

California Legislature

DON PERATA
PRESIDENT PRO TEMPORE
STATE SENATE

CORRESPONDENCE 3
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June 6, 2008

The Honorable Thomas Mayfield
County Supervisor
Stanislaus County
1010 10th St, Suite 6500
Modesto, CA 95354

Dear Supervisor Mayfield:

As I'm sure you know all too well, California's halls of justice are falling apart. The 450 courthouses in our state – the busiest court system in the nation – are suffering from decades of neglect.

The sad condition of many of our courthouses puts public safety at risk. Many courts can't keep criminal defendants out of public court hallways used by crime victims, witnesses and jurors. Many more aren't earthquake safe -- or lack basic security systems to screen courthouse visitors for weapons.

Working with the Judicial Council and State Supreme Court Chief Justice Ronald George, I have written legislation that would ease the crisis facing California's courthouses.

My Senate Bill 1407 – based on the Judicial Council's statewide, five-year capital outlay plan – would provide \$5 billion over the next four years to rebuild and repair courthouses categorized as either immediately or critically in need of repair.

Stanislaus County stands to greatly benefit under this legislation, which identifies the new Modesto Courthouse as a priority project to be funded in the third year of implementation.

I'm writing to ask for your support of this comprehensive and fiscally responsible plan to make our halls of justice safe for court personnel, witnesses, jurors and the general public.

I'm enclosing details of our proposal, which has won bipartisan support. I hope you'll join our effort.

Sincerely,



Don Perata
Senate President pro Tem

BOARD OF SUPERVISORS
2008 JUN 13 P 2:25





California's Courthouse Crisis: the problem

Our halls of justice are falling apart

California's 450 courthouses – the busiest in the nation – are suffering from decades of neglect. Nine out of ten court facilities need significant maintenance or repair:

- In a rural Northern California town, criminal defendants are arraigned outdoors in a courthouse parking lot.
- In one Southern California courtroom, a judge hears cases in a converted restroom.
- Many courthouses aren't earthquake safe. Fire alarms are out of date.
- Many courts can't keep criminals in custody separate from crime victims, witnesses and jurors.

Public safety is at risk

Nearly half of California courthouses have no choice but to use public hallways to bring in-custody defendants to court – risking the safety of witnesses, victims and jurors.

- Many courthouses lack basic security systems needed to screen visitors for weapons.
- One courtroom in four has no space for a jury box – and even fewer have juror assembly rooms – requiring jurors to wait in crowded public hallways.
- More than 80 percent of court facilities were built more than 20 years ago – before earthquake-safety standards were put in place.
- With an increase in family court and child custody disputes bringing more children to court, they too are placed at risk when facilities are inadequate.

A symbol of the rule of law

More than 8 million citizens each year look to a courtroom in California for justice – resolving everything from child custody matters to civil disputes and serious criminal cases. The condition of our courts sends a signal about California's commitment to the rule of law, and to providing all citizens with an opportunity to have their day in court.

California's Courthouse Crisis: the solution

A comprehensive plan to make our halls of justice safe

Senate President Don Perata, working in conjunction with the Judicial Council and State Supreme Court Chief Justice Ronald George, has proposed Senate Bill 1407 to repair, renovate and rebuild courthouses where the need to improve security and public safety is most urgent.

The legislation – based on the Judicial Council's statewide, five-year capital outlay plan – provides funds over the next four years to rebuild and repair courthouses categorized as either immediately or critically in need of repair.

Meeting our most urgent needs first

The plan requires that funding be set aside to address the highest-priority projects identified by the Judicial Council in its five-year plan.

First-year funding would finance new courthouses in:

- North Butte County
- Southeast Los Angeles
- Red Bluff (Tehama County)
- Woodland (Yolo County)

Second-year funding would finance new courthouses in:

- Indio (Juvenile and Family Courthouse – Desert Region)
- King City (Monterey County)
- Santa Rosa (Sonoma County)
- El Centro (Family Courthouse – Imperial County)
- Yuba City (Sutter County)
- Redding (Shasta County)
- Lakeport (Lake County)
- Sacramento
- Santa Barbara (renovation and expansion)

Third-year funding would finance new courthouses in:

- Modesto (Stanislaus County)
- Fairfield (renovation – Solano County)
- Santa Clarita (Los Angeles County)
- Delano (Kern County)
- Fresno (renovation)
- Lancaster (renovation – Los Angeles County)
- Mojave (Kern County)
- Hemet (expansion – Riverside County)
- Stockton (Juvenile Justice Center renovation – San Joaquin County)
- Ventura
- Downieville (Sierra County)
- Markleeville (Alpine County)
- San Diego
- Placerville (El Dorado County)

- Glendale (Los Angeles County)
- Ukiah (Mendocino County)
- Yreka (Siskiyou County)
- Hanford (Kings County)
- Nevada City (Nevada County)
- Sonora (Tuolumne County)
- Willows (renovation – Glenn County)
- Alameda (East County – Alameda County)
- San Jose (Family Resources Courthouse – Santa Clara County)

Fourth-year funding would finance repairs and renovation projects at additional locations identified as critical or urgent by the Judicial Council.

