

ASSEMBLY BILL

No. 3050

**Introduced by Committee on Judiciary (Jones (Chair), Evans,
Feuer, Krekorian, Laird, Levine, and Lieber)**

February 28, 2008

An act to add Article 9.6 (commencing with Section 6159.5) to Chapter 4 of Division 3 of the Business and Professions Code, to add Sections 755.1 and 755.2 to the Evidence Code, and to amend Sections 68085.3, 68085.4, 70611, 70612, 70613, and 70614 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 3050, as introduced, Committee on Judiciary. Legal aid: court interpreters.

(1) Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation. Existing law provides that it is the duty of an attorney to, among other things, never reject, for any consideration personal to himself or herself, the cause of the defenseless or oppressed. Existing law provides that a lawyer may fulfill his or her ethical commitment to provide pro bono services, in part, by providing financial support to organizations providing free legal services to persons of limited means.

This bill would prohibit a person or organization that is not a legal aid organization, as defined, from using the term “legal aid,” or any variant or similar name in any firm name, trade name, fictitious business name, or other designation, or on any advertisement, letterhead, business card, or sign. The bill would subject a person or organization that violates this prohibition to specified civil liability.

(2) Existing law provides that in any action or proceeding under specified provisions of the Family Code relating to domestic violence, in which a party does not proficiently speak or understand the English language, and that party is present, an interpreter shall be present to interpret the proceedings in a language that the party understands, and to assist communication between the party and his or her attorney, except that a court may issue prescribed orders ex parte without an interpreter. Existing law specifies that the fees of interpreters in a civil case shall be paid by the parties, except that in the above civil cases those fees shall be waived for parties who need an interpreter and appear in forma pauperis. Existing law gives the Judicial Council specified duties with regard to these provisions. Existing law establishes specified uniform filing fees for civil actions, and provides for the deposit of specified fees in the Trial Court Trust Fund.

This bill would require any civil action or proceeding, in a county determined by the Judicial Council, as specified, in which a party does not proficiently speak or understand the English language and the party is present, except as specified, to have present an interpreter to interpret the proceedings in a language that the party understands and to assist the party in communicating with his or her attorney and the court. The bill would provide that the fee for interpreters mandated by this requirement be paid by the court, and would allow for priority guidelines for interpreter staffing in the event of insufficient funds or interpreters. The bill would require the Judicial Council to develop an implementation plan, a model pilot program, and training guidelines for interpreters related to those provisions, as specified. The bill would also provide that, if a party is charged a fee for interpreter services because sufficient funding or number of interpreters is not available any fees for the interpreter shall be waived for a party who appears in forma pauperis, but would authorize the court, if the party prevails, to assess those fees in the action as specified. The bill would require the Judicial Council to conduct a study of the need for court reporters in civil proceedings and the extent to which the need is being met by the above provisions and would require the Judicial Council to report its findings and recommendations to the Governor and the Legislature on or before March 1, 2011, and every 3 years thereafter. The bill would increase specified uniform filing fees, the revenue from which would be deposited into the Trial Court Trust Fund for use by courts providing civil interpreters.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) California is emblematic of the American dream, a place of
4 stunning natural beauty, a seat of international commerce, and a
5 land of unparalleled opportunity. As a result, California is the most
6 populous and demographically diverse state in the nation, a meeting
7 place of cultures, ethnicities, and ideas unlike any other in the
8 world. Of the state's 34 million people, about 26 percent (roughly
9 8.8 million people) are foreign born. Californians speak more than
10 220 languages, and 40 percent of the state's population speaks a
11 language other than English in the home. This extraordinary
12 diversity is among the state's greatest assets and has helped make
13 California an international leader in business, the arts,
14 entertainment, engineering, medicine, and other fields. The state's
15 diversity also poses unique challenges for the delivery of
16 government services, particularly for the courts.

