-1,391.63
10	Attorney-84 months	2,889.77-3,106.50
11	Judicial Assistant	946.80-1,325.56
12	Court Program Manager-Systems	1,766.06-2,521.13
13	Management Assistant II	839.44-1,175.08
14	Management Assistant IV-Confidential	1,060.90-1,505.70
15	Court Program Supervisor-Fiscal	1,372.30-1,925.57
16	Data Entry Operator III	703.78- 983.78
17	Office Assistant II	644.68- 900.70
18	Office Assistant III	744.56-1,041.10
19	Senior Attorney	2,475.09-3,542.48
20	Senior Court Interpreter/Translator	1,801.72-1,801.72
21	Court Interpreter/Translator	1,723.09-1,723.09
22	Court Personnel Analyst I	1,276.17-1,816.50
23	Court Personnel Aide	826.54-1,156.91
24	Court Program Assistant	1,218.49-1,732.50
25	Court Office Systems Coordinator III	1,450.04-2,033.60
26	Court Program Manager-Family Mediation	1,866.90-2,662.51
27	Family Relations Mediator	1,359.24-1,905.83
28	Court Child Care Coordinator II	839.44-1,175.08

29 *NE-Nonexempt

30 Merit increases within the salary range shall be in accordance with the salary merit increment
31 plan.

32 (b) In the event that the above biweekly salary schedule is not applicable, then Section 74912
33 shall apply.

34 74910. If an increase in the business of the court or any other emergency requires a greater
35 number of attaches or employees for the prompt and faithful discharge of the business of the court
36 than the number expressly provided in this article or requires the performance of duties of
37 positions in a class not expressly provided in this article, with the approval of a majority of the
38 judges of the coordinated courts and the board of supervisors, or their designee, the court
39 executive officer may appoint as many additional attaches or employees as are needed. The
40 additional attaches or employees shall be selected and appointed in the same manner as those for
41 whom express provision is made, and they shall receive salary and compensation as prescribed in
42 this article or as prescribed in the Ventura County Personnel and Salary Ordinance for classes not
43 expressly provided for in this article. Additional attaches and employees may continue in such
44 positions not longer than 90 days after the final adjournment of the next regular session of the
45 Legislature. The provisions of this section are directory only and are not mandatory and are not
46 intended to affect the application of Section 72150.

1 74911. (a) All attaches and employees of the Ventura County Coordinated Courts shall be
2 entitled to anniversary dates and salary step increases in the manner provided in the Ventura
3 County Personnel and Salary Ordinance and shall receive the same vacation, sick leave, leave of
4 absence, overtime and similar privileges and benefits provided for the officers and employees of
5 Ventura County.

6 Except as otherwise provided in this article, the provisions of the Ventura County Ordinance
7 Code relating to the civil service system of the county, and the rules of the civil service
8 commission adopted pursuant thereto, shall be applicable to all attaches and employees of the
9 Ventura County Coordinated Courts in the same manner and to the same extent as applicable
10 generally to the officers and employees of Ventura County. The Ventura County Civil Service
11 Commission shall exercise the same jurisdiction over the attaches and employees of the Ventura
12 County Coordinated Courts as it exercises over the officers and employees of the county.

13 (b) The provisions of subdivision (a) shall not apply to the court executive officer, the assistant
14 executive, the assistant court executive officer, or deputy executive officers. Notwithstanding any
15 other provisions of this article, such persons shall receive the salary and benefits adjustments
16 provided to other Ventura County Management personnel.

17 74912. Certain classifications in the Ventura County Coordinated Courts are deemed to be
18 equivalent in position responsibility and salary level to certain classifications in the service of
19 Ventura County, and whenever the salary of an equivalent classification in the Ventura County
20 service is adjusted by the board of supervisors, the salary of the equivalent classification in the
21 Ventura County Coordinated Courts and the salary of the personnel in such classifications, shall
22 be adjusted an equivalent amount. The adjustment shall be effective on the same date as the
23 effective date of the action by the board of supervisors as it applies to classifications in the
24 Ventura County service. Any salary increases granted or reclassifications made pursuant to this
25 article shall be effective only until the effective date of general legislation enacted by the
26 Legislature at its next regular session following the date the salary increases are granted or
27 reclassifications made. Classifications deemed to be equivalent are as follows:

Coordinated Courts Classification	County Classification
Court Program Manager	Court Program Manager
Court Program Manager-Collections	Court Program Manager-Collections
Court Program Manager-Facilities	Court Program Manager-Facilities
Administrative Assistant II	Administrative Assistant II
Court Personnel Assistant	Court Personnel Assistant
Court Program Manager-Fiscal	Court Program Manager-Fiscal
Court Program Manager-Human Resources	Court Program Manager-Human Resources
Court Office Systems Coordinator II	Court Office Systems Coordinator II
Financial Evaluation Officer II	Financial Evaluation Officer II
Court Program Supervisor	Court Program Supervisor
Collections Officer II	Collections Officer II
Collections Officer III	Collections Officer III
Courier II	Courier II
Court Services Assistant II	Court Services Assistant II
Court Services Assistant III	Court Services Assistant III
Fiscal Assistant II	Fiscal Assistant II
Fiscal Assistant III	Fiscal Assistant III
Fiscal Assistant IV	Fiscal Assistant IV
Fiscal Technician I	Fiscal Technician I
Fiscal Technician II	Fiscal Technician II

1	Judicial Assistant	Judicial Assistant
2	Court Program Manager-Systems	Court Program Manager-Systems
3	Management Assistant II	Management Assistant II
4	Management Assistant IV-Confidential	Management Assistant IV-Confidential
5	Court Program Supervisor-Fiscal	Court Program Supervisor-Fiscal
6	Data Entry Operator III	Data Entry Operator III
7	Office Assistant II	Office Assistant II
8	Office Assistant III	Office Assistant III
9	Attorney-84 Months	Attorney-84 Months
10	Court Interpreter/Translator	Court Interpreter/Translator
11	Senior Attorney	Senior Attorney
12	Senior Court Interpreter/Translator	Senior Court Interpreter/Translator
13	Court Personnel Analyst I	Court Personnel Analyst I
14	Court Personnel Aide	Court Personnel Aide
15	Court Program Assistant	Court Program Assistant
16	Court Office Systems Coordinator III	Court Office Systems Coordinator III
17	Court Program Manager-Family Mediation	Court Program Manager-Family Mediation
18	Family Relations Mediator	Family Relations Mediator
19	Court Child Care Coordinator II	Court Child Care Coordinator II
20	*NE--Nonexempt	
21	74913. A majority of the judges of the Ventura County Coordinated Courts may adopt rules for	
22	the conduct of the officers, attaches and employees of the Ventura County Coordinated Courts not	
23	inconsistent with the Ventura County Civil Service Ordinance and Rules and the Ventura County	
24	Personnel and Salary Ordinance.	

25 **§§ 74915-74919 (repealed). Yuba County Municipal Court**
26 SEC. ____ . Article 35.5 (commencing with Section 74915) of Chapter 10 of Title 8 of
27 the Government Code is repealed.

28 **Comment.** Sections 74915-74919 are repealed to reflect:
29 (1) Unification of the municipal and superior courts in Yuba County pursuant to Article VI,
30 Section 5(e), of the California Constitution, effective April 16, 1999. See Cal. Const. art. VI, § 23
31 and Section 70212(b) (preexisting court locations retained as superior court locations), Section
32 70211 (former municipal court judgeships continued as superior court judgeships). See also Code
33 Civ. Proc. §§ 38 (judicial districts), 190 *et seq.* (jury selection); Sections 68073 (responsibility for
34 court operations and facilities), 69611 (number of judges in Yuba County). *Cf.* Section 71042.5
35 (preservation of judicial districts for purposes of publication); former Section 71264 (municipal
36 court served by marshal).
37 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
38 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623
39 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
40 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
41 (employment selection and advancement), 71650-71658 (employment protection system), 71673
42 (authority of court).

43  **Note.** The text of the repealed article is set out below.

Article 35.5. Yuba County

74915. This article applies to the municipal court established in a judicial district embracing the County of Yuba. This court shall be known as the Yuba County Municipal Court.

74915.5. There shall be two judges.

74916. (a) Facilities for the court shall be maintained at the county seat and at court facilities provided elsewhere as determined by ordinance adopted by the board of supervisors. The court shall determine the nature and frequency of sessions held at additional court locations designated by the board of supervisors.

(b) Jurors shall be drawn from the entire county.

74916.5. There shall be one clerk who shall receive the salary specified in the Yuba County Salary Resolution. The clerk may, in accordance with the Yuba County Ordinance Code, appoint the following at the salary specified in the Yuba County Salary Resolution:

(a) Two court clerks II who shall be deputy clerks.

(b) Six court clerks I who shall be deputy clerks.

(c) One court clerk I (Spanish speaking) who shall be a deputy clerk.

74917. The sheriff shall be ex officio marshal and shall act as such without additional compensation. The sheriff's designated deputies shall be ex officio deputy marshals of the court.

74917.5. (a) Whenever a reference is made to the Yuba County Salary Resolution, that resolution as it was in effect on October 1, 1980, shall apply.

(b) In the event the board of supervisors of the County of Yuba amends the Salary Resolution or adopts a new resolution which provides a change in compensation, such changes shall be effective for the municipal court employees under this article on the effective date of the action of the board of supervisors and shall remain effective only until January 1 of the second year following the year in which such change is made.

74918. The officers and attaches of the municipal court shall be entitled to the same vacation, sick leave, and similar benefits and privileges as are granted to other employees of the County of Yuba under ordinances and resolutions of the board of supervisors.

74918.5. If an increase in the business of the court or any other emergency requires a greater number of attaches or employees for prompt and faithful discharge of the business of the court other than the number expressly provided in this article or requires the performance of duties of positions in a class not expressly provided in this article, with the approval of the presiding judge of the court and the board of supervisors, the clerk may appoint in accordance with the Yuba County Ordinance Code as many additional attaches or employees as are needed. The additional attaches or employees shall be selected and appointed in the same manner as those for whom express provision is made, and they shall receive salary and compensation as prescribed in this article or as prescribed by ordinance or resolution of the board of supervisors for classes not expressly provided in this article.

74919. All matters affecting the employment of such municipal court officers and attaches which are not specifically determined by this article or other provisions of state law shall be governed and regulated by the then current ordinances and resolutions of the Board of Supervisors of the County of Yuba.

1 **§§ 74920-74926.7 (repealed). Tulare County Municipal Court District**

2 SEC. ____ Article 36 (commencing with Section 74920) of Chapter 10 of Title 8 of the
3 Government Code is repealed.

4 **Comment.** Sections 74920-74926.7 are repealed to reflect:

5 (1) Unification of the municipal and superior courts in Tulare County pursuant to Article VI,
6 Section 5(e), of the California Constitution, effective July 27, 1998. See Cal. Const. art. VI, § 23
7 and Section 70212(b) (preexisting court locations retained as superior court locations), Section
8 70211 (former municipal court judgeships continued as superior court judgeships). See also Cal.
9 Const. art. VI, §§ 15 (qualifications of judges), 16 (election of judges); Code Civ. Proc. §§ 38
10 (judicial districts), 190 *et seq.* (jury selection); Sections 69508 (presiding judge), 69605 (number
11 of judges in Tulare County); Cal. R. Ct. 6.603 (authority and duties of presiding judge). *Cf.*
12 Section 71042.5 (preservation of judicial districts for purposes of publication); former Section
13 74921.9 (marshals of Tulare County municipal courts).

14 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
15 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
16 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
17 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
18 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
19 protection system), 71673 (authority of court). See also Code Civ. Proc. § 195 (jury
20 commissioners); Fam. Code §§ 4250-4253 (child support commissioners); Sections 68086 (fees
21 for reporting services), 69941 (appointment of official reporters), 69947 (compensation of official
22 reporter), 72190 (court commissioners).

23 (3) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
24 77200 (state funding of trial court operations).

25  **Note.** The text of the repealed article is set out below.

26 **Article 36. Tulare County**

27 74920. There is in the County of Tulare a single municipal court district known as the Tulare
28 County Municipal Court District.

29 74920.1. The Tulare County Municipal Court District consists of the following divisions
30 embracing that territory which was within the following judicial districts in the County of Tulare
31 as they existed on December 31, 1990, and as those divisions are thereafter modified by the board
32 of supervisors or by operation of law:

33 (a) The Porterville Division, comprising the territory within the former Porterville Municipal
34 Court District.

35 (b) The Central Division, comprising the territory within the former Lindsay Judicial District,
36 Exeter-Farmersville Judicial District and Woodlake Judicial District.

37 (c) The Visalia Division, comprising the territory within the former Visalia Municipal Court
38 District.

39 (d) The Tulare-Pixley Division, comprising the territory within the former Tulare-Pixley
40 Municipal Court District.

41 (e) The Dinuba Division, comprising the territory within the former Dinuba Judicial District.

42 74920.5. On the order of the board of supervisors, sessions of the Tulare-Pixley Division shall
43 be held within the territory embraced by the Pixley Judicial District as it existed on December 31,
44 1974.

45  **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
46 preserved until completion of (1) the study and recommendation by the task force on court

1 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
2 on these issues.

3 74920.6. On order of the board of supervisors, sessions and services of the Central Division
4 shall be held in the City of Woodlake, the City of Lindsay, and the City of Exeter.

5 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
6 preserved until completion of (1) the study and recommendation by the task force on court
7 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
8 on these issues.

9 74921. The number of judges in each division is, as follows:

10 (a) Porterville Division--two.

11 (b) Central Division--one.

12 (c) Visalia Division--three.

13 (d) Tulare-Pixley Division--two.

14 (e) Dinuba Division--one.

15 Notwithstanding subdivision (c) of Section 77200, these judges shall not be deemed to
16 constitute judgeships authorized on or after January 1, 1990, for purposes of the Brown-Presley
17 Trial Court Funding Act.

18 74921.1. Notwithstanding Section 71080, upon the establishment of the Tulare County
19 Municipal Court District, judges shall be eligible for office in the district, as follows:

20 (a) Any Tulare County municipal or justice court judge who does not desire to succeed to office
21 in the district shall file with the county clerk a written statement to that effect by January 1, 1991.
22 Failure to file such a statement is deemed an election by the judge to assert his or her claim to
23 eligibility to office in the district, and he or she shall automatically succeed to office in the
24 district, as further provided in this section.

25 (b) In the Porterville Division, all judges of the Porterville Municipal Court District shall
26 automatically become judges of the Porterville Division, and shall serve until the election or
27 appointment of their successors.

28 (c) In the Central Division, the judge of the Woodlake Judicial District shall automatically
29 become the judge of the Central Division, and shall serve until the election or appointment of his
30 or her successor.

31 (d) In the Visalia Division, all judges of the Visalia Municipal Court District shall
32 automatically become judges of the Visalia Division, and shall serve until the election or
33 appointment of their successors.

34 (e) In the Tulare-Pixley Division, all judges of the Tulare-Pixley Municipal Court District shall
35 automatically become judges of the Tulare-Pixley Division, and shall serve until the election or
36 appointment of their successors.

37 (f) In the Dinuba Division, the judge of the Dinuba Judicial District shall automatically become
38 the judge of the Dinuba Division, and shall serve until the election or appointment of his or her
39 successor.

40 (g) The time for election and qualification of the successor to any judge who becomes a judge
41 of the district pursuant to this section, shall be that previously fixed by law for the election and
42 qualification of the successors for the court and office superseded, had those courts not been
43 superseded, but in no event shall any such election of successors be held within 10 months of
44 succession to office pursuant to this section.

45 (h) If, after the creation of the Tulare County Municipal Court District and the succession to
46 office of any eligible municipal or justice court judge holding that office upon the creation of the

1 district, a vacancy occurs in any division, the vacancy shall be filled according to otherwise
2 applicable law and not with reference to this section.

3 74921.2. The board of supervisors may, by ordinance, create new divisions of the Tulare
4 County Municipal Court District and may modify or enlarge the divisions created by this chapter.
5 This section shall not be construed to limit, or be limited by, existing provisions of law conferring
6 authority upon the board of supervisors to revise judicial division boundaries or to consolidate
7 judicial divisions after public hearing before the board of supervisors.

8 74921.3. For purposes of the qualification and election of judges, the “division” referred to in
9 this chapter is and shall continue to be the “district” referred to in subdivision (b) of Section 16 of
10 Article VI of the Constitution of the State of California.

11 74921.4. Within each division, even in divisions having only one judge, there shall be a
12 supervising judge.

13 74921.5. In Tulare County, the judges of the consolidated superior and municipal courts
14 (hereafter referred to as the “Trial Court”) shall, by majority vote, or as otherwise provided by
15 agreement of a majority of the judges, elect one Presiding Judge and one Assistant Presiding
16 Judge of the Trial Court. The Presiding Judge shall carry out the duties required by Rule 205 of
17 the California Rules of Court.

18 The judges shall, by majority vote, or as otherwise provided by agreement of a majority of the
19 judges, select an Executive Committee consisting of the Presiding Judge, Assistant Presiding
20 Judge, and two judges at-large as voting members, and the Executive Officer and Administrative
21 Officer as nonvoting members. The Executive Committee shall advise and assist the Presiding
22 Judge on all matters relating to administration of the Trial Court, and exercise such other powers
23 and duties as the majority of the judges shall designate.

24 74921.6. The judges of the Trial Court shall meet in February of each year at a time and place
25 to be designated by the Presiding Judge, and more often if necessary upon call in writing of the
26 Presiding Judge. Each judge of the Trial Court shall have one vote. Any judge who does not
27 attend a regular or special meeting may authorize another judge to exercise his or her written
28 proxy, general, or specific, as stated in the proxy. A quorum for the conduct of business shall
29 require at least 50 percent of the total number of judges eligible to vote (including general but not
30 specific proxies). Any proxy to be effective, must be submitted to the secretary of the meeting
31 prior to the commencement of the vote.

32 74921.7. The judges shall by majority vote appoint an Executive Office for the Trial Court who
33 shall serve at the pleasure of a majority vote of the judges. The Executive Officer shall perform
34 those duties specified in Rule 207 of the California Rules of Court, shall serve as secretary at all
35 meetings of the judges, including the Executive Committee, shall be Jury Commissioner for the
36 Trial Court and shall perform such other duties as are assigned by the Presiding Judge or the
37 Executive Committee.

38 74921.8. In addition to an Executive Officer, the judges shall appoint an Administrative Officer
39 who shall serve at the pleasure of the judges. The Administrative Officer shall perform such
40 duties as are assigned by the Presiding Judge and the Executive Committee.

41 74921.10. There shall also be the following court employee positions, whose numbers and
42 salary range shall be as specified:

43	Number	Title	Range
44	1	Administrative Services Officer I	216

1	1	Administrative Services Officer II	234
2	1	Assistant Chief Deputy Court Clerk	190
3	1	Attorney, Superior Court (AW)	254
4	1	Chief Deputy Court Clerk	205
5	1	Child Support Court Commissioner	845
6	1	Collection Supervisor	177
7	7	Collector I	167
8	1	Computer Services Technician II	162
9	1	Commissioner, Municipal Court	987
10	1	Court Administrator/Court Executive Officer	875
11	1	Court Administrative Officer	871
12	14	Court Clerk II	167
13	16	Court Reporter	220
14	34	Courtroom Clerk	173
15	1	Court Commissioner	845
16	9	Deputy Clerk Administrator II	205
17	1	Director Family Court Services	235
18	4	Family Court Mediator II	219
19	1	Family Law Facilitator	254
20	1	Family Law Commissioner	845
21	1	Jury Services Supervisor	178
22	1	Law Clerk	185
23	1	Law Library Director	831
24	22	Legal Clerk II	160
25	1	Legal Clerk III	170
26	5	Legal Clerk II - Bilingual	165
27	1	Legal Processing Supervisor	190
28	2	Legal Secretary II	181
29	25	Legal Office Assistant II	147
30	2	Legal Office Assistant II - Bilingual	152
31	3	Legal Office Assistant III	157
32	1	Micro Computer Network Administrator	217
33	.6	Master Calendar Clerk	173
34	1	Municipal Court Services Analyst	221
35	2	Office Assistant II	137
36	2	Paralegal	175
37	1.45	Research Assistant - Law Library	168
38	7	Senior Account Clerk	153
39	1	Supervising Calendar Clerk	203

74921.11. Whenever reference is made to a numbered salary range in any section of this article, the salary schedule found in the salary resolution of Tulare County in effect on January 6, 1998, shall apply. The salaries of trial court officers and attaches may be adjusted upon approval of the board of supervisors. Any adjustments shall only be effective to January 1 of the second year following the year in which those adjustments are made, unless ratified by the Legislature.

74922. The then current personnel rules and ordinances of the county shall govern the hiring date; increases within range; salary on promotion, transfer, or demotion; salary on position reclassification, obligations and benefits and discipline of municipal court officers and attaches.

1 All other matters affecting the employment of such municipal court officers and attaches which
2 are not specifically determined by this article or other provisions of state law shall be as
3 determined by the board of supervisors.

4 74923. In the event the board of supervisors creates any new divisions or modifies any
5 divisions pursuant to Section 74921.1, the number, classification, and compensation of additional
6 municipal court personnel necessitated thereby shall be governed by Article 3 (commencing with
7 Section 71080) of Chapter 6, and Article 4 (commencing with Section 72150) of Chapter 8, of
8 this title.

9 74924. Trial jurors for each session of the courts of the district shall be selected from persons
10 residing within the divisions within which those sessions are held. Upon adoption of a rule
11 pertaining thereto by the judges, any division may use the same jury panel as that summoned for
12 service in the superior court. When selected from the superior court panel, persons so selected for
13 jury duty in a municipal court division need not be residents of the division.

14 74925. Notwithstanding Section 72190, a majority of the judges of the district may appoint one
15 commissioner who shall hold office at the pleasure of a majority of the judges. The commissioner
16 shall serve all the divisions by agreement of the judges. The commissioner shall receive a salary
17 of not less than 70 nor more than 80 percent of the salary of a judge of the municipal court. The
18 salary shall be determined by the board of supervisors within this range. The commissioner shall
19 possess the same qualifications as the law requires of a judge of the municipal court and shall not
20 engage in the private practice of law. The commissioner shall be an ex officio deputy clerk of the
21 court and shall receive vacation, sick leave, and fringe benefits as determined by the board of
22 supervisors.

