

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 15, 2010
POSITION: Neutral, suggest amendments

BILL NUMBER: AB 2767
AUTHOR: Assembly Judiciary

BILL SUMMARY: Civil Law Omnibus Bill

This omnibus bill would make various changes to provisions of civil law. Most of the provisions are technical in nature, but there is one provision, sponsored by the Judicial Council, that would specify the distribution of unclaimed victim restitution funds to either the State Restitution Fund or a county general fund.

FISCAL SUMMARY

The Administrative Office of the Courts reports no fiscal impact as a result of this measure; it is viewed as technical clean-up bill.

Finance notes that the specification of the disposition of victim restitution funds held by a court in trust after moneys have gone unclaimed for three years could result in slightly more funds being deposited in the State Restitution Fund. However, there is no guarantee, as each court would independently decide whether the funds would go to the State Restitution Fund or the county general fund for victim services. This mirrors the flexibility that was granted to individual courts prior to the state trial court unification.

It is not clear what criteria will be used on a court-by-court basis to distribute these funds. Finance has concerns about the likelihood of any of this money reaching the State Restitution Fund and therefore suggests amendments that would specify that the funds are to be split evenly between the county and the state. The AOC has not reported the magnitude of the funds that would be potentially affected by this change, but Finance does not expect it to be significant.

COMMENTS

Finance suggests amendments to this measure to direct unclaimed restitution funds for victim services to the State Restitution Fund and counties on an equal basis. Finance has concerns about the lack of clarity regarding the distribution of restitution funds that have gone unclaimed for three years or more. The bill as currently drafted would not provide criteria for courts to determine whether funds should be distributed to the State Restitution Fund or a county general fund for the purpose of providing victim services.

The remaining provisions appear to be technical in nature, with no measurable fiscal impact to the state.

The remaining technical changes include:

- Technical wording changes to correct references to terminology.
• Specifying that certain members of a nonprofit religious corporation's board may not serve concurrently as the president or chair of the board.
• Specifying that certain paternity proceeding records are subject to copying under specified circumstances.
• Requiring compensation for interpreters' and translators' fees for coroners' court cases be paid from the county treasury.

(Continued)

Analyst/Principal Date Assistant Program Budget Manager Date
(0211)

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

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Assembly Judiciary

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- Clarifying that interest earned on bail money deposited by a court shall be allocated for support of that court.
- Clarifying that court interpreters' and translators' fees in criminal cases are to be paid by the court.
- Adding to the types of duties that subordinate judicial officers are authorized to perform.

Code/Department Agency or Revenue Type	SO LA CO RV	PROP 98	FC	(Fiscal Impact by Fiscal Year)			Fund Code
				(Dollars in Thousands)			
				2010-2011	2011-2012	2012-2013	
0250/Jud Branch	SO	No		----- No/Minor Fiscal Impact -----			0001
1610/Unclmd Cks&W	RV	No		----- See Fiscal Summary -----			0214
<u>Fund Code</u>	<u>Title</u>						
0001	General Fund						
0214	Restitution Fund						

Suggested Amendments  
AB 2767 (As amended June 15, 2010)

Amend proposed changes to Government Code Section 68084.1(a) as follows:

68084.1. (a) Except as otherwise provided by law, any money, excluding restitution to victims, that has been deposited with a superior court, or that a superior court is holding in trust for the lawful owner, in a court bank account or in a court trust account in a county treasury, that remains unclaimed for three years shall become the property of the superior court if, after published notice pursuant to this section, the money is not claimed or no verified complaint is filed and served. After published notice pursuant to this section, if the money is not claimed or no verified complaint is filed and served, money representing restitution collected on behalf of victims that remains unclaimed for three years shall be deposited ~~either~~ as follows:

- (1) Fifty percent into the State Restitution Fund exclusively for the purposes of providing victim services, ~~or~~
- (2) Fifty percent into the general fund of a county that administers a victim services program exclusively for the provision of victim services.