17 (b) For Californians not proficient in English, the prospect of
18 navigating the legal system is daunting, especially for the growing
19 number of parties who do not have access to legal services and
20 therefore have no choice but to represent themselves in court,
21 which is a virtually impossible task for people who are unable to
22 understand the proceedings. Nearly seven million Californians
23 cannot access the courts without significant language assistance,
24 cannot understand pleadings, forms, or other legal documents,
25 cannot communicate with clerks or court staff, and cannot
26 understand or participate meaningfully in court proceedings, much
27 less effectively present their cases without a qualified interpreter.
28 People with limited English proficiency are also often members
29 of groups whose cultural traits or economic circumstances make
30 them more likely to be subjected to legal problems, in part because
31 perpetrators recognize their victims' limited ability to access
32 judicial protection. It is essential to provide English learners and
33 other non-English-speaking litigants with interpreters in order to
34 provide full and equal access to our justice system without regard
35 to language.

(c) The Legislature has previously recognized that the number of persons with limited English proficiency in California is increasing and recognized the need to provide equal justice under the law to all California residents and to provide for their special needs in their relations with the judicial and administrative law system. The Legislature has likewise recognized that the effective maintenance of a democratic society depends on the right and ability of its residents to communicate with their government and the right and ability of the government to communicate with them.

(d) Inadequate resources to assist litigants with limited English proficiency affect the court's ability to function properly, causing delays in proceedings for all court users, inappropriate defaults, and faulty interpretation that can ultimately subvert justice. Court interpreter services are a core court function. Our judicial system relies on the adversarial process in which neutral arbiters decide disputes based upon competing presentations of facts and law. Conducting court proceedings when one party is incapable of fully participating significantly impairs the quality and efficiency of the process and its results, including compliance with court orders. The courts have made significant efforts to assist litigants with limited English proficiency, including steps to increase the number of certified and registered interpreters and to provide interpreters in civil cases, if resources are available. Nevertheless, court proceedings are required to be conducted in English, and most crucial court forms and documents are available only in English, while the number of skilled interpreters has actually declined over the past decade and the number of persons requiring interpreter services has increased. As a result, a qualified interpreter is not provided in most civil proceedings.

(e) The inability to respond to the language needs of parties in court impairs trust and confidence in the judicial system and undermines efforts to secure justice for all. The authority of the courts depends on public perceptions of fairness and accessibility. Any significant erosion of public trust and confidence in the fairness of judicial outcomes threatens the future legitimacy of the legal system. By excluding a large segment of the population from participation in an institution that shapes and reflects our values, we threaten the integrity of the judicial process. Resentment fostered by the inability to access the benefits of the court system

1 can ultimately impair enforcement of judicial decrees and attenuate
2 the rule of law.

3 (f) Reliance on untrained interpreters, such as family members
4 or children, can lead to faulty translations and threaten the court's
5 ability to ensure justice. Court interpretation is extremely difficult
6 and takes a rare combination of skills, experience, and training.
7 Apart from the possibility of fraud, unqualified interpreters often
8 fail to accurately and comprehensively convey questions and distort
9 testimony by omitting or adding information, or by stylistically
10 altering the tone and intent of the speaker, thereby preventing
11 courts from hearing the testimony properly. These problems
12 compromise the factfinding process and can result in genuine
13 injustice.

14 (g) An overwhelming number of Californians believe that
15 interpreters should be made available to assist non-English speakers
16 in all court proceedings, and that interpreters should be provided
17 free of charge to low-income non-English speakers.

18 (h) California law currently mandates appointment of an
19 interpreter for all witnesses in civil cases, and for parties with
20 hearing impairments. In addition, California statutes mandate the
21 appointment of an interpreter in adjudicative proceedings before
22 state agencies, boards, and commissions at no charge to the parties
23 whenever a party or the party's witness does not proficiently speak
24 or understand English. Other states, by contrast, provide both
25 witnesses and parties with a right to a court-appointed interpreter
26 in all civil matters at no cost to the party.

27 SEC. 2. It is the intent of the Legislature to encourage the
28 provision of pro bono legal services and financial support of
29 nonprofit legal organizations that provide free legal services to
30 underserved communities.

31 SEC. 3. Article 9.6 (commencing with Section 6159.5) is added
32 to Chapter 4 of Division 3 of the Business and Professions Code,
33 to read:

34
35 Article 9.6. Legal Aid Organizations
36

37 6159.5. The Legislature hereby finds and declares all of the
38 following:

39 (a) Legal aid programs provide a valuable service to the public
40 by providing free legal services to the poor.