A fiscally responsible plan

Senate Bill 1407 offers a fiscally responsible approach to finance these urgently needed courthouse repairs without raising taxes or placing additional pressure on the state's General Fund.

The plan provides \$5 billion in revenue bonds, to be repaid by a \$40 increase in the penalty for each criminal conviction, a \$40 increase in the fee to attend traffic school, a \$2 increase in parking violation penalties and a \$25 to \$35 increase in civil court filing fees.

Supporters of Senate Bill 1407 (Perata)

Alameda County Superior Court
El Dorado County Superior Court
Fresno County Superior Court
Imperial County Superior Court
Kern County Superior Court
Lake County Superior Court
Los Angeles County Superior Court
Mendocino County Superior Court
Orange County Superior Court
Sacramento County Superior Court
San Diego County Superior Court
San Francisco County Superior Court
San Joaquin County Superior Court
Santa Clara County Superior Court
Shasta County Superior Court
Siskiyou County Superior Court
Solano County Superior Court
Stanislaus County Superior Court
Tehama County Superior Court
Ventura County Superior Court
Yolo County Superior Court
Solano County Board of Supervisors
Consumer Attorneys of California
San Fernando Valley Bar Association



RESOLUTION NO. _____

**A RESOLUTION OF THE _____ COUNTY BOARD OF SUPERVISORS
SUPPORTING SENATE BILL 1407 TO RENOVATE, EXPAND AND REBUILD
CALIFORNIA'S COURTHOUSES.**

WHEREAS, California's 450 courthouses are the busiest in the nation, serving more than 8 million citizens each year; and

WHEREAS, decades of deferred maintenance – combined with the growth of our state – have led to a crisis in our court facilities, with nine out of ten needing significant maintenance or repair; and

WHEREAS, with out-of-date security, fire and emergency systems, the deficient state of these facilities has the potential to put public safety at risk; and

WHEREAS, public safety in many courthouses is further jeopardized by the use of public hallways to bring in-custody defendants to court; and

WHEREAS, most courthouse facilities were built before current seismic safety standards were put in place; and

WHEREAS, the condition of our courts sends a signal about California's commitment to the rule of law; and

WHEREAS, Senate Bill 1407 (Perata) provides a fiscally responsible plan to repair, renovate and rebuild the courthouses where the need to improve security and public safety is most urgent; and

WHEREAS, this legislation – based on the Judicial Council's statewide, five-year capital outlay plan – provides funds over the next four years to rebuild and repair courthouses categorized as either immediately or critically in need of repair; and

WHEREAS, Senate Bill 1407 would finance these urgently needed courthouse repairs without raising taxes or placing additional pressure on the state's General Fund; and

**NOW THEREFORE, BE IT RESOLVED that _____ County joins the state
Judicial Council in supporting Senate Bill 1407 and urges the Members of the State
Legislature and the Governor to approve this legislation and sign it into law to protect the
safety of all citizens using California's halls of justice.**

BILL NUMBER: SB 1407
AMENDED

BILL TEXT

AMENDED IN SENATE MAY 27, 2008
AMENDED IN SENATE MAY 14, 2008
AMENDED IN SENATE APRIL 28, 2008

INTRODUCED BY Senator Perata
(~~Coauthor: Senator~~
~~Corbett~~ Coauthors: Senators
Corbett and Kuehl)

FEBRUARY 21, 2008

An act to amend Section 6322.1 of the Business and Professions Code, to amend Sections 68085.3, 68085.4, 68086.1, 70372, 70374, 70375, 70603, 70611, 70612, 70613, 70614, 70621, 70650, 70651, 70652, 70653, 70654, 70655, 70656, 70657.5, 70658, and 70670 of, and to add ~~Section 70371.5~~ Sections 70371.5 and 70373 to, the Government Code, to amend Section 103470 of the Health and Safety Code, ~~to amend Section 1465.8 of the Penal Code,~~ to amend Section 7660 of the Probate Code, and to amend Section 42007.1 of the Vehicle Code, relating to court facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1407, as amended, Perata. Court facilities: financing.

(1) The Trial Court Facilities Act of 2002 establishes the State Court Facilities Construction Fund and provides that moneys in that fund may be used to acquire, rehabilitate, construct, or finance court facilities, as defined, and to implement trial court projects in designated counties, as specified.

This bill would extend the purposes for which moneys in that fund may be used to include the planning, design, construction, rehabilitation, replacement, leasing, or acquisition of court facilities. The bill would establish the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, the proceeds of which would be used for the planning, design, construction, rehabilitation, renovation, replacement, or acquisition of court facilities, for the repayment ~~for~~ of moneys appropriated for lease of court facilities pursuant to the issuance of lease-revenue bonds, and for the payment for lease or rental of court facilities.

(2) Existing law requires the plans and specifications for any place of detention of persons charged with or convicted of a crime, or detained pursuant to the Juvenile Court Law, to be submitted to the Corrections Standards Authority for its recommendations if those plans and specifications involve construction, reconstruction, remodeling, or repairs with an aggregate cost in excess of \$15,000. Existing law provides that no state department or agency other than the authority has the authority to make recommendations in respect to plans and specifications for the construction of those detention facilities.

