

**Senate Bill No. 1932**

CHAPTER 159

An act to add Article 32.3 (commencing with Section 74820) to Chapter 10 of Title 8 of the Government Code, relating to courts.

[Approved by Governor July 11, 1996. Filed with Secretary of State July 12, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1932, Johnston. Courts: San Joaquin County.

Existing law provides for the superior and municipal courts in San Joaquin County.

This bill would authorize the Board of Supervisors of San Joaquin County to consolidate the court security functions and service of process and notice functions for the superior and municipal courts within San Joaquin County, as specified.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. Article 32.3 (commencing with Section 74820) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 32.3. San Joaquin County Court Security and Civil Process Consolidation

74820. This article shall be known and may be cited as the San Joaquin County Court Security and Civil Process Act.

74820.1. (a) Notwithstanding any other provision of law, the Board of Supervisors of San Joaquin County may determine that it is in the public interest to consolidate court security functions provided by the sheriff and the marshal within that county.

(b) If that finding is made, there shall be conducted among all of the incumbent judges and commissioners of the superior and municipal courts of that county an election to determine the office, either the marshal's office or sheriff's office, under which those services shall be consolidated. The outcome shall be determined by a simple majority of votes cast, provided that the total number of votes cast exceeds 50 percent of the number of incumbent superior



and municipal judges and commissioners in the county, by at least one vote. The registrar of voters shall administer that election and tabulate the results thereof within 15 days after the board of supervisors makes that finding. The results of the election shall be publicly reported within 15 days following the election period by the registrar of voters to the board of supervisors.

(c) The board of supervisors shall immediately commence and, within a reasonable time not to exceed 90 days, implement the decision made by a majority of the incumbent judges and commissioners of the superior and municipal courts of that county in that election. If the results of the election are evenly divided, the board of supervisors may call additional elections without making additional findings.

74820.2. There is a court services division within the San Joaquin County Sheriff's Department to provide security within the superior and municipal courts.

74820.3. (a) The sheriff shall be the appointing authority for all court services division positions and employees.

(b) The incumbent marshal of San Joaquin County shall become the sheriff's division chief (exempt) of the court services division upon the operative date of this section and may not be removed except by the sheriff with the concurrence of a majority of the incumbent judges and commissioners. His or her salary and benefits shall not be reduced. Upon the vacancy of this initial position, the classification, salary, and benefits shall be reevaluated by the county.

(c) Selection, appointment, and removal of subsequent chiefs of the court services division shall be made by a majority vote of the incumbent superior court and municipal court judges and commissioners from a list of qualified candidates submitted by a committee comprised of the sheriff, an incumbent judge of the superior court, and an incumbent judge of the municipal court selected by the board of supervisors.

(d) The two incumbent assistant marshals in the marshal's office shall become sheriff's commanders, court services division, in the sheriff's department and shall be assigned to the division of court services upon the operative date of this section. They may not be removed except by the sheriff with the concurrence of the majority of incumbent judges and commissioners. Their salary and benefits shall not be reduced. Upon the first vacancy of one of the two sheriff's commanders, the position shall be eliminated. Upon the second vacancy of the two sheriff's commanders, the classification, salary, and benefits shall be reevaluated by the county.

74820.4. (a) All personnel of the marshal's office subject to consolidation shall become members of the sheriff's office. Their salary and benefits shall not be reduced. Permanent employees presently holding the rank of deputy or sergeant, respectively, in the marshal's office may become deputy sheriffs or sheriff's sergeants



upon consolidation if they meet the qualifications for deputy sheriffs or sheriff's sergeants. If they cannot meet the qualifications for deputy sheriffs or sheriff's sergeants or desire to remain in court services, they may become deputy sheriff's sergeants at the nearest equivalent step without step increases or deputy sheriff I's without a loss in pay.