1 (b) Private, for-profit organizations that have no lawyers have
2 been using the name “legal aid” in order to obtain business from
3 people who believe they are obtaining services from a nonprofit
4 legal aid organization.

5 (c) Public opinion research has shown that the term “legal aid”
6 is commonly understood by the public to mean free legal assistance
7 for the poor.

8 (d) Members of the public seeking free legal assistance are often
9 referred by telephone and other directory assistance information
10 providers to for-profit organizations that charge a fee for their
11 services, and there are a large number of listings in many telephone
12 directories for “legal aid” that are not nonprofit but are actually
13 for-profit organizations.

14 (e) The Los Angeles Superior Court has held that there is a
15 common law trademark on the name “legal aid,” which means
16 legal services for the poor provided by a nonprofit organization.

17 (f) The public will be benefited if for-profit organizations are
18 prohibited from using the term “legal aid” to avoid confusion.

19 6159.51. For purposes of this article, “legal aid organization”
20 means a nonprofit organization that provides civil legal services
21 for the poor without charge.

22 6159.52. It is unlawful for any person or organization to use
23 the term “legal aid,” “legal aide,” or any variant or similar name
24 in any firm name, trade name, fictitious business name, or any
25 other designation, or on any advertisement, letterhead, business
26 card, or sign, unless it is a legal aid organization.

27 6159.53. (a) Any consumer injured by a violation of Section
28 6159.52 may file a complaint and seek injunctive relief, restitution,
29 and damages in the superior court of any county in which the
30 defendant maintains an office, advertises, or is listed in a telephone
31 directory.

32 (b) A person who violates Section 6159.52 shall be subject to
33 an injunction against further violation of Section 6159.52 by any
34 legal aid organization that maintains an office in any county in
35 which the defendant maintains an office, advertises, or is listed in
36 a telephone directory. In an action under this subdivision, it is not
37 necessary to allege or prove actual damage to the plaintiff, and
38 irreparable harm and interim harm to the plaintiff shall be
39 presumed.

1 (c) Attorney's fees shall be awarded to the prevailing plaintiff
2 in any action under this section.

3 SEC. 4. Section 755.1 is added to the Evidence Code, to read:

4 755.1. (a) In any civil action or proceeding in those specified
5 counties to be determined by the Judicial Council as provided in
6 subdivision (c) of Section 755.2, including, but not limited to, any
7 family court proceeding, any proceeding to determine the mental
8 competency of a person, or any court-ordered or court-provided
9 alternative dispute resolution, including mediation and arbitration,
10 in which a party does not proficiently speak or understand the
11 English language, and that party is present, an interpreter shall be
12 present to interpret the proceedings in a language that the party
13 understands and to assist communication between the party and
14 his or her attorney or the court. This section does not apply to any
15 arbitration ordered by the court under Title 9 (commencing with
16 Section 1280), Title 9.1 (commencing with Section 1295), Title
17 9.2 (commencing with Section 1296), Title 9.3 (commencing with
18 Section 1297.11), Title 9.4 (commencing with Section 1298), or
19 Title 9.5 (commencing with Section 1299), of Part 3 of the Code
20 of Civil Procedure. Notwithstanding this requirement, a court may
21 issue an ex parte order pursuant to Sections 2045 and 7710 of, and
22 Article 1 (commencing with Section 6320) of Chapter 2 of Part 4
23 of Division 10 of, the Family Code, without the presence of an
24 interpreter. Unless a party has notified the court that he or she has
25 made arrangements for a private interpreter, the court shall provide
26 the interpreter. The interpreter shall be certified pursuant to Article
27 4 (commencing with Section 68560) of Chapter 2 of Title 8 of the
28 Government Code, except as provided in subdivision (c) of Section
29 68561 of the Government Code.

30 (b) (1) Notwithstanding Section 68092 of the Government
31 Code, fees of interpreters utilized under this section shall be paid
32 by the court.