This bill would exempt from those provisions the planning, design,

construction, rehabilitation, renovation, replacement, or acquisition of a court facility that is funded from the Immediate and Critical Needs Account of the State Court Facilities Construction Fund described in (1) above.

—(2)

(3) Existing law authorizes the State Public Works Board to issue revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance the cost of the construction or renovation and the equipping of public buildings and facilities, as specified. The revenues, rentals, or receipts from the public buildings or facilities or equipment authorized by these provisions is pledged to the payment of the principal of, and the interest on, the certificates, revenue bonds, notes, or anticipation notes issued for that financing. The Legislature is required to authorize the total amount that may be financed.

This bill would authorize the State Public Works Board to issue lease-revenue bonds, notes, or bond anticipation notes pursuant to these provisions in an amount not to exceed \$5,000,000,000 to finance the planning, design, construction, rehabilitation, renovation, replacement, leasing, or acquisition of court facilities, as specified. The bill would require the Judicial Council to make recommendations to the Governor and the Legislature for projects based on its determination that the need for a project is most immediate and critical.

—(3)

(4) Existing law specifies various uniform fees for filing specified documents in connection with certain civil proceedings, including a fee schedule for filing a first petition or first account in connection with a trust or estate. Existing law also imposes a fee of \$20 upon every conviction for a criminal offense, other than parking offenses, for funding of court security. Supplemental penalties and fees are imposed upon specified parking offenses and persons ordered to attend traffic violator school. Existing law specifies the disposition of fines and forfeitures, and traffic violator fees, collected by the courts for crimes other than parking violations.

This bill would generally increase those fees , and would impose an additional \$40 fee upon every conviction for a criminal offense , but would eliminate the fee schedule for filing a first petition or first account in connection with a trust or estate and replace it with a set filing fee. The bill would eliminate certain exemptions from payment of filing fees in connection with an estate. The bill would provide for a specified portion of all of those fees to be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, as described in (1) above. The bill would make other conforming changes.

—(4)

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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) 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 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 fifteen dollars (\$15) to one hundred ninety dollars (\$190) 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 and the law libraries shall be adjusted. If the fee is further reduced below one hundred ninety dollars (\$190), 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.

SEC. 2. 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, 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), and each fee listed in paragraphs (2) to (9), inclusive, of subdivision (a) of Section 70650, 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), and each fee listed in paragraphs (2) to (9), inclusive, of subdivision (a) of Section 70650, 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).

(2) To the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5, thirty-five dollars (\$35).

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

(4) 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) 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. 3. Section 68085.4 of the Government Code is amended to read:

68085.4. (a) Fees collected under Sections 70613, 70614, 70621, 70654, 70656, and 70658 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).

(2) To the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5, thirty dollars (\$30) if the fee is three hundred thirty dollars (\$330), and twenty-five dollars (\$25) if the fee is two hundred five dollars (\$205).

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

(4) 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) 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. 4. Section 68086.1 of the Government Code is amended to read:

68086.1. (a) Commencing January 1, 2006, for each three-hundred-fifty-five-dollar (\$355) fee collected under Section 70611, 70612, or 70670, twenty-five dollars (\$25) of the amount distributed to the Trial Court Trust Fund shall be used for services of an official court reporter in civil proceedings.

(b) Commencing January 1, 2006, for each three-hundred-thirty-dollar (\$330) fee collected under subdivision (a) of Section 70613 or subdivision (a) of Section 70614, twenty-five dollars (\$25) of the amount distributed to the Trial Court Trust Fund shall be used for services of an official court reporter in civil proceedings.

(c) It is the intent of the Legislature, in approving the twenty-five-dollar (\$25) distribution out of each filing fee listed in subdivisions (a) and (b), to continue an incentive to courts to use the services of an official court reporter in civil proceedings. However, nothing in this section shall affect the Judicial Council's authority to allocate these revenues to replace reductions in the General Fund appropriation to the Trial Court Trust Fund.

(d) The portion of the distribution to the Trial Court Trust Fund to be used for services of an official court reporter in civil proceedings pursuant to subdivisions (a) and (b) shall be used only in trial courts that utilize the services of an official court

reporter in civil proceedings.

SEC. 5. Section 70371.5 is added to the Government Code, to read:

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 ~~, including, but not limited to, equipment, furniture, and furnishings for those facilities and related project costs.~~

(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, 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.

(b) Any moneys expended from the Immediate and Critical Needs Account are not subject to Section 77202. *Any planning, design, construction, rehabilitation, renovation, replacement, or acquisition of a court facility that is funded from the Immediate and Critical Needs Account is not subject to subdivision (a) of Section 6029 of the Penal Code.*

SEC. 6. Section 70372 of the Government Code is amended to read:

70372. (a) (1) Except as otherwise provided in subdivision (b) of Section 70375 and 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) The amount of the court construction penalty may be reduced by a county as provided in subdivision (b) of Section 70375.

(3) 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.

(4) 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 three dollars and fifty cents (\$3.50) 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 section. Each agency which elects to process parking violations shall pay to the county treasurer three dollars and fifty cents (\$3.50) for the parking penalty imposed by this section for each violation which 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 subdivision (f).

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

(d) When 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 this section for forfeited bail. If bail is returned, the state court construction penalty paid thereon pursuant to this section shall also be returned.

