

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

RECOMMENDATION

Statutes Made Obsolete by
Trial Court Restructuring: Part 4

December 2007

California Law Revision Commission
4000 Middlefield Road, Room D-1
Palo Alto, CA 94303-4739
www.clrc.ca.gov

NOTE

This report includes an explanatory Comment to each section of the recommended legislation. The Comments are written as if the legislation were already operative, since their primary purpose is to explain the law as it will exist to those who will have occasion to use it after it is operative. The Comments are legislative history and are entitled to substantial weight in construing the statutory provisions. For a discussion of cases addressing the use of Law Revision Commission materials in ascertaining legislative intent, see the Commission's most recent *Annual Report*.

Cite this report as *Statutes Made Obsolete by Trial Court Restructuring: Part 4*, 37 Cal. L. Revision Comm'n Reports 171 (2007). This is part of publication #229.

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

4000 Middlefield Road, Room D-1
Palo Alto, CA 94303-4739
650-494-1335

SIDNEY GREATHOUSE, Chairperson
PAMELA L. HEMMINGER, Vice Chairperson
DIANE F. BOYER-VINE
SENATOR ELLEN CORBETT
ASSEMBLY MEMBER NOREEN EVANS
FRANK KAPLAN
SUSAN DUNCAN LEE
EDMUND L. REGALIA
WILLIAM E. WEINBERGER

December 14, 2007

To: The Honorable Arnold Schwarzenegger
Governor of California, and
The Legislature of California

In the past decade, the trial court system has been dramatically restructured, necessitating revision of hundreds of code provisions.

By statute, the Law Revision Commission is responsible for revising the codes to reflect trial court restructuring. The Commission has done extensive work in response to this directive, and several major reforms have been enacted.

Of the work that remains, this recommendation addresses the following:

- Municipal court action specifying the number, qualifications, or compensation of municipal court officers or employees.
- Statutes made obsolete by implementation of the fiscal provisions of the Trial Court Funding Act of 1985.
- Jurisdiction over a minor charged with certain motor vehicle offenses.

The Commission is continuing its work on trial court restructuring and plans to address other subjects in future recommendations.

This recommendation was prepared pursuant to Government Code Section 71674 and Resolution Chapter 100 of the Statutes of 2007.

Respectfully submitted,

Sidney Greathouse
Chairperson

STATUTES MADE OBSOLETE BY
TRIAL COURT
RESTRUCTURING: PART 4

Over the past decade, California's trial court system has been dramatically restructured. Major reforms include:

- State, as opposed to local, funding of trial court operations.¹
- Trial court unification on a county-by-county basis, eventually occurring in all counties. Trial court operations have been consolidated in the superior court of each county and municipal courts no longer exist.²
- Enactment of the Trial Court Employment Protection and Governance Act, which established a new personnel system for trial court employees.³

As a result of these reforms, hundreds of sections of the California codes became obsolete, in whole or in part. The Legislature directed the Law Revision Commission to revise the codes to eliminate material that became obsolete as a result of trial court restructuring.⁴

1. The Lockyer-Isenberg Trial Court Funding Act, enacted in 1997, made the state responsible for funding trial court operations. See 1997 Cal. Stat. ch. 850; see generally Gov't Code §§ 77000-77655.

2. In 1998, California voters approved a measure that amended the California Constitution to permit the municipal and superior courts in each county to unify on a vote of a majority of the municipal court judges and a majority of the superior court judges in the county. Former Cal. Const. art. VI, § 5(e), approved by the voters June 2, 1998 (Proposition 220). Upon unification of the courts in Kings County, on February 8, 2001, the courts in all 58 counties had unified.

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

4. Gov't Code § 71674. The Commission is also authorized to make recommendations "pertaining to statutory changes that may be necessitated by court unification." 2007 Cal. Stat. ch. 100.

