

AMENDED IN SENATE APRIL 28, 2008

**SENATE BILL**

**No. 1407**

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**Introduced by Senator Perata**

February 21, 2008

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*An act relating to court facilities. 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, 70658, and 70670 of, and to add Section 70371.5 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.

~~The~~

(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 state the intent of the Legislature to enact legislation to authorize a court facility construction financing program, including, but not limited to, lease-purchase financing or the issuance of bonds, for purposes relating to the repair and renovation of court facilities~~ *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 provide that*

*any money in the fund that has been designated for implementation of trial court projects in a particular county shall be available for implementation of trial court projects anywhere within the state, as specified. 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 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 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) Existing law imposes various fees for filing specified documents in connection with certain civil proceedings. Existing law also imposes a fee of \$20 upon every conviction for a criminal offense, other than parking offenses, for funding of court security and court facilities. 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 increase those fees, and would provide for a specified portion 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) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~no~~<sup>yes</sup>. State-mandated local program: no.

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

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

3     6322.1. (a) Until the end of the moratorium described in  
4     Section 70601 of the Government Code, the board of supervisors  
5     of any county may increase, as provided in this section, the amount  
6     distributed to its county law library fund from the uniform filing  
7     fees listed in Section 6321 whenever it determines that the increase  
8     is necessary to defray the expenses of the law library.

9     Any increase in the amount distributed to the law library fund  
10    in any county under this subdivision shall not be effective until  
11    January 1 of the next year after the adoption by the board of  
12    supervisors of the increase. The amount of the increase in any  
13    calendar year shall be no greater than three dollars (\$3) over the  
14    previous calendar year. A copy of the action of the board of  
15    supervisors that establishes the increase shall be provided to the  
16    Administrative Office of the Courts as soon as it becomes available  
17    but no later than December 15 of the year before the increased  
18    distribution goes into effect.

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

22    (c) (1) In an action or proceeding in which a claim for money  
23    damages falls within the monetary jurisdiction of the small claims  
24    court and is filed by an assignee who is prohibited from filing or  
25    maintaining a claim pursuant to Section 116.420 of the Code of  
26    Civil Procedure, the uniform filing fee shall be reduced by fifteen  
27    dollars (\$15) to one hundred ~~sixty-five dollars (\$165)~~ *ninety dollars*  
28    (\$190) if the complaint contains a declaration under penalty of  
29    perjury, executed by the party requesting the reduction in fees,  
30    that the case qualifies for the lower fee because the claim for money  
31    damages will not exceed the monetary jurisdiction of small claims  
32    court and is filed by an assignee of the claim.

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

4	Jurisdiction	Amount
5	Alameda.....	\$12.00
6	Alpine.....	1.00
7	Amador.....	6.00
8	Butte.....	12.00
9	Calaveras.....	7.00
10	Colusa.....	12.00
11	Contra Costa.....	8.00
12	Del Norte.....	6.00
13	El Dorado.....	9.00
14	Fresno.....	9.00
15	Glenn.....	6.00
16	Humboldt.....	12.00
17	Imperial.....	12.00
18	Inyo.....	6.00
19	Kern.....	12.00
20	Kings.....	12.00
21	Lake.....	12.00
22	Lassen.....	12.00
23	Los Angeles.....	5.00
24	Madera.....	12.00
25	Marin.....	12.00
26	Mariposa.....	4.00
27	Mendocino.....	12.00
28	Merced.....	12.00
29	Modoc.....	6.00
30	Mono.....	6.00
31	Monterey.....	10.00
32	Napa.....	12.00
33	Nevada.....	7.00
34	Orange.....	8.00
35	Placer.....	7.00
36	Plumas.....	6.00
37	Riverside.....	12.00
38	Sacramento.....	8.50
39	San Benito.....	6.00
40		

1	San Bernardino.....	12.00
2	San Diego.....	12.00
3	San Francisco.....	12.00
4	San Joaquin.....	10.00
5	San Luis Obispo.....	12.00
6	San Mateo.....	12.00
7	Santa Barbara.....	12.00
8	Santa Clara.....	8.00
9	Santa Cruz.....	12.00
10	Shasta.....	8.50
11	Sierra.....	9.00
12	Siskiyou.....	8.00
13	Solano.....	9.00
14	Sonoma.....	12.00
15	Stanislaus.....	6.50
16	Sutter.....	1.00
17	Tehama.....	9.00
18	Trinity.....	6.00
19	Tulare.....	12.00
20	Tuolumne.....	2.00
21	Ventura.....	12.00
22	Yolo.....	10.00
23	Yuba.....	7.00

24  
 25 The increases described in subdivision (a) do not apply to the  
 26 law library distributions in this subdivision.

27 (3) Notwithstanding subdivision (d) of Section 68085.4 of the  
 28 Government Code, when the uniform filing fee is reduced as  
 29 provided in this subdivision, the amounts distributed to dispute  
 30 resolution programs, the State Court Facilities Construction Fund,  
 31 the Judges' Retirement Fund, children's waiting rooms, and the  
 32 Equal Access Fund shall remain as provided under subdivisions  
 33 (b) and (c) of Section 68085.4 of the Government Code and shall  
 34 not be changed. Only the amounts distributed to the Trial Court  
 35 Trust Fund and the law libraries shall be adjusted. If the fee is  
 36 further reduced below ~~one hundred sixty-five dollars (\$165)~~ *one*  
 37 *hundred ninety dollars (\$190)*, as with a partial waiver or partial  
 38 payment, the proportional reductions described in subdivision (g)  
 39 of Section 68085.1 of the Government Code shall apply.

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

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

7 *SEC. 2. Section 68085.3 of the Government Code is amended*  
 8 *to read:*

9 68085.3. (a) Fees collected under Sections 70611, 70612,  
 10 70650, 70651, 70652, 70653, 70655, and 70670 shall be deposited  
 11 in a bank account established by the Administrative Office of the  
 12 Courts for deposit of fees collected by the courts.

