



Judicial Council of California

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M E M O R A N D U M

Date

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Action Requested

For Your Information

To

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

Deadline

N/A

From

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Subject

2023–24 Judicial Branch Budget

The Budget Act of 2023, for the new fiscal year beginning July 1, 2023, was signed into law by Governor Newsom on June 27. Back in January, the Governor projected a \$22.5 billion budget shortfall for fiscal year 2023–24 due to declining state revenues. The May Revision to the budget subsequently projected a larger shortfall of \$31.5 billion. The enacted budget addresses the projected shortfall through a combination of trigger cuts, delays, and withdrawals or reductions of planned one-time spending. It is anticipated that the Governor and Legislature will continue to finalize the 2023–24 budget over the next several months through additional budget-related bills.

For California's judicial branch, the total budget of \$5.2 billion includes a net increase of \$426.9 million, with no cuts to court operational funding. Appropriations are included for the following key priorities for the judicial branch:

- 1) An inflationary adjustment to account for trial court operational cost increases;
- 2) Backfill for declining fine, fee, and penalty revenue;
- 3) Resources to implement new laws that support court access;
- 4) An increase in funding to support implementation of the Community Assistance, Recovery, and Empowerment Act; and
- 5) Funding for judicial branch facilities' needs.

Because of the Internal Revenue Service’s decision to extend 2023 tax filing deadlines to October due to winter storms, and California’s subsequent conformity, the budget assumes approximately \$42 billion in scheduled tax receipts will be delayed until October 2023. Should these tax receipts not materialize as forecasted, the Governor and Legislature may need to consider additional budget solutions.

To assist the state in bridging the budget gap, the judicial branch returned past year unspent funds to the General Fund (see Budget Solutions and Adjustments below).

The breakdown of the 2023–24 enacted budget for all judicial branch entities is detailed in the chart below.

Judicial Branch Funding for Fiscal Year 2023–24

Judicial Branch Entity	Total Funding (\$ in millions)
Supreme Court	\$56.9 m
Courts of Appeal	\$283.7 m
Trial Courts	\$3,982.0 m
Judicial Council	\$360.8 m
Judicial Branch Facility Program	\$563.7 m
Habeas Corpus Resource Center	\$19.6 m
Subtotal, Operational Budget	\$5,266.9 m
Offset from Local Property Tax Revenue	-\$247.6 m
Adjusted Operational Budget	\$5,019.3 m
Less Nonstate Funds ¹	-\$186.5 m
Adjusted Operational Budget, State Funds	\$4,832.1 m
Court Construction Projects²	\$172.2 m
Total Funding (Sum of Adjusted Operational Budget and Court Construction Projects)³	\$5,191.6 m

Some totals will not be exact because of rounding.

¹ Includes federal funds and reimbursements.

² Includes additional funding for current projects.

³ Includes General Fund; special, bond, federal, and non-governmental cost funds; and reimbursements.

Trial Courts and Judicial Entities at the State Level

Inflationary Adjustment for Trial Court Operations: \$74.1 million ongoing General Fund to provide a 3.0 percent increase in recognition of trial court operational cost pressures due to rising inflation. This funding is intended to benefit all trial courts.

Trial Court Trust Fund Backfill: \$105.1 million General Fund backfill for the Trial Court Trust Fund related to the continued decline in civil fee and criminal fine and penalty revenues. This amount reflects the updated estimate of need in fiscal year 2023–24, after including the adjustments in the backfill calculation described in the Budget Solutions and Adjustments below.

Community Assistance, Recovery, and Empowerment (CARE) Act Support: \$55.5 million General Fund in 2023–24, \$106.9 million in 2024–25, and \$133 million ongoing for CARE Act implementation. This funding reflects updated program costs, including legal representation, and the addition of the Superior Court of Los Angeles County in Cohort One¹. The budget includes budget bill language that allows the carry-over of unexpended trial court and Judicial Council funding from 2022–23 into 2023–24 to support program activities.

Court Interpreters Workforce Pilot Program: Reappropriation of up to \$6.8 million one-time General Fund from unspent funding in the Budget Act of 2021 for the Court Interpreter Employee Incentive Grant program for implementation of the Workforce Pilot Program to expand the pool of court interpreters.