23 Membership in the Tulare County Retirement System shall be optional at the election of the
24 commissioner. The commissioner shall make an irrevocable election whether or not to participate
25 in the retirement system no later than 60 days after appointment to the position.

26 74925.1. If an increase in the business of the court or any other emergency requires a greater
27 number of attaches or employees for the prompt and faithful discharge of the business of the court
28 than the number expressly provided in this chapter, or requires the performance of duties of
29 positions in a class not expressly provided for in this chapter, with the approval of the presiding
30 judge of the court and the board of supervisors, the clerk or the marshal may appoint as many
31 additional attaches or employees as are needed. These additional attaches or employees shall be
32 selected and appointed in the same manner as those for whom express provision is made, and they
33 shall receive compensation as prescribed in this article, or as prescribed by ordinance or
34 resolution of the board of supervisors for classes not expressly provided for in this article. If,
35 through workload or organizational changes, duties are delegated to certain positions in classes
36 not expressly provided for in this article, with the approval of the presiding judge of the court and
37 the board of supervisors, those positions may be reallocated to different existing classes in the
38 County of Tulare classification plan or allocated to new classes appropriate to the duties being
39 performed. Attaches and employees may continue in those positions, or reallocated positions,
40 only until January 1 of the second year following the year in which the adjustments are made,
41 unless the adjustments are ratified by the Legislature. This section does not affect the application
42 of Section 72150.

43 74925.2. (a) Notwithstanding Section 72194, each judge of the district may appoint a
44 competent phonographic reporter, to be known as a regular official reporter of the court, and as
45 many pro tempore reporters as are necessary to report the proceedings of the court. Regular
46 official reporters shall hold office during the pleasure of the appointing judge. The duties of

1 regular official reporters appointed pursuant to this section shall be performed as elsewhere
2 provided by law.

3 (b) The fee for official court reporters for reporting proceedings shall be one hundred fifty
4 dollars (\$150) per day. All other fees of these reporters shall be as elsewhere provided by law.
5 Where it is necessary to appoint a pro tempore reporter, the pro tempore reporter shall receive the
6 same per diem fee paid regular official reporters of the municipal courts for the days the pro
7 tempore reporter actually is on duty under order of the court. Regular official reporters and pro
8 tempore reporters shall not receive more than one per diem fee per day from the county. Rates of
9 compensation of all regular official reporters and official reporters pro tempore may be adjusted
10 by the board of supervisors. Adjustments in compensation made pursuant to this subdivision shall
11 be effective only until January 1 of the second year following the year in which the adjustments
12 are made, unless ratified by the Legislature.

13 (c) Regular official reporters may, at the election of each regular official reporter, be members
14 of any retirement system maintained by the county. For retirement credit purposes, compensation
15 earnable shall be deemed to be the annual total of all per diem and transcription fees paid by the
16 county to each regular official reporter up to a maximum of thirty thousand dollars (\$30,000) per
17 year. Each new regular official reporter shall make an election within 60 days of his or her
18 appointment as a regular official reporter. The election shall be an irrevocable decision not
19 subject to later withdrawal, change, or modification.

20 74926. Upon the effective date of this chapter, an incumbent officer or attache of a superseded
21 justice or municipal court shall be placed on the step level of the salary schedule made applicable
22 to his or her position which pays the same rate of compensation as he or she received as an officer
23 or attache of the superseded justice or municipal court; or, if there is no equivalent salary in the
24 salary schedule, he or she shall be placed in the step level having a rate of compensation next
25 higher than his or her former salary.

26 74926.5. The officers and attaches of the municipal courts, except regular official reporters and
27 reporters pro tempore, shall be entitled to the same vacation, sick leave, leave of absence, and
28 similar benefits and privileges as are provided for the employees of the County of Tulare under
29 ordinances and resolutions of the board of supervisors in effect on January 1, 1991, or as
30 thereafter revised or amended by the board of supervisors.

31 74926.7. All officers and attaches of the trial court shall devote their full time to the
32 performance of their duties.

33 **§§ 74934-74945 (repealed). Butte County municipal court districts**

34 SEC. ____ . Article 37 (commencing with Section 74934) of Chapter 10 of Title 8 of the
35 Government Code is repealed.

36 **Comment.** Sections 74934-74945 are repealed to reflect:

37 (1) Unification of the municipal and superior courts in Butte County pursuant to Article VI,
38 Section 5(e), of the California Constitution, effective June 3, 1998. See Cal. Const. art. VI, § 23
39 and Section 70212(b) (preexisting court locations retained as superior court locations), Section
40 70211 (former municipal court judgeships continued as superior court judgeships). See also Cal.
41 Const. art. VI, § 15 (qualifications of judges); Code Civ. Proc. § 38 (judicial districts); Sections
42 68073 (responsibility for court operations and facilities), 69581 (number of judges in Butte
43 County). Cf. Section 71042.5 (preservation of judicial districts for purposes of publication);
44 former Section 71264 (municipal court served by marshal), Section 71266 (marshals' fees paid
45 into county treasury).

46 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
47 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71623

1 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
2 compensation plan benefits), 71629 (trial court employment benefits not affected), 71630-
3 71639.3 (labor relations), 71640-71645 (employment selection and advancement), 71650-71658
4 (employment protection system), 71673 (authority of court). See also Sections 69941
5 (appointment of official reporters), 69947 (compensation of official reporter).

6 ☞ **Note.** The text of the repealed article is set out below.

7 Article 37. Municipal Court Districts in Butte County

8 74934. This article applies only to municipal courts established in the following judicial
9 districts in Butte County:

10 (a) A district embracing the Cities of Chico and Paradise, designated as the North Butte County
11 Judicial District headquartered in the City of Chico.

12 (b) A district embracing the Cities of Oroville, Biggs, and Gridley, designated as the South
13 Butte County Judicial District which is hereby created and shall be headquartered in the City of
14 Oroville.

15 74935. Each of the municipal court districts established in Butte County shall have the number
16 of judges set out below opposite the name of the judicial district over which that court has
17 jurisdiction and each judge shall be a resident of the county:

18 North County Judicial District 2

19 South County Judicial District 2

20 74935.5. There shall be maintained in both the City of Gridley and the Town of Paradise
21 branch court facilities, including staff and other necessary personnel, so that the citizens of those
22 communities may utilize such facilities as needed for small claims, infractions (traffic), civil
23 matters, and misdemeanors.

24 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
25 preserved until completion of (1) the study and recommendation by the task force on court
26 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
27 on these issues.

28 74935.6. Official reporters of the Butte County Municipal Court shall be appointed by the
29 judges of each municipal court district pursuant to Section 72194 and shall serve at the pleasure
30 of the judges.

31 74935.7. Pursuant to Section 72194, the judges of each municipal court district may appoint as
32 many additional reporters as the business of the court requires, who shall be known as official
33 reporters pro-tempore. They shall serve without salary but shall receive the fees provided by
34 Sections 69947 to 69953.

35 74936. There shall be one clerk/administrator in each judicial district who shall be appointed by
36 the judges of the judicial district.

37 74937. (a) The presiding judge of the North Butte County Municipal Court may appoint the
38 following positions:

39 (1) One municipal court administrator.

40 (2) One assistant municipal court administrator or supervising court clerk.

41 (3) Three supervising court clerks.

42 (4) Ten court clerks III, II or office assistant III.

- 1 (5) Four court clerks II, I, or office assistant II, I.
- 2 (6) One accounting specialist or senior account clerk.
- 3 (7) One and one-half court reporters.

4 (b) The presiding judge of the South Butte County Municipal Court may appoint the following
5 positions:

- 6 (1) One municipal court administrator.
- 7 (2) One assistant municipal court administrator or supervising court clerk.
- 8 (3) Two supervising court clerks, or court clerks III, II or office assistants III.
- 9 (4) Four court clerks III, II or office assistants III.
- 10 (5) Seven court clerks II, I or office assistants II, I.
- 11 (6) One accounting specialist or senior account clerk.
- 12 (7) One and one-half court reporters.
- 13 (8) One office assistant II, I.

14 74938. The Sheriff of Butte County shall be the ex officio marshal of the North County Judicial
15 District and the South County Judicial District.

16 74939. The bailiffs of the Sheriff of Butte County shall be the ex officio deputy marshals of the
17 North County Judicial District and the South County Judicial District.

18 74940. Whenever reference is made to a range number in this section of this article, the
19 schedule of biweekly salaries shall be that as set forth in the Butte County Salary Ordinance.

- 20 (a) Municipal court administrator--range 1256.
- 21 (b) Assistant municipal court administrator--range 1196.
- 22 (c) Supervising court clerk--range 1148.
- 23 (d) Court clerk I--range 1088.
- 24 (e) Court clerk II--range 1108.
- 25 (f) Court clerk III--range 1128.
- 26 (g) Office assistant III--range 1077.
- 27 (h) Office assistant II--range 1057.
- 28 (i) Office assistant I--range 1037.
- 29 (j) Accounting specialist--range 1102.
- 30 (k) Senior account clerk--range 1082.
- 31 (l) Account clerk--range 1062.
- 32 (m) Court reporter--range 1210.

33 74941. Subject to the provisions of Section 72001, the compensation of officers and attaches
34 shall be governed by the Butte County Merit System Rules and Procedures, Salary Ordinance,
35 and Memorandum of Understanding with the recognized labor organizations representing court
36 employees.

37 74942. The officers and attaches of the municipal courts shall be entitled to the same vacation,
38 sick leave, and benefits and privileges as are granted to other comparable employees of Butte
39 County.

40 74943. All fees collected by the marshal or his deputies for services to the municipal courts
41 shall be deposited with the county treasurer.

42 74944. All officers and attaches of the municipal courts shall devote their full time to the
43 performance of their duties.

1 74945. All matters affecting the employment of such municipal court officers and attaches
2 which are not specifically determined by this article or other provisions of state law shall be
3 governed and regulated by the then current ordinances and resolutions of the Board of
4 Supervisors of Butte County.

5 **§§ 74948-74958 (repealed). Napa County Municipal Court**

6 SEC. _____. Article 38 (commencing with Section 74948) of Chapter 10 of Title 8 of the
7 Government Code is repealed.

8 **Comment.** Sections 74948-74958 are repealed to reflect:

9 (1) Unification of the municipal and superior courts in Napa County pursuant to Article VI,
10 Section 5(e), of the California Constitution, effective June 3, 1998. See Cal. Const. art. VI, § 23
11 and Section 70212 (preexisting court locations retained as superior court locations), Section
12 70211 (former municipal court judgeships continued as superior court judgeships). See also Code
13 Civ. Proc. § 38 (judicial districts); Sections 69508 (presiding judge), 69590.5 (number of judges
14 in Napa County). *Cf.* Section 71042.5 (preservation of judicial districts for purposes of
15 publication); former Section 71264 (municipal court served by marshal).

16 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
17 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
18 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
19 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
20 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
21 protection system), 71673 (authority of court). See also Fam. Code §§ 4250-4253 (child support
22 commissioners); Sections 69941 (appointment of official reporters), 69947 (compensation of
23 official reporter).

24 (3) Enactment of Section 69505 (business-related travel expenses of trial court judges and
25 employees).

26 (4) Enactment of the Trial Court Funding Act. See Section 77003 ("court operations" defined),
27 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations). See also
28 Section 68073 (responsibility for court operations and facilities). For other provisions governing
29 the deposit of fees collected by marshals and sheriffs, see Sections 24350 (fees collected by
30 salaried county or court officer paid into county treasury), 24353 (money collected by county or
31 court officer paid into county treasury), 71266 (marshals' fees paid into county treasury).

32  **Note.** The text of the repealed article is set out below.

33 **Article 38. Napa County**

34 74948. This article applies to the municipal court district which embraces the entire County of
35 Napa, which court shall be known as the Municipal Court for the County of Napa.

36 74949. There shall be three judges in the municipal court for the County of Napa. The presiding
37 judge of the court shall be selected pursuant to the local rules of court.

38 74949.1. (a) In Napa County the judges of the superior and municipal courts, by majority vote,
39 may appoint two full-time court commissioners to be shared by the courts, who shall hold office
40 at the pleasure of the judges making the appointment, and shall possess the same qualifications as
41 are required of a judge of a superior court. Within the jurisdiction of the respective courts, and to
42 the extent the judges so direct, the shared court commissioner shall exercise the same powers and
43 perform the same duties as a judge of the municipal court with respect to any infractions or small
44 claims actions; shall exercise all other powers and perform all other duties of a municipal court

1 commissioner that may be prescribed by law; shall act, notwithstanding the provisions of Section
2 72400, as a traffic referee, having the powers and duties specified in Article 9 (commencing with
3 Section 72400) of Chapter 8; shall have the powers and perform the duties of a superior court
4 commissioner specified in Section 259 of the Code of Civil Procedure; shall have the powers and
5 perform the duties of a probate commissioner specified in Section 69897; if and when appointed
6 by the presiding judge of the juvenile court to do so, shall have the powers and perform the duties
7 of a juvenile court referee as specified in Section 248 of the Welfare and Institutions Code; shall
8 have the powers and perform the duties of child support commissioners pursuant to Sections 4252
9 and 4351 of the Family Code; and shall be ex officio deputy clerks of the courts.

10 (b) The salary of these shared court commissioners for all duties performed pursuant to this
11 section shall be set by the board of supervisors, in an amount not to exceed 85 percent of the
12 annual salary of a superior court judge. In addition to this salary, the shared court commissioners
13 shall be entitled to and shall receive fringe benefits and travel expense reimbursement on the
14 same basis as full-time employees of the superior court, other than the court executive officer.
15 The shared court commissioners shall observe the same holidays as other full-time court
16 employees. The shared court commissioners shall not engage in the private practice of the law.

17 (c) The judges and court executive officer of the Napa municipal and superior courts shall
18 periodically review the performance of the shared court commissioners and shall maintain an
19 ongoing training program to maintain the skills of the commissioners.

20 (d) The shared court commissioner positions authorized by this section shall be in lieu of any
21 court commissioner positions authorized by Section 70141.

22 74950. Facilities for the court shall be maintained in the City of Napa, the City of Saint Helena,
23 the City of Calistoga, and in such other locations within the County of Napa as are designated by
24 the board of supervisors pursuant to the provisions of Section 71342. The court shall hold
25 sessions at each facility as business requires.

26 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
27 preserved until completion of (1) the study and recommendation by the task force on court
28 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
29 on these issues.

30 74951. All officers and employees of the Municipal Court for the County of Napa shall be
31 entitled to the privileges afforded county employees of the County of Napa generally, relative to
32 sick leave, vacation and other benefits. All such officers and employees may be appointed,
33 promoted, demoted, reclassified, terminated or transferred, or their status otherwise adjusted in
34 the same manner and with the same effect as is provided by the personnel and salary ordinances
35 of the County of Napa in effect at the time of any such adjustment in status.

36 74952. (a) No provision is made for a marshal or deputy marshals in the Municipal Court for
37 the County of Napa and no compensation is established for any such marshal and deputy marshal
38 positions. In lieu thereof, the Sheriff of the County of Napa shall be ex officio marshal and his
39 designated deputies shall be ex officio deputy marshals of the court. All fees collected by the
40 sheriff or his deputies for services rendered as an ex officio marshal of the court shall be
41 deposited in the county treasury.

42 74953. Official reporters of the Municipal Court for the County of Napa shall be appointed
43 pursuant to Section 72194. For their services in reporting testimony and proceedings in court,
44 they shall receive the same fees provided in Section 70045.7 for reporters of the Superior Court
45 for the County of Napa.

1 74954. (a) Whenever a reference is made to a numbered salary range according to the standard
2 salary schedule in any section of this article, the schedule found in the Napa County Table and
3 Index of Classes shall apply, except as provided otherwise in subdivision (b).

4 (b) In the event the Board of Supervisors of the County of Napa amends the resolution
5 establishing salary ranges and monthly salary rates on the standard salary schedule for the County
6 of Napa, effective on the date of this act, or adopts a new resolution which provides for a change
7 in compensation for ranges or steps, such changes shall be effective for the municipal court
8 employees under this article on the effective date of the action of the board of supervisors.

9 74954.5. (a) Whenever a reference is made to a numbered salary range according to the
10 management and nonclassified personnel salary schedule in any section of this article, the
11 schedule found in the Napa County Table and Index of Classes shall apply thereafter, except as
12 provided otherwise in subdivision (b).

13 (b) In the event the Board of Supervisors of the County of Napa amends the resolution
14 establishing salary ranges and monthly salary rates for the management and nonclassified
15 personnel of the County of Napa, or adopts a new resolution which provides for a change in
16 compensation for ranges or steps, such changes shall be effective for the municipal court
17 management and nonclassified personnel under this article on the effective date of the action of
18 the board of supervisors.

19 74955. There shall be one court executive officer (clerk of the court) who shall be appointed
20 by, and who shall serve at the pleasure of, a majority of the judges of the municipal court. The
21 court clerk shall be paid a biweekly salary at the rate specified in range 52507A-E in the salary
22 schedule for management and nonclassified personnel. In addition to any other duties imposed by
23 law, the court clerk shall, at the direction of the presiding judge, perform any or all of the
24 following duties:

25 (a) To direct and coordinate the nonjudicial activities of the court.

26 (b) To prepare and administer the budget of the court.

27 (c) To coordinate with other appropriate county agencies the acquisition, utilization,
28 maintenance, and disposition of county facilities, equipment, and supplies necessary for the
29 operation of the court.

30 (d) To collect, compare, and analyze statistical data on a continuing basis concerning the status
31 of judicial and nonjudicial business of the court and to prepare periodic reports and
32 recommendations based on such data.

33 (e) To serve as liaison for the court with other persons, committees, boards, groups, and
34 associations as directed by the presiding judge.

35 74956. (a) There shall also be the following court employee positions, whose numbers and
36 salary range on the standard salary schedule of the County of Napa shall be as specified:

37	Position	Number	Salary
38	Classification	of Funded	Range
39		Positions	
40	Account Clerk I	1.00	00101A-E
41	Assistant Court Executive Officer	1.00	03706A-E
42	Branch Manager	1.00	43206A-E
43	Court Services Supervisor	1.00	54902A-E
44	Court Executive Officer	1.00	52507A-E
45	Court Division Supervisor	3.00	54902A-E
46	Data Clerk	1.00	26801A-E
47	Family Mediator	0.75	53001A-E

1	Legal Clerk I	1.00	14901A-E
2	Legal Clerk I-BI	2.00	14901A-E
3	Legal Clerk II	10.00	15001A-E
4	Legal Clerk II-BI	1.00	15001A-E
5	Legal Clerk I/Int.	1.00	50601A-E
6	Legal Resident Attorney	1.00	52301A-E
7	Legal Secretary	2.50	15103A-E
8	Office Assistant II	4.00	27201A-E
9	Secretary	1.00	24801A-E
10	Senior Account Clerk	1.00	00301A-E
11	Judicial Assistant I/II	13.00	25001A-E
12	Judicial Assistant III	3.00	60701A-E
13	Supervisor Account Clerk	1.00	35402A-E
14	Supervisor Mediator	1.00	08506A-E
15	Systems Coordinator	1.00	55501A-E

16 (b) Each such person employed on the effective date of this article in the office of the clerk of
 17 the municipal court shall receive credit for prior continuous service in the office, including
 18 service in a court superseded upon establishment of the municipal court.

19 (c) With the approval of the board of supervisors, a majority of the municipal court judges may
 20 establish additional positions for officers, attaches, and employees in addition to those provided
 21 by subdivision (a). The order and approval establishing any such position shall designate the
 22 position title and salary range. Such appointments shall be on an interim basis and shall expire
 23 June 30 of the following fiscal year in which such appointments are made unless ratified by the
 24 Legislature.

25 74957. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of
 26 Chapter 8 of Title 8 of this code, and notwithstanding other provisions of this article, in order to
 27 equalize the compensation of employees of the municipal court with the compensation paid to
 28 county employees with commensurate duties and responsibilities, upon recommendation of the
 29 judges of the court and with the approval of the board of supervisors of the County of Napa, any
 30 officer or employee of the court, whether appointed under the provisions of this article or under
 31 Article 4 (commencing with Section 72150) of Chapter 8 of Title 8 of this code, may be paid any
 32 compensation which is within the ranges and increments set forth in this article in excess of or
 33 less than the maximum to which such officer or employee would otherwise be entitled under the
 34 salary range established for the applicable classification as set forth in Section 74956. Any such
 35 salary adjustment shall remain effective only until January 1 of the second year following the year
 36 in which such change is made.

37 74958. The clerks and other clerical employees of the superseded Napa and Saint Helena
 38 Justice Courts shall become the clerks of the Napa-Saint Helena Municipal Court upon its
 39 organization so far as such equivalent positions are provided in Section 74956.

40 If it appears that two or more clerks of the superseded justice courts are equally entitled by
 41 virtue of the office held in any such court, to any office in the municipal court, the presiding
 42 judge of the municipal court shall determine which person is entitled to the office over which the
 43 conflict exists.

44 **§§ 74960-74973 (repealed). Yolo County Municipal Court**

45 SEC. _____. Article 39 (commencing with Section 74960) of Chapter 10 of Title 8 of the
 46 Government Code is repealed.

1 **Comment.** Sections 74960-74973 are repealed to reflect:

2 (1) Unification of the municipal and superior courts in Yolo County pursuant to Article VI,
3 Section 5(e), of the California Constitution, effective June 3, 1998. See Cal. Const. art. VI, § 23
4 and Section 70212(b) (preexisting court locations retained as superior court locations), Section
5 70211 (former municipal court judgeships continued as superior court judgeships). See also Code
6 Civ. Proc. § 38 (judicial districts); Section 69610 (number of judges in Yolo County). Cf. Section
7 71042.5 (preservation of judicial districts for purposes of publication); former Section 71264
8 (municipal court served by marshal).

9 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
10 71615(c)(1) (preservation of employees' job classifications), 71620 (trial court personnel), 71622
11 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans), 71625 (accrued leave
12 benefits), 71628 (deferred compensation plan benefits), 71629 (trial court employment benefits
13 not affected), 71640-71645 (employment selection and advancement), 71650-71658 (employment
14 protection system), 71673 (authority of court). See also Sections 69941 (appointment of official
15 reporters), 69947 (compensation of official reporter).

16 (3) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations" defined),
17 77009 (Trial Court Operations Fund), 77200 (state funding of trial court operations). See also
18 Sections 68073 (responsibility for court operations and facilities), 69952 (payment from Trial
19 Court Operations Fund), 69953 (payment of fees).

