

## JUDICIAL BRANCH

The Judicial Branch consists of the Supreme Court, courts of appeal, trial courts, the Habeas Corpus Resource Center, and the Judicial Council. The trial courts are funded with a combination of General Fund, county maintenance-of-effort requirements, fines, fees, and other charges. Other levels of the Judicial Branch receive most of their funding from the General Fund. The Governor's Budget includes total funding of \$4.9 billion (\$3 billion General Fund and \$1.9 billion other funds) in 2022-23 for the Judicial Branch, of which \$2.8 billion is provided to support trial court operations. The Judicial Council is responsible for managing the resources of the Judicial Branch.

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### TRIAL COURT INVESTMENTS TO EXPAND ACCESS TO JUSTICE

The Budget continues the Administration's commitment to expanding access to justice by investing an additional \$255.5 million ongoing General Fund in the trial courts.

The Budget includes \$84.2 million ongoing General Fund for an overall 3.8 percent increase in funding. In addition, the Budget includes \$100 million ongoing General Fund for trial court operations to be allocated by the Judicial Council to promote fiscal equity among the trial courts.

To further expand access to justice by addressing judicial workload needs, the Budget includes \$42.6 million General Fund in 2022-23 and \$42.3 million ongoing for 23 additional superior court judgeships, including associated security costs. The judges will be allocated based on the Judicial Council's 2020 Judicial Needs Assessment. With this

augmentation, the Judicial Branch will be fully funded to fill all judgeships authorized under law.

The Budget also includes \$28.7 million ongoing General Fund for trial court employee health benefit and retirement costs. The state began consistently funding the increased retirement health benefit and retirement costs for the trial courts in 2014-15.

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### **IMPROVING ACCESS TO JUSTICE THROUGH INNOVATION**

The Chief Justice's Access 3D Framework and her Commission on the Future of California's Court System has recommended expanding the use of new technology in the courts to improve access to justice and to better serve Californians. The COVID-19 Pandemic forced many operational changes to the courts due to public health orders. The use of technology innovations, such as tools supporting remote proceedings, were critical to maintaining access to justice for Californians during the COVID-19 Pandemic when normal court operations were disrupted. Consequently, the 2020 Budget Act included investments of \$25 million General Fund in 2020-21 and 2021-22 for modernizing court operations.

The Budget expands on these efforts by providing \$34.7 million General Fund in 2022-23, increasing to \$40.3 million in 2025-26 and ongoing, for information technology initiatives, including the following:

- Creation of the Judicial Branch Information Security Office to improve cyber security;
- Modernization of the Appellate and Supreme Court IT systems, including updating electronic filing and case management systems; and
- Ongoing support for branch-wide and trial court initiatives that began in the 2020 Budget Act.

These investments will also support initiatives that promote public access to digital records and court proceedings by expanding electronic case filings, digitizing court documents, enabling online dispute resolutions, and enhancing remote proceedings.

In addition, the Budget includes \$33.2 million General Fund in 2022-23 and 2023-24 and \$1.6 million ongoing to implement and support remote access to courtroom proceedings pursuant to Chapter 526, Statutes of 2021 (AB 716). Specifically, these

resources will be used to provide a publicly accessible audio stream for every courthouse in the state.

The Budget also includes \$15 million General Fund in 2022-23 and \$3.8 million ongoing to implement a data and information framework to enable timely and accurate data collection from trial and appellate courts. This investment will enhance the ability of all three branches of government to assess court programs and resource needs.

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## **REDUCING CIVIL ASSESSMENT FEES FOR ALL CALIFORNIANS**

In past decades, the state substantially increased fines, fees, assessments, and surcharges levied on individuals convicted of criminal offenses to generate funding for specific state and local programs and services. The Judicial Council estimates these fines and fees generated nearly \$1 billion in revenue in 2020-21.

Recognizing the financial hardship these increased fines and fees have created for Californians, the following fine and fee reforms have been enacted to provide relief:

- The 2021 Budget Act expanded a pilot program statewide to allow indigent and low-income individuals to apply online to have their fines and fees from traffic and non-traffic infractions reduced in accordance with their ability to pay.
- Chapter 257, Statutes of 2021 (AB 177) eliminated the ability of state and local agencies to impose certain administrative fees for criminal offenses, such as fees to recover the administrative costs related to collection of restitution, among other fees, commencing January 1, 2022.
- Chapter 92, Statutes of 2020 (AB 1869) eliminated the ability of state and local agencies to impose certain administrative fees for criminal offenses, such as fees imposed to recover costs related to providing public defense and probation supervision.

In continuation of the Administration's efforts to provide financial relief for individuals from the imposition of fines and fees, the Budget includes statutory changes to reduce civil assessment fees by half, from a maximum of \$300 to \$150. Under existing law, courts can impose these fees on anyone charged with a traffic, misdemeanor, or felony offense who, after notice, fails to appear in court or pay a court fine. The civil assessment is a tool the state and the courts use to hold individuals accountable when they do not comply and now the ability to pay program can reduce the fine and fee burden for indigent individuals. Nevertheless, the current fee is too high and can be

reduced to help all Californians. The Budget includes \$50 million ongoing General Fund to backfill the resulting loss in revenue for trial courts.

### Significant Adjustments

The Budget also includes the following General Fund investments for the Judicial Branch:

- **Trial Court Trust Fund Revenue Backfill**—\$117.8 million ongoing to continue backfilling the Trial Court Trust Fund for a decline in revenues expected in 2022-23.
- **State Court Facilities Construction Fund (SCFCF) Backfill**—\$40 million one-time to backfill the SCFCF and maintain existing service levels. The SCFCF, which covers a range of costs including facility modifications, repairs, and debt service, has a structural deficit due to a decline in fine and fee revenues.
- **Trial Court Facility Modifications**—\$15.4 million ongoing for critical building repairs in the trial courts.
- **AB 177 Trial Court Backfill**—\$13.4 million ongoing to backfill the estimated loss of revenue for trial courts from the criminal fees that were eliminated by Chapter 257, Statutes of 2021 (AB 177).
- **Courts of Appeal Court-Appointed Counsel**—\$8.3 million ongoing to increase compensation for court-appointed attorneys to account for inflationary cost pressures, allowing for retention of existing attorneys and for the continued recruitment of new attorneys to provide quality representation for low-income individuals on appeal.
- **Electronic Filing for Restraining Orders**—\$2.6 million in 2022-23 and \$1.7 million ongoing to implement and support electronic filing interfaces for domestic violence restraining orders, domestic violence temporary restraining orders, and gun violence restraining orders for all trial courts as required by Chapter 681, Statutes of 2021 (AB 887) and Chapter 686, Statutes of 2021 (SB 538).
- **Probate Conservatorship Report**—\$1.3 million one-time for the Judicial Council to complete a comprehensive study of probate conservatorships and develop recommendations pursuant to Chapter 417, Statutes of 2021 (AB 1194).