13 (b) For each ~~three hundred twenty dollar (\$320)~~ *three hundred*  
 14 *fifty-five dollar (\$355)* fee listed in subdivision (a), and each fee  
 15 listed in paragraphs (2) to (9), inclusive, of subdivision (a) of  
 16 Section 70650, the Administrative Office of the Courts shall  
 17 distribute specified amounts in each county as follows:

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

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

23 (c) The remainder of the fees in subdivision (a) shall be  
 24 transmitted monthly to the Treasurer for deposit. For each ~~three~~  
 25 ~~hundred twenty dollar (\$320)~~ *three hundred fifty-five dollar (\$355)*  
 26 fee listed in subdivision (a), and each fee listed in paragraphs (2)  
 27 to (9), inclusive, of subdivision (a) of Section 70650, the Controller  
 28 shall make deposits as follows:

29 (1) To the State Court Facilities Construction Fund, as provided  
 30 in Article 6 (commencing with Section 70371) of Chapter 5.7,  
 31 thirty-five dollars (\$35).

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

35 ~~(2)~~

36 (3) To the Judges’ Retirement Fund, as established in Section  
 37 75100, two dollars and fifty cents (\$2.50).

38 ~~(3)~~

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

4 ~~(4)~~

5 (5) To the Trial Court Trust Fund, as provided in Section  
6 68085.1, the remainder of the fee.

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

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

15 *SEC. 3. Section 68085.4 of the Government Code is amended*  
16 *to read:*

17 68085.4. (a) Fees collected under Sections 70613, 70614,  
18 70621, 70654, 70656, and 70658 of this code, Section 103470 of  
19 the Health and Safety Code, and Section 7660 of the Probate Code,  
20 shall be deposited in a bank account established by the  
21 Administrative Office of the Courts for deposit of fees collected  
22 by the courts.

23 (b) For each ~~three hundred dollar (\$300)~~ *three hundred thirty*  
24 *dollar (\$330)* fee and each ~~one hundred eighty dollar (\$180)~~ *two*  
25 *hundred five dollar (\$205)* fee listed in subdivision (a), the  
26 Administrative Office of the Courts shall distribute specified  
27 amounts in each county as follows:

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

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

33 (c) The remainder of the fees in subdivision (a) shall be  
34 transmitted monthly to the Treasurer for deposit. For each ~~three~~  
35 ~~hundred dollar (\$300)~~ *three hundred thirty dollar (\$330)* fee and  
36 each ~~one hundred eighty dollar (\$180)~~ *two hundred five dollar*  
37 *(\$205)* fee listed in subdivision (a), the Controller shall make  
38 deposits as follows:

39 (1) To the State Court Facilities Construction Fund, as provided  
40 in Article 6 (commencing with Section 70371) of Chapter 5.7,

1 twenty-five dollars (\$25) if the fee is ~~three hundred dollars (\$300)~~  
 2 *three hundred thirty dollars (\$330)*, and twenty dollars (\$20) if  
 3 the fee is ~~one hundred eighty dollars (\$180)~~ *two hundred five*  
 4 *dollars (\$205)*.

5 (2) *To the Immediate and Critical Needs Account of the State*  
 6 *Court Facilities Construction Fund, established in Section 70371.5,*  
 7 *thirty dollars (\$30) if the fee is three hundred thirty dollars (\$330),*  
 8 *and twenty-five dollars (\$25) if the fee is two hundred five dollars*  
 9 *(\$205).*

10 ~~(2)~~

11 (3) To the Judges' Retirement Fund, as established in Section  
 12 75100, two dollars and fifty cents (\$2.50).

13 ~~(3)~~

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

17 ~~(4)~~

18 (5) To the Trial Court Trust Fund, as provided in Section  
 19 68085.1, the remainder of the fee.

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

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

28 *SEC. 4. Section 68086.1 of the Government Code is amended*  
 29 *to read:*

30 68086.1. (a) Commencing January 1, 2006, for each ~~three~~  
 31 ~~hundred twenty-dollar (\$320)~~ *three hundred fifty-five dollar (\$355)*  
 32 fee collected under Section 70611, 70612, or 70670, twenty-five  
 33 dollars (\$25) of the amount distributed to the Trial Court Trust  
 34 Fund shall be used for services of an official court reporter in civil  
 35 proceedings.

36 (b) Commencing January 1, 2006, for each ~~three hundred dollar~~  
 37 ~~(\$300)~~ *three hundred thirty dollar (\$330)* fee collected under  
 38 subdivision (a) of Section 70613 or subdivision (a) of Section  
 39 70614, twenty-five dollars (\$25) of the amount distributed to the

1 Trial Court Trust Fund shall be used for services of an official  
2 court reporter in civil proceedings.

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

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

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

17 *70371.5. (a) There is hereby established the Immediate and*  
18 *Critical Needs Account of the State Court Facilities Construction*  
19 *Fund, the proceeds of which shall only be used for any of the*  
20 *following:*

21 *(1) The planning, design, construction, rehabilitation,*  
22 *renovation, replacement, or acquisition of court facilities,*  
23 *including, but not limited to, equipment, furniture, and furnishings*  
24 *for those facilities and related project costs.*

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

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

31 *(b) Any moneys expended from the Immediate and Critical Needs*  
32 *Account are not subject to Section 77202.*

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

35 *70372. (a) (1) Except as otherwise provided in subdivision*  
36 *(b) of Section 70375 and in this article, there shall be levied a state*  
37 *court construction penalty, in the amount of five dollars (\$5) for*  
38 *every ten dollars (\$10), or part of ten dollars (\$10), upon every*  
39 *fine, penalty, or forfeiture imposed and collected by the courts for*  
40 *all criminal offenses, including, but not limited to, all offenses*

1 involving a violation of a section of the Fish and Game Code, the  
2 Health and Safety Code, or the Vehicle Code or any local ordinance  
3 adopted pursuant to the Vehicle Code. This penalty is in addition  
4 to any other state or local penalty, including, but not limited to,  
5 the penalty provided by Section 1464 of the Penal Code and  
6 Section 76000.

7 (2) The amount of the court construction penalty may be reduced  
8 by a county as provided in subdivision (b) of Section 70375.

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

10 (A) Any restitution fine.

