



ADMINISTRATIVE OFFICE
OF THE COURTS
455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courtinfo.ca.gov

FACT SHEET

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Transfer of Court Facilities

With the transfer of over 100 facilities from local to state jurisdiction, the Judicial Council has made noteworthy progress in the creation of a single, comprehensive court facilities infrastructure. This monumental structural reform, as envisioned by the Trial Court Funding Act of 1997 and the Trial Court Facilities Act of 2002, will allow increased efficiency in court operations, enhance court safety, and help ensure equal access to justice for all Californians. More than 450 court facilities are spread throughout the state, and their transfer to state stewardship requires a methodical but flexible process that takes into account myriad concerns about growth, maintenance, and community responsiveness. Authority to continue with the transfer process expired on July 1, 2007. Procedures for transferring the remainder of facilities continue to be completed, but the judicial branch is now awaiting the introduction of new legislation that would restart the official transfer process by authorizing a new deadline.

The State's Role

In 2001, the State of California Task Force on Court Facilities recommended that the state assume full maintenance and operational responsibility for all court facilities in the state. These recommendations resulted in the passage of the Trial Court Facilities Act of 2002, which placed the state's responsibility for court facilities with the Judicial Council and its staff agency, the Administrative Office of the Courts (AOC).

Following the transfer of each trial court facility, the Judicial Council assumes full policymaking responsibility for the facility, with ongoing input from county and community representatives. Staff members at transferred facilities remain employees of the courts, which became independent employers under the Trial Court Employment Protection and Governance Act.

Office of Court Construction and Management

In fulfillment of its new responsibility, the AOC in August 2003 established the Office of Court Construction and Management (OCCM) to lead the implementation of the Trial Court Facilities Act. OCCM implements facility transfers in partnership with county administrators, collaborates with county and court officials to establish long-term facilities master plans for the trial courts, plans capital outlay and funding to support the design and construction of new and renovated courthouses, and administers facilities and real estate for the superior courts and Courts of Appeal.

Benefits to Public

The transfers have several important benefits for Californians, described briefly below.

Access to justice for all Californians

OCCM has begun to address the shortage of space, antiquated facilities, and inadequate infrastructure that threaten the ability of the justice system to accommodate the needs of residents and businesses. Fair and equal administration of justice depends on the availability of sufficient, safe, and accessible facilities so everyone can have their day in court.

Increased safety and security at California courthouses

The transfers and the resulting leveraging of resources throughout the state will allow the AOC to readily address life, health, and safety issues in conjunction with correcting security and operational deficiencies—principally by:

- Bringing fire and life safety systems up to current codes;
- Improving accessibility for persons with disabilities;
- Remediating areas with hazardous materials such as asbestos;
- Upgrading hazardous and inadequate electrical and lighting systems;
- Replacing heating, ventilation, and air-conditioning systems; and
- Facilitating seismic retrofit projects.

Resource sharing and efficiency

The transfers and the subsequent unified, statewide administration of court buildings will allow the Judicial Council to leverage shared resources and knowledge across all 58 California counties. This will produce greater efficiencies and savings through large-scale purchasing power and enhanced delivery of programs and services.

Reduced burden on counties

The transfers will reduce the burden on county governments, which will no longer have to provide and maintain facilities for state court operations.

Promotion of innovative programs

The savings generated by trial court unification, state funding, and unified facilities administration will help provide the courts with the resources needed to develop and implement innovative programs that increase Californians' access to justice.

An Urgent Need

There is an urgent need for construction and renovation in California's court buildings.

- Because of a lack of courtroom space, more than 23 court facilities are in trailers.
- Twenty-five percent of courtrooms have no space for a jury box.
- Forty-one percent of court facilities have no way to bring in-custody defendants to courtrooms without using public hallways where the defendants pass by witnesses, potential jurors, victims, and other court users.
- Sixty-eight percent of court buildings do not have up-to-date fire and life safety systems (including sprinklers, proper exits, and emergency lighting).
- Seventy-eight percent do not have adequate access for persons with disabilities.

Funding for Improvements

While it is expected that filing fees will provide for some portion of needed facility improvements and new construction once court facilities are under state stewardship, those fees alone are insufficient. In every county throughout the state there is a critical need to address aging, deficient buildings and to provide for the state's growth so that all Californians can have their day in court. Substantial long-term funding is needed to renovate, replace, and create new court facilities.

Symbols of Democracy

The system of justice in the United States is a living symbol of the success of democratic ideals, and the buildings that allow the public to fully engage this system play a central role in the judicial branch. Well-designed and -maintained courthouses help create a safe and secure environment for witnesses, victims, litigants, jurors, court staff, and judges; minimize the impact of family disputes on children; keep official records safe; and protect confidentiality. In the words of Chief Justice Ronald M. George, "Our judicial system does not need, want, or expect palaces. But it does

deserve facilities that are secure, well maintained, and adequate to serve the public's needs." Courthouses are places where every Californian can exercise their right to be heard and have their day in court. Safe, secure, and accessible facilities are critical to protecting these constitutional rights.

Legislative Background

Lockyer-Isenberg Trial Court Funding Act (Assem. Bill 233; Stats. 1997, ch. 850)

Assembly Bill 233 made funding of court operations a state responsibility and provided the courts with their first statewide funding system.

Proposition 220

Passed by California voters in 1998, Proposition 220 authorized the voluntary unification of each county's superior and municipal courts into a one-tier trial court system.

Trial Court Employment Protection and Governance Act (Sen. Bill 2140; Stats. 2000, ch. 1010)

Senate Bill 2140 gave the courts the status of independent employers, making trial court staff members employees of the courts. Prior to SB 2140, court staff members were county employees.

Trial Court Facilities Act (Sen. Bill 1732; Stats. 2002, ch. 1082)

Senate Bill 1732 shifted the governance of California's courthouses from the counties to the state, laying the groundwork for the final step in trial court unification: the transfer of court facilities.

Senate Bill 10

SB 10, enacted in 2006, revised the Trial Court Facilities Act to allow the transfer of buildings with a seismic level V rating to the state so long as liability for all earthquake-related damage remains with the counties to the same extent as if the court facilities had not transferred to the state.

Contact:

AOC Office of Court Construction and Management, 415-865-4900, occm@jud.ca.gov