The Commission has completed a vast amount of work on trial court restructuring, and the Legislature has enacted several measures to implement the Commission's recommendations.⁵ In this work, the approach has been to avoid making any substantive change, other than that necessary to implement the restructuring reform.⁶

Of the topics that still require attention, this recommendation addresses the following:

- Municipal court action specifying the number, qualifications, or compensation of municipal court officers or employees.
- Statutes made obsolete by implementation of the fiscal provisions of the Trial Court Funding Act of 1985.⁷

5. See *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51, 60 (1998), implemented by 1998 Cal. Stat. ch. 931 (revising the codes to accommodate trial court unification) (hereafter, *Revision of Codes*); 1999 Cal. Stat. ch. 344; *Report of the California Law Revision Commission on Chapter 344 of the Statutes of 1999 (Senate Bill 210)*, 29 Cal. L. Revision Comm'n Reports 657 (1999); *Statutes Made Obsolete by Trial Court Restructuring: Part 1*, 32 Cal. L. Revision Comm'n Reports 1 (2002), implemented by 2002 Cal. Stat. ch. 784 & ACA 15, approved by the voters Nov. 5, 2002 (Proposition 48); *Statutes Made Obsolete by Trial Court Restructuring: Part 2*, 33 Cal. L. Revision Comm'n Reports 169 (2003), implemented by 2003 Cal. Stat. ch. 149; *Statutes Made Obsolete by Trial Court Restructuring: Part 3*, 36 Cal. L. Revision Comm'n Reports 305 (2006), implemented by 2007 Cal. Stat. ch. 43.

6. See, e.g., *Revision of Codes*, *supra* note 5; *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1, 18-19, 28 (1994).

7. Government Code Section 71674 directs the Commission to determine statutory obsolescence as a result of the Lockyer-Isenberg Trial Court Funding Act of 1997, not earlier measures. However, the issue of statutory obsolescence resulting from the Trial Court Funding Act of 1985 is reasonably related to the Commission's work on trial court restructuring and is within its authority to correct technical and minor substantive statutory defects. See Gov't Code § 8298.

- Jurisdiction over a minor charged with certain motor vehicle offenses.

The Commission has studied each of these topics and reached conclusions on how to revise the pertinent statutes to reflect trial court restructuring.

MUNICIPAL COURT ACTION SPECIFYING NUMBER,
QUALIFICATIONS, OR COMPENSATION OF
MUNICIPAL COURT OFFICERS OR EMPLOYEES

Government Code Section 71617 provides that “any action by the municipal court specifying the number, qualification, or compensation of [its] officers or employees ... which differs from that prescribed by the Legislature” shall remain in effect for no more than two years, unless extended by the Legislature.

By February 2001, the trial courts in each county had unified, and the municipal courts were subsumed into a unified superior court.⁸ Because no municipal court has existed since February 2001, no municipal court action pursuant to Government Code Section 71617 could be in effect after February 2003. Therefore, Government Code Section 71617 is obsolete, and the Commission recommends that the provision be repealed.

STATUTES MADE OBSOLETE BY IMPLEMENTATION
OF THE FISCAL PROVISIONS OF THE
TRIAL COURT FUNDING ACT OF 1985

The Bergeson-Costa-Nielsen County Revenue Stabilization Act (hereafter, “the Act” or “the County Revenue Stabilization Act”) comprises a short chapter in the

8. See *supra* note 2.

Government Code.⁹ The Act enables counties to receive state funding for certain services, including “justice programs.”¹⁰ Funding of justice programs under the Act is to cease upon full implementation of the fiscal provisions of the Trial Court Funding Act of 1985.¹¹

The Trial Court Funding Act of 1985 has been repealed.¹² Significantly, however, the substance of its fiscal provisions has been fully implemented by later-enacted provisions providing for full trial court funding by the state.¹³

Because the substance of the fiscal provisions of the Trial Court Funding Act of 1985 has been fully implemented, justice programs are no longer to be funded under the County Revenue Stabilization Act.¹⁴ As a result, provisions in that Act relating to justice programs are no longer necessary.

While the Commission was studying those provisions, other obsolete material became apparent. To remove the obsolete material from the County Revenue Stabilization Act, the Commission recommends the following reforms:

- Revise the provisions relating to justice programs to reflect that they are no longer funded under the Act.¹⁵

9. See Gov’t Code §§ 16265-16265.7.

10. “Justice programs” include trial courts, district attorney and public defender services, probation, and correctional facilities. See Gov’t Code § 16265.2(c).

11. See Gov’t Code § 16562.6.

12. 1988 Cal. Stat. ch. 945, § 9.

13. 1998 Cal. Stat. ch. 146, § 6 (amending Government Code Sections 77200 *et seq.*, giving state ongoing responsibility for trial court funding); 1997 Cal. Stat. ch. 850, § 46 (enacting Government Code Sections 77200 *et seq.*, providing for full funding by state for one year); see also Gov’t Code § 77201.1(a) (amounts counties pay to state).

