

## Memorandum 2018-63

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

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The Commission has been examining statutes relating to court facilities, to determine whether they contain material made obsolete by trial court restructuring.<sup>1</sup> After identifying potential reforms, the Commission will incorporate those reforms in a tentative recommendation, which will be broadly circulated for comment.

This memorandum continues the Commission's work on court facility statutes. It discusses the following statutes in Title 8 of the Government Code:

- (1) Articles 1-8 of Chapter 5.7 (Sections 70301-70403), which is known as the Trial Court Facilities Act.<sup>2</sup> For convenient reference, these code sections are attached as Exhibit pages 1-34.
- (2) Article 3 of Chapter 13 (Sections 77200-77212), which is entitled "State Finance Provisions." For convenient reference, these code sections are attached as Exhibit pages 35-61.

Unless otherwise specified, all further statutory references are to the Government Code.

ARTICLES 1-8 OF THE TRIAL COURT FACILITIES ACT  
(GOV'T CODE §§ 70301-70403)

This discussion introduces the Trial Court Facilities Act by summarizing its history. Next, the staff describes the content of the Act and our initial impression

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1. See Memorandum 2018-21; Memorandum 2018-31; First Supplement to Memorandum 2018-31; Minutes (May 2018), p. 6; *Draft Minutes* (Aug. 2018), pp. 4-12.

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. Earlier in this study, the staff determined that recently-enacted Article 9 of the Trial Court Facilities Act (Gov't Code §§ 70500-70508) does not require revisions to reflect trial court restructuring. See Memorandum 2018-31, p. 38.

of how to approach it in this study. We then suggest a different approach and explain why we changed our minds about the best way to proceed. Lastly, we provide a few additional comments about the Trial Court Facilities Act.

### **History of the Trial Court Facilities Act**

In 1997, the Legislature enacted the Lockyer-Isenberg Trial Court Funding Act, which made the state responsible for funding trial court operations instead of the counties.<sup>3</sup> The Trial Court Funding Act did not settle the proper treatment of court facilities, which historically were county structures.<sup>4</sup> Rather, the Act created a Task Force on Court Facilities to study and make recommendations on that matter.<sup>5</sup>

As explained in previous memoranda, the Task Force on Court Facilities completed its assigned work and submitted its final report to the Legislature in 2001.<sup>6</sup> The following year, the Legislature enacted the Trial Court Facilities Act.<sup>7</sup> In so doing, it endorsed and implemented the key recommendations of the Task Force on Court Facilities.<sup>8</sup>

The “overarching recommendation of the Task Force on Court Facilities was that “responsibility for trial court facilities funding and operation be shifted from the counties to the state.”<sup>9</sup> The Trial Court Facilities Act was thus designed to “unite responsibility for trial court operations and facilities in the state.”<sup>10</sup>

Shortly after the Trial Court Facilities Act was enacted, this Commission explained:

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.

.... [E]ven though general policies have been established, the details of each transfer are still subject to negotiation and may vary from county to county.<sup>11</sup>

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3. See 1997 Cal. Stat. ch. 850; see generally Sections 77000-77655.

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

5. See 1997 Cal. Stat. ch. 850, § 48; *Statutes Made Obsolete by Trial Court Restructuring: Part 1*, 32 Cal. L. Revision Comm’n Reports 1, 21 (2002) (hereafter, “TCR #1”).

6. See Memorandum 2018-21, pp 9-10; Memorandum 2018-31, pp. 8-9.

7. 2002 Cal. Stat. ch. 1082.

8. See in particular 2002 Cal. Stat. ch. 1082, § 1 (legislative findings for Trial Court Facilities Act).

9. *Id.*

10. TCR #2, *supra* note 4, at 177.

11. *Id.* (footnote omitted).

The process of transferring court facilities from the counties to the state turned out to be more difficult and complicated than anticipated; the Legislature had to extend the statutory deadline. By the end of 2009, however, the process was essentially complete.<sup>12</sup>

### **Content of the Trial Court Facilities Act**

As enacted in 2002, the Trial Court Facilities Act consisted of eight articles. The Legislature has revised those articles to some extent over the years, and it recently added a new article, which does not warrant discussion here.<sup>13</sup> In general, however, Articles 1-8 are much the same as when they were first enacted.

Briefly, the content of those articles is as follows:

**Article 1. General Provisions (Sections 70301-70303; Exhibit pp. 1-2).** This article defines some terms for purposes of the chapter containing it and says that the chapter “shall be known and may be cited as the ‘Trial Court Facilities Act of 2002.’”<sup>14</sup> The article also creates the Court Facilities Dispute Resolution Committee and specifies its duties and other rules governing it.<sup>15</sup>

**Article 2. Responsibility for Court Facilities (Sections 70311-70312; Exhibit p. 3).** This article starts from the premise that each county is “responsible for providing necessary and suitable facilities for judicial and court support positions created prior to July 1, 1996.”<sup>16</sup> The article further provides, however, that the county is relieved of that responsibility if “responsibility for court facilities is transferred from the county to the Judicial Council pursuant to this chapter.”<sup>17</sup> The article specifies some details regarding these matters<sup>18</sup> and also states that counties are not responsible for funding court operations.<sup>19</sup>

**Article 3. Agreements Transferring Responsibility for Court Facilities (Sections 70321-70333; Exhibit pp. 4-8).** This article begins by stating that “[t]he Judicial Council, in consultation with the superior court of each county and the county shall enter into agreements regarding the transfer of responsibility for court facilities from that county to the Judicial Council.”<sup>20</sup> The remainder of the article sets forth many rules regarding such agreements,

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

13. See note 2 *supra*.

14. Section 70301.

15. See Section 70303.

16. See Section 70311.

17. See Section 70312.

18. See Sections 70311(b)-(e), 70312, 70313.

19. See Section 70311(a).

20. See Section 70321(a).

including special rules for historic buildings,<sup>21</sup> buildings subject to bonded indebtedness,<sup>22</sup> buildings that a county leases from a third party,<sup>23</sup> buildings with deficiencies due to deferred maintenance,<sup>24</sup> buildings with unacceptable seismic safety ratings,<sup>25</sup> buildings with ongoing court facilities projects,<sup>26</sup> and shared use buildings.<sup>27</sup>

**Article 4. Administration of Shared Use Buildings (Sections 70341-70344; Exhibit pp. 9-10).** A “shared use building” is “a building which is used for both court and noncourt purposes.”<sup>28</sup> Article 4 of the Trial Court Facilities Act establishes rules applicable to shared use buildings on an ongoing basis.

**Article 5. County Facilities Payment (Sections 70351-70370; Exhibit pp. 11-17).** This article concerns county facilities payments (“CFPs”), which are based on “the amount that [each] county historically expended for operation and maintenance of court facilities.”<sup>29</sup> The article contains detailed rules for calculation of CFPs and payment of CFPs on an ongoing basis after a county transfers its court facilities to the state.

**Article 6. State Court Facilities Construction Fund (Sections 70371-70379; Exhibit pp. 18-25).** This article establishes the State Court Facilities Construction Fund.<sup>30</sup> It contains detailed rules governing that fund, including rules for prioritizing court construction projects. The article also imposes a state court construction penalty in connection with certain offenses and specifies how those funds are to be used.<sup>31</sup>

**Article 7. Authority and Responsibility (Sections 70391-70396; Exhibit pp. 26-33).** This article gives the Judicial Council and the trial courts much authority and responsibility for court facilities on an ongoing basis; it also specifies the ongoing roles of the counties and other entities with regard to court facilities.

**Article 8. Transitional Funding (Sections 70402-70403; Exhibit p. 34).** This article contains rules governing courthouse construction funds and similar funds.

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21. See Section 70329.

22. See Section 70325.

23. See Section 70323(c).

24. See Sections 70326, 70328.

25. See Sections 70327, 70328.

26. See Section 70331.

27. See Section 70323(b).

28. Section 70301(i).

29. Section 70351.

30. See Section 70371. Article 6 also establishes and sets rules for the Court Facilities Architecture Revolving Fund. See Section 70379.

31. See Sections 70372-70373.

## Initial Impression of How to Approach the Trial Court Facilities Act

The Trial Court Facilities Act was necessarily written before the trial court facilities were transferred and before the initial CFP payments were calculated. The Act thus describes those events in the future tense (e.g., “[t]he Judicial Council ... and the county shall enter into agreements regarding the transfer of responsibility for court facilities from that county to the Judicial Council”<sup>32</sup>). The Act also specifies details regarding the facilities transfers and the initial CFP payments that might not have current relevance (e.g., “[o]n or before July 1, 2003, each county shall designate those persons who shall negotiate the [transfer] agreements on behalf of the county and shall give the Judicial Council the names of those persons”<sup>33</sup>).

On initial consideration of the Trial Court Facilities Act, the staff thought the Act could use some updating to reflect the present state of the trial court restructuring reforms. We planned to prepare a memorandum that examined the Act article-by-article, identifying material that appeared to be obsolete.

For instance, paragraphs (1) and (2) of Section 70303(c) direct the Court Facilities Dispute Resolution Committee to:

[H]ear and make recommendations to the Director of Finance for determinations in disputes involving the following matters:

(1) Buildings rejected for transfer of responsibility because of deficiencies as provided in Section 70328.

(2) Failure to reach agreement on transfer of responsibility for a building as provided in Section 70333.

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The types of disputes described in these two paragraphs will no longer occur, because the process of transferring court facilities from the counties to the state was completed in 2009.<sup>34</sup> Consequently, it initially seemed reasonable to explore the possibility of deleting paragraphs (1) and (2) from Section 70303(c).

On further study, however, the staff realized that clean-up of this nature could be problematic for a number of reasons. We explain those concerns and suggest an alternative approach below.

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32. Section 70321(a).

33. *Id.*

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

## Revised View After Further Study

The more that the staff looked at the Trial Court Facilities Act, the more difficult it seemed to accomplish clean-up of the sort described above. The above-described potential revision of Section 70303(c) helps to illustrate this point.

Section 70303(c) includes five paragraphs, not just the two previously described. In full, it provides:

(c) The [Court Facilities Dispute Resolution Committee] shall hear and make recommendations to the Director of Finance for determinations in disputes involving the following matters:

(1) Buildings rejected for transfer of responsibility because of deficiencies as provided in Section 70328.

(2) Failure to reach agreement on transfer of responsibility for a building as provided in Section 70333.

(3) Disputes regarding the appropriateness of expenditures from a local courthouse construction fund as provided in Section 70403.

(4) County appeal of a county facilities payment amount as provided in Section 70366.

(5) Administrative Office of the Courts appeal of a county facilities payment amount as provided in Section 70367.

An amendment proposing to delete paragraphs (1) and (2) as obsolete could be viewed as implying that the remaining paragraphs are *not* obsolete. According to Charles Martel (Supervising Attorney for the Judicial Council), however, the Director of Finance maintains that the Court Facilities Dispute Resolution Committee no longer exists and Section 70303 is obsolete in its entirety. Mr. Martel suspects that the Judicial Council might take the same position, but he is not certain of that. He says that at least one county disagrees and is currently trying to invoke the dispute resolution process under Section 70303.

Amending Section 70303 to delete paragraphs (c)(1) and (c)(2) is thus likely to be controversial. Proposing to repeal the section is also likely to be controversial. The only readily apparent way to avoid controversy is to leave the section alone for now.

The Commission's role in this study is to do technical clean-up relating to trial court restructuring. It is not charged with resolving stakeholder disputes in this context. Rather, the Commission has repeatedly backed off when it became clear that a possible trial court restructuring revision would involve wading into

a stakeholder dispute, not just removing “deadwood” from the codes.<sup>35</sup> That approach has helped to ensure that its trial court restructuring bills were enacted, not jeopardized by inclusion of controversial material.

Here, Section 70303 is not an isolated example. We cannot yet point to any other actual dispute over whether material in the Trial Court Facilities Act is obsolete, but the potential for such disputes is clear. Much of the Act has ongoing importance; the line between what remains useful and what has become obsolete may be hard to draw. In any case, attempting to revise the Act to eliminate obsolete material might cause confusion or raise concerns, even if stakeholders do not clash over the matter.

For instance, consider Sections 70311 and 70312. Section 70311(b) creates a presumption that *counties* are responsible for providing court facilities for certain trial court positions:

(b) Except as provided in Section 70312, commencing as of July 1, 1996, and each year thereafter, *each county or city and county shall be responsible for providing necessary and suitable facilities for judicial and court support positions created prior to July 1, 1996.* In determining whether facilities are necessary and suitable, the reasonable needs of the court and the fiscal condition of the county or city and county shall be taken into consideration.<sup>36</sup>

Section 70312 undoes the foregoing presumption when a county transfers its court facilities to the state:

70312. *If responsibility for court facilities is transferred from the county to the Judicial Council pursuant to this chapter, the county is relieved of any responsibility under Section 70311 for providing those facilities.* The county is also relieved of any responsibility for deferred or ongoing maintenance for the facility transferred, except for the county facilities payment required by Section 70353. Except as otherwise provided by this chapter, or by the agreement between the Judicial Council and the county under this chapter, the Judicial Council shall have ongoing responsibility for providing trial court facilities. *If responsibility for all court facilities within a county has been transferred pursuant to this chapter, that county shall have no responsibility for providing court facilities.* This section does

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35. See, e.g., TCR #1, *supra* note 5, at 21 (“Many statutes that require amendment or repeal are not included in this recommendation because stakeholders have not yet reached agreement on key issues ....”); Memorandum 2006-9, pp. 16-17 (Stakeholders continue to disagree regarding court reporter compensation issues, so “the Commission should continue to defer further study of these provisions.”); First Supplement to Memorandum 2014-53, p. 7 (In studying rights and responsibilities of counties versus superior courts, “the Commission set aside some of the problematic code provisions for future attention, because they appeared to be controversial ....”).

36. Emphasis added.

not relieve a county of its obligation under Article 5 (commencing with Section 70351) or its obligations under any agreement entered into pursuant to this chapter.<sup>37</sup>

Now that the court facilities transfers are complete, it seems convoluted to start from the presumption that *counties* are responsible for providing specified court facilities and then undo that presumption. It would be more straightforward to revise Sections 70311 and 70312 to simply allocate that responsibility to the Judicial Council.

When the staff began trying to implement that idea, however, we quickly ran into complications. For example, Section 70344(c) generally reinstates a county's responsibility under Section 70311 if a court is required to vacate a shared use building owned by a county:

70344....

(c) Except as provided in subdivision (b), if the court or the Judicial Council is required to vacate a shared use building owned by the county, in whole or in part, the county shall provide the court or the Judicial Council with suitable and necessary facilities at least equal to those previously occupied by the court. *The failure of the county to provide those facilities shall make the county responsible to the court under Section 70311 for the facilities not provided.*<sup>38</sup>

Dealing with this complication would not be an insurmountable obstacle to simplifying Sections 70311 and 70312 as discussed above, but it would make the drafting more difficult, harder to explain, and perhaps less easy for stakeholders to accept.

Moreover, there might (or might not) be other circumstances in which a county's responsibilities under Section 70311 could still apply. It would take considerable effort for the staff to be sure one way or the other. Over 500 court facilities were transferred from the counties to the state<sup>39</sup> and there were many variations in the details of the transfer agreements. Even court facilities expert Charles Martel is not familiar with all of the transactions. If the staff were to reach a conclusion on the extent to which Section 70311 could still apply, stakeholders might not agree with our conclusion, or they might oppose a proposed revision stemming from that conclusion because they do not want to go to the trouble of checking it.

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37. Emphasis added.

38. Emphasis added.

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

Complications like these can, of course, arise in connection with any law reform project. In the staff's view, however, they seem particularly likely to occur if the Commission were to attempt to update the Trial Court Facilities Act now. The dust is still settling with regard to the facility transfers; it may not yet be possible to confidently separate obsolete material from provisions with ongoing importance.

Based on our preliminary attempts to do so, it is clear at a minimum that such an endeavor would be labor-intensive, consuming not only the Commission's resources but also those of stakeholders, legislative personnel, and others. It might not be worth the effort. The Commission should try to concentrate its resources where it can be most effective.

The staff is thus inclined to **leave the Trial Court Facilities Act pretty much alone for the time being**. In addition to avoiding the problems described above, that approach would have another advantage: As currently written, the Trial Court Facilities Act tells the story of how the court facilities transfers occurred, how the initial CFPs were calculated, and generally how things got to be where they are now with regard to court facilities. Having that information in readily accessible form can be helpful, especially for people who are working with the statutes today but were not around during the trial court restructuring reforms (we understand that many people fall into this category).

**Is this "hands off" approach acceptable to the Commission?** If so, would the Commission like to **propose a statute requiring it to revisit the Trial Court Facilities Act sometime in the future (maybe 10-15 years from now)**? It might be preferable for court facilities experts to take the lead on updating the Act, addressing points incrementally as the court facilities situation evolves. **Comments on this matter would be helpful.**

#### **A Few Additional Comments on the Trial Court Facilities Act**

Although the staff suggests taking a "hands off" approach to the Trial Court Facilities Act, we do want to bring a few specific points to the Commission's attention, as discussed below.

*References to the Administrative Office of the Courts*

The Trial Court Facilities Act refers to the “Administrative Office of the Courts” in a number of places.<sup>40</sup> That nomenclature is outdated; the Judicial Council no longer refers to its staff as the “Administrative Office of the Courts.”

It may be tempting to take steps to update the Act’s references to the “Administrative Office of the Courts.” For example, the Commission could suggest that the Office of Legislative Counsel consider revising them in the annual maintenance of the codes bill.

That would be tricky, however, because some of those references pertain to time periods when the name “Administrative Office of the Courts” was still in use. Instead of urging the Office of Legislative Counsel to figure out which references to update, **it probably would be better to let sleeping dogs lie and do nothing about the Act’s references to the “Administrative Office of the Courts.”**

*Task Force on County Law Libraries (Section 70394)*

The chapter containing the Trial Court Facilities Act includes a provision (Section 70394) establishing a task force on county law libraries.<sup>41</sup> The provision directs the task force to study certain matters (including law library facilities) and “submit its report and recommendations to the Judicial Council and the Legislature on or before January 1, 2005.”<sup>42</sup>

Section 70394 was not included in the Trial Court Facilities Act enacted in 2002. It was added to the chapter later, in response to concerns about law library funding.<sup>43</sup>

The section appears to be obsolete and it might be sufficiently distinct from the original content of the Trial Court Facilities Act to repeal now. It is only tangentially related to trial court restructuring, but still perhaps within the scope of this study. The staff suspects that no one would object to addressing it here and doing so might be the most expedient way to handle it.

**Does the Commission want to propose to repeal Section 70394 in its tentative recommendation on court facilities?** Other possibilities would be to leave the section alone, or to address it in a study pursuant to the Commission’s

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40. See Sections 70303, 70321, 70357, 70361, 70362, 70363, 70374, 70379, 70392, 70394.

41. For the full text of Section 70394, see Exhibit p. 32.

42. Section 70394(e).

43. Section 2003 Cal. Stat. ch. 394, §§ 1, 2.

authority to correct technical or minor substantive statutory defects.<sup>44</sup> The staff does not have strong feelings about which approach to take.

*Guidance on Interpretation of Cross-References to "Section 68073" (Section 70311(e))*

Former Section 68073 was amended and renumbered as Section 70311 when the Trial Court Facilities Act was enacted in 2002.<sup>45</sup> Instead of conforming all of the statutory cross-references to Section 68073 at that time, the Legislature took a shortcut and included subdivision (e) in Section 70311, as shown in italics below:

(a) Commencing July 1, 1997, and each year thereafter, no county or city and county is responsible to provide funding for "court operations," as defined in Section 77003 and Rule 10.810 of the California Rules of Court, as it read on January 1, 2007.

(b) Except as provided in Section 70312, commencing as of July 1, 1996, and each year thereafter, each county or city and county shall be responsible for providing necessary and suitable facilities for judicial and court support positions created prior to July 1, 1996. In determining whether facilities are necessary and suitable, the reasonable needs of the court and the fiscal condition of the county or city and county shall be taken into consideration.

(c) If a county or city and county fails to provide necessary and suitable facilities as described in subdivision (b), the court shall give notice of a specific deficiency. If the county or city and county then fails to provide necessary and suitable facilities pursuant to this section, the court may direct the appropriate officers of the county or city and county to provide the necessary and suitable facilities. The expenses incurred, certified by the judges to be correct, are a charge against the county or city and county treasury and shall be paid out of the general fund.

(d) Prior to the construction of new court facilities or the alteration, remodeling, or relocation of existing court facilities, a county or city and county shall solicit the review and comment of the judges of the court affected regarding the adequacy and standard of design, and that review and comment shall not be disregarded without reasonable grounds.

*(e) Any reference in the statutes enacted prior to January 1, 2003, that refers to Section 68073 shall be deemed to refer to this section.*

As discussed earlier in this memorandum, revising Section 70311 to remove obsolete material is likely to be complicated and we advise against it. It would be another matter, however, to update the statutes that contain outdated cross-references to former Section 68073.

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44. See Section 8298.

45. See 2002 Cal. Stat. ch. 1082, § 3.

The staff found four such outdated cross-references in the codes, which appear in the following provisions:

- (1) Section 77201.
- (2) Section 77201.3.
- (3) Section 77654.
- (4) Section 77655.<sup>46</sup>

The last two provisions (Sections 77654 and 77655) are in the article establishing the Task Force on Court Facilities, which the Commission considered earlier in this study.<sup>47</sup>

At that time, the Commission tentatively decided to recommend repealing Section 77654. That would make it unnecessary to update Section 77654's cross-reference to Section 68073.