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

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

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

(i) The numerator is the amount imposed as 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: three-sevenths of the total amount shall be deposited in the State Court Facilities Construction Fund and four-sevenths 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. 6.5. Section 70373 is added to the Government Code , to read:

70373. (a) (1) To ensure and maintain adequate funding for court facilities, a fee of forty dollars (\$40) 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.

(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 security fee 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 fee 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 fee.

(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 fee prescribed by this section.

(d) Notwithstanding any other law, the fees collected pursuant to subdivision (a) shall all be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5.

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

SEC. 7. Section 70374 of the Government Code, as amended by Section 5 of Chapter 9 of the Statutes of 2008, 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 money in the State Court Facilities Construction Fund. The use of the appropriated money is subject to subdivision (1) of Section 70391.

(b) Acquisition and construction of court facilities shall be subject to the State Building Construction Act of 1955 (commencing with Section 15800) and the Property Acquisition Law (commencing with Section 15850), 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) Money 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 ~~, including, but not limited to, equipment, furniture, and furnishings for those facilities, and related project costs~~ .

(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 money 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 money that has been deposited in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5.

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

(1) The Administrative Office of the Courts shall be responsible for the operation, including, but not limited to, the maintenance and repair, of all court facilities whose title is held by the state. Notwithstanding Section 15807, 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 this 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 acquiring 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.

(f) The State Public Works Board may issue lease-revenue bonds, notes, or bond anticipation notes pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 of Title 2 in an amount not to exceed five billion dollars (\$5,000,000,000) to finance the planning, design, construction, rehabilitation, renovation, replacement, leasing, or acquisition of court facilities ~~, including, but not limited to, equipment, furniture, and furnishings for those facilities, and related project costs~~ . The Judicial Council shall make recommendations to the Governor and the Legislature for 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.

(g) The State Public Works Board and the Judicial Council may

obtain interim financing for the project costs authorized in subdivision (f) from any appropriate source, including, but not limited to, the Pooled Money Investment Account pursuant to Sections 16312 and 16313.

(h)

The Judicial Council is authorized and directed to execute and deliver any and all leases, contracts, agreements, or other documents necessary or advisable to consummate the sale of bonds or otherwise effectuate the financing of the projects authorized under subdivision (f).

(i) The State Public Works Board may authorize the augmentation of the cost of construction of the projects authorized under subdivision (f) pursuant to that board's authority under Section 13332.11. In addition, the board may authorize any additional amount necessary to establish a reasonable construction reserve and to pay the cost of financing, including the payment of interest during the design and construction of the projects, the costs of financing a debt service fund, and the cost of issuance of permanent financing for the projects. This additional amount may include interest payable on any interim financing obtained. *The total bonded indebtedness authorized pursuant to this section shall not exceed that amount for which fine and fee revenues may fully satisfy the debt service.*

(j) In the event that the bonds authorized for projects in subdivision (f) are not sold, the Judicial Council shall commit a sufficient portion of its current support appropriation, as determined by the Department of Finance, to repay any interim financing. It is the intent of the Legislature that this commitment be made until all interim financing is repaid either through the proceeds of the sale of bonds or from an appropriation.

(k) The State Public Works Board shall not itself be deemed a lead or responsible agency for purposes of the California Environmental Quality Act as set forth in Division 13 (commencing with Section 21000) of the Public Resources Code for any activities under the State Building Construction Act of 1955 as set forth in Part 10b (commencing with Section 15800) of Division 3 of Title 2. This subdivision does not exempt the Judicial Council or any other agency from the requirements of the California Environmental Quality Act.

SEC. 8. Section 70375 of the Government Code is amended to read:

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

(b) In each county, the five-dollar (\$5) penalty amount authorized by subdivision (a) of Section 70372 shall be reduced by the amount collected for transmission to the state for inclusion in the Transitional State Court Facilities Construction Fund established pursuant to Section 70401 to the extent it is funded by money from the local courthouse construction fund.

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

(1) An additional penalty for a local courthouse construction fund

established pursuant to Section 76100.

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

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

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

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

SEC. 9. Section 70603 of the Government Code is amended to read:

70603. (a) Except as provided in this section, the fees charged for filings and services under this chapter are intended to be uniform statewide and to be the only allowable fees for those services and filings. The only charges that may be added to the fees in this chapter are the following:

(1) In a complex case, the fee provided for in Section 70616 may be added to the first paper and first responsive paper filing fees in Sections 70611, 70612, 70613, and 70614.

(2) In an unlawful detainer action subject to Section 1161.2 of the Code of Civil Procedure, a charge of fifteen dollars (\$15) as provided under that section may be added to the fee in Section 70613 for filing a first appearance by a plaintiff.

(3) In Riverside County, a surcharge as provided in Section 70622 may be added to the first paper and first responsive paper filing fees in Sections 70611, 70612, 70613, 70614, 70650, 70651, 70652, 70653, 70655, and 70670.

(4) In San Bernardino County, a surcharge as provided in Section 70624 may be added to the first paper and first responsive paper filing fees in Sections 70611, 70612, 70613, 70614, 70650, 70651, 70652, 70653, 70655, and 70670. This paragraph applies to fees collected under Sections 70611, 70612, 70613, 70614, 70650, 70651, 70652, 70653, 70655, and 70670, beginning January 1, 2006.

