AMENDED IN SENATE JUNE 27, 2021

AMENDED IN ASSEMBLY FEBRUARY 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL No. 143

Introduced by Committee on Budget (Assembly Members Ting (Chair), Arambula, Bennett, Bloom, Carrillo, Chiu, Cooper, Frazier, Friedman, Cristina Garcia, Jones-Sawyer, Lee, McCarty, Medina, Mullin, Nazarian, O'Donnell, Ramos, Reyes, Luz Rivas, Blanca Rubio, Stone, and Wood)

January 8, 2021

~~An act relating to the Budget Act of 2021.~~ *An act to amend Section 6322.1 of the Business and Professions Code, to amend Sections 68085.1, 68085.3, 68085.4, 68085.45, 68502.6, 68701.5, 68703, 68704, 68752, 68754, 68756, 70371, 70371.7, 70372, 70373, 70374, 70377, 70391, 70395, 70396, 70397, 70617, 70657.5, and 70658 of, to add Section 68701.1 to, to add Article 7 (commencing with Section 68645) to Chapter 2 of Title 8 of, Article 4 (commencing with Section 68770) to Chapter 2.5 of Title 8 of, and Article 7.1 (commencing with Section 70398) to Chapter 5.7 of Title 8 of, to add and repeal Section 29553 of, and to repeal Sections 70371.5, 70371.8, and 70391.7 of, the Government Code, to amend Section 1463.007 of, and to add Section 1428.5 to, the Penal Code, and to amend Sections 40611 and 42007.1 of, and to repeal Chapter 1.5 (commencing with Section 40280) of Article 4 of Division 17 of, the Vehicle Code, relating to courts, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

AB 143, as amended, Committee on Budget. ~~Budget Act of 2021.~~ *Courts.*

(1) The California Constitution vests the judicial power of the state in the Supreme Court, courts of appeal, and superior courts, and establishes the Judicial Council to, among other things, adopt rules of court and perform functions prescribed by statute. Existing law establishes the State Court Facilities Construction Fund and the Immediate and Critical Needs Account within that fund.

This bill would abolish the Immediate and Critical Needs Account and make the State Court Facilities Construction Fund its successor fund, by, among other things, transferring all assets, revenues, and obligations of the Immediate and Critical Needs Account to the State Court Facilities Construction Fund. The bill would make conforming changes to the State Court Facilities Construction Fund, including reallocating and modifying fees that are deposited into the Immediate and Critical Needs Account to instead be deposited into the State Court Facilities Construction Fund.

(2) Existing law requires the Judicial Council to annually recommend to the Governor and the Legislature the amount proposed to be spent for projects that are paid with moneys in the State Court Facilities Construction Fund. Existing law requires 25 percent of all moneys collected for the State Court Facilities Construction Fund from any county to be designated for implementation of trial court projects in that county, except as otherwise provided.

This bill would repeal the requirement that 25 percent of all moneys collected for the State Court Facilities Construction Fund from any county be designated for implementation of trial court projects in that county.

(3) Existing law repealed the authority to collect various fees contingent upon criminal arrest, prosecution, or conviction for the cost of administering the criminal justice system, including administering probation and mandatory supervision, processing arrests and citations, and administering home detention programs, continuous electronic monitoring programs, work furlough programs, and work release programs. Existing law annually appropriates $65,000,000 from the General Fund to the Controller for allocation to counties to backfill revenues lost from the repeal of fees, as specified. Existing law states

the intent of the Legislature to finalize the funding allocation methodology for distribution to counties, as specified.

This bill would, until July 1, 2026, require the Director of Finance to finalize a methodology to determine per-county allocations based on a county's adult population, felony and misdemeanor arrests, and felony and misdemeanor filings, as specified. The bill would authorize each county's board of supervisors to determine how the money will be spent. The bill would, no later than October 1, 2021, require the Director of Finance to provide the Assembly and Senate budget subcommittees on public safety, the Legislative Analyst's Office, and the Joint Legislative Budget Committee with the county allocation schedule. The bill would require, no later than May 1, 2022, each county's board of supervisors receiving relief to submit a report to the Director of Finance, the Legislative Analyst's Office, and the Joint Legislative Budget Committee, as specified. The bill would require, for the years in which funding is allocated pursuant to this bill's methodology, a county to submit a report documenting how the allocation was spent, as specified. By imposing new duties on counties, the bill would impose a state-mandated local program.

(4) The California Constitution establishes the Commission on Judicial Performance and authorizes the commission to disqualify, suspend, retire, or censure a judge for specified acts of misconduct or for disability that seriously interferes with the performance of the judge's duties or that is, or is likely to become, permanent. The California Constitution requires the commission to make rules for the investigation of judges and authorizes the commission to provide for the confidentiality of complaints to, and investigations by, the commission. Existing statutory law also governs procedures for the conduct of these investigations.

This bill would specifically require the commission to take all reasonable steps to determine the existence or extent of alleged judicial misconduct in order to protect the public, enforce rigorous standards of judicial conduct, and maintain public confidence in the integrity and independence of the judicial system. The bill would also make technical, nonsubstantive changes to use gender-neutral language.

The bill would also create in state government the Committee to Review the Operations and Structure of the Commission on Judicial Performance to study and make recommendations for changes in the operations and structure of the commission, as specified. The bill would set forth the membership of the committee and require the committee

to hold at least 2 hearings to accept comments from the public about possible changes in the operations and structure of the commission. The bill would require the committee to complete its study and provide a written report about its findings and recommendations no later than March 30, 2023, to the Governor, the commission, and the California Supreme Court, among other entities, and to make the report public.

(5) Existing law establishes procedures for adjudicating traffic violations. Under existing law, the court may provide for the trial of any alleged infraction involving a violation of the Vehicle Code, or any local ordinance adopted pursuant to that code, and the court is required to provide that the defendant may elect to have a trial by written declaration upon any of these alleged infractions.

Existing law, until June 30, 2022, requires the Judicial Council to sponsor a pilot program to facilitate online adjudication of infraction violations of the Vehicle Code for which a personal appearance is not required, as specified. Existing law requires the Judicial Council to submit a report on the implementation of the pilot program to the Legislature on January 1, 2020, and January 1, 2021, and to submit an evaluation of the program to the Legislature no later than June 30, 2022.

This bill would repeal the pilot program to facilitate online adjudication of infraction violations of the Vehicle Code and would enact a similar program that would apply statewide to all infraction violations. The bill would require the Judicial Council to develop an online tool for adjudicating infraction violations, including ability-to-pay determinations, to implement the tool on a phased schedule, and to make this tool available statewide on or before June 30, 2024. The bill would prohibit a defendant from being compelled to use this online tool. The bill would authorize courts to allow defendants to agree to forfeit bail, plead guilty or nolo contendere, request an ability-to-pay determination, or otherwise adjudicate matters electronically for all infraction violations for which a personal appearance is not required, or, with the defendant's consent, the court may adjudicate all proceedings for infractions remotely. The bill would establish procedures for determining a defendant's ability to pay. The bill would authorize a comprehensive collection program, as defined, to recover up to $35 per nondelinquent installment payment plan ordered pursuant to this program. The bill would require every court to offer online ability-to-pay determinations using the online tool by June 30, 2024.

The bill would require, no later than February 1, 2022, and annually until February 1, 2025, the Judicial Council to provide to the Legislature a report including specified information from participating courts that have adopted online ability-to-pay determinations for infractions. The bill would also require, on or before January 10 of each year, the Department of Finance, in consultation with the Judicial Council, to estimate the level of funding needed for the judicial branch for purposes of these provisions, as specified. The bill would make only the trial courts that provide data in accordance with the method required by the Judicial Council eligible for any funding appropriated.

(6) Existing law requires the Judicial Council to annually report to the Legislature on the status of specific projects established by the State Public Works Board. The report includes an accounting of the revenues generated and expenditures made in the Immediate and Critical Needs Account.

This bill would repeal this annual reporting requirement.

(7) Existing law authorizes the Judicial Council to sell specific courthouses, including the Chico courthouse, at fair market value and upon the terms and conditions the Judicial Council deems in the best interests of the state.

This bill would remove courthouses in the cities of Chico, Corning, Firebaugh, and Corcoran from this authorization.

(8) Existing law designates the Judicial Council as the entity having full responsibility, jurisdiction, control, and authority over trial court facilities for which title is held by the state, including the acquisition and development of facilities. Existing law authorizes the Judicial Council to use a design-build procurement process in contracting and procuring a limited number of projects, as approved by the Department of Finance. Existing law authorizes the Judicial Council to base the procurement award on best value or best value for the lowest price for projects with an approved budget of $10,000,000 or more. Existing law requires the use of lowest responsible bid to award design-build contracts for projects with an approved budget of $250,000 to $10,000,000. Existing law requires a bidder participating in the process to provide written declarations, subject to misdemeanor penalties.

This bill would, instead, authorize the Judicial Council to use a design-build procurement process in contracting and procuring public works projects and would authorize the Judicial Council to award contracts using either the best value or low bid selection method for all projects. The bill would require a bidder participating in the modified

process to provide specific written declarations. A person or entity who certifies in a declaration as true a material matter that the person or entity knows to be false would be guilty of a misdemeanor, and by creating a new crime, this bill would impose a state-mandated local program.

(9) This bill would appropriate $100,000 from the General Fund to the Judicial Council to address deferred maintenance projects, as specified.

(10) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~This bill would express the intent of the Legislature to enact statutory changes, relating to the Budget Act of 2021.~~

Vote: majority. Appropriation: ~~no~~ *yes*. Fiscal committee: ~~no~~ *yes*. State-mandated local program: ~~no~~ *yes*.

The people of the State of California do enact as follows:

SECTION 1. Section 6322.1 of the Business and Professions Code is amended to read:

6322.1. (a) *(1)* Until the end of the moratorium described in Section 70601 of the Government Code, the board of supervisors of any county may increase, as provided in this section, the amount distributed to its county law library fund from the uniform filing fees listed in Section 6321 whenever it determines that the increase is necessary to defray the expenses of the law library.

~~Any~~

(2) Any increase in the amount distributed to the law library fund in any county under this subdivision shall not be effective until January 1 of the next year after the adoption by the board of supervisors of the increase. The amount of the increase in any

calendar year shall be no greater than three dollars ($3) over the previous calendar year. A copy of the action of the board of supervisors that establishes the increase shall be provided to the Administrative Office of the Courts as soon as it becomes available but no later than December 15 of the year before the increased distribution goes into effect.