The Commission also tentatively decided to amend Section 77655, as follows:

**§ 77655 (amended). Inadmissibility of task force findings**

SEC. \_\_\_\_\_. Section 77655 of the Government Code is amended to read:

77655. Notwithstanding any other provision of law, including Section 68073, the findings of the ~~task force~~ Task Force on Court Facilities created by Section 48 of Chapter 850 of the Statutes of 1997 shall not be considered or entered into evidence in any action brought by trial courts to compel a county to provide facilities that the trial court contends are necessary and suitable.

**Comment.** Section 77655 is amended to make it read clearly as a stand-alone section. This is not a substantive change.

**That proposed amendment should be modified to fix the outdated cross-reference to Section 68073, like so:**

**§ 77655 (amended). Inadmissibility of task force findings**

SEC. \_\_\_\_\_. Section 77655 of the Government Code is amended to read:

77655. Notwithstanding any other provision of law, including Section ~~68073~~ 70311, the findings of the ~~task force~~ Task Force on Court Facilities created by Section 48 of Chapter 850 of the Statutes of 1997 shall not be considered or entered into evidence in any action brought by trial courts to compel a county to provide facilities that the trial court contends are necessary and suitable.

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46. In addition, Section 70313 cross-refers to "former subdivision (f) of Section 68073." There is no need to update that cross-reference, because it is clear that the intent is to refer to a provision that no longer exists.

47. See Memorandum 2018-31, pp. 8-9; Minutes (Aug. 2018), p. 6.

**Comment.** Section 77655 is amended to make it read clearly as a stand-alone section and reflect the renumbering of former Section 68073 (see 2002 Cal. Stat. ch. 1082, § 3). This is not a substantive change.

**Is this change acceptable to the Commission?**

The other provisions that cross-refer to former Section 68073 (Sections 77201 and 77201.3) are in “Article 3. State Finance Provisions” of Chapter 13 of Title 8 of the Government Code. Those provisions and the remainder of that article are discussed below.

“ARTICLE 3. STATE FINANCE PROVISIONS” OF CHAPTER 13 OF TITLE 8  
(GOV’T CODE §§ 77200-77212)

“Article 3. State Finance Provisions” of Chapter 13 of Title 8 of the Government Code (Sections 77200-77212) contains complicated and detailed provisions relating to funding of the trial courts. The article is amended frequently to address current conditions and concerns.

*County Remittances (Sections 77201, 77201.1, and 77201.3)*

Among other things, “Article 3. State Finance Provisions” includes three lengthy provisions (Sections 77201, 77201.1, and 77201.3, shown on Exhibit pages 35-52) that specify how much each county must remit to the state for deposit in the Trial Court Trust Fund and subsequent allocation to or for the trial courts.<sup>48</sup> Those provisions are closely similar, but pertain to different time periods, as follows:

- Section 77201 applied until June 30, 1998.
- Section 77201.1 applied from July 1, 1998, until June 30, 2006.
- Section 77201.3 has applied since July 1, 2006.

Subdivision (f) of Section 77201 contains one of the outdated cross-references to former Section 68073 mentioned above. It says:

(f) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

Subdivision (e) of Section 77201.3 is the same:

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48. See Section 77200(a).

(e) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

Subdivision (c) of Section 77201.1 is comparable, but it has already been updated to refer to Section 70311 instead of former Section 68073:

(c) This section is not intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 70311.

Because Section 77201.3 is the currently applicable provision, it clearly should be amended to update the outdated cross-reference. **That could be accomplished as follows:**

**§ 77201.3 (amended). County remittances commencing on July 1, 2006**

SEC. \_\_\_\_\_. Section 77201.3 of the Government Code is amended to read:

77201.3....

(e) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section ~~68073~~ 70311.

....

**Comment.** Section 77201.3 is amended to reflect the renumbering of former Section 68073 (see 2002 Cal. Stat. ch. 1082, § 3). This is not a substantive change.

**Would the Commission like to include this amendment of Section 77201.3 in its tentative recommendation on court facilities?**

A similar amendment of Section 77201 might also be appropriate. Although that section is no longer applicable, it has been retained in the code and many sections still cross-refer to it.<sup>49</sup> Like some of the material in the Trial Court Facilities Act discussed above, Section 77201 might still be useful to provide historical context or for other reasons. If so, then it may be helpful to fix the outdated cross-reference to Section 68073, in accordance with Section 70311(e):

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49. See Sections 68085, 77200, 77201.1, 77201.2, 77201.3, 77205, 77212; see also Penal Code § 1463.17.

**§ 77201 (amended). County remittances until June 30, 1998**

SEC. \_\_\_\_\_. Section 77201 of the Government Code is amended to read:

77201....

(f) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073 70311.

....

**Comment.** Section 77201 is amended to reflect the renumbering of former Section 68073 (see 2002 Cal. Stat. ch. 1082, § 3). This is not a substantive change.

**Would the Commission like to propose such an amendment of Section 77201 in its tentative recommendation on court facilities?** Other possibilities would be to leave the section alone, or propose to repeal it as obsolete (which would require several conforming revisions).<sup>50</sup> **Comments on the merits of these alternatives would be helpful.**

*Other Parts of “Article 3. State Finance Provisions”*

Sections 77201(f), 77201.1(c), and 77201.3(e) are the only provisions in “Article 3. State Finance Provisions” that the staff previously flagged for attention in connection with the Commission’s work on court facilities.<sup>51</sup> In examining the remainder of the article, we have not uncovered any other provisions that clearly warrant attention in this context.

Perhaps the closest is Section 77212 (shown on Exhibit page 61), which concerns county services historically provided to the trial courts, such as facilities management. Some of that section pertains to events in the past; other parts of it appear to have ongoing importance. Here again, the seemingly obsolete material

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50. If the Commission proposes to repeal Section 77201 as obsolete, it should also consider whether to propose to repeal Section 77201.1 (or parts of it) as obsolete. Any such decision would need to take into account the last sentence of the introductory paragraph of Section 77201.3(a), which states:

(a) Commencing with the 2006–07 fiscal year, and each fiscal year thereafter, except as otherwise specifically provided in this section, each county shall remit to the state the amounts described in this subdivision in four equal installments due on October 1, January 1, April 1, and May 1. The amounts listed in this subdivision are in lieu of the amounts listed in subdivision (b) of Section 77201.1. *However, for purposes of the calculation required by subdivision (a) of Section 77205, the amounts in paragraph (2) of subdivision (b) of Section 77201.1 shall be used.*

(1) ....

(Emphasis added.) As with Section 77201, there are many cross-references to Section 77201.1 that would have to be conformed if it were repealed.

51. See First Supplement to Memorandum 2014-53, p. 8.

might provide useful background information and might be difficult to parse from the remainder of the section.

**Should the staff attempt to draft an amendment of Section 77212? Would it be better to leave that section as is?**

**The Commission and its staff would much appreciate comments on this point.** We also encourage input on whether there are any other provisions in “Article 3. State Finance Provisions” or elsewhere that the Commission should consider incorporating into its tentative recommendation on court facilities.

#### NEXT STEP

After the Commission resolves the issues in this memorandum and any other issues that come to its attention, the staff’s next step will be to prepare a draft of a tentative recommendation on court facilities. We will present that draft for the Commission’s review at a future meeting.

Respectfully submitted,

Barbara Gaal  
Chief Deputy Counsel

**GOVERNMENT CODE - GOV**

**TITLE 8. THE ORGANIZATION AND GOVERNMENT OF COURTS [68070 - 77655]** ( *Title 8 added by Stats. 1953, Ch. 206.* )

**CHAPTER 5.7. Superior Court Facilities [70301 - 70508]** ( *Chapter 5.7 added by Stats. 2002, Ch. 1082, Sec. 4.* )

**ARTICLE 1. General Provisions [70301 - 70303]** ( *Article 1 added by Stats. 2002, Ch. 1082, Sec. 4.* )

**70301.** This chapter shall be known and may be cited as the "Trial Court Facilities Act of 2002."

As used in this chapter:

- (a) "Bonded indebtedness" includes any financial encumbrance, including, but not limited to, bonds, lease revenue bonds, certificates of participation, mortgages, liens, or loans, on a building.
- (b) "Building" means a single structure or connected structures. A building may include related structures.
- (c) "County facilities payment" means the amount established by Article 5 of this chapter to be paid by a county in partial exchange for relief from the responsibility for providing court facilities.
- (d) "Court facilities" consist of all of the following:
  - (1) Rooms for holding superior court.
  - (2) The chambers of the judges of the court.
  - (3) Rooms for the attendants of the court, including, but not limited to, rooms for accepting and processing documents filed with the court.
  - (4) Heat, ventilation, air-conditioning, light, and fixtures for those rooms and chambers.
  - (5) Common and connecting space to permit proper and convenient use of the rooms.
  - (6) Rooms for secure holding of a prisoner attending court sessions, together with secure means of transferring the prisoner to the courtroom.
  - (7) Any other area within a building required or used for court functions.
  - (8) Grounds appurtenant to the building containing the rooms.
  - (9) Parking spaces historically made available to one or more users of court facilities.
- (e) "Deferred maintenance" means a backlog of projects that occurs when ongoing maintenance and repair of court facilities or a building is not sustained at an appropriate level in quality, quantity, or frequency to support the designed level of service of the building or special repair projects are not accomplished as needed.
- (f) "Historical building" means a building that is identified as a historical building by the county board of supervisors and is either a "qualified historical building or structure," as defined in Section 18955 of the Health and Safety Code, or is a building eligible for inclusion on the National Register of Historic Places under Section 470a of Title 16 of the United States Code.
- (g) "Maintenance" means the ongoing upkeep of buildings, equipment, grounds, and utilities required to keep a building and its systems in a condition adequate to support its designed level of service.
- (h) "Responsibility for facilities" means the obligation of providing, operating, maintaining, altering, and

renovating a building that contains the facilities.

(i) "Shared use" refers to a building which is used for both court and noncourt purposes.

(j) "Special improvement" means any modification that increases the designed level of services of a building, or a one-time modification of a building that is not expected to be repeated during the lifetime of the building.

(k) "Special repair" means modifications that maintain the designed level of services of a building and does not include a special improvement.

(l) "Unacceptable seismic safety rating" means a rating of either "substantial risk" (level V), "extensive but not imminent risk" (level VI), or "imminent risk" (level VII) under the Risk Acceptability Table of the State Building Seismic Program as developed by the Division of the State Architect, April 1994, p. II-2.

(m) "Usable space" means space that an occupier of a facility can actually use and may allocate to house personnel and furniture.

(n) "User rights" means the right to exclusive use of the noncommon area within a building allocated to that use as well as shared use of the common areas of the building and the appurtenant grounds and parking.

This section shall become operative on January 1, 2010.

*(Repealed (in Sec. 1) and added by Stats. 2006, Ch. 444, Sec. 1.5. Effective January 1, 2007. Section operative January 1, 2010, by its own provisions.)*

**70303.** (a) The Court Facilities Dispute Resolution Committee is hereby created to hear and determine disputes between a county and the Judicial Council as specified by this chapter.

(b) The committee shall consist of the following members:

(1) One person selected by the California State Association of Counties.

(2) One person selected by the Judicial Council.

(3) One person selected by the Director of Finance.

(c) The committee shall hear and make recommendations to the Director of Finance for determinations in disputes involving the following matters:

(1) Buildings rejected for transfer of responsibility because of deficiencies as provided in Section 70328.

(2) Failure to reach agreement on transfer of responsibility for a building as provided in Section 70333.

(3) Disputes regarding the appropriateness of expenditures from a local courthouse construction fund as provided in Section 70403.

(4) County appeal of a county facilities payment amount as provided in Section 70366.

(5) Administrative Office of the Courts appeal of a county facilities payment amount as provided in Section 70367.

(d) Upon receipt of the recommendation from the committee, the Director of Finance shall make the final determination of the issue in dispute.

(e) The expenses of members of the committee shall be paid for by the agency or organization selecting the member.

(f) The Judicial Council, the California State Association of Counties, and the Department of Finance shall jointly provide for staff assistance to the committee.

(g) Regulations and rules adopted by the committee shall be exempt from review and approval or other processing by the Office of Administrative Law required by Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

*(Amended by Stats. 2003, Ch. 592, Sec. 7. Effective January 1, 2004.)*

**ARTICLE 2. Responsibility for Court Facilities [70311 - 70313]** ( *Article 2 added by Stats. 2002, Ch. 1082, Sec. 4.*  )

**70311.** (a) Commencing July 1, 1997, and each year thereafter, no county or city and county is responsible to provide funding for "court operations," as defined in Section 77003 and Rule 10.810 of the California Rules of Court, as it read on January 1, 2007.

(b) Except as provided in Section 70312, commencing as of July 1, 1996, and each year thereafter, each county or city and county shall be responsible for providing necessary and suitable facilities for judicial and court support positions created prior to July 1, 1996. In determining whether facilities are necessary and suitable, the reasonable needs of the court and the fiscal condition of the county or city and county shall be taken into consideration.

(c) If a county or city and county fails to provide necessary and suitable facilities as described in subdivision (b), the court shall give notice of a specific deficiency. If the county or city and county then fails to provide necessary and suitable facilities pursuant to this section, the court may direct the appropriate officers of the county or city and county to provide the necessary and suitable facilities. The expenses incurred, certified by the judges to be correct, are a charge against the county or city and county treasury and shall be paid out of the general fund.

(d) Prior to the construction of new court facilities or the alteration, remodeling, or relocation of existing court facilities, a county or city and county shall solicit the review and comment of the judges of the court affected regarding the adequacy and standard of design, and that review and comment shall not be disregarded without reasonable grounds.

(e) Any reference in the statutes enacted prior to January 1, 2003, that refers to Section 68073 shall be deemed to refer to this section.

*(Amended by Stats. 2007, Ch. 130, Sec. 133. Effective January 1, 2008.)*

**70312.** If responsibility for court facilities is transferred from the county to the Judicial Council pursuant to this chapter, the county is relieved of any responsibility under Section 70311 for providing those facilities. The county is also relieved of any responsibility for deferred or ongoing maintenance for the facility transferred, except for the county facilities payment required by Section 70353. Except as otherwise provided by this chapter, or by the agreement between the Judicial Council and the county under this chapter, the Judicial Council shall have ongoing responsibility for providing trial court facilities. If responsibility for all court facilities within a county has been transferred pursuant to this chapter, that county shall have no responsibility for providing court facilities. This section does not relieve a county of its obligation under Article 5 (commencing with Section 70351) or its obligations under any agreement entered into pursuant to this chapter.

*(Amended by Stats. 2005, Ch. 410, Sec. 2. Effective January 1, 2006.)*

**70313.** This chapter may not be construed as authorizing a county, a city and county, a court, the Judicial Council, or the state to supply to the official reporters of the courts stenography, stenotype, or other shorthand machines, or as authorizing the supply to the official reporters of the courts, for use in the preparation of transcripts, of typewriters, transcribing equipment, supplies, or other personal property. The enactment of this provision is a statement of existing law under former subdivision (f) of Section 68073 and is not a modification of the prior law.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**ARTICLE 3. Agreements Transferring Responsibility for Court Facilities [70321 - 70333]** ( *Article 3 added by Stats. 2002, Ch. 1082, Sec. 4.* )

**70321.** (a) The Judicial Council, in consultation with the superior court of each county and the county shall enter into agreements regarding the transfer of responsibility for court facilities from that county to the Judicial Council. The agreements shall be executed no later than December 31, 2009. Transfer of responsibility may occur not earlier than July 1, 2004, and not later than December 31, 2009. On or before July 1, 2003, each county shall designate those persons who shall negotiate the agreements on behalf of the county and shall give the Judicial Council the names of those persons. The name of a person designated by a county to negotiate on its behalf may be changed by the county at any time by providing written notice to the Judicial Council.

(b) (1) Notwithstanding any other provision of law and except as provided in paragraph (2), any transfer agreement that is executed on or after October 1, 2008, and on or before March 31, 2009, shall contain a requirement that the county pay, in addition to the county facility payment established pursuant to Article 5 (commencing with Section 70351), a continuing amount from the date of transfer calculated by multiplying the county facilities payment by the percentage change in the National Implicit Price Deflator for State and Local Government Purchases, as published by the Department of Finance, for the fiscal year in which the transfer agreement is executed as compared to the prior fiscal year.

(2) (A) Prior to September 30, 2008, the Administrative Office of the Courts and a county may jointly declare all of the following:

(i) That extraordinary circumstances exist that have prohibited successful execution of a transfer agreement.

(ii) That all relevant transfer documents have been timely submitted and reviewed by the county.

(iii) That the failure to execute a transfer agreement prior to September 30, 2008, is not caused by the action, inaction, or delay on the part of the county.

(iv) That the agreement can reasonably be executed on or before December 31, 2008.

(B) If that declaration is signed pursuant to subparagraph (A), the application of the multiplier described in paragraph (1) shall be tolled through December 31, 2008. If the transfer agreement is executed by December 31, 2008, the multiplier shall not apply. Justification for a joint declaration shall be limited to either of the following:

(i) The failure to execute the transfer agreement was caused by the action, inaction, or delay of a third party, or a party to the transaction other than the county.

(ii) The Administrative Office of the Courts and the county have agreed to pursue an alternative method for complying with a seismic liability obligation under the provisions of Section 70324 and failure to execute the transfer agreement was caused by unique circumstances directly connected to the implementation of the alternative method authorized by the section.

(3) In exercising the authority provided under paragraph (2), a county shall not arbitrarily or capriciously request a joint declaration without a good faith belief that the conditions for that declaration are met, and the Administrative Office of the Courts shall not arbitrarily or capriciously decline to sign a joint declaration described in paragraph (2) if the conditions for that declaration are otherwise met.

(4) Copies of any joint declarations described in paragraph (2) will be transmitted upon their signing by both parties to the chairpersons of the Senate and Assembly Committees on Budget, Appropriations, and Judiciary.

(c) Notwithstanding any other provision of law, any transfer agreement that is executed on or after April 1, 2009, shall contain a requirement that the county pay, in addition to the county facility payment established pursuant to Article 5 (commencing with Section 70351), a continuing amount from the date of transfer calculated by multiplying the county facilities payment by the year-to-year percentage change in the annual state appropriations limit as described in Section 3 of Article XIII B of the California Constitution for the year in which the transfer agreement is executed.

*(Amended by Stats. 2009, Ch. 140, Sec. 9). (AB 1164) Effective January 1, 2010.)*

**70322.** Agreements for the transfer of responsibility for court facilities from the county to the Judicial Council may include multiple buildings within the county, and need not require a separate agreement for each building.

*(Repealed and added by Stats. 2008, Ch. 9, Sec. 3, Effective April 23, 2008.)*

**70323.** Subject to the provisions of Section 70325 concerning a building subject to a bonded indebtedness, and Section 70329 concerning historic buildings, transfer of responsibility for court facilities shall be evidenced by the following change in title to the building containing those facilities:

(a) If the building is currently owned by the county and used solely for court functions, the building shall be transferred to the state which shall hold title to and use of the entire building. This subdivision may not apply to buildings that are deficient as provided in subdivision (b) of Section 70326. Unless bonded indebtedness, including the legal obligation to pay the indebtedness, is transferred to the state, this subdivision does not apply so long as a court facility is subject to bonded indebtedness. Title shall transfer to the state when the bonded indebtedness is paid. For the purposes of this subdivision, bonded indebtedness includes only the bonded indebtedness existing at the time of transfer of responsibility, and any refunding of the existing bonded indebtedness issued to achieve monetary savings to the county. Any refunding under this subdivision does not extend the original maturity date of the bonded indebtedness and may not increase the original principal amount of the indebtedness, except to pay costs relating to the refunding of the bonded indebtedness.

(b) If the building is currently owned by the county and used for court and other county functions, title to the building may be held in one of three ways, each of which shall be considered a transfer of responsibility for the court facilities for purposes of Section 70312:

(1) The county may continue to hold title to the building.

(2) The county may transfer title to the building to the state.

(3) The county may transfer title to the building to joint ownership between the county and the state.

(c) If the building is currently owned by a third party and leased by the county, any of the following apply:

(1) If the lessor consents to transfer of the lease to the state either without modification of the lease or on modification terms acceptable to the county and the Judicial Council, the county shall transfer its rights and responsibilities under the lease to the state. The court shall then occupy the building under the terms of the lease.

(2) If the lessor does not consent to the transfer of the lease to the state or the lessor's new terms for transfer of the lease to the state are unacceptable to either the county or the Judicial Council, the county shall continue to provide facilities to the court under the terms of the lease and the amount of the lease payments shall be excluded from the county facilities payment provided by Section 70359. Upon expiration of the lease, the amount of the lease payments shall then be included in the county facilities payment in the same manner provided by Section 70359, as if the lease were transferred to the state.

(3) If the lessor does not consent to the transfer of the lease to the state or the lessor's new terms for transfer of

the lease to the state are unacceptable to either the county or the Judicial Council, the county and the Judicial Council may agree that the provisions of paragraph (2) of subdivision (c) shall not apply, the court shall find alternative facilities, and the amount of the lease payments due under the lease shall be included in the county facilities payment as provided by Section 70359. The agreement under this subdivision may include an agreement for a different lease payment amount to be included in the county facilities payment.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70325.** (a) (1) If title to a building proposed to be transferred pursuant to this chapter is subject to a bonded indebtedness, the county shall retain the revenue sources used to pay the bonded indebtedness in which case the county shall be required to continue to make the payments on the bonded indebtedness.

(2) As an alternative to paragraph (1), the county and the state may agree that the county shall transfer the revenue sources to the state, in which case, the state shall be required to make the payments on the bonded indebtedness in the amount of the revenue received. If the amount payable on the bonded indebtedness exceeds the amount of the revenue transferred to the state, the county shall be responsible for paying the remaining amount. If a revenue source is used to pay the bonded indebtedness on several buildings and not all of those buildings are being transferred to the state, the county shall transfer the proportion of the revenue used to pay the bonded indebtedness on the buildings transferred to the state. Except for revenue sources subject to Section 70375, any revenue source transferred by the county to the state under this paragraph shall be transferred back to the county by the state when the bonded indebtedness on the building is retired.

