

## Memorandum 2018-21

**Statutes Made Obsolete by Trial Court Restructuring (Part 6):  
Court Facilities**

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Under Government Code Section 71674, the Law Revision Commission<sup>1</sup> is responsible for determining whether any provisions of law are obsolete as a result of three major reforms of California's trial court system:

- (1) The implementation of trial court unification, in which the justice courts were eliminated and the municipal courts were merged into the superior courts and no longer exist as separate entities.
- (2) The enactment of the Trial Court Funding Act of 1997,<sup>2</sup> in which the state assumed full responsibility for funding the trial courts, instead of splitting that responsibility with the counties.
- (3) The enactment of the Trial Court Employment Protection and Governance Act ("TCEPGA"),<sup>3</sup> in which trial court employees became employees of the court itself, instead of the county, and a new personnel system was established for trial court employees.

The Commission has completed most of this big assignment,<sup>4</sup> but some aspects still require attention.<sup>5</sup>

The statutes relating to court facilities are one such area. Some of those statutes are in Chapter 10 of Title 8 of the Government Code (hereafter, "Chapter 10"), which is entitled "Other Municipal Courts Districts." This memorandum focuses on that chapter. Future memoranda will address other statutes relating to court facilities.<sup>6</sup>

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1. 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](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. 1997 Cal. Stat. ch. 850.

3. See 2000 Cal. Stat. ch. 1010; Gov't Code §§ 71600-71675.

4. For details, see Memorandum 2018-5, pp. 2-6.

5. For details, see *id.* at 6-9.

6. For a list of some statutes the staff plans to examine, see First Supplement to Memorandum 2014-53, pp. 8-9.

Chapter 10 currently consists of 26 short articles. The memorandum begins by discussing:

- The heading of Chapter 10.
- The introductory article (Article 1).

The memorandum then turns to the remaining articles in Chapter 10.

The following items are attached as exhibits:

	<i>Exhibit p.</i>
• Government Code Section 70391 .....	1
• Government Code Section 68106 .....	3
• Legislation to Repeal “Typical” Articles in Chapter 10 (Articles 3, 7, 9.5, 10.5, 11.5, 12, 12.2, 12.3, 28, 29.6, 30.1, 35.5, 37, 38, and 39) .....	5
• Email from Jeff Hamm to Lynne Urman (8/14/2001) .....	15

Unless otherwise indicated, all further statutory references in this memorandum are to the Government Code.

#### CHAPTER HEADING

At this point, it is potentially confusing to have a chapter entitled “Other Municipal Courts Districts” in the codes. There no longer are any municipal court districts and some of the provisions in Chapter 10 expressly relate to superior courts.<sup>7</sup>

To better reflect the current situation, **the staff suggests renaming the chapter, as follows:**

**Heading of Chapter 10 (commencing with Section 73301)  
(amended)**

SEC. \_\_\_\_\_. The heading of Chapter 10 (commencing with Section 73301) of Title 8 of the Government Code is amended to read:

Chapter 10. ~~Other Municipal Courts Districts~~ County-Specific Provisions

**Comment.** The heading of Chapter 10 is amended to properly reflect the current content of the chapter. Municipal courts as separate entities no longer exist. They were eliminated through trial court unification, which occurred on a county-by-county basis. See former Cal. Const. art. VI, Section 5(e). The last remaining municipal courts were eliminated on February 8, 2001, when the

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7. See, e.g., Sections 74602, 74820.2, 74820.3, 74984, 74988.

trial courts in Kings County unified their operations in the superior court.

For purposes of a tentative recommendation, **is this revision acceptable to the Commission?**

#### INTRODUCTORY ARTICLE (ARTICLE 1)

Article 1 of Chapter 10 is an introductory article, entitled “General Provisions.” It currently consists of a single provision, Section 73301.

Section 73301 was enacted in 1953, just after the California Constitution was amended to replace various types of inferior courts with municipal and justice courts.<sup>8</sup> The section was intended to protect employees of superseded courts who succeeded to positions in newly created municipal courts. The final 1953 version of Section 73301 read:

73301. Persons who succeeded to positions in the municipal court upon its establishment shall receive credit for continuous prior service in superseded courts and in the sheriff’s department or constabulary of the county, and, in addition to the minimum rate, such persons shall receive the annual increments commensurate with such years of prior service up to the maximum rate set. This section applies to municipal courts provided for in Articles 3, 7, 12, 13, 15, 18, 22, 23, 29, 31, and 32 of this chapter.<sup>9</sup>

In 2002, the section was amended on the Commission’s recommendation.<sup>10</sup> The amendment inserted “former” before “Articles 3, 7, ....” There have not been any other changes to the language shown above.

In all likelihood, Section 73301 is obsolete. It pertains to employees of courts that were long ago superseded by municipal courts, which in turn were eliminated through trial court unification around the turn of the century.

It may thus be appropriate to repeal Section 73301, as follows:

**Gov’t Code § 73301 (repealed). Prior service in court superseded by municipal court**

SEC. \_\_\_\_ . Section 73301 is repealed.

~~73301. Persons who succeeded to positions in the municipal court upon its establishment shall receive credit for continuous~~

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8. For background on this reform, see 2 B. Witkin, *California Procedure Courts* §§ 163-164, at 235-37 (5th ed. 2008).

9. 1953 Cal. Stat. ch. 1623, § 1.

10. See 2002 Cal. Stat. ch. 784, § 402; *Statutes Made Obsolete by Trial Court Restructuring: Part 1*, 32 Cal. L. Revision Comm’n Reports 1, 355 (2002) (hereafter, “TCR #1”).

~~prior service in superseded courts and in the sheriff's department or constabulary of the county, and, in addition to the minimum rate, such persons shall receive the annual increments commensurate with such years of prior service up to the maximum rate set. This section applies to municipal courts provided for in former Articles 3, 7, 12, 13, 15, 18, 22, 23, 29, 31, and 32 of this chapter.~~

**Comment.** Section 73301 is repealed as obsolete. It pertains to employees of courts that were long ago superseded by municipal courts, which in turn were eliminated through trial court unification, a process that was completed in early 2001.

**Would the Commission like to include this reform in a tentative recommendation?**

To make certain there would be no adverse effect on any former court employee or family member, **the Commission could also include a savings clause, as follows:**

**Uncodified (added). Savings clause — rights and benefits**

SEC. \_\_\_\_\_. If a right, privilege, duty, authority, or status, including but not limited to, a qualification for office, salary range, or employment benefit, is based on a provision of law repealed by this act, and if a statute, order, rule of court, memorandum of understanding, or other legally effective instrument provides that the right, duty, authority, or status continues for a period beyond the effective date of the repeal, that provision of law continues in effect for that purpose, notwithstanding its repeal by this act.

Such a provision would be identical to the savings clause that the Commission included in a big 2002 bill on trial court restructuring.<sup>11</sup> **Would the Commission like to include this clause in the proposal it is currently preparing?**

OTHER ARTICLES

Aside from Article 1, each article currently in Chapter 10 pertains to a particular county or judicial district(s) within a county (generally, municipal court district(s)). In the past, most of these articles consisted of many sections, in which the Legislature prescribed the number, qualifications, and compensation

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11. See 2002 Cal. Stat. ch. 784, § 622.

of municipal court judges, officers, and employees in compliance with a constitutional requirement.<sup>12</sup>

Due to trial court unification and the enactment of TCEPGA, almost all of that material became obsolete.<sup>13</sup> For that reason, all but one of these articles was repealed in 2002, on the Commission's recommendation.

However, each of these articles (unlike some other articles that used to be in the same chapter) contained a small amount of material that was not yet clearly obsolete. To preserve that material, each such article was simultaneously reenacted in a much-reduced form, as recommended by the Commission.<sup>14</sup>

The reenacted articles fall into a number of different categories:

- Typical articles (Articles 3, 7, 9.5, 10.5, 11.5, 12, 12.2, 12.3, 28, 29.6, 30.1, 35.5, 37, 38, and 39).
- Slight variations (Articles 11.6 and 12.5).
- A different approach (Article 27).
- Articles that address judicial benefits (Articles 9, 16, 20, 25, and 30).
- Articles that focus on court security (Articles 32.3 and 40).

Each category is discussed below, in the order shown above.

## Typical Articles

Many of the reenacted articles are quite similar. We begin by describing these typical articles and their predecessors, and then analyze the extent to which they require revisions to reflect trial court restructuring.