20 ☞ **Note.** The text of the repealed article is set out below.

21 **Article 39. Yolo County**

22 74960. This article applies to the municipal court established within the municipal court district
23 which embraces the entire territory of the County of Yolo lying within the exterior boundaries of
24 such county, which court shall be known as the Yolo County Municipal Court.

25 74961. There shall be four judges.

26 74962. Facilities for the court shall be maintained at or near the county seat and at court
27 facilities provided elsewhere as determined by ordinance adopted by the board of supervisors.
28 The court shall determine the nature and frequency of sessions held at additional court locations
29 designated by the board of supervisors.

30 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
31 preserved until completion of (1) the study and recommendation by the task force on court
32 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
33 on these issues.

34 74963. There shall be one municipal court clerk administrator who shall be appointed by, and
35 who shall serve at the pleasure of, a majority of the judges of the municipal court. The municipal
36 court clerk-administrator shall receive a monthly salary at a rate specified in range 34.55.

37 74964. By majority vote, the municipal court judges of Yolo County may appoint a court
38 commissioner who shall meet the qualifications and have the powers and duties specified in
39 Sections 72190, 72190.1, and 72190.2 of this code, and Section 259 of the Code of Civil
40 Procedure. The appointment may only be made in lieu of appointing a traffic referee pursuant to
41 Section 72400.

42 The commissioner shall be paid biweekly, pursuant to the payroll procedures in effect in the
43 County of Yolo, in an amount equal to 75 to 85 percent of a municipal court judge's salary. The
44 court shall recommend to the board of supervisors the level of salary to be received by the

1 commissioner based on qualifications, performance, and other factors deemed relevant by the
2 court, and the board of supervisors shall determine the salary level within the specified range.

3 74965. The municipal court clerk-administrator may appoint:

4 (a) Four municipal court supervisors II, who shall receive a monthly salary at a rate specified in
5 range 21.09, or four municipal court supervisors I, who shall receive a monthly salary at a rate
6 specified in range 19.89, or any combination thereof not exceeding a total of four positions.

7 (b) Thirty-three municipal court senior clerks, who shall receive a monthly salary at a rate
8 specified in range 18.80, or thirty-three municipal courtroom clerks II, each of whom shall
9 receive a monthly salary at a rate specified in range 17.73, or thirty-three municipal courtroom
10 clerks I, each of whom shall receive a monthly salary at a rate specified in range 16.72, or thirty-
11 three legal process clerks IV, each of whom shall receive a monthly salary at a rate specified in
12 range 15.78, or thirty-three legal process clerks III, each of whom shall receive a monthly salary
13 at a rate specified in range 14.88, or thirty-three legal process clerks II, each of whom shall
14 receive a monthly salary at a rate specified in range 14.03, or thirty-three legal process clerks I,
15 each of whom shall receive a monthly salary at a rate specified in range 13.24, or any
16 combination thereof not exceeding a total of thirty-three positions, of which one shall be part-time
17 not to exceed 20 hours per week.

18 (c) Four municipal court fiscal clerks, who shall receive a monthly salary at a rate specified in
19 range 15.14, or four account clerks II, each of whom shall receive a monthly salary at a rate
20 specified in range 13.71, or any combination thereof not exceeding a total of four positions.

21 (d) One administrative assistant, who shall receive a monthly salary at a rate specified in range
22 17.99.

23 74967. The sheriff and his deputies shall act as ex officio marshal and deputy marshals of the
24 court.

25 74969. Whenever reference to a numbered salary range is made in any section of this article,
26 the schedule of monthly salaries found in the salary resolution of the County of Yolo in effect on
27 January 1, 1992, shall apply.

28 74970. Except as otherwise provided by law, all officers and employees of the Yolo County
29 Municipal Court shall be entitled to the same provisions with respect to retirement, vacations, and
30 other benefits allowed to employees of the county, and be subject to the personnel regulations,
31 memoranda of understanding, management benefit package, and the affirmative action plan of the
32 County of Yolo as they exist on January 1, 1992.

33 74971. The positions enumerated in Sections 74963 to 74965, inclusive, are deemed to be
34 comparable in job and salary level to certain positions in the service of Yolo County. The
35 following table sets forth the court classifications with the comparable county classifications
36 shown opposite thereto:

Clerk Classification	County Classification
Municipal court clerk Administrator	Municipal Court Clerk Administrator
Municipal Court Supervisor II	Municipal Court Supervisor II
Municipal Court Supervisor I	Municipal Court Supervisor I
Municipal Court Senior Clerk	Municipal Court Senior Clerk
Legal Process Clerk IV	Legal Process Clerk IV
Legal Process Clerk III	Legal Process Clerk III
Legal Process Clerk II	Legal Process Clerk II
Legal Process Clerk I	Legal Process Clerk I
Municipal Court Fiscal Clerk	Municipal Court Fiscal Clerk

1	Account Clerk II	Account Clerk II
2	Administrative Assistant	Administrative Assistant
3	In the event that any classification, the number of positions prescribed for any classification, or	
4	the salary, benefits, personnel regulations, memorandum of understanding or affirmative action	
5	plan for any classification which is shown above is modified by the board of supervisors, a	
6	commensurate modification shall be made for the comparable court classifications. Any	
7	adjustment made pursuant to this section shall be effective the same date as the effective date of	
8	the action applicable to the respective and comparable county classifications, but shall remain in	
9	effect only until January 1 of the second year following the year in which such change is made,	
10	unless subsequently ratified by the Legislature.	
11	74972. The presiding judge may appoint as many reporters as the business of the court requires,	
12	who shall be known as official reporters pro tempore, and who shall hold office at his pleasure.	
13	The reporter shall serve without salary but shall receive for his services in reporting testimony	
14	and proceedings in such court, the same compensation as is paid reporters pro tempore of the	
15	superior court in Yolo County, which in criminal cases shall, upon order of the court, be a charge	
16	against the general fund of the county.	
17	74973. Fees for transcription of testimony and proceedings in the court shall be paid by the	
18	litigants to official reporters pro tempore as otherwise provided by law. In all cases where by law	
19	the court may direct the payment of transcription fees out of the county treasury, such fees shall,	
20	upon order of the court, be paid from the general funds, including fees for transcription of	
21	testimony in proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive,	
22	which shall be paid from the county treasury.	

23 **§§ 74980-74991 (repealed). Shasta County Municipal Court**

24 SEC. _____. Article 40 (commencing with Section 74980) of Chapter 10 of Title 8 of the
25 Government Code is repealed.

26 **Comment.** Sections 74980-74991 are repealed to reflect:

27 (1) Unification of the municipal and superior courts in Shasta County pursuant to Article VI,
28 Section 5(e), of the California Constitution, effective June 3, 1998. See Section 70211 (former
29 municipal court judgeships continued as superior court judgeships). See also Code Civ. Proc. § 38
30 (judicial districts); Section 69601 (number of judges in Shasta County). *Cf.* Sections 71042.5
31 (preservation of judicial districts for purposes of publication), 71265 (marshal’s powers, duties,
32 and liabilities).

33 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
34 71601(l) (“trial court employee” defined), 71615(c)(1) (preservation of employees’ job
35 classifications), 71615(c)(5) (trial court as employer of all trial court employees), 71620 (trial
36 court personnel), 71622 (subordinate judicial officers), 71623 (salaries), 71624 (retirement plans),
37 71625 (accrued leave benefits), 71628 (deferred compensation plan benefits), 71629 (trial court
38 employment benefits not affected), 71640-71645 (employment selection and advancement),
39 71650-71658 (employment protection system), 71673 (authority of court). See also Sections
40 69941 (appointment of official reporters), 69947 (compensation of official reporter).

41 The marshal is an appointed employee of the Shasta County Superior Court. Obsolete
42 provisions regarding the former elected marshal have been deleted.

43 For provisions governing the employment and compensation of county employees, see Cal.
44 Const. art. XI, §§ 1(b) and 4 (county governing board shall provide for the number,
45 compensation, tenure, and appointment of employees) and Section 25300 (board of supervisors
46 shall provide for the number, compensation, tenure and appointment of county employees).

1 (3) Enactment of the Trial Court Funding Act. See Sections 77003 and Cal. R. Ct. 810 (“court
2 operations” defined), 77009 (Trial Court Operations Fund), 77200 (state funding of trial court
3 operations). Cf. Section 71266 (marshals’ fees paid into county treasury).

4 ☞ **Note.** The text of the repealed article is set out below.

5 Article 40. Shasta County Judicial District

6 74980. This article applies to the municipal court established in the Shasta County Judicial
7 District.

8 74981. There shall be four judges of the Shasta County Municipal Court.

9 74982. (a) If the Shasta County Board of Supervisors finds that there are sufficient funds
10 available in the municipal court budget for the employment of a commissioner, the board by
11 ordinance or resolution may establish the position of commissioner of the Shasta County
12 Municipal Court.

13 (b) The commissioner shall be appointed by and serve at the pleasure of the court. A full-time
14 commissioner shall receive an annual salary equal to 75 percent of the annual salary of a
15 municipal court judge. The commissioner shall be provided the same employment benefits by
16 Shasta County as the county provides to other county management employees in the county’s
17 merit personnel system. A part-time commissioner shall receive salary and employment benefits
18 prorated on the basis of a 40-hour work week consistent with county policy regarding regular
19 part-time employment.

20 (c) The commissioner shall perform those duties and exercise those powers conferred by law
21 and assigned to the commissioner by the court.

22 (d) A full-time commissioner shall not engage in the private practice of law. Notwithstanding
23 any other provision of law, a part-time commissioner, with approval of the court, may engage in
24 the private practice of law before any court except the Shasta County Municipal Court.

25 (e) The court shall periodically review the performance of any part-time commissioner and
26 shall maintain an ongoing training program to maintain the commissioner’s skills. The part-time
27 commissioner shall have completed, prior to appointment, an orientation program satisfactory to
28 the presiding judge, including a review of the procedures and practices of the court, together with
29 observation of each calendar to which the commissioner may be assigned. Each part-time
30 commissioner shall serve on the bench an average of at least three days in each month, and the
31 presiding judge shall ensure that the part-time commissioner maintains current knowledge of the
32 court’s personnel and procedures.

33 ☞ **Note.** The staff is researching the following matter, which will be dealt with separately: Ethics
34 (private practice of law).

35 74983. If an official court reporter of the superior court in and for Shasta County is not
36 available for assignment as a reporter pro tempore of the municipal court pursuant to Sections
37 72197 and 70045.9, the court may appoint as many additional reporters pro tempore as the
38 business of the court requires. They shall serve without salary and without any entitlement to any
39 benefit included in the compensation of any other officer or employee of Shasta County, but shall
40 receive the fees provided by Sections 69947 to 69953, inclusive.

41 74984. (a) There shall be one marshal who shall be appointed by the superior and municipal
42 courts; provided, that upon the effective date of this section, the incumbent elected marshal shall

1 continue in office as marshal and may be removed by the court only for cause. When that marshal
 2 leaves office, the succeeding marshals shall be appointed by and serve at the pleasure of the court.

3 (b) The marshal shall receive the salary of four thousand one hundred forty-nine dollars
 4 (\$4,149) per month as set forth in the standard salary resolution of Shasta County in effect for the
 5 1995-96 fiscal year. The marshal shall be provided the same employment benefits by Shasta
 6 County as the county provides to other county employees in an equivalent category in the
 7 county's merit personnel system.

8 (c) The board of supervisors may transfer certain duties of the sheriff to the marshal pursuant to
 9 Section 26608.3.

10 (d) All fees collected by the marshal's office shall be deposited with the county treasurer and
 11 credited to the general fund.

12 ☞ **Note.** Section 74984 will be preserved, in some form. A proposed amendment to this section
 13 was circulated in an earlier mailing and is reproduced below as an added section.

14 74985. (a) The marshal, with the approval of the court, may appoint the following marshal's
 15 office employees whose numbers, classifications, and salary ranges in the standard salary
 16 resolution of Shasta County in effect on January 1, 1994, are:

17 Position 18 Title	Number of Positions		Salary Range
19 Marshal	1	Flat	\$4,149 per mo.
20 Deputy Marshal	15	39.3	\$2,343-2,848 per mo.
21 Deputy Marshal (Probationary)		Flat	\$2,232 per mo.
22 Deputy Marshal Trainee		Flat	\$2,125 per mo.
23 Legal Process Clerk II	4	31.3	\$1,586-1,928 per mo.
24 Legal Process Clerk I		29.3	\$1,438-1,748 per mo.
25 Marshal's Civil Supervisor	1	34.3	\$1,836-2,232 per mo.
26 Marshal's Sergeant	2	41.8	\$2,647-3,218 per mo.

27 (b) Each employee of the marshal's office shall be provided the same employment benefits by
 28 Shasta County as the county provides to other county employees in equivalent categories and
 29 salary ranges in the county's merit personnel system.

30 ☞ **Note.** Section 74985 will be preserved, in some form. A proposed amendment to this section
 31 was circulated in an earlier mailing and is reproduced below as an added section.

32 74986. (a) The municipal and superior courts may appoint a court executive officer who shall
 33 be the chief administrative officer and ex officio clerk of the court. The court executive officer
 34 shall serve at the pleasure of the court and shall receive a salary of five thousand one hundred
 35 thirteen dollars (\$5,113) per month as set forth in the standard salary resolution of Shasta County
 36 in effect for the 1995-96 fiscal year. The court executive officer shall be provided the same
 37 employment benefits by Shasta County as the county provides to other county employees in an
 38 equivalent category in the county's merit personnel system.

39 (b) The judges of the superior and municipal courts shall prescribe and regulate the duties and
 40 authority of the court executive officer.

41 74987. (a) The court executive officer, with the approval of the court, may appoint the court's
 42 support staff personnel. The following employees of the court shall be compensated within the
 43 following applicable ranges established by the standard salary resolution of Shasta County in
 44 effect on January 1, 1995:

45 Position 46 Title	Number of Positions		Salary Range
47 Court Executive Officer	1	Flat	\$5,113 per mo.

1	Asst. Ct. Executive Officer	1	Flat	\$4,090 per mo.
2	Court Commissioner	1	Flat	\$6,129 per mo.
3	Court Services Manager	1		\$2,460-2,991 per mo.
4	Court Services Asst. IV	1		\$1,863-2,265 per mo.
5	Court Services Asst. III	5		\$1,774-2,157 per mo.
6	Court Services Asst. I/II	22		\$1,533-2,054 per mo.
7	Judicial Secretary	1		\$1,928-2,343 per mo.
8	Court Serv. Asst./Cal. Coord.	1		\$2,054-2,497 per mo.
9	Court Serv. Financial Hearing Officer	1		\$2,054-2,497 per mo.
10	Court Serv. Acct./Coll. Clerk I/II/III	5		\$1,586-2,157 per mo.
11	Court Serv. Supervisor	2		\$2,004-2,436 per mo.
12	Court Serv. Fiscal Officer	1		\$2,713-3,297 per mo.

13 (b) Each employee designated in subdivision (a) shall be provided the same employment
 14 benefits by Shasta County as the county provides to other county employees in equivalent
 15 categories and salary ranges in the county's merit personnel system.

16 74988. The court administrator, employees, and attaches of the court, the marshal and
 17 employees of the office of the marshal, except court reporters pro tempore and reserve deputy
 18 marshals, are employees of Shasta County for all purposes. However, nothing in this section
 19 affects the immunity from liability in damages which may otherwise attach to these employees as
 20 officers, employees, or attaches of the municipal court.

21  **Note.** Section 74988 will be preserved, in some form. A proposed amendment to Section
 22 74988 is reproduced below as an added section. The Commission solicits comments on the
 23 proposed revisions in light of the enactment of the Trial Court Employment Protection and
 24 Governance Act.

25 74989. The number, categories, and compensation of the officers, attaches, and employees
 26 provided by this article may be adjusted, as the need is determined, by the board of supervisors
 27 and in accordance with established county personnel and budgetary procedures. Any such
 28 adjustment shall be on an interim basis and shall expire 90 days after the adjournment of the next
 29 regular session of the Legislature. Nothing in this section precludes a majority of the judges from
 30 exercising powers in accordance with Sections 72150 and 72151.

31 74991. The provisions of this article shall prevail over any other provisions of this title which
 32 may conflict therewith.

33 **§§ 74984-74988 (added). Shasta County**

34 SEC. _____. Article 40 (commencing with Section 74984) is added to Chapter 10 of Title
 35 8 of the Government Code, to read:

36 **Article 40. Shasta County**

37 **§ 74984. Marshal of the Shasta County Superior Court**

38 74984. (a) There shall be one marshal who shall be appointed by the Shasta County
 39 Superior Court.

40 (b) The board of supervisors may transfer certain duties of the sheriff to the marshal
 41 pursuant to Section 26608.3.

42 (c) All fees collected by the marshal's office shall be deposited with the county
 43 treasurer and credited to the general fund.

1 **Comment.** Subdivision (a) of Section 74984 continues the first part of the first sentence of
2 subdivision (a) of former Section 74984, omitting the reference to the municipal court as
3 obsolete.

4 Subdivision (b) continues subdivision (c) of former Section 74984 without change.

5 Subdivision (c) continues subdivision (d) of former Section 74984 without change.

6 For provisions relating to restatements and continuations of existing law, see Section 2. For
7 disposition of the provisions of former Section 74984 that are not continued, see the Comment to
8 former Article 40 (commencing with former Section 74980).

9 **§ 74985. Benefits for county employees in the Shasta County marshal’s office**

10 74985. Each employee of the marshal’s office who is a county employee shall be
11 provided the same employment benefits by Shasta County as the county provides to other
12 county employees in equivalent categories and salary ranges in the county’s merit
13 personnel system.

14 **Comment.** Section 74985 continues subdivision (b) of former Section 74985, limiting the
15 provision to county employees.

16 For provisions relating to restatements and continuations of existing law, see Section 2. For
17 disposition of the provisions of former Section 74985 that are not continued, see the Comment to
18 former Article 40 (commencing with former Section 74980).

19 **§ 74988. Status of marshal and employees of office of the marshal**

20 74988. The marshal and employees of the office of the marshal who provide court
21 security services, except reserve deputy marshals, are employees of the Shasta County
22 Superior Court for all purposes.

23 **Comment.** Section 74988 continues the first sentence of former Section 74988, changing the
24 status of the marshal and certain employees of the office of the marshal from county to superior
25 court employees.

26 For provisions relating to restatements and continuations of existing law, see Section 2. For
27 disposition of the provisions of former Section 74988 that are not continued, see the Comment to
28 former Article 40 (commencing with former Section 74980).

29 **§§ 74993-74997 (repealed). Tuolumne County Municipal Court District**

30 SEC. _____. Article 41 (commencing with Section 74993) of Chapter 10 of Title 8 of the
31 Government Code is repealed.

32 **Comment.** Sections 74993-74997 are repealed to reflect:

33 (1) Unification of the municipal and superior courts in Tuolumne County pursuant to Article
34 VI, Section 5(e), of the California Constitution, effective April 23, 1999. See Section 70211
35 (former municipal court judgeships continued as superior court judgeships). See also Code Civ.
36 Proc. § 38 (judicial districts); Section 69605.5 (number of judges in Tuolumne County). *Cf.*
37 Section 71042.5 (preservation of judicial districts for purposes of publication); former Section
38 71264 (municipal court served by marshal).

39 (2) Enactment of the Trial Court Employment Protection and Governance Act. See Sections
40 71615(c)(1) (preservation of employees’ job classifications), 71620 (trial court personnel), 71623
41 (salaries), 71624 (retirement plans), 71625 (accrued leave benefits), 71628 (deferred
42 compensation plan benefits), 71629 (trial court employment benefits not affected), 71640-71645
43 (employment selection and advancement), 71650-71658 (employment protection system), 71673
44 (authority of court).

45 ☞ **Note.** The text of the repealed article is set out below.

1 Article 41. Tuolumne County

2 74993. This article applies to the Tuolumne County Municipal Court District which supersedes
3 the Central and West Justice Court District and embraces the entire County of Tuolumne.

4 74994. There are two judges of the Tuolumne County Municipal Court District.

5 74995. The Sheriff of the County of Tuolumne and his or her deputies specifically designated
6 by him or her shall be ex officio marshals and deputy marshals, respectively, of the Tuolumne
7 County Municipal Court and shall act as such without additional compensation.

8 74996. The employees of the Tuolumne County Municipal Court District shall be entitled to
9 the same benefits and privileges as are granted to other employees of the County of Tuolumne, as
10 provided by the county's ordinances, resolutions, memoranda of understanding, and rules
11 applicable to other county employees.

12 74997. The employees of the Tuolumne County Municipal Court shall be governed by the
13 personnel regulations, memoranda of understanding, and policies of the County of Tuolumne.

14 § 75002 (unchanged). “Judge” defined

15 75002. “Judge” means a justice of the Supreme Court or of a court of appeal, or a judge
16 of a superior court, municipal court, or justice court. A retired justice court judge does not
17 acquire status as a judge for the purposes of this chapter by reason of designation as a
18 judge pro tempore of, or assignment by the Chairperson of the Judicial Council to, any of
19 these courts.

20 “Judge” shall not mean a justice court judge who elected pursuant to Section 75029.5 to
21 be restored to membership in the Public Employees’ Retirement System.

22 ☞ **Note.** This provision is retirement-related, so the references to municipal and justice court
23 judges would be retained.

24 § 75029.1 (unchanged). Right to elect to receive credit for prior service

25 75029.1. On and after January 1, 1990, the right to elect to receive credit for prior
26 service as a judge of an excluded court pursuant to Section 75029 shall apply only to a
27 justice of the Supreme Court or a court of appeal or a judge of a superior or municipal
28 court.

29 ☞ **Note.** This provision is retirement-related, so the reference to a municipal court judge would
30 be retained.

31 § 75076.2 (amended). Part-time service

32 SEC. _____. Section 75076.2 of the Government Code is amended to read:

33 75076.2. A judge who renders part-time service after January 1, 1990, shall receive a
34 reduced retirement allowance. The reduction shall be based upon the relationship between
35 the actual service rendered by the judge, including service rendered by reason of sitting
36 on assignment, and a full-time judge’s service during the period from January 1, 1990,
37 until the date of retirement. Computations under this section and subdivision (a) of
38 Section 75076 shall consider the salary payable to the judge of a municipal or justice
39 court to be equal to ~~that of a municipal~~ 91.3225 percent of the salary of a superior court

1 judge. For purposes of qualifying for retirement, part-time service shall be the equivalent
2 of full-time service.