(b) Except in the case of a shared use building or historical building whose title is not being transferred from the county, the agreement concerning transfer of responsibility for court facilities contained in a building subject to bonded indebtedness shall specify when title to the building will transfer, which shall not be later than the date of final payment of the bonded indebtedness on the building. A county shall not extend the term of the final maturity date of, or increase the amount of, any bonded indebtedness on a building containing court facilities whose responsibility has been transferred to the state without the consent of the Administrative Director of the Courts. For the purposes of this subdivision, the amount of the bonded indebtedness shall not be deemed to be increased if the amount is refunded for an amount not greater than the original principal amount of the indebtedness plus any costs relating to the refunding of the bonded indebtedness.

(c) Notwithstanding any provision to the contrary in this chapter, during the period and to the extent which bonded indebtedness is outstanding with respect to any court facility, the state shall not have any equity or other ownership rights in, to, or with respect to, the court facility. A county may not sell, assign, or transfer any rights or interests in that facility, or otherwise further encumber the facility, other than those rights, interests, or encumbrances required by legal documents establishing the bonded indebtedness. If, during the period of bonded indebtedness outstanding with respect to a court facility, the state is required to vacate the facility through the operation or enforcement of the legal documents establishing the bonded indebtedness, the county shall be responsible for providing the state with suitable and necessary court facilities at least equal to those occupied by the state immediately prior to the date on which the state was compelled to vacate the facility.

*(Amended by Stats. 2005, Ch. 419, Sec. 3. Effective January 1, 2006.)*

**70326.** (a) Except as provided in this section, the agreement may not require any payment from the county to the state for any deficiencies in the court facilities being transferred caused by deferred maintenance.

(b) A building and the court facilities in it shall be deemed deficient if any of the following exist:

- (1) A deficiency or deficiencies that constitute a significant threat to life, safety, or health.
- (2) A deficiency or deficiencies that include seismically hazardous conditions with an unacceptable seismic safety rating.
- (3) Deficiencies that in their totality are significant to the functionality of the facility.

(c) Neither title to a deficient building nor responsibility for the court facilities in that building shall transfer to the state or the Judicial Council under this chapter, and Section 70312 does not apply to the court facilities in a deficient building, unless provision is made in the agreement for correction of the deficient items.

(d) If one or more phases of a maintenance project are pending on the court facilities prior to the date of the agreement under this article, the agreement shall specify whether the county shall complete those phases of the project, to the extent approved, or shall transfer funds to the state to permit completion of those phases of the project. As used in this section, a phase of a project is to be deemed pending to the extent that the board of supervisors has either approved the phase in whole or in part at a board of supervisors meeting, and either allocated or appropriated money for the phase in whole or in part, or executed a contract for the phase in whole or in part.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70327.** (a) Prior to the completion of the negotiations concerning the transfer of responsibility for court facilities in a building, the state shall provide for a licensed structural engineer to inspect and evaluate the building containing the court facilities for seismic safety if the building was built under a building code prior to the 1988 Uniform Building Code and the building has not been upgraded since 1988 for seismic safety. The inspection shall be made using the method and criteria for seismic safety developed by the Department of General Services' Real Estate Services Division. Any repair required to the damage caused by the exploratory inspection shall be paid for by the state.

(b) The county shall assist the state in the inspection by providing the following:

- (1) Access to the facility for inspection purposes.
- (2) Drawings and design documents for the building, if available.
- (3) Any reports on structural or seismic evaluations of the building.

(c) If a building is given an unacceptable seismic safety rating and the county subsequently performs seismic upgrade work, the state may, upon the request of the county and at the county's expense, contract with a licensed structural engineer to reinspect and reevaluate the building.

(d) Neither title to a building with an unacceptable seismic safety rating nor responsibility for the court facilities in that building shall transfer to the state or the Judicial Council under this chapter, and Section 70312 does not apply to the court facilities in that building, unless provision is made in the agreement for correction of the unacceptable seismic safety items.

(e) The Administrative Director of the Courts, in his or her discretion, with the approval of the Director of Finance or his or her designee, may waive the inspection required by subdivision (a) upon his or her finding of either of the following:

- (1) The ratio of court facilities to other facilities in the building is minimal and title to the building is not being transferred to the state.
- (2) The amount of court space in the building does not exceed 10,000 square feet.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70328.** If a building receives an unacceptable seismic safety rating under Section 70327, or is rejected as deficient under Section 70326, the county may appeal that action to the Court Facilities Dispute Resolution Committee. The state has the burden of proving by a preponderance of the evidence the unacceptable seismic safety rating or deficient rating.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70329.** (a) Title to a historical building containing court facilities may not be transferred to the state without the express consent of the county's board of supervisors.

(b) If title to a historical building containing court facilities is not transferred to the state, the county may still be relieved of its responsibility to fund court facilities under Section 70312 if the county as part of its agreement under this article either:

- (1) Makes the court facilities within the historical building available to the Judicial Council for court use.
- (2) Provides, with the consent of the Judicial Council, alternative court facilities of at least comparable size, condition, and utility.

(c) Court facilities provided under this section shall meet all requirements for transfer of court facilities under this chapter, and the court and the Judicial Council shall have all the rights to that building that they have under this chapter to other court facilities whose responsibility is transferred to the Judicial Council.

(d) A county shall not prevent a court from using court facilities traditionally used by that court in a historical building, except with the consent of the Administrative Director of the Courts.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70330.** The agreement shall provide for parking spaces for the court of comparable convenience, number, and type, as was made available for court use as of October 1, 2001. For purposes of this section, parking spaces for the court includes, but is not limited to, spaces for judges, court employees, other court staff, witnesses, and jurors.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70331.** (a) If there are one or more pending phases of a project involving court facilities and the responsibility for the facility is to be transferred to the Judicial Council, the Judicial Council may, as part of the agreement under this article, require the completion of those phases of the project, to the extent that county funds or property have been allocated, approved, appropriated, or committed to those phases of the project by resolution or ordinance as a condition of transfer of responsibility to the Judicial Council.

(b) This section applies irrespective of whether title to the building containing the court facilities is to be transferred to the state.

(c) As used in this section, a phase of a project is to be deemed pending to the extent that the board of supervisors has either approved the phase in whole or in part at a board of supervisors meeting, and allocated or appropriated money for the phase in whole or in part, or executed a contract for the phase in whole or in part.

(d) The Judicial Council may request the county to implement design changes relating to the project if either the overall effect of the changes do not increase the costs of the project to the county, or the Judicial Council agrees to pay any extra costs caused by the changes.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70332.** The Judicial Council, in consultation with the Department of Finance and the trial courts, and the California State Association of Counties, in consultation with the Department of Finance and the counties, shall develop the procedures for implementing the transfer of responsibility for court facilities from the counties to the state as set forth in this article.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70333.** If the Judicial Council and the county fail to reach agreement on any facility, each shall present its position to the Court Facilities Dispute Resolution Committee which shall render its determination concerning that transfer of responsibility for that facility.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**ARTICLE 4. Administration of Shared Use Buildings [70341 - 70344]** ( Article 4 added by Stats. 2002, Ch. 1082, Sec. 4. )

**70341.** (a) The user rights of the court and the county are based on the proportional allocation of exclusive use facilities within the building for the court and for the county as specified in the agreement, regardless of the entity holding title to the building.

(b) The court and the county shall each have exclusive use of the facilities in the building currently used by it, together with the shared use of the common areas, indefinitely and at no cost, subject to the terms of any lease with a third-party lessor.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70342.** (a) If the county holds title to a shared use building and the court wishes to have additional space in the building, if the county agrees to allocate additional space, the county may charge the state reasonable rent for any space as may be agreed between the county and the Judicial Council.

(b) If the state holds title to a shared use building and the county wishes to have additional space in the building, if the state agrees to allocate additional space, the state may charge the county reasonable rent for any space as may be agreed to between the county and the Judicial Council.

(c) If the state and the county jointly hold title to a shared use building and either the court or the county wishes to have additional space in the building, the Judicial Council and the county may agree to modify the amount of space and the charges made for that space.

(d) If the state or the county is a lessee in a shared use building owned by a third party and the court or the county wishes to have additional space in the building, the Judicial Council or the county may negotiate with the lessor concerning the amount of space and the charges made for that space. This subdivision does not permit either the state or the county to occupy space in the building leased by the other party without the consent of that party.

(e) Unless the Judicial Council and the county agree otherwise, if either the Judicial Council or the county desires to decrease the amount of space it occupies in a shared use building, it may do so only after offering the other party the space on the same terms and conditions as to which it has proposed to transfer the space to a third party. Notwithstanding the transfer of space pursuant to this subdivision or the failure to use the space, the Judicial Council and the county are not relieved of their rights and responsibilities under the agreement entered into pursuant to Section 70343, unless that agreement is superseded by a subsequent agreement. As used in this subdivision, a "third party" means an entity other than the court or the county.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70343.** (a) Notwithstanding the manner of holding title to a shared use building:

(1) The rights and responsibilities of the Judicial Council, the court, and the county in a shared use building shall be established by an agreement between the Judicial Council and the county which may be modified by the consent of both the Judicial Council and the county. The agreement shall include, but not be limited to:

(A) The liability and responsibility for ongoing maintenance and administration of the building.

(B) Any agreed-upon conditions involving the ongoing administration of the building.

(C) Any agreements concerning general liability for the building, building planning, engineering, design, maintenance, repair, construction, failure to maintain common use areas, and dispute resolution.

(D) A provision involving resolution of disputes that may arise under the agreement between the county and the Judicial Council.

(2) Unless otherwise specifically provided by agreement between the Judicial Council and the county, the Judicial Council and the county shall share operation and maintenance costs in a shared use building as follows:

(A) Each entity is responsible for the operation and normal day-to-day maintenance costs of that space in the building exclusively used by the entity.

(B) Each entity shall share the operating and normal day-to-day maintenance costs for the common space in the building based on the proportionate amount of space exclusively used by each entity.

(C) Each entity shall share the major building repairs and maintenance affecting the entire building, including, but not limited to, common areas, based on the proportionate amount of space exclusively used by each entity.

(b) The use of space in a joint-use building by both the court and the county shall be compatible with the building and shall not deteriorate or diminish the ability of either the county or the court to use the remaining space effectively.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70344.** (a) The entity holding title to a shared use building, except a third-party lessor, shall not transfer any right to a third party of the part of the building used by the other entity or place further bonded indebtedness on it, except as already required by operation of the legal documentation related to bonded indebtedness or as agreed to by the Judicial Council and the county, if the result of the action would be a further delay in transfer of title to the building to the other party pursuant to subdivision (b) of Section 70325.

(b) If either the court or the county occupies 80 percent or more of a shared use building, the Judicial Council, on behalf of the court, or the county may require the other entity to vacate the building. The entity vacating the building shall be given reasonable notice and shall be compensated by the other entity for its equity in the facility and for relocation costs at the fair market rate.

(c) Except as provided in subdivision (b), if the court or the Judicial Council is required to vacate a shared use building owned by the county, in whole or in part, the county shall provide the court or the Judicial Council with suitable and necessary facilities at least equal to those previously occupied by the court. The failure of the county to provide those facilities shall make the county responsible to the court under Section 70311 for the facilities not provided.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**ARTICLE 5. County Facilities Payment [70351 - 70370]** ( Article 5 added by Stats. 2002, Ch. 1082, Sec. 4. )

**70351.** It is the intent of the Legislature in enacting this section to provide a source of funding for the ongoing operations and maintenance of court facilities by requiring each county to pay to the state the amount that county historically expended for operation and maintenance of court facilities. It is further the intent of the Legislature that funding for the ongoing operations and maintenance of court facilities that are in excess of the county facilities payments be provided by the state.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70351.5.** Notwithstanding any other provision of this chapter, the California State Association of Counties, the Judicial Council, and the Director of Finance may agree to alternative methods for calculating the county facilities payment amount to be used by any county meeting the criteria set forth in those alternative methods. In the absence of an agreement, the other provisions of this article shall apply.

*(Added by Stats. 2006, Ch. 444, Sec. 3. Effective January 1, 2007.)*

**70352.** (a) There is hereby established the Court Facilities Trust Fund.

(b) Money deposited in this fund and appropriated by the Legislature shall be administered by the Judicial Council for the operation, repair, and maintenance of court facilities and other purposes provided by statute. The Judicial Council may delegate the administration of the fund to the Administrative Director of the Courts.

(c) The Judicial Council shall recommend to the Governor and the Legislature each fiscal year on the proposed expenditures from the fund and submit a report on actual expenditures after the end of each fiscal year.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70353.** (a) Each county shall remit the county facilities payment determined by this article to the Controller, for deposit into the Court Facilities Trust Fund. One-quarter of each county's facilities payment shall be remitted to the Controller quarterly on October 1, January 1, April 1, and July 1. Any payment that is not made when required by this subdivision shall be considered delinquent, and subject to the penalties specified in subdivision (b).

(b) Upon receipt of any delinquent payment required pursuant to this section, the Controller shall calculate a penalty on any delinquent payment by multiplying the amount of the delinquent payment at a daily rate equivalent to 11/2 percent per month for the number of days the payment is delinquent. Penalty amounts calculated pursuant to this subdivision shall be paid by the county to the Court Facilities Trust Fund no later than 45 days after the end of the month in which the penalty was calculated.

(c) The Judicial Council shall provide the Controller with a schedule of the county facility payments at the

beginning of each fiscal year. If the amount of the county facility payment changes pursuant to this article, the Judicial Council shall provide the Controller with a new schedule of payments within 30 days of the change.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70354.** The components of the county facilities payment are based on the actual annual direct and indirect county expenditures on court facilities. In the case of a shared use building, the amounts are prorated for the court's usable space in the building as a percentage of total usable space in the building. The determination of the court's usable space and the total usable space shall be made by the standard methodology used for determining usable space by the Department of General Services.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70355.** (a) Except for the value computed under Section 70359, all values listed in this article shall be adjusted from the fiscal year of the expenditure to the month of the effective date of transfer for inflation using, as the inflation index, the average of the following three indices from the Bureau of Labor Statistics Producer Price Index, all rebased to equal 100 as of January 1996:

- (1) Building cleaning and maintenance services (Series Id PCU 7349).
- (2) Operators and lessors of nonresidential buildings (Series Id PCU 6512).
- (3) Maintenance and repair constructions (Series Id PCU BMRP).

(b) For purposes of this section, "rebasings" means dividing all the values of the price index, by the value of the price index for the period to which the values are to be rebased, and multiplying the results by 100.

*(Amended by Stats. 2003, Ch. 592, Sec. 8. Effective January 1, 2004.)*

**70356.** The following items shall be included in the county facilities payment based on a five-year average of expenditures made by the county for facility operation and maintenance. This amount shall be computed by multiplying the value for each of the five fiscal years from 1995-96 to 1999-2000, inclusive, by the change in the inflation index specified in Section 70355 from January of that fiscal year to the month of the date of transfer of responsibility for the court facilities from the county to the state, inclusive, and then averaging the five adjusted yearly values:

(a) Maintenance and repair, including, but not limited to, maintenance and repair of the building and its components, utility systems, security equipment, and interior and exterior lighting.

(b) Purchase, installation, modernization, and maintenance of major building systems not of an ongoing nature, including, but not limited to, plumbing, HVAC (heating, ventilation, and air-conditioning), electrical, and vertical transportation.

(c) A special repair.

(d) Landscaping and grounds maintenance services for court facilities.

(e) Maintenance of parking spaces or garages dedicated to the court or for jurors.

(f) County facility management and administrative costs directly or indirectly associated with trial court facilities, including, but not limited to, management, supervision, planning, design, department administration, payroll, finance, procurement, and program management.

*(Amended by Stats. 2003, Ch. 592, Sec. 9. Effective January 1, 2004.)*

**70357.** (a) The cost of utilities shall be included in the county facilities payment by calculating the average consumption of utilities for the fiscal years 1995-96 to 1999-2000, inclusive, multiplying the consumption averages by the 1999-2000 rates, and multiplying the value by the increase in the inflation index specified in Section 70355 from January 2000, to the month of the date of transfer of responsibility for the court facilities from the county to the state, inclusive. The consumption rates for 1999-2000 shall be the average of the rates for each month of that fiscal year.

(b) If the county states in its county facilities payment calculation under Section 70363 that either utility

consumption amounts or rates are not reasonably available for any court facility for any or all of the 1995–96 to 1999–2000, inclusive, fiscal years after a good faith effort to obtain those consumption amounts or rates, then the cost of utilities for that facility shall be included in the county facilities payment by calculating the five-year average of the utility costs incurred in connection with the operation of the building for the 1995–96 to 1999–2000, inclusive, fiscal years. This amount shall be calculated by multiplying the yearly utility costs for each court facility for each of the five fiscal years from 1995–96 to 1999–2000, inclusive, by the change in the inflation index specified in Section 70355 from January of that fiscal year to the month of the date of transfer of responsibility for the court facility from the county to the state, inclusive, and then averaging the five inflation-adjusted yearly values.

(c) If the county states in its county facilities payment calculation under Section 70363 that the utility cost information described in subdivisions (a) and (b) is not reasonably available for any court facilities for any or all of the fiscal years 1995–96 to 1999–2000, inclusive, after a good faith effort to obtain that information, then the cost of utilities for those facilities shall be calculated using all relevant information available to the county and to the Administrative Office of the Courts.

(d) For purposes of any good faith statement made pursuant to subdivision (b) or (c), the county shall include a detailed description of all activities it undertook to obtain the information and the results of each activity.

(e) If the county implemented a special improvement to increase energy efficiency during the 1995–96 fiscal year or thereafter, and that special improvement resulted in measurable and ongoing net cost savings, then the county may include a description of the special improvement and the resulting cost savings as part of its county facilities payment calculation under Section 70363. The amount of any reduction in the county facilities payment calculation shall be limited to the demonstrable ongoing cost savings to the state directly resulting from the special improvement only to the extent not already reflected in the cost or consumption data used to determine utilities costs. The county shall document or demonstrate the savings and the fact that the savings are not already reflected.

(f) As used in this section, “utility costs” include, but are not limited to, natural gas, heating oil, electricity, water, sewage, and garbage. Utility costs shall be included without regard to whether payment of the costs was made by the county, the court, or another entity except that the amount of specific utility costs may not be included in the county facilities payment if all of the following conditions are satisfied:

- (1) A lease expressly provides that the utilities are to be paid by the lessor.
- (2) There is no payment by the lessee for the utilities, except as part of the lease payment.
- (3) The lease payment is included in the county facilities payment.

*(Amended by Stats. 2004, Ch. 249, Sec. 1. Effective August 23, 2004.)*

**70358.** Insurance costs shall be included in the county facilities payment. If the actual expenditures made by the county are used to determine the amount, the expenditures shall be based on the 1999–2000 fiscal year multiplied by the increase in the inflation index specified in Section 70355 from January 2000, to the month of the date of the transfer of responsibility for the court facilities from the county to the state, inclusive.

The amount of insurance may not include the cost of any insurance required by any agreement involving bonded indebtedness on the facility to the extent that the cost of insurance is greater than the cost of commercial insurance coverage on the building.

The determination of the insurance costs may consider the costs of commercial insurance coverage for a fair and reasonable level of insurance and the costs of self-insurance. The amount of the insurance costs shall be subject to negotiation between the Judicial Council and the county.

To the extent the responsibility for grounds is transferred, the insurance costs for court facilities shall include, but not be limited to, the cost of liability insurance relating to the grounds.

*(Amended by Stats. 2003, Ch. 592, Sec. 11. Effective January 1, 2004.)*

**70359.** (a) Court facilities rental or leasing, except to the extent included as a court operation in Rule 10.810 of the California Rules of Court, shall be included in the county facilities payment using as the initial amount the

annual amount for the lease for the fiscal year of the date of transfer of those court facilities to the state.

(b) The amount computed under subdivision (a) shall be adjusted annually for each remaining year in the lease to reflect the changed annualized amount for the lease for each year remaining on the lease. A lease amount in the final year of any lease entered into or renewed on or after October 2, 2001, shall represent a good faith relationship to the fair market value of the facilities either at the time of the making of the lease or the time of determination of the final year lease amount.

(c) The adjustment of the amount pursuant to subdivision (b) shall not permit either the county or the Judicial Council to appeal the county facilities payment amount under Section 70366 or 70367, except as to any issues directly related to the adjustment made by subdivision (b).

(d) The amount of any lease included in the county facilities payment amount shall, unless otherwise agreed to by the Administrative Director of the Courts and the county, be paid by the county from the county's courthouse construction fund, if the lease was originally entered into prior to July 1, 2002, and to the extent the lease was funded in whole or in part by the courthouse construction fund prior to July 1, 2002. The length of time payment that may be made from the courthouse construction fund is to be calculated by the length of the lease entered into before July 1, 2002, plus any one renewal or extension of not more than five years entered into on or after July 2, 2002. The Administrative Director of the Courts may agree to a longer time for payment from the courthouse construction fund.

*(Amended by Stats. 2007, Ch. 130, Sec. 134. Effective January 1, 2008.)*

**70360.** Calculation of the county facilities payment may not include any of the following:

(a) Purchase of land and buildings.

(b) Construction and construction services.

(c) Maintenance of parking for the general public whose responsibility is not transferred and that may also be used by the courts or jurors.

(d) Depreciation of court facilities.

(e) Costs associated with court facilities or a portion of the facilities that is not transferred to the state or that remains a county responsibility.