(5) In the City and County of San Francisco, a surcharge as provided in Section 70625 may be added to the first paper and first responsive paper filing fees in Sections 70611, 70612, 70613, 70614, 70650, 70651, 70652, 70653, 70655, and 70670.

(b) Notwithstanding paragraph (1) of subdivision (c) of Section 68085.3 and paragraph (1) of subdivision (c) of Section 68085.4, when a charge for courthouse construction in the County or City and County of San Francisco, Riverside, or San Bernardino is added to the uniform filing fee as provided under paragraph (3), (4), or (5) of subdivision (a), the amount distributed to the State Court Facilities Construction Fund under Section 68085.3 or 68085.4 shall be reduced by an amount equal to the charge added under paragraph (3), (4), or (5) of subdivision (a), up to the amount that would otherwise be distributed to the State Court Facilities Construction Fund. If the amount added under paragraph (3), (4), or (5) of subdivision (a) is greater than the amount that would be distributed to the State Court Facilities Construction Fund under Section 68085.3 or 68085.4, no distribution shall be made to the State Court Facilities Construction Fund, but the amount charged to the party may be greater than the amount of the uniform fee otherwise allowed, in order to collect the surcharge under paragraph (3), (4), or (5) of subdivision (a).

(c) If a filing fee is reduced by fifteen dollars (\$15) under

subdivision (c) of Section 6322.1 of the Business and Professions Code, and a courthouse construction surcharge is added to the filing fee as provided under paragraph (3), (4), or (5) of subdivision (a), the amount distributed to the State Court Facilities Construction Fund under Section 68085.4 shall be reduced as provided in subdivision (b). If the amount added under paragraph (3), (4), or (5) of subdivision (a) is greater than the amount that would be distributed to the State Court Facilities Construction Fund under Section 68085.4, no distribution shall be made to the State Court Facilities Construction Fund, but the amount charged to the party may be greater than one hundred ninety dollars (\$190), in order to collect the surcharge under paragraph (3), (4), or (5) of subdivision (a).

SEC. 10. Section 70611 of the Government Code is amended to read:

70611. The uniform fee for filing the first paper in a civil action or proceeding in the superior court, other than in a limited civil case, an adoption proceeding, a proceeding under the Probate Code, or a proceeding under the Family Code, is three hundred fifty-five dollars (\$355). The fee shall be distributed as provided in Section 68085.3.

This section applies to the initial complaint, petition, or application, and the papers transmitted from another court on the transfer of a civil action or proceeding, but does not include documents filed pursuant to Section 491.150, 704.750, or 708.160 of the Code of Civil Procedure.

SEC. 11. Section 70612 of the Government Code is amended to read:

70612. (a) The uniform fee for filing the first paper in the action or proceeding described in Section 70611 on behalf of any defendant, intervenor, respondent, or adverse party, whether separately or jointly, except for the purpose of making disclaimer, is three hundred fifty-five dollars (\$355). The fee shall be distributed as provided in Section 68085.3.

(b) As used in this section, the term "paper" does not include a stipulation for the appointment of a temporary judge or of a court investigator, or the report made by the court investigator.

SEC. 12. Section 70613 of the Government Code is amended to read:

70613. (a) The uniform fee for filing the first paper in a limited civil case is three hundred thirty dollars (\$330), except as provided in subdivision (b).

(b) In a case where the amount demanded, excluding attorney's fees and costs, is ten thousand dollars (\$10,000) or less, the uniform fee for filing the first paper is two hundred five dollars (\$205). The first page of the first paper shall state whether the amount demanded exceeds or does not exceed ten thousand dollars (\$10,000).

(c) This section applies to the initial complaint, petition, or application, and any papers transmitted from another court on the transfer of a civil action or proceeding, but does not include documents filed pursuant to Section 491.150, 704.750, or 708.160 of the Code of Civil Procedure.

(d) The fee for a paper filed under this section shall be distributed as provided in Section 68085.4.

(e) The fee shall be waived in any action for damages against a defendant, based upon the defendant's commission of a felony offense, upon presentation to the clerk of the court of a certified copy of the abstract of judgment of conviction of the defendant of the felony giving rise to the claim for damages. If the plaintiff would have been entitled to recover those fees from the defendant had they been

paid, the court may assess the amount of the waived fees against the defendant and order the defendant to pay that sum to the court.

SEC. 13. Section 70614 of the Government Code is amended to read:

70614. (a) The uniform fee for filing the first paper in a limited civil case on behalf of any party other than a plaintiff is three hundred thirty dollars (\$330), except as provided in subdivision (b).

(b) In a case where the amount demanded, excluding attorney's fees and costs, is ten thousand dollars (\$10,000) or less, the uniform fee for filing the first paper is two hundred five dollars (\$205).

(c) The fees in this section do not apply to papers filed for the purpose of making disclaimer.

(d) The fee for a paper filed under this section shall be distributed as provided in Section 68085.4.

SEC. 14. Section 70621 of the Government Code is amended to read:

70621. (a) (1) The fee for filing a notice of appeal to the appellate division of the superior court in a limited civil case is three hundred thirty dollars (\$330), except as provided in subdivision (b).