### *Description*

Many of the articles that were reenacted contained some material relating to court facilities. In 2002, it would have been premature to declare that material obsolete. As the Commission explained:

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12. See *TCR #1*, *supra* note 10, at 16-17; see also Tentative Recommendation on *Statutes Made Obsolete by Trial Court Restructuring* (Nov. 2001) (hereafter, "2001 TR"), pp. 392-95, 408-10, 414-22, 423-26, 436-38, 440-42, 443-46, 448-51, 451-52, 453-55, 455-57, 462-70, 475-79, 486-95, 507-10, 511-16, 527-28, 529-35, 536-38, 548-52, 565-66, 572-74, 574-77, 578-80, 580-82.

13. See *TCR #1*, *supra* note 10, at 16-17.

14. See 2002 Cal. Stat. ch. 784, §§ 406, 412, 416, 418, 422, 425, 427, 429, 431, 433, 435, 439, 443, 447, 451, 453, 458, 460, 462, 464, 486, 490, 492, 494, 496; see also *TCR #1*, *supra* note 10, at 357-58, 360-61, 363-64, 365-67, 369-70, 371-72, 372-75, 375-76, 377-78, 378-79, 379-80, 382-83, 385, 387-88, 391-92, 392-93, 396, 397-98, 399, 400-01, 412, 414-15, 416-17, 417-18, 419-20. Article 32.3 relating to San Joaquin County (former Gov't Code §§ 74820 *et seq.*) was not repealed in its entirety, but much of it was repealed. See 2002 Cal. Stat. ch. 784, §§ 466, 470-480; see also *TCR #1*, *supra* note 10, at 402-09.

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

Thus, many of the reenacted articles consist of only two code sections. One section describes one or more municipal court districts; the other section concerns court facilities and sessions in the described district(s).

The following articles fall into this category (the “typical articles”):

Article 3. Kings County

Article 7. Monterey County

Article 9.5. Humboldt County

Article 10.5. Fresno County

Article 11.5. Imperial County

Article 12. Marin County

Article 12.2. Mariposa County

Article 12.3. Mendocino County

Article 28. Santa Barbara County

Article 29.6. Siskiyou County

Article 30.1. Glenn County

Article 35.5. Yuba County

Article 37. Butte County

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15. *TCR # 1, supra* Note 10, at 21 (footnotes omitted). The Commission came to the same conclusion the following year:

Court facilities have historically been county structures. In 2002, however, the Legislature enacted the Trial Court Facilities Act, which will unite responsibility for trial court operations and facilities in the state. Under the Act, the transfer of responsibility for the funding and operation of trial court facilities will be negotiated on a building-by-building basis between the state and each county from July 1, 2003, through June 30, 2007.

Inasmuch as the transfer of responsibility will be county and building specific — and may not be completed until 2007 — it is premature to revise facilities provisions at this time. Until the transfers are complete, the existing statutes are not obsolete. Furthermore, even though general policies have been established, the details of each transfer are still subject to negotiation and may vary from county to county. The Commission will continue to monitor the situation and propose appropriate revisions in the future.

*Statutes Made Obsolete by Trial Court Restructuring: Part 2*, 33 Cal. L. Revision Comm’n Reports 169, 177 (2003) (hereafter, “TCR # 2”) (footnotes omitted).

Article 38. Napa County

Article 39. Yolo County

Article 3, pertaining to Kings County, is a good illustration of the articles in this category. It provides:

### Article 3. Kings County

73390. This article applies to the municipal court for the County of Kings. The court referred to in this article shall be the successor of the court to be established by the consolidation of the Corcoran, Hanford, and Lemoore Judicial Districts by the Board of Supervisors of the County of Kings, and it shall be known as the Kings County Municipal Court.

73396. Facilities for the court shall be maintained in the Cities of Hanford, Corcoran, Lemoore, and (if incorporated pursuant to Section 73391.5) Avenal, and in such other locations within the County of Kings as are designated by the board of supervisors. The court shall hold sessions at each facility as business requires. At the direction of the court, arraignment of criminal defendants who are in custody at the Kings County Jail facility shall be held in the court facility located in Hanford.

#### *Initial Analysis*

On reviewing Article 3, it was immediately clear to the staff that some of the material in it is obsolete due to trial court restructuring. In particular,

- **The municipal court no longer exists.** The municipal and superior courts in Kings County unified their operations in the superior court on February 8, 2001.<sup>16</sup> There no longer is a Kings County Municipal Court. The code section describing that court (Section 73390) appears to be obsolete as a result of trial court unification.
- **Superior court sessions are governed by other law.** Soon after the trial court restructuring reforms, the Legislature enacted a provision on superior court sessions, which serves to facilitate the objectives of those reforms.<sup>17</sup> That provision, now codified as Section 69740,<sup>18</sup> authorizes each superior court to determine the number and location of sessions of the court. It expressly overrides any other law on the subject.<sup>19</sup> Accordingly, the last two sentences of Section 73396 appear to be obsolete.

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16. See <http://www.courts.ca.gov/documents/unidate.pdf>.

17. See 2002 Cal. Stat. ch. 1008, § 25.

18. The provision was initially codified as Section 69645, but was later renumbered on the Commission's recommendation. See *TCR #2*, *supra* note 15, at 175-76.

19. Section 69740 provides:

- **The board of supervisors no longer has authority or responsibility for court operations and facilities.** Under the Trial Court Funding Act of 1997, the state “assumed full responsibility for funding trial court operations.”<sup>20</sup> As a result, most statutes that “vest[ed] control over court operations in county boards of supervisors” became obsolete, because they were “inconsistent with the concepts of state control of trial court funding and court control of court operations.”<sup>21</sup>

Court facilities statutes were an exception while the court facilities still belonged to the counties. The process of transferring court facilities from the counties to the state was long and complicated, but was finally completed in 2009.<sup>22</sup> The first sentence of Section 73396 thus appears to be obsolete to the extent that it authorizes the board of supervisors to designate court locations in Kings County.

It was not immediately clear to the staff, however, whether the entirety of Article 3 is obsolete. In particular, we wondered about the part of Section 73396 mandating that “[f]acilities for the court shall be maintained in the Cities of Hanford, Corcoran, Lemoore, and ... Avenal ....”<sup>23</sup>

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69740. (a) *Notwithstanding any other provision of law*, each trial court shall determine the number and location of sessions of the court necessary for the prompt disposition of the business before the court. In making this determination, the court shall consider, among other factors, the impact of this provision on court employees pursuant to Section 71634, the availability and adequacy of facilities for holding the court session at the specific location, the efficiency and cost of holding the session at the specific location, any applicable security issues, and the convenience to the parties and the public served by the court. Nothing in this section precludes a session from being held in a building other than a courthouse.

(b) In appropriate circumstances, upon agreement of the presiding judges of the courts, and in the discretion of the court, the location of a session may be outside the county, except that the consent of the parties shall be necessary to the holding of a criminal jury trial outside the county. The venue of a case for which session is held outside the county pursuant to this section shall be deemed to be the home county of the court in which the matter was filed. Nothing in this section shall provide a party with the right to seek a change of venue unless otherwise provided by statute. No party shall have any right to request the court to exercise its discretion under this section.

(c) The Judicial Council may adopt rules to address an appropriate mechanism for sharing of expenses and resources between the court holding the session and the court hosting the session.

(Emphasis added.)

20. TCR #1, *supra* note 10, at 7.

21. *Id.* at 8.

22. See <http://www.courts.ca.gov/11600.htm> (“Facilities Program Timeline”).

23. The parenthetical preceding the reference to Avenal (“if incorporated pursuant to Section 73391.5”) is obsolete because (1) Avenal was incorporated in 1979 and (2) Section 73391.5 was repealed by 2002 Cal. Stat. ch 784, § 405.

We knew that the Trial Court Funding Act transferred court-related duties and responsibilities from the counties to the state. We also knew that upon trial court unification, municipal court facilities became superior court facilities.<sup>24</sup> We were unsure, however, how much control *the judiciary* got over the location of court facilities after trial court restructuring, as opposed to *the Legislature and the Governor*.

If a statute mandates that there be a municipal court facility in a particular location, is it now altogether obsolete and ripe for repeal? Should the statute instead be amended to mandate that there be a superior court facility in the specified location?

Upon doing some research, the answer to these questions became clear.