(f) A capital project that alters the facilities' function or capacity.

(g) Any county payments resulting from bonded indebtedness and not normally a cost of building operation.

(h) A special improvement.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70361.** The Administrative Office of the Courts, in consultation with the courts, and the California State Association of Counties, in consultation with the counties, shall jointly prepare forms and instructions for calculating the county facilities payment in compliance with this section and submit those forms and instructions to the Director of Finance for approval. In the event that the Administrative Office of the Courts and the California State Association of Counties are unable to agree on forms and instructions, they shall present their positions of agreement and disagreement to the Director of Finance who shall make the final determination on the forms and instructions. The proposed forms and instructions or positions of each party shall be provided to the Director of Finance no later than June 30, 2003. Upon approval by the Director of Finance, the Administrative Office of the Courts shall provide the counties and the courts with the approved forms and instructions.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70362.** (a) The Department of Finance shall provide the Administrative Office of the Courts with the base inflation index figures specified in Section 70355 for January 1996, January 1997, January 1998, January 1999, and January 2000, to be included in the approved instructions.

(b) During the period from July 2003, to June 2007, inclusive, on a monthly basis, the department shall provide the Administrative Office of the Courts with a forecast of the monthly inflation index figures specified in Section

70355, using a methodology mutually agreed upon by the department, Administrative Office of the Courts, and California State Association of Counties. This forecast may be used to make a preliminary determination of the county facility payment based on the proposed and final month of transfer.

(c) The department shall provide the Administrative Office of the Courts with the final revised inflation index figures specified in Section 70355 when the final data is available from the Bureau of Labor Statistics Producer Price Index. If the final inflation index figures for the month when a facility transferred from the county to the state is different than the figure used to calculate the county facility payment at the time of the transfer, the Administrative Office of the Courts shall recalculate the county facilities payment based on the final inflation index figures.

(d) Notwithstanding subdivision (c) of Section 70353, any change in the final county facilities payment made pursuant to subdivision (c) shall be reflected as an adjustment to the schedule of county facilities payments at the beginning of the next fiscal year. In addition, any over or underpayment resulting from the difference between the final calculation made pursuant to subdivision (c) and the county facility payment calculation made at the time of transfer shall be reflected as a one-time adjustment to the amount of the first county facility payment owed at the beginning of the next fiscal year.

*(Amended by Stats. 2003, Ch. 592, Sec. 12. Effective January 1, 2004.)*

**70363.** Each county shall calculate the county facilities payment for each facility pursuant to Section 70351.5 or using the forms and instructions as approved and distributed pursuant to Section 70361. The county shall mail the Judicial Council and local court the actual expenditure figures and adjustments at least 90 days prior to the proposed date of transfer of responsibility for that facility. The county auditor or, at the discretion of the board of supervisors, the board shall certify the reported expenditures and indexed calculations.

(a) Prior to the transfer of responsibility of each court facility from the county to the state, the Administrative Office of the Courts shall review the accuracy of the calculations.

(b) The Administrative Office of the Courts and the county shall meet and discuss any differences they have concerning the calculations in an effort to reduce or eliminate any areas of disagreement. Following the discussions, the Administrative Office of the Courts shall mail the Department of Finance the proposed county facility payment and any necessary background information, including the calculations and the reported county expenditures and a summary of any disagreements between the Administrative Office of the Courts and the county regarding the payment.

(c) The Department of Finance shall within 30 days of the receipt of the proposed county facilities payment from the Administrative Office of the Courts do any of the following:

(1) Approve the proposed payment.

(2) Approve a modified payment.

(3) Request additional information from either the county or the Administrative Office of the Courts.

(d) When the department has approved a county facilities payment for that facility, it shall mail the Administrative Director of the Courts the approved county facilities payment. The Administrative Office of the Courts shall mail a copy of the Department of Finance notification to the county administrative officer and the court executive officer.

*(Amended by Stats. 2008, Ch. 9, Sec. 4. Effective April 23, 2008.)*

**70365.** The parties to any appeal of the determination of the county facilities payment, for purposes of the mailing of documents, are the county administrative officer, on behalf of the county, and the Administrative Director of the Courts, on behalf of both the state and the court.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70366.** (a) Within 30 days after the Administrative Office of the Courts has mailed the county the approved county facilities payment, pursuant to subdivision (d) of Section 70363, the county may submit a declaration to the Court Facilities Dispute Resolution Committee, with the mailing of copies to the other parties, that the

amount is incorrect for one or more of the following reasons:

- (1) Expenditure data is reported incorrectly or calculated incorrectly and causes an approved county facilities payment amount that is higher than the payment should be.
  - (2) The approved county facilities payment includes amounts that were specifically appropriated, funded, and expended by the county to fund extraordinary one-time expenditures. Extraordinary one-time expenditures do not include periodic major facility repair or maintenance including, but not limited to, reroofing or replacement of a major system component. Extraordinary one-time expenditures do include, but are not limited to, abatement of asbestos and seismic structural upgrades.
  - (3) The approved county facilities payment includes expenses funded from grants or subventions that would not have been funded without these grants or subventions.
- (b) The Administrative Director of the Courts shall mail comments to the Court Facilities Dispute Resolution Committee on the county's declaration within 30 days of the mailing of the county's declaration, with the mailing to the other parties.
- (c) Within 90 days of receipt of comments pursuant to subdivision (b), the Court Facilities Dispute Resolution Committee shall review the declarations and comments received, and make its recommendation to the Director of Finance concerning correction of any errors and, if necessary, adjustment of the amount of the county facilities payment. The Court Facilities Dispute Resolution Committee shall mail a copy of its recommendation to all the parties.
- (d) The Director of Finance or his or her designee shall review the recommendations of the Court Facilities Dispute Resolution Committee and make his or her determination concerning any correction of errors and, if necessary, adjustment of the amount of the county facilities payment. The director shall mail a copy of his or her determination on all the parties.

*(Amended by Stats. 2003, Ch. 592, Sec. 13. Effective January 1, 2004.)*

**70367.** (a) Within 30 days after the Administrative Director of the Courts has mailed to the county, pursuant to subdivision (d) of Section 70363, the approved county facilities payment, the Administrative Director of the Courts may submit a declaration to the Court Facilities Dispute Resolution Committee, with copies mailed to the other parties, that the amount is incorrect because the county failed to report court facilities expenses paid by the county which reduced the amount of the approved county facilities payment.

(b) The county shall mail its comments to the Court Facilities Dispute Resolution Committee on the administrative director's declaration within 30 days of the mailing of the administrative director's declaration, with copies mailed to the other parties.

(c) Within 90 days of receipt of comments pursuant to subdivision (b), the Court Facilities Dispute Resolution Committee shall review the declarations and comments received, and make its recommendation to the Director of Finance concerning correction of any errors and, if necessary, an adjustment of the amount of the county facilities payment. The Court Facilities Dispute Resolution Committee shall mail a copy of its recommendation to all the parties.

(d) The Director of Finance or his or her designee shall review the recommendations of the Court Facilities Dispute Resolution Committee and make his or her determination concerning any correction of errors and, if necessary, an adjustment of the amount of the county facilities payment. The director shall serve a copy of his or her determination on all the parties.

*(Amended by Stats. 2005, Ch. 22, Sec. 109. Effective January 1, 2006.)*

**70368.** The county shall initially compute a separate county facilities payment for each building containing court facilities whose responsibility is transferred to the Judicial Council using the proposed date of transfer of responsibility for those court facilities as the date for computing inflation under Sections 70356, 70357, and 70358. The county's responsibility for the county facilities payment for those facilities commences upon the actual date of transfer of responsibility for those facilities. If the actual date of transfer of responsibility for a facility is different than the proposed date of transfer, upon which the county facilities payment is calculated, the

Administrative Office of the Courts shall adjust the amount of the county facilities payment by applying the inflation index figures for that county for the actual date of transfer, as provided in Section 70362, to the approved county facilities payment. The amount of any county facilities payment that takes effect after the beginning of a fiscal year shall be prorated for the amount remaining in that fiscal year. In no event shall a county have any responsibility for a court facility payment prior to the effective date of the transfer of responsibility for a facility.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70369.** Where mail of notice or any other document is required by this article, any method of mailing equivalent to first-class mail may be used. The computation of time based on mailing under this article is based on the date the item was deposited in the mail.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70370.** If the amount computed by the county under Section 70368 is increased pursuant to this article, the county shall pay the state the difference relating back to the initial date payment was due under Section 70368. If the amount computed by the county under Section 70368 is reduced pursuant to this article, the state shall pay the county the difference relating back to the initial date payment was due under Section 70368. Upon agreement between the county and state, any amount due under this section may be made by an addition or reduction in the next scheduled county facilities payment.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**ARTICLE 6. State Court Facilities Construction Fund [70371 - 70379]** ( Article 6 added by Stats. 2002, Ch. 1082, Sec. 4. )

**70371.** There is hereby established the State Court Facilities Construction Fund, the proceeds of which shall be subject to the provisions of this article. Improvement of the court facilities and the construction funds generated by this article are intended to further reasonable access to the courts and judicial process throughout the state for all parties.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70371.5.** (a) There is hereby established the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, the proceeds of which shall only be used for any of the following:

(1) The planning, design, construction, rehabilitation, renovation, replacement, or acquisition of court facilities.

(2) Repayment for moneys appropriated for lease of court facilities pursuant to the issuance of lease-revenue bonds.

(3) Payment for lease or rental of court facilities or payment of service contracts, including those made for facilities in which one or more private sector participants undertake some of the risks associated with the financing, design, construction, or operation of the facility.

(4) For trial court operations, as defined in Section 77003.

(b) Any funds expended from the Immediate and Critical Needs Account are not subject to Section 77202.

(c) Notwithstanding Section 13340, until July 1, 2012, the Immediate and Critical Needs Account is hereby continuously appropriated, without regard to fiscal year, only for the purposes of acquiring real property and completing preliminary plans.

(d) It is the intent of the Legislature that the money in the Immediate and Critical Needs Account shall be used in part to pay the debt service of lease revenue bonds, notes, bond anticipation notes, or other appropriate financial instruments used to pay for the costs referred to in subdivision (a) in the amount of up to five billion dollars (\$5,000,000,000). The total bonded indebtedness shall not exceed that amount for which fine and fee revenues may fully satisfy the debt service.

(e) The Judicial Council shall collect and make available upon request information regarding the moneys deposited in the Immediate and Critical Needs Account resulting from new and increased fees, assessments, and penalties authorized by the act that added this section.

(f) (1) The Judicial Council shall make recommendations to the State Public Works Board before it undertakes projects based on its determination that the need for a project is most immediate and critical using the then most recent version of the Prioritization Methodology for Trial Court Capital-Outlay Projects originally adopted on

August 26, 2006, subject to the availability of funds in the Immediate and Critical Needs Account. Any such recommendation shall be accompanied by a certification that there are sufficient funds in the Immediate and Critical Needs Account. The State Public Works Board shall establish the scope and cost for each individual project.

(2) The Legislature finds that there may not be enough resources to pay for the cost of the projects identified as immediate and critical needs by the Judicial Council pursuant to its Prioritization Methodology for Trial Court Capital-Outlay Projects originally adopted on August 26, 2006, even after considering any bonded indebtedness that may be issued relying at least in part on those resources. Therefore, in choosing which projects shall be recommended to the State Public Works Board to be funded from the Immediate and Critical Needs Account, the Judicial Council shall consider and apply, as appropriate, the following factors, among others:

(A) Any economic opportunity that exists for a project.

(B) The effect on available resources of using alternative methods of project delivery as provided by Section 70391.5.

(3) Nothing in paragraph (2) shall authorize the Judicial Council to exceed the resources provided by the Immediate and Critical Needs Account, together with other available resources, in undertaking projects identified as immediate and critical needs.

(4) As used in paragraph (2), "economic opportunity" includes, but is not limited to, free or reduced costs of land for new construction, viable financing partnerships with, or fund contributions by, other government entities or private parties that result in lower project delivery costs, cost savings resulting from adaptive reuse of existing facilities, operational efficiencies from consolidation of court calendars and operations, operational savings from sharing of facilities by more than one court, and building operational cost savings from consolidation of facilities.

(5) The Judicial Council shall not consider and apply an economic opportunity unless it is reasonably assured that the economic opportunity is viable and will be realized. If a project is selected for funding based on an economic opportunity that is withdrawn after the project is approved, the Judicial Council may cancel the project.

(g) Notwithstanding any law, the Controller may use the funds in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund for cashflow loans to the General Fund as provided in Sections 16310 and 16381.

*(Amended by Stats. 2012, Ch. 41, Sec. 38. (SB 1021) Effective June 27, 2012.)*

**70371.6.** The Judicial Council is authorized to acquire sites for the replacement of deficient court facilities within the Counties of Butte (New North County Courthouse), Los Angeles (New Southeast Los Angeles Courthouse), Tehama (New Red Bluff Courthouse), and Yolo (New Woodland Courthouse), as identified in the Immediate Needs Priority Group identified by the Judicial Branch Five-Year Infrastructure Plan, as adopted by the Judicial Council on April 25, 2008.

*(Added by Stats. 2008, Ch. 311, Sec. 5.5. Effective January 1, 2009.)*

**70371.7.** (a) Prior to seeking the State Public Works Board establishment of the scope and cost, the Judicial Council shall submit a report to the Joint Legislative Budget Committee describing the scope, budget, schedule, number of courtrooms, number of secure holding cells, and square footage of administrative support space to be constructed or renovated. If the Joint Legislative Budget Committee fails to take any action with respect to each report within 30 days after submittal, this inaction shall be deemed to be approval for the purposes of this section, and the Judicial Council is authorized to proceed to acquire real property and complete preliminary plans.

(b) (1) Upon certification of the availability of funds within the Immediate and Critical Needs Account, and the establishment of the project scope and cost by the State Public Works Board, notwithstanding any other provision of law, the Judicial Council is authorized to acquire real property and to complete preliminary plans for the superior court capital outlay projects adopted by the Judicial Council on October 24, 2008, identified in the Update to Trial Court Capital-Outlay Plan and Prioritization Methodology, or most recent version thereof.

(2) It is the intent of the Legislature that funding for working drawings and construction be appropriated in the

next annual Budget Act following approval by the State Public Works Board of preliminary plans completed pursuant to paragraph (1).

(3) The scope and cost of the projects, including augmentations, authorized by this section shall be subject to approval and administrative oversight by the State Public Works Board pursuant to Section 13332.11 or 13332.19. For purposes of this section, the availability of an augmentation for each individual project shall be calculated based on the total capital outlay cost as established by the board.

(c) (1) The Judicial Council shall submit to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget a long-term fund condition statement for the State Court Facilities Construction Fund and the Immediate and Critical Needs Account in conjunction with any future funding request for capital outlay to demonstrate that there is sufficient revenue to fully support all existing debt or capital outlay obligations as well as the full project cost for the proposed project for which the Judicial Council requests funding.

(2) This subdivision shall not apply to a capital outlay request pertaining to the construction of the new court facility projects approved in the Budget Act of 2018.

*(Amended by Stats. 2018, Ch. 45, Sec. 7. (SB 847) Effective June 27, 2018.)*

**70371.8.** The Judicial Council shall report to the Joint Legislative Budget Committee and chairs of the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget by March 1 of each year on the status of each project established by the State Public Works Board under Section 70371.7. The report shall also include an accounting of the revenues generated and expenditures made in the Immediate and Critical Needs Account.

*(Added by Stats. 2009, 2nd Ex. Sess., Ch. 10, Sec. 4. Effective May 21, 2009.)*

**70371.9.** (a) (1) The Judicial Council shall conduct, or contract with an independent contractor to conduct, a reassessment of those projects identified in its Update to Trial Court Capital-Outlay Plan and Prioritization Methodology adopted on October 24, 2008, or the most recent version of that update, if any. Other projects may be included for reassessment at the discretion of Judicial Council. The reassessment shall be submitted to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget by December 31, 2019.

(2) The Judicial Council may exclude from the reassessment those projects that were canceled prior to June 30, 2018, and those that were approved in the Budget Act of 2018.

(b) A project subject to this section shall be reassessed and ranked, at minimum, on each of the following:

(1) The criteria identified in the Update to Trial Court Capital-Outlay Plan and Prioritization Methodology adopted on October 24, 2008, or the most recent version of that update, if any.

(2) The level of seismic risk, environmental hazards, and other health and safety hazards.

(3) The impact on court users, including, but not limited to, the level of public access to court services, such as accessibility to the courthouse.

(4) The cost avoidance or savings that would be achieved due to the project through operational or organizational efficiencies created for the court or the state.

(5) Ways to minimize increased or going costs, including, but not limited to, trial court security and operating and maintenance costs.

(6) A comparison of the cost to repair or renovate the existing facility versus the cost of replacement.

(7) The projected cost of each proposed project, per court user.

(8) The total costs spent on the project as of the date of the assessment.

*(Added by Stats. 2018, Ch. 45, Sec. 8. (SB 847) Effective June 27, 2018.)*

**70372.** (a) (1) Except as otherwise provided in this article, there shall be levied a state court construction penalty, in the amount of five dollars (\$5) for every ten dollars (\$10), or part of ten dollars (\$10), upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including, but not limited to, all offenses involving a violation of a section of the Fish and Game Code, the Health and Safety Code, or the

Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. This penalty is in addition to any other state or local penalty, including, but not limited to, the penalty provided by Section 1464 of the Penal Code and Section 76000.

(2) This construction penalty does not apply to the following:

(A) Any restitution fine.

(B) Any penalty authorized by Section 1464 of the Penal Code or Chapter 12 (commencing with Section 76000) of Title 8.

(C) Any parking offense subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

(D) The state surcharge authorized by Section 1465.7 of the Penal Code.

(3) Any bail schedule adopted pursuant to Section 1269b of the Penal Code or adopted by the Judicial Council pursuant to Section 40310 of the Vehicle Code may include the necessary amount to pay the penalty established by this section, the penalties authorized by Section 1464 of the Penal Code and Chapter 12 (commencing with Section 76000) of Title 8, and the surcharge authorized by Section 1465.7 of the Penal Code for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine. After a determination by the court of the amount due, the clerk of the court shall collect the penalty and transmit it immediately to the county treasury and the county treasurer shall transmit these sums as provided in subdivision (f).

(b) In addition to the penalty provided by subdivision (a), for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added state court construction penalty of four dollars and fifty cents (\$4.50) shall be included in the total penalty, fine, or forfeiture. These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1462.3 or 1463.009 of the Penal Code. In those cities, districts, or other issuing agencies which elect to accept parking penalties, and otherwise process parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the added penalty provided for by this subdivision. Each agency that elects to process parking violations shall pay to the county treasurer four dollars and fifty cents (\$4.50) for the parking penalty imposed by this subdivision for each violation that is not filed in court. Those payments to the county treasurer shall be made monthly, and the county treasurer shall transmit these sums as provided in paragraph (2) of subdivision (f). In the event these payments were deposited in a local courthouse construction fund and expended pursuant to the provisions of Chapter 592 of the Statutes of 2003, no county or processing agency shall be liable for the failure to transmit the payments to the Controller during the 2008 calendar year.

(c) If multiple offenses are involved, the state court construction penalty under subdivision (a) shall be based upon the total fine or bail for each case. If a fine is suspended, in whole or in part, the state court construction penalty under subdivision (a) shall be reduced in proportion to the suspension.

(d) If any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making the deposit shall also deposit a sufficient amount to include the state court construction penalty prescribed by subdivision (a) for forfeited bail. If bail is returned, the state court construction penalty paid thereon pursuant to subdivision (a) shall also be returned.

(e) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the state court construction penalty, the payment of which would work a hardship on the person convicted or his or her immediate family.

(f) (1) Within 45 days after the end of the month that moneys are deposited in the county treasury pursuant to subdivision (a), the county treasurer shall transmit the moneys to the Controller, to be deposited as follows:

(A) The total to be deposited pursuant to subdivision (a) shall be multiplied by a fraction as follows:

(i) The numerator is the amount imposed as of January 1, 1998, as an additional penalty on every ten dollars (\$10), or part of ten dollars (\$10), upon every fine, penalty, or forfeiture, if any, for deposit into the local courthouse construction fund in that county established pursuant to Sections 76000 and 76100. The numerator shall be expressed in whole dollars and fractions of a dollar.

(ii) The denominator is five dollars (\$5).

(B) The resulting amount shall be deposited in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5.

(C) The remaining amount of the deposit shall be deposited in the State Court Facilities Construction Fund.

(2) Within 45 days after the end of the month that moneys are deposited in the county treasury pursuant to subdivision (b), the county treasurer shall transmit the moneys to the Controller to be deposited as follows: one-third of the total amount shall be deposited in the State Court Facilities Construction Fund and two-thirds of the total amount shall be deposited in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5.

*(Amended by Stats. 2011, Ch. 304, Sec. 5. (SB 428) Effective January 1, 2012.)*

**70373.** (a) (1) To ensure and maintain adequate funding for court facilities, an assessment shall be imposed on every conviction for a criminal offense, including a traffic offense, except parking offenses as defined in subdivision (i) of Section 1463 of the Penal Code, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. The assessment shall be imposed in the amount of thirty dollars (\$30) for each misdemeanor or felony and in the amount of thirty-five dollars (\$35) for each infraction.

(2) For the purposes of this section, "conviction" includes the dismissal of a traffic violation on the condition that the defendant attend a court-ordered traffic violator school, as authorized by Sections 41501 and 42005 of the Vehicle Code. This assessment shall be deposited in accordance with subdivision (d), and may not be included with the fee calculated and distributed pursuant to Section 42007 of the Vehicle Code.