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

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

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

17 (4) Any bail schedule adopted pursuant to Section 1269b of the  
18 Penal Code or adopted by the Judicial Council pursuant to Section  
19 40310 of the Vehicle Code may include the necessary amount to  
20 pay the penalty established by this section, the penalties authorized  
21 by Section 1464 of the Penal Code and Chapter 12 (commencing  
22 with Section 76000) of Title 8, and the surcharge authorized by  
23 Section 1465.7 of the Penal Code for all matters where a personal  
24 appearance is not mandatory and the bail is posted primarily to  
25 guarantee payment of the fine. After a determination by the court  
26 of the amount due, the clerk of the court shall collect the penalty  
27 and transmit it immediately to the county treasury and the county  
28 treasurer shall transmit these sums as provided in subdivision (f).

29 (b) In addition to the penalty provided by subdivision (a), for  
30 every parking offense where a parking penalty, fine, or forfeiture  
31 is imposed, an added state court construction penalty of ~~one dollar~~  
32 ~~and fifty cents (\$1.50)~~ *three dollars and fifty cents (\$3.50)* shall  
33 be included in the total penalty, fine, or forfeiture. These moneys  
34 shall be taken from fines and forfeitures deposited with the county  
35 treasurer prior to any division pursuant to Section 1462.3 or  
36 1463.009 of the Penal Code. In those cities, districts, or other  
37 issuing agencies which elect to accept parking penalties, and  
38 otherwise process parking violations pursuant to Article 3  
39 (commencing with Section 40200) of Chapter 1 of Division 17 of  
40 the Vehicle Code, that city, district, or issuing agency shall observe

1 the increased bail amounts as established by the court reflecting  
2 the added penalty provided for by this section. Each agency which  
3 elects to process parking violations shall pay to the county treasurer  
4 ~~one dollar and fifty cents (\$1.50)~~ *three dollars and fifty cents*  
5 *(\$3.50)* for the parking penalty imposed by this section for each  
6 violation which is not filed in court. Those payments to the county  
7 treasurer shall be made monthly, and the county treasurer shall  
8 transmit these sums as provided in subdivision (f).

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

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

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

26 (f) (1) Within 45 days after the end of the month that moneys  
27 are deposited in the county treasury pursuant to subdivision (a) ~~or~~  
28 ~~(b)~~, the county treasurer shall transmit the moneys to the State  
29 Controller, to be deposited *as follows*:

30 (A) *The total to be deposited pursuant to subdivision (a) shall*  
31 *be multiplied by a fraction, the numerator of which is the amount,*  
32 *if any, collected for deposit into the local courthouse construction*  
33 *fund in that county established pursuant to Section 76100, and the*  
34 *denominator of which is five (5).*

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

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

1 (2) *Within 45 days after the end of the month that moneys are*  
 2 *deposited in the county treasury pursuant to subdivision (b), the*  
 3 *county treasurer shall transmit the moneys to the State Controller*  
 4 *to be deposited as follows: three-sevenths of the total amount shall*  
 5 *be deposited in the State Court Facilities Construction Fund and*  
 6 *four-sevenths of the total amount shall be deposited in the*  
 7 *Immediate and Critical Needs Account of the State Court Facilities*  
 8 *Construction Fund, established in Section 70371.5.*

9 *SEC. 7. Section 70374 of the Government Code is amended to*  
 10 *read:*

11 70374. (a) The Judicial Council shall annually recommend to  
 12 the Governor and the Legislature the amount proposed to be spent  
 13 for projects paid for with money in the State Court Facilities  
 14 Construction Fund. The use of the appropriated money is subject  
 15 to subdivision (l) of Section 70391.

16 (b) Acquisition and construction of court facilities shall be  
 17 subject to the State Building Construction Act of 1955  
 18 (commencing with Section 15800) and the Property Acquisition  
 19 Law (commencing with Section 15850), except that, (1)  
 20 notwithstanding any other provision of law, the Administrative  
 21 Office of the Courts shall serve as an implementing agency upon  
 22 approval of the Department of Finance, and (2) the provisions of  
 23 subdivision (e) shall prevail. Acquisition and construction of  
 24 facilities are not subject to the provisions of the Public Contract  
 25 Code, but shall be subject to facilities contracting policies and  
 26 procedures adopted by the Judicial Council after consultation and  
 27 review by the Department of Finance.

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

30 (1) ~~To acquire, rehabilitate, construct, or finance~~ *The planning,*  
 31 *design, construction, rehabilitation, renovation, replacement,*  
 32 *leasing, or acquisition of court facilities, as defined by subdivision*  
 33 *(e) of Section 70302, including, but not limited to, equipment,*  
 34 *furniture, and furnishings for those facilities, and related project*  
 35 *costs.*

36 (2) ~~To rehabilitate~~ *The rehabilitation of one or more existing*  
 37 *court facilities in conjunction with the construction, acquisition,*  
 38 *or financing of one or more new court facilities.*

39 (d) ~~Except as provided in Section 70374.2, 25 percent of all~~  
 40 ~~money collected for~~ *Any money deposited in the State Court*

1 Facilities Construction Fund ~~from any county shall be that has~~  
2 *been* designated for implementation of trial court projects in ~~that~~  
3 *a particular county pursuant to former subdivision (d) of this*  
4 *section, shall be available for implementation of trial court projects*  
5 *anywhere within the state unless the money has been encumbered*  
6 *prior to January 1, 2009. The Judicial Council shall determine the*  
7 *local projects after consulting with the trial court in that county*  
8 *and based on the locally approved trial court facilities master plan*  
9 *for that county.*

10 (e) The following provisions shall prevail over provisions of  
11 the State Building Construction Act of 1955 (Part 10.6  
12 (commencing with Section 15800) of Division 3 of Title 2) in  
13 regard to buildings subject to this section.

14 (1) The Administrative Office of the Courts shall be responsible  
15 for the operation, including, but not limited to, the maintenance  
16 and repair, of all court facilities whose title is held by the state.  
17 Notwithstanding Section 15807, the operation of buildings under  
18 this section shall be the responsibility of the Judicial Council.