3 **Comment.** Section 75076.2 is amended to reflect unification of the municipal and superior
4 courts pursuant to Article VI, Section 5(e), of the California Constitution. This change anticipates
5 that municipal court judge salaries will not be maintained after abolition of the municipal courts
6 through unification. A municipal court judge's salary is approximately 91.3225 percent of a
7 superior court judge's salary. See former Section 68202 (1984 Cal. Stat. ch. 1758, § 3); see also
8 Section 68203.

9 ☞ **Note.** This provision is retirement-related, so the references to municipal and justice court
10 judges would be retained.

11 **§ 75095.5 (repealed). Election under specified circumstances**

12 SEC. _____. Section 75095.5 of the Government Code is repealed.

13 ~~75095.5. Any election of any judge who became a municipal court judge on May 23,~~
14 ~~1980, and died on September 18, 1983, to come within the provisions of this article,~~
15 ~~which was filed with the Secretary of State on September 22, 1983, shall become~~
16 ~~effective on the date filed.~~

17 ~~The surviving spouse of the person so electing who was previously eligible to come~~
18 ~~within this article and did not do so, shall pay all of the contributions he would have~~
19 ~~made pursuant to Section 75097 had he been covered by this article as soon as eligible~~
20 ~~therefor.~~

21 **Comment.** Section 75095.5 is repealed as obsolete.

22 ☞ **Note.** It does not appear necessary to revise Section 75095.5 to reflect unification of the
23 municipal and superior courts, enactment of the Trial Court Funding Act, or enactment of the
24 Trial Court Employment Protection and Governance Act. But the provision might be obsolete.
25 The Commission solicits comment on whether the provision continues to serve a useful purpose.

26 **§ 75103 (amended). Deduction for Judges' Retirement Fund**

27 SEC. _____. Section 75103 of the Government Code is amended to read:

28 75103. Except as provided in Section 75103.3, the auditor of each county shall deduct 8
29 percent from the portion paid by a county of the monthly salary, not including the
30 additional compensation pursuant to Section 68203.1, of each judge of the superior and
31 municipal court and cause this amount to be paid into the Judges' Retirement Fund.

32 **Comment.** Section 75103 is amended to reflect unification of the municipal and superior courts
33 pursuant to Article VI, Section 5(e), of the California Constitution.

34 ☞ **Note.** This section reflects legislative changes made in S.B. 742 (Escutia). See 2001 Cal. Stat.
35 ch 118, § 10.

36 **§ 75502 (unchanged). Definitions**

37 75502. (a) "Judge" means a justice of the Supreme Court or of a court of appeal, or a
38 judge of a superior court, municipal court, or justice court who is first elected or
39 appointed to judicial office on or after November 9, 1994, and is not a member of the
40 Judges' Retirement System pursuant to Chapter 11 (commencing with Section 75000). A
41 retired judge does not acquire status as a judge for the purposes of this chapter by reason

1 of designation as a temporary judge of, or assignment by the Chairperson of the Judicial
2 Council to, any of these courts.

3 A former member of the Judges' Retirement System under Section 75002 who
4 withdrew his or her contributions upon leaving office, and who takes judicial office on or
5 after November 9, 1994, becomes a member of the system existing under Chapter 11
6 (commencing with Section 75000) and does not become a member of the Judges'
7 Retirement System II. No person shall be a member of the Judges' Retirement System II
8 who is or ever has been a member of the Judges' Retirement System pursuant to Chapter
9 11 (commencing with Section 75000).

10 (b) "System" means the Judges' Retirement System II established by this chapter.

11 (c) "Service" means the period of time a judge received a salary and made contributions
12 to the system by reason of holding office as a judge of any one or more of the courts of
13 this state specified in subdivision (a), computed in years and fractions of years.

14 (d) "Final compensation" means the average monthly salary of a judge during the 12
15 months immediately preceding his or her retirement from or otherwise leaving judicial
16 office and as limited by Section 75572.

17 (e) "Benefit factor" means the percentage used in calculating a judge's monthly
18 retirement allowance under Section 75522.

19 (f) "Contributions" means the accumulated deductions from the judge's salary under
20 Sections 75601 and 75602. References to payment to a judge of his or her contributions
21 or to the determination of a judge's and spouse's shares in the contributions include both
22 the contributions and interest thereon at the rates determined by the Board of
23 Administration of the Public Employees' Retirement System.

24 (g) "Salary" means the compensation received by a judge as the emolument of the
25 office of judge, but does not include any additional compensation received by reason of
26 designation as a temporary judge or assignment by the Chairperson of the Judicial
27 Council or the additional compensation pursuant to Section 68203.1.

28 (h) "Board" means the Board of Administration of the Public Employees' Retirement
29 System.

30 (i) "Fund" or "retirement fund" means the Judges' Retirement System II Fund
31 established pursuant to Section 75600.

32  **Note.** This provision is retirement-related, so the references to municipal and justice court
33 judges would be retained.

34 This section reflects legislative changes made in S.B. 724 (Escutia). See 2001 Cal. Stat. ch 118,
35 § 11.

36 **§ 75602 (amended). Deduction for Judges' Retirement System II Fund**

37 SEC. _____. Section 75602 of the Government Code is amended to read:

38 75602. Except as provided in Section 75605, the Controller or the auditor of each
39 county shall deduct 8 percent from the portion paid by a county, or the Controller and the
40 auditor, if appropriate, of the monthly salary, not including the additional compensation
41 pursuant to Section 68203.1, of each judge of the superior and municipal court and cause
42 this amount to be paid into the Judges' Retirement System II Fund.

43 **Comment.** Section 75602 is amended to reflect unification of the municipal and superior courts
44 pursuant to Article VI, Section 5(e), of the California Constitution.

1 ☞ **Note.** This section reflects legislative changes made in S.B. 742 (Escutia). See 2001 Cal. Stat.
2 ch 118, § 14.

3 **§ 76101.5 (unchanged). Transfer of deposits between funds in Los Angeles and Lassen**
4 **Counties**

5 76101.5. Notwithstanding any other provision of this article or Article 3 (commencing
6 with Section 76200), following a public hearing, the board of supervisors of a county of
7 the first class or a county of the 47th class which has established both a Courthouse
8 Construction Fund and a Criminal Justice Facilities Construction Fund pursuant to the
9 provisions of this chapter may by resolution provide for the transfer of deposits from one
10 fund to the other.

11 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
12 preserved until completion of (1) the study and recommendation by the task force on court
13 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
14 on these issues.

15 **§ 76200 (amended). Alameda County courthouse construction fund**

16 SEC. ____. Section 76200 of the Government Code is amended to read:

17 76200. Alameda County is authorized to establish a Courthouse Construction Fund
18 pursuant to Section 76100 so long as the county maintains ~~the Berkeley-Albany~~
19 ~~Municipal Court~~ a courtroom building in the City of Berkeley. In the event that the
20 ~~Berkeley-Albany Municipal Court~~ courtroom building in the City of Berkeley is closed,
21 Alameda County may not collect those funds.

22 **Comment.** Section 76200 is amended to reflect unification of the municipal and superior courts
23 in Alameda County pursuant to Article VI, Section 5(e), of the California Constitution, effective
24 July 31, 1998. See Cal. Const. art. VI, § 23 and Section 70212(b) (preexisting court locations
25 retained as superior court locations).

26 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need further
27 revision upon completion of (1) the study and recommendation by the task force on court
28 facilities, and (2) negotiations among other interested parties. The Commission solicits comments
29 on these issues.

30 The Commission also solicits comments on whether the provision requiring maintenance of a
31 courtroom building in the City of Berkeley continues to serve a necessary or useful purpose.

32 **§ 76219 (unchanged). Los Angeles County courthouse construction fund**

33 76219. (a) The Courthouse Construction Fund established in Los Angeles County
34 pursuant to Section 76100 shall be known as the Courthouse Construction Fund.

35 (b) All courtroom construction in the County of Los Angeles which utilizes moneys
36 from the Courthouse Construction Fund or moneys borrowed and owed against the
37 Courthouse Construction Fund shall be within the boundaries of the San Fernando Valley
38 Statistical Area and the Los Cerritos Municipal Court District, until the time that the
39 County of Los Angeles has spent a total of at least forty-three million dollars
40 (\$43,000,000) on courthouse construction within the San Fernando Valley Statistical
41 Area and at least eight million dollars (\$8,000,000) within the Los Cerritos Municipal
42 Court District for the Bellflower Courthouse.

1 (c) All courtroom construction in the County of Los Angeles which utilizes moneys
2 from the Courthouse Construction Fund or moneys borrowed against the Courthouse
3 Construction Fund shall be within the boundaries of the San Fernando Valley Statistical
4 Area, within the boundaries of the Los Cerritos Municipal Court District, within the
5 boundaries of the East Los Angeles Municipal Court District, within the Downey
6 Municipal Court District, within the community of Hollywood, or within the West Los
7 Angeles Branch of the Los Angeles Municipal Court District, until the time that the
8 County of Los Angeles has fulfilled the requirements of subdivision (b) and has
9 additionally spent at least sixteen million five hundred thousand dollars (\$16,500,000) on
10 courthouse construction within the East Los Angeles Municipal Court District, has spent
11 at least ten million dollars (\$10,000,000) on courthouse construction within the Downey
12 Municipal Court District, has commenced construction on a courthouse with at least six
13 courtrooms in the West San Fernando Valley, has commenced construction on a
14 courthouse with at least two courtrooms in the community of Hollywood, and has
15 commenced construction on a courthouse for the West Los Angeles Branch of the Los
16 Angeles Municipal Court District.

17 (d) All courtroom construction in the County of Los Angeles which utilizes moneys
18 from the Courthouse Construction Fund or moneys borrowed against the Courthouse
19 Construction Fund shall be within the boundaries of the San Fernando Valley Statistical
20 Area, within the boundaries of the Los Cerritos Municipal Court District, within the
21 boundaries of the East Los Angeles Municipal Court District, within the Downey
22 Municipal Court District, within the community of Hollywood, within the West Los
23 Angeles Branch of the Los Angeles Municipal Court District, within the Pasadena
24 Judicial District, within the Southeast Municipal Court District, within the South Bay
25 Judicial District, within the Santa Monica Judicial District, within the Antelope Valley
26 Judicial District, or within the Long Beach Judicial District until the time that the County
27 of Los Angeles has fulfilled the requirements of subdivisions (b) and (c), and has
28 commenced construction of new facilities or the expansion of existing facilities for the
29 municipal courts in the Pasadena Judicial District, the north and south branches of the
30 Southeast Municipal Court District, and the South Bay Judicial District, has commenced
31 construction on a courthouse for the superior court with at least 18 courtrooms in the
32 North Hollywood Redevelopment Project Area of the City of Los Angeles or
33 immediately adjacent thereto, and has commenced construction of new facilities for the
34 superior and municipal courts in the Santa Monica Judicial District, the Antelope Valley
35 Judicial District, and the Long Beach Judicial District.

36 (e) For purposes of this section, the San Fernando Valley Statistical Area includes all
37 land within the San Fernando Valley Statistical Area (as defined in subdivision (e) of
38 Section 11093) as well as the City of San Fernando, the City of Hidden Hills, and the
39 unincorporated areas of Los Angeles County located west of the City of Los Angeles,
40 east and south of the Ventura County line, and north of a line extended westerly from the
41 southern boundary of the San Fernando Valley Statistical Area (as defined in subdivision
42 (c) of Section 11093).

43 (f) The moneys of the Courthouse Construction Fund together with any interest earned
44 thereon shall be payable only for courtroom construction and land acquisition as
45 authorized in subdivision (b) and, after the requirement of subdivision (b) has been met,
46 shall be payable only for courtroom construction and land acquisition as authorized in
47 subdivision (c) and, after the requirements of subdivisions (b) and (c) have been met,
48 shall be payable only for courtroom construction and land acquisition as authorized in
49 subdivision (d).

1 (g) Deposits into the fund shall continue through and including either (1) the 25th year
2 after the initial calendar year in which the surcharge is selected or (2) whatever period of
3 time is necessary to repay any borrowings made by the county to pay for construction
4 provided for in this section, whichever time is longer.

5 (h) The resolution adopted by the Board of Supervisors of the County of Los Angeles
6 on September 2, 1980, stating that the provisions of Chapter 578 of the Statutes of 1980
7 are necessary to the establishment of adequate courtroom facilities in the County of Los
8 Angeles shall be deemed a resolution stating that the provisions of this section are
9 necessary to the establishment of adequate courtroom facilities in the county, and shall
10 satisfy the requirements of this section.

11 ☞ **Note.** Issues involving sessions and facilities are still unsettled. This section may need to be
12 preserved until completion of (1) the study and recommendation by the task force on court
13 facilities, and (2) negotiations among other interested parties.

14 The Commission solicits comments on these issues. The Commission also requests input as to
15 whether any of the courtroom construction mentioned in Section 76219 has already been
16 completed.

17 **§ 76238 (amended). City and County of San Francisco courthouse construction fund**

18 SEC. _____. Section 76238 of the Government Code is amended to read:

19 76238. (a) Notwithstanding any other law, for the purpose of assisting the City and
20 County of San Francisco in the acquisition, rehabilitation, construction, and financing of
21 courtrooms or of a courtroom building or buildings containing facilities necessary or
22 incidental to the operation of the justice system, the Board of Supervisors of the City and
23 County of San Francisco may require the amounts collected pursuant to subdivision (d) to
24 be deposited in the Courthouse Construction Fund established pursuant to Section 76100.
25 In the City and County of San Francisco, the moneys of the Courthouse Construction
26 Fund together with any interest earned thereon shall be payable only for the foregoing
27 purposes and at the time necessary therefor, and for the purposes set forth in subdivision
28 (b) and at the time necessary therefor.

29 (b) In conjunction with the acquisition, rehabilitation, construction, or financing of
30 courtrooms or of a courtroom building or buildings referred to in subdivision (a), the City
31 and County of San Francisco may use the moneys of the Courthouse Construction Fund
32 (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for
33 other uses if new courtrooms or a courtroom building or buildings are acquired,
34 constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess
35 courtrooms or an excess courtroom building or buildings if that excess is anticipated to be
36 needed at a later time.

37 (c) Any excess courtrooms or excess courtroom building or buildings that are acquired,
38 rehabilitated, constructed, or financed pursuant to subdivision (b) may be leased or rented
39 for uses other than the operation of the justice system until such time as the excess
40 courtrooms or excess courtroom building or buildings are needed for the operation of the
41 justice system. Any amounts received as lease or rental payments pursuant to this
42 subdivision shall be deposited in the Courthouse Construction Fund.

43 (d) In the City and County of San Francisco, a surcharge for the purpose and for the
44 time set forth in this section may be added to any filing fee ~~in any civil action in either the~~
45 ~~municipal court or~~ in any civil or probate action in the superior court. The surcharge shall
46 be in an amount, not to exceed fifty dollars (\$50), and shall be collected in a manner as

1 set forth in a resolution adopted by the Board of Supervisors of the City and County of
2 San Francisco.

3 **Comment.** Subdivision (d) of Section 76238 is amended to reflect unification of the municipal
4 and superior courts in the City and County of San Francisco pursuant to Article VI, Section 5(e),
5 of the California Constitution, effective December 31, 1998.

6 **§ 76245 (amended). Shasta County courthouse and criminal justice facilities construction**
7 **funds**

8 SEC. _____. Section 76245 of the Government Code is amended to read:

9 76245. (a) The fund established in Shasta County pursuant to Section ~~76200~~ 76100
10 shall be known as the Statham Courthouse Construction Fund.

11 (b) The fund established in Shasta County pursuant to Section 76101 shall be known as
12 the Statham Criminal Justice Facilities Construction Fund.

13 **Comment.** Section 76245 is amended to correct an erroneous section reference.

14 **§ 77003 (amended). “Court operations” defined**

15 SEC. _____. Section 77003 of the Government Code is amended to read:

16 77003. (a) As used in this chapter, “court operations” means all of the following:

17 (1) Salaries, benefits, and public agency retirement contributions for superior and
18 ~~municipal~~ court judges and for subordinate judicial officers. For purposes of this
19 paragraph, “subordinate judicial officers” includes all commissioner or referee positions
20 created prior to July 1, 1997, including positions created in the municipal court prior to
21 July 1, 1997, which thereafter became positions in the superior court as a result of
22 unification of the municipal and superior courts in a county, and including those
23 commissioner positions created pursuant to former Sections 69904, 70141, 70141.9,
24 70142.11, 72607, 73794, 74841.5, and 74908; and includes any staff who provide direct
25 support to commissioners; but does not include commissioners or staff who provide
26 direct support to the commissioners whose positions were created after July 1, 1997,
27 unless approved by the Judicial Council, subject to availability of funding.

28 (2) The salary, benefits, and public agency retirement contributions for other court staff
29 ~~including all municipal court staff positions specifically prescribed by statute.~~

30 (3) Those marshals and sheriffs as the court deems necessary for court operations.

31 (4) Court-appointed counsel in juvenile court dependency proceedings and counsel
32 appointed by the court to represent a minor pursuant to Chapter 10 (commencing with
33 Section 3150) of Part 2 of Division 8 of the Family Code.

34 (5) Services and supplies relating to court operations.

35 (6) Collective bargaining under the Meyers-Milias-Brown Act or Sections 2201 to
36 2210, inclusive, of the California Rules of Court with respect to court employees
37 specified in Section 3501.5.

38 (7) Actual indirect costs for county and city and county general services attributable to
39 court operations, but specifically excluding, but not limited to, law library operations
40 conducted by a trust pursuant to statute; courthouse construction; district attorney
41 services; probation services; indigent criminal defense; grand jury expenses and
42 operations; and pretrial release services.

43 (8) Except as provided in subdivision (b), other matters listed as court operations in
44 Rule 810 of the California Rules of Court as it read on July 1, 1996.

45 (b) However, “court operations” does not include collection enhancements as defined in
46 Rule 810 of the California Rules of Court as it read on July 1, 1996.

1 **Comment.** Section 77003 is amended to reflect unification of the municipal and superior courts
2 pursuant to Article VI, Section 5(e), of the California Constitution.

3 The section is also amended to reflect the repeal of Sections 69904, 70141, 70141.9, 70142.11,
4 72607, 73794, 74841.5, and 74908.

5 ☞ **Note.** The reference to Sections 69904, 70141, 70141.9, 70142.11, 72607, 73794, 74841.5,
6 and 74908 have been retained to make clear that the commissioner positions created pursuant to
7 those sections are “court operations” despite the proposed repeal of those sections. The
8 Commission solicits comments on the continuing need to reference these sections.

9 This section reflects legislative changes made in AB 1700 (Steinberg & Frommer), 2001 Cal.
10 Stat. ch. 824, § 33.5.

11 **§ 77007 (amended). “Trial court” defined**

12 SEC. _____. Section 77007 of the Government Code is amended to read:

13 77007. As used in this chapter, “trial court” means a superior ~~or municipal~~ court.

14 **Comment.** Section 77007 is amended to reflect unification of the municipal and superior courts
15 pursuant to Article VI, Section 5(e), of the California Constitution.

16 **§ 77008 (amended). Filing fees defined**

17 SEC. _____. Section 77008 of the Government Code is amended to read:

18 77008. As used in this chapter, “filing fees” means any and all fees and charges,
19 liberally construed, collected or collectible for filing, processing, including service of
20 process, copying, endorsing, or for any other service related to court operations as defined
21 in Section 77003. ~~However, with respect to a county with a population of 350,000 or less~~
22 ~~as determined by the Department of Finance, “filing fees” do not include any fees~~
23 ~~collected for probation services, indigent criminal defense, or pretrial release services.~~

24 **Comment.** Section 77008 is amended to reflect the fact that probation services, indigent
25 criminal defense, and pretrial release services are excluded from the definition of “court
26 operations” for all counties pursuant to Section 77003(a)(7). For purposes of the application of
27 this section, it should be noted that the only section in this chapter in which the term “filing fees”
28 is used is Section 77206.

29 ☞ **Note.** The last sentence in Section 77008 could potentially apply to any of the following
30 counties: Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt,
31 Imperial, Inyo, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc,
32 Mono, Napa, Nevada, Placer, Plumas, San Benito, San Luis Obispo, Santa Cruz, Shasta, Sierra,
33 Siskiyou, Solano, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

34 **§ 77210 (unchanged). Retired municipal court judge**

35 77210. (a) The state shall provide municipal court judges retired under the Judges’
36 Retirement System with retiree health, dental, and vision care plans equal to and in the
37 same manner as the health, dental, and vision benefits provided to retired superior court
38 judges.

39 (b) No judge shall have any salary or benefits reduced solely by reason of the
40 enactment of this section.

41 ☞ **Note.** This provision is retirement-related, so the reference to municipal court judges would be
42 retained.

1 **§ 82011 (amended). “Code reviewing body” defined**

2 SEC. _____. Section 82011 of the Government Code is amended to read:

3 80211. “Code reviewing body” means all of the following:

4 (a) The commission, with respect to the conflict-of-interest code of a state agency other
5 than an agency in the judicial branch of government, or any local government agency
6 with jurisdiction in more than one county.

7 (b) The board of supervisors, with respect to the conflict-of-interest code of any county
8 agency other than the board of supervisors, or any agency of the judicial branch of
9 government, and of any local government agency, other than a city agency, with
10 jurisdiction wholly within the county.

11 (c) The city council, with respect to the conflict-of-interest code of any city agency
12 other than the city council.

13 (d) The Attorney General, with respect to the conflict-of-interest code of the
14 commission.

15 (e) The Chief Justice or his or her designee, with respect to the conflict-of- interest code
16 of the members of the Judicial Council, Commission on Judicial Performance, and Board
17 of Governors of the State Bar of California.

18 (f) The Board of Governors of the State Bar of California with respect to the conflict-
19 of-interest code of the State Bar of California.

20 (g) The Chief Justice of California, the administrative presiding judges of the courts of
21 appeal, and the presiding judges of superior and ~~municipal~~ courts, or their designees, with
22 respect to the conflict-of-interest code of any agency of the judicial branch of government
23 subject to the immediate administrative supervision of that court.

24 (h) The Judicial Council of California, with respect to the conflict-of-interest code of
25 any state agency within the judicial branch of government not included under
26 subdivisions (e), (f), and (g).