#### *Further Analysis*

Among other things, the Trial Court Funding Act of 1997 “created the Task Force on Court Facilities, charged to review and report the status of court facilities throughout the state, and to make recommendations for specific funding responsibilities among the entities of government (i.e., state and/or county) with regards to court facilities maintenance and construction.”<sup>25</sup>

The Task Force visited the state’s court facilities and submitted its report to the Legislature in 2001.<sup>26</sup> It found that many of the court facilities were in poor condition and needed repair, renovation, or maintenance.<sup>27</sup>

The “overarching recommendation” of the Task Force was that “responsibility for trial court facilities funding and operation be shifted from the

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24. See former Cal. Const. art. VI, § 23(c)(2); Gov’t Code § 70212(b).

25. Senate Committee on Judiciary Analysis of SB 1732 (April 16, 2002), p. 1.

26. *Id.* at 2.

27. In particular, the Task Force found:

22 percent of all usable area for court operations is located in buildings rated “functionally deficient”;

21 percent of all courtrooms rated deficient for current use, principally due to the holding, security, or in-custody access;

Security improvements at courthouse entrances and perimeters, including the separation of in-custody defendants from staff and the public are needed;

Safety improvements such as proper exiting system, fire sprinklers, and seismic upgrades are needed;

Increased accessibility for the disabled and increased jury assembly space are needed;

Re-roofing and replacement of heating, ventilation, and air conditioning systems are common problems that need to be addressed; and

The courts must provide relief of overcrowding in staff support areas.

*Id.*, quoting Task Force Report.

counties to the state.”<sup>28</sup> The Task Force gave four main reasons for that recommendation, which the Legislature endorsed in the findings and declarations for the Trial Court Facilities Act. A key theme was that *the judiciary* should control both court operations and court facilities:

(1) The *judicial branch* of government is now wholly responsible for its programs and operations, with the exception of trial court facilities. The *judiciary* should have the responsibility for all of its functions related to its operations and staff, including facilities.

(2) *Uniting responsibility for operations and facilities* increases the likelihood that operational costs will be considered when facility decisions are made, and enhances economical, efficient, and effective court operations.

(3) The state, being solely responsible for creating new judicial positions, drives the need for new court facilities.

(4) Equal access to justice is a key underpinning of our society and the rule of law. It is also a paramount goal of the Judicial Council, the policymaking body of the judicial branch. The state can best ensure uniformity of access to all court facilities in California.<sup>29</sup>

Another provision of the Trial Court Facilities Act drives that point home. Section 70391 expressly gives the Judicial Council control over court facilities, while also specifying some constraints (such as requirements to consult or cooperate with trial courts, counties, or others about various matters). The provision is long, so we just discuss some key parts of it here.<sup>30</sup>

Subdivisions (a) and (b) of Section 70391 make clear that the Judicial Council has broad but not unlimited responsibility and authority with respect to court facilities:

70391. The Judicial Council, as the policymaking body for the judicial branch, shall have the following responsibilities and authorities with regard to court facilities, in addition to any other responsibilities or authorities established by law:

(a) Exercise *full* responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities the title of which is held by the state, including, but not limited to, the acquisition and development of facilities.

(b) Exercise the *full range* of policymaking authority over trial court facilities, including, but not limited to, planning, construction,

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28. 2002 Cal. Stat. ch. 1082, § 1 (legislative findings for Trial Court Facilities Act).

29. *Id.* (emphasis added). For further background on the Trial Court Facilities Act, see Assembly Committee on Judiciary Analysis of SB 1732 (June 25, 2002); Senate Judiciary Committee Analysis of SB 1732 (April 16, 2002).

30. For the full text of Section 70391, see Exhibit pp. 1-2.

acquisition, and operation, to the extent not expressly otherwise limited by law.<sup>31</sup>

Subdivision (c) makes clear that the Judicial Council not only has responsibility and authority for “planning, construction, acquisition, and operation” of court facilities, but also for disposition of such facilities. Again, there are some statutory constraints. Subdivision (c) states:

70391. The Judicial Council, as the policymaking body for the judicial branch, shall have the following responsibilities and authorities with regard to court facilities, in addition to any other responsibilities or authorities established by law:

....  
(c) *Dispose of surplus court facilities* following the transfer of responsibility under Article 3 (commencing with Section 70321), *subject to all of the following:*

(1) If the property was a court facility previously the responsibility of the county, the Judicial Council shall comply with the requirements of Section 11011, and as follows, except that, notwithstanding any other provision of law, the proportion of the net proceeds that represents the proportion of other state funds used on the property other than for operation and maintenance shall be returned to the fund from which it came and the remainder of the proceeds shall be deposited in the State Court Facilities Construction Fund.

(2) The Judicial Council *shall consult with the county* concerning the disposition of the facility. Notwithstanding any other law, including Section 11011, when requested by the transferring county, a surplus facility shall be offered to that county at fair market value prior to being offered to another state agency or local government agency.

(3) The Judicial Council shall consider whether the potential new or planned use of the facility:

(A) Is compatible with the use of other adjacent public buildings.

(B) Unreasonably departs from the historic or local character of the surrounding property or local community.

(C) Has a negative impact on the local community.

(D) Unreasonably interferes with other governmental agencies that use or are located in or adjacent to the building containing the court facility.

(E) *Is of sufficient benefit to outweigh the public good in maintaining it as a court facility or building.*

(4) All funds received for disposal of surplus court facilities shall be deposited by the Judicial Council in the State Court Facilities Construction Fund.

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31. Emphasis added.

(5) If the facility was acquired, rehabilitated, or constructed, in whole or in part, with moneys in the State Court Facilities Construction Fund that were deposited in that fund from the state fund, any funds received for disposal of that facility shall be apportioned to the state fund and the State Court Facilities Construction Fund in the same proportion that the original cost of the building was paid from the state fund and other sources of the State Court Facilities Construction Fund.

(6) *Submission of a plan to the Legislature for the disposition of court facilities transferred to the state, prior to, or as part of, any budget submission to fund a new courthouse that will replace the existing court facilities transferred to the state.*<sup>32</sup>

Section 70391 thus specifies *a process* for the *Judicial Council* to follow in *disposing of* a court facility. Another recently enacted provision, Section 68106, requires a *trial court* to give the public notice and an opportunity to submit comments before *closing any courtroom*.<sup>33</sup> The same provision also requires advance notice to the Legislature.

Through these provisions and other recent legislation on court facilities,<sup>34</sup> the Legislature and the Governor vested broad authority for such matters in the judiciary, while still retaining a measure of control themselves and ensuring that other voices are heard and taken into account. Moreover, the recently enacted procedural constraints on court facility decisions are apparently intended to *supplant, not supplement*, the earlier statutes specifying precisely where courts are to be located.

That is clear because there have been many courthouse closures and a number of courthouse sales in recent years, as the judiciary grappled with budgetary limitations.<sup>35</sup> The Judicial Council and the courts had to make difficult choices about the best means of promoting access to justice, weighing the relative importance of factors such as courthouse proximity, hours of operation, access

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32. Emphasis added.

33. For the full text of Section 68106, see Exhibit pp. 3-4. For further background, see 2012 Cal. Stat. ch. 41, § 22; 2011 Cal. Stat. ch. 687, § 1; 2010 Cal. Stat. ch. 720, § 13; Senate Committee on Judiciary Analysis of AB 973 (June 21, 2011); Assembly Committee on Judiciary Analysis of AB 973 (April 12, 2011); Senate Rules Committee Analysis of SB 857 (Oct. 6, 2010), p. 2.

34. See, e.g., 2008 Cal. Stat. ch. 9 (AB 1491 (Jones)); 2008 Cal. Stat. ch. 311 (SB 1407 (Perata)); 2007 Cal. Stat. ch. 176 (SB 82 (Budget & Fiscal Review Committee)); 2006 Cal. Stat. ch. 444 (SB 10 (Dunn)).