33 (2) If sufficient funds are not allocated in the annual Budget
34 Act, produced by court filing fees, or otherwise provided to meet
35 the needs for court interpreters in all civil actions and proceedings,
36 or if after diligent search a sufficient number of interpreters is not
37 available for all civil actions and proceedings, interpreters shall
38 be assigned in the following order of priority, subject to any rules
39 that the Judicial Council may adopt to implement the priority
40 guidelines in this section so as to ensure that court interpreters are

1 provided in civil matters consistently with sound and efficient
2 court administration and prudent personnel practices:

3 (A) Parties appearing in forma pauperis or whom the court
4 otherwise determines are financially unable to pay the cost of an
5 interpreter in the following order of precedence by case type:

6 (i) Actions and proceedings under Section 527.6 of the Code
7 of Civil Procedure or under Division 10 (commencing with Section
8 6200) of the Family Code.

9 (ii) Actions and proceedings under the Uniform Parentage Act
10 (Part 3 (commencing with Section 7600) of Division 12 of the
11 Family Code) and actions and proceedings under Part 4
12 (commencing with Section 7800) of Division 12 of the Family
13 Code.

14 (iii) Actions and proceedings for dissolution or nullity of
15 marriage or legal separation of the parties in which a protective
16 order has been granted or is being sought pursuant to Section 6221
17 of the Family Code or a protective order has been granted or is
18 being sought pursuant to Section 136.2 or pursuant to paragraph
19 (2) of subdivision (a) of Section 1203.097 of the Penal Code.

20 (iv) Actions and proceedings involving the appointment or
21 termination of a probate guardian under Part 2 of Division 4
22 (commencing with Section 1500) of the Probate Code.

23 (v) Actions and proceedings relating to unlawful detainer.

24 (vi) Actions and proceedings under the Elder Abuse and
25 Dependent Adult Civil Protection Act (Chapter 11 (commencing
26 with Section 15600) of Part 3 of Division 9 of the Welfare and
27 Institutions Code).

28 (vii) Actions and proceedings involving the appointment of a
29 guardian or conservator.

30 (viii) Actions and proceedings with respect to claims alleging
31 violation of civil rights.

32 (ix) Other actions and proceedings in family court.

33 (x) Other actions and proceedings in probate court.

34 (xi) Other limited civil actions and proceedings.

35 (xii) Other unlimited civil actions and proceedings.

36 (B) Parties appearing in propria persona.

37 (C) All other parties.

38 (3) When a court-provided interpreter is assigned to interpret
39 for a party, an interpreter shall also be provided to any witness
40 called by that party.

1 (4) If a party is charged a fee specifically for interpreter services
2 because sufficient funding or number of interpreters is not available
3 to assign a court-provided interpreter, any fees for the interpreter
4 shall be waived for a party who needs an interpreter for himself
5 or herself, or for a witness called by that party, and appears in
6 forma pauperis pursuant to Section 68511.3 of the Government
7 Code. If a party whose fees have been waived prevails in the action
8 or proceeding or obtains a monetary settlement of his or her claims,
9 the court may assess the amount of the waived fees either against
10 that party in any manner the court believes is compatible with the
11 party's financial ability, or assess those fees against another party
12 against whom the party whose fees and costs have been waived
13 would have been entitled to recover those fees had they not been
14 waived, and may order the other party to pay that sum to the court
15 or to the clerk and serving and levying officers respectively or
16 order the amount of the waived fees to be added to the judgment
17 and so identified by the clerk.

18 (5) This section shall not be construed to negate or limit any
19 right to an interpreter in a civil action or proceeding otherwise
20 provided by state or federal law.

21 (c) Except as provided in paragraph (3) of subdivision (b), in
22 any civil action in which an interpreter is required and provided
23 under this section, the court shall not commence proceedings until
24 the appointed interpreter is present and situated near the party and
25 his or her attorney. However, this section shall not prohibit the
26 court from doing either of the following:

27 (1) Issuing an order when the necessity for the order outweighs
28 the necessity for an interpreter.

29 (2) Extending the duration of a previously issued temporary
30 order if an interpreter is not readily available.

31 (d) This section does not prohibit the presence of any other
32 person to assist a party.

33 (e) The Judicial Council shall draft rules and modify forms
34 necessary to implement this section, including those for the petition
35 for a temporary restraining order and related forms, to inform both
36 parties of their right to an interpreter pursuant to this section.

37 (f) This section shall not be construed to alter the right of an
38 individual to an interpreter in criminal, traffic or other infraction,
39 juvenile, or mental competency actions or proceedings.

