

AMENDED IN ASSEMBLY APRIL 24, 2000
AMENDED IN ASSEMBLY MARCH 20, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1754

Introduced by Assembly Member Robert Pacheco

January 13, 2000

~~An act to add and repeal Chapter 1.6 (commencing with Section 68300) to Title 8 of the Government Code, relating to courts—An act to add Section 6396 to the Family Code, relating to domestic violence, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1754, as amended, Robert Pacheco. Courts: domestic violence departments.

Existing law establishes the jurisdiction of superior and municipal courts, as specified; prohibits acts of domestic violence, as defined; and provides both civil remedies and criminal penalties for acts of domestic violence.

~~This bill would require the Judicial Council, as a pilot project, to designate 3 superior or municipal courts, selected as specified, to adjudicate matters pertaining to acts of domestic violence. The bill would provide for adjudication of domestic violence cases by a domestic violence court, as specified, and would authorize courts participating in the pilot project to enact local rules of court granting a judge hearing domestic violence matters discretion to order counseling for parties found to be the perpetrators of~~

~~domestic violence, and to offer counseling to the victims, as specified. The bill would authorize the Judicial Council to provide by rule of court for the offering of domestic violence training for judges assigned to domestic violence courts, and would require the Judicial Council to report to the Legislature regarding the pilot project on or before July 1, 2003. The provisions of the bill would be repealed on July 1, 2004, unless that date is extended by later-enacted legislation.~~

This bill would establish the Domestic Violence Court Services Trust Fund in the State Treasury, for the purpose of providing funding for probation and other court-ordered services for domestic violence courts to be administered by the Judicial Council, as specified. The bill would set forth the intent of the Legislature in this regard.

The bill would appropriate ~~\$3,600,000~~ \$3,400,000 from the General Fund to the ~~Trial Court~~ Domestic Violence Court Services Trust Fund for ~~disbursement to the courts involved, as specified, and would state the intent of the Legislature to continue that funding in future budget acts~~ the purposes of the bill.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 ~~SECTION 1. Chapter 1.6 (commencing with Section~~
 2 *SECTION 1. (a) The Legislature finds and declares*
 3 *as follows:*
 4 *(1) The reported incidence of domestic violence is on*
 5 *the rise in California.*
 6 *(2) Dedicated domestic violence courts have been*
 7 *created in several California counties in an attempt to*
 8 *more effectively address the causes of domestic violence*
 9 *and break the escalating cycle of domestic violence,*
 10 *which is a blight to California communities and touches,*
 11 *directly or indirectly, virtually every family in this state.*
 12 *(3) The key to success of domestic violence courts is*
 13 *the ability to closely monitor and direct appropriate*
 14 *treatment for domestic violence perpetrators, and offer*
 15 *appropriate services for victims.*

1 (4) *Dedicated domestic violence courts report lower*
2 *recidivism rates for perpetrators of violence due to the*
3 *types of supervision and services required by these courts.*

4 (5) *Without adequate resources devoted to probation*
5 *and other court-ordered services, dedicated domestic*
6 *violence courts will be unable to provide the focused*
7 *attention and the full range of services that have proven*
8 *effective to stopping the cycle of domestic violence.*

9 (b) *It is the intent of the Legislature to provide*
10 *adequate funding for probation and other court-ordered*
11 *services to assist domestic violence courts in achieving*
12 *their full potential.*

13 SEC. 2. *Section 6396 is added to the Family Code, to*
14 *read:*

15 6396. (a) *In order to further the ability of domestic*
16 *violence courts to provide necessary oversight,*
17 *treatment, and services to perpetrators of domestic*
18 *violence, and offer appropriate services for victims, there*
19 *is hereby established in the State Treasury the Domestic*
20 *Violence Court Services Trust Fund.*

21 (b) *The Domestic Violence Court Services Trust Fund*
22 *shall be administered by the Judicial Council for the*
23 *purpose of providing funding for probation and other*
24 *court-ordered services for domestic violence courts.*

25 (c) *The Judicial Council shall have the discretion to*
26 *allocate the funds to domestic violence courts for the*
27 *provision of probation and other court-ordered services*
28 *as it deems appropriate, but these funds shall not supplant*
29 *any other funding for probation or other court-ordered*
30 *services.*

31 (d) *It is the intent of the Legislature that up to one*
32 *hundred thousand dollars (\$100,000) be made available*
33 *annually to individual domestic violence courts for*
34 *probation and other court-ordered services.*