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

23 (3) The buildings under this section are subject to Section  
24 15814.12 concerning cogeneration and alternative energy sources  
25 at the request of, or with the consent of, the Judicial Council. Any  
26 building acquired by the state pursuant to this section on or before  
27 July 1, 2007, is not subject to subdivision (b) of Section 15814.12  
28 concerning acquiring of cogeneration or alternative energy  
29 equipment if the building when acquired, already had cogeneration  
30 or alternative energy equipment. Section 15814.17 only applies to  
31 buildings to which the Judicial Council has given its consent under  
32 subdivision (a) of Section 15814.12.

33 (f) *The State Public Works Board may issue lease-revenue*  
34 *bonds, notes, or bond anticipation notes pursuant to Chapter 5*  
35 *(commencing with Section 15830) of Part 10b of Division 3 of*  
36 *Title 2 in an amount not to exceed five billion dollars*  
37 *(\$5,000,000,000) to finance the planning, design, construction,*  
38 *rehabilitation, renovation, replacement, leasing, or acquisition of*  
39 *court facilities, including, but not limited to, equipment, furniture,*  
40 *and furnishings for those facilities, and related project costs. The*

1 *Judicial Council shall make recommendations to the Governor*  
2 *and the Legislature for projects based on its determination that*  
3 *the need for a project is most immediate and critical using the then*  
4 *most recent version of the Prioritization Methodology for Trial*  
5 *Court Capital-Outlay Projects originally adopted on August 26,*  
6 *2006.*

7 *(g) The State Public Works Board and the Judicial Council may*  
8 *obtain interim financing for the project costs authorized in*  
9 *subdivision (f) from any appropriate source, including, but not*  
10 *limited to, the Pooled Money Investment Account pursuant to*  
11 *Sections 16312 and 16313.*

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

17 *(i) The State Public Works Board may authorize the*  
18 *augmentation of the cost of construction of the projects authorized*  
19 *under subdivision (f) pursuant to that board's authority under*  
20 *Section 13332.11. In addition, the board may authorize any*  
21 *additional amount necessary to establish a reasonable construction*  
22 *reserve and to pay the cost of financing including the payment of*  
23 *interest during the design and construction of the projects, the*  
24 *costs of financing a debt service fund, and the cost of issuance of*  
25 *permanent financing for the projects. This additional amount may*  
26 *include interest payable on any interim financing obtained.*

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

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

1 *other agency from the requirements of the California*  
2 *Environmental Quality Act.*

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

5 70375. (a) This article shall take effect on January 1, 2003,  
6 and the fund, penalty, and fee assessment established by this article  
7 shall become operative on January 1, 2003, except as otherwise  
8 provided in this article.

9 (b) In each county, the five-dollar (\$5) penalty amount  
10 authorized by subdivision (a) of Section 70372 shall be reduced  
11 by the following:

12 ~~(1) The amount collected for deposit into the local courthouse~~  
13 ~~construction fund established pursuant to Section 76100. If a county~~  
14 ~~board of supervisors elects to distribute part of the county penalty~~  
15 ~~authorized by Section 76000 into the local courthouse construction~~  
16 ~~fund, the amount of the contribution for each seven dollars (\$7) is~~  
17 ~~the difference between seven dollars (\$7) and the amount shown~~  
18 ~~for the county penalty in subdivision (c) of Section 76000.~~

19 ~~(2) The amount collected for transmission to the state for~~  
20 ~~inclusion in the Transitional State Court Facilities Construction~~  
21 ~~Fund established pursuant to Section 70401 to the extent it is~~  
22 ~~funded by money from the local courthouse construction fund.~~

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

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

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

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

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

37 (d) For purposes of subdivision (c), the term “proportionally”  
38 means that proportion of the fee or surcharge that shall expire upon  
39 the transfer of responsibility for a facility that is the same

1 proportion as the square footage that facility bears to the total  
2 square footage of court facilities in that county.

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

5 70603. (a) Except as provided in this section, the fees charged  
6 for filings and services under this chapter are intended to be  
7 uniform statewide and to be the only allowable fees for those  
8 services and filings. The only charges that may be added to the  
9 fees in this chapter are the following:

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

13 (2) In an unlawful detainer action subject to Section 1161.2 of  
14 the Code of Civil Procedure, a charge of fifteen dollars (\$15) as  
15 provided under that section may be added to the fee in Section  
16 70613 for filing a first appearance by a plaintiff.

17 (3) In Riverside County, a surcharge as provided in Section  
18 70622 may be added to the first paper and first responsive paper  
19 filing fees in Sections 70611, 70612, 70613, 70614, 70650, 70651,  
20 70652, 70653, 70655, and 70670.

21 (4) In San Bernardino County, a surcharge as provided in  
22 Section 70624 may be added to the first paper and first responsive  
23 paper filing fees in Sections 70611, 70612, 70613, 70614, 70650,  
24 70651, 70652, 70653, 70655, and 70670. This paragraph applies  
25 to fees collected under Sections 70611, 70612, 70613, 70614,  
26 70650, 70651, 70652, 70653, 70655, and 70670, beginning January  
27 1, 2006.

28 (5) In the City and County of San Francisco, a surcharge as  
29 provided in Section 70625 may be added to the first paper and first  
30 responsive paper filing fees in Sections 70611, 70612, 70613,  
31 70614, 70650, 70651, 70652, 70653, 70655, and 70670.

32 (b) Notwithstanding paragraph (1) of subdivision (c) of Section  
33 68085.3 and paragraph (1) of subdivision (c) of Section 68085.4,  
34 when a charge for courthouse construction in the County or City  
35 and County of San Francisco, Riverside, or San Bernardino is  
36 added to the uniform filing fee as provided under paragraph (3),  
37 (4), or (5) of subdivision (a), the amount distributed to the State  
38 Court Facilities Construction Fund under Section 68085.3 or  
39 68085.4 shall be reduced by an amount equal to the charge added  
40 under paragraph (3), (4), or (5) of subdivision (a), up to the amount

1 that would otherwise be distributed to the State Court Facilities  
2 Construction Fund. If the amount added under paragraph (3), (4),  
3 or (5) of subdivision (a) is greater than the amount that would be  
4 distributed to the State Court Facilities Construction Fund under  
5 Section 68085.3 or 68085.4, no distribution shall be made to the  
6 State Court Facilities Construction Fund, but the amount charged  
7 to the party may be greater than the amount of the uniform fee  
8 otherwise allowed, in order to collect the surcharge under paragraph  
9 (3), (4), or (5) of subdivision (a).