14. See *supra* note 11.

15. See proposed amendments to Gov’t Code §§ 16265.1 (deleting references to justice programs), 16265.4 (deleting provisions for funding justice programs), 16265.5 (deleting reference to justice programs) & Comments *infra*.

- Delete the provision specifying when funding of justice programs under the Act is to cease.¹⁶
- Delete a reference to Revenue and Taxation Code Section 11003.3, which has been repealed.¹⁷
- Delete obsolete dates.¹⁸
- Repeal a provision that only operated in a past year.¹⁹
- Make various adjustments to the remaining provisions to fully implement the removal of obsolete material.²⁰

The Commission also recommends the repeal of a provision that is not part of the County Revenue Stabilization Act, but refers to the Trial Court Funding Act of 1985. By its own terms, this provision ceased to operate in 1992.²¹

JURISDICTION OVER MINOR CHARGED WITH CERTAIN MOTOR VEHICLE OFFENSES

Welfare and Institutions Code Section 603.5 provides a mechanism for a county to give jurisdiction over a minor charged with certain motor vehicle offenses to the “municipal court or the superior court in a county in which there is no municipal court,” instead of to the juvenile court.²²

16. See proposed repeal of Gov’t Code § 16265.6 & Comment *infra*.

17. See proposed amendment to Gov’t Code § 16265.2 & Comment *infra*.

18. See proposed amendment to Gov’t Code § 16265.4 & Comment *infra*.

19. See proposed repeal of Gov’t Code § 16265.3 (prescribing calculation of funding in 1988 only) & Comment *infra*.

20. For example, because Government Code Section 16265.4 refers to a calculation scheme in Section 16265.3, which is recommended for repeal, Section 16265.4 would be amended to include the calculation scheme. See proposed amendment to Gov’t Code § 16265.4 & Comment *infra*.

21. See proposed repeal of Gov’t Code § 68618 *infra*.

22. The superior court is referred to as the juvenile court when the superior court applies “juvenile court law.” Welf. & Inst. Code § 245; see also Welf. & Inst. Code § 200 (“juvenile court law” is Welf. & Inst. Code §§ 200-987).

Because the municipal court no longer exists, the references to the municipal court are obsolete.²³ Accordingly, the Commission recommends deleting those references from Section 603.5.²⁴

FURTHER WORK

This recommendation does not deal with all remaining statutes that need revision due to trial court restructuring.²⁵ The Commission will continue to make recommendations addressing obsolete statutes as issues are resolved and time warrants. Failure to address a particular statute in this recommendation should not be construed to mean that the Commission has decided the statute should be preserved. The statute may be the subject of a future recommendation by the Commission.

23. See *supra* note 2.

24. See proposed amendment to Welf. & Inst. Code § 603.5 *infra*.

The Commission explored the possibility of also revising Section 603.5 to reflect enactment of Vehicle Code Sections 40200-40230, which establish civil administrative enforcement procedures and civil penalties for any non-misdemeanor parking or standing violation. The matter is complicated and is unrelated to trial court restructuring, so the Commission decided not to propose any revisions along these lines. See Tentative Recommendation on *Statutes Made Obsolete by Trial Court Restructuring: Part 4* at 8-9, 20-22 (Aug. 2007); Commission Staff Memorandum 2007-50 (available from the Commission, www.clrc.ca.gov).

25. For a detailed summary of the work that remained to be done as of February 2006, see Commission Staff Memorandum 2006-9 (available from the Commission, www.clrc.ca.gov).

Contents

Gov't Code § 16265.1 (amended). Legislative intent.....183

Gov't Code § 16265.2 (amended). Definitions183

Gov't Code § 16265.3 (repealed). 1988 funding186

Gov't Code § 16265.4 (amended). State funding of county
 programs188

Gov't Code § 16265.5 (amended). Allocations over \$15,000,000190

Gov't Code § 16265.6 (repealed). Implementation of Trial Court
 Funding Act of 1985191

Gov't Code § 68618 (repealed). Delay reduction program.....191

Gov't Code § 71617 (repealed). Municipal court employees192

Welf. & Inst. Code § 603.5 (amended). Jurisdiction over minor
 charged with certain motor vehicle offenses192

PROPOSED LEGISLATION

Gov't Code § 16265.1 (amended). Legislative intent

SEC. _____. Section 16265.1 of the Government Code is amended to read:

16265.1. The Legislature finds and declares all of the following:

(a) The provision of basic social welfare, *and* public health, ~~and justice~~ programs by counties is a matter of statewide interest.