(b) Distribution changes after January 1, 2008, shall be determined by the process described in Section 70601 of the Government Code.

(c) (1) In an action or proceeding in which a claim for money damages falls within the monetary jurisdiction of the small claims court and is filed by an assignee who is prohibited from filing or maintaining a claim pursuant to Section 116.420 of the Code of Civil Procedure, the uniform filing fee shall be reduced by twenty-four dollars ($24) to one hundred eighty-one dollars ($181) if the complaint contains a declaration under penalty of perjury, executed by the party requesting the reduction in fees, that the case qualifies for the lower fee because the claim for money damages will not exceed the monetary jurisdiction of small claims court and is filed by an assignee of the claim.

(2) When the uniform filing fee is reduced as provided under this subdivision, the amount distributed from each uniform filing fee to the law library fund in the county shall be as follows:

Jurisdiction	Amount
Alameda	$12.00
Alpine	1.00
Amador	6.00
Butte	12.00
Calaveras	7.00
Colusa	12.00
Contra Costa	8.00
Del Norte	6.00
El Dorado	9.00
Fresno	9.00
Glenn	6.00
Humboldt	12.00
Imperial	12.00
Inyo	6.00
Kern	12.00

Kings	.....	12.00
Lake	.....	12.00
Lassen	.....	12.00
Los Angeles	.....	5.00
Madera	.....	12.00
Marin	.....	12.00
Mariposa	.....	4.00
Mendocino	.....	12.00
Merced	.....	12.00
Modoc	.....	6.00
Mono	.....	6.00
Monterey	.....	10.00
Napa	.....	12.00
Nevada	.....	7.00
Orange	.....	8.00
Placer	.....	7.00
Plumas	.....	6.00
Riverside	.....	12.00
Sacramento	.....	8.50
San Benito	.....	6.00
San Bernardino	.....	12.00
San Diego	.....	12.00
San Francisco	.....	12.00
San Joaquin	.....	10.00
San Luis Obispo	.....	12.00
San Mateo	.....	12.00
Santa Barbara	.....	12.00
Santa Clara	.....	8.00
Santa Cruz	.....	12.00
Shasta	.....	8.50
Sierra	.....	9.00
Siskiyou	.....	8.00
Solano	.....	9.00
Sonoma	.....	12.00
Stanislaus	.....	6.50
Sutter	.....	1.00
Tehama	.....	9.00
Trinity	.....	6.00
Tulare	.....	12.00
Tuolumne	.....	2.00

Ventura	12.00
Yolo	10.00
Yuba	7.00

The increases described in subdivision (a) do not apply to the law library distributions in this subdivision.

(3) Notwithstanding subdivision (d) of Section 68085.4 of the Government Code, when the uniform filing fee is reduced as provided in this subdivision, the amounts distributed to dispute resolution programs, the State Court Facilities Construction Fund, the Judges' Retirement Fund, children's waiting rooms, and the Equal Access Fund shall remain as provided under subdivisions (b) and (c) of Section 68085.4 of the Government Code and shall not be changed. Only the amounts distributed to the Trial Court Trust Fund, the law libraries, and ~~the Immediate and Critical Needs Account of~~ the State Court Facilities Construction Fund shall be adjusted. The amount distributed from each uniform filing fee under this section to ~~the Immediate and Critical Needs Account of~~ the State Court Facilities Construction Fund, established in Section ~~70371.5~~ *70371* of the Government Code, shall be ~~eleven dollars ($11).~~ *thirty-one dollars ($31).* If the fee is further reduced below one hundred eighty-one dollars ($181), as with a partial waiver or partial payment, the proportional reductions described in subdivision (g) of Section 68085.1 of the Government Code shall apply.

(d) Distributions under this section to the law library fund in each county shall be used only for the purposes authorized by this chapter.

(e) As used in this section and Section 6321, "law library fund" includes a law library account described in the second paragraph of Section 6320.

~~(f) This section shall become operative on July 1, 2013.~~

SEC. 2. Section 29553 is added to the Government Code, to read:

29553. (a) The amount specified in Chapter 92 of the Statutes of 2020 shall be appropriated according to the methodology specified within this section to counties to provide fiscal relief due to the repeal of the fees specified in Chapter 92 of the Statutes of 2020.

(b) The Director of Finance shall finalize a methodology used to determine per-county allocations commencing in the 2021–22 fiscal year and maintained through the 2025–26 fiscal year. The methodology shall be based on all of the following:

(1) Fifty percent of the annual appropriation shall be based on the three-year average of each county's adult population compared to that of the state from 2017 to 2019, inclusive. For the purposes of this paragraph, population refers to the adult population as documented by the most recent federal census.

(2) Twenty-five percent of the annual appropriation shall be based on the three-year average of each county's total felony and misdemeanor arrests compared to that of the state from 2017 to 2019, inclusive. For the purposes of this paragraph, arrests refer to adult felony and misdemeanor arrests as documented by the Department of Justice.

(3) Twenty-five percent of the annual appropriation shall be based on the three-year average of each county's total traffic and nontraffic felony and misdemeanor filings compared to that of the state from 2017 to 2019, inclusive. For the purposes of this paragraph, filings refer to adult felony and misdemeanor filings as documented by the Judicial Council.

(c) For the allocations in accordance with subdivision (b), each county's board of supervisors shall have the authority to determine how such money will be spent.

(d) No later than October 1, 2021, the Director of Finance shall provide the Assembly and Senate budget subcommittees on public safety, the Legislative Analyst's Office, and the Joint Legislative Budget Committee with the county allocation schedule.

(e) No later than May 1, 2022, each county's board of supervisors receiving fiscal relief pursuant to this section shall submit a report to the Director of Finance, the Legislative Analyst's Office, and the Joint Legislative Budget Committee detailing the actual revenue lost from each individual fee repealed by Chapter 92 of the Statutes of 2020 for each of the three most recent years that a county collected this revenue prior to enactment of Chapter 92 of the Statutes of 2020.

(1) To the extent a county is unable to provide data on its actual revenue loss, the county shall provide a detailed description of how it calculated the revenue loss, report on actual amounts for the most recent year in which they collected with their estimate of

the amount along with their methodology of calculation, and report this information by category instead of each of the individual 23 code sections repealed by Chapter 92 of the Statutes of 2020.

(2) To the extent that the local court collects any of the fees repealed by this act on behalf of the county, the court shall provide the three-year revenue collection data to the county upon request.

(f) For the years in which funding is allocated pursuant to the methodology within this section, a county shall submit a report to the Director of Finance, the Legislative Analyst's Office, and the Joint Legislative Budget Committee that documents how the backfill allocation was spent. This report shall be submitted no later than January 10 of every year beginning in 2023 for funding that was provided pursuant to this section in the prior year. At minimum, the report shall contain the following:

(1) The total annual budget of the county department or departments that receive the allocation, the share of this allocation received, and an accounting of the expenditures of the allocation by county department that receive a share of this allocation.

(2) A description of the programs, services, strategies, and enhancements supported by or made with the allocation by county department.

(g) This statute shall remain in effect only until July 1, 2026, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2026, deletes or extends that date.

SEC. 3. Section 68085.1 of the Government Code is amended to read:

68085.1. (a) This section applies to all fees and fines that are collected on or after January 1, 2006, under all of the following:

(1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150, 704.750, 708.160, 724.100, 1134, 1161.2, 1218, and 1993.2 of, subdivision (g) of Section 411.20 and subdivisions (c) and (g) of Section 411.21 of, subdivision (b) of Section 631 of, and Chapter 5.5 (commencing with Section 116.110) of Title 1 of Part 1 of, the Code of Civil Procedure.

(2) Section 3112 of the Family Code.

(3) Section 31622 of the Food and Agricultural Code.

(4) Subdivision (d) of Section 6103.5, Sections 68086 and 68086.1, subdivision (d) of Section 68511.3, Sections 68926.1 and 69953.5, and Chapter 5.8 (commencing with Section 70600).

(5) Section 103470 of the Health and Safety Code.

(6) Subdivisions (b) and (c) of Section 166 and Section 1214.1 of the Penal Code.

(7) Sections 1835, 1851.5, 2343, 7660, and 13201 of the Probate Code.

(8) Sections 14607.6 and 16373 of the Vehicle Code.

(9) Section 71386 of this code, Sections 304, 7851.5, and 9002 of the Family Code, and Section 1513.1 of the Probate Code, if the reimbursement is for expenses incurred by the court.

(10) Section 3153 of the Family Code, if the amount is paid to the court for the cost of counsel appointed by the court to represent a child.

(b) On and after January 1, 2006, each superior court shall deposit all fees and fines listed in subdivision (a), as soon as practicable after collection and on a regular basis, into a bank account established for this purpose by the Administrative Office of the Courts. Upon direction of the Administrative Office of the Courts, the county shall deposit civil assessments under Section 1214.1 of the Penal Code and any other money it collects under the sections listed in subdivision (a) as soon as practicable after collection and on a regular basis into the bank account established for this purpose and specified by the Administrative Office of the Courts. The deposits shall be made as required by rules adopted by, and financial policies and procedures authorized by, the Judicial Council under subdivision (a) of Section 77206. Within 15 days after the end of the month in which the fees and fines are collected, each court, and each county that collects any fines or fees under subdivision (a), shall provide the Administrative Office of the Courts with a report of the fees by categories as specified by the Administrative Office of the Courts. The Administrative Office of the Courts and any court may agree upon a time period greater than 15 days, but in no case more than 30 days after the end of the month in which the fees and fines are collected. The fees and fines listed in subdivision (a) shall be distributed as provided in this section.

(c) (1) Within 45 calendar days after the end of the month in which the fees and fines listed in subdivision (a) are collected, the Administrative Office of the Courts shall make the following distributions:

(A) To the small claims advisory services, as described in subdivision (f) of Section 116.230 of the Code of Civil Procedure.

(B) To dispute resolution programs, as described in subdivision (b) of Section 68085.3 and subdivision (b) of Section 68085.4.

(C) To the county law library funds, as described in Sections 116.230 and 116.760 of the Code of Civil Procedure, subdivision (b) of Section 68085.3, subdivision (b) of Section 68085.4, and Section 70621 of this code, and Section 14607.6 of the Vehicle Code.

(D) To the courthouse construction funds in the Counties of Riverside, San Bernardino, and San Francisco, as described in Sections 70622, 70624, and 70625.