Language Access Efforts: An annual increase of \$200,000 in expenditure authority from the Court Interpreters' Fund beginning in 2023–24 for five fiscal years to address the shortage of qualified interpreters by providing trainings for near passers of the bilingual interpreting examination. The budget includes budget bill language that allows yearly adjustments to the expenditure authority as needed to help expand the court interpreter pool.

Trial Court Employee Costs: An ongoing reduction of \$1.8 million General Fund for trial court employee health benefit and retirement costs due to updated rates.

State-Level Judiciary Employee and Judicial Officer Costs: \$32.5 million to adjust retirement, salary, and benefit costs previously approved in the Budget Act of 2022 for employees of the Supreme Court (\$1.4 million), Courts of Appeal (\$7.3 million), Judicial Council (\$7.7 million), and Habeas Corpus Resource Center (\$605,000), and for compensation of superior court judges (\$14.9 million) and temporary assigned judges (\$587,000).

¹ Cohort One: Superior Courts of Glenn, Los Angeles, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne Counties.

California Racial Justice Act: \$2.9 million one-time General Fund available until June 30, 2026 for implementation of the California Racial Justice Act (Ch. 317, Stats. of 2020). This includes \$2.7 million for the Supreme Court for legal representation in capital cases (\$2.2 million) and contracting with the California Appellate Project (\$500,000), and \$250,000 for the Habeas Corpus Resource Center to provide assistance in capital cases regarding potential or actual claims pursuant to Penal Code sections 745 or 1473(f).

Infrastructure Process Reforms: \$1.0 million one-time General Fund available until June 30, 2025 for the Judicial Council to increase judicial officer training related to California Environmental Quality Act cases. This funding is intended to help the judicial branch respond to the state's efforts to accelerate clean infrastructure projects.

Appellate Court Security: \$1.4 million from the Appellate Court Trust Fund, beginning in 2023–24 for three fiscal years, to support four additional California Highway Patrol Judicial Protection Section officers to improve the safety of court employees, court users, and the public. The budget includes trailer bill language to allow the Judicial Council to spend resources from the Appellate Court Trust Fund to continue to manage this security contract on behalf of the Courts of Appeal.

Courts of Appeal Workload: \$2.7 million in 2023–24 and \$2.3 million in 2024–25 and 2025–26 from the Appellate Court Trust Fund to address existing workload, reduce backlogs, and prevent case delays in appellate districts.

Extended Availability of Pretrial Funding: Budget bill language to extend the availability of pretrial funding appropriated in the Budget Acts of 2021 and 2022 until June 30, 2024.

Firearm Relinquishment Grant Reimbursement Authority: \$5.8 million in 2023–24 and \$5.6 million in 2024–25 and 2025–26 for a three-year grant agreement (total of \$17 million) with the Board of State and Community Corrections for the Byrne State Crisis Intervention Program. This funding will support a statewide project to improve execution of firearm relinquishment orders and expand collaborative courts.

Expand Firearm Relinquishment Program from the Budget Act of 2022: The budget includes budget bill language to expand the use of \$40 million one-time General Fund included in the Budget Act of 2022 to support both civil and criminal court-ordered firearm relinquishment pilot programs.

Legal Support for Court Rules and User-Friendly Forms: \$838,000 General Fund in 2023–24 and \$1.6 million ongoing to implement new laws through rules of court and forms. This funding will provide user-friendly forms and tools that advance the judicial branch's commitment to removing barriers to court access and case resolution.

Extension of Remote Civil Proceedings: Trailer bill language to extend the sunset date for remote civil proceedings from July 1, 2023 to January 1, 2026. This includes additional procedural protections for civil commitments and juvenile justice cases.

Elimination of Sunset for Various Fees: Trailer bill language to eliminate the sunset date of June 30, 2023, for various fees that support trial court base allocations. These fees have generated revenue averaging \$36.7 million over the last five years. Absent this elimination, there would be a reduced allocation to trial courts that would affect court operations and access to justice.