(b) In some cases, the costs of these programs have grown more quickly than the counties' own general purpose revenues.

(c) A county should not be required to drastically divert its own general purpose revenues from other public programs in order to pay for basic social welfare, *and* public health, ~~and justice~~ programs.

(d) California residents should not be denied the benefits of these programs because counties are hampered by a severe lack of funds for these purposes.

(e) Accordingly, it is the intent of the Legislature in enacting this chapter to protect the public peace, health, and safety by stabilizing counties' revenues.

Comment. Section 16265.1 is amended to delete obsolete references to justice programs. The funding under this chapter relating to justice programs was to discontinue upon full implementation of the fiscal provisions of the Trial Court Funding Act of 1985. See former Section 16265.6. That has been achieved; the trial courts are now fully funded by the state. See Sections 77200-77213.

Gov't Code § 16265.2 (amended). Definitions

SEC. _____. Section 16265.2 of the Government Code is amended to read:

16265.2. As used in this chapter:

(a) "County" means a county and a city and county.

(b) “County costs of eligible programs” means the amount of money other than federal and state funds, as reported by the State Department of Social Services to the Department of Finance or as derived from the Controller’s “Annual Report of Financial Transactions Concerning Counties of California,” that each county spends for each of the following:

(1) The Aid to Families with Dependent Children for Family Group and Unemployed Parents programs plus county administrative costs for each program minus the county’s share of child support collections for each program, as described in Sections 10100, 10101, and 11250 of, and subdivisions (a) and (b) of Section 15200 of, the Welfare and Institutions Code.

(2) The county share of the cost of service provided for the In-Home Supportive Services Program, as described in Sections 10100, 10101, and 12306 of the Welfare and Institutions Code.

(3) The community mental health program, as described in Section 5705 of the Welfare and Institutions Code.

(4) The county share of the Food Stamp Program, as described in Section 18906.5 of the Welfare and Institutions Code.

~~(c) “County costs of justice programs” means the amount of money other than federal and state funds, as reported in the Controller’s “Annual Report of Financial Transactions Concerning Counties of California,” that each county spends for each of the following:~~

- ~~(1) Superior courts.~~
- ~~(2) District attorney.~~
- ~~(3) Public defender.~~
- ~~(4) Probation.~~
- ~~(5) Correctional facilities.~~

~~“County costs of justice programs” does not include any costs eligible for reimbursement to the county pursuant to Chapter 3 (commencing with Section 15200) of Part 6 of Division 3.~~

(d) “General purpose revenues” means revenues received by a county whose purpose is not restricted by state law to a particular purpose or program, as reported in the Controller’s “Annual Report of Financial Transactions Concerning Counties of California.” “General purpose revenues” are limited to all of the following:

(1) Property tax revenues, exclusive of those revenues dedicated to repay voter approved indebtedness, received pursuant to Part 0.5 (commencing with Section 50) of Division 1 of the Revenue and Taxation Code, or received pursuant to Section 33401 of the Health and Safety Code.

(2) Sales tax revenues received pursuant to Part 1 (commencing ~~the~~ with Section 6001) of Division 2 of the Revenue and Taxation Code.

(3) Any other taxes levied by a county.

(4) Fines and forfeitures.

(5) Licenses, permits, and franchises.

(6) Revenue derived from the use of money and property.

(7) Vehicle license fees received pursuant to Section 11005 of the Revenue and Taxation Code.

~~(8) Trailer coach fees received pursuant to Section 11003.3 of the Revenue and Taxation Code.~~

~~(9) Revenues from cigarette taxes received pursuant to Part 13 (commencing with Section 30001) of Division 2 of the Revenue and Taxation Code.~~

~~(10)~~ (9) Revenue received as open-space subventions pursuant to Chapter 3 (commencing with Section 16140) of Part 1.

~~(11)~~ (10) Revenue received as homeowners' property tax exemption subventions pursuant to Chapter 2 (commencing with Section 16120) of Part 1.