(E) Commencing July 1, 2011, to the Trial Court Trust Fund, as described in subdivision (e) of Section 70626, to be used by the Judicial Council to implement and administer the civil representation pilot program under Section 68651.

(2) If any distribution under this subdivision is delinquent, the Administrative Office of the Courts shall add a penalty to the distribution as specified in subdivision (i).

(d) Within 45 calendar days after the end of the month in which the fees and fines listed in subdivision (a) are collected, the amounts remaining after the distributions in subdivision (c) shall be transmitted to the State Treasury for deposit in the Trial Court Trust Fund and other funds as required by law. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the Trial Court Trust Fund or other fund to which it is to be deposited. Upon the receipt of any delinquent payment required under this subdivision, the Controller shall calculate a penalty as provided under subdivision (i).

(e) From the money transmitted to the State Treasury under subdivision (d), the Controller shall make deposits as follows:

(1) Into ~~the State Court Facilities Construction Fund,~~ the Judges' Retirement ~~Fund,~~ *Fund* and the Equal Access Fund, as described in subdivision (c) of Section 68085.3 and subdivision (c) of Section 68085.4.

(2) Into the Health Statistics Special Fund, as described in subdivision (b) of Section 70670 of this code and Section 103730 of the Health and Safety Code.

(3) Into the Family Law Trust Fund, as described in Section 70674.

(4) Into the ~~Immediate and Critical Needs Account of the~~ State Court Facilities Construction Fund, ~~established in Section 70371.5,~~ as described in ~~Sections~~ *subdivision (c) of Section* 68085.3, *subdivision (c) of Section* 68085.4, ~~and~~ *subdivision (b) of Section* 70657.5, and subdivision (e) of Section 70617.

(5) The remainder of the money shall be deposited into the Trial Court Trust Fund.

(f) The amounts collected by each superior court under Section 116.232, subdivision (g) of Section 411.20, and subdivision (g) of Section 411.21 of the Code of Civil Procedure, Sections 304, 3112, 3153, 7851.5, and 9002 of the Family Code, subdivision (d) of Section 6103.5, subdivision (d) of Section 68511.3 and Sections 68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386 of this code, and Sections 1513.1, 1835, 1851.5, and 2343 of the Probate Code shall be added to the monthly apportionment for that court under subdivision (a) of Section 68085.

(g) If any of the fees provided in subdivision (a) are partially waived by court order or otherwise reduced, and the fee is to be divided between the Trial Court Trust Fund and any other fund or account, the amount of the reduction shall be deducted from the amount to be distributed to each fund in the same proportion as the amount of each distribution bears to the total amount of the fee. If the fee is paid by installment payments, the amount distributed to each fund or account from each installment shall bear the same proportion to the installment payment as the full distribution to that fund or account does to the full fee. If a court collects a fee that was incurred before January 1, 2006, under a provision that was the predecessor to one of the paragraphs contained in subdivision (a), the fee may be deposited as if it were collected under the paragraph of subdivision (a) that corresponds to the predecessor of that paragraph and distributed in prorated amounts to each fund or account to which the fee in subdivision (a) must be distributed.

(h) Except as provided in Sections 470.5 and 6322.1 of the Business and Professions Code, and Sections 70622, 70624, and 70625 of this code, an agency shall not take action to change the amounts allocated to any of the funds described in subdivision (c), (d), or (e).

(i) The amount of the penalty on any delinquent payment under subdivision (c) or (d) shall be calculated by multiplying the amount

of the delinquent payment at a daily rate equivalent to 1½ percent per month for the number of days the payment is delinquent. The penalty shall be paid from the Trial Court Trust Fund. Penalties on delinquent payments under subdivision (d) shall be calculated only on the amounts to be distributed to the Trial Court Trust Fund and the State Court Facilities Construction Fund, and each penalty shall be distributed proportionately to the funds to which the delinquent payment was to be distributed.

(j) If a delinquent payment under subdivision (c) or (d) results from a delinquency by a superior court under subdivision (b), the court shall reimburse the Trial Court Trust Fund for the amount of the penalty. Notwithstanding Section 77009, any penalty on a delinquent payment that a court is required to reimburse pursuant to this section shall be paid from the court operations fund for that court. The penalty shall be paid by the court to the Trial Court Trust Fund no later than 45 days after the end of the month in which the penalty was calculated. If the penalty is not paid within the specified time, the Administrative Office of the Courts may reduce the amount of a subsequent monthly allocation to the court by the amount of the penalty on the delinquent payment.

(k) If a delinquent payment under subdivision (c) or (d) results from a delinquency by a county in transmitting fees and fines listed in subdivision (a) to the bank account established for this purpose, as described in subdivision (b), the county shall reimburse the Trial Court Trust Fund for the amount of the penalty. The penalty shall be paid by the county to the Trial Court Trust Fund no later than 45 days after the end of the month in which the penalty was calculated.

SEC. 4. Section 68085.3 of the Government Code is amended to read:

68085.3. (a) Fees collected under Sections 70611, 70612, 70650, 70651, 70652, 70653, 70655, 70658, and 70670 shall be deposited in a bank account established by the Administrative Office of the Courts for deposit of fees collected by the courts.

(b) For each three-hundred-fifty-five-dollar ($355) fee listed in subdivision (a), the Administrative Office of the Courts shall distribute specified amounts in each county as follows:

(1) To the county law library fund, the amount described in Sections 6321 and 6322.1 of the Business and Professions Code.

(2) To the account to support dispute resolution programs, the amount described in Section 470.5 of the Business and Professions Code.

(c) The remainder of the fees in subdivision (a) shall be transmitted monthly to the Treasurer for deposit. For each three-hundred-fifty-five-dollar ($355) fee listed in subdivision (a), the Controller shall make deposits as follows:

(1) To the State Court Facilities Construction Fund, as provided in Article 6 (commencing with Section 70371) of Chapter 5.7, ~~thirty-five dollars ($35).~~ *sixty-five dollars ($65), unless the fee is collected under Section 70658, in which case the amount distributed to that fund shall be two hundred five dollars ($205).*

~~(2) To the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5, thirty dollars ($30), unless the fee is collected under Section 70658, in which case the amount distributed to that fund shall be one hundred seventy dollars ($170).~~

~~(3)~~

(2) To the Judges' Retirement Fund, as established in Section 75100, two dollars and fifty cents ($2.50).

~~(4)~~

(3) To the Trial Court Trust Fund for use as part of the Equal Access Fund program administered by the Judicial Council, four dollars and eighty cents ($4.80).

~~(5)~~

(4) To the Trial Court Trust Fund, as provided in Section 68085.1, the remainder of the fee.

(d) If any of the fees listed in subdivision (a) are reduced or partially waived, the amount of the reduction or partial waiver shall be deducted from the amount to be distributed to each fund or account in the same proportion as the amount of each distribution bears to the total amount of the fee.

(e) As used in this section, "law library fund" includes a law library account described in Section 6320 of the Business and Professions Code.

SEC. 5. Section 68085.4 of the Government Code is amended to read:

68085.4. (a) Fees collected under Sections 70613, 70614, 70621, 70654, and 70656 of this code, Section 103470 of the Health and Safety Code, and Section 7660 of the Probate Code

shall be deposited in a bank account established by the Administrative Office of the Courts for deposit of fees collected by the courts.

(b) For each three-hundred-thirty-dollar ($330) fee and each two-hundred-five-dollar ($205) fee listed in subdivision (a), the Administrative Office of the Courts shall distribute specified amounts in each county as follows:

(1) To the county law library fund, the amount described in Sections 6321 and 6322.1 of the Business and Professions Code.

(2) To the account to support dispute resolution programs, the amount described in Section 470.5 of the Business and Professions Code.

(c) The remainder of the fees in subdivision (a) shall be transmitted monthly to the Treasurer for deposit. For each three-hundred-thirty-dollar ($330) fee and each two-hundred-five-dollar ($205) fee listed in subdivision (a), the Controller shall make deposits as follows:

(1) To the State Court Facilities Construction Fund, as provided in Article 6 (commencing with Section 70371) of Chapter 5.7, ~~twenty-five dollars ($25) if the fee is three hundred thirty dollars ($330), and twenty dollars ($20) if the fee is two hundred five dollars ($205).~~ *fifty dollars ($50) if the fee is three hundred thirty dollars ($330), and forty dollars ($40) if the fee is two hundred five dollars ($205), except as otherwise provided in Section 6322.1 of the Business and Professions Code.*

~~(2) To the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5, twenty-five dollars ($25) if the fee is three hundred thirty dollars ($330), and twenty dollars ($20) if the fee is two hundred five dollars ($205), except as otherwise provided in Section 6322.1 of the Business and Professions Code.~~

~~(3)~~

(2) To the Judges' Retirement Fund, as established in Section 75100, two dollars and fifty cents ($2.50).

~~(4)~~

(3) To the Trial Court Trust Fund for use as part of the Equal Access Fund program administered by the Judicial Council, four dollars and eighty cents ($4.80).

~~(5)~~

(4) To the Trial Court Trust Fund, as provided in Section 68085.1, the remainder of the fee.

(d) If any of the fees listed in subdivision (a) are reduced or partially waived, the amount of the reduction or partial waiver shall be deducted from the amount to be distributed to each fund or account in the same proportion as the amount of each distribution bears to the total amount of the fee.

(e) As used in this section, "law library fund" includes a law library account described in Section 6320 of the Business and Professions Code.

SEC. 6. Section 68085.45 of the Government Code is amended to read:

68085.45. (a) There is hereby established the State Trial Court Operations Trust Fund. Upon the retirement of all bonded indebtedness that may be incurred in connection with ~~immediate and critical trial court projects,~~ *trial court projects funded by the State Court Facilities Construction Fund,* any moneys remaining in, or that would otherwise be payable into, ~~the Immediate and Critical Needs Account of~~ the State Court Facilities Construction Fund, shall be transferred to the Controller for deposit into the State Trial Court Operations Trust Fund.

(b) The proceeds of the State Trial Court Operations Trust Fund shall be available, upon appropriation by the Legislature in the annual Budget Act, only for trial court operations as defined in Section 77003.

SEC. 7. Section 68502.6 of the Government Code is amended to read:

68502.6. (a) If the cash balance of the Trial Court Trust Fund is insufficient to support trial court operations during the fiscal year, the Administrative Office of the Courts may transfer funds from any fund identified in subdivision (c) as a loan to the Trial Court Trust Fund. The total amount of outstanding loans shall not exceed one hundred fifty million dollars ($150,000,000) at any time during the fiscal year. The Administrative Office of the Courts shall not authorize a loan pursuant to this section to provide cash resources to any court that has not first provided a balanced budget approved by the Judicial Council.

