



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date

May 14, 2021

Action Requested

For Your Information

To

Judicial Officers, Court Administrators, and
Employees of the Judicial Branch

Deadline

N/A

From

Martin Hoshino, Administrative Director
Judicial Council

Contact

Zlatko Theodorovic
Deputy Director, Budget Services
916-263-1397 phone
zlatko.theodorovic@jud.ca.gov

Subject

2021–22 Judicial Branch Budget

The Governor's May Revision to the proposed fiscal year (FY) 2021–22 budget was released today. The proposed revision continues to support all judicial branch proposals introduced in the January budget and, with the revised proposal, provides a total of \$1.2 billion in new funding. The proposal includes the \$72.2 million cost of doing business adjustment based on the consumer price index. Restoration of the current year \$200 million in General Fund budget cuts remains a high priority for the Governor and Legislature. Key proposals newly introduced include (1) a debt forgiveness program for low-income individuals, (2) additional deferred maintenance funding, (3) additional funding for pretrial services, (4) support for backlogs and case processing delays, (5) an Early Disposition Readiness Conference Program, and (6) new courthouse construction projects.

Building upon the improved revenue forecast in the Governor's Budget, the administration is projecting a \$75.7 billion General Fund budget surplus for the state. Additionally, California is estimated to receive \$25 billion in federal funds through the American Rescue Plan Act of 2021 (ARPA) to address COVID-19 pandemic-related costs.

Proposed New Funding

Debt Forgiveness Program: \$300 million one-time from the ARPA to establish a debt forgiveness program for low income individuals to apply for 100 percent relief of outstanding fine and fee debt. Included in this amount is funding to address revenue losses for local

governments, revenue losses for judicial branch funds including civil assessments, outreach through legal aid providers, and debt forgiveness application processing. Of this amount, \$150 million is set aside for the branch.

Deferred Maintenance: \$158 million one-time General Fund to support trial and appellate court costs for deferred maintenance and special repairs. Of the new funds, \$150 million will be allocated for the most urgent deferred maintenance needs as determined by the Trial Court Facility Modification Advisory Committee. The additional \$8 million will be utilized by the Courts of Appeal as determined by the Administrative Presiding Justices Advisory Committee.

Pretrial Funding: \$140 million General Fund in 2021–22, and \$70 million in 2022–23 and ongoing to expand the Pretrial Pilot Program originally funded in the 2019 Budget Act. The amount of \$70 million will be available for the 41 superior courts that did not receive Pretrial Pilot Program funding. The remaining \$70 million will be distributed by the Judicial Council to all 58 superior courts in 2021–22, and annually thereafter. Courts may retain up to 30 percent of the funds, with the remaining funding designated for local supervising agencies to provide monitoring, services, and ability-to-pay determinations. The Judicial Council will receive 3 percent for administration of the funding and reporting to the Legislature.

COVID-Driven Caseload Backlog Funding: Budget bill language is proposed to authorize the Director of Finance to increase trial court funding up to \$60 million in one-time General Funds to address backlogs for civil and criminal cases and workload delays resulting from the COVID-19 pandemic. This funding is contingent on the Judicial Council submitting a report to the Department of Finance (DOF), which justifies the need for additional resources based on backlog data. The language further requires the DOF to notice various legislative committees for concurrence prior to issuance of any additional funds.

Early Disposition Readiness Conference Program: \$30 million one-time General Fund to support establishment of early disposition readiness conference programs in trial courts to address delays in criminal case processing to support staffing and use of judges in the Temporary Assigned Judges Program. The proposal builds on the Chief Justice’s program announced in December 2020 to support the timely adjudication of criminal cases during the COVID-19 pandemic.

Legal Aid: \$20 million over three years from federal ARPA funds to provide additional funding for legal aid organizations.

Technical Adjustment: \$7.8 million reduction for trial court employee health benefits, based on updated trial court benefit and retirement costs.

Courthouse Construction

As detailed in January, the Governor's Budget included \$2.1 billion over the next five years to fund construction of additional courthouses. This amount reflected funding for 14 replacement and renovation projects, as well as two studies, consistent with the Judicial Council–approved Reassessment of Trial Court Capital-Outlay Projects.

The May Revision accelerates this plan and adds \$40.2 million for three additional projects to begin in 2021–22:

- Butte County—Butte County Juvenile Hall Addition and Renovation, \$604,000 for Preliminary Plans and Working Drawings;
- Monterey County—New Fort Ord Courthouse, \$38.7 million for Acquisition and Performance Criteria; and
- San Bernardino County—San Bernardino Juvenile Dependency Courthouse Addition and Renovation, \$901,000 for Acquisition and Preliminary Plans.

Next Steps on Judicial Branch Budget

The May Revision initiates the final phase of the state's budget development cycle for the 2021–22 fiscal year that begins on July 1, 2021. The next few weeks will include further discussions with the administration, legislative hearings, meetings with legislators and their staff, and an intensive period of legislative activity to pass a balanced budget by the June 15 constitutional deadline.

The Governor's proposed FY 2021–22 budget may be reviewed at: www.ebudget.ca.gov.

MH/ZT