~~(12)~~ (11) General revenue sharing funds received from the federal government.

"General purpose revenues" does not include revenues received by a county pursuant to Chapter 3 (commencing with Section 15200) of Part 6 of Division 3.

Comment. Subdivision (c) of Section 16265.2, which defined "county costs of justice programs," is deleted as obsolete. This definition was relevant only to a funding scheme that is no longer in effect. See Section 16265.4 & Comment; former Section 16265.6 (1987 Cal. Stat. ch. 1286, § 3) & Comment.

Paragraph (2) of subdivision (d) (reabeled as subdivision (c)) is amended to correct a grammatical mistake.

Paragraph (8) of the same subdivision is deleted as obsolete. Former Revenue and Taxation Code Section 11003.3 was repealed in 1992. 1992 Cal. Stat. ch. 699, §§ 17-19 (effective Sept. 15, 1992).

Gov't Code § 16265.3 (repealed). 1988 funding

SEC. _____. Section 16265.3 of the Government Code is repealed.

~~16265.3. (a) On or before October 31, 1988, the Director of Finance shall:~~

~~(1) Determine for each county the county costs of eligible programs and each county's general purpose revenues for the 1981-82 fiscal year.~~

~~(2) Determine a percentage for each county by dividing the county costs of eligible programs by the general purposes revenues for the 1981-82 fiscal year.~~

~~(3) Make the determination as prescribed in paragraphs (1) and (2) for each county for the 1986-87 fiscal year.~~

~~(4) Compare the percentage determined pursuant to paragraph (3) with the percentage determined pursuant to paragraph (2).~~

~~(5) If the percentage determined pursuant to paragraph (3) is greater than the percentage determined pursuant to paragraph (2), determine an amount necessary to offset the difference.~~

~~(6) Determine an amount which is the sum of the amounts for all counties determined pursuant to paragraph (5).~~

~~(b) On or before October 31, 1988, the Director of Finance shall:~~

~~(1) Determine for each county the county costs of justice programs and each county's general purpose revenues for the 1981-82 fiscal year.~~

~~(2) Determine a percentage for each county by dividing the county costs of justice programs by the general purpose revenues for the 1981-82 fiscal year.~~

~~(3) Make the determination as prescribed in paragraphs (1) and (2) for each county for the 1986-87 fiscal year.~~

~~(4) Compare the percentage determined pursuant to paragraph (3) with the percentage determined pursuant to paragraph (2).~~

~~(5) If the percentage determined pursuant to paragraph (3) is greater than the percentage determined pursuant to paragraph (2), determine an amount necessary to offset the difference, provided that the amount shall not be greater than one million dollars (\$1,000,000).~~

~~(6) Determine an amount which is the sum of the amounts for all counties determined pursuant to paragraph (5).~~

~~(7) Determine a percentage for each county by dividing the amount determined for that county pursuant to paragraph (5) by the amount for all counties determined pursuant to paragraph (6).~~

~~(8) Determine an amount which is the sum of the amounts for all counties determined pursuant to paragraph (5) of subdivision (a).~~

~~(9) Determine an amount by subtracting the amount determined pursuant to paragraph (8) from fifteen million dollars (\$15,000,000).~~

~~(10) Determine an amount for each county by multiplying the amount determined pursuant to paragraph (9) by the percentage determined pursuant to paragraph (7).~~

~~(c) On or before October 31, 1988, the Director of Finance shall certify the amounts determined for each county pursuant to paragraph (5) of subdivision (a) and paragraph (10) of subdivision (b).~~

~~(d) On or before November 30, 1988, the Controller shall issue a warrant to each county, as applicable, in the amount certified by the Director of Finance under subdivision (c).~~

Comment. Section 16265.3 is repealed as obsolete because it prescribes funding for a past fiscal year.

Gov't Code § 16265.4 (amended). State funding of county programs

SEC. _____. Section 16265.4 of the Government Code is amended to read:

16265.4. (a) On or before October 31, ~~1989~~, and of each year thereafter, the Director of Finance shall:

~~(1) Determine the percentage for each county which was determined for the 1981-82 fiscal year pursuant to paragraph (2) of subdivision (a) of Section 16265.3 the county costs of eligible programs and each county's general purpose revenues for the 1981-82 fiscal year.~~

~~(2) Determine a percentage for each county by dividing the county costs of eligible programs by the general purpose revenues for the 1981-82 fiscal year.~~

~~(2) (3) Make the determination as prescribed by paragraphs (1) and (2) of subdivision (a) of Section 16265.3 for each county for the 1987-88 fiscal year, and for each fiscal year thereafter.~~

~~(3)~~ (4) Compare the percentage determined pursuant to paragraph ~~(2)~~ (3) with the percentage determined pursuant to paragraph ~~(1)~~ (2).