1 (g) New appointments of court interpreters in civil matters
2 pursuant to this section shall not result in a reduction in staffing
3 or compromise the quality of service in criminal, juvenile, or other
4 types of matters in which appointments have been made.

5 SEC. 5. Section 755.2 is added to the Evidence Code, to read:

6 755.2. (a) The Judicial Council shall conduct a study of the
7 need for court interpreters in civil proceedings and the extent to
8 which the need for interpreters is being met pursuant to Section
9 755.1 and shall report its findings and recommendations to the
10 Governor and the Legislature on or before March 1, 2011, and
11 every three years thereafter. The study shall include data showing,
12 by court, the languages for which parties and witnesses in civil
13 matters need a court-provided interpreter according to type of
14 action or proceeding and whether the party appears in propria
15 persona or in forma pauperis, as well as the extent to which each
16 of these needs is met by court employees or independent
17 contractors, certified or registered interpreters or, if not by a
18 certified or registered interpreter, then the type of case, location,
19 and language for which the noncertified interpreter was appointed,
20 that person's qualifications to interpret, and the circumstances
21 warranting good cause for appointment of a noncertified interpreter;
22 the amounts expended for each according to court, type of party,
23 and type of action or proceeding; the cost of failing to provide
24 interpreters in civil matters, including delays, continuances, faulty
25 interpretation, inappropriate defaults, and failure to comply with
26 court orders or instructions; and the fees apportioned and collected
27 from parties pursuant to paragraph (4) of subdivision (b) of Section
28 755.1. The report shall include findings and recommendations
29 regarding the need for additional interpreters and interpreter
30 compensation, whether the availability of interpreters or the
31 assessment of party fees has an impact on equal access to justice,
32 and the effect of court interpreters on court administration and
33 efficiency, including reduced courtroom time for hearings,
34 increased compliance with orders and court schedules, reduced
35 case delays, and enhanced coordination between courts and
36 culturally relevant services in the community.

37 (b) The Judicial Council shall adopt training guidelines so that
38 each trial court in the specified counties as determined by the
39 Judicial Council pursuant to subdivision (c), in consultation with
40 the exclusive representative of interpreters, ensures that court

1 interpreters receive any training necessary to comply with the
2 requirements of Section 755.1. Training activities may include,
3 but are not limited to, video broadcasts, Internet-based training,
4 and dissemination of written materials.

5 (c) The Judicial Council shall develop an implementation plan
6 for providing court interpreters in civil matters not currently served,
7 taking into account available resources. Subject to funding
8 specifically provided for this purpose, the Judicial Council shall
9 develop a model pilot program for purposes of Section 755.1 in
10 one or more sites pursuant to a competitive grant process and a
11 request for proposals, with priority for unmet needs in types of
12 case and geographic areas with high concentrations of
13 limited-English-proficient parties and multiple language needs.
14 The program or programs shall be selected by a committee
15 appointed by the Judicial Council with representation from key
16 stakeholder groups, such as judicial officers, court interpreters,
17 legal services providers, and organizations representing individuals
18 with limited English proficiency. The committee shall assess
19 applicants' capacity for success, innovation, and efficiency,
20 including, but not limited to, strategies for collaborating with
21 organizations representing stakeholders, utilizing local resources,
22 and methods for addressing the availability of qualified interpreters,
23 as well as enhancing recruitment, development, and retention of
24 certified interpreters, particularly for those languages with a
25 shortage of certified interpreters in the service area.

26 SEC. 6. Section 68085.3 of the Government Code is amended
27 to read:

28 68085.3. (a) Fees collected under Sections 70611, 70612,
29 70650, 70651, 70652, 70653, 70655, and 70670 shall be deposited
30 in a bank account established by the Administrative Office of the
31 Courts for deposit of fees collected by the courts.

32 (b) For each ~~three hundred twenty dollar~~
33 *three-hundred-twenty-dollar* (\$320) *fee and each*
34 *three-hundred-thirty-dollar* (\$330) fee listed in subdivision (a),
35 and each fee listed in paragraphs (2) to (9), inclusive, of subdivision
36 (a) of Section 70650, the Administrative Office of the Courts shall
37 distribute specified amounts in each county as follows:

38 (1) To the county law library fund, the amount described in
39 Sections 6321 and 6322.1 of the Business and Professions Code.