35. See, e.g., Senate Judiciary Committee Analysis of SB 403 (March 28, 2017), p. 1 (“There have been 53 courthouse closures ... throughout California since 2008). See also *id.* at 5 (“Since 2008, severe trial court budget constraints have resulted in the closure of ... many courts. Ideally, in order to preserve access to justice, those ... courthouses should be reopened, but not all can be giving ongoing funding challenges.”) (quoting California Judges Ass’n).

for persons with disabilities, availability of court interpreters, developing effective self-help resources, providing a safe and secure environment for persons to participate, and the extent of court staffing generally. Among the hard, budget-driven decisions were closures of some courts located where a municipal court used to be mandatory under Chapter 10.<sup>36</sup>

The Legislature and the Governor were not only aware of these matters, but actively involved in them. Although there was no legislation on whether to *close* court facilities in particular locations, there have been bills on whether to *sell* some of those facilities after they closed.<sup>37</sup> The Legislature and the Governor

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36. In particular,

- *Compare* Section 73396 (facilities for Kings County Municipal Court “shall be maintained in the Cities of ... Corcoran, Lemoore, and ... Avenal ....”) *with* <http://www.kings.courts.ca.gov> (Kings County Superior Court is located in Hanford). See also <https://www.lsi.org/kings-court-closures>; [http://hanfordsentinel.com/news/local/corcoran-avenal-courts-slated-to-close/article\\_dc484536-e22e-5604-84af-861fe2e186dd.html](http://hanfordsentinel.com/news/local/corcoran-avenal-courts-slated-to-close/article_dc484536-e22e-5604-84af-861fe2e186dd.html).
- *Compare* Section 73698.6 (facilities for Central Valley Municipal Court District of Fresno County) *with* <http://www.fresno.courts.ca.gov/courthouses> (locations of Fresno County Superior Court). See also <http://articles.latimes.com/2012/jul/23/local/la-me-court-cuts-20120723>; <http://abc30.com/archive/8755339>.
- *Compare* Section 73771 (branch of Marin County Municipal Court “shall be maintained at an appropriate location in the former Western Judicial District.”) *with* <http://www.marincourt.org/directions.html> (Marin County Superior Court is located in San Rafael).
- *Compare* Section 74724 (Siskiyou County Municipal Court shall maintain facility at Weed) *with* [http://www.siskiyou.courts.ca.gov/generalinfo/contact\\_locations.htm](http://www.siskiyou.courts.ca.gov/generalinfo/contact_locations.htm) (locations of Siskiyou County Superior Court). See also <http://www.courts.ca.gov/documents/68106-Siskiyou-20131107.pdf>.
- *Compare* Section 74935.5 (municipal court shall maintain branches in Gridley and Paradise) *with* <http://www.buttecourt.ca.gov/Information/Courthouses> (Butte County Superior Court is located in Chico and Oroville). See also <http://www.courts.ca.gov/documents/closure-butte.pdf>.
- *Compare* Section 74950 (Municipal Court for County of Napa shall maintain facilities in Saint Helena and Calistoga) *with* <http://www.napa.courts.ca.gov/general-info/contacts-locations> (Napa County Superior Court is located in Napa).
- *Compare* Section 73956 (Municipal Court of North County Judicial District shall maintain branch office in Escondido) *with* [http://www.sdcourt.ca.gov/portal/page?\\_pageid=55,1058974&\\_dad=portal&\\_schema=PORTAL](http://www.sdcourt.ca.gov/portal/page?_pageid=55,1058974&_dad=portal&_schema=PORTAL) (locations of San Diego County Superior Court).

37. According to Judicial Council staff, specific legislative authorization may be necessary before transferring title to state-owned real property, including courthouses. See email from C. Martel to B. Gaal (3/20/18) (on file with Commission). For a key case bearing on this matter, see *People v. Chambers*, 37 Cal. 2d 552, 233 P.2d 557 (1951). See also Section 70391(c)(6) (requiring “[s]ubmission of a plan to the Legislature for the disposition of court facilities transferred to the state, prior to, or as part of, any budget submission to fund a new courthouse that will replace the existing court facilities transferred to the state”).

enacted those bills,<sup>38</sup> apparently recognizing the sales as necessary cost-saving measures<sup>39</sup> or perhaps even as foreseen administrative streamlining under trial court unification.<sup>40</sup>

*Among the sales they approved were those of court facilities in several places where a municipal courthouse used to be mandatory under Chapter 10.*<sup>41</sup> These included the sales of the Avenal and Corcoran Courthouses in Kings County, as well as the sales of the Firebaugh and Reedley Courthouses in Fresno County.<sup>42</sup>

The Legislature and the Governor thus appear to have redefined their role regarding court facilities. Instead of specifying by statute *precisely where* court facilities must be located, they have enacted statutes governing *the manner in which the judiciary makes court facility decisions*.

The “typical” articles in Chapter 10 thus appear to be obsolete. For purposes of a tentative recommendation, the staff recommends proposing to repeal each of those articles, as shown at pages 5-14 of the attached Exhibit.

**Is that approach acceptable to the Commission?**

SLIGHT VARIATIONS

Articles 11.6 (Madera County) and 12.5 (Merced County) of Chapter 10 are similar to the “typical” articles discussed above. Instead of containing only two code sections, however, each of these articles contains three sections. We discuss Article 11.6 (Madera County) first, and then turn to Article 12.5 (Merced County).

**Madera County**

Like the typical articles, Article 11.6 (Madera County) contains a section describing a municipal court district and a section concerning court facilities and sessions in that district. In addition, the article includes a section on transportation of prisoners, as shown below:

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38. See 2017 Cal. Stat. ch. 358 (SB 403 (Cannella)); 2016 Cal. Stat. ch. 510 (AB 1900 (Jones-Sawyer)); see also AB 2309 (Bloom), as introduced Feb. 13, 2018 (sale of West Los Angeles Courthouse).

39. See, e.g., Senate Committee on Judiciary Analysis of AB 403 (March 28, 2017); Assembly Committee on Judiciary Analysis of AB 403 (June 20, 2017); Assembly Committee on Judiciary Analysis of AB 1900 (March 29, 2016); Senate Committee on Judiciary Analysis of AB 1900 (June 21, 2016).

40. See generally Rebuttal to Argument Against Proposition 220 (1998) (“Proposition 220 will eliminate duplicative administration ...”); Senate Judiciary Committee & Assembly Judiciary Committee, Joint Hearing on *Trial Court Unification Under SCA 3*, pp. 10-11 (comments of Judge Warren); 51 (comments of Margaret Morrow).

41. See 2017 Cal. Stat. ch. 358 (SB 403 (Cannella)).

42. See *supra* note 36 & sources relating to Fresno County and Kings County cited therein.

## Article 11.6. Madera County

73750. There is in the County of Madera, on and after the effective date of this section, a single municipal court district known as the Madera County Municipal Court District.

73756. Facilities for the district shall be maintained at the court facilities provided within each division. The presiding judge shall determine the nature and frequency of sessions held at the court facilities within each division.

73758. The Sheriff of Madera County shall be responsible for the transportation of prisoners held in the county's adult correctional facility to and from necessary court appearances, medical and dental trips, and transfers to or from local, state, or federal correctional facilities. To meet this responsibility, the Sheriff of Madera County shall contract with the county department of corrections, pursuant to Section 831.6 of the Penal Code, to provide these transportation services by qualified personnel of the county department of corrections.

Like the comparable sections in the typical articles, Sections 73750 and 73756 appear to be obsolete. To the best of the staff's knowledge, however, the provision on transportation of prisoners (Section 73758) is not obsolete.

The staff therefore suggests proposing to repeal Sections 73750 and 73756, but not Section 73758. That could be done as follows:

### **§ 73750 (repealed). Madera County Municipal Court District**

~~73750. There is in the County of Madera, on and after the effective date of this section, a single municipal court district known as the Madera County Municipal Court District.~~

**Comment.** Section 73750 is repealed to reflect:

(1) Unification of the municipal and superior courts in Madera County pursuant to former Article VI, Section 5(e), of the California Constitution, effective July 1, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 ("court operations" defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

### **§ 73756 (repealed). Court facilities and sessions**

~~73756. Facilities for the district shall be maintained at the court facilities provided within each division. The presiding judge shall~~

~~determine the nature and frequency of sessions held at the court facilities within each division.~~

**Comment.** Section 73756 is repealed to reflect:

(1) Unification of the municipal and superior courts in Madera County pursuant to former Article VI, Section 5(e), of the California Constitution, effective July 1, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

<p> <b>Note.</b> Section 73758, relating to transportation of prisoners, would remain in the codes unchanged.</p>
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**For purposes of a tentative recommendation, would the Commission like to follow this approach?**

### **Merced County**

Article 12.5 (Merced County) presents another variation. Again, the article includes a section describing a municipal court district and a section concerning court facilities and sessions in that district. In addition, however, the article includes a section regarding the marshal of the Merced County Municipal Court:

#### Article 12.5. Merced County

73790. There is hereby created a municipal court district which embraces the entire County of Merced. This article applies to the municipal court established within the district, which shall be known as the Merced County Municipal Court.