~~(4)~~ (5) For any fiscal year in which the percentage determined pursuant to paragraph ~~(2)~~ (3) is greater than the percentage determined pursuant to paragraph ~~(1)~~ (2), ~~make the determinations prescribed by paragraphs (5) and (6) of subdivision (a) of Section 16265.3~~ determine an amount necessary to offset the difference.

(6) Determine an amount which is the sum of the amounts for all counties determined pursuant to paragraph (5).

~~(b) On or before October 31, 1989, and on or before October 31 of each year thereafter, the Director of Finance shall:~~

~~(1) Determine the percentage for each county which was determined for the 1981-82 fiscal year pursuant to paragraph (2) of subdivision (b) of Section 16265.3.~~

~~(2) Make the determination prescribed by paragraphs (1) and (2) of subdivision (b) of Section 16265.3 for each county for the 1987-88 fiscal year, and for each fiscal year thereafter.~~

~~(3) Compare the percentage determined pursuant to paragraph (2) with the percentage determined pursuant to paragraph (1).~~

~~(4) For any fiscal year in which the percentage determined pursuant to paragraph (2) is greater than the percentage determined pursuant to paragraph (1), make the determinations prescribed by paragraphs (5) to (10), inclusive, of subdivision (b) of Section 16265.3.~~

~~(e) On or before October 31, 1989, and on or before October 31 of each year thereafter, the Director of Finance shall determine an amount for each county as prescribed by paragraph (5) of subdivision (a) of Section 16265.3 for the applicable fiscal year and paragraph (4) of subdivision (b).~~

~~(d)~~ (c) On or before October 31, 1989, and on or before October 31 of each year thereafter, the Director of Finance shall certify the amount determined for each county pursuant to subdivision ~~(e)~~ (b) to the Controller.

~~(e)~~ (d) On or before November 30, 1989, and on or before November 30 of each year thereafter, the Controller shall issue a warrant to each county, as applicable, in the amount certified by the Director of Finance under subdivision ~~(d)~~ (c).

Comment. Subdivision (a) of Section 16265.4 is amended to reflect the repeal of former Section 16265.3 (1987 Cal. Stat. ch. 1286, § 3). Formerly, subdivision (a) incorporated the calculation scheme of Section 16265.3 by reference. Due to the repeal of Section 16265.3, the calculation scheme is now stated in subdivision (a) itself.

Subdivision (a) is also amended to delete an obsolete reference to October 31, 1989.

Subdivision (b) is deleted as obsolete. The Director of Finance was to use the funding scheme prescribed in it only until the fiscal provisions of the Trial Court Funding Act of 1985 were fully implemented. See former Section 16265.6 (1987 Cal. Stat. ch. 1286, § 3). That has been achieved; the trial courts are now fully funded by the State. See Sections 77200-77213.

Former subdivisions (c)-(e) are relabeled as subdivisions (b)-(d). Those provisions are also amended to correct cross-references and delete obsolete references to dates in 1989.

Gov't Code § 16265.5 (amended). Allocations over \$15,000,000

SEC. _____. Section 16265.5 of the Government Code is amended to read:

16265.5. If a statute appropriates more than fifteen million dollars (\$15,000,000) for the purposes of this chapter in a fiscal year, then ~~Sections 16265.3 and~~ Section 16265.4 shall not apply to the allocation of that amount of money which is greater than fifteen million dollars (\$15,000,000). It is the intent of the Legislature to allocate any amount of money greater than fifteen million dollars (\$15,000,000) based on criteria which shall consider the costs to counties of welfare, justice programs, and indigent health care.

Comment. Section 16265.5 is amended to reflect the repeal of former Section 16265.3 (1987 Cal. Stat. ch. 1286, § 3).