27 **Comment.** Subdivision (g) of Section 82011 is amended to reflect unification of the municipal
28 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

29 **§ 84215 (amended). Filing of campaign statements**

30 SEC. _____. Section 84215 of the Government Code is amended to read:

31 84215. All candidates, elected officers, committees, and proponents of state ballot
32 measures or the qualification of state ballot measures, except as provided in subdivision
33 (e), shall file two copies of the campaign statements required by Section 84200 with the
34 clerk of the county in which they are domiciled. A committee is domiciled at the address
35 listed on its campaign statement unless it is domiciled outside California in which case its
36 domicile shall be deemed to be Los Angeles County for the purpose of this section. In
37 addition, campaign statements shall be filed at the following places:

38 (a) Statewide elected officers and candidates for these offices other than the Board of
39 Equalization, supreme court justices, their controlled committees, committees formed or
40 existing primarily to support or oppose these candidates, elected officers, supreme court
41 justices, or statewide measures, or the qualification of state ballot measures, and all state
42 general purpose committees and filers not specified in subdivisions (b) to (e), inclusive:

43 (1) The original and one copy with the Secretary of State.

44 (2) Two copies with the Registrar-Recorder of Los Angeles County.

45 (3) Two copies with the Registrar of Voters of the City and County of San Francisco.

46 (b) Members of the Legislature or Board of Equalization, court of appeal justices,
47 superior court judges, candidates for those offices, their controlled committees, and

1 committees formed or existing primarily to support or oppose these candidates or
2 officeholders:

3 (1) The original and one copy with the Secretary of State.

4 (2) Two copies with the clerk of the county with the largest number of registered voters
5 in the districts affected.

6 (c) Elected officers in jurisdictions other than legislative districts, Board of
7 Equalization districts, or appellate court districts that contain parts of two or more
8 counties, candidates for these offices, their controlled committees, and committees
9 formed or existing primarily to support or oppose candidates or local measures to be
10 voted upon in one of these jurisdictions shall file the original and one copy with the clerk
11 of the county with the largest number of registered voters in the jurisdiction.

12 (d) County elected officers, ~~municipal court judges~~, candidates for these offices, their
13 controlled committees, committees formed or existing primarily to support or oppose
14 candidates or local measures to be voted upon in any number of jurisdictions within one
15 county, other than those specified in subdivision (e), and county general purpose
16 committees shall file the original and one copy with the clerk of the county.

17 (e) City elected officers, candidates for city office, their controlled committees,
18 committees formed or existing primarily to support or oppose candidates or local
19 measures to be voted upon in one city, and city general purpose committees shall file the
20 original and one copy with the clerk of the city. These elected officers, candidates, and
21 committees need not file with the clerk of the county in which they are domiciled.

22 (f) Notwithstanding the above, a committee, candidate, or elected officer is not required
23 to file more than the original and one copy, or two copies, of a campaign statement with
24 any one county or city clerk or with the Secretary of State.

25 (g) If a committee is required to file campaign statements required by Section 84200 or
26 84200.5 in places designated in subdivisions (d) and (e), it shall continue to file these
27 statements in those places, in addition to any other places required by this title, until the
28 end of the calendar year.

29 **Comment.** Subdivision (d) of Section 84215 is amended to reflect unification of the municipal
30 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

31 **§ 91013.5 (amended). Civil action**

32 SEC. ____. Section 91013.5 of the Government Code is amended to read:

33 91013.5. In addition to any other available remedies, the commission or the filing
34 officer may bring a civil action and obtain a judgment in ~~small claims, municipal, or~~
35 ~~superior court, depending on the jurisdictional amount,~~ for the purpose of collecting any
36 unpaid monetary penalties, fees, or civil penalties imposed pursuant to this title. The
37 action may be filed as a small claims, limited civil, or unlimited civil case, depending on
38 the jurisdictional amount. The venue for this action shall be in the county where the
39 monetary penalties, fees, or civil penalties were imposed by the commission or the filing
40 officer. In order to obtain a judgment in a proceeding under this section, the commission
41 or filing officer shall show, following the procedures and rules of evidence as applied in
42 ordinary civil actions, all of the following:

43 (a) That the monetary penalties, fees, or civil penalties were imposed following the
44 procedures set forth in this title and implementing regulations.

45 (b) That the defendant or defendants in the action were notified, by actual or
46 constructive notice, of the imposition of the monetary penalties, fees, or civil penalties.

47 (c) That a demand for payment has been made by the commission or the filing officer
48 and full payment has not been received.

1 **Comment.** Section 91013.5 is amended to reflect unification of the municipal and superior
2 courts pursuant to Article VI, Section 5(e), of the California Constitution. For small claims
3 jurisdiction, see Code Civ. Proc. § 116.220. For limited civil cases, see Code Civ. Proc. § 85. For
4 unlimited civil cases, see Code Civ. Proc. § 88.

5 HEALTH AND SAFETY CODE

6 **§ 102247 (amended). Health statistics special fund**

7 SEC. _____. Section 102247 of the Health and Safety Code is amended to read:

8 102247. (a) There is hereby created in the State Treasury the Health Statistics Special
9 Fund. The fund shall consist of revenues including, but not limited to, all of the
10 following:

11 (1) Fees or charges remitted to the State Registrar for record search or issuance of
12 certificates, permits, registrations, or other documents pursuant to Chapter 3
13 (commencing with Section ~~26800~~ 26801) of Part 3 of Division 2 of Title 3 of the
14 Government Code, and Chapter 4 (commencing with Section 102525), Chapter 5
15 (commencing with Section 102625), Chapter 8 (commencing with Section 103050), and
16 Chapter 15 (commencing with Section 103600), of Part 1, of Division 102.

17 (2) Funds remitted to the State Registrar by the federal Social Security Administration
18 for participation in the enumeration at birth program.

19 (3) Funds remitted to the State Registrar by the National Center for Health Statistics
20 pursuant to the federal Vital Statistics Cooperative Program.

21 (4) Any other funds collected by the State Registrar, except Children's Trust Fund fees
22 collected pursuant to Section 18966 of the Welfare and Institutions Code, fees allocated
23 to the Judicial Council pursuant to Section 1852 of the Family Code, and fees collected
24 pursuant to Section 103645, all of which shall be deposited into the General Fund.

25 (b) Moneys in the Health Statistics Special Fund shall be expended by the State
26 Registrar for the purpose of funding its existing programs and programs that may become
27 necessary to carry out its mission, upon appropriation by the Legislature.

28 (c) Health Statistics Special Fund moneys shall be expended only for the purposes set
29 forth in this section and Section 102249, and shall not be expended for any other purpose
30 or for any other state program.

31 (d) It is the intent of the Legislature that the Health Statistics Special Fund provide for
32 the following:

33 (1) Registration and preservation of vital event records and dissemination of vital event
34 information to the public.

35 (2) Data analysis of vital statistics for population projections, health trends and
36 patterns, epidemiologic research, and development of information to support new health
37 policies.

38 (3) Development of uniform health data systems that are integrated, accessible, and
39 useful in the collection of information on health status.

40 **Comment.** Section 102247 is amended to correct the reference to former Section 26800.

41  **Note.** This section reflects legislative changes made in A.B. 430 (Cardenas). See 2001 Cal.
42 Stat. ch 171, § 4.

43 **§ 103625 (amended). Certified copies**

44 SEC. _____. Section 103625 of the Health and Safety Code is amended to read:

1 103625. (a) A fee of three dollars (\$3) shall be paid by the applicant for a certified copy
2 of a fetal death or death record.

3 (b) (1) A fee of three dollars (\$3) shall be paid by a public agency or licensed private
4 adoption agency applicant for a certified copy of a birth certificate that the agency is
5 required to obtain in the ordinary course of business. A fee of seven dollars (\$7) shall be
6 paid by any other applicant for a certified copy of a birth certificate. Four dollars (\$4) of
7 any seven-dollar (\$7) fee is exempt from subdivision (e) and shall be paid either to a
8 county children's trust fund or to the State Children's Trust Fund, in conformity with
9 Article 5 (commencing with Section 18965) of Chapter 11 of Part 6 of Division 9 of the
10 Welfare and Institutions Code.

11 (2) The board of supervisors of any county that has established a county children's trust
12 fund may increase the fee for a certified copy of a birth certificate by up to three dollars
13 (\$3) for deposit in the county children's trust fund in conformity with Article 5
14 (commencing with Section 18965) of Chapter 11 of Part 6 of Division 9 of the Welfare
15 and Institutions Code.

16 ~~(3) The board of supervisors of any county may increase the fee for a certified copy of~~
17 ~~a birth certificate by up to three dollars (\$3) through June 30, 1999, or until any earlier~~
18 ~~date upon which the board of supervisors finds that the fee is no longer necessary for~~
19 ~~dependency mediation funding, the proceeds of which shall be used solely for the~~
20 ~~purpose of providing dependency mediation services in the juvenile court. Public~~
21 ~~agencies shall be exempt from paying this portion of the fee. However, if a county~~
22 ~~increases this fee, neither the revenue generated from the fee increase nor the increased~~
23 ~~expenditures made for these services shall be considered in determining the court's~~
24 ~~progress towards achieving its cost reduction goals pursuant to Section 68113 of the~~
25 ~~Government Code if the net effect of the revenue and expenditures is a cost increase. In~~
26 ~~each county that increases the fee pursuant to this paragraph, up to 5 percent of the~~
27 ~~revenue generated from the fee increase may be apportioned to the county recorder for~~
28 ~~the additional accounting costs of the program.~~

29 (c) A fee of three dollars (\$3) shall be paid by a public agency applicant for a certified
30 copy of a marriage record, that has been filed with the county recorder or county clerk,
31 that the agency is required to obtain in the ordinary course of business. A fee of six
32 dollars (\$6) shall be paid by any other applicant for a certified copy of a marriage record
33 that has been filed with the county recorder or county clerk. Three dollars (\$3) of any six-
34 dollar (\$6) fee is exempt from subdivision (e) and shall be transmitted monthly by each
35 local registrar, county recorder, and county clerk to the state for deposit into the General
36 Fund as provided by Section 1852 of the Family Code.

37 (d) A fee of three dollars (\$3) shall be paid by a public agency applicant for a certified
38 copy of a marriage dissolution record obtained from the State Registrar that the agency is
39 required to obtain in the ordinary course of business. A fee of six dollars (\$6) shall be
40 paid by any other applicant for a certified copy of a marriage dissolution record obtained
41 from the State Registrar.

42 (e) Each local registrar, county recorder, or county clerk collecting a fee pursuant to
43 subdivisions (a) to (d), inclusive, shall transmit 15 percent of the fee for each certified
44 copy to the State Registrar by the 10th day of the month following the month in which the
45 fee was received.

46 (f) In addition to the fees prescribed pursuant to subdivisions (a) to (d), inclusive, all
47 applicants for certified copies of the records described in those subdivisions shall pay an
48 additional fee of three dollars (\$3), that shall be collected by the State Registrar, the local
49 registrar, county recorder, or county clerk, as the case may be.

1 (g) The local public official charged with the collection of the additional fee established
2 pursuant to subdivision (f) may create a local vital and health statistics trust fund. The
3 fees collected by local public officials pursuant to subdivision (f) shall be distributed as
4 follows:

5 (1) Forty-five percent of the fee collected pursuant to subdivision (f) shall be
6 transmitted to the State Registrar.

7 (2) The remainder of the fee collected pursuant to subdivision (f) shall be deposited into
8 the collecting agency's vital and health statistics trust fund, except that in any jurisdiction
9 in which a local vital and health statistics fund has not been established, the entire amount
10 of the fee collected pursuant to subdivision (f) shall be transmitted to the State Registrar.

11 (3) Moneys transmitted to the State Registrar pursuant to this subdivision shall be
12 deposited in accordance with Section 102247.

13 (h) Moneys in each local vital and health statistics trust fund shall be available to the
14 local official charged with the collection of fees pursuant to subdivision (f) for the
15 applicable jurisdiction for the purpose of defraying the administrative costs of collecting
16 and reporting with respect to those fees and for other costs as follows:

17 (1) Modernization of vital record operations, including improvement, automation, and
18 technical support of vital record systems.

19 (2) Improvement in the collection and analysis of health-related birth and death
20 certificate information, and other community health data collection and analysis, as
21 appropriate.

22 (i) Funds collected pursuant to subdivision (f) shall not be used to supplant funding in
23 existence on January 1, 2002, that is necessary for the daily operation of vital record
24 systems. It is the intent of the Legislature that funds collected pursuant to subdivision (f)
25 be used to enhance service to the public, to improve analytical capabilities of state and
26 local health authorities in addressing the health needs of newborn children and maternal
27 health problems, and to analyze the health status of the general population.

28 (j) Each county shall annually submit a report to the State Registrar by March 1
29 containing information on the amount of revenues collected pursuant to subdivision (f) in
30 the previous calendar year and on how the revenues were expended and for what purpose.

31 (k) Each local registrar, county recorder, or county clerk collecting the fee pursuant to
32 subdivision (f) shall transmit 45 percent of the fee for each certified copy to which
33 subdivision (f) applies to the State Registrar by the 10th day of the month following the
34 month in which the fee was received.

35 (l) The additional three dollars (\$3) authorized to be charged to applicants other than
36 public agency applicants for certified copies of marriage records by subdivision (c) may
37 be increased pursuant to Section 114.

38 (m) In providing for the expiration of the surcharge on birth certificate fees on June 30,
39 1999, the Legislature intends that juvenile dependency mediation programs pursue
40 ancillary funding sources after that date.

41 **Comment.** Section 103625 is amended to delete subdivision (b)(3) as obsolete. The period
42 during which a board of supervisors was authorized to increase the fee for a certified copy of a
43 birth certificate has elapsed.

44  **Note.** This section reflects legislative changes made in A.B. 430 (Cardenas). See 2001 Cal.
45 Stat. ch 171, § 6.

PENAL CODE

1
2 **§ 190.9 (amended). Record in death penalty cases**

3 SEC. ____. Section 190.9 of the Penal Code is amended to read:

4 190.9. (a)(1) In any case in which a death sentence may be imposed, all proceedings
5 conducted in the ~~municipal~~ and superior courts, including all conferences and
6 proceedings, whether in open court, in conference in the courtroom, or in chambers, shall
7 be conducted on the record with a court reporter present. The court reporter shall prepare
8 and certify a daily transcript of all proceedings commencing with the preliminary hearing.
9 Proceedings prior to the preliminary hearing shall be reported but need not be transcribed
10 until the ~~municipal~~ or superior court receives notice as prescribed in paragraph (2) of
11 subdivision (a).

12 (2) Upon receiving notification from the prosecution that the death penalty is being
13 sought, the superior court shall ~~notify the court in which the preliminary hearing took~~
14 ~~place. Upon this notification, the court in which the preliminary hearing took place shall~~
15 order the transcription and preparation of the record of all proceedings prior to and
16 including the preliminary hearing in the manner prescribed by the Judicial Council in the
17 rules of court. The record of all proceedings prior to and including the preliminary
18 hearing shall be certified by the court no later than 120 days following notification ~~by the~~
19 ~~superior court unless the superior court grants an extension of time is extended~~ pursuant
20 to rules of court adopted by the Judicial Council. Upon certification, ~~the court in which~~
21 ~~the preliminary hearing took place shall forward the record to the superior court for~~
22 ~~incorporation~~ the record of all proceedings is incorporated into the superior court record.

23 (b)(1) The court shall assign a court reporter who uses computer-aided transcription
24 equipment to report all proceedings under this section.

25 (2) Failure to comply with the requirements of this section relating to the assignment of
26 court reporters who use computer-aided transcription equipment shall not be a ground for
27 reversal.

28 (c) Any computer-readable transcript produced by court reporters pursuant to this
29 section shall conform to the requirements of ~~subdivision (c) of Section 269~~ Section 271
30 of the Code of Civil Procedure.

31 **Comment.** Subdivision (a) of Section 190.9 is amended to reflect unification of the municipal
32 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.

33 Subdivision (c) is amended to correct a cross-reference. The substance of former Code of Civil
34 Procedure Section 269(c) is continued in Code of Civil Procedure Section 271.

35 **§ 412 (amended). Boxing contests**

36 SEC. ____. Section 412 of the Penal Code is amended to read:

37 412. Any person, who, within this state, engages in, or instigates, aids, encourages, or
38 does any act to further, a pugilistic contest, or fight, or ring or prize fight, or sparring or
39 boxing exhibition, taking or to take place either within or without this state, between two
40 or more persons, with or without gloves, for any price, reward or compensation, directly
41 or indirectly, or who goes into training preparatory to such pugilistic contest, or fight, or
42 ring or prize fight, or sparring or boxing exhibition, or acts as aider, abettor, backer,
43 umpire, referee, trainer, second, surgeon, or assistant, at such pugilistic contest, or fight,
44 or ring or prize fight, or sparring or boxing exhibition, or who sends or publishes a
45 challenge or acceptance of a challenge, or who knowingly carries or delivers such
46 challenge or acceptance, or who gives or takes or receives any tickets, tokens, prize,
47 money, or thing of value, from any person or persons, for the purpose of seeing or

1 witnessing any such pugilistic contest, or fight, or ring or prize fight, or sparring or
2 boxing exhibition, or who, being the owner, lessee, agent, or occupant of any vessel,
3 building, hotel, room, enclosure or ground, or any part thereof, whether for gain, hire,
4 reward or gratuitously or otherwise, permits the same to be used or occupied for such a
5 pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, or who
6 lays, makes, offers or accepts, a bet or bets, or wager or wagers, upon the result or any
7 feature of any pugilistic contest, or fight, or ring or prize fight, or sparring or boxing
8 exhibition, or acts as stakeholder of any such bet or bets, or wager or wagers, shall be
9 guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one
10 hundred dollars nor more than one thousand dollars and be imprisoned in the county jail
11 not less than thirty days nor exceeding one year; provided, however, that amateur boxing
12 exhibitions may be held within this state, of a limited number of rounds, not exceeding
13 four of the duration of three minutes each; the interval between each round shall be one
14 minute, and the contestants weighing one hundred and forty-five pounds or over shall
15 wear gloves of not less than eight ounces each in weight, and contestants weighing under
16 one hundred and forty-five pounds may wear gloves of not less than six ounces each in
17 weight. All gloves used by contestants in such amateur boxing exhibitions shall be so
18 constructed, as that the soft padding between the outside coverings shall be evenly
19 distributed over the back of said gloves and cover the knuckles and back of the hands.
20 And no bandages of any kind shall be used on the hands or arms of the contestants. For
21 the purpose of this statute an amateur boxing exhibition shall be and is hereby defined as
22 one in which no contestant has received or shall receive in any form, directly or
23 indirectly, any money, prize, reward or compensation either for the expenses of training
24 for such contest or for taking part therein, except as herein expressly provided. Nor shall
25 any person appear as contestant in such amateur exhibition who prior thereto has received
26 any compensation or reward in any form for displaying, exercising or giving any example
27 of ~~his~~ the person's skill in or knowledge of athletic exercises, or for rendering services of
28 any kind to any athletic organization or to any person or persons as trainer, coach,
29 instructor or otherwise, or who shall have been employed in any manner professionally
30 by reason of ~~his~~ the person's athletic skill or knowledge; provided, however, that a medal
31 or trophy may be awarded to each contestant in such amateur boxing exhibitions, not to
32 exceed in value the sum of \$35.00 each, which such medal or trophy must have engraved
33 thereon the name of the winner and the date of the event; but no portion of any admission
34 fee or fees charged or received for any amateur boxing exhibition shall be paid or given
35 to any contestant in such amateur boxing exhibition, either directly or indirectly, nor shall
36 any gift be given to or received by such contestants for participating in such boxing
37 exhibition, except said medal or trophy. At every amateur boxing exhibition held in this
38 state and permitted by this section of the Penal Code, any sheriff, ~~constable~~, marshal,
39 policeman or other peace officer of the city, county or other political subdivision, where
40 such exhibition is being held, shall have the right to, and it is hereby declared to be ~~his~~
41 the officer's duty to stop such exhibition, whenever it shall appear to ~~him~~ the officer that
42 the contestants are so unevenly matched or for any other reason, the said contestants have
43 been, or either of them, has been seriously injured or there is danger that said contestants,
44 or either of them, will be seriously injured if such contest continues, and ~~he~~ the officer
45 may call ~~to his~~ for assistance in enforcing his an order to stop said exhibition, as many
46 peace officers or male citizens of the state as may be necessary for that purpose.
47 Provided, further, that any contestant who shall continue to participate in such exhibition
48 after an order to stop such exhibition shall have been given by such peace officer, or who
49 shall violate any of the regulations herein prescribed, for governing amateur boxing

1 exhibitions, shall be deemed guilty of violating this section of the Penal Code and subject
2 to the punishment herein provided.

3 Nothing in this section contained shall be construed to prevent any county, city and
4 county, or incorporated city or town from prohibiting, by ordinance, the holding or
5 conducting of any boxing exhibition, or any person from engaging in any such boxing
6 exhibition therein.

7 **Comment.** Section 412 is amended to reflect elimination of the justice court and of the office
8 of constable pursuant to Article VI, Sections 1 and 5(b), of the California Constitution.

9 **§ 413 (amended). Spectator at prohibited boxing contest**

10 SEC. ____ . Section 413 of the Penal Code is amended to read:

11 413. Every person wilfully present as spectator at any fight or contention prohibited in
12 the preceding section, is guilty of a misdemeanor.

13 An information may be laid before any of the magistrates mentioned in section eight
14 hundred and eight of this code, that a person has taken steps toward promoting or
15 participating in a contemplated pugilistic contest, or fight, or ring or prize fight, or
16 sparring or boxing exhibition, prohibited under the provision of section four hundred and
17 twelve of this code, or is about to commit an offense under said section four hundred and
18 twelve. When said information is laid before said magistrate, ~~he~~ the magistrate must
19 examine, on oath, the informer, and any witness or witnesses ~~he~~ the informer may
20 produce, and must take their depositions in writing and cause them to be subscribed by
21 the parties making them. If it appears from the deposition that there is just reason to fear
22 the commission of the offense contemplated by the person so informed against, the
23 magistrate must issue a warrant directed generally to the sheriff of the county, or any
24 ~~constable~~, marshal, or policeman in the state, reciting the substance of the information
25 and commanding the officer forthwith to arrest the person informed against and bring ~~him~~
26 the person before the magistrate. When the person informed against is brought before the
27 magistrate, if the charge be controverted, the magistrate must take testimony in relation
28 thereto. The evidence must be reduced to writing and subscribed by the witnesses. If it
29 appears there is no just reason to fear the commission of the offense alleged to have been
30 contemplated, the person complained against must be discharged. If, however, there is
31 just reason to fear the commission of the offense, the person complained of must be
32 required to enter into an undertaking in such sum, not less than three thousand dollars, as
33 the magistrate may direct, with one or more sufficient sureties, conditioned that such
34 person will not, for a period of one year thereafter, commit any such contemplated
35 offense.