(2) To the account to support dispute resolution programs, the amount described in Section 470.5 of the Business and Professions Code.

(c) The remainder of the fees in subdivision (a) shall be transmitted monthly to the Treasurer for deposit. For each ~~three hundred twenty-dollar~~ *three-hundred-twenty-dollar* (\$320) *fee and each three-hundred-thirty-dollar* (\$330) fee listed in subdivision (a), and each fee listed in paragraphs (2) to (9), inclusive, of subdivision (a) of Section 70650, the Controller shall make deposits as follows:

(1) To the State Court Facilities Construction Fund, as provided in Article 6 (commencing with Section 70371) of Chapter 5.7, thirty-five dollars (\$35).

(2) To the Judges' Retirement Fund, as established in Section 75100, two dollars and fifty cents (\$2.50).

(3) To the Trial Court Trust Fund for use as part of the Equal Access Fund program administered by the Judicial Council, four dollars and eighty cents (\$4.80).

(4) For each three-hundred-thirty-dollar (\$330) fee only, to the Trial Court Trust Fund for use by courts providing civil interpreters pursuant to Section 755.1 of the Evidence Code, ten dollars (\$10).

~~(4)~~
(5) To the Trial Court Trust Fund, as provided in Section 68085.1, the remainder of the fee.

(d) If any of the fees listed in subdivision (a) are reduced or partially waived, the amount of the reduction or partial waiver shall be deducted from the amount to be distributed to each fund or account in the same proportion as the amount of each distribution bears to the total amount of the fee.

(e) As used in this section, "law library fund" includes a law library account described in Section 6320 of the Business and Professions Code.

SEC. 7. Section 68085.4 of the Government Code is amended to read:

68085.4. (a) Fees collected under Sections 70613, 70614, 70621, 70654, 70656, and 70658 of this code, Section 103470 of the Health and Safety Code, and Section 7660 of the Probate Code, shall be deposited in a bank account established by the

1 Administrative Office of the Courts for deposit of fees collected
2 by the courts.

3 (b) For each ~~three-hundred-dollar~~ *three-hundred-dollar* (\$300)
4 *fee, each three-hundred-ten-dollar fee (\$310) fee* ~~and, each one~~
5 ~~hundred—eighty-dollar~~ *one-hundred-eighty-dollar* (\$180)
6 *one-hundred-eighty-dollar* (\$180) *fee, and each*
7 *one-hundred-ninety-dollar (\$190) fee* listed in subdivision (a), the
8 Administrative Office of the Courts shall distribute specified
9 amounts in each county as follows:

10 (1) To the county law library fund, the amount described in
11 Sections 6321 and 6322.1 of the Business and Professions Code.

12 (2) To the account to support dispute resolution programs, the
13 amount described in Section 470.5 of the Business and Professions
14 Code.

15 (c) The remainder of the fees in subdivision (a) shall be
16 transmitted monthly to the Treasurer for deposit. For each ~~three~~
17 ~~hundred-dollar~~ *three-hundred-dollar* (\$300) *fee, each*
18 *three-hundred-ten-dollar (\$310) fee* ~~and, each one hundred~~
19 ~~eighty-dollar~~ *one-hundred-eighty-dollar* (\$180) *fee, and each*
20 *one-hundred-ninety-dollar (\$190) fee* listed in subdivision (a), the
21 Controller shall make deposits as follows:

22 (1) To the State Court Facilities Construction Fund, as provided
23 in Article 6 (commencing with Section 70371) of Chapter 5.7,
24 twenty-five dollars (\$25) if the fee is three hundred dollars (\$300),
25 and twenty dollars (\$20) if the fee is one hundred eighty dollars
26 (\$180).

27 (2) To the Judges' Retirement Fund, as established in Section
28 75100, two dollars and fifty cents (\$2.50).

29 (3) To the Trial Court Trust Fund for use as part of the Equal
30 Access Fund program administered by the Judicial Council, four
31 dollars and eighty cents (\$4.80).

32 (4) *For each three-hundred-ten-dollar (\$310) fee and each*
33 *one-hundred-ninety-dollar (\$190) fee only, to the Trial Court Trust*
34 *Fund for use by courts providing civil interpreters pursuant to*
35 *Section 755.1 of the Evidence Code, ten dollars (\$10).*

36 ~~(4)~~
37 (5) To the Trial Court Trust Fund, as provided in Section
38 68085.1, the remainder of the fee.