73792. Facilities for the court shall be maintained at or near 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.

73796. There shall be one marshal of the Merced County Municipal Court. The marshal shall receive a salary on range 68.5.

When a vacancy occurs in the office, a majority of the superior and municipal court judges shall appoint the marshal and the marshal shall serve at their pleasure.

Merced County no longer has a marshal. Instead, the sheriff's office provides court security services for the Merced County Superior Court. The marshal's office was eliminated in 2003 pursuant to Section 26638.15 and Merced County Ordinance No. 1687.

Accordingly, Article 12.5 appears to be obsolete and should be repealed:

**Gov't Code §§ 73790-73796 (repealed). Merced County**

SEC. \_\_\_\_\_. Article 12.5 (commencing with Section 73790) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** Sections 73790-73796 are repealed to reflect:

(1) Unification of the municipal and superior courts in Merced County pursuant to former Article VI, Section 5(e), of the California Constitution, effective August 3, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 ("court operations" defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

(4) Elimination of the marshal's office in Merced County. See Section 26638.15; Merced County Ordinance No. 1687 (effective Jan. 15, 2003); Merced County Bd. of Supervisors, Minutes (Dec. 3, 2002), pp. 4, 16.

 **Note.** The text of the repealed article is set out below.

Article 12.5. Merced County

**§ 73790. Merced County Municipal Court**

73790. There is hereby created a municipal court district which embraces the entire County of Merced. This article applies to the municipal court established within the district, which shall be known as the Merced County Municipal Court.

**§ 73792. Court facilities and sessions**

73792. Facilities for the court shall be maintained at or near 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.

**§ 73796. Marshal**

73796. There shall be one marshal of the Merced County Municipal Court. The marshal shall receive a salary on range 68.5.

When a vacancy occurs in the office, a majority of the superior and municipal court judges shall appoint the marshal and the marshal shall serve at their pleasure.

**For purposes of a tentative recommendation, does the Commission want to propose to repeal Article 12.5?**

#### A DIFFERENT APPROACH

Article 27 of Chapter 10 relates to San Luis Obispo County. It is quite different from the previously-discussed articles, because it contains only one section and that section pertains to superior court, not municipal court.

Like other reenacted articles in Chapter 10, the article on San Luis Obispo County used to pertain to a municipal court district and contain a provision on court facilities and sessions in that district, as well as many provisions detailing employment terms for court employees in the district.<sup>43</sup> In its 2001 tentative recommendation on trial court restructuring, the Commission proposed to repeal and reenact that article to preserve the provision on court facilities and sessions (former Section 74602).<sup>44</sup>

Due to previously-obtained stakeholder input, however, Section 74602 would be revised to apply to the superior court, rather than municipal court.<sup>45</sup> Thus, as reenacted in 2002 on Commission recommendation, the section provides:

74602. Facilities for the San Luis Obispo County Superior Court shall be maintained in the City of San Luis Obispo, and may be maintained at any other location within the county. The court may hold sessions at each facility, as business requires. At the direction of the presiding judge, any subordinate judicial officer may perform his or her duties at any court location. At the direction of the court, arraignment of criminal defendants who are in custody at the San Luis Obispo County Jail facility shall be held at that facility.

At the time, issues relating to court sessions and facilities were still unsettled. Now that those matters have been resolved, Section 74602 (and thus the entirety of Article 27) appears to be obsolete, for essentially the same reasons as the typical articles discussed above.

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43. See 2001 TR, *supra* note 12, at pp. 507-10 (former Sections 74600-74613).

44. See *id.* at 507-11.

45. See *id.* at 510-11; see, e.g., email from J. Hamm to L. Urman (Aug. 14, 2001) (Exhibit p. 15).

The Commission could therefore propose to repeal Article 27, as follows:

**Gov't Code §§ 74602-74602 (repealed). San Luis Obispo County**

**SEC. \_\_\_\_.** Article 27 (commencing with Section 74602) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** The article comprised of Section 74602 is repealed to reflect:

(1) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(2) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

(3) Enactment of the Trial Court Employment Protection and Governance Act. See Sections 71601(i) (“subordinate judicial officer”), (m) (“trial court employee”), 71634(d) (trial court has right to determine assignments and transfers of trial court employees).

 **Note.** The text of the repealed article is set out below.

Article 27. San Luis Obispo County

**§ 74602. Superior court facilities and sessions**

74602. Facilities for the San Luis Obispo County Superior Court shall be maintained in the City of San Luis Obispo, and may be maintained at any other location within the county. The court may hold sessions at each facility, as business requires. At the direction of the presiding judge, any subordinate judicial officer may perform his or her duties at any court location. At the direction of the court, arraignment of criminal defendants who are in custody at the San Luis Obispo County Jail facility shall be held at that facility.

**For purposes of a tentative recommendation, is this approach acceptable to the Commission?**

ARTICLES THAT ADDRESS JUDICIAL BENEFITS

Five of the articles in Chapter 10 address judicial benefits:

- Article 9 (El Cajon Judicial District).<sup>46</sup>
- Article 16 (North County Judicial District).<sup>47</sup>

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46. Sections 73640-73642.

47. Sections 73950-73956.

- Article 20 (Riverside County).<sup>48</sup>
- Article 25 (San Diego Judicial District).<sup>49</sup>
- Article 30 (South Bay Judicial District).<sup>50</sup>

All but one of these articles consist solely of: (1) a section describing a municipal court district and (2) a section on benefits for judges in that district. The staff will discuss these articles in a future memorandum on judicial benefits.

The exception is Article 16 (North County Judicial District). Like the other articles in this category, it includes (1) a section describing a municipal court district and (2) a section on benefits for judges in that district. The staff will discuss those sections in the future memorandum on judicial benefits.

Article 16 also includes the following provision on court facilities and sessions:

73956. The headquarters of the municipal court and the clerk and marshal of the North County Judicial District shall be located within the City of Vista or such other place as shall be designated by the Board of Supervisors of the County of San Diego. The municipal court shall hold sessions at its headquarters and at a department at a location within the City of Escondido and at such other location or locations within the North County Judicial District as shall be designated by the board of supervisors. The clerk and marshal of the North County Judicial District shall maintain branch offices at a location within the City of Escondido as shall be designated by the board of supervisors. The Escondido branch office shall maintain the same office hours as the headquarters offices and shall provide facilities for complete municipal court services, including the filing of original complaints and other documents and the posting of bail, and the board of supervisors shall provide facilities within the City of Escondido for the complete transaction of business of the court including the holding of jury trials.

Like the court facility provisions discussed above, this provision appears to be obsolete. For purposes of a tentative recommendation, the Commission could propose to repeal it:

**§ 73956 (repealed). Court facilities and sessions**

~~73956. The headquarters of the municipal court and the clerk and marshal of the North County Judicial District shall be located within the City of Vista or such other place as shall be designated~~

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48. Sections 74130-74145.

49. Sections 74340-74342.

50. Sections 74740-74742.

~~by the Board of Supervisors of the County of San Diego. The municipal court shall hold sessions at its headquarters and at a department at a location within the City of Escondido and at such other location or locations within the North County Judicial District as shall be designated by the board of supervisors. The clerk and marshal of the North County Judicial District shall maintain branch offices at a location within the City of Escondido as shall be designated by the board of supervisors. The Escondido branch office shall maintain the same office hours as the headquarters offices and shall provide facilities for complete municipal court services, including the filing of original complaints and other documents and the posting of bail, and the board of supervisors shall provide facilities within the City of Escondido for the complete transaction of business of the court including the holding of jury trials.~~

**Comment.** Section 73956 is repealed to reflect:

(1) Unification of the municipal and superior courts in San Diego County pursuant to former Article VI, Section 5(e), of the California Constitution, effective December 1, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

(4) Elimination of the marshal’s office in San Diego County.

### **Is that approach acceptable to the Commission?**

#### ARTICLES THAT FOCUS ON COURT SECURITY

The other two articles in Chapter 10 are:

- Article 32.3, entitled “San Joaquin County Court Security and Civil Process Consolidation.”<sup>51</sup>
- Article 40, entitled “Shasta County.”<sup>52</sup>

Both of these articles focus on court security.<sup>53</sup> They do not contain any material on court facilities.

Article 32.3 provides:

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51. Sections 74820-74820.3.