(b) This assessment shall be in addition to the state penalty assessed pursuant to Section 1464 of the Penal Code and may not be included in the base fine to calculate the state penalty assessment as specified in subdivision (a) of Section 1464 of the Penal Code. The penalties authorized by Chapter 12 (commencing with Section 76000), and the state surcharge authorized by Section 1465.7 of the Penal Code, do not apply to this assessment.

(c) When bail is deposited for an offense to which this section applies, and for which a court appearance is not necessary, the person making the deposit also shall deposit a sufficient amount to include the assessment prescribed by this section.

(d) Notwithstanding any other law, the assessments collected pursuant to subdivision (a) shall all be deposited in a special account in the county treasury and transmitted therefrom monthly 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) The Judicial Council shall provide for the administration of this section.

*(Added by Stats. 2008, Ch. 311, Sec. 6.5. Effective January 1, 2009.)*

**70374.** (a) The Judicial Council shall annually recommend to the Governor and the Legislature the amount proposed to be spent for projects paid for with moneys in the State Court Facilities Construction Fund. The use of the appropriated moneys is subject to subdivision (l) of Section 70391.

(b) Acquisition and construction of court facilities shall be subject to the State Building Construction Act of 1955 (Part 10b (commencing with Section 15800) of Division 3 of Title 2) and the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2), except that (1) notwithstanding any other provision of law, the Administrative Office of the Courts shall serve as an implementing agency upon approval of the Department of Finance, and (2) the provisions of subdivision (e) shall prevail. Acquisition and construction of facilities are not subject to the provisions of the Public Contract Code, but shall be subject to facilities contracting policies and procedures adopted by the Judicial Council after consultation and review by the Department of Finance.

(c) Moneys in the State Court Facilities Construction Fund shall only be used for either of the following:

(1) The planning, design, construction, rehabilitation, renovation, replacement, leasing, or acquisition of court facilities, as defined by subdivision (d) of Section 70301.

(2) The rehabilitation of one or more existing court facilities in conjunction with the construction, acquisition, or financing of one or more new court facilities.

(d) (1) Except as provided in Section 70374.2 and paragraph (2) of this subdivision, 25 percent of all moneys collected for the State Court Facilities Construction Fund from any county shall be designated for implementation of trial court projects in that county. The Judicial Council shall determine the local projects after consulting with the trial court in that county and based on the locally approved trial court facilities master plan for that county.

(2) Paragraph (1) shall not apply to moneys that have been deposited in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5.

(e) The following provisions shall prevail over provisions of the State Building Construction Act of 1955 (Part 10b commencing with Section 15800) of Division 3 of Title 2) in regard to buildings subject to this section.

(1) The Administrative Office of the Courts shall be responsible for the operation, including, but not limited to, the maintenance and repair, of all court facilities whose title is held by the state. The operation of buildings under this section shall be the responsibility of the Judicial Council.

(2) Notwithstanding Section 15808.1, the Judicial Council shall have the responsibility for determining whether a building under the act shall be located within or outside of an existing public transit corridor.

(3) The buildings under this section are subject to Section 15814.12 concerning cogeneration and alternative energy sources at the request of, or with the consent of, the Judicial Council. Any building acquired by the state pursuant to this section on or before July 1, 2007, is not subject to subdivision (b) of Section 15814.12 concerning the acquisition of cogeneration or alternative energy equipment if the building, when acquired, already had cogeneration or alternative energy equipment. Section 15814.17 only applies to buildings to which the Judicial Council has given its consent under subdivision (a) of Section 15814.12.

*(Amended by Stats. 2010, Ch. 726, Sec. 16. (AB 1620) Effective October 19, 2010.)*

**70374.2.** Notwithstanding subdivision (d) of Section 70374, in order to ensure that funding is available to support the construction of the new court facility projects approved in the Budget Act of 2007, the Judicial Council shall not commit to additional expenditures from the State Court Facilities Construction Fund above the amount appropriated in the Budget Act of 2007 unless the expenditures are replaced with increased funds to the fund.

*(Added by Stats. 2007, Ch. 176, Sec. 58. Effective August 24, 2007.)*

**70375.** (a) This article shall take effect on January 1, 2003, and the fund, penalty, and fee assessment established by this article shall become operative on January 1, 2003, except as otherwise provided in this article.

(b) The authority for all of the following shall expire proportionally on the June 30th following the date of transfer of responsibility for facilities from the county to the Judicial Council, except so long as money is needed to pay for construction provided for in those sections and undertaken prior to the transfer of responsibility for facilities from the county to the Judicial Council:

(1) An additional penalty for a local courthouse construction fund established pursuant to Section 76100.

(2) A filing fee surcharge in the County of Riverside established pursuant to Section 70622.

(3) A filing fee surcharge in the County of San Bernardino established pursuant to Section 70624.

(4) A filing fee surcharge in the City and County of San Francisco established pursuant to Section 70625.

(c) For purposes of subdivision (c), the term "proportionally" means that proportion of the fee or surcharge that shall expire upon the transfer of responsibility for a facility that is the same proportion as the square footage that facility bears to the total square footage of court facilities in that county.

*(Amended by Stats. 2010, Ch. 709, Sec. 4. (SB 1062) Effective January 1, 2011.)*

**70376.** It is the intent of the Legislature that funding for courthouse alteration, renovation, and construction be funded by money in the State Court Facilities Construction Fund and additional money as necessary from the state.

*(Added by Stats. 2002, Ch. 1032, Sec. 4. Effective January 1, 2003.)*

**70377.** (a) Amounts required to be transmitted by a county, city and county, or court to the state pursuant to this section shall be remitted to the State Treasurer no later than 45 days after the end of the month in which the fees, assessments, or penalties were collected. This remittance shall be accompanied by remittance advice identifying the collection month and the appropriate account in the State Court Facilities Construction Fund or the Immediate and Critical Needs Account of the State Court Facilities Construction Fund to which it is to be deposited. Any remittance made later than this time shall be considered delinquent and subject to the interest and penalties specified in this section.

(b) Upon receipt of delinquent payment required pursuant to this section, the Controller shall do the following:

(1) Calculate the interest on the delinquent payment by multiplying the amount of the delinquent payment at a daily rate equivalent to the rate of return on money deposited in the Local Agency Investment Fund pursuant to Section 16429.1 from the date the payment was originally due to either 30 days after the date of the issuance by the Controller of the final audit report concerning the failure to pay or the date of payment by the entity responsible for the delinquent payment, whichever comes first. In calculating the interest under this paragraph, the Controller shall apply the average monthly Local Agency Investment Fund rate over the period of delinquency.

(2) Calculate a penalty at a daily rate equivalent to 11/2 percent per month from the date 30 days after the date of the issuance by the Controller of the final audit report concerning the failure to pay.

(c) Interest or penalty amounts calculated pursuant to subdivision (b) shall be paid by the county, city and county, or court to the State Court Facilities Construction Fund or the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, whichever is appropriate, no later than 45 days after the end of the month in which the interest or penalty was calculated. Payment shall be made by the entity responsible for the error or other action that caused the failure to pay, as determined by the Controller in a notice given to that party by the Controller.

(d) Notwithstanding Section 77009, the court may pay any penalty or interest imposed pursuant to this section due to an error or other action by the court from money received from the Trial Court Trust Fund. This section does not require an increase in a court's allocation from the Trial Court Trust Fund.

(e) The Controller may permit a county, city and county, or court to pay the interest or penalty amounts according to a payment schedule in the event of a large interest or penalty amount that causes a hardship to the paying entity.

(f) The party responsible for the error or other action that caused the failure to pay may include, but is not limited to, the party that collected the funds who is not the party responsible for remitting the funds to the State Court Facilities Construction Fund or the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, if the collecting party failed to provide or delayed providing the remitting party with sufficient information needed by the remitting party to distribute the funds.

(g) The changes made to this section by Chapter 452 of the Statutes of 2013 shall apply to all delinquent payments for which the Controller has not issued a final audit before January 1, 2014.

*(Amended by Stats. 2014, Ch. 71, Sec. 80. (SB 1304) Effective January 1, 2015.)*

**70378.** The State Court Facilities Construction Fund shall be invested in the Surplus Money Investment Fund and all interest earned shall be allocated to the State Court Facilities Construction Fund semiannually and shall be allocated as otherwise provided in this article.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70379.** (a) The Court Facilities Architecture Revolving Fund is hereby established in the State Treasury, and, notwithstanding Section 13340, the fund is continuously appropriated, without regard to fiscal years.

(1) With the approval of the Department of Finance, and except as otherwise specified in this section, there shall be transferred to, or deposited in, the fund all money appropriated, contributed, or made available from any

source, including sources other than state appropriations, for the purposes described in paragraph (2).

(2) Moneys transferred to, or deposited in, the fund shall be those administered by the Administrative Office of the Courts under subdivision (b) of Section 70374 for the construction, alteration, repair, and improvement of trial and appellate court buildings, including, but not limited to, services, new construction, major construction, minor construction, maintenance, improvements, and equipment, and other building and improvement projects.

(3) In addition to the approval of the Department of Finance, the transfer or deposit of moneys into the fund shall be authorized by the Administrative Office of the Courts, both with regard to funds appropriated for the purposes specified in paragraph (2) or, as to funds from sources other than state appropriations, subject to any written agreement between the contributor or contributors of funds and the Administrative Office of the Courts.

(b) Money from state sources transferred to, or deposited in, the fund for construction, services, equipment, repair, or improvement shall be an amount necessary based on the actual, known, or firm fixed price, upon approval of the Department of Finance.

Any amount available in the state appropriation that is in excess of the amount necessary based upon final actual costs of the completed contract shall be transferred immediately to the credit of the fund from which the appropriation was made.

(c) Money transferred or deposited in the fund pursuant to subdivision (a) shall be available for expenditure by the Administrative Office of the Courts for the purposes for which appropriated, contributed, or made available, without regard to fiscal years.

*(Added by Stats. 2004, Ch. 249, Sec. 2. Effective August 23, 2004.)*

**ARTICLE 7. Authority and Responsibility [70391 - 70397]** ( Article 7 added by Stats. 2002, Ch. 1082, Sec. 4. )

**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.

*(Amended by Stats. 2010, Ch. 328, Sec. 100. (SB 1330) Effective January 1, 2011.)*

**70391.5.** (a) The Judicial Council shall develop performance expectations for court facility proposals, including benchmark criteria for total project life-cycle costs, project cost comparisons to traditional delivery and financing options, project risk assessments and allocations, utility and energy conservation requirements that meet or

exceed state standards, and court security operations cost controls and reduction goals. The performance expectations and benchmark criteria shall be consistent with Chapter 1016 of the Statutes of 2002, Chapter 488 of the Statutes of 2006, and consistent with all current state building practices.

(b) In reviewing any court facility proposal that includes a public-private partnership component, the Director of Finance shall take into consideration any terms in the proposal that could create long-term funding commitments and how those terms may be structured to minimize risk to the state's credit ratings. Following the approval of any court facility proposal of the Director of Finance, the Judicial Council shall notify the Joint Legislative Budget Committee of the performance expectations and benchmark criteria for the proposal at least 30 days prior to the release of initial solicitation documents for a court facility project. If the Joint Legislative Budget Committee does not express any opposition or concerns, the Judicial Council may proceed with the solicitation 30 days after giving that notice.

*(Added by Stats. 2007, Ch. 176, Sec. 60. Effective August 24, 2007.)*

**70391.7.** (a) For purposes of this section, the definitions in subdivision (a) of Section 13332.19 shall apply. For purposes of subdivision (a) of Section 13332.19, references to the Department of General Services shall be deemed to be references to the Judicial Council.

(b) Notwithstanding any provision of the Public Contract Code or any other law, when the Legislature appropriates funds for a specific project, the Judicial Council may contract and procure court facilities pursuant to this section.

(c) Prior to contracting with a design-build entity for the procurement of a court facility under this section, the Judicial Council shall:

(1) Prepare a program setting forth the performance criteria for the design-build project. The performance criteria shall be prepared by a design professional duly licensed and registered in the State of California.

(2) (A) Establish a competitive prequalification and selection process for design-build entities, including any subcontractors listed at the time of bid, that clearly specifies the prequalification criteria, and states the manner in which the winning design-build entity will be selected.

(B) Prequalification shall be limited to consideration of all of the following criteria:

(i) Possession of all required licenses, registration, and credentials in good standing that are required to design and construct the project.

(ii) Submission of evidence that establishes that the design-build entity members have completed, or demonstrated the capability to complete, projects of similar size, scope, or complexity, and that proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the project.

(iii) Submission of a proposed project management plan that establishes that the design-build entity has the experience, competence, and capacity needed to effectively complete the project.

(iv) Submission of evidence that establishes that the design-build entity has the capacity to obtain all required payment and performance bonding, liability insurance, and errors and omissions insurance, as well as a financial statement that assures the Judicial Council that the design-build entity has the capacity to complete the project.

(v) Provision of a declaration certifying that applying members of the design-build entity have not had a surety company finish work on any project within the last five years.

(vi) Provision of information and a declaration providing detail concerning all of the following:

(I) Any construction or design claim or litigation totaling more than five hundred thousand dollars (\$500,000) or 5 percent of the annual value of work performed, whichever is less, settled against any member of the design-build entity over the last five years.

(II) Serious violations of the California Occupational Safety and Health Act of 1973, as provided in Part 1 (commencing with Section 6300) of Division 5 of the Labor Code, settled against any member of the design-build entity.

(III) Violations of federal or state law, including, but not limited to, those laws governing the payment of wages,

benefits, or personal income tax withholding, or of Federal Insurance Contributions Act (FICA) withholding requirements, state disability insurance withholding, or unemployment insurance payment requirements, settled against any member of the design-build entity over the last five years. For purposes of this subclause, only violations by a design-build member as an employer shall be deemed applicable, unless it is shown that the design-build entity member, in his or her capacity as an employer, had knowledge of his or her subcontractor's violations or failed to comply with the conditions set forth in subdivision (b) of Section 1775 of the Labor Code.

(IV) Information required by Section 10162 of the Public Contract Code.

(V) Violations of the Contractors' State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code), excluding alleged violations or complaints.

(VI) Any conviction of any member of the design-build entity of submitting a false or fraudulent claim to a public agency over the last five years.

(vii) Provision of a declaration that the design-build entity will comply with all other provisions of law applicable to the project, including, but not limited to, the requirements of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(C) The Judicial Council, when requested by the design-build entity, shall hold in confidence any information required by clauses (i) to (vi), inclusive, of subparagraph (B).

(D) Any declaration required under subparagraph (B) shall state that reasonable diligence has been used in its preparation and that it is true and complete to the best of the signer's knowledge. A person who certifies as true any material matter that he or she knows to be false is guilty of a misdemeanor and shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000), or by both the fine and imprisonment.

(3) (A) Determine, as the Judicial Council deems in the best interests of the state, which of the following methods listed in subparagraph (B) will be used as the process for the winning design-build entity. The Judicial Council shall provide a notification to the State Public Works Board, regarding the method selected for determining the winning design-build entity, at least 30 days prior to publicizing the design-build solicitation package.

(B) The Judicial Council shall make its determination by choosing one of the following methods:

(i) A design-build competition based upon performance, price, and other criteria set forth by the Judicial Council in the design-build solicitation package. The Judicial Council shall establish technical criteria and methodology, including price, to evaluate proposals and shall describe the criteria and methodology in the design-build solicitation package. Award shall be made to the design-build entity whose proposal is judged as providing the best value in meeting the interests of the Judicial Council and meeting the objectives of the project. A project with an approved budget of ten million dollars (\$10,000,000) or more may be awarded pursuant to this clause.

(ii) A design-build competition based upon performance and other criteria set forth by the Judicial Council in the design-build solicitation package. Criteria used in this evaluation of proposals may include, but need not be limited to, items such as proposed design approach, life-cycle costs, project features, and functions. However, any criteria and methods used to evaluate proposals shall be limited to those contained in the design-build solicitation package. Award shall be made to the design-build entity whose proposal is judged as providing the best value, for the lowest price, meeting the interests of the Judicial Council and meeting the objectives of the project. A project with an approved budget of ten million dollars (\$10,000,000) or more may be awarded pursuant to this clause.

(iii) A design-build competition based upon program requirements and a detailed scope of work, including any performance criteria and concept drawings set forth by the Judicial Council in the design-build solicitation package. Award shall be made on the basis of the lowest responsible bid. A project with an approved budget of two hundred fifty thousand dollars (\$250,000) or more may be awarded pursuant to this clause.

(4) For purposes of this subdivision, the following definitions shall apply:

(A) "Best interest of the state" means a design-build process that is projected by the Judicial Council to reduce the project delivery schedule and total cost of a project while maintaining a high level of quality workmanship and materials, when compared to the traditional design-bid-build process.

(B) "Best value" means a value determined by objective criteria that may include, but are not limited to, price, features, functions, life-cycle costs, experience, and other criteria deemed appropriate by the Judicial Council.

(d) The Legislature recognizes that the design-build entity is charged with performing both design and construction. Because a design-build contract may be awarded prior to the completion of the design, it is often impracticable for the design-build entity to list all subcontractors at the time of the award. As a result, the subcontractor listing requirements contained in Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code can create a conflict with the implementation of the design-build process by requiring all subcontractors to be listed at a time when a sufficient set of plans may not be available. It is the intent of the Legislature to establish a clear process for the selection and award of subcontracts entered into pursuant to this section in a manner that retains protection for subcontractors while enabling design-build projects to be administered in an efficient fashion. Therefore, all of the following requirements shall apply to subcontractors, licensed pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, that are employed on design-build projects undertaken pursuant to this section:

(1) The Judicial Council, in each design-build solicitation package, may identify types of subcontractors, by subcontractor license classification, that will be listed by the design-build entity at the time of the bid. In selecting the subcontractors that will be listed by the design-build entity, the Judicial Council shall limit the identification to only those license classifications deemed essential for proper completion of the project. In no event, however, may the Judicial Council specify more than five licensed subcontractor classifications. In addition, at its discretion, the design-build entity may list an additional two subcontractors, identified by subcontractor license classification, that will perform design or construction work, or both, on the project. In no event shall the design-build entity list at the time of bid a total number of subcontractors that will perform design or construction work, or both, in a total of more than seven subcontractor license classifications on a project. All subcontractors that are listed at the time of bid shall be afforded all of the protection contained in Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code. All subcontracts that were not listed by the design-build entity at the time of bid shall be awarded in accordance with paragraph (2).

(2) All subcontracts that were not to be performed by the design-build entity in accordance with paragraph (1) shall be competitively bid and awarded by the design-build entity, in accordance with the design-build process set forth by the Judicial Council in the design-build solicitation package. The design-build entity shall do all of the following:

(A) Provide public notice of the availability of work to be subcontracted in accordance with Section 10140 of the Public Contract Code.

(B) Provide a fixed date and time on which the subcontracted work will be awarded in accordance with Section 10141 of the Public Contract Code.

(C) As authorized by the Judicial Council, establish reasonable prequalification criteria and standards, limited in scope to those detailed in paragraph (2) of subdivision (c).

(D) Provide that the subcontracted work shall be awarded to the lowest responsible bidder.

(e) This section shall not be construed and is not intended to extend or limit the authority specified in Section 19130.

(f) Any design-build entity that is selected to design and construct a project pursuant to this section shall possess or obtain sufficient bonding consistent with applicable provisions of the Public Contract Code. Nothing in this section shall prohibit a general or engineering contractor from being designated the lead entity on a design-build entity for the purposes of purchasing necessary bonding to cover the activities of the design-build entity.

(g) Any payment or performance bond written for the purposes of this section shall use a bond form developed by the Judicial Council. In developing the bond form, the Judicial Council shall consult with the surety industry to achieve a bond form that is consistent with surety industry standards, while protecting the interests of the state.

(h) The Judicial Council shall submit to the Joint Legislative Budget Committee, before January 1, 2014, a report containing a description of each public works project procured through the design-build process described in this section that is completed after January 1, 2009, and before December 1, 2013. The report shall include, but shall not be limited to, all of the following information:

- (1) The type of project.
- (2) The gross square footage of the project.
- (3) The design-build entity that was awarded the project.
- (4) The estimated and actual project costs.
- (5) An assessment of the prequalification process and criteria.
- (6) An assessment of the effect of any retention on the project made under the law.
- (7) A description of the method used to award the contract. If the best value method was used, the report shall describe the factors used to evaluate the bid, including the weighting of each factor and an assessment of the effectiveness of the methodology.
- (i) The authority under this section and Section 14661.1 shall apply to a total of not more than five state office facilities, prison facilities, or court facilities, which shall be determined pursuant to this subdivision.
  - (1) In order to enter into a contract utilizing the procurement method authorized under this section, the Judicial Council shall submit a request to the Department of Finance.
  - (2) The Department of Finance shall make a determination whether to approve or deny a request made pursuant to paragraph (1) if the design-build project requested will not exceed the five facilities maximum set forth in this section and Section 14661.1.
  - (3) After receiving notification that the Department of Finance has approved the request and that the Legislature has appropriated funds for a specific project, the Judicial Council may enter into a design-build contract under this section.
- (j) Nothing in this section is intended to affect, expand, alter, or limit any rights or remedies otherwise available under the law.

*(Added by Stats. 2009, 2nd Ex. Sess., Ch. 2, Sec. 2. Effective May 21, 2009.)*

**70392.** Except as otherwise specifically provided by law, the Administrative Office of the Courts shall have the following responsibilities and authority in addition to other responsibilities and authority granted by law or delegated by the Judicial Council:

- (a) Notwithstanding any other provision of law and subject to the appropriation of funds, provide the ongoing oversight, management, operation, and maintenance of facilities used by the trial courts, if the responsibility for the facility has been transferred to the Judicial Council pursuant to this chapter.
- (b) Carry out the Judicial Council's policies with regard to trial court facilities, except as otherwise expressly limited by law.
- (c) Develop for Judicial Council approval the master plans for trial court facilities in each district.
- (d) Construction of court buildings, including, but not limited to, selection of architects and contractors, except as otherwise expressly limited by law.
- (e) Delegate its responsibilities and authority to the local trial court for court facilities used by that court.