10 (c) If a filing fee is reduced by fifteen dollars (\$15) under  
11 subdivision (c) of Section 6322.1 of the Business and Professions  
12 Code, and a courthouse construction surcharge is added to the  
13 filing fee as provided under paragraph (3), (4), or (5) of subdivision  
14 (a), the amount distributed to the State Court Facilities Construction  
15 Fund under Section 68085.4 shall be reduced as provided in  
16 subdivision (b). If the amount added under paragraph (3), (4), or  
17 (5) of subdivision (a) is greater than the amount that would be  
18 distributed to the State Court Facilities Construction Fund under  
19 Section 68085.4, no distribution shall be made to the State Court  
20 Facilities Construction Fund, but the amount charged to the party  
21 may be greater than ~~one hundred sixty-five dollars (\$165)~~ *one*  
22 *hundred ninety dollars (\$190)*, in order to collect the surcharge  
23 under paragraph (3), (4), or (5) of subdivision (a).

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

26 70611. The uniform fee for filing the first paper in a civil action  
27 or proceeding in the superior court, other than in a limited civil  
28 case, an adoption proceeding, a proceeding under the Probate Code,  
29 or a proceeding under the Family Code, is ~~three hundred twenty~~  
30 ~~dollars (\$320)~~ *three hundred fifty-five dollars (\$355)*. The fee shall  
31 be distributed as provided in Section 68085.3.

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

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

39 70612. (a) The uniform fee for filing the first paper in the  
40 action or proceeding described in Section 70611 on behalf of any

1 defendant, intervenor, respondent, or adverse party, whether  
2 separately or jointly, except for the purpose of making disclaimer,  
3 is ~~three hundred twenty dollars (\$320)~~ *three hundred fifty-five*  
4 *dollars (\$355)*. The fee shall be distributed as provided in Section  
5 68085.3.

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

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

11 70613. (a) The uniform fee for filing the first paper in a limited  
12 civil case is ~~three hundred dollars (\$300)~~ *three hundred thirty*  
13 *dollars (\$330)*, except as provided in subdivision (b).

14 (b) In a case where the amount demanded, excluding attorney’s  
15 fees and costs, is ten thousand dollars (\$10,000) or less, the uniform  
16 fee for filing the first paper is ~~one hundred eighty dollars (\$180)~~  
17 *two hundred five dollars (\$205)*. The first page of the first paper  
18 shall state whether the amount demanded exceeds or does not  
19 exceed ten thousand dollars (\$10,000).

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

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

27 (e) The fee shall be waived in any action for damages against  
28 a defendant, based upon the defendant’s commission of a felony  
29 offense, upon presentation to the clerk of the court of a certified  
30 copy of the abstract of judgment of conviction of the defendant of  
31 the felony giving rise to the claim for damages. If the plaintiff  
32 would have been entitled to recover those fees from the defendant  
33 had they been paid, the court may assess the amount of the waived  
34 fees against the defendant and order the defendant to pay that sum  
35 to the court.

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

38 70614. (a) The uniform fee for filing the first paper in a limited  
39 civil case on behalf of any party other than a plaintiff is ~~three~~

1 ~~hundred dollars (\$300)~~ *three hundred thirty dollars (\$330)*, except  
2 as provided in subdivision (b).

3 (b) In a case where the amount demanded, excluding attorney's  
4 fees and costs, is ten thousand dollars (\$10,000) or less, the uniform  
5 fee for filing the first paper is ~~one hundred eighty dollars (\$180)~~  
6 *two hundred five dollars (\$205)*.

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

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

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

13 70621. (a) (1) The fee for filing a notice of appeal to the  
14 appellate division of the superior court in a limited civil case is  
15 ~~three hundred dollars (\$300)~~ *three hundred thirty dollars (\$330)*,  
16 except as provided in subdivision (b).

17 (2) The fee for filing a petition for a writ within the original  
18 jurisdiction of the appellate division of the superior court is ~~three~~  
19 ~~hundred dollars (\$300)~~ *three hundred thirty dollars (\$330)*, except  
20 as provided in subdivision (b).

21 (b) If the amount demanded in the limited civil case, excluding  
22 attorney's fees and costs, is ten thousand dollars (\$10,000) or less,  
23 the fee for filing a petition for a writ or a notice of appeal to the  
24 appellate division of the superior court is ~~one hundred eighty~~  
25 ~~dollars (\$180)~~ *two hundred five dollars (\$205)*.

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

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

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

33 70650. (a) The uniform filing fee for the first petition for letters  
34 of administration or letters testamentary, or the first petition for  
35 special letters of administration with the powers of a general  
36 personal representative pursuant to Section 8545 of the Probate  
37 Code, or a first account of a trustee of a testamentary trust that is  
38 subject to the continuing jurisdiction of the court pursuant to  
39 Chapter 4 (commencing with Section 17300) of Part 5 of Division  
40 9 of the Probate Code is, as follows:

1 (1) ~~Three hundred twenty dollars (\$320)~~ *Three hundred fifty-five*  
2 *dollars (\$355)* for estates or trusts under two hundred fifty thousand  
3 dollars (\$250,000).

4 (2) ~~Three hundred eighty-five dollars (\$385)~~ *Four hundred*  
5 *twenty dollars (\$420)* for estates or trusts of at least two hundred  
6 fifty thousand dollars (\$250,000) and less than five hundred  
7 thousand dollars (\$500,000).

8 (3) ~~Four hundred eighty-five dollars (\$485)~~ *Five hundred twenty*  
9 *dollars (\$520)* for estates or trusts of at least five hundred thousand  
10 dollars (\$500,000) and less than seven hundred fifty thousand  
11 dollars (\$750,000).

