

First Supplement to Memorandum 2007-31

Trial Court Restructuring: Miscellaneous Issues

This supplement discusses public comments on CLRC Memorandum 2007-31. Attached is a communication from John Jones of the Orange County Superior Court. The staff also received oral comments from Courtney Tucker, an attorney at the Administrative Office of the Courts.

APPEAL FROM PARKING TICKET, TOLL ROAD TICKET, OR MUNICIPAL CODE VIOLATION

In 2001, Mr. Jones expressed concern over whether Code of Civil Procedure Section 86 adequately addresses an appeal arising from a parking ticket, toll road ticket, or municipal code violation. The staff recently examined that matter and determined that Code of Civil Procedure Section 85 and other provisions adequately address the situation. The staff concluded that revision of Section 86 is unnecessary. CLRC Memorandum 2007-31, pp. 9-10.

Mr. Jones has written to say he agrees with the staff's analysis. See Exhibit p. 1.

STANDING AND PARKING INFRACTIONS CHARGED AGAINST A MINOR

Welfare and Institutions Code Section 603.5 needs to be revised to delete obsolete references to municipal court. CLRC Memorandum 2007-31, pp. 2-3. When the Commission proposed such revisions in 2001, the Los Angeles County Superior Court suggested additional revisions to reflect enactment of Vehicle Code Section 40215. The Commission decided to study that suggestion before proposing an amendment to Welfare and Institutions Code Section 603.5. The staff has since researched the matter and recommended various revisions of the statute to reflect enactment of Vehicle Code Section 40215. CLRC Memorandum 2007-31, pp. 3-8.

Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

Courtney Tucker, an attorney who works on certain traffic offenses at the Administrative Office of the Courts, commented on the suggested amendment by telephone on August 23, 2007. He expressed concern about use of the term “infraction” in the suggested amendment.

To enable us to better understand and analyze his concern, the staff encouraged him to submit his comments in writing.

Respectfully submitted,

Catherine Bidart
Staff Counsel

Exhibit

**COMMENTS OF JOHN JONES OF ORANGE COUNTY
SUPERIOR COURT**

From: jljones@sbcglobal.net
Subject: J-1403
Date: August 23, 2007
To: <feedback@clrc.ca.gov>

Dear Ms. Bidart

Thank you for your letter advising me that the agenda on August 24 would include concerns I raised about Section 86 of the Code of Civil Procedure. I wish I could attend the meeting, but I need to be at work that day.

I agree with your analysis that my concerns are adequately addressed by Section 85 and therefore revision is unnecessary. Thank you for taking the time to address this issue.

Sincerely,
John Jones
191 Cinnamon Teal
Aliso Viejo CA 92656
949 586 3946