52. Sections 74984-74988.

53. See Exhibit pp. 16-17.

### Article 32.3. San Joaquin County Court Security and Civil Process Consolidation

74820. This article shall be known and may be cited as the San Joaquin County Court Security and Civil Process Act.

74820.1. This article applies to the abolition of the marshal's office and the consolidation of court security functions and service of process and notice functions in the sheriff's office.

74820.2. There is a court services division within the San Joaquin County Sheriff's Department to provide security within the superior court.

74820.3. (a) The sheriff shall be the appointing authority for all court services division positions and employees.

(b) Selection, appointment, and removal of chiefs of the court services division shall be made by a majority vote of the incumbent superior court judges and commissioners from a list of qualified candidates submitted by a committee comprised of the sheriff and an incumbent judge of the superior court.

Similarly, Article 40 provides:

### Article 40. Shasta County

74984. (a) There shall be one marshal who shall be appointed by the Shasta County Superior Court.

(b) The board of supervisors may transfer certain duties of the sheriff to the marshal pursuant to Section 26608.3.

(c) All fees collected by the marshal's office shall be deposited with the county treasurer and credited to the general fund.

74985. Each employee of the marshal's office who is a county employee shall be provided the same employment benefits by Shasta County as the county provides to other county employees in equivalent categories and salary ranges in the county's merit personnel system.

74988. The marshal and employees of the office of the marshal who provide court security services, except reserve deputy marshals, are employees of the Shasta County Superior Court for all purposes.

The staff is not sure whether any of the material in these articles is obsolete due to trial court restructuring. Although the marshal's office was eliminated in many counties, Shasta County is an exception. It still has a marshal's office,

which provides court security services to the Shasta County Superior Court.<sup>54</sup> Thus, as best the staff can tell, Article 40 should remain intact.

To the best of our knowledge, Article 32.3 also reflects the current state of affairs, but it might be appropriate to amend Section 74820.1 as follows:

**Gov't Code § 74820.1 (amended). Application of article**

74820.1. This article applies to ~~the abolition of the marshal's office and the consolidation of~~ court security functions and service of process and notice functions in the sheriff's office.

**Comment.** Section 74820.1 is amended to reflect elimination of the marshal's office in San Joaquin County.

The article heading could also be revised, along the following lines:

**Heading of Article 32.3 (commencing with Section 74820) (amended)**

SEC. \_\_\_\_\_. The heading of Article 32.3 (commencing with Section 74820) of Chapter 10 of Title 8 of the Government Code is amended to read:

Article 32.3. San Joaquin County Court Security and Civil Process  
~~Consolidation~~

**Comment.** The heading of Article 32.3 is amended to reflect elimination of the marshal's office in San Joaquin County.

**Does the Commission want to include these suggested revisions in a tentative recommendation? Should any other changes be made to Article 32.3 or Article 40?**

**Comments on this matter would be helpful.**

NEXT STEP

Unless the Commission otherwise directs, the staff will continue its review of court facilities statutes and discuss what it finds in a future memorandum. At present, our objective is to help the Commission build a tentative recommendation on *Court Facilities Statutes Made Obsolete by Trial Court Restructuring*. Alternatively, the Commission could include the court facilities revisions in a more comprehensive tentative recommendation on *Statutes Made*

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54. See Section 74988; <http://www.shasta.courts.ca.gov/Divisions/Marshal.shtml> ("The Shasta County Marshal's Office is the law enforcement division of the Superior Court.").

*Obsolete by Trial Court Restructuring: Part 6.* It is not yet necessary to decide which of these approaches is preferable.

**As in any Commission study, comments from knowledgeable persons are invaluable.** The Commission encourages, and would much appreciate, input on the statutes discussed in this memorandum. The Commission also welcomes suggestions on other statutes that may contain material made obsolete by trial court restructuring, regardless of whether those statutes relate to court facilities.

Respectfully submitted,

Barbara Gaal  
Chief Deputy Counsel

## **GOVERNMENT CODE SECTION 70391**

70391. The Judicial Council, as the policymaking body for the judicial branch, shall have the following responsibilities and authorities with regard to court facilities, in addition to any other responsibilities or authorities established by law:

(a) Exercise full responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities the title of which is held by the state, including, but not limited to, the acquisition and development of facilities.

(b) Exercise the full range of policymaking authority over trial court facilities, including, but not limited to, planning, construction, acquisition, and operation, to the extent not expressly otherwise limited by law.

(c) Dispose of surplus court facilities following the transfer of responsibility under Article 3 (commencing with Section 70321), subject to all of the following:

(1) If the property was a court facility previously the responsibility of the county, the Judicial Council shall comply with the requirements of Section 11011, and as follows, except that, notwithstanding any other provision of law, the proportion of the net proceeds that represents the proportion of other state funds used on the property other than for operation and maintenance shall be returned to the fund from which it came and the remainder of the proceeds shall be deposited in the State Court Facilities Construction Fund.

(2) The Judicial Council shall consult with the county concerning the disposition of the facility. Notwithstanding any other law, including Section 11011, when requested by the transferring county, a surplus facility shall be offered to that county at fair market value prior to being offered to another state agency or local government agency.

(3) The Judicial Council shall consider whether the potential new or planned use of the facility:

(A) Is compatible with the use of other adjacent public buildings.

(B) Unreasonably departs from the historic or local character of the surrounding property or local community.

(C) Has a negative impact on the local community.

(D) Unreasonably interferes with other governmental agencies that use or are located in or adjacent to the building containing the court facility.

(E) Is of sufficient benefit to outweigh the public good in maintaining it as a court facility or building.

(4) All funds received for disposal of surplus court facilities shall be deposited by the Judicial Council in the State Court Facilities Construction Fund.

(5) If the facility was acquired, rehabilitated, or constructed, in whole or in part, with moneys in the State Court Facilities Construction Fund that were deposited in that fund from the state fund, any funds received for disposal of that facility shall be apportioned to the state fund and the State Court Facilities Construction Fund in the same proportion that the original cost of the building was paid from the state fund and other sources of the State Court Facilities Construction Fund.

(6) Submission of a plan to the Legislature for the disposition of court facilities transferred to the state, prior to, or as part of, any budget submission to fund a new courthouse that will replace the existing court facilities transferred to the state.

(d) Conduct audits of all of the following:

(1) The collection of fees by the local courts.

(2) The moneys in local courthouse construction funds established pursuant to Section 76100.

(3) The collection of moneys to be transmitted to the Controller for deposit in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5.

(e) Establish policies, procedures, and guidelines for ensuring that the courts have adequate and sufficient facilities, including, but not limited to, facilities planning, acquisition, construction, design, operation, and maintenance.

(f) Establish and consult with local project advisory groups on the construction of new trial court facilities, including the trial court, the county, the local sheriff, state agencies, bar groups, including, but not limited to, the criminal defense bar, and members of the community. Consultation with the local sheriff in design, planning, and construction shall include the physical layout of new facilities, as it relates to court security and other security considerations, including matters relating to the safe control and transport of in-custody defendants.

(g) Manage court facilities in consultation with the trial courts.

(h) Allocate appropriated funds for court facilities maintenance and construction, subject to the other provisions of this chapter.

(i) Manage shared-use facilities to the extent required by the agreement under Section 70343.

(j) Prepare funding requests for court facility construction, repair, and maintenance.

(k) Implement the design, bid, award, and construction of all court construction projects, except as delegated to others.

(l) Provide for capital outlay projects that may be built with funds appropriated or otherwise available for these purposes as follows:

(1) Approve five-year and master plans for each district.

(2) Establish priorities for construction.

(3) Recommend to the Governor and the Legislature the projects to be funded by the State Court Facilities Construction Fund.

(4) Submit the cost of projects proposed to be funded to the Department of Finance for inclusion in the Governor's Budget.

(m) In carrying out its responsibilities and authority under this section, the Judicial Council shall consult with the local court for:

(1) Selecting and contracting with facility consultants.

(2) Preparing and reviewing architectural programs and designs for court facilities.

(3) Preparing strategic master and five-year capital facilities plans.

(4) Major maintenance of a facility.

## **GOVERNMENT CODE SECTION 68106**

68106. (a)(1) In making appropriations for the support of the trial courts, the Legislature recognizes the importance of increased revenues from litigants and lawyers, including increased revenues from civil filing fees. It is therefore the intent of the Legislature that courts give the highest priority to keeping courtrooms open for civil and criminal proceedings. It is also the intent of the Legislature that, to the extent practicable, in the allocation of resources by and for trial courts, access to court services for civil litigants be preserved, budget cuts not fall disproportionately on civil cases, and the right to trial by jury be preserved.