12 (4) ~~Six hundred thirty-five dollars (\$635)~~ *Six hundred seventy*  
13 *dollars (\$670)* or estates or trusts of at least seven hundred fifty  
14 thousand dollars (\$750,000) and less than one million dollars  
15 (\$1,000,000).

16 (5) ~~One thousand one hundred thirty-five dollars (\$1,135)~~ *One*  
17 *thousand one hundred seventy dollars (\$1,170)* for estates or trusts  
18 of at least one million dollars (\$1,000,000) and less than one  
19 million five hundred thousand dollars (\$1,500,000).

20 (6) ~~Two thousand one hundred thirty-five dollars (\$2,135)~~ *Two*  
21 *thousand one hundred seventy dollars (\$2,170)* for estates or trusts  
22 of at least one million five hundred thousand dollars (\$1,500,000)  
23 and less than two million dollars (\$2,000,000).

24 (7) ~~Two thousand six hundred thirty-five dollars (\$2,635)~~ *Two*  
25 *thousand six hundred seventy dollars (\$2,670)* for estates or trusts  
26 of at least two million dollars (\$2,000,000) and less than two  
27 million five hundred thousand dollars (\$2,500,000).

28 (8) ~~Three thousand six hundred thirty-five dollars (\$3,635)~~ *Three*  
29 *thousand six hundred seventy dollars (\$3,670)* for estates or trusts  
30 of at least two million five hundred thousand dollars (\$2,500,000)  
31 and less than three million five hundred thousand dollars  
32 (\$3,500,000).

33 (9) ~~Three thousand six hundred thirty-five dollars (\$3,635)~~ *Three*  
34 *thousand six hundred seventy dollars (\$3,670)* plus 0.2 percent of  
35 the amount over three million five hundred thousand dollars  
36 (\$3,500,000) for estates or trusts of three million five hundred  
37 thousand dollars (\$3,500,000) or more.

38 (b) The full uniform filing fee for a petition for letters in a  
39 decedent's estate or the first account of a trustee under subdivision  
40 (a) shall be determined based on the final appraised value of the

1 estate without reference to encumbrances or other obligations on  
2 estate property, or the value of the trust shown in the first account,  
3 and is payable as follows:

4 (1) The petitioner for letters under subdivision (a) shall pay the  
5 sum of ~~three hundred twenty dollars (\$320)~~ *three hundred fifty-five*  
6 *dollars (\$355)* at the time of filing the petition.

7 (2) In a decedent's estate under subdivision (a), the balance of  
8 the uniform filing fee, if any, shall be paid by the general personal  
9 representative of the estate no later than the date the general  
10 personal representative files its final account or report and petition  
11 for settlement or for final distribution, under rules adopted by the  
12 Judicial Council, without regard to whether the representative was  
13 appointed by the court on a petition under subdivision (a) or a  
14 petition under subdivision (d).

15 (3) The full uniform filing fee for a trust under subdivision (a)  
16 shall be paid when the first account is filed.

17 (c) The uniform filing fee for the first objections to the probate  
18 of any will or codicil under Section 8250 of the Probate Code, or  
19 the first petition for revocation of probate of any will or codicil  
20 under Section 8270 of the Probate Code, is ~~three hundred twenty~~  
21 ~~dollars (\$320)~~ *three hundred fifty-five dollars (\$355)*. The uniform  
22 filing fee for the first petition for special letters of administration  
23 without the powers of a general personal representative is the fee  
24 provided in Section 70657.5. Where objections to the probate of  
25 a will or codicil or a petition for revocation of probate of a will or  
26 codicil are filed together with a petition for appointment of a  
27 personal representative described in subdivision (d) filed by the  
28 same person, only the fee provided in subdivision (d) shall be  
29 charged to that person.

30 (d) A fee of ~~three hundred twenty dollars (\$320)~~ *three hundred*  
31 *fifty-five dollars (\$355)* shall also be charged for filing each  
32 subsequent petition or objections of a type described in subdivision  
33 (a) in the same proceeding by a person other than the original  
34 petitioner or contestant. The same fee as provided in subdivision  
35 (c) shall be charged for filing each subsequent petition or objections  
36 of a type described in that subdivision in the same proceeding by  
37 a person other than the original petitioner or contestant.

38 (e) Notwithstanding Section 70658.5, if a petition for special  
39 letters of administration without the powers of a general personal  
40 representative is filed together with a petition for appointment of

1 an administrator with general powers under subdivision (a) or  
2 subdivision (d) by the same person, the person filing the petitions  
3 shall be charged the applicable filing fees for both petitions.

4 (f) The first ~~three hundred twenty dollars (\$320)~~ *three hundred*  
5 *fifty-five dollars (\$355)* of the filing fee charged under this section  
6 shall be distributed as provided in Section 68085.3. The remainder  
7 shall be distributed to the Trial Court Trust Fund.

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

10 70651. (a) The uniform filing fee for objections or any other  
11 paper in opposition to a petition or account described in subdivision  
12 (a) of Section 70650, other than a petition described in subdivision  
13 (d) of Section 70650, is ~~three hundred twenty dollars (\$320)~~ *three*  
14 *hundred fifty-five dollars (\$355)*. If objections or any other paper  
15 in opposition are filed together with a petition described in  
16 subdivision (d) of Section 70650 by the same person, only the fee  
17 provided in subdivision (d) of Section 70650 shall be charged to  
18 that person.

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

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

23 70652. (a) The uniform filing fee for each petition concerning  
24 the internal affairs of a trust under Chapter 3 (commencing with  
25 Section 17200) of Part 5 of Division 9 of the Probate Code, is ~~three~~  
26 ~~hundred twenty dollars (\$320)~~ *three hundred fifty-five dollars*  
27 *(\$355)*.

28 (b) The uniform filing fee for each paper filed in opposition to  
29 a petition under subdivision (a) is ~~three hundred twenty dollars~~  
30 ~~(\$320)~~ *three hundred fifty-five dollars (\$355)*.