(2) The fee for filing a petition for a writ within the original jurisdiction of the appellate division of the superior court is three hundred thirty dollars (\$330), except as provided in subdivision (b).

(b) If the amount demanded in the limited civil case, excluding attorney's fees and costs, is ten thousand dollars (\$10,000) or less, the fee for filing a petition for a writ or a notice of appeal to the appellate division of the superior court is two hundred five dollars (\$205).

(c) The fees provided for in this section shall be distributed as provided in Section 68085.4.

(d) The Judicial Council may make rules governing the time and method of payment of the fees in this section and providing for excuse.

SEC. 15. Section 70650 of the Government Code is amended to read:

70650. (a) The uniform filing fee for the first petition for letters of administration or letters testamentary, or the first petition for special letters of administration with the powers of a general personal representative pursuant to Section 8545 of the Probate Code, is three hundred fifty-five dollars (\$355).

(b) The uniform filing fee for the first objections to the probate of any will or codicil under Section 8250 of the Probate Code, or the first petition for revocation of probate of any will or codicil under Section 8270 of the Probate Code, is three hundred fifty-five dollars (\$355). The uniform filing fee for the first petition for special letters of administration without the powers of a general personal representative is the fee provided in Section 70657.5. Where objections to the probate of a will or codicil or a petition for revocation of probate of a will or codicil are filed together with a petition for appointment of a personal representative described in subdivision (c) filed by the same person, only the fee provided in subdivision (c) shall be charged to that person.

(c) A fee of three hundred fifty-five dollars (\$355) shall also be charged for filing each subsequent petition or objections of a type described in subdivision (a) in the same proceeding by a person other than the original petitioner or contestant. The same fee as provided in subdivision (b) shall be charged for filing each subsequent petition or objections of a type described in that subdivision in the

same proceeding by a person other than the original petitioner or contestant.

(d) Notwithstanding Section 70658.5, if a petition for special letters of administration without the powers of a general personal representative is filed together with a petition for appointment of an administrator with general powers under subdivision (a) or (c) by the same person, the person filing the petitions shall be charged the applicable filing fees for both petitions.

(e) The first three hundred fifty-five dollars (\$355) of the filing fee charged under this section shall be distributed as provided in Section 68085.3. The remainder shall be distributed to the Trial Court Trust Fund.

SEC. 16. Section 70651 of the Government Code is amended to read:

70651. (a) The uniform filing fee for objections or any other paper in opposition to a petition described in subdivision (a) of Section 70650, other than a petition described in subdivision (c) of Section 70650, is three hundred fifty-five dollars (\$355). If objections or any other paper in opposition are filed together with a petition described in subdivision (c) of Section 70650 by the same person, only the fee provided in subdivision (c) of Section 70650 shall be charged to that person.

(b) The uniform filing fee charged under this section shall be distributed as provided in Section 68085.3.

SEC. 17. Section 70652 of the Government Code is amended to read:

70652. (a) The uniform filing fee for each petition concerning the internal affairs of a trust under Chapter 3 (commencing with Section 17200) of Part 5 of Division 9 of the Probate Code, or a first account of a trustee of a testamentary trust that is subject to the continuing jurisdiction of the court pursuant to Chapter 4 (commencing with Section 17300) of Part 5 of Division 9 of the Probate Code, is three hundred fifty-five dollars (\$355).

(b) The uniform filing fee for each paper filed in opposition to a petition or first account of a trustee of a testamentary trust under subdivision (a) is three hundred fifty-five dollars (\$355).

(c) To avoid hardship, or for other good cause, the court may direct the clerk of the court to refund all or any part of a filing fee paid under this section.

(d) This section does not apply to petitions or opposition filed concerning trusts created by court order under Article 10 (commencing with Section 2580) of Chapter 6 of Part 3 of Division 4 of the Probate Code, Article 1 (commencing with Section 3100) of Chapter 3 of Part 6 of Division 4 of the Probate Code, Article 1 (commencing with Section 3600) of Chapter 4 of Part 8 of Division 4 of the Probate Code.

SEC. 18. Section 70653 of the Government Code is amended to read:

70653. (a) The uniform filing fee for a petition for appointment of a conservator, a guardian of the estate, or a guardian of the person and estate, pursuant to Division 4 (commencing with Section 1400) of the Probate Code, is three hundred fifty-five dollars (\$355).

(b) Except as provided in subdivision (f), the uniform filing fee for objections or any other paper in opposition to a petition under subdivision (a) or (d) is three hundred fifty-five dollars (\$355).

(c) If a competing petition for appointment of a guardian or conservator subject to the fee under subdivision (a) is filed together with opposition to the petition of another by the same person, the person filing the competing petition and opposition shall

be charged a filing fee only for the competing petition.

(d) Notwithstanding Section 70658.5, if a petition for appointment of a temporary guardian or conservator is filed together with a petition for appointment of a guardian or conservator under subdivision (a), or a competing petition under subdivision (c) by the same person, the person filing the petitions shall be charged the applicable filing fees for both petitions.

(e) The uniform filing fee charged under this section shall be distributed as provided in Section 68085.3.