(b) The Administrative Office of the Courts may transfer funds from the Trial Court Trust Fund for the repayment of the loan described in subdivision (a). Interest shall not be charged or paid

on any loan authorized pursuant to this section and all loans shall be repaid within two years from the date on which the loan originated. The authority to transfer funds provided by this section shall not interfere with the objectives for which the funds identified in subdivision (c) were created. This section shall not be construed to provide additional expenditure authority to the Trial Court Trust Fund.

(c) Moneys in the following funds shall be available for transfer to the Trial Court Trust Fund as a loan for cash flow purposes:

(1) The State Court Facilities Construction Fund.

~~(2) The Immediate and Critical Needs Account of the State Court Facilities Construction Fund.~~

~~(3)~~

(2) The Judicial Branch Workers' Compensation Fund.

(d) For each loan executed pursuant to this section, the Administrative Office of the Courts shall, no later than August 30 of each year, report the following information to the Joint Legislative Budget Committee and the Department of Finance:

(1) The date of the loan.

(2) The amount loaned to each court.

(3) The funding source of the loan.

(4) The repayment date or proposed repayment date of the loan.

SEC. 8. Article 7 (commencing with Section 68645) is added to Chapter 2 of Title 8 of the Government Code, to read:

Article 7. Ability to Pay Program

68645. The Judicial Council shall develop an online tool for adjudicating infraction violations, including ability-to-pay determinations. The Judicial Council shall implement the tool on a phased schedule and shall make this tool available statewide on or before June 30, 2024. A defendant shall not be compelled to use this online tool.

68645.1. For all infraction violations for which a personal appearance is not required, a court may allow defendants to agree to forfeit bail, plead guilty or nolo contendere, request an ability-to-pay determination, or otherwise adjudicate matters through the use of technology.

(a) The date that the defendant agrees to forfeit bail, plead guilty, or plead nolo contendere shall be reported as the date of conviction for all purposes.

(b) If a defendant requests an ability-to-pay determination, the matter shall be considered adjudicated for purposes of that determination when the defendant agrees to forfeit bail or pleads guilty or nolo contendere.

(c) When a defendant agrees to forfeit bail, plead guilty or nolo contendere through the online tool, or requests an ability-to-pay determination, the defendant has appeared within the meaning of subdivision (a) of Section 40509 and subdivision (a) of Section 40509.5 of the Vehicle Code, and the court shall immediately file with the Department of Motor Vehicles the required certificate to recall any failure to appear notifications that have been sent for the citation.

68645.2. (a) By June 30, 2024, every court shall offer online ability-to-pay determinations using the tool developed by the Judicial Council. The following shall apply to ability-to-pay determinations made pursuant to this article:

(1) The defendant has the burden of establishing the inability to pay. Courts shall establish criteria for the determination of an inability to pay, and, in doing so, shall consider certain factors including, at a minimum, all of the following:

(A) Receipt of any of the public benefits listed in subdivision (a) of Section 68632.

(B) A monthly income of a minimum of 125 percent of the current poverty guidelines, as updated periodically in the Federal Register by the United States Department of Health and Human Services pursuant to Section 9902 of Title 42 of the United States Code.

(2) The court has discretion to make an order consistent with the defendant's present and reasonably discernible future financial circumstances. Except as provided for in paragraph (4), the court is not required to make express findings as to the factors bearing on the determination or the amount it orders payable by the defendant.

(3) Based on any ability-to-pay determination, a court may do any of the following:

(A) Waive or reduce the sum of the total amount due for an infraction violation. If the total amount due is reduced, the revenues

collected shall be distributed on a pro rata basis in the same manner as a partial payment is distributed pursuant to Section 1462.5 of the Penal Code.

(B) Extend the time for payment or provide for payment on an installment plan, including those amounts due after any reduction under subparagraph (A).

(C) Allow the defendant to complete community service in lieu of the total amount due. If a defendant qualifies for a reduction in the total amount due, the court may allow the defendant to complete the community service in lieu of the payment on the reduced amount.

(D) Suspend the total amount due in whole or in part.

(E) Offer an alternative disposition.

(4) The online tool shall recommend a reduction of 50 percent or more of the total amount due for all defendants who are in receipt of benefits described in subparagraph (A) of paragraph (1). The court shall make express findings if it deviates from the online tool recommendation by ordering a defendant to pay an amount greater than the recommendation pursuant to this paragraph.

(5) The online tool shall recommend a payment of no more than twenty-five dollars ($25) per month for a defendant who is eligible for a reduction pursuant to paragraph (3) and requests an installment plan.

(6) For purposes of this section, the "total amount due" is the sum of the base fine, penalty assessments, civil assessments, and fees, including mandatory fees, owed and unpaid by the defendant.

(7) As feasible, courts shall notify defendants of the result of the ability-to-pay determination within 30 days.

(8) A defendant is not required to submit bail or pay any fines or fees prior to an ability-to-pay determination.

(9) A court or county shall not charge an administrative fee to an individual for requesting an ability to pay determination or participating in an installment payment plan, on a nondelinquent or delinquent account, ordered pursuant to this chapter.

(10) A court or county may recover costs associated with the administration of all installment payment plans ordered under this chapter through a comprehensive collection program pursuant to subdivision (d) of Section 1463.007 of the Penal Code. Recovered

costs shall not exceed thirty-five dollars ($35) per nondelinquent installment plan approved.

(b) If a court is using the online tool, paragraphs (1) to (3), inclusive, and paragraphs (6) to (10), inclusive, of subdivision (a) apply to all ability-to-pay determinations conducted through means other than the online tool, which includes paper submissions or in-person applications. When an ability to pay determination is made through means other than the online tool, the court shall follow the recommendations stated in paragraphs (4) and (5) of subdivision (a), but may deviate from the recommendation in paragraph (4) of subdivision (a), as provided therein.

(c) The online tool shall provide information in English, Spanish, and any other languages the Judicial Council chooses.

(d) This section does not preclude a court that has not yet adopted online ability-to-pay determinations from adopting procedures or local rules in accordance with this section, unless the Judicial Council adopts rules of court or forms for purposes of this section.

68645.3. (a) A court may allow the online tool to electronically verify through encrypted transmittal whether the defendant receives public benefits, defined as any of the public benefits listed in subdivision (a) of Section 68632, by accessing a statewide, county, or other political subdivision of the state database, including the State Department of Social Services.

(b) The court shall obtain the defendant's consent before the online application may electronically verify benefits.

(c) The online application process shall inform the defendant of all of the following information:

(1) A defendant has the burden of establishing the defendant's inability to pay.

(2) The online verification is one of the possible means of substantiating the inability to pay.

(3) Other accepted means of verifying inability to pay.

(4) A defendant may upload other evidence in addition to or in lieu of the verification results.

(d) If the court is unable to verify that a defendant receives benefits as described in this section, the defendant may submit other evidence of an inability to pay to the court.

(e) Each court, by adopting a local rule, may authorize the clerk of the court to make ability-to-pay determinations. If a court

authorizes the clerk of the court to make those determinations, both of the following apply:

(1) The determinations shall be based on specified criteria as established by the court and posted on its internet website. The criteria may include whether the defendant is receiving public benefits, including those listed in subdivision (a) of Section 68632. The court may establish criteria that waive or reduce the sum of the base fine, penalty assessments, civil assessments, and fees, including mandatory fees, owed by the defendant, by a specified amount, by a specified percentage, or by other specified criteria.

(2) If the clerk of the court denies the reduction, the defendant has the right to a review of the decision by a judicial officer in the trial court.

68645.4. (a) A court may offer online trials through an online tool for all infractions for which a personal appearance is not required. If a court offers online trials pursuant to this section, all of the following shall apply, notwithstanding Section 40902 of the Vehicle Code:

(1) A defendant shall elect to have an online trial prior to the appearance date indicated on the notice to appear, unless the court grants the defendant an extension, or the court permits the defendant to have a trial at a later date.

(2) If a defendant elects to have a trial through the online tool pursuant to this section, the court shall not require the defendant to submit bail in advance, unless the court makes express findings as to why a particular defendant shall be required to submit bail.

(3) Testimony and other relevant evidence may be introduced in the form of a notice to appear, a business record or receipt, a sworn declaration of the arresting officer, and a sworn declaration by the defendant.

(4) If a defendant elects to have a trial through the online tool pursuant to this section, the defendant shall not have a right to a trial de novo.

(b) If a court elects to offer online trials pursuant to this section, it shall also make trials by written declaration available to defendants, and paragraphs (1) to (4), inclusive, of subdivision (a) shall apply to all trials by written declaration.

(c) A court may adopt local rules or forms to be consistent with this section, and the rules and forms shall govern proceedings

pursuant to this section unless the Judicial Council adopts rules of court or forms for purposes of this article.

68645.5. (a) No later than February 1, 2022, and annually until February 1, 2025, the Judicial Council shall provide to the Legislature a report including the following information from participating courts that have adopted online ability-to-pay determinations for infraction violations:

(1) Total number of infraction filings.

(2) Total number of ability-to-pay requests made through:

(A) The online tool.

(B) Other locally established ability-to-pay procedures.

(3) Demographic information on defendants using the online tool as reported by the defendant, including but not limited to, income level, public benefits status, race or ethnicity or both, when feasible, and ZIP Code.

(4) The total amount of initial fines and fees assessed for individuals making ability-to-pay requests.

(5) The total amount of adjusted fines and fees recommended by the online tool.

(6) The total amount of fines and fees ordered through:

(A) The online tool.

(B) Other locally established ability-to-pay procedures.

(7) Of the total amount of fines and fees ordered, the total amount collected from:

(A) Online requests.

(B) Requests via locally established ability-to-pay procedures.

(8) The number of payment plans ordered through the online tool.

(9) The number of online trials conducted in participating courts.

(b) The Judicial Council shall submit the report required pursuant to subdivision (a) in compliance with Section 9795.

(c) In the report due to the Legislature on February 1, 2023, and in addition to the information required in subdivision (a), the Judicial Council shall provide information on the first seven pilot courts, including implementation challenges, the overall effectiveness of the programs in these courts, and how those pilots informed the implementation in subsequent courts.