36 **Comment.** Section 413 is amended to reflect elimination of the justice court and of the office
37 of constable pursuant to Article VI, Sections 1 and 5(b), of the California Constitution.

38 **§ 830.1 (amended). Peace officers**

39 SEC. ____ . Section 830.1 of the Penal Code is amended to read:

40 830.1. (a) Any sheriff, undersheriff, or deputy sheriff, employed in that capacity, of a
41 county, any chief of police of a city or chief, director, or chief executive officer of a
42 consolidated municipal public safety agency which performs police functions, any police
43 officer, employed in that capacity and appointed by the chief of police or chief, director,
44 or chief executive of a public safety agency, of a city, any chief of police, or police
45 officer of a district (including police officers of the San Diego Unified Port District
46 Harbor Police) authorized by statute to maintain a police department, any marshal or
47 deputy marshal of a ~~municipal~~ superior court or county, any port warden or special

1 officer of the Harbor Department of the City of Los Angeles, or any inspector or
2 investigator employed in that capacity in the office of a district attorney, is a peace
3 officer. The authority of these peace officers extends to any place in the state, as follows:

4 (1) As to any public offense committed or which there is probable cause to believe has
5 been committed within the political subdivision which employs the peace officer or in
6 which the peace officer serves.

7 (2) Where the peace officer has the prior consent of the chief of police or chief,
8 director, or chief executive officer of a consolidated municipal public safety agency, or
9 person authorized by him or her to give consent, if the place is within a city or of the
10 sheriff, or person authorized by him or her to give consent, if the place is within a county.

11 (3) As to any public offense committed or which there is probable cause to believe has
12 been committed in the peace officer's presence, and with respect to which there is
13 immediate danger to person or property, or of the escape of the perpetrator of the offense.

14 (b) Special agents and Attorney General investigators of the Department of Justice are
15 peace officers, and those assistant chiefs, deputy chiefs, chiefs, deputy directors, and
16 division directors designated as peace officers by the Attorney General are peace officers.
17 The authority of these peace officers extends to any place in the state where a public
18 offense has been committed or where there is probable cause to believe one has been
19 committed.

20 (c) Any deputy sheriff of a ~~county of the first class~~ the County of Los Angeles, and any
21 deputy sheriff of the Counties of Riverside and San Diego, who is employed to perform
22 duties exclusively or initially relating to custodial assignments with responsibilities for
23 maintaining the operations of county custodial facilities, including the custody, care,
24 supervision, security, movement, and transportation of inmates, is a peace officer whose
25 authority extends to any place in the state only while engaged in the performance of the
26 duties of his or her respective employment and for the purpose of carrying out the
27 primary function of employment relating to his or her custodial assignments, or when
28 performing other law enforcement duties directed by his or her employing agency during
29 a local state-of-emergency.

30 **Comment.** Subdivision (a) of Section 830.1 is amended to reflect unification of the municipal
31 and superior courts pursuant to Article VI, Section 5(e), of the California Constitution.
32 Subdivision (a) is also amended to reflect enactment of the Trial Court Employment Protection
33 and Governance Act. See Gov't Code §§ 71601(l) ("trial court employee" defined), 71615(c)(5)
34 (trial court as employer of all trial court employees), 71620 (trial court personnel).

35 The reference to a county of the first class in subdivision (c) is revised to refer to Los Angeles
36 County by name.

37  **Note.** This section reflects legislative changes made in A.B. 926 (Battin). See 2001 Cal. Stat.
38 ch 68, § 1.

39 **§ 869 (amended). Deposition or testimony before magistrate**

40 SEC. ____ . Section 869 of the Penal Code is amended to read:

41 869. The testimony of each witness in cases of homicide shall be reduced to writing, as
42 a deposition, by the magistrate, or under his or her direction, and in other cases upon the
43 demand of the prosecuting attorney, or the defendant, or his or her counsel. The
44 magistrate before whom the examination is had may, in his or her discretion, order the
45 testimony and proceedings to be taken down in shorthand in all examinations herein
46 mentioned, and for that purpose he or she may appoint a shorthand reporter. The
47 deposition or testimony of the witness shall be authenticated in the following form:

1 (a) It shall state the name of the witness, his or her place of residence, and his or her
2 business or profession; except that if the witness is a peace officer, it shall state his or her
3 name, and the address given in his or her testimony at the hearing.

4 (b) It shall contain the questions put to the witness and his or her answers thereto, each
5 answer being distinctly read to him or her as it is taken down, and being corrected or
6 added to until it conforms to what he or she declares is the truth, except in cases where
7 the testimony is taken down in shorthand, the answer or answers of the witness need not
8 be read to him or her.

9 (c) If a question put be objected to on either side and overruled, or the witness declines
10 answering it, that fact, with the ground on which the question was overruled or the
11 answer declined, shall be stated.

12 (d) The deposition shall be signed by the witness, or if he or she refuses to sign it, his or
13 her reason for refusing shall be stated in writing, as he or she gives it, except in cases
14 where the deposition is taken down in shorthand, it need not be signed by the witness.

15 (e) The reporter shall, within 10 days after the close of the examination, if the
16 defendant be held to answer the charge of a felony, or in any other case if either the
17 defendant or the prosecution orders the transcript, transcribe his or her shorthand notes,
18 making an original and one copy and as many additional copies thereof as there are
19 defendants (other than fictitious defendants), regardless of the number of charges or
20 fictitious defendants included in the same examination, and certify and deliver the
21 original and all copies to the ~~county~~ clerk of the superior court in the county in which the
22 defendant was examined. The reporter shall, before receiving any compensation as a
23 reporter, ~~file with the auditor of the county~~ his or her affidavit setting forth that the
24 transcript has been delivered to ~~the county clerk~~ within the time herein provided for. The
25 compensation of the reporter for any services rendered by him or her as the reporter in
26 any court of this state shall be reduced one-half if the provisions of this section as to the
27 time of filing said transcript have not been complied with by him or her.

28 (f) In every case in which a transcript is delivered as provided in this section, the
29 ~~county clerk~~ clerk of the court shall file the original of the transcript with the papers in
30 the case, and shall deliver a copy of the transcript to the district attorney immediately
31 upon his or her receipt thereof and shall deliver a copy of said transcript to each
32 defendant (other than a fictitious defendant) at least five days before trial or upon earlier
33 demand by him or her without cost to him or her; provided, that if any defendant be held
34 to answer to two or more charges upon the same examination and thereafter the district
35 attorney shall file separate informations upon said several charges, the delivery to each
36 such defendant of one copy of the transcript of the examination shall be a compliance
37 with this section as to all of those informations.

38 (g) If the transcript is delivered by the reporter within the time hereinbefore provided
39 for, the reporter shall be entitled to receive the compensation fixed and allowed by law to
40 reporters in the superior courts of this state.

41 **Comment.** Section 869 is amended to reflect enactment of the Trial Court Funding Act. See
42 Gov't Code § 77001 (local trial court management). See also Gov't Code §§ 68073
43 (responsibility for court operations and facilities), 69947 (compensation of official reporter).

44 The section is also amended to reflect elimination of the county clerk's role as ex officio clerk
45 of the superior court. See former Gov't Code § 26800 (county clerk acting as clerk of superior
46 court). The powers, duties, and responsibilities formerly exercised by the county clerk as ex
47 officio clerk of the court are delegated to the court administrative or executive officer, and the
48 county clerk is relieved of those powers, duties, and responsibilities. See Gov't Code §§ 69840
49 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

1 ☞ **Note.** The Commission is reviewing whether to retain the references to the county clerk. The
2 Commission solicits comments on this question.

3 **§ 870 (amended). Transcript of deposition**

4 SEC. _____. Section 870 of the Penal Code is amended to read:

5 870. The magistrate or his or her clerk shall keep the depositions taken on the
6 information or the examination, until they are returned to the proper court; and shall not
7 permit them to be examined or copied by any person except a judge of a court having
8 jurisdiction of the offense, or authorized to issue writs of habeas corpus, the Attorney
9 General, district attorney, or other prosecuting attorney, and the defendant and his or her
10 counsel; provided however, upon demand by the defendant or his or her attorney the
11 magistrate shall order a transcript of the depositions taken on the information, or on the
12 examination, to be immediately furnished the defendant or his or her attorney, after the
13 commitment of the defendant as provided by Sections 876 and 877, and the reporter
14 furnishing the depositions, shall receive compensation ~~and be paid by the county for the~~
15 ~~same as provided by subdivision (f) of~~ in accordance with Section 869.

16 **Comment.** Section 870 is amended to reflect enactment of the Trial Court Funding Act. See
17 Gov't Code § 77001 (local trial court management). See also Gov't Code §§ 68073
18 (responsibility for court operations and facilities), 69947 (compensation of official reporter).

19 The section is also amended to correct the reference to former subdivision (f) of Section 869.

20 ☞ **Note.** This section may require further revision to reflect current practice. That inquiry is
21 beyond the scope of the present project.

22 **§ 896 (amended). Selection of grand jurors**

23 SEC. _____. Section 896 of the Penal Code is amended to read:

24 896. (a) Immediately after such order is made, the court shall select the grand jurors
25 required by personal interview for the purpose of ascertaining whether they possess the
26 qualifications prescribed by subdivision (a) of Section 893. If a person so interviewed, in
27 the opinion of the court, possesses such qualifications, in order ~~for his name~~ to be listed
28 ~~he~~ the person shall sign a statement declaring that ~~he~~ the person will be available for jury
29 service for the number of hours usually required of a member of the grand jury in that
30 county.

31 (b) The selections shall be made of men and women who are not exempt from serving
32 and who are suitable and competent to serve as grand jurors pursuant to Sections 893,
33 898, and 899. The court shall list the persons so selected and required by the order to
34 serve as grand jurors during the ensuing fiscal year of the county, or until a new list of
35 grand jurors is provided, and shall at once place this list in the possession of the ~~county~~
36 clerk of the court.

37 **Comment.** Section 896 is amended to reflect elimination of the county clerk's role as ex officio
38 clerk of the superior court. See former Gov't Code § 26800 (county clerk acting as clerk of
39 superior court). The powers, duties, and responsibilities formerly exercised by the county clerk as
40 ex officio clerk of the court are delegated to the court administrative or executive officer, and the
41 county clerk is relieved of those powers, duties, and responsibilities. See Sections 69840 (powers,
42 duties, and responsibilities of clerk of court), 71620 (trial court personnel).

43 **§ 900 (amended). Duties of clerk**

44 SEC. _____. Section 900 of the Penal Code is amended to read:

1 900. On receiving the list of persons selected by the court, the ~~county~~ clerk of the court
2 shall file it ~~in his office~~ and have such list, which shall include the name of the judge who
3 selected each person on the list, published one time in a newspaper of general circulation,
4 as defined in Section 6000 of the Government Code, in the county. The ~~county~~ clerk shall
5 thereupon do either of the following:

6 (a) Write down the names on the list onto separate pieces of paper of the same size and
7 appearance, fold each piece so as to conceal the name thereon, and deposit the pieces in a
8 box to be called the “grand jury box.”

9 (b) Assign a number to each name on the list and place, in a box to be called the “grand
10 jury box,” markers of the same size, shape, and color, each containing a number which
11 corresponds with a number on the list.

12 **Comment.** Section 900 is amended to reflect elimination of the county clerk’s role as ex officio
13 clerk of the superior court. See former Gov’t Code § 26800 (county clerk acting as clerk of
14 superior court). The powers, duties, and responsibilities formerly exercised by the county clerk as
15 ex officio clerk of the court are delegated to the court administrative or executive officer, and the
16 county clerk is relieved of those powers, duties, and responsibilities. See Sections 69840 (powers,
17 duties, and responsibilities of clerk of court), 71620 (trial court personnel).

18 **§ 903.2 (unchanged). Jury commissioner**

19 903.2. The jury commissioner shall diligently inquire and inform himself in respect to
20 the qualifications of persons resident in his county who may be liable to be summoned for
21 grand jury duty. He may require any person to answer, under oath to be administered by
22 him, all such questions as he may address to such person, touching his name, age,
23 residence, occupation, and qualifications as a grand juror, and also all questions as to
24 similar matters concerning other persons of whose qualifications for grand jury duty he
25 has knowledge.

26 The commissioner and his assistants, referred to in Sections 69895 and 69896 of the
27 Government Code, shall have power to administer oaths and shall be allowed actual
28 traveling expenses incurred in the performance of their duties. Such traveling expenses
29 shall be audited, allowed, and paid out of the general fund of the county.

30 **§ 904 (amended). Drawing of grand jury**

31 SEC. _____. Section 904 of the Penal Code is amended to read:

32 904. Every superior court, whenever in its opinion the public interest so requires, shall
33 make and file with the ~~county~~ clerk of the court an order directing a grand jury to be
34 drawn. Such order shall designate the number of grand jurors to be drawn, which shall
35 not be less than 29 or more than 40 in counties having a population exceeding four
36 million and not less than 25 nor more than 30 in other counties.

37 **Comment.** Section 904 is amended to reflect elimination of the county clerk’s role as ex officio
38 clerk of the superior court. See former Gov’t Code § 26800 (county clerk acting as clerk of
39 superior court). The powers, duties, and responsibilities formerly exercised by the county clerk as
40 ex officio clerk of the court are delegated to the court administrative or executive officer, and the
41 county clerk is relieved of those powers, duties, and responsibilities. See Sections 69840 (powers,
42 duties, and responsibilities of clerk of court), 71620 (trial court personnel).

43 **§ 924.4 (amended). Grand jury succession**

44 SEC. _____. Section 924.4 of the Penal Code is amended to read:

45 924.4. Notwithstanding the provisions of Sections 924.1 and 924.2, any grand jury or,
46 if the grand jury is no longer ~~empaneled~~ impaneled, the presiding ~~or~~ sole judge of the

1 superior court, may pass on and provide the succeeding grand jury with any records,
2 information, or evidence acquired by the grand jury during the course of any
3 investigation conducted by it during its term of service, except any information or
4 evidence that relates to a criminal investigation or that could form part or all of the basis
5 for issuance of an indictment. Transcripts of testimony reported during any session of the
6 grand jury shall be made available to the succeeding grand jury upon its request.

7 **Comment.** Section 924.4 is amended to delete language referring to the sole judge. Every
8 superior court has at least two judgeships as a result of trial court unification. See Gov't Code §
9 69580 *et seq.* (number of judges). Where a court has only one judge due to a vacancy or
10 otherwise, the reference to the "presiding judge" means the sole judge of the court. See Gov't
11 Code § 69508.5 (presiding judge).

12 § 938.1 (amended). Transcript of investigation

13 SEC. _____. Section 938.1 of the Penal Code is amended to read:

14 938.1. (a) If an indictment has been found or accusation presented against a defendant,
15 such stenographic reporter shall certify and deliver to the ~~county~~ clerk of the superior
16 court in the county an original transcription of his the reporter's shorthand notes and a
17 copy thereof and as many additional copies as there are defendants, other than fictitious
18 defendants, regardless of the number of charges or fictitious defendants included in the
19 same investigation. The reporter shall complete such certification and delivery within 10
20 days after the indictment has been found or the accusation presented unless the court for
21 good cause makes an order extending the time. The time shall not be extended more than
22 20 days. The ~~county~~ court clerk shall file the original of the transcript, deliver a copy of
23 the transcript to the district attorney immediately upon his receipt thereof and deliver a
24 copy of such transcript to each such defendant or his the defendant's attorney. If the copy
25 of the testimony is not served as provided in this section the court shall on motion of the
26 defendant continue the trial to such time as may be necessary to secure to the defendant
27 receipt of a copy of such testimony 10 days before such trial. If several criminal charges
28 are investigated against a defendant on one investigation and thereafter separate
29 indictments are returned or accusations presented upon said several charges, the delivery
30 to such defendant or his the defendant's attorney of one copy of the transcript of such
31 investigation shall be a compliance with this section as to all of such indictments or
32 accusations.

33 (b) The transcript shall not be open to the public until 10 days after its delivery to the
34 defendant or his the defendant's attorney. Thereafter the transcript shall be open to the
35 public unless the court orders otherwise on its own motion or on motion of a party
36 pending a determination as to whether all or part of the transcript should be sealed. If the
37 court determines that there is a reasonable likelihood that making all or any part of the
38 transcript public may prejudice a defendant's right to a fair and impartial trial, that part of
39 the transcript shall be sealed until the defendant's trial has been completed.

40 **Comment.** Subdivision (a) of Section 938.1 is amended to reflect enactment of the Trial Court
41 Funding Act. See Gov't Code § 77001 (local trial court management). See also Gov't Code §
42 68073 (responsibility for court operations and facilities).

43  **Note.** The Commission is reviewing whether to retain the references to the county clerk. The
44 Commission solicits comments on this question.

45 § 938.3 (amended). Payment of reporter

46 SEC. _____. Section 938.3 of the Penal Code is amended to read:

1 938.3. The services of the stenographic reporter shall constitute a charge against the
2 county, and the stenographic reporter shall be compensated for reporting and transcribing
3 at the same rates as prescribed in Sections 69947 to 69954, inclusive, Section 69947 of
4 the Government Code, to be paid out of the county treasury on a warrant of the county
5 auditor when ordered by the judge of the superior court, except to the extent otherwise
6 provided for in Section 69947 of the Government Code.

7 **Comment.** Section 938.3 is amended to recognize the possibility that in some counties the
8 duties of the official reporter for which the reporter receives compensation from the court may
9 include grand jury reporting and transcription. In that circumstance, reimbursement is due to the
10 court from the county. See Gov't Code § 69947 & Comment (compensation of official reporter).
11 Cf. Gov't Code § 77003, Cal. R. Ct. 810 ("court operations" defined to exclude grand jury
12 expenses and operations).

13 **§ 1089 (amended). Alternate jurors**

14 SEC. _____. Section 1089 of the Penal Code is amended to read:

15 1089. Whenever, in the opinion of a judge of a superior ~~or of a municipal~~ court about to
16 try a defendant against whom has been filed any indictment or information or complaint,
17 the trial is likely to be a protracted one, the court may cause an entry to that effect to be
18 made in the minutes of the court, and thereupon, immediately after the jury is impaneled
19 and sworn, the court may direct the calling of one or more additional jurors, in its
20 discretion, to be known as "alternate jurors."

21 Such alternate jurors must be drawn from the same source, and in the same manner, and
22 have the same qualifications as the jurors already sworn, and be subject to the same
23 examination and challenges; provided, that the prosecution and the defendant shall each
24 be entitled to as many peremptory challenges to such alternate jurors as there are alternate
25 jurors called. When two or more defendants are tried jointly each defendant shall be
26 entitled to as many peremptory challenges to such alternate jurors as there are alternate
27 jurors called. The prosecution shall be entitled to additional peremptory challenges equal
28 to the number of all the additional separate challenges allowed the defendant or
29 defendants to such alternate jurors.

30 Such alternate jurors shall be seated so as to have equal power and facilities for seeing
31 and hearing the proceedings in the case, and shall take the same oath as the jurors already
32 selected, and must attend at all times upon the trial of the cause in company with the
33 other jurors; and for a failure so to do are liable to be punished for contempt.

34 They shall obey the orders of and be bound by the admonition of the court, upon each
35 adjournment of the court; but if the regular jurors are ordered to be kept in the custody of
36 the sheriff or marshal during the trial of the cause, such alternate jurors shall also be kept
37 in confinement with the other jurors; and upon final submission of the case to the jury
38 such alternate jurors shall be kept in the custody of the sheriff or marshal and shall not be
39 discharged until the original jurors are discharged, except as hereinafter provided.

40 If at any time, whether before or after the final submission of the case to the jury, a
41 juror dies or becomes ill, or upon other good cause shown to the court is found to be
42 unable to perform his duty, or if a juror requests a discharge and good cause appears
43 therefor, the court may order ~~him~~ the juror to be discharged and draw the name of an
44 alternate, who shall then take ~~his~~ a place in the jury box, and be subject to the same rules
45 and regulations as though ~~he~~ the alternate juror had been selected as one of the original
46 jurors.

47 **Comment.** Section 1089 is amended to reflect unification of the municipal and superior courts
48 pursuant to Article VI, Section 5(e), of the California Constitution.

1 **§ 1203.6 (amended). Adult probation officer**

2 SEC. _____. Section 1203.6 of the Penal Code is amended to read:

3 1203.6. The adult probation officer shall be appointed and may be removed for good
4 cause ~~by the judge of the superior court or, in a county with two superior court judges, by~~
5 ~~the presiding judge who is senior in point of service.~~ In the case of a superior court of
6 more than two judges, a majority of the judges shall make the appointment, and may
7 effect removal.

8 The salary of the probation officer shall be established by the board of supervisors.

9 The adult probation officer shall appoint and may remove all assistants, deputies and
10 other persons employed in ~~his~~ the officer's department, and their compensation shall be
11 established, according to the merit system or civil service system provisions of the
12 county. If no merit system or civil service system exists in the county, the board of
13 supervisors shall provide for appointment, removal, and compensation of such personnel.

14 This section is applicable in a charter county whose charter establishes the office of
15 adult probation officer and provides that such officer shall be appointed in accordance
16 with general law subject to the merit system provisions of the charter.

17 **Comment.** Section 1203.6 is amended to delete language referring to “the judge” of the court.
18 Every superior court has at least two judgeships as a result of trial court unification. See Gov’t
19 Code § 69580 *et seq.* (number of judges). Where a court has only one judge due to a vacancy or
20 otherwise, a reference to the “presiding judge” means the sole judge of the court. See Gov’t Code
21 § 69508.5 (presiding judge).

22 The section is also amended to replace language referring to the senior judge with a reference
23 to the presiding judge. Every superior court has a presiding judge. See Gov’t Code §§ 69508,
24 69508.5.