(2) Furthermore, it is the intent of the Legislature in enacting the Budget Act of 2010, which includes increases in civil and criminal court fees and penalties, that trial courts remain open to the public on all days except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115.

(b)(1) A trial court shall provide written notification to the public by conspicuous posting within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council, not less than 60 days prior to closing any courtroom, or closing or reducing the hours of clerks' offices during regular business hours on any day except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115. The notification shall include the scope of the closure or reduction in hours, and the financial constraints or other reasons that make the closure or reduction necessary.

(2)(A) The notification required pursuant to paragraph (1) shall include information on how the public may provide written comments during the 60-day period on the court's plan for closing a courtroom, or closing or reducing the hours of clerks' offices. The court shall review and consider all public comments received. If the court plan for closing a courtroom, or closing or reducing the hours of clerks' offices, changes as a result of the comments received or for any other reason, the court shall immediately provide notice to the public by posting a revised notice within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council. Any change in the court's plan pursuant to this paragraph shall not require notification beyond the initial 60-day period.

(B) This paragraph shall not be construed to obligate courts to provide responses to the comments received.

(3) Within 15 days of receipt of a notice from a trial court, the Judicial Council shall conspicuously post on its Internet Web site and provide the chairs and vice chairs of the Committees on Judiciary, the Chair of the Assembly Committee on Budget, and the Chair of the Senate Committee on Budget and Fiscal Review a copy of any notice received pursuant to this subdivision. The Legislature intends to review the information obtained pursuant to this section to ensure that California trial courts remain open and accessible to the public.

(c) Nothing in this section is intended to affect, limit, or otherwise interfere with regular court management decisionmaking, including calendar management and scheduling decisions.

LEGISLATION TO REPEAL “TYPICAL” ARTICLES IN CHAPTER 10 (ARTICLES 3, 7, 9.5, 10.5, 11.5, 12, 12.2, 12.3, 28, 29.6, 30.1, 35.5, 37, 38, AND 39)

**Gov’t Code §§ 73390-73396 (repealed). Kings County**

SEC. \_\_\_\_\_. Article 3 (commencing with Section 73390) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** Sections 73390-73396 are repealed to reflect:

(1) Unification of the municipal and superior courts in Kings County pursuant to former Article VI, Section 5(e), of the California Constitution, effective February 8, 2001.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

(4) The incorporation of Avenal and the repeal of former Section 73391.5 (see 2002 Cal. Stat. ch. 784, § 405).

 **Note.** The text of the repealed article is set out below.

Article 3. Kings County

**§ 73390. Kings County Municipal Court**

73390. This article applies to the municipal court for the County of Kings. The court referred to in this article shall be the successor of the court to be established by the consolidation of the Corcoran, Hanford, and Lemoore Judicial Districts by the Board of Supervisors of the County of Kings, and it shall be known as the Kings County Municipal Court.

**§ 73396. Court facilities and sessions**

73396. Facilities for the court shall be maintained in the Cities of Hanford, Corcoran, Lemoore, and (if incorporated pursuant to Section 73391.5) Avenal, and in such other locations within the County of Kings as are designated by the board of supervisors. The court shall hold sessions at each facility as business requires. At the direction of the court, arraignment of criminal defendants who are in custody at the Kings County Jail facility shall be held in the court facility located in Hanford.

**Gov’t Code §§ 73560-73561 (repealed). Monterey County**

SEC. \_\_\_\_\_. Article 7 (commencing with Section 73560) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** Sections 73560-73561 are repealed to reflect:

(1) Unification of the municipal and superior courts in Monterey County pursuant to former Article VI, Section 5(e), of the California Constitution, effective December 18, 2000.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court

operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

 **Note.** The text of the repealed article is set out below.

### Article 7. Monterey County

#### § 73560. Monterey County Municipal Court District

This article applies to the Monterey County Municipal Court District, which encompasses the entire County of Monterey.

#### § 73561. Court facilities and sessions

73561. Facilities for the court shall be maintained in the Cities of Salinas and Monterey and at court facilities provided elsewhere in accordance with law. The court shall determine the nature and frequency of sessions held at court locations.

#### Gov't Code §§ 73660-73661 (repealed). Humboldt County

SEC. \_\_\_\_\_. Article 9.5 (commencing with Section 73660) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** Sections 73660-73661 are repealed to reflect:

(1) Unification of the municipal and superior courts in Humboldt County pursuant to former Article VI, Section 5(e), of the California Constitution, effective June 10, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

 **Note.** The text of the repealed article is set out below.

### Article 9.5. Humboldt County

#### § 73660. Humboldt County Municipal Court District

73660. There is in the County of Humboldt a single municipal court district known as the Humboldt County Municipal Court District.

#### § 73661. Court facilities and sessions

In order that the citizens of the county may have convenient access to the court, the location of permanent court facilities and locations where sessions of the court may be held other than in the county seat shall be as determined by the board of supervisors.

**Gov't Code §§ 73698-73698.6 (repealed). Fresno County**

SEC. \_\_\_\_\_. Article 10.5 (commencing with Section 73698) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** Sections 73698-73698.6 are repealed to reflect:

(1) Unification of the municipal and superior courts in Fresno County pursuant to former Article VI, Section 5(e), of the California Constitution, effective July 1, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 ("court operations" defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

 **Note.** The text of the repealed article is set out below.

Article 10.5. Fresno County

**§ 73698. Central Valley Municipal Court District of Fresno County**

73698. This article applies to the Central Valley Municipal Court District of Fresno County. The court referred to in this article shall become operative upon the consolidation of the Coalinga, Firebaugh, Fowler-Caruthers, Kerman, Kingsburg-Riverdale, Parlier-Selma, Reedley-Dunlap, and Sanger Judicial Districts by the Board of Supervisors of the County of Fresno.

**§ 73698.6. Court facilities and sessions**

73698.6. Facilities for the court shall be maintained in the Cities of Coalinga, Firebaugh, Fowler, Kerman, Kingsburg, Parlier, Selma, Reedley, and Sanger, and the communities of Caruthers and Riverdale; and in such other locations within the County of Fresno as are designated by the board of supervisors. The court shall hold sessions at each facility as business requires. At the direction of the court, arraignment of criminal defendants who are in custody at the Fresno County Detention Facility shall be held at the court facility located at the Fresno County Detention Facility.

**Gov't Code §§ 73730-73732 (repealed). Imperial County**

SEC. \_\_\_\_\_. Article 11.5 (commencing with Section 73730) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** Sections 73730-73732 are repealed to reflect:

(1) Unification of the municipal and superior courts in Imperial County pursuant to former Article VI, Section 5(e), of the California Constitution, effective June 22, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 ("court operations" defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

 **Note.** The text of the repealed article is set out below.

### Article 11.5. Imperial County

#### § 73730. Imperial County Municipal Court

73730. There is hereby created a municipal court district which embraces the entire County of Imperial. This article applies to the municipal court established within the district, which shall be known as the Imperial County Municipal Court.

#### § 73732. Court facilities and sessions

73732. Facilities for the court shall be maintained, at or near 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.

#### Gov't Code §§ 73770-73771 (repealed). Marin County

SEC. \_\_\_\_\_. Article 12 (commencing with Section 73770) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** Sections 73770-73771 are repealed to reflect:

(1) Unification of the municipal and superior courts in Marin County pursuant to former Article VI, Section 5(e), of the California Constitution, effective June 11, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

 **Note.** The text of the repealed article is set out below.

### Article 12. Marin County

#### § 73770. Marin County Municipal Court

73770. This article applies to the judicial district of the Marin County Municipal Court.

#### § 73771. Branch court in former Western Judicial District

73771. A branch court shall be maintained at an appropriate location in the former Western Judicial District.

#### Gov't Code §§ 73783.1-73783.3 (repealed). Mariposa County

SEC. \_\_\_\_\_. Article 12.2 (commencing with Section 73783.1) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** Sections 73783.1-73783.3 are repealed to reflect:

(1) Unification of the municipal and superior courts in Mariposa County pursuant to former Article VI, Section 5(e), of the California Constitution, effective June 3, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

 **Note.** The text of the repealed article is set out below.

#### Article 12.2. Mariposa County

##### § 73783.1. Municipal Court for Mariposa County

73783.1. This article applies to the municipal court established in a judicial district embracing the County of Mariposa.

##### § 73783.3. Court facilities, sessions, and jurors

73783.3. 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. Jurors shall be drawn from the entire county.