(f) No fee under this section shall be charged for objections or any other paper in opposition filed by or on behalf of the proposed conservatee, or the minor or a parent of the minor who is the subject of a guardianship proceeding.

SEC. 19. Section 70654 of the Government Code is amended to read:

70654. (a) The uniform filing fee for a petition for appointment of a guardian of the person only, is two hundred five dollars (\$205).

(b) Except as provided in subdivision (e), the uniform filing fee for objections or any other paper in opposition to a petition under subdivision (a) is two hundred five dollars (\$205).

(c) If a competing petition for appointment of a guardian subject to the fee under subdivision (a) is filed together with opposition to the petition of another by the same person, the person filing the competing petition and opposition shall be charged a filing fee only for the competing petition.

(d) Notwithstanding Section 70658.5, if a petition for appointment of a temporary guardian is filed together with a petition for appointment of a guardian under subdivision (a), or a competing petition under subdivision (c) by the same person, the person filing the petitions shall be charged the applicable filing fees for both petitions.

(e) No fee under this section shall be charged for objections or any other paper in opposition filed by or on behalf of the minor or a parent of the minor who is the subject of the proceeding.

(f) The uniform filing fee charged under this section shall be distributed as provided in Section 68085.4.

(g) No other fees shall be charged for filing a paper under this section in addition to the uniform filing fee provided for in this section.

SEC. 20. Section 70655 of the Government Code is amended to read:

70655. (a) The uniform filing fee for a petition that commences any of the proceedings under the Probate Code listed in subdivision (c) is three hundred fifty-five dollars (\$355).

(b) The uniform filing fee for objections or any other paper filed in opposition to a petition under subdivision (a) is three hundred fifty-five dollars (\$355).

(c) This section applies to petitions or opposition concerning the following proceedings:

(1) A petition for compromise of a minor's claim pursuant to Section 3600 of the Probate Code.

(2) A petition to determine succession to real property pursuant to Section 13151 of the Probate Code.

(3) A spousal or domestic partnership property petition pursuant to Section 13650 of the Probate Code, except as provided in Section 13652 of the Probate Code.

(4) A petition to establish the fact of death to determine title to real property under Section 200 of the Probate Code.

(5) A petition for an order concerning a particular transaction pursuant to Section 3100 of the Probate Code.

(6) A petition concerning capacity determination and health care decision for an adult without conservator pursuant to Section 3200 of the Probate Code.

(7) A petition concerning an advance health care directive pursuant to Section 4766 of the Probate Code.

(8) A petition concerning a power of attorney pursuant to Section 4541 of the Probate Code.

(9) A petition for approval, compromise, or settlement of claims against a deceased settlor, or for allocation of amounts due between trusts, pursuant to Section 19020 of the Probate Code.

(10) Any other petition that commences a proceeding under the Probate Code not otherwise provided for in this article.

(d) The uniform filing fee charged under this section shall be distributed as provided in Section 68085.3.

SEC. 21. Section 70656 of the Government Code is amended to read:

70656. (a) The uniform filing fee for a petition requesting an order setting aside a decedent's estate of small value pursuant to Section 6602 of the Probate Code, if no estate proceeding is pending for the decedent, is two hundred five dollars (\$205).

(b) The uniform filing fee for objections or any other paper filed in opposition to a petition under subdivision (a) is two hundred five dollars (\$205).

(c) If a petition or objections or any other paper in opposition under this section is filed concurrently with a petition for appointment of a personal representative described in Section 70650, the petitioner or objector shall be charged only for the filing fee provided in Section 70650.

(d) The uniform filing fee charged under this section shall be distributed as provided in Section 68085.4.

(e) Except as provided in subdivision (c), 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.

SEC. 22. 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 forty dollars (\$40):

(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 temporary letters of conservatorship or guardianship or letters of conservatorship or guardianship that are not subject to the filing fee provided in subdivision (a) of Section 70658.

(3) 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.

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

(5) The first or subsequent petition for temporary letters of conservatorship or guardianship.

(b) No fee is payable under this section for any of the following:

(1) A petition or opposition filed subsequent to issuance of letters of temporary guardianship or letters of guardianship in a guardianship described in Section 70654.

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

SEC. 23. 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 two hundred five dollars (\$205). 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 68085.4. 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.

SEC. 24. Section 70670 of the Government Code is amended to read:

70670. (a) The uniform fee for filing the first paper in a proceeding under the Family Code, other than a proceeding for dissolution of marriage or domestic partnership, legal separation, or nullity, is three hundred fifty-five dollars (\$355). The fee shall be distributed as provided in Section 68085.3.

(b) The uniform fee for filing the first paper in a proceeding for dissolution of marriage or domestic partnership, legal separation, or nullity, is three hundred fifty-five dollars (\$355). The fee shall be distributed as provided in Section 68085.3, except that two dollars (\$2) of the funds that would otherwise be distributed to the Trial Court Trust Fund shall be transmitted to the Treasurer for deposit in the Health Statistics Special Fund.

(c) The uniform fee for filing the first paper in a proceeding under subdivision (a) on behalf of any respondent, defendant, intervenor, or adverse party, whether separately or jointly, is three hundred fifty-five dollars (\$355). The fee shall be distributed as provided in Section 68085.3.