Section 16265.5 is also amended to delete an obsolete reference to justice programs. The funding under this chapter relating to justice programs was to discontinue upon full implementation of the fiscal provisions of the Trial Court Funding Act of 1985. See former Section 16265.6 (1987 Cal. Stat. ch. 1286, § 3). That has been achieved; the trial courts are now fully funded by the state. See Sections 77200-77213.

Gov't Code § 16265.6 (repealed). Implementation of Trial Court Funding Act of 1985

SEC. _____. Section 16265.6 of the Government Code is repealed.

~~16265.6. Notwithstanding any other provision of this chapter, once the Legislature has fully implemented the fiscal provisions of the Trial Court Funding Act of 1985, as contained in Chapter 13 (commencing with Section 77000) of Title 8, the Director of Finance shall not make the determinations pursuant to subdivision (b) of Section 16265.3 and subdivisions (b) of Section 16265.4.~~

Comment. Section 16265.6 is repealed. It is no longer necessary due to the full implementation of the fiscal provisions of the Trial Court Funding Act of 1985, which provided a scheme of state funding for trial courts of participating counties. See 1985 Cal. Stat. ch. 1607, § 21. Although that Act was repealed in 1988, the trial courts have been fully funded by the state since the enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997. See 1998 Cal. Stat. ch. 146, § 6; Sections 77200-77213; 1997 Cal. Stat. ch. 850, § 46 (enacting Lockyer-Isenberg Trial Court Funding Act); 1988 Cal. Stat. ch. 945, § 9 (repealing Trial Court Funding Act of 1985).

Gov't Code § 68618 (repealed). Delay reduction program

SEC. _____. Section 68618 of the Government Code is repealed.

~~68618. In each county which has opted under the Trial Court Funding Act of 1985 (Chapter 13 (commencing with Section 77000)), the superior court, at the option of the~~

~~presiding judge, may elect to establish an exemplary delay reduction program pursuant to this article.~~

~~The presiding judge of a superior court electing to establish an exemplary delay reduction program shall notify the Judicial Council of that election, along with the identity of the judges who will participate in the program, and the date the program is scheduled to begin.~~

~~This section shall cease to be operative on July 1, 1992.~~

Comment. Section 68618 is repealed as obsolete. By its own terms, the provision ceased to operate on July 1, 1992.

Gov't Code § 71617 (repealed). Municipal court employees

SEC. _____. Section 71617 of the Government Code is repealed.

~~71617. To the extent this chapter applies to a municipal court, any action by the municipal court specifying the number, qualification, or compensation of officers or employees of the municipal court which differs from that prescribed by the Legislature pursuant to Section 5 of Article VI of the California Constitution shall remain in effect for a period of no more than two years unless prescribed by the Legislature within that period.~~

Comment. Section 71617 is repealed to reflect unification of the municipal and superior courts pursuant to former Section 5(e) of Article VI of the California Constitution.

Welf. & Inst. Code § 603.5 (amended). Jurisdiction over minor charged with certain motor vehicle offenses

SEC. _____. Section 603.5 of the Welfare and Institutions Code is amended to read:

603.5. (a) Notwithstanding any other provision of law, in ~~counties which adopt~~ *a county that adopts* the provisions of this section, jurisdiction over the case of a minor alleged to have committed only a violation of the Vehicle Code classified as an infraction or a violation of a local ordinance

involving the driving, parking, or operation of a motor vehicle, is with ~~the municipal court or the superior court in a county in which there is no municipal court~~, except that the court may refer to the juvenile court for adjudication, cases involving a minor who has been adjudicated a ward of the juvenile court, or who has other matters pending in the juvenile court.

(b) The cases specified in subdivision (a) shall not be governed by the procedures set forth in the juvenile court law.

(c) Any provisions of juvenile court law requiring that confidentiality be observed as to cases and proceedings, prohibiting or restricting the disclosure of juvenile court records, or restricting attendance by the public at juvenile court proceedings shall not apply. The procedures for bail specified in Chapter 1 (commencing with Section 1268) of Title 10 of Part 2 of the Penal Code shall apply.

(d) The provisions of this section shall apply in a county in which the trial courts make the section applicable as to any matters to be heard and the court has determined that there is available funding for any increased costs.

Comment. Subdivision (a) of Section 603.5 is amended to reflect unification of the municipal and superior courts pursuant to former Section 5(e) of Article VI of the California Constitution.

Subdivision (a) is further amended to make stylistic revisions.