25 **§ 1237.5 (amended). Required documents for appeal**

26 SEC. _____. Section 1237.5 of the Penal Code is amended to read:

27 1237.5. No appeal shall be taken by the defendant from a judgment of conviction upon
28 a plea of guilty or nolo contendere, or a revocation of probation following an admission
29 of violation, except where both of the following are met:

30 (a) The defendant has filed with the trial court a written statement, executed under oath
31 or penalty of perjury showing reasonable constitutional, jurisdictional, or other grounds
32 going to the legality of the proceedings.

33 (b) The trial court has executed and filed a certificate of probable cause for such appeal
34 with the ~~county~~ county clerk of the court.

35 **Comment.** Section 1237.5 is amended to reflect elimination of the county clerk’s role as ex
36 officio clerk of the superior court. See former Gov’t Code § 26800 (county clerk acting as clerk
37 of superior court). The powers, duties, and responsibilities formerly exercised by the county clerk
38 as ex officio clerk of the court are delegated to the court administrative or executive officer, and
39 the county clerk is relieved of those powers, duties, and responsibilities. See Gov’t Code §§
40 69840 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

41 **§ 1269b (amended). Bail**

42 SEC. _____. Section 1269b of the Penal Code is amended to read:

43 1269b. (a) The officer in charge of a jail where an arrested person is held in custody, an
44 officer of a sheriff’s department or police department of a city who is in charge of a jail or
45 is employed at a fixed police or sheriff’s facility and is acting under an agreement with
46 the agency that keeps the jail wherein an arrested person is held in custody, an employee
47 of a sheriff’s department or police department of a city who is assigned by the department

1 to collect bail, the clerk of the ~~municipal superior~~ court of the ~~judicial district~~ county in
2 which the offense was alleged to have been committed, and the clerk of the superior court
3 in which the case against the defendant is pending may approve and accept bail in the
4 amount fixed by the warrant of arrest, schedule of bail, or order admitting to bail in cash
5 or surety bond executed by a certified, admitted surety insurer as provided in the
6 Insurance Code, to issue and sign an order for the release of the arrested person, and to
7 set a time and place for the appearance of the arrested person before the appropriate court
8 and give notice thereof.

9 (b) If a defendant has appeared before a judge of the court on the charge contained in
10 the complaint, indictment, or information, the bail shall be in the amount fixed by the
11 judge at the time of the appearance; if that appearance has not been made, the bail shall
12 be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued,
13 the amount of bail shall be pursuant to the uniform countywide schedule of bail for the
14 county in which the defendant is required to appear, previously fixed and approved as
15 provided in subdivisions (c) and (d).

16 (c) It is the duty of the superior ~~and municipal~~ court judges in each county to prepare,
17 adopt, and annually revise, by a majority vote, at a meeting called by the presiding judge
18 of the superior court of the county, a uniform countywide schedule of bail for all bailable
19 felony offenses.

20 In adopting a uniform countywide schedule of bail for all bailable offenses the judges
21 shall consider the seriousness of the offense charged. In considering the seriousness of the
22 offense charged the judges shall assign an additional amount of required bail for each
23 aggravating or enhancing factor chargeable in the complaint, including, but not limited to,
24 additional bail for charges alleging facts that would bring a person within any of the
25 following sections:

26 Section 667.5, 667.51, 667.6, 667.8, 667.85, 667.9, 667.10, 12022, 12022.1, 12022.2,
27 12022.3, 12022.4, 12022.5, 12022.53, 12022.6, 12022.7, 12022.8, or 12022.9, or Section
28 11356.5, 11370.2, or 11370.4 of the Health and Safety Code.

29 In considering offenses wherein a violation of Chapter 6 (commencing with Section
30 11350) of Division 10 of the Health and Safety Code is alleged, the judge shall assign an
31 additional amount of required bail for offenses involving large quantities of controlled
32 substances.

33 (d) ~~The municipal court judges in each county, at a meeting called by the presiding~~
34 ~~judge of the municipal court at each county seat, or the superior court judges in each~~
35 ~~county in which there is no municipal court, at a meeting called by the presiding judge of~~
36 ~~the superior court, shall prepare, adopt, and annually revise, by a majority vote, a~~
37 ~~uniform, countywide schedule of bail for all misdemeanor and infraction offenses except~~
38 ~~Vehicle Code infractions. The penalty schedule for infraction violations of the Vehicle~~
39 ~~Code shall be established by the Judicial Council in accordance with Section 40310 of the~~
40 ~~Vehicle Code.~~

41 (e) Each countywide bail schedule shall contain a list of the offenses and the amounts
42 of bail applicable thereto as the judges determine to be appropriate. If the schedules do
43 not list all offenses specifically, they shall contain a general clause for designated
44 amounts of bail as the judges of the county determine to be appropriate for all the
45 offenses not specifically listed in the schedules. A copy of the countywide bail schedule
46 shall be sent to the officer in charge of the county jail, to the officer in charge of each city
47 jail within the county, to each superior ~~and municipal~~ court judge and commissioner in
48 the county, and to the Judicial Council.

1 (f) Upon posting bail, the defendant or arrested person shall be discharged from custody
2 as to the offense on which the bail is posted.

3 All money and surety bonds so deposited with an officer authorized to receive bail shall
4 be transmitted immediately to the judge or clerk of the court by which the order was
5 made or warrant issued or bail schedule fixed. If, in the case of felonies, an indictment is
6 filed, the judge or clerk of the court shall transmit all of the money and surety bonds to
7 the clerk of the court.

8 (g) If a defendant or arrested person so released fails to appear at the time and in the
9 court so ordered upon his or her release from custody, Sections 1305 and 1306 apply.

10 **Comment.** Section 1269b is amended to reflect unification of the municipal and superior courts
11 pursuant to Article VI, Section 5(e), of the California Constitution. *Cf.* Code Civ. Proc. § 38
12 (judicial districts).

13  **Note.** This section reflects legislative changes made in S.B. 210 (Committee on Local
14 Government). See 2001 Cal. Stat. ch 176, § 42.

15 **§ 1539 (amended). Report of hearing**

16 SEC. _____. Section 1539 of the Penal Code is amended to read:

17 1539. (a) If a special hearing be held in ~~the superior court~~ a felony case pursuant to
18 Section 1538.5, or if the grounds on which the warrant was issued be controverted and a
19 motion to return property be made (i) by a defendant on grounds not covered by Section
20 1538.5; (ii) by a defendant whose property has not been offered or will not be offered as
21 evidence against ~~him~~ the defendant; or (iii) by a person who is not a defendant in a
22 criminal action at the time the hearing is held, the judge or magistrate must proceed to
23 take testimony in relation thereto, and the testimony of each witness must be reduced to
24 writing and authenticated by a shorthand reporter in the manner prescribed in Section
25 869.

26 (b) The reporter shall forthwith transcribe his the reporter's shorthand notes pursuant to
27 this section if any party to a special hearing in ~~the superior court~~ a felony case files a
28 written request for its preparation with the clerk of the court in which the hearing was
29 held. The reporter shall forthwith file in the superior court an original and as many copies
30 thereof as there are defendants (other than a fictitious defendant) or persons aggrieved.
31 The reporter shall be entitled to compensation in accordance with the provisions of
32 Section 869. In every case in which a transcript is filed as provided in this section, the
33 ~~county clerk of the court~~ shall deliver the original of such transcript so filed ~~with him~~ to
34 the district attorney immediately upon receipt thereof and shall deliver a copy of such
35 transcript to each defendant (other than a fictitious defendant) upon demand ~~by him~~
36 without cost to ~~him~~ the defendant.

37 (c) Upon a motion by a defendant pursuant to this chapter, the defendant shall be
38 entitled to discover any previous application for a search warrant in the case which was
39 refused by a magistrate for lack of probable cause.

40 **Comment.** Section 1539 is amended to make clear that it applies only to a special hearing in a
41 felony case pursuant to Section 1538.5. This implements the principle that trial court unification
42 did not change the extent to which court reporter services or electronic reporting is used in the
43 courts. 1998 Cal. Stat. ch. 931, § 507; *Trial Court Unification: Revision of Codes*, 28 Cal. L.
44 Revision Comm'n Reports 51, 60 (1998); see also 1997 Cal. Stat. ch. 279, § 3 (former Section
45 1538.5(g), (i)).

46 Section 1539 is also amended to reflect elimination of the county clerk's role as ex officio clerk
47 of the superior court. See former Gov't Code § 26800 (county clerk acting as clerk of superior

1 court). The powers, duties, and responsibilities formerly exercised by the county clerk as ex
2 officio clerk of the court are delegated to the court administrative or executive officer, and the
3 county clerk is relieved of those powers, duties, and responsibilities. See Gov't Code §§ 69840
4 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

5 **§ 3075 (amended). Board of parole commissioners**

6 SEC. _____. Section 3075 of the Penal Code is amended to read:

7 3075. (a) There is in each county a board of parole commissioners, consisting of each
8 of the following:

9 (1) The sheriff or, in a county with a department of corrections, the director of that
10 department.

11 (2) The probation officer.

12 (3) A member, not a public official, to be selected from the public by the presiding
13 judge, if any, or, if none, by the senior judge in point of service, of the superior court.

14 (b) The public member of the county board of parole commissioners or his or her
15 alternate shall be entitled to his or her actual traveling and other necessary expenses
16 incurred in the discharge of his or her duties. In addition, the public member or his or her
17 alternate shall be entitled to per diem at any rate that may be provided by the board of
18 supervisors. The public member or his or her alternate shall hold office for a term of one
19 year and in no event for a period exceeding three consecutive years. The term shall
20 commence on the date of appointment.

21 **Comment.** Subdivision (a) of Section 3075 is amended to delete language referring to the
22 senior judge. Every superior court has a presiding judge. See Gov't Code §§ 69508, 69508.5.

23 **§ 3085.1 (amended). Contra Costa County alternate public member**

24 SEC. _____. Section 3085.1 of the Penal Code is amended to read:

25 3085.1. The presiding judge, if any, or, if none, ~~the senior judge in point of service,~~ of
26 the superior court in Contra Costa County may appoint an alternate for the public
27 member who shall serve in the absence of the public member.

28 **Comment.** Section 3085.1 is amended to delete language referring to the senior judge. Every
29 superior court has a presiding judge. See Gov't Code §§ 69508, 69508.5.

30 **§ 3607 (amended). Return of death warrant**

31 SEC. _____. Section 3607 of the Penal Code is amended to read:

32 3607. After the execution, the warden must make a return upon the death warrant to the
33 county clerk of the court by which the judgment was rendered, showing the time, mode,
34 and manner in which it was executed.

35 **Comment.** Section 3607 is amended to reflect elimination of the county clerk's role as ex
36 officio clerk of the superior court. See former Gov't Code § 26800 (county clerk acting as clerk
37 of superior court). The powers, duties, and responsibilities formerly exercised by the county clerk
38 as ex officio clerk of the court are delegated to the court administrative or executive officer, and
39 the county clerk is relieved of those powers, duties, and responsibilities. See Gov't Code §§
40 69840 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

41 **§ 4301 (amended). Membership of county advisory committee on adult detention**

42 SEC. _____. Section 4301 of the Penal Code is amended to read:

43 4301. There shall be 6, 9, or 12 members of the committee. One-third shall be
44 appointed by the board of supervisors; one-third by the sheriff, and one-third by the

1 presiding ~~or senior~~ judge of the superior court. Of the members appointed by the
2 presiding judge of the superior court, one shall be a member of the State Bar.

3 **Comment.** Section 4301 is amended to delete language referring to the senior judge. Every
4 superior court has a presiding judge. See Gov't Code §§ 69508, 69508.5.

5 **§ 4303 (amended). Committee member expenses**

6 SEC. _____. Section 4303 of the Penal Code is amended to read:

7 4303. Members of the committee shall serve without compensation, but shall be
8 allowed their reasonable expenses as approved by the presiding ~~or senior~~ judge of the
9 superior court. Such expenses shall be a charge upon the county in which the court has
10 jurisdiction, and shall be paid out of the county treasury upon a written order of the
11 presiding judge of the superior court directing the county auditor to draw ~~his~~ a warrant
12 upon the county treasurer for the specified amount of such expenses. All orders by the
13 ~~superior court~~ presiding judge upon the county treasurer shall be filed in duplicate with
14 the county board of supervisors and sheriff.

15 **Comment.** Section 4303 is amended to delete language referring to the senior judge. Every
16 superior court has a presiding judge. See Gov't Code §§ 69508, 69508.5.

17 **§ 4304 (amended). Committee report**

18 SEC. _____. Section 4304 of the Penal Code is amended to read:

19 4304. The committee shall file a report within 90 days after the thirty-first day of
20 December of the calendar year for which such report is made, copies of which shall be
21 filed with the county board of supervisors, the presiding ~~or senior~~ judge, the sheriff, the
22 Board of Corrections, and the Attorney General.

23 **Comment.** Section 4304 is amended to delete language referring to the senior judge. Every
24 superior court has a presiding judge. See Gov't Code §§ 69508, 69508.5.

25 **§ 6031.1 (amended). Biennial inspections of local detention facilities**

26 SEC. _____. Section 6031.1 of the Penal Code is amended to read:

27 6031.1. Inspections of local detention facilities shall be made biennially. Inspections of
28 privately operated work furlough facilities and programs shall be made biennially unless
29 the work furlough administrator requests an earlier inspection. Inspections shall include,
30 but not be limited to, the following:

31 (a) Health and safety inspections conducted pursuant to Section 101045 of the Health
32 and Safety Code.

33 (b) Fire suppression preplanning inspections by the local fire department.

34 (c) Security, rehabilitation programs, recreation, treatment of persons confined in the
35 facilities, and personnel training by the staff of the Board of Corrections.

36 Reports of each facility's inspection shall be furnished to the official in charge of the
37 local detention facility or, in the case of a privately operated facility, the work furlough
38 administrator, the local governing body, the grand jury, and the presiding ~~or sole~~ judge of
39 the superior court in the county where the facility is located. These reports shall set forth
40 the areas wherein the facility has complied and has failed to comply with the minimum
41 standards established pursuant to Section 6030.

42 **Comment.** Section 6031.1 is amended to delete language referring to the sole judge. Every
43 superior court has at least two judgeships as a result of trial court unification. See Gov't Code §
44 69580 *et seq.* (number of judges). Where a court has only one judge due to a vacancy or

1 otherwise, the reference to the “presiding judge” means the sole judge of the court. See Gov’t
2 Code § 69508.5 (presiding judge).

3 **§ 13510 (unchanged). Rules of minimum standards**

4 13510. (a) For the purpose of raising the level of competence of local law enforcement
5 officers, the commission shall adopt, and may from time to time amend, rules
6 establishing minimum standards relating to physical, mental, and moral fitness that shall
7 govern the recruitment of any city police officers, peace officer members of a county
8 sheriff’s office, marshals or deputy marshals of a municipal court, peace officer members
9 of a county coroner’s office notwithstanding Section 13526, reserve officers, as defined
10 in subdivision (a) of Section 830.6, police officers of a district authorized by statute to
11 maintain a police department, peace officer members of a police department operated by
12 a joint powers agency established by Article 1 (commencing with Section 6500) of
13 Chapter 5 of Division 7 of Title 1 of the Government Code, regularly employed and paid
14 inspectors and investigators of a district attorney’s office, as defined in Section 830.1,
15 who conduct criminal investigations, peace officer members of a district, safety police
16 officers and park rangers of the County of Los Angeles, as defined in subdivisions (a) and
17 (b) of Section 830.31, or housing authority police departments.

18 The commission also shall adopt, and may from time to time amend, rules establishing
19 minimum standards for training of city police officers, peace officer members of county
20 sheriff’s offices, marshals or deputy marshals of a municipal court, peace officer
21 members of a county coroner’s office notwithstanding Section 13526, reserve officers, as
22 defined in subdivision (a) of Section 830.6, police officers of a district authorized by
23 statute to maintain a police department, peace officer members of a police department
24 operated by a joint powers agency established by Article 1 (commencing with Section
25 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, regularly employed
26 and paid inspectors and investigators of a district attorney’s office, as defined in Section
27 830.1, who conduct criminal investigations, peace officer members of a district, safety
28 police officers and park rangers of the County of Los Angeles, as defined in subdivisions
29 (a) and (b) of Section 830.31, and housing authority police departments.

30 These rules shall apply to those cities, counties, cities and counties, and districts
31 receiving state aid pursuant to this chapter and shall be adopted and amended pursuant to
32 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the
33 Government Code.

34 (b) The commission shall conduct research concerning job-related educational
35 standards and job-related selection standards to include vision, hearing, physical ability,
36 and emotional stability. Job-related standards that are supported by this research shall be
37 adopted by the commission prior to January 1, 1985, and shall apply to those peace
38 officer classes identified in subdivision (a). The commission shall consult with local
39 entities during the conducting of related research into job-related selection standards.

40 (c) For the purpose of raising the level of competence of local public safety dispatchers,
41 the commission shall adopt, and may from time to time amend, rules establishing
42 minimum standards relating to the recruitment and training of local public safety
43 dispatchers having a primary responsibility for providing dispatching services for local
44 law enforcement agencies described in subdivision (a), which standards shall apply to
45 those cities, counties, cities and counties, and districts receiving state aid pursuant to this
46 chapter. These standards also shall apply to consolidated dispatch centers operated by an
47 independent public joint powers agency established pursuant to Article 1 (commencing
48 with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code when

1 providing dispatch services to the law enforcement personnel listed in subdivision (a).
2 Those rules shall be adopted and amended pursuant to Chapter 3.5 (commencing with
3 Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. As used in this
4 section, “primary responsibility” refers to the performance of law enforcement
5 dispatching duties for a minimum of 50 percent of the time worked within a pay period.

6 (d) Nothing in this section shall prohibit a local agency from establishing selection and
7 training standards that exceed the minimum standards established by the commission.

8  **Note.** This section requires revision to reflect the elimination of the municipal courts.
9 However, there are unsettled issues regarding the status of marshals and deputy marshals who are
10 employed by the superior court. This section is being preserved without change pending further
11 study and recommendation by the Commission on Peace Officer Standards and Training and
12 other interested parties.

13 **PROBATE CODE**

14 **§ 1513 (amended). Investigation and report on proposed guardianship**

15 SEC. _____. Section 1513 of the Probate Code is amended to read:

16 1513. (a) Unless waived by the court, a court investigator, probation officer, or
17 domestic relations investigator may make an investigation and file with the court a report
18 and recommendation concerning each proposed guardianship of the person or
19 guardianship of the estate. Investigations where the proposed guardian is a relative shall
20 be made by a court investigator. Investigations where the proposed guardian is a
21 nonrelative shall be made by the county agency designated to investigate potential
22 dependency. The report for the guardianship of the person shall include, but need not be
23 limited to, an investigation and discussion of all of the following:

24 (1) A social history of the guardian.

25 (2) A social history of the proposed ward, including, to the extent feasible, an
26 assessment of any identified developmental, emotional, psychological, or educational
27 needs of the proposed ward and the capability of the petitioner to meet those needs.

28 (3) The relationship of the proposed ward to the guardian, including the duration and
29 character of the relationship, where applicable, the circumstances whereby physical
30 custody of the proposed ward was acquired by the guardian, and a statement of the
31 proposed ward’s attitude concerning the proposed guardianship, unless the statement of
32 the attitude is affected by the proposed ward’s developmental, physical, or emotional
33 condition.

34 (4) The anticipated duration of the guardianship and the plans of both natural parents
35 and the proposed guardian for the stable and permanent home for the child. The court
36 may waive this requirement for cases involving relative guardians.

37 (b) The report shall be read and considered by the court prior to ruling on the petition
38 for guardianship, and shall be reflected in the minutes of the court. The person preparing
39 the report may be called and examined by any party to the proceeding.

40 (c) If the investigation finds that any party to the proposed guardianship alleges the
41 minor’s parent is unfit, as defined by Section 300 of the Welfare and Institutions Code,
42 the case shall be referred to the county agency designated to investigate potential
43 dependencies. Guardianship proceedings shall not be completed until the investigation
44 required by Sections 328 and 329 of the Welfare and Institutions Code is completed and a
45 report is provided to the court in which the guardianship proceeding is pending.

1 (d) The report authorized by this section is confidential and shall only be made
2 available to persons who have been served in the proceedings or their attorneys. The
3 county clerk of the court shall make provisions for the limitation of the report exclusively
4 to persons entitled to its receipt.

5 (e) For the purpose of writing the report authorized by this section, the person making
6 the investigation and report shall have access to the proposed ward's school records,
7 probation records, and public and private social services records, and to an oral or written
8 summary of the proposed ward's medical records and psychological records prepared by
9 any physician, psychologist, or psychiatrist who made or who is maintaining those
10 records. The physician, psychologist, or psychiatrist shall be available to clarify
11 information regarding these records pursuant to the investigator's responsibility to gather
12 and provide information for the court.

13 (f) This section does not apply to guardianships resulting from a permanency plan for a
14 dependent child pursuant to Section 366.25 of the Welfare and Institutions Code.

15 (g) For purposes of this section, a "relative" means a person who is a spouse, parent,
16 stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt,
17 niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the
18 spouse of any of these persons, even after the marriage has been terminated by death or
19 dissolution.

20 **Comment.** Section 1513 is amended to reflect elimination of the county clerk's role as ex
21 officio clerk of the superior court. See former Gov't Code § 26800 (county clerk acting as clerk
22 of superior court). The powers, duties, and responsibilities formerly exercised by the county clerk
23 as ex officio clerk of the court are delegated to the court administrative or executive officer, and
24 the county clerk is relieved of those powers, duties, and responsibilities. See Gov't Code §§
25 69840 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

26 **§ 1821 (amended). Petition and supplemental information**

27 SEC. _____. Section 1821 of the Probate Code is amended to read:

28 1821. (a) The petition shall request that a conservator be appointed for the person or
29 estate, or both, shall specify the name, address, and telephone number of the proposed
30 conservator and the name, address, and telephone number of the proposed conservatee,
31 and state the reasons why a conservatorship is necessary. Unless the petitioner is a bank
32 or other entity authorized to conduct the business of a trust company, the petitioner shall
33 also file supplemental information as to why the appointment of a conservator is required.
34 The supplemental information to be submitted shall include a brief statement of facts
35 addressed to each of the following categories:

36 (1) The inability of the proposed conservatee to properly provide for his or her needs
37 for physical health, food, clothing, and shelter.