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

34 (d) This section does not apply to petitions or opposition filed  
35 concerning trusts created by court order under Article 10  
36 (commencing with Section 2580) of Chapter 6 of Part 3 of Division  
37 4 of the Probate Code, Article 1 (commencing with Section 3100)  
38 of Chapter 3 of Part 6 of Division 4 of the Probate Code, Article  
39 1 (commencing with Section 3600) of Chapter 4 of Part 8 of  
40 Division 4 of the Probate Code, or first accounts or opposition to

1 first accounts of testamentary trustees described in Sections 70650  
2 and 70651.

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

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

7 70653. (a) The uniform filing fee for a petition for appointment  
8 of a conservator, a guardian of the estate, or a guardian of the  
9 person and estate, pursuant to Division 4 (commencing with  
10 Section 1400) of the Probate Code, is ~~three hundred twenty dollars~~  
11 ~~(\$320)~~ *three hundred fifty-five dollars (\$355).*

12 (b) Except as provided in subdivision (f), the uniform filing fee  
13 for objections or any other paper in opposition to a petition under  
14 subdivision (a) or (d) is ~~three hundred twenty dollars (\$320)~~ *three*  
15 *hundred fifty-five dollars (\$355).*

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

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

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

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

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

35 70654. (a) The uniform filing fee for a petition for appointment  
36 of a guardian of the person only, is ~~one hundred eighty dollars~~  
37 ~~(\$180)~~ *two hundred five dollars (\$205).*

38 (b) Except as provided in subdivision (e), the uniform filing fee  
39 for objections or any other paper in opposition to a petition under

1 subdivision (a) is ~~one hundred eighty dollars (\$180)~~ *two hundred*  
2 *five dollars (\$205)*.

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

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

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

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

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

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

24 70655. (a) The uniform filing fee for a petition that commences  
25 any of the proceedings under the Probate Code listed in subdivision  
26 (c) is ~~three hundred twenty dollars (\$320)~~ *three hundred fifty-five*  
27 *dollars (\$355)*.

28 (b) The uniform filing fee for objections or any other paper filed  
29 in opposition to a petition under subdivision (a) is ~~three hundred~~  
30 ~~twenty dollars (\$320)~~ *three hundred fifty-five dollars (\$355)*.

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

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

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

37 (3) A spousal or domestic partnership property petition pursuant  
38 to Section 13650 of the Probate Code, except as provided in Section  
39 13652 of the Probate Code.

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

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

5 (6) A petition concerning capacity determination and health  
6 care decision for adult without conservator pursuant to Section  
7 3200 of the Probate Code.

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

10 (8) A petition concerning a power of attorney pursuant to Section  
11 4541 of the Probate Code.

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

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

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

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

21 70656. (a) The uniform filing fee for a petition requesting an  
22 order setting aside a decedent's estate of small value pursuant to  
23 Section 6602 of the Probate Code, if no estate proceeding is  
24 pending for the decedent, is ~~one hundred eighty dollars (\$180)~~ *two*  
25 *hundred five dollars (\$205).*

26 (b) The uniform filing fee for objections or any other paper filed  
27 in opposition to a petition under subdivision (a) is ~~one hundred~~  
28 ~~eighty dollars (\$180)~~ *two hundred five dollars (\$205).*

29 (c) If a petition or objections or any other paper in opposition  
30 under this section is filed concurrently with a petition for  
31 appointment of a personal representative described in Section  
32 70650, the petitioner or objector shall be charged only for the filing  
33 fee provided in Section 70650.

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

36 (e) Except as provided in subdivision (c), no other fee shall be  
37 charged for filing a paper under this section in addition to the  
38 uniform filing fee provided for in this section.

39 *SEC. 22. Section 70658 of the Government Code is amended*  
40 *to read:*

1 70658. (a) Except as provided in subdivisions (c) and (d), the  
2 uniform fee for filing a petition or application, or objections or  
3 any other paper in opposition to a petition or application listed in  
4 this subdivision, filed after issuance of letters testamentary, letters  
5 of administration, letters of special administration to a personal  
6 representative of a decedent's estate, or letters of guardianship or  
7 conservatorship, or letters of temporary guardianship or  
8 conservatorship to a guardian or conservator, is ~~one hundred eighty~~  
9 ~~dollars (\$180)~~ *two hundred five dollars (\$205)*. This section shall  
10 apply to the following petitions or applications, or opposition:

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

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

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

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

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

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

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

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

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

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

38 (11) Petition or application for or opposition to an order  
39 directing, authorizing, approving, or modifying payments for  
40 support, maintenance, or education of a ward or conservatee or

1 for a person entitled to support, maintenance, or education from a  
2 ward or conservatee.

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

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

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

15 (b) The uniform fee in subdivision (a) shall be distributed as  
16 provided in Section 68085.4. No other fee shall be charged for  
17 filing a paper under this section in addition to the uniform filing  
18 fee provided for in this section.

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

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

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

24 (d) The fee provided in this section shall not be charged to a  
25 personal representative of a decedent's estate in a proceeding  
26 commenced on or after August 18, 2003, for any petition or  
27 application filed in the proceeding by the personal representative  
28 concerning any of the following actions:

29 (1) Allowance of the personal representative's compensation.

30 (2) Allowance of the compensation for the attorney for the  
31 personal representative.

32 (3) Settlement of accounts.

33 (4) Preliminary and final distributions and discharge.

34 (5) Sale of property of the estate to the personal representative  
35 or to the attorney for the personal representative.

36 (6) Exchange of property of the estate for property of the  
37 personal representative or property of the attorney for the personal  
38 representative.

1 (7) Grant of an option to purchase property of the estate to the  
2 personal representative or to the attorney for the personal  
3 representative.

4 (8) Allowance, payment, or compromise of a claim of the  
5 personal representative, or the attorney for the personal  
6 representative, against the estate.

7 (9) Compromise or settlement of a claim, action, or proceeding  
8 by the estate against the personal representative or the attorney for  
9 the personal representative.

10 (10) Extension, renewal, or modification of the terms of a debt  
11 or other obligation of the personal representative or the attorney  
12 for the personal representative owing to or in favor of the decedent  
13 or the estate.

14 (11) Sale, exchange, or grant of an option to purchase real  
15 property.

16 (12) Borrowing money with the loan secured by an encumbrance  
17 on real property.