*(Amended by Stats. 2003, Ch. 592, Sec. 19. Effective January 1, 2004.)*

**70393.** The county shall have the following authority and responsibilities with regard to court facilities in addition to any other authority or responsibilities established by law:

- (a) Manage the shared-use buildings whose title the county retains under subdivision (b) of Section 70323.
- (b) Make recommendations to the court and the Judicial Council for the location of new court facilities.
- (c) Provide services to local court facilities as provided in the agreement entered into under Section 70322.
- (d) Indemnify the state for any liability imposed on the state pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions that existed on the property at the time of transfer whether or not known to the county.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70394.** (a) The Judicial Council shall establish a task force on county law libraries. The task force is charged with identifying the needs related to county law library operations and facilities, and identifying and making recommendations for funding county law library operations, facility improvements, and expansion.

(b) The task force shall consist of three representatives from the judicial branch of government, as selected by the Administrative Director of the Courts, three representatives of the counties, as selected by the California State Association of Counties, and three county law library administrators, as selected by the Council of California County Law Librarians. The Administrative Director of the Courts shall designate one of these representatives as chairperson of the task force.

(c) The Administrative Office of the Courts shall provide staff support for the task force and shall develop guidelines for procedures and practices for the task force.

(d) The duties of the task force shall include all of the following:

(1) Review the state of existing county law libraries.

(2) Examine existing standards for county law library operations.

(3) Document the funding mechanisms currently available for the maintenance and operation of county law library facilities.

(4) Recommend funding sources and financing mechanisms for support of county law library operations and facility maintenance.

(e) The task force shall be appointed on or before March 1, 2004. The task force shall submit its report and recommendations to the Judicial Council and the Legislature on or before January 1, 2005.

(f) The Judicial Council shall implement this section using existing resources. Any costs for counties and county law librarians to assist in the implementation of this section shall be at county or county law librarians' expense, respectively.

*(Added by Stats. 2003, Ch. 394, Sec. 2. Effective January 1, 2004.)*

**70395.** (a) Notwithstanding any other law, the Judicial Council may sell the property, at fair market value and upon the terms and conditions and subject to the reservations the Judicial Council deems in the best interests of the state, if all of the following requirements are satisfied:

(1) The sale complies with Section 70391 as applicable.

(2) The Judicial Council consults with the County of Los Angeles concerning the sale of the property.

(3) The Judicial Council offers the County of Los Angeles the right to purchase the property at fair market value before otherwise offering the property for sale.

(b) Notwithstanding any other law, the net proceeds from the sale of the property shall be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established by Section 70371.5.

(c) For purposes of this act, "property" means the San Pedro superior courthouse located at 505 South Centre Street, in the City of Los Angeles and the County of Los Angeles, Assessor Parcel Number 7455-013-901.

(d) The disposition of the property authorized in this section does not constitute a sale or other disposition of surplus state property within the meaning of Section 9 of Article III of the California Constitution and is not subject to subdivision (g) of Section 11011 of this code.

*(Amended by Stats. 2017, Ch. 561, Sec. 96. (AB 1516) Effective January 1, 2018.)*

**70396.** (a) Notwithstanding any other law, the Judicial Council may sell the property, at fair market value and upon the terms and conditions and subject to the reservations the Judicial Council deems in the best interests of the state, if all of the following requirements are satisfied:

(1) The sale complies with Section 70391 of the Government Code, as applicable.

(2) The Judicial Council consults with the county where the property is located concerning the sale of the property.

(3) The Judicial Council offers the county in which the property is located the right to purchase the property at fair market value before otherwise offering the property for sale.

(b) Notwithstanding any other law, the net proceeds from the sale of the property shall be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established by Section 70371.5 of the Government Code.

(c) For purposes of this act, "property" means each of the following:

(1) The Chico Courthouse located at 655 Oleander Avenue in the City of Chico, County of Butte, Assessor Parcel Number 003-180-004.

(2) The Corning Courthouse located at 720 Hoag Street in the City of Corning, County of Tehama, Assessor Parcel Number 071-121-01-1.

(3) The Clovis Courthouse located at 1011 Fifth Street in the City of Clovis, County of Fresno, Assessor Parcel Number 492-040-13T.

(4) The Firebaugh Courthouse located at 1325 O Street in the City of Firebaugh, County of Fresno, Assessor Parcel Numbers 008-131-08T and 008-130-09T.

(5) The Reedley Courthouse located at 815 G Street in the City of Reedley, County of Fresno, Assessor Parcel Number 368-010-06T.

(6) The Avenal Courthouse located at 501 East Kings Street in the City of Avenal, County of Kings, Assessor Parcel Numbers 040-165-007, 040-165-011, and 040-165-012.

(7) The Corcoran Courthouse located at 1000 Chittenden Avenue in the City of Corcoran, County of Kings, Assessor Parcel Number 030-213-008.

(d) The disposition of the property authorized in this section does not constitute a sale or other disposition of surplus state property within the meaning of Section 9 of Article III of the California Constitution and shall not be subject to subdivision (g) of Section 11011 of the Government Code.

*(Added by Stats. 2017, Ch. 358, Sec. 2. (SB 403) Effective September 28, 2017.)*

**70397.** (a) Notwithstanding any other law, the Judicial Council may sell the property, at fair market value and upon the terms and conditions and subject to the reservations the Judicial Council deems in the best interests of the state, if all of the following requirements are satisfied:

(1) The sale complies with Section 70391, as applicable.

(2) The Judicial Council consults with the County of Los Angeles concerning the sale of the property.

(3) The Judicial Council offers the County of Los Angeles the right to purchase the property at fair market value before otherwise offering the property for sale.

(b) Notwithstanding any other law, the net proceeds from the sale of the property shall be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established by Section 70371.5.

(c) For purposes of this act, "property" means each of the following:

(1) The West Los Angeles Courthouse located at 1633 Purdue Avenue, City of Los Angeles, County of Los Angeles, Assessor Parcel Numbers 4261-011-908, 4261-011-909, 4261-011-910, 4261-011-913, 4261-011-914, and 4261-011-915.

(2) The Mental Health Courthouse located at 1150 North San Fernando Road, City of Los Angeles, County of Los Angeles, Assessor Parcel Number 5453-002-900.

(d) The disposition of the property authorized in this section does not constitute a sale or other disposition of surplus state property within the meaning of Section 9 of Article III of the California Constitution and is not subject to subdivision (g) of Section 11011.

*(Added by Stats. 2018, Ch. 536, Sec. 2. (AB 2309) Effective September 19, 2018.)*

**ARTICLE 8. Transitional Funding [70402 - 70403]** ( Article 8 added by Stats. 2002, Ch. 1082, Sec. 4. )

**70402.** (a) Any amount in a county's courthouse construction fund established by Section 76100, a fund established by Section 70622 in the County of Riverside, a fund established by Section 70624 in the County of San Bernardino, and a fund established by Section 70625 in the City and County of San Francisco, shall be transferred to the State Court Facilities Construction Fund at the later of the following dates:

(1) The date of the last transfer of responsibility for court facilities from the county to the Judicial Council or December 31, 2009, whichever is earlier.

(2) The date of the final payment of the bonded indebtedness for any court facility that is paid from that fund is retired.

(b) If the responsibility for one or more facilities does not transfer, the county's courthouse construction fund shall retain that portion of the total money in the fund as the square footage of the facilities that do not transfer bears to the total square footage of court facilities in that county.

*(Amended by Stats. 2008, Ch. 9, Sec. 6. Effective April 23, 2008.)*

**70403.** (a) Each county shall submit a report to the Administrative Director of the Courts and the Director of Finance accounting for all receipts and expenditures from the local courthouse construction fund established pursuant to Section 76100 for the period from January 1, 1998, to the date of transfer of the fund pursuant to subdivision (a) of Section 70402 or December 31, 2005, whichever is earlier.

(b) If the county retains the fund under subdivision (a) of Section 70325 for payment on existing bonded indebtedness of a courthouse facility, the county shall submit annual updates on all receipts and expenditures from the local courthouse construction fund, within 90 days of the end of each fiscal year, to the Administrative Director of the Courts and the Director of Finance.

(c) Any expenditures made from the fund for a purpose other than those specified in Section 76100 must be repaid to the state for deposit in the State Court Facilities Construction Fund pursuant to Section 70402. Either the Administrative Director of the Courts or the Director of the Department of Finance may provide the county with notice that an expenditure made from the fund was for a purpose other than as specified in Section 76100. If the county disagrees with the determination, it may appeal the determination to the Court Facilities Dispute Resolution Committee pursuant to Section 70303.

(d) On or before January 1, 2007, and on or before each January 1, thereafter, the Judicial Council shall submit a report to the budget and fiscal committees of the Legislature based on the information received from counties pursuant to this section, including any amounts required to be repaid by counties.

*(Amended by Stats. 2005, Ch. 410, Sec. 6. Effective January 1, 2006.)*

GOVERNMENT CODE - GOV

TITLE 8. THE ORGANIZATION AND GOVERNMENT OF COURTS [68070 - 77655] ( Title 8 added by Stats. 1953, Ch. 206.)

CHAPTER 13. State Funding of Trial Courts [77000 - 77400] ( Chapter 13 repealed and added by Stats. 1988, Ch. 945, Sec. 10. )

ARTICLE 3. State Finance Provisions [77200 - 77212] ( Article 3 repealed and added by Stats. 1997, Ch. 850, Sec. 46. )

**77200.** On and after July 1, 1997, the state shall assume sole responsibility for the funding of court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007. In meeting this responsibility, the state shall do all of the following:

- (a) Deposit in the Trial Court Trust Fund, for subsequent allocation to or for the trial courts, all county funds remitted to the state pursuant to Section 77201 until June 30, 1998, pursuant to Section 77201.1 from July 1, 1998, until June 30, 2006, inclusive, and pursuant to Section 77201.3, thereafter.
- (b) Be responsible for the cost of court operations incurred by the trial courts in the 1997-98 fiscal year and subsequent fiscal years.
- (c) Allocate funds to the individual trial courts pursuant to an allocation schedule adopted by the Judicial Council, but in no case shall the amount allocated to the trial court in a county be less than the amount remitted to the state by the county in which that court is located pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201 until June 30, 1998, pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201.1 from July 1, 1998, until June 30, 2006, inclusive, and pursuant to paragraphs (1) and (2) of subdivision (a) of Section 77201.3, thereafter.
- (d) The Judicial Council shall submit its allocation schedule to the Controller at least five days before the due date of any allocation.

(Amended by Stats. 2008, Ch. 179, Sec. 130. Effective January 1, 2009. Conditionally inoperative as provided in Section 77400.)

**77201.** (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

(b) In the 1997-98 fiscal year, each county shall remit to the state in installments due on January 1, April 1, and June 30, the amounts specified in paragraphs (1) and (2), as follows:

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994-95 fiscal year:

Jurisdiction	Amount
Alameda .....	\$ 42,045,093
Alpine .....	46,044

Amador .....	900,196
Butte .....	2,604,611
Calaveras .....	420,893
Colusa .....	309,009
Contra Costa .....	21,634,450
Del Norte .....	780,786
El Dorado .....	3,888,927
Fresno .....	13,355,025
Glenn .....	371,607
Humboldt .....	2,437,196
Imperial .....	2,055,173
Inyo .....	546,508
Kern .....	16,669,917
Kings .....	2,594,901
Lake .....	975,311
Lassen .....	517,921
Los Angeles .....	291,872,379
Madera .....	1,242,968
Marin .....	6,837,518
Mariposa .....	177,880
Mendocino .....	1,739,605
Merced .....	1,363,409
Modoc .....	114,249
Mono .....	271,021
Monterey .....	5,739,655
Napa .....	2,866,986
Nevada .....	815,130
Orange .....	76,567,372
Placer .....	6,450,175
Plumas .....	413,368
Riverside .....	32,524,412

Sacramento .....	40,692,954
San Benito .....	460,552
San Bernardino .....	31,516,134
San Diego .....	77,637,904
San Francisco .....	31,142,353
San Joaquin .....	9,102,834
San Luis Obispo .....	6,840,067
San Mateo .....	20,383,643
Santa Barbara .....	10,604,431
Santa Clara .....	49,876,177
Santa Cruz .....	6,449,104
Shasta .....	3,369,017
Sierra .....	40,477
Siskiyou .....	478,144
Solano .....	10,780,179
Sonoma .....	9,273,174
Stanislaus .....	8,320,727
Sutter .....	1,718,287
Tehama .....	1,352,370
Trinity .....	620,990
Tulare .....	6,981,681
Tuolumne .....	1,080,723
Ventura .....	16,721,157
Yolo .....	2,564,985
Yuba .....	842,240

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is based on an amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001 and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994-95 fiscal year:

Jurisdiction	Amount
Alameda .....	\$12,769,882
Alpine .....	58,757

Amador .....	377,005
Butte .....	1,437,671
Calaveras .....	418,558
Colusa .....	485,040
Contra Costa .....	6,138,742
Del Norte .....	235,438
El Dorado .....	1,217,093
Fresno .....	4,505,786
Glenn .....	455,389
Humboldt .....	1,161,745
Imperial .....	1,350,760
Inyo .....	878,321
Kern .....	6,688,247
Kings .....	1,115,601
Lake .....	424,070
Lassen .....	513,445
Los Angeles .....	89,771,310
Madera .....	1,207,998
Marin .....	2,700,045
Mariposa .....	135,457
Mendocino .....	948,837
Merced .....	2,093,355
Modoc .....	122,156
Mono .....	415,136
Monterey .....	3,855,457
Napa .....	874,219
Nevada .....	1,378,796
Orange .....	24,830,542
Placer .....	2,182,230
Plumas .....	225,080
Riverside .....	13,328,445

Sacramento .....	7,548,829
San Benito .....	346,451
San Bernardino .....	11,694,120
San Diego .....	21,410,586
San Francisco .....	5,925,950
San Joaquin .....	4,753,688
San Luis Obispo .....	2,573,968
San Mateo .....	7,124,638
Santa Barbara .....	4,094,288
Santa Clara .....	15,561,983
Santa Cruz .....	2,267,327
Shasta .....	1,198,773
Sierra .....	46,778
Siskiyou .....	801,329
Solano .....	3,757,059
Sonoma .....	2,851,883
Stanislaus .....	2,669,045
Sutter .....	802,574
Tehama .....	761,188
Trinity .....	137,087
Tulare .....	2,299,167
Tuolumne .....	440,496
Ventura .....	6,129,411
Yolo .....	1,516,065
Yuba .....	402,077

(3) The installment due on January 1 shall be for 25 percent of the amounts specified in paragraphs (1) and (2). The installments due on April 1 and June 30 shall be prorated uniformly to reflect any adjustments made by the Department of Finance, as provided in this section. If no adjustment is made by April 1, 1998, the April 1, 1998, installment shall be for 15 percent of the amounts specified in paragraphs (1) and (2). If no adjustment is made by June 30, 1998, the June 30, 1998, installment shall be for the balance of the amounts specified in paragraphs (1) and (2).

(4) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(5) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's

portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994-95 fiscal year, shall reduce that county's remittance specified in paragraph (2) by an equal amount. Nothing in this paragraph is intended to limit judicial sentencing discretion.

(c) The Department of Finance shall adjust the amount specified in paragraph (1) of subdivision (b) that a county is required to submit to the state, pursuant to the following:

(1) A county shall submit a declaration to the Department of Finance, no later than February 15, 1998, that the amount it is required to submit to the state pursuant to paragraph (1) of subdivision (b) either includes or does not include the costs for local judicial benefits which are court operation costs as defined in Section 77003 and Rule 10.810 of the California Rules of Court. The trial courts in a county that submits such a declaration shall be given a copy of the declaration and the opportunity to comment on the validity of the statements in the declaration. The Department of Finance shall verify the facts in the county's declaration and comments, if any. Upon verification that the amount the county is required to submit to the state includes the costs of local judicial benefits, the department shall reduce on or before June 30, 1998, the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the cost of those judicial benefits, in which case the county shall continue to be responsible for the cost of those benefits. If a county disagrees with the Department of Finance's failure to verify the facts in the county's declaration and reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b), the county may request that the Controller conduct an audit to verify the facts in the county's declaration. The Controller shall conduct the requested audit which shall be at the requesting county's expense. If the Controller's audit verifies the facts in the county's declaration, the department shall reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the amount verified by the Controller's audit and the state shall reimburse the requesting county for the cost of the audit.

(d) The Department of Finance shall adjust the amount specified in paragraph (1) of subdivision (b) of Section 77201.1 that a county is required to submit to the state, pursuant to the following procedures:

(1) A county may submit a declaration to the Department of Finance, no later than February 15, 1998, that declares that (A) the county incorrectly reported county costs as court operations costs as defined in Section 77003 in the 1994-95 fiscal year, and that incorrect report resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too high, (B) the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) includes amounts that were specifically appropriated, funded, and expended by a county or city and county during the 1994-95 fiscal year to fund extraordinary one-time expenditures for court operation costs, or (C) the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) includes expenses that were funded from grants or subventions from any source, for court operation costs that could not have been funded without those grants or subventions being available. A county submitting that declaration shall concurrently transmit a copy of the declaration to the trial courts of that county. The trial courts in a county that submits that declaration shall have the opportunity to comment to the Department of Finance on the validity of the statements in the declaration. Upon receipt of the declaration and comments, if any, the Department of Finance shall determine and certify which costs identified in the county's declaration were incorrectly reported as court operation costs or were expended for extraordinary one-time expenditures or funded from grants or subventions in the 1994-95 fiscal year. The Department of Finance shall reduce the amount a county must submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1 by an amount equal to the amount the department certifies was incorrectly reported as court operations costs or were expended for extraordinary one-time expense or funded from grants or subventions in the 1994-95 fiscal year. If a county disagrees with the Department of Finance's failure to verify the facts in the county's declaration and reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1, the county may request that the Controller conduct an audit to verify the facts in the county's declaration. The Controller shall conduct the requested audit, which shall be at the requesting county's expense. If the Controller's audit verifies the facts in the county's declaration, the department shall reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1 by an amount equal to the amount verified by the Controller's audit and the state shall reimburse the requesting county for the cost of the audit. A county shall provide, at no charge to the court, any service for which the amount in paragraph (1) of subdivision (b) of

Section 77201.1 was adjusted downward, if the county is required to provide that service at no cost to the court by any other provision of law.

(2) A court may submit a declaration to the Department of Finance, no later than February 15, 1998, that the county failed to report county costs as court operations costs as defined in Section 77003 in the 1994-95 fiscal year, and that this failure resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too low. A court submitting that declaration shall concurrently transmit a copy of the declaration to the county. A county shall have the opportunity to comment to the Department of Finance on the validity of statements in the declaration and comments, if any. Upon receipt of the declaration, the Department of Finance shall determine and certify which costs identified in the court's declaration should have been reported by the county as court operation costs in the 1994-95 fiscal year and whether this failure resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too low. The Department of Finance shall notify the county, the trial courts in the county, and the Judicial Council of its certification and decision. Within 30 days, the county shall either notify the Department of Finance, trial courts in the county, and the Judicial Council that the county shall assume responsibility for the costs the county has failed to report, or that the department shall increase the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1 by an amount equal to the amount certified by the department. A county shall not be required to continue to provide services for which the amount in paragraph (1) of subdivision (b) of Section 77201.1 was adjusted upward.

(e) The Legislature hereby finds and declares that to ensure an orderly transition to state trial court funding, it is necessary to delay the adjustments to county obligation payments provided for by Article 3 (commencing with Section 77200) of Chapter 13 of Title 8, as added by Chapter 850 of the Statutes of 1997, until the 1998-99 fiscal year. The Legislature also finds and declares that since increase adjustments to the county obligation amounts will not take effect in the 1997-98 fiscal year, county charges for those services related to the increase adjustments shall not occur in the 1997-98 fiscal year. It is recognized that the counties have an obligation to provide, and the trial courts have an obligation to pay, for services provided by the county pursuant to Section 77212. In the 1997-98 fiscal year, the counties shall charge for, and the courts shall pay, these obligations consistent with paragraphs (1) and (2).

(1) For the 1997-98 fiscal year, a county shall reduce the charges to a court for those services for which the amount in paragraph (1) of subdivision (b) of Section 77201.1 is adjusted upward, by an amount equal to the lesser of the following:

(A) The amount of the increase adjustment certified by the department pursuant to paragraph (2) of subdivision (d).

(B) The difference between the actual amount charged and paid for from the trial court operations fund, and the amount charged in the 1994-95 fiscal year.

(2) For the 1997-98 fiscal year, any funds paid out of the trial court operations fund established pursuant to Section 77009 during the 1997-98 fiscal year to pay for those services for which there was an upward adjustment, shall be returned to the trial court operations fund in the amount equal to the lesser of the following:

(A) The amount of the increase adjustment certified by the department pursuant to paragraph (2) of subdivision (d).

(B) The difference between the actual amount charged and paid for from the trial court operations fund, and the amount charged in the 1994-95 fiscal year.

(3) The Judicial Council shall reduce the allocation to the courts by an amount equal to the amount of any increase adjustment certified by the Department of Finance, if the cost of those services was used in determining the Judicial Council's allocation of funding for the 1997-98 fiscal year.