68645.7. (a) On or before January 10 of each year, the Department of Finance, in consultation with the Judicial Council,

shall estimate the level of funding needed to backfill the judicial branch for the amount reduced based upon the ability-to-pay determinations granted to defendants pursuant to this article. The estimate shall be developed by the Department of Finance, in conjunction with the Judicial Council, and based on the data provided to the Judicial Council by the trial courts as required in subdivision (b). The Department of Finance shall distribute the funds to the judicial branch appropriated for that purpose in the annual Budget Act or any other act approved by the Legislature. The department shall publish its estimate and transmit it to the Legislature at the time of the submission of the Governor's Budget pursuant to Section 12 of Article IV of the California Constitution.

(b) The Judicial Council shall collect data from the trial courts necessary to request funding from the Department of Finance for the purposes of subdivision (a). Only trial courts that provide data in accordance with the method required by the Judicial Council are eligible for this funding.

SEC. 9. Section 68701.1 is added to the Government Code, to read:

68701.1. In order to protect the public, enforce rigorous standards of judicial conduct, and maintain public confidence in the integrity and independence of the judicial system, the commission shall take all reasonable steps to determine the existence or extent of alleged judicial misconduct.

SEC. 10. Section 68701.5 of the Government Code is amended to read:

68701.5. Notwithstanding Section 68701, the Commission on Judicial Performance may investigate the conduct or performance of any retired judge serving on senior judge status pursuant to rules adopted by the Judicial Council. The commission also shall have the power to order a retired judge's senior judge status terminated for incapacity or any failure to carry out the duties of the office, but in no instance shall the salary together with any Judges' Retirement Law allowance paid for service or disability in any year exceed 100 percent of the current salary of the judge's office from which ~~he or she~~ *the retired judge* retired.

SEC. 11. Section 68703 of the Government Code is amended to read:

68703. Each member of the commission and each master shall be allowed ~~his~~ *their* necessary expenses for travel, board, and lodging incurred in the performance of ~~his~~ *their* duties.

SEC. 12. Section 68704 of the Government Code is amended to read:

68704. No act of the commission shall be valid unless concurred in by a majority of its members. The commission shall select one of its members to serve as ~~chairman.~~ *chairperson.*

SEC. 13. Section 68752 of the Government Code is amended to read:

68752. If any person refuses to attend or testify or produce any writings or things required by any ~~such~~ subpoena, the commission or the masters may petition the superior court for the county in which the hearing is pending for an order compelling ~~such~~ *the* person to attend and testify or produce the writings or things required by the subpoena before the commission or the masters. The court shall order ~~such~~ *the* person to appear before it at a specified time and place and then and there show cause why ~~he~~ *the person* has not attended or testified or produced the writings or things as required. A copy of the order shall be served upon ~~him.~~ *the person.* If it appears to the court that the subpoena was regularly issued, the court shall order ~~such~~ *the* person to appear before the commission or the masters at the time and place fixed in the order and testify or produce the required writings or things. Upon failure to obey the order, ~~such~~ *the* person shall be dealt with as for contempt of court.

SEC. 14. Section 68754 of the Government Code is amended to read:

68754. Each witness, other than an officer or employee of the ~~State~~ *state* or a political subdivision or an officer or employee of a court of ~~this State,~~ *the state,* shall receive for ~~his~~ *their* attendance the same fees and all witnesses shall receive the same mileage allowed by law to a witness in civil cases. The amounts shall be paid by the commission from funds appropriated for the use of the commission.

SEC. 15. Section 68756 of the Government Code is amended to read:

68756. (a) Notwithstanding any other ~~provision of~~ law, the commission shall be given access, on an ex parte basis, to all nonpublic records of court proceedings, including confidential

sealed records and transcripts, relevant to the performance of any judge, former judge, or subordinate judicial officer (hereafter, collectively, judicial officer) within the commission's jurisdiction under Sections 18 and 18.1 of Article VI of the Constitution. The commission shall make a written request to the court in which the proceedings occurred. The court shall file the request under seal. Access to the requested records shall be provided within 15 days of the written request.

(b) (1) If the commission or the judicial officer who is the subject of the commission's investigation or proceeding intends to publicly disclose any nonpublic records or information obtained pursuant to subdivision (a), the commission or judicial officer shall petition the court that granted access to the records or another court that has jurisdiction, for authorization to disclose. The petition, filed under seal, shall identify the records or information to be disclosed and the reason for disclosure. To the extent that it does not unduly lessen the evidentiary value of the records or otherwise defeat the purpose of disclosure, the petitioner shall redact from the records names and other identifying information.

(2) The court shall grant the petition if it determines that there is good cause for disclosure. The court may issue protective orders, including further redaction of names or other identifying information, to the extent that they do not unduly lessen the evidentiary value of the records or otherwise defeat the purpose of disclosure. Within 15 days after the filing of a petition, the court may order the petitioner to give notice of the intended disclosure to any person who may be adversely affected by the disclosure. Any person who has been provided notice pursuant to this section may, within 20 days of service of the notice, file an objection to the intended disclosure with the court and serve the objection on the petitioner.

(3) The court shall grant or deny the petition in whole or in part, stating its reasons therefore, within 15 days of a timely objection, or the expiration of time for filing an objection if no objection is filed, or within 15 days of the filing of the petition for which no notice is required.

(c) Access to, and disclosure of, records under this section shall not be limited by any court order sealing those records.

(d) Persons entitled to file an objection to the intended disclosure shall not include the judge, former judge, or subordinate judicial

officer who is the subject of the commission's investigation or disciplinary proceedings, unless ~~he~~ *the judge, former judge,* or ~~she~~ *subordinate judicial officer* was a party or parent, guardian, or conservator of a party in the underlying action. A request or petition filed under this section shall not be considered or ruled on by a judicial officer who is the subject of the commission's investigation or disciplinary proceedings related to the requested information.

SEC. 16. Article 4 (commencing with Section 68770) is added to Chapter 2.5 of Title 8 of the Government Code, to read:

Article 4. Committee to Review the Operations and Structure of the Commission on Judicial Performance

68770. The Committee to Review the Operations and Structure of the Commission on Judicial Performance is hereby created in state government.

68771. (a) The committee shall consist of 15 members who are the following:

(1) The director of the commission.

(2) The chair of the commission.

(3) A current or former public member of the commission.

(4) The legal adviser to the commission.

(5) Two public members appointed by the Senate Committee on Rules.

(6) Two public members appointed by the Speaker of the Assembly.

(7) Seven members appointed by the Governor.

(A) Two active judges, one of whom shall be a justice of a court of appeal.

(B) Three members of the public.

(C) One director of a judicial conduct commission from another state that is similar in population to the State of California.

(D) One law professor or other person who is recognized as an expert in judicial ethics, who may be an active or retired attorney or judge.

(b) The committee shall appoint a chairperson and establish any subcommittees and operating rules it deems appropriate.

(c) For purposes of this section, the following terms have the following meanings:

(1) "Attorney" means a person who is an active licensee and has been admitted to the State Bar of California for at least 10 years.

(2) "Member of the public" means a person who is not a judicial officer or former judicial officer, has never been a licensee of the State Bar or admitted to practice before any court in the United States, and who complies with the provisions of Section 450 of the Business and Professions Code.

68772. The committee shall study and make recommendations for changes in the operations and structure of the commission that would improve the commission's ability to carry out its mission to protect the public, enforce rigorous standards of judicial conduct, and maintain public confidence in the integrity and independence of the judiciary.

(a) As part of its study pursuant to this section, the committee shall, at a minimum, do all of the following:

(1) Review and consider the following:

(A) All findings and recommendations of the California State Auditor in Audit 2016-137.

(B) The existing structure and operations of the commission.

(C) The existing structures and operations of judicial discipline commissions of other states that are similar in population to the State of California.

(2) Hold at least two hearings to accept comments from the public about possible changes in the operations and structure of the commission that would improve the commission's ability to carry out its mission to protect the public, enforce rigorous standards of judicial conduct, and maintain public confidence in the integrity and independence of the judiciary.

(A) Hold at least one hearing, prior to the committee completing its study or formulating its tentative recommendations pursuant to this section, to allow the committee to accept the public's suggestions for possible changes in the operations and structure of the commission.

(B) Hold at least one hearing, after completing its study and formulating its tentative recommendations for possible changes in the operations and structure of the commission but prior to completing its study pursuant to subdivision (b), to allow the committee to accept the public's comments about its tentative recommendations. The committee shall provide the public with

notice of its tentative recommendations in advance of the hearing by, among other methods, providing a copy of the tentative recommendations to any person who provides contact information to the committee and either requests to be notified of the committee's tentative recommendations, or provides written suggestions for possible changes in the operations and structure of the commission pursuant to subparagraph (A), and transmitting the tentative recommendations to the commission in a time period that allows the commission to post the tentative recommendations on its internet website at least 10 calendar days prior to the hearing.

(C) The public meetings described in this subparagraph shall comply with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(3) Study and make recommendations whether any of the following should be changed in order to improve the commission's ability to carry out its mission to protect the public, enforce rigorous standards of judicial conduct, and maintain public confidence in the integrity and independence of the judiciary:

(A) The number of commission members.

(B) The allocation of appointments to the commission among the appointing authorities.

(C) The structure of the commission.

(D) The appropriate discipline and remedies available to the commission when it imposes discipline.

(E) The policies and procedures governing the commission's operations.

(F) Whether the commission currently has adequate financial and personnel resources.

(G) What, if any, specific funding is necessary to support any recommended improvements to the commission.

(H) Whether changes to the Constitution and statutes of the State of California, Rules of Court, and rules of the commission are needed.

(4) Seek input on its study from all of the following:

(A) All three branches of government.

(B) Judges.

(C) Attorneys admitted to the State Bar of California.

(D) Members of the commission.

(E) The public.

(b) All members of the committee shall serve without compensation. Members of the committee shall be reimbursed for their necessary expenses, including expenses for travel, food, and lodging, incurred in connection with their committee duties.

(c) Support for the committee shall be provided by staff of the commission.

(d) The committee shall complete its study and provide a written report about its findings and recommendations no later than March 30, 2023, to the following:

(1) The Governor.

(2) The commission.

(3) The Supreme Court.

(4) The President pro Tempore of the Senate and the Chair of the Senate Committee on Judiciary.

(5) The Speaker of the Assembly and the Chair of the Assembly Committee on Judiciary.

(6) The public, including by providing the report to the commission, so that the commission may make the report available on the commission's internet website.