39 (d) If any of the fees listed in subdivision (a) are reduced or
40 partially waived, the amount of the reduction or partial waiver

1 shall be deducted from the amount to be distributed to each fund
2 or account in the same proportion as the amount of each
3 distribution bears to the total amount of the fee.

4 (e) As used in this section, “law library fund” includes a law
5 library account described in Section 6320 of the Business and
6 Professions Code.

7 SEC. 8. Section 70611 of the Government Code is amended
8 to read:

9 70611. The uniform fee for filing the first paper in a civil action
10 or proceeding in the superior court, other than in a limited civil
11 case, an adoption proceeding, a proceeding under the Probate Code,
12 or a proceeding under the Family Code, is three hundred ~~twenty~~
13 *thirty* dollars ~~(\$320)~~ (\$330). The fee shall be distributed as provided
14 in Section 68085.3.

15 This section applies to the initial complaint, petition, or
16 application, and the papers transmitted from another court on the
17 transfer of a civil action or proceeding, but does not include
18 documents filed pursuant to Section 491.150, 704.750, or 708.160
19 of the Code of Civil Procedure.

20 SEC. 9. Section 70612 of the Government Code is amended
21 to read:

22 70612. (a) The uniform fee for filing the first paper in the
23 action or proceeding described in Section 70611 on behalf of any
24 defendant, intervenor, respondent, or adverse party, whether
25 separately or jointly, except for the purpose of making disclaimer,
26 is three hundred ~~twenty~~ *thirty* dollars ~~(\$320)~~ (\$330). The fee shall
27 be distributed as provided in Section 68085.3.

28 (b) As used in this section, the term “paper” does not include a
29 stipulation for the appointment of a temporary judge or of a court
30 investigator, or the report made by the court investigator.

31 SEC. 10. Section 70613 of the Government Code is amended
32 to read:

33 70613. (a) The uniform fee for filing the first paper in a limited
34 civil case is three hundred *ten* dollars ~~(\$300)~~ (\$310), except as
35 provided in subdivision (b).

36 (b) In a case where the amount demanded, excluding attorney’s
37 fees and costs, is ten thousand dollars (\$10,000) or less, the uniform
38 fee for filing the first paper is one hundred ~~eighty~~ *ninety* dollars
39 ~~(\$180)~~ (\$190). The first page of the first paper shall state whether

1 the amount demanded exceeds or does not exceed ten thousand
2 dollars (\$10,000).

3 (c) This section applies to the initial complaint, petition, or
4 application, and any papers transmitted from another court on the
5 transfer of a civil action or proceeding, but does not include
6 documents filed pursuant to Section 491.150, 704.750, or 708.160
7 of the Code of Civil Procedure.

8 (d) The fee for a paper filed under this section shall be
9 distributed as provided in Section 68085.4.

10 (e) The fee shall be waived in any action for damages against
11 a defendant, based upon the defendant's commission of a felony
12 offense, upon presentation to the clerk of the court of a certified
13 copy of the abstract of judgment of conviction of the defendant of
14 the felony giving rise to the claim for damages. If the plaintiff
15 would have been entitled to recover those fees from the defendant
16 had they been paid, the court may assess the amount of the waived
17 fees against the defendant and order the defendant to pay that sum
18 to the court.

19 SEC. 11. Section 70614 of the Government Code is amended
20 to read:

21 70614. (a) The uniform fee for filing the first paper in a limited
22 civil case on behalf of any party other than a plaintiff is three
23 hundred *ten* dollars—(~~\$300~~) (*\$310*), except as provided in
24 subdivision (b).

25 (b) In a case where the amount demanded, excluding attorney's
26 fees and costs, is ten thousand dollars (\$10,000) or less, the uniform
27 fee for filing the first paper is one hundred—~~eighty~~ *ninety* dollars
28 (~~\$180~~) (*\$190*).

29 (c) The fees in this section do not apply to papers filed for the
30 purpose of making disclaimer.

31 (d) The fee for a paper filed under this section shall be
32 distributed as provided in Section 68085.4.