(d) The uniform fee for filing the first paper in a proceeding under subdivision (b) on behalf of any respondent, defendant, intervenor, or adverse party, whether separately or jointly, is three hundred fifty-five dollars (\$355). The fee shall be distributed as provided in Section 68085.3.

(e) The fees in this section do not apply to papers filed for the purpose of making a disclaimer.

SEC. 25. Section 103470 of the Health and Safety Code is amended to read:

103470. The fee for filing the petition is two hundred five dollars (\$205). This fee shall be distributed as provided in Section 68085.4 of the Government Code. The petition may be heard by any judge hearing probate matters, or if a probate department has been designated for hearing probate matters, the matter shall be assigned to the probate department for hearing.

~~SEC. 26. Section 1465.8 of the Penal Code is amended to read:~~

~~1465.8. (a) (1) To ensure and maintain adequate funding for court security and court facilities, a fee of sixty dollars (\$60) 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, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.~~

~~(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 security fee 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 fee shall be in addition to the state penalty assessed pursuant to Section 1464 and may not be included in the base fine to calculate the state penalty assessment as specified in subdivision (a) of Section 1464. The penalties authorized by Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, and the state surcharge authorized by Section 1465.7, do not apply to this fee.~~

~~(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 shall also deposit a sufficient amount to include the fee prescribed by this section.~~

~~(d) Notwithstanding any other provision of law, the fees 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 as follows: one third of all amounts collected shall be deposited in the Trial Court Trust Fund and two thirds of all amounts collected shall be deposited in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5 of the Government Code.~~

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

~~SEC. 27.~~ SEC. 26. Section 7660 of the Probate Code is amended to read:

7660. (a) If a public administrator takes possession or control of an estate pursuant to this chapter, the public administrator may, acting as personal representative of the estate, summarily dispose of the estate in the manner provided in this article in either of the following circumstances:

(1) The total value of the property in the decedent's estate does not exceed the amount prescribed in Section 13100. The authority provided by this paragraph may be exercised only upon order of the court. The order may be made upon ex parte application. The fee to be allowed to the clerk for the filing of the application is two hundred five dollars (\$205). The authority for this summary administration of the estate shall be evidenced by a court order for summary disposition.

(2) The total value of the property in the decedent's estate does not exceed thirty thousand dollars (\$30,000). The authority provided by this paragraph may be exercised without court authorization.

(A) A public administrator who is authorized to summarily dispose of property of a decedent pursuant to this paragraph may issue a written certification of Authority for Summary Administration. The written certification is effective for 30 days after the date of issuance.

(B) A financial institution, government or private agency, retirement fund administrator, insurance company, licensed securities dealer, or other person shall, without the necessity of inquiring into the truth of the written certification of Authority for Summary Administration and without court order or letters being issued do all of the following:

(i) Provide the public administrator complete information

concerning any property held in the name of the decedent, including the names and addresses of any beneficiaries or joint owners.

(ii) Grant the public administrator access to a safe-deposit box or storage facility rented in the name of the decedent for the purpose of inspection and removal of property of the decedent. Costs and expenses incurred in accessing a safe-deposit box or storage facility shall be borne by the estate of the decedent.

(iii) Surrender to the public administrator any property of the decedent that is held or controlled by the financial institution, agency, retirement fund administrator, insurance company, licensed securities dealer, or other person.

(C) Receipt by a financial institution, government or private agency, retirement fund administrator, insurance company, licensed securities dealer, or other person of the written certification provided by this article shall do both of the following:

(i) Constitute sufficient acquittance for providing information or granting access to a safe-deposit box or a storage facility and for surrendering any property of the decedent.

(ii) Fully discharge the financial institution, government or private agency, retirement fund administrator, insurance company, licensed securities dealer, or other person from liability for any act or omission of the public administrator with respect to the property, a safe-deposit box, or a storage facility.

(b) Summary disposition may be made notwithstanding the existence of the decedent's will, if the will does not name an executor or if the named executor refuses to act.

(c) Nothing in this article precludes the public administrator from filing a petition with the court under any other provision of this code concerning the administration of the decedent's estate.

(d) Petitions filed pursuant to this article shall contain the information required by Section 8002.

(e) If a public administrator takes possession or control of an estate pursuant to this chapter, this article conveys the authority of a personal representative as described in Section 9650 to the public administrator to summarily dispose of the estates pursuant to the procedures described in paragraphs (1) and (2) of subdivision (a).

(f) The fee charged under paragraph (1) of subdivision (a) shall be distributed as provided in Section 68085.4 of the Government Code. When an application is filed under that paragraph, no other fees shall be charged in addition to the uniform filing fee provided for in Section 68085.4 of the Government Code.

~~SEC. 28.~~ SEC. 27. Section 42007.1 of the Vehicle Code is amended to read:

42007.1. (a) The fee 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 sixty-four dollars (\$64).

(b) Notwithstanding subdivision (b) of Section 42007, the revenue from the sixty-four-dollar (\$64) fee collected under this section shall be deposited in the county general fund. Sixty-two and one-half 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 of the Government Code.

~~SEC. 29.~~ SEC. 28. This act is an

urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to meet the immediate and critical needs of California's aging courthouses at the earliest possible time, it is necessary for this act to take effect immediately.