38 (2) The location of the proposed conservatee's residence and the ability of the proposed
39 conservatee to live in the residence while under conservatorship.

40 (3) Alternatives to conservatorship considered by the petitioner and reasons why those
41 alternatives are not available.

42 (4) Health or social services provided to the proposed conservatee during the year
43 preceding the filing of the petition, when the petitioner has information as to those
44 services.

45 (5) The inability of the proposed conservatee to substantially manage his or her own
46 financial resources, or to resist fraud or undue influence.

1 The facts required to address the categories set forth in paragraphs (1) to (5), inclusive,
2 shall be set forth by the petitioner when he or she has knowledge of the facts or by the
3 declarations or affidavits of other persons having knowledge of those facts.

4 Where any of the categories set forth in paragraphs (1) to (5), inclusive, are not
5 applicable to the proposed conservatorship, the petitioner shall so indicate and state on
6 the supplemental information form the reasons therefor.

7 The Judicial Council shall develop a supplemental information form for the information
8 required pursuant to paragraphs (1) to (5), inclusive, after consultation with individuals or
9 organizations approved by the Judicial Council, who represent public conservators, court
10 investigators, the State Bar, specialists with experience in performing assessments and
11 coordinating community-based services, and legal services for the elderly and disabled.

12 The supplemental information form shall be separate and distinct from the form for the
13 petition. The supplemental information shall be confidential and shall be made available
14 only to parties, persons given notice of the petition who have requested this supplemental
15 information or who have appeared in the proceedings, their attorneys, and the court. The
16 court shall have discretion at any other time to release the supplemental information to
17 other persons if it would serve the interests of the conservatee. The county clerk of the
18 court shall make provision for limiting disclosure of the supplemental information
19 exclusively to persons entitled thereto under this section.

20 (b) The petition shall set forth, so far as they are known to the petitioner, the names and
21 addresses of the spouse or domestic partner, and of the relatives of the proposed
22 conservatee within the second degree. If no spouse or domestic partner of the proposed
23 conservatee, or relatives of the proposed conservatee within the second degree are known
24 to the petitioner, the petition shall set forth, so far as they are known to the petitioner, the
25 names and addresses of the following persons who, for the purposes of Section 1822,
26 shall all be deemed to be relatives:

27 (1) A spouse or domestic partner of a predeceased parent of a proposed conservatee.

28 (2) The children of a predeceased spouse or domestic partner of a proposed
29 conservatee.

30 (3) The siblings of the proposed conservatee's parents, if any, but if none, then the
31 natural and adoptive children of the proposed conservatee's parents' siblings.

32 (4) The natural and adoptive children of the proposed conservatee's siblings.

33 (c) If the petition is filed by a person other than the proposed conservatee, the petition
34 shall state whether or not the petitioner is a creditor or debtor, or the agent of a creditor or
35 debtor, of the proposed conservatee.

36 (d) If the proposed conservatee is a patient in or on leave of absence from a state
37 institution under the jurisdiction of the State Department of Mental Health or the State
38 Department of Developmental Services and that fact is known to the petitioner, the
39 petition shall state that fact and name the institution.

40 (e) The petition shall state, so far as is known to the petitioner, whether or not the
41 proposed conservatee is receiving or is entitled to receive benefits from the Veterans
42 Administration and the estimated amount of the monthly benefit payable by the Veterans
43 Administration for the proposed conservatee.

44 (f) The petition may include an application for any order or orders authorized under this
45 division, including, but not limited to, orders under Chapter 4 (commencing with Section
46 1870).

47 (g) The petition may include a further statement that the proposed conservatee is not
48 willing to attend the hearing on the petition, does not wish to contest the establishment of

1 the conservatorship, and does not object to the proposed conservator or prefer that
2 another person act as conservator.

3 (h) In the case of an allegedly developmentally disabled adult, the petition shall set
4 forth the following:

5 (1) The nature and degree of the alleged disability, the specific duties and powers
6 requested by or for the limited conservator, and the limitations of civil and legal rights
7 requested to be included in the court's order of appointment.

8 (2) Whether or not the proposed limited conservatee is or is alleged to be
9 developmentally disabled.

10 Reports submitted pursuant to Section 416.8 of the Health and Safety Code meet the
11 requirements of this section, and conservatorships filed pursuant to Article 7.5
12 (commencing with Section 416) of Part 1 of Division 1 of the Health and Safety Code are
13 exempt from providing the supplemental information required by this section, so long as
14 the guidelines adopted by the State Department of Developmental Services for regional
15 centers require the same information that is required pursuant to this section.

16 **Comment.** Section 1821 is amended to reflect elimination of the county clerk's role as ex
17 officio clerk of the superior court. See former Gov't Code § 26800 (county clerk acting as clerk
18 of superior court). The powers, duties, and responsibilities formerly exercised by the county clerk
19 as ex officio clerk of the court are delegated to the court administrative or executive officer, and
20 the county clerk is relieved of those powers, duties, and responsibilities. See Gov't Code §§
21 69840 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

22  **Note.** This section reflects legislative changes made in A.B. 25 (Migden). See 2001 Cal. Stat.
23 ch 893, § 18.

24 **§ 1826 (amended). Court investigator's duties**

25 SEC. _____. Section 1826 of the Probate Code is amended to read:

26 1826. Regardless of whether the proposed conservatee attends the hearing, the court
27 investigator shall do all of the following:

28 (a) Interview the proposed conservatee personally.

29 (b) Inform the proposed conservatee of the contents of the citation, of the nature,
30 purpose, and effect of the proceeding, and of the right of the proposed conservatee to
31 oppose the proceeding, to attend the hearing, to have the matter of the establishment of
32 the conservatorship tried by jury, to be represented by legal counsel if the proposed
33 conservatee so chooses, and to have legal counsel appointed by the court if unable to
34 retain legal counsel.

35 (c) Determine whether it appears that the proposed conservatee is unable to attend the
36 hearing and, if able to attend, whether the proposed conservatee is willing to attend the
37 hearing.

38 (d) Review the allegations of the petition as to why the appointment of the conservator
39 is required and, in making his or her determination, do the following:

40 (1) Refer to the supplemental information form submitted by the petitioner and
41 consider the facts set forth in the form that address each of the categories specified in
42 paragraphs (1) to (5), inclusive, of subdivision (a) of Section 1821.

43 (2) Consider, to the extent practicable, whether he or she believes the proposed
44 conservatee suffers from any of the mental function deficits listed in subdivision (a) of
45 Section 811 that significantly impairs the proposed conservatee's ability to understand
46 and appreciate the consequences of his or her actions in connection with any of the

1 functions described in subdivision (a) or (b) of Section 1801 and identify the observations
2 that support that belief.

3 (e) Determine whether the proposed conservatee wishes to contest the establishment of
4 the conservatorship.

5 (f) Determine whether the proposed conservatee objects to the proposed conservator or
6 prefers another person to act as conservator.

7 (g) Determine whether the proposed conservatee wishes to be represented by legal
8 counsel and, if so, whether the proposed conservatee has retained legal counsel and, if
9 not, the name of an attorney the proposed conservatee wishes to retain.

10 (h) Determine whether the proposed conservatee is capable of completing an affidavit
11 of voter registration.

12 (i) If the proposed conservatee has not retained legal counsel, determine whether the
13 proposed conservatee desires the court to appoint legal counsel.

14 (j) Determine whether the appointment of legal counsel would be helpful to the
15 resolution of the matter or is necessary to protect the interests of the proposed conservatee
16 in any case where the proposed conservatee does not plan to retain legal counsel and has
17 not requested the appointment of legal counsel by the court.

18 (k) Report to the court in writing, at least five days before the hearing, concerning all of
19 the foregoing, including the proposed conservatee's express communications concerning
20 both of the following:

21 (1) Representation by legal counsel.

22 (2) Whether the proposed conservatee is not willing to attend the hearing, does not wish
23 to contest the establishment of the conservatorship, and does not object to the proposed
24 conservator or prefer that another person act as conservator.

25 (l) Mail, at least five days before the hearing, a copy of the report referred to in
26 subdivision (k) to all of the following:

27 (1) The attorney, if any, for the petitioner.

28 (2) The attorney, if any, for the proposed conservatee.

29 (3) Any other persons as the court orders.

30 (m) The court investigator has discretion to release the report required by this section to
31 the public conservator, interested public agencies, and the long-term care ombudsman.

32 (n) The report required by this section is confidential and shall be made available only
33 to parties, persons given notice of the petition who have requested this report or who have
34 appeared in the proceedings, their attorneys, and the court. The court has discretion at any
35 other time to release the report, if it would serve the interests of the conservatee. The
36 ~~county~~ clerk of the court shall provide for the limitation of the report exclusively to
37 persons entitled to its receipt.

38 (o) This section does not apply to a proposed conservatee who has personally executed
39 the petition for conservatorship, or one who has nominated his or her own conservator, if
40 he or she attends the hearing.

41 (p) If the court investigator has performed an investigation within the preceding six
42 months and furnished a report thereon to the court, the court may order, upon good cause
43 shown, that another investigation is not necessary or that a more limited investigation
44 may be performed.

45 **Comment.** Section 1826 is amended to reflect elimination of the county clerk's role as ex
46 officio clerk of the superior court. See former Gov't Code § 26800 (county clerk acting as clerk
47 of superior court). The powers, duties, and responsibilities formerly exercised by the county clerk
48 as ex officio clerk of the court are delegated to the court administrative or executive officer, and
49 the county clerk is relieved of those powers, duties, and responsibilities. See Gov't Code §§
50 69840 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

1 **§ 1827.5 (amended). Assessment of proposed limited conservatee**

2 SEC. _____. Section 1827.5 of the Probate Code is amended to read:

3 1827.5. (a) In the case of any proceeding to establish a limited conservatorship for a
4 person with developmental disabilities, within 30 days after the filing of a petition for
5 limited conservatorship, a proposed limited conservatee, with his or her consent, shall be
6 assessed at a regional center as provided in Chapter 5 (commencing with Section 4620) of
7 Division 4.5 of the Welfare and Institutions Code. The regional center shall submit a
8 written report of its findings and recommendations to the court.

9 (b) In the case of any proceeding to establish a general conservatorship for a person
10 with developmental disabilities, the regional center, with the consent of the proposed
11 conservatee, may prepare an assessment as provided in Chapter 5 (commencing with
12 Section 4620) of Division 4.5 of the Welfare and Institutions Code. If an assessment is
13 prepared, the regional center shall submit its findings and recommendations to the court.

14 (c) A report prepared under subdivision (a) or (b) shall include a description of the
15 specific areas, nature, and degree of disability of the proposed conservatee or proposed
16 limited conservatee. The findings and recommendations of the regional center are not
17 binding upon the court. In a proceeding where the petitioner is a provider of board and
18 care, treatment, habilitation, or other services to persons with developmental disabilities
19 or a spouse or employee of a provider, is not the natural parent of the proposed
20 conservatee or proposed limited conservatee, and is not a public entity, the regional
21 center shall include a recommendation in its report concerning the suitability of the
22 petitioners to meet the needs of the proposed conservatee or proposed limited
23 conservatee.

24 (d) At least five days before the hearing on the petition, the regional center shall mail a
25 copy of the report referred to in subdivision (a) to all of the following:

26 (1) The proposed limited conservatee.

27 (2) The attorney, if any, for the proposed limited conservatee.

28 (3) If the petitioner is not the proposed limited conservatee, the attorney for the
29 petitioner or the petitioner if the petitioner does not have an attorney.

30 (4) Such other persons as the court orders.

31 (e) The report referred to in subdivisions (a) and (b) shall be confidential and shall be
32 made available only to parties listed in subdivision (d) unless the court, in its discretion,
33 determines that the release of the report would serve the interests of the conservatee who
34 is developmentally disabled. The ~~county~~ clerk of the court shall make provision for
35 limiting disclosure of the report exclusively to persons entitled thereto under this section.

36 **Comment.** Section 1827.5 is amended to reflect elimination of the county clerk's role as ex
37 officio clerk of the superior court. See former Gov't Code § 26800 (county clerk acting as clerk
38 of superior court). The powers, duties, and responsibilities formerly exercised by the county clerk
39 as ex officio clerk of the court are delegated to the court administrative or executive officer, and
40 the county clerk is relieved of those powers, duties, and responsibilities. See Gov't Code §§
41 69840 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

42 **§ 1851 (amended). Review by court investigator**

43 SEC. _____. Section 1851 of the Probate Code is amended to read:

44 1851. (a) When court review is required, the court investigator shall visit the
45 conservatee. The court investigator shall inform the conservatee personally that the
46 conservatee is under a conservatorship and shall give the name of the conservator to the
47 conservatee. The court investigator shall determine whether the conservatee wishes to
48 petition the court for termination of the conservatorship, whether the conservatee is still

1 in need of the conservatorship, whether the present conservator is acting in the best
2 interests of the conservatee, and whether the conservatee is capable of completing an
3 affidavit of voter registration. If the court has made an order under Chapter 4
4 (commencing with Section 1870), the court investigator shall determine whether the
5 present condition of the conservatee is such that the terms of the order should be modified
6 or the order revoked.

7 (b) The findings of the court investigator, including the facts upon which the findings
8 are based, shall be certified in writing to the court not less than 15 days prior to the date
9 of review. A copy of the report shall be mailed to the conservator and to the attorneys of
10 record for the conservator and conservatee at the same time it is certified to the court.

11 (c) In the case of a limited conservatee, the court investigator shall make a
12 recommendation regarding the continuation or termination of the limited conservatorship.

13 (d) The court investigator may personally visit the conservator and other persons as
14 may be necessary to determine whether the present conservator is acting in the best
15 interests of the conservatee.

16 (e) The report required by this section shall be confidential and shall be made available
17 only to parties, persons given notice of the petition who have requested the report or who
18 have appeared in the proceeding, their attorneys, and the court. The court shall have
19 discretion at any other time to release the report if it would serve the interests of the
20 conservatee. The county clerk of the court shall make provision for limiting disclosure of
21 the report exclusively to persons entitled thereto under this section.

22 **Comment.** Section 1851 is amended to reflect elimination of the county clerk's role as ex
23 officio clerk of the superior court. See former Gov't Code § 26800 (county clerk acting as clerk
24 of superior court). The powers, duties, and responsibilities formerly exercised by the county clerk
25 as ex officio clerk of the court are delegated to the court administrative or executive officer, and
26 the county clerk is relieved of those powers, duties, and responsibilities. See Gov't Code §§
27 69840 (powers, duties, and responsibilities of clerk of court), 71620 (trial court personnel).

28 VEHICLE CODE

29 § 40508.6 (amended). Administrative assessments

30 SEC. _____. Section 40508.6 of the Vehicle Code is amended to read:

31 ~~40508.6. The Legislature hereby authorizes the establishment of the following program,~~
32 ~~to be implemented in any county, upon the adoption of a resolution by the board of~~
33 ~~supervisors authorizing it. For the superior court and each municipal court district in the~~
34 ~~county, a board of supervisors~~ The superior court in any county may establish
35 administrative assessments, not to exceed ten dollars (\$10), for clerical and administrative
36 costs incurred for the following activities:

37 (a) An assessment for the cost of recording and maintaining a record of the defendant's
38 prior convictions for violations of this code. The assessment shall be payable at the time
39 of payment of a fine or when bail is forfeited for any subsequent violations of this code
40 other than parking, pedestrian, or bicycle violations.

41 (b) An assessment for all defendants whose driver's license or automobile registration
42 is attached or restricted pursuant to Section 40509 or 40509.5, to cover the cost of
43 notifying the Department of Motor Vehicles of the attachment or restriction.

44 **Comment.** Section 40508.6 is amended to reflect unification of the municipal and superior
45 courts pursuant to Article VI, Section 5(e), of the California Constitution.

46 The section is also amended to reflect enactment of the Trial Court Funding Act. See Gov't
47 Code § 77001 (local trial court management).

1 WELFARE AND INSTITUTIONS CODE

2 **§ 246 (amended). Designation of juvenile court judge**

3 SEC. _____. Section 246 of the Welfare and Institutions Code is amended to read:

4 246. ~~In counties having more than one judge of the superior court, the~~ The presiding
5 judge of such the superior court ~~or the senior judge if there is no presiding judge~~ shall
6 annually, in the month of January, designate one or more judges of the superior court to
7 hear all cases under this chapter during the ensuing year, and he shall, from time to time,
8 designate such additional judges as may be necessary for the prompt disposition of the
9 judicial business before the juvenile court.

10 In all counties where more than one judge is designated as a judge of the juvenile court,
11 the presiding judge of the superior court shall also designate one such judge as presiding
12 judge of the juvenile court.

13 **Comment.** Section 246 is amended to reflect the fact that every superior court has at least two
14 judgeships as a result of trial court unification. See Gov't Code § 69580 *et seq.* (number of
15 judges). Where a court has only one judge due to a vacancy or otherwise, a reference to the
16 "presiding judge" means the sole judge of the court. See Gov't Code § 69508.5 (presiding judge).

17 The section is also amended to delete language referring to the senior judge. Every superior
18 court has a presiding judge. See Gov't Code §§ 69508, 69508.5.

19 **§ 247 (repealed). Juvenile court referees**

20 SEC. _____. Section 247 of the Welfare and Institutions Code is repealed.

21 247. ~~The judge of the juvenile court, or in counties having more than one judge of the~~
22 ~~juvenile court, the presiding judge of the juvenile court or the senior judge if there is no~~
23 ~~presiding judge, may appoint one or more referees to serve on a full-time or part-time~~
24 ~~basis. A referee shall serve at the pleasure of the appointing judge, and unless the~~
25 ~~appointing judge makes his order terminating the appointment of a referee, such referee~~
26 ~~shall continue to serve as such until the appointment of his successor. Except as otherwise~~
27 ~~provided by law, the amount and rate of compensation to be paid referees shall be fixed~~
28 ~~by the board of supervisors. Every referee first appointed on or after January 1, 1977,~~
29 ~~shall have been admitted to practice law in this state and, in addition, shall have been~~
30 ~~admitted to practice law in this state for a period of not less than five years or in any other~~
31 ~~state and this state for a combined period of not less than 10 years. Nothing in this section~~
32 ~~shall be construed to apply to the qualifications of any referee first appointed prior to~~
33 ~~January 1, 1977.~~

34 **Comment.** Former Section 247 is repealed to reflect enactment of the Trial Court Employment
35 Protection and Governance Act. See Gov't Code §§ 71622 (subordinate judicial officers), 71623
36 (salaries).

37  **Note.** This revision would remove appointment authority from the presiding juvenile court
38 judge in reliance on the general appointment authority of the court under Government Code
39 Section 71622 (subordinate judicial officers).

40 **§ 255 (amended). Juvenile hearing officers**

41 SEC. _____. Section 255 of the Welfare and Institutions Code is amended to read:

42 255. The judge of the juvenile court, or in counties having more than one judge of the
43 juvenile court the presiding judge of the juvenile court ~~or the senior judge if there is no~~
44 ~~presiding judge, may appoint~~ as subordinate judicial officers one or more persons of
45 suitable experience, who may be judges of the municipal court, or of the superior court in

1 a county in which there is no municipal court, or a probation officer or assistant or deputy
2 probation officers, to serve as juvenile hearing officers on a full-time or part-time basis. A
3 hearing officer shall serve at the pleasure of the appointing judge, and unless the
4 appointing judge makes his or her order terminating the appointment of a hearing officer,
5 the hearing officer shall continue to serve until the appointment of his or her successor.
6 The ~~board of supervisors~~ superior court shall determine whether any compensation shall
7 be paid to hearing officers, not otherwise employed by a public agency or holding another
8 public office, and shall establish the amounts and rates thereof. An appointment of a
9 probation officer, assistant probation officer, or deputy probation officer as a juvenile
10 hearing officer may be made only with the consent of the probation officer. A juvenile
11 court shall be known as the Informal Juvenile and Traffic Court when a hearing officer
12 appointed pursuant to this section hears a case specified in Section 256.

13 **Comment.** Section 255 is amended to reflect unification of the municipal and superior courts
14 pursuant to Article VI, Section 5(e), of the California Constitution.

15 The section is also amended to reflect enactment of the Trial Court Funding Act. See Gov't
16 Code §§ 77001 (local trial court management), 77200 (state funding of trial court operations).

17 The section is also amended to reflect enactment of the Trial Court Employment Protection and
18 Governance Act. See Gov't Code § 71622(a) (each trial court may appoint subordinate judicial
19 officers as deemed necessary, subject to Judicial Council approval).

20 The section is also amended to delete language referring to the senior judge. Every juvenile
21 court with more than one juvenile court judge has a presiding judge. See Section 246
22 (appointment of presiding judge).

23 ☞ **Note.** The Trial Court Funding Act contemplates a decentralized system of trial court
24 management, including trial court responsibility for funding allocations and local personnel
25 systems. See Gov't Code § 77001(c). The Commission would like to receive input on whether the
26 superior court should be the responsible entity for determining the compensation paid to juvenile
27 hearing officers who are not public employees or officers.

28 § 270 (amended). County officers

29 SEC. ____ . Section 270 of the Welfare and Institutions Code is amended to read:

30 270. Except as provided in Section ~~69906~~ 69906.5 of the Government Code, there shall
31 be in each county the offices of probation officer, assistant probation officer, and deputy
32 probation officer. A probation officer shall be appointed in every county.

33 Probation officers in any county shall be nominated by the juvenile justice commission
34 or regional juvenile justice commission of such county in such manner as the judge of the
35 juvenile court in that county shall direct, and shall then be appointed by such judge.

36 The probation officer may appoint as many deputies or assistant probation officers as
37 ~~he~~ the probation officer desires; but such deputies or assistant probation officers shall not
38 have authority to act until their appointments have been approved by a majority vote of
39 the members of the juvenile justice commission, and by the judge of the juvenile court.
40 The term of office of each such deputy or assistant probation officer shall expire with the
41 term of the probation officer who appointed ~~him~~ the deputy or assistant probation officer,
42 but the probation officer, with the written approval of the majority of the members of the
43 juvenile justice commission and of the judge of the juvenile court, may, in ~~his~~ the
44 probation officer's discretion, revoke and terminate any such appointment at any time.

45 Probation officers may at any time be removed by the judge of the juvenile court for
46 good cause shown; and the judge of the juvenile court may in ~~his~~ the judge's discretion at
47 any time remove any such probation officer with the written approval of a majority of the
48 members of the juvenile justice commission.