35 SEC. 3. *There is hereby appropriated from the*
36 *General Fund to the Domestic Violence Court Services*
37 *Trust Fund the sum of three million four hundred*
38 *thousand dollars (\$3,400,000) for the purposes set forth in*
39 *Section 6396 of the Family Code.*



1 ~~68300) is added to Title 8 of the Government Code, to~~
2 ~~read:~~

3

4 ~~CHAPTER 1.6. DOMESTIC VIOLENCE COURTS~~

5

6 ~~68300. For purposes of this article:~~

7 ~~(a) "Domestic violence" means any act described in~~
8 ~~Section 6211 of the Family Code or Section 12028.5 of the~~
9 ~~Penal Code.~~

10 ~~(b) The population of a county shall be determined~~
11 ~~pursuant to the census published by the Department of~~
12 ~~Finance in January 1998.~~

13 ~~68301. (a) As a pilot project, the Judicial Council shall~~
14 ~~designate three superior or municipal courts which shall~~
15 ~~each establish a domestic violence court pursuant to this~~
16 ~~chapter.~~

17 ~~(b) One court shall be selected from each of the~~
18 ~~following categories:~~

19 ~~(1) Counties with a population of more than 9,000,000~~
20 ~~persons.~~

21 ~~(2) Counties with a population of more than 2,000,000~~
22 ~~but not exceeding 9,000,000 persons.~~

23 ~~(3) Counties with a population of at least 750,000 but~~
24 ~~not exceeding 2,000,000 persons.~~

25 ~~(c) The Judicial Council shall establish criteria for the~~
26 ~~selection of the pilot project courts on or before February~~
27 ~~1, 2001.~~

28 ~~(d) The Judicial Council shall give preference in the~~
29 ~~selection of courts to those courts that voluntarily~~
30 ~~provided a domestic violence division in calendar year~~
31 ~~1999.~~

32 ~~(e) The Judicial Council shall select the participating~~
33 ~~courts on or before April 1, 2001, from those courts that~~
34 ~~apply to the Judicial Council by March 1, 2001, for~~
35 ~~consideration for the pilot project established by this~~
36 ~~chapter.~~

37 ~~68302. For the purposes of this chapter, "domestic~~
38 ~~violence court" means a department or division of a~~
39 ~~superior or municipal court that adjudicates matters~~



1 ~~pertaining to acts of domestic violence, as assigned to the~~
2 ~~domestic violence court by the presiding judge.~~

3 ~~68303. The Judicial Council shall report to the~~
4 ~~Legislature on or before July 1, 2003, on the effectiveness~~
5 ~~of domestic violence courts in handling matters~~
6 ~~pertaining to acts of domestic violence, including, but not~~
7 ~~limited to, expedience, recidivism, and the ongoing safety~~
8 ~~of family members at risk.~~

9 ~~68304. Those courts participating in the pilot project~~
10 ~~may enact local rules of court, not in conflict with the~~
11 ~~Rules of Court established by the Judicial Council or any~~
12 ~~other provision of law, including, but not limited to,~~
13 ~~Section 1203.097 of the Penal Code, that grant the judge~~
14 ~~hearing the matter discretion to order counseling for~~
15 ~~parties found to be the perpetrators of domestic violence,~~
16 ~~and to offer counseling to parties found to be the victims~~
17 ~~of domestic violence.~~

18 ~~68305. The Judicial Council may provide by rule of~~
19 ~~court for the offering of domestic violence training for~~
20 ~~judges assigned to domestic violence courts.~~

21 ~~68306. This chapter shall remain in effect only until~~
22 ~~July 1, 2004, and as of that date is repealed, unless a later~~
23 ~~statute enacted after the effective date of this chapter~~
24 ~~extends or repeals that date.~~

25 ~~SEC. 2. There is hereby appropriated from the~~
26 ~~General Fund to the Trial Court Trust Fund the sum of~~
27 ~~three million six hundred thousand dollars (\$3,600,000);~~
28 ~~to be allocated by the Trial Court Budget Commission to~~
29 ~~those courts that establish domestic violence courts~~
30 ~~pursuant to this act for expenditure according to the~~
31 ~~purposes of this act. It is the further intent of the~~
32 ~~Legislature to thereafter incorporate ongoing funding for~~
33 ~~these purposes in the annual Budget Act beginning with~~
34 ~~the 2001-2002 fiscal year.~~

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