#### Gov’t Code §§ 73784-73784.10 (repealed). Mendocino County

SEC. \_\_\_\_\_. Article 12.3 (commencing with Section 73784) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** Sections 73784-73784.10 are repealed to reflect:

(1) Unification of the municipal and superior courts in Mendocino County pursuant to former Article VI, Section 5(e), of the California Constitution, effective August 3, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

 **Note.** The text of the repealed article is set out below.

#### Article 12.3. Mendocino County

##### § 73784. Mendocino County Municipal Court District

73784. This article applies to and establishes the Mendocino County Municipal Court District, which shall embrace the entire County of Mendocino, and shall supersede the Anderson, Arena, Long Valley, Round Valley, and Ten Mile Judicial Districts and the Mount San Hedrin Municipal Court District.

**§ 73784.10. Court facilities and sessions**

73784.10. The location of permanent court facilities and locations where sessions of the court may be held other than in the county seat shall be as determined by the board of supervisors.

**Gov't Code §§ 74640-74640.2 (repealed). Santa Barbara County**

SEC. \_\_\_\_\_. Article 28 (commencing with Section 74640) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** Sections 74640-74640.2 are repealed to reflect:

(1) Unification of the municipal and superior courts in Santa Barbara County pursuant to former Article VI, Section 5(e), of the California Constitution, effective August 3, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

 **Note.** The text of the repealed article is set out below.

Article 28. Santa Barbara County

**§ 74640. Santa Barbara Municipal Court and North Santa Barbara County Municipal Court**

74640. There are in the County of Santa Barbara two municipal court districts, known as the Santa Barbara Municipal Court and the North Santa Barbara County Municipal Court.

**§ 74640.2. Court facilities**

74640.2. In order that the citizens residing in each division of the North Santa Barbara County Municipal Court may have convenient access to the court, sufficient court facilities, including staff and other necessary personnel, shall be maintained in each division at the following sites or as otherwise designated by the board of supervisors:

- (a) In the Santa Maria Division, in the City of Santa Maria.
- (b) In the Lompoc Division, in the City of Lompoc.
- (c) In the Solvang Division, in the City of Solvang.

**Gov't Code §§ 74720-74724 (repealed). Siskiyou County**

SEC. \_\_\_\_\_. Article 29.6 (commencing with Section 74720) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** Sections 74720-74724 are repealed to reflect:

(1) Unification of the municipal and superior courts in Siskiyou County pursuant to former Article VI, Section 5(e), of the California Constitution, effective June 4, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court

operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

**Note.** The text of the repealed article is set out below.

#### Article 29.6. Siskiyou County

##### **§ 74720. Siskiyou County Municipal Court District**

74720. The Siskiyou County Municipal Court District shall supersede the Western, Southeastern, and Dorris/Tulelake Judicial Districts and shall embrace the entire County of Siskiyou.

##### **§ 74724. Court facilities and sessions**

74724. The court shall maintain facilities at Yreka, Dorris, Weed, and other locations determined by the court. The court shall determine the nature and frequency of sessions to be held at additional court locations.

#### **Gov't Code §§ 74760-74764 (repealed). Glenn County**

SEC. \_\_\_\_\_. Article 30.1 (commencing with Section 74760) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** Sections 74760-74764 are repealed to reflect:

(1) Unification of the municipal and superior courts in Glenn County pursuant to former Article VI, Section 5(e), of the California Constitution, effective July 31, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

**Note.** The text of the repealed article is set out below.

#### Article 30.1. Glenn County

##### **§ 74760. Glenn County Municipal Court District**

74760. The Glenn County Municipal Court District shall supersede the Glenn County Judicial District and shall embrace the entire County of Glenn.

##### **§ 74764. Court facilities and sessions**

74764. The court shall maintain facilities at Willows and other locations determined by the court. The court shall determine the nature and frequency of sessions to be held at additional court locations.

**Gov't Code §§ 74915-74916 (repealed). Yuba County**

SEC. \_\_\_\_\_. Article 35.5 (commencing with Section 74915) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** Sections 74915-74916 are repealed to reflect:

(1) Unification of the municipal and superior courts in Yuba County pursuant to former Article VI, Section 5(e), of the California Constitution, effective April 16, 1999.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

 **Note.** The text of the repealed article is set out below.

Article 35.5. Yuba County

**§ 74915. Yuba County Municipal Court**

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.

**§ 74916. Court facilities, sessions, and jurors**

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.

**Gov't Code §§ 74934-74935.5 (repealed). Butte County**

SEC. \_\_\_\_\_. Article 37 (commencing with Section 74934) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** Sections 74934-74935.5 are repealed to reflect:

(1) Unification of the municipal and superior courts in Butte County pursuant to former Article VI, Section 5(e), of the California Constitution, effective June 3, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

**Note.** The text of the repealed article is set out below.

### Article 37. Butte County

#### § 74934. Municipal courts for specified judicial districts in Butte County

74934. This article applies only to municipal courts established in the following judicial districts in Butte County:

(a) A district embracing the Cities of Chico and Paradise, designated as the North Butte County Judicial District headquartered in the City of Chico.

(b) A district embracing the Cities of Oroville, Biggs, and Gridley, designated as the South Butte County Judicial District which is hereby created and shall be headquartered in the City of Oroville.

#### § 74935.5. Court facilities

74935.5. There shall be maintained in both the City of Gridley and the Town of Paradise branch court facilities, including staff and other necessary personnel, so that the citizens of those communities may utilize such facilities as needed for small claims, infractions (traffic), civil matters, and misdemeanors.

#### Gov't Code §§ 74948-74950 (repealed). Napa County

SEC. \_\_\_\_\_. Article 38 (commencing with Section 74948) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** Sections 74948-74950 are repealed to reflect:

(1) Unification of the municipal and superior courts in Napa County pursuant to former Article VI, Section 5(e), of the California Constitution, effective June 3, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

(4) Repeal of former Section 71342. See 2003 Cal. Stat. ch. 149, § 59; 33 Cal. L. Revision Comm’n Reports 169, 175-76, 224 (2003).

**Note.** The text of the repealed article is set out below.

### Article 38. Napa County

#### § 74948. Municipal Court for the County of Napa

74948. This article applies to the municipal court district which embraces the entire County of Napa, which court shall be known as the Municipal Court for the County of Napa.

#### § 74950. Court facilities and sessions

74950. Facilities for the court shall be maintained in the City of Napa, the City of Saint Helena, the City of Calistoga, and in such other locations within the

County of Napa as are designated by the board of supervisors pursuant to the provisions of Section 71342. The court shall hold sessions at each facility as business requires.

**Gov't Code §§ 74960-74962 (repealed). Yolo County**

SEC. \_\_\_\_\_. Article 39 (commencing with Section 74960) of Chapter 10 of Title 8 of the Government Code is repealed.

**Comment.** Sections 74960-74962 are repealed to reflect:

(1) Unification of the municipal and superior courts in Yolo County pursuant to former Article VI, Section 5(e), of the California Constitution, effective June 3, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 ("court operations" defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

 **Note.** The text of the repealed article is set out below.

Article 39. Yolo County

**§ 74960. Yolo County Municipal Court**

74960. This article applies to the municipal court established within the municipal court district which embraces the entire territory of the County of Yolo lying within the exterior boundaries of such county, which court shall be known as the Yolo County Municipal Court.

**§ 74962. Court facilities and sessions**

74962. Facilities for the court shall be maintained at or near 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.

**EMAIL FROM JEFF HAMM, SAN LUIS OBISPO SUPERIOR COURT TO  
LYNNE URMAN, CLRC (8/14/01)**

Dear Ms. Urman:

Thank you for the opportunity to review and comment on the candidate statutory revisions relating specifically to the San Luis Obispo County Superior Court.

Govt. Code § 74602(a) currently authorizes the court to arraign criminal defendants who are in custody at the San Luis Obispo County Jail at that facility. Numerous entities, including the California Department of Corrections and our own Grand Jury, have opined that our courthouse holding cell facilities are not adequate for our current volume of in-custody defendants. While we have not begun to arraign criminal defendants at the jail, the authorization to do so provides one alternative that could be extremely important to this Court and to SLO County. We respectfully request that the current provision be retained unless replaced by general statutory authorization elsewhere.

Thank you for your time and consideration.

Jeff Hamm  
Assistant Court Executive Officer  
Superior Court of California, San Luis Obispo County