SEC. 17. Section 70371 of the Government Code is amended to read:

70371. *(a)* 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.

(b) The State Court Facilities Construction Fund is the successor fund of the Immediate and Critical Needs Account, which is hereby abolished. All assets and revenues of the Immediate and Critical Needs Account shall be transferred to and become a part of the State Court Facilities Construction Fund. Outstanding liabilities, encumbrances, and legally required expenditures from the Immediate and Critical Needs Account shall be the obligation of the State Court Facilities Construction Fund. Any reference in state law, bond documents, leases, or other agreements to the Immediate and Critical Needs Account shall be construed to refer to the State Court Facilities Construction Fund.

(c) Any funds in the Immediate and Critical Needs Account that are unencumbered at the end of the 2020–2021 fiscal year shall be reappropriated to the State Court Facilities Construction Fund for the following fiscal year.

(d) Moneys deposited in the State Court Facilities Construction Fund as the successor fund to the Immediate and Critical Needs Account shall be disbursed for purposes previously appropriated from the Immediate and Critical Needs Account, which may include:

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

(2) Payment or 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 or counties 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.

SEC. 18. Section 70371.5 of the Government Code is repealed.

~~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.~~

SEC. 19. Section 70371.7 of the Government Code is amended to read:

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,~~ *State Court Facilities Construction Fund* 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.

SEC. 20. Section 70371.8 of the Government Code is repealed.

~~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.~~

SEC. 21. Section 70372 of the Government Code is amended to read:

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~~ *their* 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),~~ *subdivisions (a) and (b),* the county treasurer shall transmit the moneys to the ~~Controller, to be deposited as follows:~~ *Controller to be deposited into the State Court Facilities Construction Fund.*

~~(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.~~

SEC. 22. Section 70373 of the Government Code is amended to read:

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.~~ *70371*.

(e) The Judicial Council shall provide for the administration of this section.

SEC. 23. Section 70374 of the Government Code is amended to read:

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)~~

(d) 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.

SEC. 24. Section 70377 of the Government Code is amended to read:

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~~ *that the remittance is to be deposited into* 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.~~ *Fund.* 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 1 ½ 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.

SEC. 25. Section 70391 of the Government Code is amended to read:

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.~~ *70371*.

(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.

SEC. 26. Section 70391.7 of the Government Code is repealed.

~~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.~~

SEC. 27. Section 70395 of the Government Code is amended to read:

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.~~ *70371*.

(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.

SEC. 28. Section 70396 of the Government Code is amended to read:

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.~~ *70371*.

(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)~~

(1) 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)~~

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

~~(6)~~

(3) 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.

SEC. 29. Section 70397 of the Government Code is amended to read:

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.~~ *70371*.

(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.

SEC. 30. Article 7.1 (commencing with Section 70398) is added to Chapter 5.7 of Title 8 of the Government Code, to read:

Article 7.1. Superior Court Design-Build Projects

70398. For purposes of this article, the definitions in Section 13332.19 and the following definitions apply:

(a) "Best value" means a value determined by an evaluation of objective criteria that relate to price, features, functions, life-cycle costs, experience, and past performance. A best value determination may involve the selection of the lowest cost proposal that meets the interests of the judicial branch and the objectives of the project, selection of the best proposal for a stipulated sum established by the Judicial Council, or a tradeoff between price and other specified factors.

(b) "Construction subcontract" means each subcontract awarded by the design-build entity to a subcontractor that will perform work or labor or render service to the design-build entity in or about the construction of the work or improvement according to detailed drawings contained in the plans and specifications produced by the design-build team.

(c) "Design-build" means a project delivery process in which both the design and the construction of a project are procured from a single entity.

(d) "Design-build entity" means a corporation, limited liability company, partnership, joint venture, or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services as needed pursuant to a design-build contract.

(e) "Design-build team" means the design-build entity itself and the individuals and other entities identified by the design-build entity as members of its team. Members shall include the general contractor and, if utilized in the design of the project, all electrical, mechanical, and plumbing contractors.

70398.1. (a) Subject to the provisions of this article and Section 13332.19, the Judicial Council may procure design-build contracts for public works projects.

(b) The Judicial Council shall develop guidelines for a standard organizational conflict of interest policy, consistent with applicable law, regarding the ability of a person or entity that performs services for the Judicial Council relating to solicitation of a design-build project to submit a proposal as a design-build entity, or to join a design-build team. This conflict of interest policy shall apply to the Judicial Council entering into a design-build contract authorized pursuant to this article.

70398.2. The Judicial Council shall notify the State Public Works Board regarding the method to be used for selecting the design-build entity, prior to advertising the design-build project.

70398.3. The procurement process for the design-build process shall progress as follows:

(a) (1) The Judicial Council shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but need not be limited to, the size, type, and desired design character of the project, performance specifications covering the quality of materials, equipment, workmanship, preliminary plans or building layouts, or any other information deemed necessary to adequately describe the Judicial Council's needs. The performance specifications and plans shall be prepared by a design professional who is duly licensed and registered in California.

(2) The documents shall not include a design-build-operate contract for any project. The documents may include operations during a training or transition period, but shall not include long-term operations for any project.

(b) The Judicial Council shall prepare and issue a request for qualifications (RFQ) in order to prequalify or short-list the design-build entities whose proposals will be evaluated for final selection. The RFQ shall include, but need not be limited to, the following elements:

(1) Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the Judicial Council to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the Judicial Council to inform interested parties of the contracting opportunity.

(2) Significant factors that the Judicial Council reasonably expects to consider in evaluating qualifications, including technical

design and construction expertise, and all other nonprice-related factors.

(3) A standard template request for statements of qualifications, prepared by the Judicial Council. In preparing the standard template, the Judicial Council may consult with the construction industry, the building trades and surety industry, and other agencies with authorization to deliver projects using the design-build methodology. The template shall require all of the following information:

(A) If the design-build entity is a privately held corporation, limited liability company, partnership, or joint venture, a listing of all of the shareholders, partners, or members known at the time the statement of qualifications is submitted who will perform work on the project.

(B) Evidence that the members of the design-build team have completed, or demonstrated the experience, competency, capability, and capacity to complete, projects of similar size, scope, or complexity; that proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the project; and a financial statement that ensures that the design-build entity has the capacity to complete the project.

(C) The licenses, registrations, and credentials required to design and construct the project, including, but not limited to, information on the revocation or suspension of a license, credential, or registration.

(D) 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.

(E) Information concerning workers' compensation experience history and a worker safety program.

(F) If the proposed design-build entity is a corporation, limited liability company, partnership, joint venture, or other legal entity, a copy of the organization documents or agreement committing to form the organization.

(G) An acceptable safety record. A proposer's safety record shall be deemed acceptable if its experience modification rate for the most recent three-year period is an average of 1.00 or less, and its average total recordable injury or illness rate and average lost work rate for the most recent three-year period does not exceed the applicable statistical standards for its business category or, if

the proposer is a party to an alternative dispute resolution system, as provided in Section 3201.5 of the Labor Code.

(H) A declaration certifying that applying members of the design-build entity have not had a surety company finish work on a project within the preceding five years.

(I) A declaration providing detail concerning all of the following:

(i) A 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 a member of the design-build entity in the preceding five years.

(ii) Serious violations of the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) settled against a member of the design-build entity. Notwithstanding subparagraph (G), the Judicial Council may find a proposer's safety record unacceptable based on serious violations of the California Occupational Safety and Health Act of 1973.

(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 the Federal Insurance Contributions Act (FICA) withholding requirements, state disability insurance withholding, or unemployment insurance payment requirements, settled against a member of the design-build entity in the preceding five years. For purposes of this subclause, only violations by a design-build entity member as an employer are applicable, unless it is shown that the design-build entity member, in the capacity of an employer, had knowledge of the 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) Violation 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) Conviction of a member of the design-build entity for submitting a false or fraudulent claim to a public agency in the preceding five years.

(vii) Provision of a declaration that the design-build entity will comply with all laws 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.

(4) (A) A declaration required under paragraph (3) 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. The information required under this subdivision shall be certified as true by the design-build entity and its general partners or joint venture members. A person or entity who certifies as true a material matter that the person or entity 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.

(B) Information required under this subdivision that is not otherwise subject to disclosure under Section 68106.2 and Rule 10.500 of the California Rules of Court shall not be open to public inspection.

(c) (1) A design-build entity shall not be prequalified or shortlisted unless the entity provides an enforceable commitment to the Judicial Council that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades, in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(2) This subdivision shall not apply if any of the following requirements are met:

(A) The Judicial Council has entered into a project labor agreement that will bind all contractors and subcontractors performing work on the project or contract to use a skilled and trained workforce, and the entity agrees to be bound by that project labor agreement.

(B) The project or contract is being performed under the extension or renewal of a project labor agreement that was entered into by the Judicial Council prior to January 1, 2022.

(C) The entity has entered into a project labor agreement that will bind the entity and all its subcontractors at every tier performing the project or contract to use a skilled and trained workforce.

(3) For purposes of this subdivision, "project labor agreement" has the same meaning as in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(d) Based on the documents prepared as described in subdivision (a), the Judicial Council shall prepare a request for proposals that invites prequalified or short-listed entities to submit competitive sealed proposals in the manner prescribed by the Judicial Council. The request for proposals shall include, but need not be limited to, all of the following elements:

(1) Identification of the basic scope and needs of the project or contract, the estimated cost of the project, the methodology that will be used by the Judicial Council to evaluate proposals, whether the contract will be awarded on the basis of low bid or best value, and any other information deemed necessary by the Judicial Council to inform interested parties of the contracting opportunity.

(2) Significant factors that the Judicial Council reasonably expects to consider in evaluating proposals, including, but not limited to, cost or price and all nonprice-related factors.

(3) The relative importance or weight assigned to each of the factors identified in the request for proposals.

(4) When a best value selection method is used, the Judicial Council may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers. The Judicial Council shall specify this reservation in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the Judicial Council to ensure that any discussions or negotiations are conducted in good faith.

(e) For projects using low bid as the final selection method, the competitive bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and awards shall be made to the design-build entity that is the lowest responsible bidder.

(f) For projects using best value as a selection method, the design-build competition shall progress as follows:

(1) Competitive proposals shall be evaluated by using only the criteria and selection procedures specifically identified in the request for proposals. The following minimum factors, however, shall be weighted as deemed appropriate by the Judicial Council:

(A) Price, unless a stipulated sum is specified.