(4) In the event the charges are not reduced as provided in paragraph (1) or the funds are not returned to the trial court operations fund as provided in paragraph (2), the trial court operations fund shall be refunded for the 1998-99 fiscal year. Funds provided to the trial court operations fund pursuant to this paragraph shall be available to the trial courts to meet financial obligations incurred during the 1997-98 fiscal year. To the extent that a trial court receives total resources for trial court funding from the county and the state for the 1997-98

fiscal year that exceeded the amount of the allocation approved by the Judicial Council by November 30, 1997, these amounts shall be available for expenditure in the 1998–99 fiscal year and the Judicial Council shall reduce the 1998–99 fiscal year allocation of the court by an equal amount.

(f) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(g) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of Division of Juvenile Justice charges.

(h) The Department of Finance shall notify the county, trial courts in the county, and Judicial Council of the final decision and resulting adjustment.

(i) On or before February 15, 1998, each county shall submit to the Department of Finance a report of the amount it expended for trial court operations as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007, between the start of the 1997–98 fiscal year and the effective date of this section. The department shall reduce the amount a county is required to remit to the state pursuant to paragraph (1) of subdivision (b) in the 1997–98 fiscal year by an amount equal to the amount a county expended for court operation costs between the start of the 1997–98 fiscal year and the effective date of this section. The department shall also reduce the amount a county is required to remit to the state pursuant to paragraph (2) of subdivision (b) in the 1997–98 fiscal year by an amount equal to the amount of fine and forfeiture revenue that a county remitted to the state between the start of the 1997–98 fiscal year and the effective date of this section. The department shall notify the county, the trial courts of the county, and the Judicial Council of the amount it has reduced a county’s obligation to remit to the state pursuant to this subdivision.

*(Amended (as amended by Stats. 2000, Ch. 671) by Stats. 2007, Ch. 130, Sec. 144. Effective January 1, 2008. Conditionally inoperative as provided in Section 77400.)*

**77201.1.** (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

(b) Commencing in the 1999–2000 fiscal year, and each fiscal year thereafter until the 2006–07 fiscal year, each county shall remit to the state in four equal installments due on October 1, January 1, April 1, and May 1, the amounts specified in paragraphs (1) and (2). For the purpose of determining the counties’ payments commencing in the 2006–07 fiscal year, and each fiscal year thereafter, the amounts listed in subdivision (a) of Section 77201.3 shall be used in lieu of the amounts listed in this subdivision.

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below, which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda .....	\$ 22,509,905
Alpine .....	-
Amador .....	-
Butte .....	-
Calaveras .....	-
Colusa .....	-
Contra Costa .....	11,974,535
Del Norte .....	-

El Dorado .....	-
Fresno .....	11,222,780
Glenn .....	-
Humboldt .....	-
Imperial .....	-
Inyo .....	-
Kern .....	9,234,511
Kings .....	-
Lake .....	-
Lassen .....	-
Los Angeles .....	175,330,647
Madera .....	-
Marin .....	-
Mariposa .....	-
Mendocino .....	-
Merced .....	-
Modoc .....	-
Mono .....	-
Monterey .....	4,520,911
Napa .....	-
Nevada .....	-
Orange .....	38,846,003
Placer .....	-
Plumas .....	-
Riverside .....	17,857,241
Sacramento .....	20,733,264
San Benito .....	-
San Bernardino .....	20,227,102
San Diego .....	43,495,932
San Francisco .....	19,295,303
San Joaquin .....	6,543,068

San Luis Obispo .....	-
San Mateo .....	12,181,079
Santa Barbara .....	6,764,792
Santa Clara .....	28,689,450
Santa Cruz .....	-
Shasta .....	-
Sierra .....	-
Siskiyou .....	-
Solano .....	6,242,661
Sonoma .....	6,162,466
Stanislaus .....	3,506,297
Sutter .....	-
Tehama .....	-
Trinity .....	-
Tulare .....	-
Tuolumne .....	-
Ventura .....	9,734,190
Yolo .....	-
Yuba .....	-

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below, which is based on an amount of fee, fine, and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001, 1463.07, and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994-95 fiscal year:

Jurisdiction	Amount
Alameda .....	\$ 9,912,156
Alpine .....	58,757
Amador .....	265,707
Butte .....	1,217,052
Calaveras .....	310,331
Colusa .....	397,468
Contra Costa .....	4,486,486
Del Norte .....	124,085

El Dorado .....	1,028,349
Fresno .....	3,695,633
Glenn .....	360,974
Humboldt .....	1,025,583
Imperial .....	1,144,661
Inyo .....	614,920
Kern .....	5,530,972
Kings .....	982,208
Lake .....	375,570
Lassen .....	430,163
Los Angeles .....	71,002,129
Madera .....	1,042,797
Marin .....	2,111,712
Mariposa .....	135,457
Mendocino .....	717,075
Merced .....	1,733,156
Modoc .....	104,729
Mono .....	415,136
Monterey .....	3,330,125
Napa .....	719,168
Nevada .....	1,220,686
Orange .....	19,572,810
Placer .....	1,243,754
Plumas .....	193,772
Riverside .....	7,681,744
Sacramento .....	5,937,204
San Benito .....	302,324
San Bernardino .....	8,163,193
San Diego .....	15,166,735
San Francisco .....	4,046,107
San Joaquin .....	3,562,835

San Luis Obispo .....	2,036,515
San Mateo .....	4,831,497
Santa Barbara .....	3,277,610
Santa Clara .....	11,597,533
Santa Cruz .....	1,902,096
Shasta .....	1,044,700
Sierra .....	42,533
Siskiyou .....	615,581
Solano .....	2,708,758
Sonoma .....	2,316,999
Stanislaus .....	1,855,169
Sutter .....	678,681
Tehama .....	640,303
Trinity .....	137,087
Tulare .....	1,840,422
Tuolumne .....	361,665
Ventura .....	4,575,349
Yolo .....	880,798
Yuba .....	289,325

(3) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(4) Except for those counties with a population of 70,000 or fewer on January 1, 1996, the amount a county is required to remit pursuant to paragraph (1) shall be adjusted by the amount equal to any adjustment resulting from the procedures in subdivisions (c) and (d) of Section 77201 as that section read on June 30, 1998, to the extent a county filed an appeal with the Controller with respect to the findings made by the Department of Finance. This paragraph shall not be construed to establish a new appeal process beyond what was provided by Section 77201, as that section read on June 30, 1998.

(5) A change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county, and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994-95 fiscal year, shall reduce that county's remittance specified in paragraph (2) of this subdivision by an equal amount. This paragraph is not intended to limit judicial sentencing discretion.

(6) In the 2005-06 fiscal year, the amount that the County of Santa Clara is required to remit to the state under paragraph (2) shall be reduced as described in this paragraph, rather than as described in subdivision (b) of Section 68085.7. It is the intent of the Legislature that this paragraph have retroactive effect.

(A) For the County of Santa Clara, the remittance under this subdivision for the 2005-06 fiscal year shall be reduced by an amount equal to one-half of the amount calculated by subtracting the budget reduction for the

Superior Court of Santa Clara County for that fiscal year attributable to the reduction of the counties' payment obligation from thirty-one million dollars (\$31,000,000) pursuant to subdivision (a) of Section 68085.6 from the net civil assessments received in that county in that fiscal year. "Net civil assessments" as used in this paragraph means the amount of civil assessments collected minus the costs of collecting those civil assessments, under the guidelines of the Controller.

(B) The reduction under this paragraph of the amount that the County of Santa Clara is required to remit to the state for the 2005–06 fiscal year shall not exceed two million five hundred thousand dollars (\$2,500,000). If the reduction reaches two million five hundred thousand dollars (\$2,500,000), the amount the county is required to remit to the state under paragraph (2) of subdivision (a) of Section 77201.3 in each subsequent fiscal year shall be eight million four hundred sixty-one thousand two hundred ninety-three dollars (\$8,461,293).

(C) This paragraph does not affect the reduction of the annual remittance for the County of Santa Clara as provided in Section 68035.2.

(7) Notwithstanding the changes to the amounts in paragraph (2) made by Section 68085.7 or any other section, the amounts in paragraph (2) shall not be changed for purposes of the calculation required by subdivision (a) of Section 77205.

(c) This section is not intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 70311.

(d) This section is not intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of juvenile justice charges.

(e) County base year remittance requirements specified in paragraph (2) of subdivision (b) incorporate specific reductions to reflect those instances where the Department of Finance has determined that a county's remittance to both the General Fund and the Trial Court Trust Fund during the 1994–95 fiscal year exceeded the aggregate amount of state funding from the General Fund and the Trial Court Trust Fund. The amount of the reduction was determined by calculating the difference between the amount the county remitted to the General Fund and the Trial Court Trust Fund and the aggregate amount of state support from the General Fund and the Trial Court Trust Fund allocated to the county's trial courts. In making its determination of whether a county is entitled to a reduction pursuant to paragraph (2) of subdivision (b), the Department of Finance subtracted from county revenues remitted to the state, all moneys derived from the fee required by Section 42007.1 of the Vehicle Code and the parking surcharge required by subdivision (c) of Section 76000 of this code.

(f) Notwithstanding subdivision (e), the Department of Finance shall not reduce a county's base year remittance requirement, as specified in paragraph (2) of subdivision (b), if the county's trial court funding allocation was modified pursuant to the amendments to the allocation formula set forth in paragraph (4) of subdivision (d) of Section 77200, as amended by Chapter 2 of the Statutes of 1993, to provide a stable level of funding for small county courts in response to reductions in the General Fund support for the trial courts.

(g) In any fiscal year in which a county of the first class pays the employer-paid retirement contribution for court employees, or other employees of the county who provide a service to the court, and the amounts of those payments are charged to the budget of the courts, the sum the county is required to pay to the state pursuant to paragraph (1) of subdivision (b) shall be increased by the actual amount charged to the trial court up to twenty-three million five hundred twenty-seven thousand nine hundred forty-nine dollars (\$23,527,949) in that fiscal year. The county and the trial court shall report to the Controller and the Department of Finance the actual amount charged in that fiscal year.

*(Amended by Stats. 2008, Ch. 179, Sec. 131. Effective January 1, 2009. Conditionally inoperative as prescribed in Section 77400.)*

**77201.2.** All moneys required to be paid to the Trial Court Trust Fund pursuant to Sections 77201, 77201.1, and 77201.3 shall be considered delinquent if not received by the dates therein specified, and shall be subject to the penalties set forth in Section 68085.

*(Amended by Stats. 2007, Ch. 383, Sec. 3. Effective January 1, 2008. Conditionally inoperative as provided in Section 77400.)*

**77201.3.** (a) Commencing with the 2006–07 fiscal year, and each fiscal year thereafter, except as otherwise

specifically provided in this section, each county shall remit to the state the amounts described in this subdivision in four equal installments due on October 1, January 1, April 1, and May 1. The amounts listed in this subdivision are in lieu of the amounts listed in subdivision (b) of Section 77201.1. However, for purposes of the calculation required by subdivision (a) of Section 77205, the amounts in paragraph (2) of subdivision (b) of Section 77201.1 shall be used.

(1) Each county shall remit to the state the amount listed below, which is based on an amount expended by the respective county for court operations during the 1994-95 fiscal year. The amount listed for Los Angeles County includes the twenty-three million five hundred twenty-seven thousand nine hundred forty-nine dollars (\$23,527,949) increase required by subdivision (g) of Section 77201.1.

Jurisdiction	Amount
Alameda .....	\$ 22,509,905
Alpine .....	-
Amador .....	-
Butte .....	-
Calaveras .....	-
Colusa .....	-
Contra Costa .....	11,974,535
Del Norte .....	-
El Dorado .....	-
Fresno .....	11,222,780
Glenn .....	-
Humboldt .....	-
Imperial .....	-
Inyo .....	-
Kern .....	9,234,511
Kings .....	-
Lake .....	-
Lassen .....	-
Los Angeles .....	198,858,596
Madera .....	-
Marin .....	-
Mariposa .....	-
Mendocino .....	-
Merced .....	-
Modoc .....	-

Mono .....	-
Monterey .....	4,520,911
Napa .....	-
Nevada .....	-
Orange .....	38,846,003
Placer .....	-
Plumas .....	-
Riverside .....	17,857,241
Sacramento .....	20,733,264
San Benito .....	-
San Bernardino .....	20,227,102
San Diego .....	43,495,932
San Francisco .....	19,295,303
San Joaquin .....	6,543,068
San Luis Obispo .....	-
San Mateo .....	12,181,079
Santa Barbara .....	6,764,792
Santa Clara .....	28,689,450
Santa Cruz .....	-
Shasta .....	-
Sierra .....	-
Siskiyou .....	-
Solano .....	6,242,661
Sonoma .....	6,162,466
Stanislaus .....	3,506,297
Sutter .....	-
Tehama .....	-
Trinity .....	-
Tulare .....	-
Tuolumne .....	-
Ventura .....	9,734,190

Yolo .....	-
Yuba .....	-

(2) (A) This paragraph sets forth the amount of the revenue maintenance of effort payment as modified by the reductions in Sections 68085.2 and 68085.7, including, if applicable, any adjustment made pursuant to paragraph (1) of subdivision (b) of Section 68085.8.

Jurisdiction	Amount
Alameda .....	\$ 7,529,814
Alpine .....	58,459
Amador .....	261,618
Butte .....	797,512
Calaveras .....	298,247
Colusa .....	394,002
Contra Costa .....	3,136,407
Del Norte .....	120,598
El Dorado .....	732,606
Fresno .....	3,536,164
Glenn .....	293,014
Humboldt .....	933,601
Imperial .....	1,075,275
Inyo .....	610,438
Kern .....	5,247,051
Kings .....	759,717
Lake .....	133,003
Lassen .....	379,561
Los Angeles .....	47,023,566
Madera .....	1,025,684
Marin .....	2,010,028
Mariposa .....	131,611
Mendocino .....	441,037
Merced .....	1,600,227
Modoc .....	103,798
Mono .....	409,747

Monterey .....	2,662,998
Napa .....	710,832
Nevada .....	1,197,947
Orange .....	15,603,484
Placer .....	835,467
Plumas .....	154,384
Riverside .....	7,108,548
Sacramento .....	1,829,692
San Benito .....	270,940
San Bernardino .....	3,325,704
San Diego .....	13,501,132
San Francisco .....	3,123,814
San Joaquin .....	2,158,803
San Luis Obispo .....	1,754,131
San Mateo .....	2,527,355
Santa Barbara .....	3,117,677
Santa Cruz .....	1,495,691
Shasta .....	574,383
Sierra .....	41,810
Siskiyou .....	482,082
Solano .....	1,931,765
Sonoma .....	1,439,187
Stanislaus .....	1,079,927
Sutter .....	644,174
Tehama .....	627,958
Trinity .....	102,233
Tulare .....	1,345,686
Tuolumne .....	277,573
Ventura .....	2,283,494
Yolo .....	464,030

Yuba .....	273,437
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(B) The amount remitted by the County of Santa Clara shall be ten million nine hundred sixty-one thousand two hundred ninety-three dollars (\$10,961,293) reduced as described in clauses (i) and (ii).

(i) The amount remitted by the County of Santa Clara pursuant to this paragraph for each fiscal year shall be reduced by an amount equal to one-half of the amount calculated by subtracting the budget reduction for the Superior Court of Santa Clara County for that fiscal year attributable to the reduction of the counties' payment obligation from thirty-one million dollars (\$31,000,000) pursuant to subdivision (a) of Section 68085.6 from the net civil assessments received in that county in that fiscal year. "Net civil assessments" as used in this paragraph means the amount of civil assessments collected minus the costs of collecting those civil assessments, under the guidelines of the Controller.

(ii) The reduction calculated pursuant to paragraph (i) shall not exceed two million five hundred thousand dollars (\$2,500,000) in any fiscal year. If the reduction for a fiscal year reaches two million five hundred thousand dollars (\$2,500,000), the amount that the county is required to remit to the state under this paragraph in that fiscal year and in each subsequent fiscal year shall be eight million four hundred sixty-one thousand two hundred ninety-three dollars (\$8,461,293).

(b) Except as otherwise specifically provided in this section, county remittances specified in subdivision (a) shall not be increased in subsequent years.

(c) Except for those counties with a population of 70,000, or less, on January 1, 1996, the amount a county is required to remit pursuant to paragraph (1) of subdivision (a) shall be adjusted by the amount equal to any adjustment resulting from the procedures in subdivisions (c) and (d) of Section 77201 as that section read on June 30, 1998, to the extent a county filed an appeal with the Controller with respect to the findings made by the Department of Finance. This subdivision shall not be construed to establish a new appeal process beyond what was provided by Section 77201, as that section read on June 30, 1998.

(d) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (1) the fees, fines, and forfeitures retained by that county, and (2) the county's portion of fines and forfeitures transmitted to the state in the 1994-95 fiscal year, shall reduce that county's remittance specified in paragraph (2) of subdivision (a) by an equal amount. Nothing in this subdivision is intended to limit judicial sentencing discretion.

(e) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(f) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of juvenile justice charges.

*(Added by Stats. 2007, Ch. 383, Sec. 4. Effective January 1, 2008. Conditionally inoperative as provided in Section 77400.)*

**77202.** (a) The Legislature shall make an annual appropriation to the Judicial Council for the general operations of the trial courts based on the request of the Judicial Council. The Judicial Council's trial court budget request, which shall be submitted to the Governor and the Legislature, shall meet the needs of all trial courts in a manner that ensures a predictable fiscal environment for labor negotiations in accordance with the Trial Court Employment Protection and Governance Act (Chapter 7 (commencing with Section 71600) of Title 8), that promotes equal access to the courts statewide, and that promotes court financial accountability. The annual budget request shall include the following components:

(1) Commencing with the 2006-07 fiscal year, annual General Fund appropriations to support the trial courts shall be comprised of both of the following:

- (A) The current fiscal year General Fund appropriations, which include all of the following:
  - (i) General Fund moneys appropriated for transfer or direct local assistance in support of the trial courts.
  - (ii) Transfers to the State Trial Court Improvement and Modernization Fund.

(iii) Local assistance grants made by the Judicial Council, including the Equal Access Fund.

(iv) The full year cost of budget change proposals approved through the 2006–07 fiscal year or subsequently approved in accordance with paragraph (2), but excluding lease-revenue payments and funding for costs specifically and expressly reimbursed through other state or federal funding sources, excluding the cost of one-time or expiring programs.

(B) A cost-of-living and growth adjustment computed by multiplying the year-to-year percentage change in the state appropriation limit as described in Section 3 of Article XIII B of the California Constitution by the sum of all of the following:

(i) The current year General Fund appropriations for the trial courts, as defined in subparagraph (A).

(ii) The amount of county obligations established pursuant to subdivision (b) of Section 77201.1 in effect as of June 30, 2005, six hundred ninety-eight million sixty-eight thousand dollars (\$698,068,000).

(iii) The level of funding required to be transferred from the State Trial Court Improvement and Modernization Fund to the Trial Court Trust Fund pursuant to subdivision (k) of Section 77209, thirteen million three hundred ninety-seven thousand dollars (\$13,397,000).

(iv) Funding deposited into the Court Facilities Trust Fund associated with each facility that was transferred to the state not less than two fiscal years earlier than the fiscal year for which the cost-of-living and growth adjustment is being calculated.

(v) The court filing fees and surcharges projected to be deposited into the Trial Court Trust Fund in the 2005–06 fiscal year, adjusted to reflect the full-year implementation of the uniform civil fee structure implemented on January 1, 2006, three hundred sixty-nine million six hundred seventy-two thousand dollars (\$369,672,000).

(2) In addition to the moneys to be applied pursuant to subdivision (b), the Judicial Council may identify and request additional funding for the trial courts for costs resulting from the implementation of statutory changes that result in either an increased level of service or a new activity that directly affects the programmatic or operational needs of the courts.

(b) The Judicial Council shall allocate the funding from the Trial Court Trust Fund to the trial courts in a manner that best ensures the ability of the courts to carry out their functions, promotes implementation of statewide policies, and promotes the immediate implementation of efficiencies and cost-saving measures in court operations, in order to guarantee access to justice to citizens of the state.

The Judicial Council shall ensure that allocations to the trial courts recognize each trial court's implementation of efficiencies and cost-saving measures.

These efficiencies and cost-saving measures shall include, but not be limited to, the following:

(1) The sharing or merger of court support staff among trial courts across counties.

(2) The assignment of any type of case to a judge for all purposes commencing with the filing of the case and regardless of jurisdictional boundaries.

(3) The establishment of a separate calendar or division to hear a particular type of case.

(4) In rural counties, the use of all court facilities for hearings and trials of all types of cases and the acceptance of filing documents in any case.

(5) The use of alternative dispute resolution programs, such as arbitration.

(6) The development and use of automated accounting and case-processing systems.

(c) (1) The Judicial Council shall adopt policies and procedures governing practices and procedures for budgeting in the trial courts in a manner that best ensures the ability of the courts to carry out their functions and may delegate the adoption to the Administrative Director of the Courts. The Administrative Director of the Courts shall establish budget procedures and an annual schedule of budget development and management consistent with these rules.

(2) The trial court policies and procedures shall specify the process for a court to transfer existing funds between or among the budgeted program components to reflect changes in the court's planned operation or to correct technical errors. If the process requires a trial court to request approval of a specific transfer of existing funds,

the Administrative Office of the Courts shall review the request to transfer funds and respond within 30 days of receipt of the request. The Administrative Office of the Courts shall respond to the request for approval or denial to the affected court, in writing, with copies provided to the Department of Finance, the Legislative Analyst's Office, the Legislature's budget committees, and the court's affected labor organizations.

(3) The Judicial Council shall circulate for comment to all affected entities any amendments proposed to the trial court policies and procedures as they relate to budget monitoring and reporting. Final changes shall be adopted at a meeting of the Judicial Council.

