

AMENDED IN ASSEMBLY JULY 12, 2007

AMENDED IN SENATE APRIL 24, 2007

AMENDED IN SENATE APRIL 9, 2007

AMENDED IN SENATE MARCH 28, 2007

SENATE BILL

No. 396

Introduced by Senator Ridley-Thomas

February 21, 2007

An act to amend Section 470.5 of the Business and Professions Code, and to add Section 6511.6 to the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 396, as amended, Ridley-Thomas. Civil court filing fees.

~~Existing law requires the Administrative Office of the Courts to make monthly distributions from superior court filing fees for the support of specified dispute resolution programs established by counties. Existing law authorizes a county receiving a distribution to increase the amount of that distribution by no more than \$8 per filing fee.~~

~~This bill would instead authorize a county receiving a distribution to increase the amount of that distribution by no more than the amount designated as the maximum allocation amount from the uniform civil fees authorized pursuant to specified provisions of law.~~

Existing law imposes various fees for filing specified documents in connection with civil court litigation.

This bill would require the Judicial Council to establish ~~a~~ *an advisory* commission on civil court fees with a broad-based membership, *appointed as specified*, to review issues relating to civil court fees and make recommendations to the Legislature as appropriate. The bill would require the Judicial Council to report to the Legislature on ~~March~~

February 1 of each odd-numbered year on issues related to civil court fees, including the effectiveness of the fee structure, the performance of the revenues, and the funding needs of the entities that rely on filing fee revenues.

Existing law requires the Administrative Office of the Courts to make monthly distributions from superior court filing fees for the support of specified dispute resolution programs established by counties. Existing law authorizes a county receiving a distribution to increase the amount of that distribution by no more than \$8 per filing fee.

This bill would state the intent of the Legislature that the advisory commission described above review the level of funding needed to support dispute resolution programs and make recommendations to the Legislature regarding any proposed increase in the maximum allowable distribution from superior court filing fees for those programs in order to ensure that the programs are adequately funded.

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

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

1 SECTION 1. Section 470.5 of the Business and Professions
2 Code is amended to read:
3 470.5. (a) On and after January 1, 2006, as described in Section
4 68085.1 of the Government Code, the Administrative Office of
5 the Courts shall make monthly distributions from superior court
6 filing fees for the support of dispute resolution programs under
7 this chapter in each county that has acted to establish a program.
8 The amount distributed in each county shall be equal to the
9 following:
10 (1) From each first paper filing fee collected by the court as
11 provided under Section 70611 or 70612, subdivision (a) of Section
12 70613, subdivision (a) of Section 70614, or Section 70670 of the
13 Government Code, and each first paper or petition filing fee
14 collected by the court in a probate matter as provided under Section
15 70650, 70651, 70652, 70653, or 70655 of the Government Code,
16 the same amount as was required to be collected for the support
17 of dispute resolution programs in that county as of December 31,
18 2005, when a fee was collected for the filing of a first paper in a
19 civil action under Section 26820.4 of the Government Code.

1 (2) From each first paper filing fee in a limited civil case
2 collected by the court as provided under subdivision (b) of Section
3 70613 or subdivision (b) of Section 70614 of the Government
4 Code, and each first paper or petition filing fee collected by the
5 court in a probate matter as provided under Section 70654, 70656,
6 or 70658 of the Government Code, the same amount as was
7 required to be collected for the support of dispute resolution
8 programs in that county as of December 31, 2005, when a fee was
9 collected for the filing of a first paper in a civil action under Section
10 72055 of the Government Code where the amount demanded,
11 excluding attorney's fees and costs, was ten thousand dollars
12 (\$10,000) or less.

13 (b) Distributions under this section shall be used only for the
14 support of dispute resolution programs authorized by this chapter.
15 The county shall deposit the amounts distributed under this section
16 in an account created and maintained for this purpose by the
17 county. Records of these distributions shall be available for
18 inspection by the public upon request.

19 (c) After January 1, 2006, a county that does not already have
20 a distribution from superior court filing fees under this section and
21 that establishes a dispute resolution program authorized by this
22 chapter may approve a distribution under this section. A county
23 that already has a distribution under this section may change the
24 amount of the distribution. The total amount to be distributed for
25 the support of dispute resolution programs under this section may
26 not exceed ~~the amount designated as the maximum allocation~~
27 ~~amount from the uniform civil fees authorized pursuant to Sections~~
28 ~~70611 and 70612 of the Government Code.~~ *eight dollars (\$8) per*
29 *filing fee.*

30 (d) The county may make changes under subdivision (c) to be
31 effective January 1 or July 1 of any year, on and after January 1,
32 2006. The county shall provide the Administrative Office of the
33 Courts with a copy of the action of the board of supervisors that
34 establishes the change at least 15 days before the date that the
35 change goes into effect.

36 (e) *It is the intent of the Legislature that the commission on civil*
37 *court fees established by the Judicial Council pursuant to Section*
38 *6511.6 of the Government Code review the level of funding needed*
39 *to support dispute resolution programs and make recommendations*
40 *to the Legislature regarding any proposed increase in the maximum*

1 *allowable distribution under this section in order to ensure that*
2 *these programs are adequately funded.*

3 SEC. 2. Section 6511.6 is added to the Government Code, to
4 read:

5 6511.6. (a) The Judicial Council shall establish ~~a~~ *an advisory*
6 *commission on civil court fees with a broad-based membership*
7 *that shall review issues relating to civil court fees and make*
8 *recommendations to the Legislature as appropriate. The*
9 *commission shall have as its primary mission the preservation of*
10 *the key goals of the uniform civil fees, which are uniformity,*
11 *simplicity, fairness, and equal access to justice. The commission*
12 *shall include a broad range of stakeholders who administer*
13 *programs supporting the courts and the administration of justice,*
14 *including locally based entities.*

15 *(b) The advisory commission shall be composed of nine*
16 *members. Appointments shall be made as follows:*

17 *(1) The Governor, the Senate Rules Committee, and the Speaker*
18 *of the Assembly shall appoint one member each.*

19 *(2) The Chair of the Judicial Council shall appoint six members*
20 *representing the various programs funded by court fees or entities*
21 *who pay or administer court fees, including, but not limited to,*
22 *representatives of the dispute resolution programs receiving*
23 *funding under Chapter 8 (commencing with Section 465) of*
24 *Division 1 of the Business and Professions Code, the law libraries,*
25 *the plaintiffs' bar, the defense bar, and court administrators.*

26 *(3) The Chair of the Judicial Council shall appoint the*
27 *chairperson of the commission.*

28 *(4) Appointments shall be made by February 1, 2008.*

29 *(5) The Judicial Council may adopt rules of court to implement*
30 *this section.*

31 *(c) The advisory commission may meet when there is a quorum*
32 *present. For the purposes of this section, "quorum" means a*
33 *majority of the members of the advisory commission.*

34 *(d) Nothing in this section precludes or restricts the discretion*
35 *of the Legislature to revise court fees independent of any report*
36 *or recommendation of the advisory commission.*

37 ~~(b)~~

38 *(e) The Judicial Council shall report to the Legislature on ~~March~~*
39 *February 1 of each odd-numbered year on issues related to civil*
40 *court fees, including, but not limited to, the effectiveness of the*

- 1 fee structure, the performance of the revenues, and the funding
- 2 needs of the entities that rely on filing fee revenues.

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