(B) Technical design and construction expertise.

(C) Life-cycle costs over 15 or more years.

(2) The Judicial Council may hold discussions or negotiations with responsive proposers using the process articulated in paragraph (4) of subdivision (c).

(3) When the evaluation is complete, the responsive proposers shall be ranked based on a determination of value provided. The Judicial Council is not required to rank more than three proposers.

(4) The contract shall be awarded to the responsible design-build entity whose proposal is determined by the Judicial Council to have offered the best value to the public.

(5) Notwithstanding any other provision of this code, upon issuance of a contract award, the Judicial Council shall publicly announce its award, identifying the design-build entity to which the award is made, along with a statement regarding the basis of the award.

(6) The statement regarding the Judicial Council's contract award described in paragraph (5) and the contract file shall provide sufficient information to satisfy an external audit.

70398.4. (a) The design-build entity shall provide payment and performance bonds for the project in the form and in the amount required by the Judicial Council, and issued by a California admitted surety. The amount of the payment bond shall not be less than the amount of the performance bond.

(b) The design-build contract shall require errors and omissions insurance coverage for the design elements of the project.

(c) The Judicial Council shall develop a standard form of payment and performance bond for its design-build projects.

70398.5. (a) The Judicial Council, in each design-build request for proposals, may identify specific types of subcontractors that must be included in the design-build entity statement of qualifications and proposal. All construction subcontractors that are identified in the proposal shall be afforded all the protections of Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code.

(b) Following award of the design-build contract, the design-build entity shall award construction subcontracts with a value exceeding one-half of 1 percent of the contract price allocable to construction work as follows:

(1) Provide public notice of availability of work to be subcontracted in accordance with the publication requirements applicable to the competitive bidding process of the Judicial Council, including a fixed date and time on which qualifications statements, bids, or proposals will be due.

(2) Establish reasonable qualification criteria and standards.

(3) Award the subcontract either on a best value basis or to the lowest responsible bidder. The process may include prequalification or short-listing. The process specified in this subdivision does not apply to construction subcontractors listed in the original proposal. Subcontractors awarded construction subcontracts under this subdivision shall be afforded all the protections of Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code.

70398.6. (a) If the Judicial Council elects to award a project pursuant to this article, retention proceeds withheld by the Judicial Council from the design-build entity shall not exceed 5 percent if a performance and payment bond, issued by an admitted surety insurer, is required in the solicitation of bids.

(b) In a contract between the design-build entity and a subcontractor, and in a contract between a subcontractor and a subcontractor thereunder, the percentage of the retention proceeds withheld may not exceed the percentage specified in the contract between the Judicial Council and the design-build entity. If the design-build entity provides written notice to a subcontractor that is not a member of the design-build entity, prior to or at the time the bid is requested, that a bond may be required and the subcontractor subsequently is unable or refuses to furnish a bond to the design-build entity, then the design-build entity may withhold retention proceeds in excess of the percentage specified in the contract between the Judicial Council and the design-build entity from any payment made by the design-build entity to the subcontractor.

70398.7. This article does not affect, expand, alter, or limit rights or remedies otherwise available at law.

SEC. 31. Section 70617 of the Government Code, as amended by Section 1 of Chapter 399 of the Statutes of 2018, is amended to read:

70617. (a) Except as provided in subdivisions (d) and (e), the uniform fee for filing a motion, application, or any other paper

requiring a hearing subsequent to the first paper, is sixty dollars ($60). Papers for which this fee shall be charged include the following:

(1) A motion listed in paragraphs (1) to (12), inclusive, of subdivision (a) of Section 1005 of the Code of Civil Procedure.

(2) A motion or application to continue a trial date.

(3) An application for examination of a third person controlling defendant's property under Section 491.110 or 491.150 of the Code of Civil Procedure.

(4) Discovery motions under Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure.

(5) A motion for a new trial of a civil action or special proceeding.

(6) An application for an order for a judgment debtor examination under Section 708.110 or 708.160 of the Code of Civil Procedure.

(7) An application for an order of sale of a dwelling under Section 704.750 of the Code of Civil Procedure.

(8) An ex parte application that requires a party to give notice of the ex parte appearance to other parties.

(b) There shall be no fee under subdivision (a) or (c) for filing any of the following:

(1) A motion, application, demurrer, request, notice, or stipulation and order that is the first paper filed in an action and on which a first paper filing fee is paid.

(2) An amended notice of motion.

(3) A civil case management statement.

(4) A request for trial de novo after judicial arbitration.

(5) A stipulation that does not require an order.

(6) A request for an order to prevent civil harassment.

(7) A request for an order to prevent domestic violence.

(8) A request for entry of default or default judgment.

(9) A paper requiring a hearing on a petition for emancipation of a minor.

(10) A paper requiring a hearing on a petition for an order to prevent abuse of an elder or dependent adult.

(11) A paper requiring a hearing on a petition for a writ of review, mandate, or prohibition.

(12) A paper requiring a hearing on a petition for a decree of change of name or gender.

(13) A paper requiring a hearing on a petition to approve the compromise of a claim of a minor.

(c) The fee for filing the following papers not requiring a hearing is twenty dollars ($20):

(1) A request, application, or motion for, or a notice of, the continuance of a hearing or case management conference. The fee shall be charged no more than once for each continuance. The fee shall not be charged if the continuance is required by the court.

(2) A stipulation and order.

(3) A request for an order authorizing service of summons by posting or by publication under Section 415.45 or 415.50 of the Code of Civil Procedure.

(d) The fee for filing a motion for summary judgment or summary adjudication of issues is five hundred dollars ($500).

(e) (1) The fee for filing in the superior court an application to appear as counsel pro hac vice is five hundred dollars ($500). This fee is in addition to any other fee required of the applicant. Two hundred fifty dollars ($250) of the fee collected under this paragraph shall be transmitted to the state for deposit into ~~the Immediate and Critical Needs Account of~~ the State Court Facilities Construction Fund, established in Section ~~70371.5.~~ *70371*. The remaining two hundred fifty dollars ($250) of the fee shall be transmitted to the state for deposit into the Trial Court Trust Fund, established in Section 68085.

(2) An attorney whose application to appear as counsel pro hac vice has been granted shall pay to the superior court, on or before the anniversary of the date the application was granted, an annual renewal fee of five hundred dollars ($500) for each year that the attorney maintains pro hac vice status in the case in which the application was granted. The entire fee collected under this paragraph shall be transmitted to the state for deposit into the Trial Court Trust Fund, established in Section 68085.

(3) Fees imposed by this subdivision shall be waived when the applicant is an attorney representing a tribe in a child welfare matter under the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

(f) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required by subdivisions (a), (c), (d), and (e) apply separately to each motion

or other paper filed. The Judicial Council may publish rules to give uniform guidance to courts in applying fees under this section.

(g) This section shall become inoperative on July 1, 2023, and, as of January 1, 2024, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2024, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 32. Section 70617 of the Government Code, as amended by Section 2 of Chapter 399 of the Statutes of 2018, is amended to read:

70617. (a) Except as provided in subdivisions (d) and (e), the uniform fee for filing a motion, application, or any other paper requiring a hearing subsequent to the first paper, is forty dollars ($40). Papers for which this fee shall be charged include the following:

(1) A motion listed in paragraphs (1) to (12), inclusive, of subdivision (a) of Section 1005 of the Code of Civil Procedure.

(2) A motion or application to continue a trial date.

(3) An application for examination of a third person controlling defendant's property under Section 491.110 or 491.150 of the Code of Civil Procedure.

(4) Discovery motions under Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure.

(5) A motion for a new trial of a civil action or special proceeding.

(6) An application for an order for a judgment debtor examination under Section 708.110 or 708.160 of the Code of Civil Procedure.

(7) An application for an order of sale of a dwelling under Section 704.750 of the Code of Civil Procedure.

(8) An ex parte application that requires a party to give notice of the ex parte appearance to other parties.

(b) There shall be no fee under subdivision (a) or (c) for filing any of the following:

(1) A motion, application, demurrer, request, notice, or stipulation and order that is the first paper filed in an action and on which a first paper filing fee is paid.

(2) An amended notice of motion.

(3) A civil case management statement.

(4) A request for trial de novo after judicial arbitration.

(5) A stipulation that does not require an order.

(6) A request for an order to prevent civil harassment.

(7) A request for an order to prevent domestic violence.

(8) A request for entry of default or default judgment.

(9) A paper requiring a hearing on a petition for emancipation of a minor.

(10) A paper requiring a hearing on a petition for an order to prevent abuse of an elder or dependent adult.

(11) A paper requiring a hearing on a petition for a writ of review, mandate, or prohibition.

(12) A paper requiring a hearing on a petition for a decree of change of name or gender.

(13) A paper requiring a hearing on a petition to approve the compromise of a claim of a minor.

(c) The fee for filing the following papers not requiring a hearing is twenty dollars ($20):

(1) A request, application, or motion for, or a notice of, the continuance of a hearing or case management conference. The fee shall be charged no more than once for each continuance. The fee shall not be charged if the continuance is required by the court.

(2) A stipulation and order.

(3) A request for an order authorizing service of summons by posting or by publication under Section 415.45 or 415.50 of the Code of Civil Procedure.

(d) The fee for filing a motion for summary judgment or summary adjudication of issues is five hundred dollars ($500).

(e) (1) The fee for filing in the superior court an application to appear as counsel pro hac vice is five hundred dollars ($500). This fee is in addition to any other fee required of the applicant. Two hundred fifty dollars ($250) of the fee collected under this paragraph shall be transmitted to the state for deposit into ~~the Immediate and Critical Needs Account of~~ the State Court Facilities Construction Fund, established in Section ~~70371.5.~~ *70371*. The remaining two hundred fifty dollars ($250) of the fee shall be transmitted to the state for deposit into the Trial Court Trust Fund, established in Section 68085.

(2) An attorney whose application to appear as counsel pro hac vice has been granted shall pay to the superior court, on or before the anniversary of the date the application was granted, an annual renewal fee of five hundred dollars ($500) for each year that the attorney maintains pro hac vice status in the case in which the

application was granted. The entire fee collected under this paragraph shall be transmitted to the state for deposit into the Trial Court Trust Fund, established in Section 68085.

(3) Fees imposed by this subdivision shall be waived when the applicant is an attorney representing a tribe in a child welfare matter under the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

(f) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required by subdivisions (a), (c), (d), and (e) apply separately to each motion or other paper filed. The Judicial Council may publish rules to give uniform guidance to courts in applying fees under this section.