18 *SEC. 23. Section 70670 of the Government Code is amended*  
19 *to read:*

20 70670. (a) The uniform fee for filing the first paper in a  
21 proceeding under the Family Code, other than a proceeding for  
22 dissolution of marriage or domestic partnership, legal separation,  
23 or nullity, is ~~three hundred twenty dollars (\$320)~~ *three hundred*  
24 *fifty-five dollars (\$355)*. The fee shall be distributed as provided  
25 in Section 68085.3.

26 (b) The uniform fee for filing the first paper in a proceeding for  
27 dissolution of marriage or domestic partnership, legal separation,  
28 or nullity, is ~~three hundred twenty dollars (\$320)~~ *three hundred*  
29 *fifty-five dollars (\$355)*. The fee shall be distributed as provided  
30 in Section 68085.3, except that two dollars (\$2) of the funds that  
31 would otherwise be distributed to the Trial Court Trust Fund shall  
32 be transmitted to the Treasurer for deposit in the Health Statistics  
33 Special Fund.

34 (c) The uniform fee for filing the first paper in a proceeding  
35 under subdivision (a) on behalf of any respondent, defendant,  
36 intervenor, or adverse party, whether separately or jointly, is ~~three~~  
37 ~~hundred twenty dollars (\$320)~~ *three hundred fifty-five dollars*  
38 *(\$355)*. The fee shall be distributed as provided in Section 68085.3.

39 (d) The uniform fee for filing the first paper in a proceeding  
40 under subdivision (b) on behalf of any respondent, defendant,

1 intervenor, or adverse party, whether separately or jointly, is ~~three~~  
2 ~~hundred twenty dollars (\$320)~~ *three hundred fifty-five dollars*  
3 *(\$355)*. The fee shall be distributed as provided in Section 68085.3.

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

6 *SEC. 24. Section 103470 of the Health and Safety Code is*  
7 *amended to read:*

8 103470. The fee for filing the petition is ~~one hundred eighty~~  
9 ~~dollars (\$180)~~ *two hundred five dollars (\$205)*. This fee shall be  
10 distributed as provided in Section 68085.4 of the Government  
11 Code. The petition may be heard by any judge hearing probate  
12 matters, or if a probate department has been designated for hearing  
13 probate matters, the matter shall be assigned to the probate  
14 department for hearing.

15 *SEC. 25. Section 1465.8 of the Penal Code is amended to read:*

16 1465.8. (a) (1) To ensure and maintain adequate funding for  
17 court security, a fee of ~~twenty dollars (\$20)~~ *sixty dollars (\$60)*  
18 shall be imposed on every conviction for a criminal offense,  
19 including a traffic offense, except parking offenses as defined in  
20 subdivision (i) of Section 1463, involving a violation of a section  
21 of the Vehicle Code or any local ordinance adopted pursuant to  
22 the Vehicle Code.

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

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

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

1 (d) Notwithstanding any other provision of law, the fees  
 2 collected pursuant to subdivision (a) shall all be deposited in a  
 3 special account in the county treasury and transmitted therefrom  
 4 monthly to the Controller for deposit ~~in the Trial Court Trust Fund~~  
 5 *as follows: one-third of all amounts collected shall be deposited*  
 6 *in the Trial Court Trust Fund and two-thirds of all amounts*  
 7 *collected shall be deposited in the Immediate and Critical Needs*  
 8 *Account of the State Court Facilities Construction Fund,*  
 9 *established in Section 70371.5 of the Government Code.*

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

12 *SEC. 26. Section 7660 of the Probate Code is amended to read:*

13 7660. (a) If a public administrator takes possession or control  
 14 of an estate pursuant to this chapter, the public administrator may,  
 15 acting as personal representative of the estate, summarily dispose  
 16 of the estate in the manner provided in this article in either of the  
 17 following circumstances:

18 (1) The total value of the property in the decedent’s estate does  
 19 not exceed the amount prescribed in Section 13100. The authority  
 20 provided by this paragraph may be exercised only upon order of  
 21 the court. The order may be made upon ex parte application. The  
 22 fee to be allowed to the clerk for the filing of the application is  
 23 ~~one hundred eighty dollars (\$180)~~ *two hundred five dollars (\$205).*  
 24 The authority for this summary administration of the estate shall  
 25 be evidenced by a court order for summary disposition.

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

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

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

1 (i) Provide the public administrator complete information  
2 concerning any property held in the name of the decedent,  
3 including the names and addresses of any beneficiaries or joint  
4 owners.

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

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

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

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

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

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

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

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

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

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

6 *SEC. 27. Section 42007.1 of the Vehicle Code is amended to*  
7 *read:*

8 42007.1. (a) The fee collected by the clerk pursuant to  
9 subdivision (a) of Section 42007 shall be in an amount equal to  
10 the total bail set forth for the eligible offense on the uniform  
11 countywide bail schedule plus ~~twenty-four dollars (\$24)~~ *sixty-four*  
12 *dollars (\$64)*.

13 (b) Notwithstanding subdivision (b) of Section 42007, the  
14 revenue from the ~~twenty-four dollar (\$24)~~ *sixty-four dollar (\$64)*  
15 fee collected under this section shall be deposited in the county  
16 general fund. *Sixty-two and one-half percent of the amount*  
17 *collected under this section and deposited into the county general*  
18 *fund shall be transmitted therefrom monthly to the Controller for*  
19 *deposit in the Immediate and Critical Needs Account of the State*  
20 *Court Facilities Construction Fund, established in Section 70371.5*  
21 *of the Government Code.*

22 *SEC. 28. This act is an urgency statute necessary for the*  
23 *immediate preservation of the public peace, health, or safety within*  
24 *the meaning of Article IV of the Constitution and shall go into*  
25 *immediate effect. The facts constituting the necessity are:*

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

29 ~~SECTION 1. It is the intent of the Legislature to enact~~  
30 ~~legislation to authorize a court facility construction financing~~  
31 ~~program, including, but not limited to, lease-purchase financing~~  
32 ~~or the issuance of bonds, for purposes relating to the repair and~~  
33 ~~renovation of court facilities.~~