

Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
AB 414 (Maienschein) – As Amended April 6, 2021

SUBJECT: Local government: county regional justice facilities.

SUMMARY: Repeals several obsolete statutes related to court reunification. Specifically, **this bill:**

- 1) Repeals the San Joaquin County Regional Justice Facility Financing Act, the Orange County Regional Justice Facilities Act, and the County Regional Justice Facilities Financing Act.
- 2) Repeals provisions of law requiring the Judicial Council and the California Law Revision Commission (Commission) to study statutory changes that may be necessitated by court unification, as specified.
- 3) Makes conforming changes.

EXISTING LAW:

- 1) Requires the California Law Revision Commission to determine whether any provisions of law are obsolete as a result of several court reform measures and to recommend to the Legislature any amendments to remove those obsolete provisions.
- 2) Provides that commencing July 1, 1997, and each year thereafter, no county or city and county is responsible to provide funding for "court operations," as defined.
- 3) Establishes the San Joaquin County Regional Justice Facility Financing Act, the Orange County Regional Justice Facilities Act, and the County Regional Justice Facilities Financing Act to provide for agencies and funding mechanisms for juvenile justice facilities.
- 4) Requires the Judicial Council and the California Law Revision Commission to study statutory changes that may be necessitated by court unification and make recommendations to the Governor and the Legislature on the issues identified in the reports as appropriate for future study, as specified.

FISCAL EFFECT: None.

COMMENTS:

- 1) **Bill Summary and Author's Statement.** This bill repeals several obsolete provisions of law as recommended by the Commission. According to the author, "AB 414 is an important bill to revise provisions of law that have become obsolete as a result of trial court restructuring. This would improve the law by making the codes correctly reflect current conditions." This bill is sponsored by the author.

- 2) **Background.** California enacted reform measures that modernized the organization, governance, and operation of California's trial courts between the mid-1990s and early 2000s. Although it has been more than two decades since many of these reforms took effect, the codes still contain references to the pre-unification structure. Recognizing the issue, the Legislature in 2002 tasked the Commission with providing recommendations to maintain the codes and remove unnecessary references. Several prior bills have been enacted since 2002 to enact the Commission's prior recommendations, and this bill implements additional changes to the law based on the Commission's most recent recommendations.

Existing law directs the Judicial Council and the Commission to undertake certain studies relating to judicial administration. These studies have been completed. This bill repeals this now-obsolete code section.

Existing law includes several acts relating to regional justice facilities, which were enacted in the 1980's. They include the San Joaquin County Regional Justice Facility Financing Act, the Orange County Regional Justice Facilities Act, and the County Regional Justice Facilities Financing Act (which pertains to Humboldt, Los Angeles, Riverside, San Bernardino, Stanislaus, and Ventura Counties.) These acts were intended to address overcrowding of local jails and court facilities. They created, or authorized the creation of, new governmental entities with responsibilities related to regional justice facilities and allowed voters to decide whether to impose a countywide tax to fund regional justice facilities.

This bill repeals these acts. According to the Commission's September 2020 recommendations, "These Acts (collectively, the 'Regional Justice Facilities Acts') contain material that appears to be obsolete due to trial court restructuring. The Acts also contain legislative findings about the condition of local justice facilities from over thirty years ago, as well as other material that might be outdated.

"Revising the Acts to reflect current conditions would require considerable effort and call for various policy decisions. Such an undertaking appears unnecessary, however, because outreach to the affected courts and counties revealed little interest in retaining the Regional Justice Facilities Acts, which have never been used for their intended purposes. The Commission thus recommends that the Regional Justice Facilities Acts be repealed. They do not appear to be needed and retaining them in the codes could lead to occasional wasted efforts or confusion."

- 3) **Previous Legislation.** AB 1984 (Maienschein, Ch. 210, Stats. 2020), enacted recommendations by the Commission to correct obsolete statutes as a result of trial court restructuring.

AB 1529 (Dickinson, Ch. 470, Stats. 2012) enacted recommendations by the Commission to correct obsolete statutes as a result of trial court restructuring.

AB 2767 (Committee on Judiciary, Ch. 212, Stats. 2010) enacted changes to various provisions of law, including recommendations by the Commission to correct obsolete statutes as a result of trial court restructuring.

AB 2166 (Tran, 2008) would have enacted Commission recommendations regarding appellate procedure for appeals from orders of the superior courts on motions to vacate bail forfeitures. AB 2166 was held in the Assembly Public Safety Committee.

SB 1182 (Ackerman, Ch. 56, Stats. 2008) enacted recommendations by the Commission to correct obsolete statutes as a result of trial court restructuring.

SB 649 (Committee on Judiciary, Ch. 43, Stats. 2007) enacted recommendations by the Commission to correct obsolete statutes as a result of trial court restructuring.

SB 79 (Committee on Judiciary, Ch. 149, Stats. 2003) enacted recommendations by the Commission to correct obsolete statutes as a result of trial court restructuring.

SB 1316 (Committee on Judiciary, Ch. 784, Stats. 2002) enacted recommendations by the Commission to correct obsolete statutes as a result of trial court restructuring.

- 4) **Arguments in Support.** None on file.
- 5) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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