



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

April 18, 2017

Action Requested

FYI

To

Assemblymember Lorena Gonzalez-Fletcher
Chair, Assembly Appropriations Committee

Deadline

N/A

Senator Ricardo Lara
Chair, Senate Appropriations Committee

Contact

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From

Cory Jaspersen
Director, Governmental Affairs

Subject

Fiscal impact analyses: limitations on
new/expanded crimes and causes of action

At its April 2013 meeting, the Judicial Council of California received a report from its Policy Coordination and Liaison Committee (PCLC) to eliminate the need for government affairs staff to prepare fiscal impact analyses on new or expanded crimes, and new or expanded causes of action. The item was considered by court leaders and vetted by PCLC on March 7, 2013. As a result, PCLC approved the following direction to staff regarding the preparation of fiscal impact statements on bills in the Legislative process:

PCLC directs that OGA (Office of Governmental Affairs) no longer prepare and submit fiscal impact statements identifying costs to the trial courts on legislation that creates new or expanded civil causes of action and new or expanded crimes.

PCLC further directs that fiscal impact statements continue to be prepared for bills that do the following:

- add new, or expand upon existing, courtroom procedures, jury service requirements, hearing requirements, sentencing guidelines, or administrative requirements;
- direct any one or more of the entities within the judicial branch, including the Judicial Council, the courts, and the AOC, to develop/evaluate new training, pilot programming, or projects;
- track and report, or develop specified data, develop new committees, studies, groups, or reports; and,
- require the creation of new or modified rules of court and judicial forms.

The reason for this clarification regarding the ongoing preparation of fiscal impact statements for new or expanded civil causes of action or new or expanded crimes was rooted in the difficulties associated with putting forward a credible fiscal argument. Specifically, it is impracticable to quantify the actual costs to courts of new/expanded crimes/causes of action because, among other things, the creation of a new felony (for example) does not mean there will be an increase in felony filings; it may just mean the filing of a different composition of types of felonies.

Similarly, a new civil cause of action does not necessarily mean an increase in civil filings, it may mean a shift in filings from one existing cause of action to a newly created or expanded cause of action.