*(Amended by Stats. 2012, Ch. 41, Sec. 55. (SB 1021) Effective June 27, 2012. Conditionally inoperative as provided in Section 77400.)*

**77202.5.** (a) The Judicial Council shall report all approved allocations and reimbursements to the trial courts in each fiscal year, including funding received through augmentations in accordance with paragraph (2) of subdivision (a) of Section 77202, to the chairs of the Senate Committees on Budget and Fiscal Review and Judiciary and the Assembly Committees on Budget and Judiciary on or before September 30 following the close of each fiscal year. The report shall include all of the following:

(1) A statement of the intended purpose for which each allocation or reimbursement was made.

(2) The policy governing trial court reserves.

(b) The trial courts shall report to the Judicial Council on or before September 15 following the close of each fiscal year all court revenues, expenditures, reserves, and fund balances from the prior fiscal year for funding from all fund sources. The report shall specify all expenditures, including those associated with administrative costs, by program, component, and object. The Judicial Council shall summarize this information by court and report it to the chairs of the Senate and Assembly Committees on Budget and the Judiciary and post that information on a public Internet Web site on or before December 31, 2009, and on or before December 31 following the close of each fiscal year thereafter.

(c) Nothing in this section is intended to restrict public access to information otherwise authorized by statute, rule, or case law.

*(Added by Stats. 2009, 4th Ex. Sess., Ch. 22, Sec. 27. Effective July 28, 2009. Conditionally inoperative as provided in Section 77400.)*

**77203.** (a) Prior to June 30, 2014, a trial court may carry over all unexpended funds from the courts operating budget from the prior fiscal year.

(b) Commencing June 30, 2014, a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. The calculation of the 1 percent authorized to be carried over from the previous fiscal year shall not include funds received by the court pursuant to the following:

(1) Section 470.5 of the Business and Professions Code.

(2) Section 116.230 of the Code of Civil Procedure, except for those funds transmitted to the Controller for deposit in the Trial Court Trust Fund pursuant to subdivision (h) of that section.

(3) Subdivision (f) of Section 13963, Sections 26731, 66006, 68090.8, 70640, 70678, and 76223, subdivision (b) of Section 77207.5, and subdivision (h) of Section 77209.

(4) The portion of filing fees collected for conversion to micrographics pursuant to former Section 26863, as that section read immediately before its repeal, and Section 27361.4.

(5) Sections 1027 and 1463.007, subdivision (a) of Section 1463.22, and Sections 4750 and 6005, of the Penal Code.

(6) Sections 11205.2 and 40508.6 of the Vehicle Code.

*(Amended by Stats. 2013, Ch. 31, Sec. 8. (SB 75) Effective June 27, 2013. Section conditionally inoperative as provided in Section 77400.)*

**77204.** (a) The Judicial Council shall have the authority to allocate funds appropriated annually to the State Trial Court Improvement and Modernization Fund for the purpose of paying legal costs resulting from lawsuits or claims involving the state, the Judicial Council, or a member or employee of the Judicial Council or Administrative Office of the Court and arising out of (1) the actions or conduct of a trial court, trial court bench officer, or trial court employee, (2) a challenge to a California rule of court, form, local trial court rule, or policy, or (3) the actions or conduct of the Judicial Council or the Administrative Office of the Court affecting one or more trial courts and for which the state is named as a defendant or alleged to be the responsible party.

(b) For the purposes of this section, legal costs are defined to be (1) the state's or Judicial Council's portion of any agreement, settlement decree, stipulation, or stipulated judgment; (2) the state's or Judicial Council's portion of any payment required pursuant to a judgment or order; or (3) attorneys' fees, legal assistant fees, and any litigation costs and expenses, including, but not limited to, experts' fees incurred by the state or Judicial Council.

*(Amended by Stats. 2012, Ch. 41, Sec. 58. (SB 1021) Effective June 27, 2012. Conditionally inoperative as provided in Section 77400.)*

**77205.** (a) Notwithstanding any other provision of law, in any year in which a county collects fee, fine, and forfeiture revenue for deposit into the county general fund pursuant to Sections 1463.001 and 1464 of the Penal Code, Sections 42007, 42007.1, and 42008 of the Vehicle Code, and Sections 27361 and 76000 of, and subdivision (f) of Section 29550 of, the Government Code that would have been deposited into the General Fund pursuant to these sections as they read on December 31, 1997, and pursuant to Section 1463.07 of the Penal Code, and that exceeds the amount specified in paragraph (2) of subdivision (b) of Section 77201 for the 1997-98 fiscal year, and paragraph (2) of subdivision (b) of Section 77201.1 for the 1998-99 fiscal year, and thereafter, the excess amount shall be divided between the county or city and county and the state, with 50 percent of the excess transferred to the state for deposit in the State Trial Court Improvement and Modernization Fund and 50 percent of the excess deposited into the county general fund. The Judicial Council shall allocate 80 percent of the amount deposited in the State Trial Court Improvement and Modernization Fund pursuant to this subdivision each fiscal year that exceeds the amount deposited in the 2002-03 fiscal year among:

- (1) The trial court in the county from which the revenue was deposited.
- (2) Other trial courts, as provided in paragraph (1) of subdivision (a) of Section 68085.
- (3) For retention in the State Trial Court Improvement and Modernization Fund.

For the purpose of this subdivision, fee, fine, and forfeiture revenue shall only include revenue that would otherwise have been deposited in the General Fund prior to January 1, 1998.

(b) Any amounts required to be distributed to the state pursuant to subdivision (a) shall be remitted to the Controller no later than 45 days after the end of the fiscal year in which those fees, fines, and forfeitures were collected. This remittance shall be accompanied by a remittance advice identifying the quarter of collection and stating that the amount should be deposited in the State Trial Court Improvement and Modernization Fund.

(c) Notwithstanding subdivision (a), the following counties whose base-year remittance requirement was reduced pursuant to subdivision (c) of Section 77201.1 shall not be required to split their annual fee, fine, and forfeiture revenues as provided in this section until such revenues exceed the following amounts:

County	Amount
Placer .....	\$ 1,554,677
Riverside .....	11,028,078
San Joaquin .....	3,694,810
San Mateo .....	5,304,995
Ventura .....	4,637,294

*(Amended by Stats. 2012, Ch. 41, Sec. 59. (SB 1021) Effective June 27, 2012. Conditionally inoperative as provided in Section 77400.)*

**77206.** (a) Notwithstanding any other law, the Judicial Council may regulate the budget and fiscal management of the trial courts. The Judicial Council, in consultation with the Controller, shall maintain appropriate regulations for recordkeeping and accounting by the courts. The Judicial Council shall seek to ensure, by these provisions, both of the following:

- (1) That the fiscal affairs of the trial courts are managed efficiently, effectively, and responsibly.
- (2) That all moneys collected by the courts, including filing fees, fines, forfeitures, and penalties, and all revenues and expenditures relating to court operations are known.

The Judicial Council may delegate its authority under this section, when appropriate, to the Administrative Director of the Courts.

(b) Regulations, rules, and reporting requirements adopted pursuant to this chapter shall be exempt from review and approval or other processing by the Office of Administrative Law as provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(c) The Controller, at the request of the Legislature, may perform and publish financial and fiscal compliance audits of the reports of court revenues and expenditures. The Controller shall report the results of these audits to the Legislature and the Judicial Council.

(d) The Judicial Council shall provide for the transmission of summary information concerning court revenues and expenditures to the Controller.

(e) The Judicial Council shall adopt rules to provide for reasonable public access to budget allocation and expenditure information at the state and local levels.

(f) The Judicial Council shall adopt rules ensuring that, upon written request, the trial courts provide, in a timely manner, information relating to the administration of the courts, including financial information and other information that affects the wages, hours, and working conditions of trial court employees.

(g) (1) The Judicial Council or its representatives may do any of the following:

(A) Inspect, review, and perform comprehensive oversight and analysis of court financial records wherever they may be located.

(B) Investigate allegations of financial impropriety or mismanagement.

(2) The authority granted pursuant to this subdivision shall not substitute for, or conflict with, the audits conducted pursuant to subdivisions (h) and (i).

(h) (1) Commencing not earlier than July 1, 2011, and not later than December 15, 2012, the entity contracted with pursuant to subdivision (j) shall establish a pilot program to audit six trial courts. That entity shall select the trial courts using the following criteria:

(A) Two trial courts selected from counties with a population of 200,000 or less.

(B) Two trial courts selected from counties with a population greater than 200,000 and less than 750,000.

(C) Two trial courts selected from counties with a population of 750,000 or greater.

The audits shall be performed in accordance with generally accepted government auditing standards and shall determine the trial court's compliance with governing statutes, rules, and regulations relating to the revenues, expenditures, and fund balances of all material and significant funds, including state General Fund funds, funds generated from fees or fines, federal funds, grants, and any other funds within the trial court's administration or control. The audits required by this section shall be in addition to any audit regularly conducted pursuant to any other provision of law.

(2) Based on the results of the pilot program audits described in paragraph (1), the entity contracted with pursuant to subdivision (j) shall, on or before December 15, 2013, commence an audit of the trial courts, provided that every trial court is audited in the manner prescribed by this section at least once every four years. The audits shall be performed in accordance with generally accepted government auditing standards and shall

determine the trial court's compliance with governing statutes, rules, and regulations relating to the revenues, expenditures, and fund balances of all material and significant funds, including state General Fund funds, funds generated from fees or fines, federal funds, grants, or any other funds within the trial court's administration or control. The audits required by this paragraph shall be in addition to any audit regularly conducted pursuant to any other provision of law.

(3) Notwithstanding Section 10231.5, the auditing entity shall compile the trial court audit findings and report the results of these audits to the Legislature, the Judicial Council, and the Department of Finance no later than April 1 of each year. An audit report shall not be considered final until the audited entity is provided a reasonable opportunity to respond and the response is included with, or incorporated into, the report.

(4) The reasonable and necessary contracted cost of the audit conducted pursuant to this subdivision shall be paid from funds of the local trial court being audited.

(i) (1) On or before December 15, 2013, and biennially thereafter, the entity contracted with pursuant to subdivision (j) shall perform an audit of the Administrative Office of the Courts in accordance with generally accepted government auditing standards and shall determine the Administrative Office of the Court's compliance with governing statutes, rules, regulations, and policies relating to the revenues, expenditures, and fund balances of all material and significant funds under the administration, jurisdiction, or control of the Administrative Office of the Courts.

(2) Notwithstanding Section 10231.5, the auditing entity shall provide a copy of the final audit report of the Administrative Office of the Courts to the Legislature, the Judicial Council, and the Department of Finance upon issuance. An audit report shall not be considered final until the audited entity is provided a reasonable opportunity to respond and the response is included with, or incorporated into, the report.

(3) Any reasonable and necessary contracted costs incurred by the auditing entity pursuant to this subdivision shall be reimbursed by the Administrative Office of the Courts.

(j) The Administrative Office of the Courts shall contract with the Controller to perform the audits described in subdivisions (h) and (i), unless either the Bureau of State Audits or the Department of Finance demonstrates that it can perform the audits pursuant to the same timeframes, scope, and methodology as the Controller for a cost that is less than that proposed by the Controller. In that case, the Administrative Office of the Courts may contract with the state entity named in this subdivision that is most cost effective. The Administrative Office of the Courts shall provide written notification to the chairs of the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, and the Senate and Assembly Committees on Judiciary, if the Administrative Office of the Courts contracts with an entity other than the Controller. The contract period for any contract entered into pursuant to this section shall not exceed four years from the date of commencement.

(k) A report submitted pursuant to subdivision (h) or (i) shall be submitted in compliance with Section 9795.

*(Amended by Stats. 2011, Ch. 36, Sec. 17. (SB 92) Effective June 30, 2011. Conditionally inoperative as provided in Section 77400.)*

**77206.1.** (a) The presiding judge, or the person designated by the presiding judge to authorize expenditures from the Trial Court Operations Fund, shall approve no claim, and shall authorize no warrant, for any obligation in excess of that authorized therefor in the budget authorized by the Judicial Council.

(b) The Administrative Director of the Courts shall advise the Judicial Council, and the Judicial Council may appoint a person or entity to manage the expenditures from the Trial Court Operations Fund, of any court found to be in violation of this section.

*(Added by Stats. 1998, Ch. 1004, Sec. 9. Effective January 1, 1999. Conditionally inoperative as provided in Section 77400.)*

**77207.** The Legislature shall appropriate trial court funding. The Controller shall apportion trial court funding payments to the courts as provided in Section 68085 pursuant to an allocation schedule adopted by the Judicial Council.

*(Amended by Stats. 1998, Ch. 146, Sec. 11. Effective July 13, 1998. Conditionally inoperative as provided in Section 77400.)*

**77207.5.** (a) The Judicial Council shall make monthly allocations to the trial courts from the Trial Court Trust Fund for automated administrative systems as provided in this section. These funds shall be used for the development and implementation of automated systems as described in subdivision (a) of Section 68090.8. As used in this subdivision, "automated administrative systems" does not include electronic reporting systems for use in a courtroom.

(b) The amount allocated annually to each trial court shall be the amount stated in this subdivision, which is based on the revenue collected in the local 2 percent automation funds in the 1994–95 fiscal year. The amounts are as follows:

Jurisdiction	Amount
Alameda .....	\$424,792
Alpine .....	2,034
Amador .....	11,006
Butte .....	59,332
Calaveras .....	18,652
Colusa .....	13,708
Contra Costa .....	218,186
Del Norte .....	11,208
El Dorado .....	54,374
Fresno .....	181,080
Glenn .....	19,264
Humboldt .....	48,160
Imperial .....	67,678
Inyo .....	30,402
Kern .....	277,328
Kings .....	57,026
Lake .....	20,328
Lassen .....	20,156
Los Angeles .....	3,144,530
Madera .....	52,502
Marin .....	114,766
Mariposa .....	3,904
Mendocino .....	30,068
Merced .....	55,652
Modoc .....	6,134

Mono .....	12,446
Monterey .....	183,464
Napa .....	30,550
Nevada .....	49,946
Orange .....	923,882
Placer .....	77,378
Plumas .....	9,206
Riverside .....	532,226
Sacramento .....	340,254
San Benito .....	14,700
San Bernardino .....	435,474
San Diego .....	718,442
San Francisco .....	272,528
San Joaquin .....	201,698
San Luis Obispo .....	130,020
San Mateo .....	329,518
Santa Barbara .....	162,858
Santa Clara .....	452,782
Santa Cruz .....	113,210
Shasta .....	44,394
Sierra .....	1,830
Siskiyou .....	37,000
Solano .....	119,364
Sonoma .....	119,004
Stanislaus .....	88,718
Sutter .....	37,382
Tehama .....	28,100
Trinity .....	7,648
Tulare .....	204,932
Tuolumne .....	16,642
Ventura .....	205,304

Yolo .....	48,556
Yuba .....	15,788

*(Amended by Stats. 2005, Ch. 706, Sec. 33. Effective January 1, 2006. Conditionally inoperative as provided in Section 77400.)*

**77209.** (a) There is in the State Treasury the State Trial Court Improvement and Modernization Fund. The State Trial Court Improvement and Modernization Fund is the successor fund of the Trial Court Improvement Fund and the Judicial Administration Efficiency and Modernization Fund. All assets, liabilities, revenues, and expenditures of the Trial Court Improvement Fund and the Judicial Administration Efficiency and Modernization Fund shall be transferred to and become a part of the State Trial Court Improvement and Modernization Fund. Any reference in state law to the Trial Court Improvement Fund or the Judicial Administration Efficiency and Modernization Fund shall be construed to refer to the State Trial Court Improvement and Modernization Fund.

(b) Any funds in the State Trial Court Improvement and Modernization Fund that are unencumbered at the end of the fiscal year shall be reappropriated to the State Trial Court Improvement and Modernization Fund for the following fiscal year.

(c) Moneys deposited in the State Trial Court Improvement and Modernization Fund shall be placed in an interest-bearing account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (d).

(d) Moneys deposited in the State Trial Court Improvement and Modernization Fund may be disbursed for purposes of this section.

(e) Moneys deposited in the State Trial Court Improvement and Modernization Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council for automated administrative system improvements pursuant to that section and in furtherance of former Rule 991 of the California Rules of Court, as it read on July 1, 1996. As used in this subdivision, "automated administrative system" does not include electronic reporting systems for use in a courtroom.

(f) Moneys deposited in the State Trial Court Improvement and Modernization Fund shall be administered by the Judicial Council. The Judicial Council may, with appropriate guidelines, delegate to the Administrative Director of the Courts the administration of the fund. Moneys in the fund may be expended to implement trial court projects approved by the Judicial Council. Expenditures may be made to vendors or individual trial courts that have the responsibility to implement approved projects.

(g) Notwithstanding other provisions of this section, the 2-percent automation fund moneys deposited in the State Trial Court Improvement and Modernization Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council to statewide initiatives related to trial court automation and their implementation. The Judicial Council shall allocate the remainder of the moneys deposited in the Trial Court Improvement Fund as specified in this section.

For the purposes of this subdivision, "2-percent automation fund" means the fund established pursuant to Section 68090.8 as it read on June 30, 1996. As used in this subdivision, "statewide initiatives related to trial court automation and their implementation" does not include electronic reporting systems for use in a courtroom.

(h) Royalties received from the publication of uniform jury instructions shall be deposited in the State Trial Court Improvement and Modernization Fund and used for the improvement of the jury system.

(i) The Judicial Council shall present an annual report to the Legislature on the use of the State Trial Court Improvement and Modernization Fund. The report shall include appropriate recommendations.

(j) Each fiscal year, the Controller shall transfer thirteen million three hundred ninety-seven thousand dollars (\$13,397,000) from the State Trial Court Improvement and Modernization Fund to the Trial Court Trust Fund for allocation to trial courts for court operations.

*(Amended by Stats. 2012, Ch. 41, Sec. 60. (SB 1021) Effective June 27, 2012. Conditionally inoperative as provided in Section 77400.)*

**77210.** (a) The state shall provide municipal court judges retired under the Judges' Retirement System with retiree health, dental, and vision care plans equal to and in the same manner as the health, dental, and vision benefits provided to retired superior court judges.

(b) No judge shall have any salary or benefits reduced solely by reason of the enactment of this section.

*(Added by Stats. 1997, Ch. 350, Sec. 46. Effective January 1, 1998. Conditionally inoperative as provided in Section 77400.)*

**77211.** Any trial court may establish a "900" telephone number or numbers for traffic, misdemeanor, and other telephonic arraignment, for court scheduling, and for rendering tentative civil decisions, provided the court provides an alternative method of obtaining the service or information in a free and timely manner, and informs individuals of this alternative in the message preceding the "900" information. The proceeds from these "900" telephone numbers shall be continuously and solely appropriated to the use of that court for staff, information, and data-processing services for the purposes specified in this section.

*(Added by Stats. 1997, Ch. 350, Sec. 46. Effective January 1, 1998. Conditionally inoperative as provided in Section 77400.)*

**77212.** (a) The State of California, the counties of California, and the trial courts of California, recognize that a unique and interdependent relationship has evolved between the courts and the counties over a sustained period of time. While it is the intent of this act to transfer all fiscal responsibility for the support of the trial courts from the counties to the State of California, it is imperative that the activities of the state, the counties, and the trial courts be maintained in a manner that ensures that services to the people of California not be disrupted. Therefore, to this end, during the 1997-98 fiscal year, commencing on July 1, 1997, counties shall continue to provide and courts shall continue to use, county services provided to the trial courts on July 1, 1997, including, but not limited to: auditor/controller services, coordination of telephone services, data-processing and information technology services, procurement, human resources services, affirmative action services, treasurer/tax collector services, county counsel services, facilities management, and legal representation. These services shall be provided to the court at a rate that shall not exceed the costs of providing similar services to county departments or special districts. If the cost was not included in the county base pursuant to paragraph (1) of subdivision (b) of Section 77201 or was not otherwise charged to the court prior to July 1, 1997, and were court operation costs as defined in Section 77003 in fiscal year 1994-95, the court may seek adjustment of the amount the county is required to submit to the state pursuant Section 77201.

(b) In fiscal year 1998-99 commencing on July 1, 1998, and thereafter the county may give notice to the court that the county will no longer provide a specific service except that the county shall cooperate with the court to ensure that a vital service for the court shall be available from the county or other entities that provide the service. The notice must be given at least 90 days prior to the end of the fiscal year and shall be effective only upon the first day of the succeeding fiscal year.

(c) In fiscal year 1998-99, commencing on July 1, 1998, and thereafter, the court may give notice to the county that the court will no longer use a specific county service. The notice shall be given at least 90 days prior to the end of the fiscal year and shall be effective only upon the first day of the succeeding fiscal year. However, for three years from the effective date of this section, a court shall not terminate a service that involved the acquisition of equipment, including, but not limited to, computer and data processing systems, financed by a long-term financing plan whereby the county is dependent upon the court's continued financial support for a portion of the cost of the acquisition.

(d) (1) If a trial court desires to receive or continue to receive a specific service from a county or city and county as provided in subdivision (c), and the county or city and county desires to provide or continue to provide that service as provided in subdivision (b), the presiding judge of that court and the county or city and county shall enter into a contract for that service. The contract shall identify the scope of service, method of service delivery, term of agreement, anticipated service outcomes, and the cost of the service. The court and the county or city and county shall cooperate in developing and implementing the contract.

For any contract entered into after January 1, 2002, the amount of any indirect or overhead costs shall be individually stated in any contract together with the method of calculation of the indirect or overhead costs. This amount shall not contain items that are not otherwise allowable court operations. The Judicial Council may audit the county figures to ensure compliance with this section and to determine the reasonableness of the figures.

(2) This subdivision applies to services to be provided in fiscal year 1999-2000 and thereafter.

*(Amended by Stats. 2001, Ch. 812, Sec. 24. Effective January 1, 2002. Conditionally inoperative as provided in Section 77400.)*