(g) This section shall become operative on July 1, 2023.

SEC. 33. Section 70657.5 of the Government Code is amended to read:

70657.5. (a) The uniform fee for filing the following petitions or applications, and objections or other opposition, is two hundred dollars ($200):

(1) Petitions or applications, or opposition, concerning the internal affairs of a trust that are not subject to the filing fees provided in Section 70650, 70651, or 70652.

(2) Petitions or applications, or objections, filed subsequent to issuance of special letters of administration or letters testamentary or of administration in decedent's estate proceedings that are not subject to the filing fee provided in subdivision (a) of Section 70658.

(3) The first or subsequent petition for special letters of administration without the powers of a general personal representative.

(b) One hundred sixty dollars ($160) of each two-hundred-dollar ($200) fee collected under subdivision (a) shall be transmitted to the state for deposit into ~~the Immediate and Critical Needs Account of~~ the State Court Facilities Construction Fund, established in Section ~~70371.5.~~ *70371*.

(c) No fee is payable under this section for a disclaimer of an interest in a decedent's estate.

SEC. 34. Section 70658 of the Government Code is amended to read:

70658. (a) Except as provided in subdivision (c), the uniform fee for filing a petition or application, or objections or any other

paper in opposition to a petition or application listed in this subdivision, filed after issuance of letters testamentary, letters of administration, letters of special administration to a personal representative of a decedent's estate, or letters of guardianship or conservatorship, or letters of temporary guardianship or conservatorship to a guardian or conservator, is three hundred fifty-five dollars ($355). This section shall apply to the following petitions or applications, or opposition:

(1) Petition or application for or opposition to an order directing, authorizing, approving, or confirming the sale, lease, encumbrance, grant of an option, purchase, conveyance, or exchange of property.

(2) Petition or application for or opposition to an order settling an account of a fiduciary.

(3) Petition or application for or opposition to an order authorizing, instructing, or directing a fiduciary, or approving or confirming the acts of a fiduciary.

(4) Petition or application for or opposition to an order fixing, authorizing, allowing, or directing payment of compensation or expenses of an attorney.

(5) Petition or application for or opposition to an order fixing, authorizing, allowing, or directing payment of compensation or expenses of a fiduciary.

(6) Petition or application for or opposition to an order surcharging or removing a fiduciary.

(7) Petition or application for or opposition to an order transferring or authorizing the transfer of the property of an estate to a fiduciary in another jurisdiction.

(8) Petition or application for or opposition to an order allowing a fiduciary's request to resign.

(9) Petition or application for or opposition to an order adjudicating the merits of a claim made under Part 19 (commencing with Section 850) of Division 2 of the Probate Code.

(10) Petition or application for or opposition to an order granting permission to fix the residence of a ward or conservatee at a place not within this state.

(11) Petition or application for or opposition to an order directing, authorizing, approving, or modifying payments for support, maintenance, or education of a ward or conservatee or for a person entitled to support, maintenance, or education from a ward or conservatee.

(12) Petition or application for or opposition to an order granting or denying a request under Section 2423, concerning payment of surplus income to the relatives of a conservatee, or Section 2580, concerning substituted judgment, of the Probate Code.

(13) Petition or application for or opposition to an order affecting the legal capacity of a conservatee pursuant to Chapter 4 (commencing with Section 1870) of Part 3 of Division 4 of the Probate Code.

(14) Petition or application for or opposition to an order adjudicating the merits of a claim under Article 5 (commencing with Section 2500) of Chapter 6 of Part 4 of Division 4 of the Probate Code.

(b) The uniform fee in subdivision (a) shall be distributed as provided in Section 68085.3. No other fee shall be charged for filing a paper under this section in addition to the uniform filing fee provided for in this section.

(c) The fee provided in this section shall not be charged for filing any of the following papers:

(1) A petition or application, or opposition, in a guardianship proceeding under Section 70654.

(2) A disclaimer of an interest in a decedent's estate.

~~(d) One hundred seventy dollars ($170) of each three hundred fifty-five dollar ($355) fee collected under this section shall be transmitted to the Controller for deposit into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5.~~

(d) Two hundred five dollars ($205) of each three-hundred-fifty-five dollar ($355) fee collected under this section shall be transmitted to the Controller for deposit into the State Court Facilities Construction Fund, established in Section 70371.

SEC. 35. Section 1428.5 is added to the Penal Code, to read:

1428.5. (a) Notwithstanding any other law, courts may conduct proceedings, including arraignments and trials, remotely for all infractions.

(1) Courts shall obtain the defendant's consent to conduct proceedings remotely.

(2) The court may require the physical presence of any witness or party in court for a particular proceeding.

(3) This subdivision does not apply to misdemeanor or felony proceedings.

(b) Remote proceedings include use of technology for remote appearances.

(c) The Judicial Council may adopt rules of court to implement this section.

SEC. 36. Section 1463.007 of the Penal Code is amended to read:

1463.007. (a) Notwithstanding any other law, a county or court that operates a comprehensive collection program may deduct the costs of operating that program, excluding capital expenditures, from any revenues collected under that program. The costs shall be deducted before any distribution of revenues to other governmental entities required by any other law. A county or court operating a comprehensive collection program may establish a minimum base fee, fine, forfeiture, penalty, or assessment amount for inclusion in the program.

(b) Once debt becomes delinquent, it continues to be delinquent and may be subject to collection by a comprehensive collection program. Debt is delinquent and subject to collection by a comprehensive collection program if any of the following conditions is met:

(1) A defendant does not post bail or appear on or before the date on which ~~he or she~~ *the defendant* promised to appear, or any lawful continuance of that date, if that defendant was eligible to post and forfeit bail.

(2) A defendant does not pay the amount imposed by the court on or before the date ordered by the court, or any lawful continuance of that date.

(3) A defendant has failed to make an installment payment on the date specified by the court.

(c) For the purposes of this section, a "comprehensive collection program" is a separate and distinct revenue collection activity that meets each of the following criteria:

(1) The program identifies and collects amounts arising from delinquent court-ordered debt, whether or not a warrant has been issued against the alleged violator.

(2) The program complies with the requirements of subdivision (b) of Section 1463.010.

(3) The program engages in each of the following activities:

(A) Attempts telephone contact with delinquent debtors for whom the program has a telephone number to inform them of their delinquent status and payment options.

(B) Notifies delinquent debtors for whom the program has an address in writing of their outstanding obligation within 95 days of delinquency.

(C) Generates internal monthly reports to track collections data, such as age of debt and delinquent amounts outstanding.

(D) Uses Department of Motor Vehicles information to locate delinquent debtors.

(E) Accepts payment of delinquent debt by credit card.

(4) The program engages in at least five of the following activities:

(A) Sends delinquent debt to the Franchise Tax Board's Court-Ordered Debt Collections Program.

(B) Sends delinquent debt to the Franchise Tax Board's Interagency Intercept Collections Program.

(C) Initiates driver's license suspension or hold actions when appropriate for a failure to appear in court.

(D) Contracts with one or more private debt collectors to collect delinquent debt.

(E) Sends monthly bills or account statements to all delinquent debtors.

(F) Contracts with local, regional, state, or national skip tracing or locator resources or services to locate delinquent debtors.

(G) Coordinates with the probation department to locate debtors who may be on formal or informal probation.

(H) Uses Employment Development Department employment and wage information to collect delinquent debt.

(I) Establishes wage and bank account garnishments where appropriate.

(J) Places liens on real property owned by delinquent debtors when appropriate.

(K) Uses an automated dialer or automatic call distribution system to manage telephone calls.

(d) A comprehensive collection program shall also administer nondelinquent installment payment plans ordered pursuant to Section 68645.2 of the Government Code, and may recover up to and including thirty-five dollars ($35) per nondelinquent installment plan.

SEC. 37. Section 40611 of the Vehicle Code is amended to read:

40611. (a) Upon proof of correction of an alleged violation of Section 12500 or 12951, or any violation cited pursuant to Section 40610, or upon submission of evidence of financial responsibility pursuant to subdivision (e) of Section 16028, the clerk shall collect a twenty-five-dollar ($25) transaction fee for each violation. The fees shall be deposited by the clerk in accordance with Section 68084 of the Government Code.

(b) (1) For each citation, ten dollars ($10) shall be allocated monthly as follows:

(A) Thirty-three percent shall be transferred to the local governmental entity in whose jurisdiction the citation was issued for deposit in the general fund of the entity.

(B) Thirty-four percent shall be transferred to the State Treasury for deposit in the State Penalty Fund established by Section 1464 of the Penal Code.

(C) Thirty-three percent shall be deposited in the county general fund.

(2) The remainder of the fees collected on each citation shall be deposited in ~~the Immediate and Critical Needs Account of~~ the State Court Facilities Construction Fund, established in Section ~~70371.5~~ *70371* of the Government Code.

(c) No fee shall be imposed pursuant to this section if the violation notice is processed only by the issuing agency and no record of the action is transmitted to the court.

SEC. 38. Section 42007.1 of the Vehicle Code is amended to read:

42007.1. (a) The amount collected by the clerk pursuant to subdivision (a) of Section 42007 shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule plus a forty-nine-dollar ($49) fee, and a fee determined by the department to be sufficient to defray the cost of routine monitoring of traffic violator school instruction pursuant to subdivision (c) of Section 11208, and a fee, if any, established by the court pursuant to subdivision (c) of Section 11205.2 to defray the costs incurred by a traffic assistance program.

(b) Notwithstanding subdivision (b) of Section 42007, the revenue from the forty-nine-dollar ($49) fee collected under this section shall be deposited in the county general fund. Fifty-one

percent of the amount collected under this section and deposited into the county general fund shall be 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~~ *70371* of the Government Code.

(c) The fee assessed pursuant to subdivision (c) of Section 11208 shall be allocated to the department to defray the costs of monitoring traffic violator school instruction.

SEC. 39. Chapter 1.5 (commencing with Section 40280) of Division 17 of the Vehicle Code is repealed.

SEC. 40. The sum of one hundred thousand dollars ($100,000) is hereby appropriated from the General Fund to the Judicial Council to address deferred maintenance projects that represent critical infrastructure deficiencies in the trial courts, courts of appeal, and the Supreme Court.

SEC. 41. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

SEC. 42. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SECTION 1. It is the intent of the Legislature to enact statutory changes, relating to the Budget Act of 2021.~~

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