(b) Deputy sheriffs and sheriff's sergeants may be transferred to other positions in the sheriff's office at the same or equivalent classification. Those who remain sheriff's sergeants at the nearest equivalent step without step increases or deputy sheriff I's may not be involuntarily transferred out of the court services division.

(c) Permanent employees of the sheriff's office assigned to court services on the operative date of the consolidation and permanent employees of the marshal's office on the operative date of the consolidation shall be deemed qualified for employment and retention in the San Joaquin County Sheriff's Department. Probationary employees of the sheriff's department assigned to court services on the operative date of the consolidation and probationary employees of the marshal's office on the operative date of the consolidation shall retain their probationary status and rights, and shall not be required to start a new probationary period.

(d) For personnel of the sheriff's office assigned to court services on the operative date of the consolidation and personnel of the marshal's office on the operative date of the consolidation, all county service shall be counted toward county seniority, and all time spent in the same classification, and all time spent in the equivalent or higher classification shall be counted toward classification seniority. All county seniority shall be credited as departmental seniority. For layoff and displacement purposes, all covered service in the sheriff's department and marshal's office shall be counted equally, and the county's personnel management regulations and other governing county ordinances and resolutions shall determine the class, county, and departmental seniority dates, the seniority and layoff order, and the displacement rights of all employees.

(e) No employee of the sheriff's office assigned to court services on the operative date of the consolidation or employee of the marshal's office on the operative date of the consolidation shall lose peace officer status or be demoted by the consolidation of court services pursuant to this section. Peace Officer Standards and Training certificates held on the operative date of this section by employees of the San Joaquin County Marshal's Department and the San Joaquin County Sheriff's Department shall be considered the same for purposes of this section.

74820.5. Notwithstanding any other provision of this article, the sheriff shall make all transfers within the court services division consistent with existing personnel policies of the sheriff, memoranda



of understanding, if any, and other county personnel management, rules, and regulations.

74820.6. The marshal's office is abolished.

74820.7. Sections 74820.2 to 74820.6, inclusive, shall become operative only if the sheriff's office is selected as the office under which court security services shall be consolidated. Under those circumstances, the sections shall become operative upon the vote of the incumbent judges and commissioners of the county so selecting the sheriff.

74820.8. The incumbent marshal shall be the marshal of the consolidated offices. The marshal shall be appointed by, and serve at the pleasure of, the majority of the incumbent judges and commissioners of the superior court and all municipal courts in the county. When making that appointment, the incumbent judges and commissioners shall consider, but shall not be bound by, the recommendation of a committee comprised of the presiding judges of the superior court and each municipal court.

74820.9. Deputy sheriffs and sheriff's sergeants who become members of the consolidated office shall do so at their existing salaries and benefits, and shall be y-rated in accordance with the County Salary Ordinance. All other staff who become members of the consolidated office shall do so at their existing salaries and benefits.

74820.10. Permanent employees of the sheriff's department on the operative date of the consolidation shall be deemed qualified, and no other qualifications shall be required for employment or retention. Probationary employees of the sheriff's department on the operative date of the consolidation shall retain their probationary status and rights, and shall not be deemed to have transferred so as to require serving a new probationary period.

74820.11. All county service or service in the sheriff's department of employees of the sheriff's department on the operative date of the consolidation shall be counted toward seniority in the court-related services office, and all time spent in the same, equivalent, or higher classification shall be counted toward classification seniority.

74820.12. No employee of the sheriff's department on the operative date of the consolidation shall lose peace officer status.

74820.13. Sections 74820.8 to 74820.12, inclusive, shall become operative only if the marshal is selected as the agency under which court-related services shall be consolidated, in which case those sections shall become operative upon the vote of the incumbent judges and commissioners of the county so selecting the marshal.

74820.14. Notwithstanding the other provisions of this article, if it finds that it is in the public interest, the board of supervisors may consolidate the service of process and notice functions in either the sheriff's or the marshal's office. If the service of process and notice functions are consolidated, personnel shall be transferred under the provisions of this article that relate to personnel matters.



SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

