

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 04/30/2012
POSITION: Neutral

BILL NUMBER: AB 2612
AUTHOR: Achadjian, Katcho

BILL SUMMARY: Courts: witness fees.

This bill would increase the civil subpoena deposit for public entity employees from \$150 to \$275.

FISCAL SUMMARY

The Administrative Office of the Courts indicates that this bill would not result in additional costs for the courts.

The California Highway Patrol currently has an outstanding balance of uncollected appearance fees of approximately \$225,000 and estimates that the average civil court appearance is \$400. To the extent that additional fees are recovered by implementing the provisions of this bill, it would assist the state and local entities in recovering more of the actual costs for civil court appearances and reducing administrative costs for the collections process to recover delinquent balances.

COMMENTS

The Department of Finance is neutral on this bill because it would increase subpoena fees for public entity employees to reflect the cost for a public employee to testify in a civil case.

Existing law provides the authority for parties involved in civil trials to subpoena certain public employees, including peace officers and firefighters, to testify in cases in which they have a vested interest. Existing law also provides that the party requesting public entity employees as witnesses to a civil trial must provide a \$150 civil subpoena deposit with the court prior to the start of the trial. Any deposits in excess of actual expenditures are returned to the requesting party. If the actual cost of subpoenaing the public entity employee is greater than the deposit, the public entity will bill the requesting party.

This bill would increase the civil subpoena deposit from \$150 to \$275.

Code/Department Agency or Revenue Type	(Fiscal Impact by Fiscal Year)							Fund Code
	SO	LA	CO	PROP	FC	2011-2012 FC	2012-2013 FC	
0250/Jud Branch	SO	No				----- No/Minor Fiscal Impact -----		0932
2720/CHP	SO	No				----- See Fiscal Summary -----		0044
<u>Fund Code</u>	<u>Title</u>							
0044	Motor Vehicle Account, STF							
0932	Trial Court Trust Fund							

Analyst/Principal (0211) J.Sturges	Date	Program Budget Manager Lisa Ann Mangat	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____