Criminal Fee Elimination: \$1.2 million ongoing General Fund in 2023–24 and trailer bill language for additional criminal fee relief. Of this amount, \$826,000 will be allocated to the trial courts and \$374,000 will be for the counties.

Legal Aid Loan Repayment Assistance Program: \$250,000 ongoing General Fund in 2023–24 and trailer bill language for the California Access to Justice Commission to administer a loan repayment program to help recruit and retain legal aid attorneys. Trailer bill language will also establish the commission in statute.

Rent Costs: \$6.1 million General Fund reduction to account for lower rent costs in buildings occupied by the Supreme Court, Courts of Appeal, Judicial Council, and Habeas Corpus Resource Center.

Court Appointed Special Advocate (CASA) Funding: Retention of \$20 million General Fund in 2023–24 and 2024–25, \$40 million in total, to support CASA programs throughout the state.

Budget Solutions and Adjustments

Deferred Maintenance: \$49.5 million General Fund reduction from the \$188 million for deferred maintenance approved in the Budget Act of 2021. This reflects the unspent amount that is available to return to the General Fund to help offset the decline in state revenues.

Return of Unspent Funding: Return of \$40.7 million in unspent funding from prior years in 2022–23 related to cannabis convictions resentencing, increased court reporters and transcript fees, and pretrial services. This funding is no longer needed for these purposes.

Reduced Backfill Need: A total reduction in backfill of \$92.9 million in 2022–23 and \$75.3 million in 2023–24 due to updated estimates of need. These amounts include the following backfill adjustments:

- Trial Court Trust Fund – A reduction of \$66.5 million in 2022–23 and \$4.2 million in 2023–24, which results in a backfill amount of \$105.1 million in 2023–24.
- State Court Facilities Construction Fund – A reduction of \$34 million in 2023–24.

- Income Threshold Fee Waivers – An ongoing reduction of \$16.4 million beginning in 2022–23.
- Ability to Pay Program – A reduction of \$10 million in 2022–23 and \$20.7 million in 2023–24.

Superior Court of Monterey County – New Fort Ord Courthouse Acquisition Reversion:

\$25 million was returned to the General Fund in 2022–23 from the existing acquisition phase authority provided in the Budget Act of 2021. The property selected for the project will be donated to the state, resulting in a reduced need for the land purchase price.

Enacted Legislation

Jury Duty Pilot and Juror Reimbursement Increase (Assembly Bill [AB] 1981): \$19 million General Fund in 2023–24 and \$17.5 million General Fund in 2024–25 to conduct a two-year pilot program in at least six courts to study whether increases in juror compensation and mileage reimbursement rates increase juror diversity and participation as required by AB 1981 (Ch. 326, Stats. of 2022). The budget also includes \$4.2 million ongoing General Fund for increases in juror mileage and public transit reimbursements as required by this legislation.

Community Mental Health Services Data Collection (Senate Bill [SB] 929): \$3.8 million General Fund in 2023–24, \$3.3 million in 2024–25, and \$2 million ongoing beginning in 2025–26 to comply with data collection requirements pursuant to SB 929 (Ch. 539, Stats. of 2022) related to community mental health services.

Signage for Charles James Ogletree, Jr. Courthouse (AB 2268): \$440,000 one-time General Fund in 2023–24 to fund the design, fabrication, and installation of new signage to rename the Superior Court of Merced County’s main courthouse as the Charles James Ogletree, Jr. Courthouse pursuant to AB 2268 (Ch. 410, Stats. of 2022).

Courthouse Lactation Facilities (AB 1576): Trailer bill language to delay the implementation of AB 1576 (Ch. 200, Stats. of 2022) to July 1, 2026. AB 1576 requires the Judicial Council to expand access to courthouse lactation facilities for court users. Funding will be provided to the branch in 2024–25 to comply with these requirements.

Judicial Branch Facilities

State Court Facilities Construction Fund Solvency: \$55.5 million General Fund in 2023–24, increasing to \$174.5 million in 2025–26 and ongoing to address the structural deficit in the construction fund and maintain existing service levels. The \$55.5 million ongoing General Fund

is to backfill trial court operations costs currently supported by the construction fund. In 2025–26, in addition to the \$55.5 million, the backfill will increase by \$119 million ongoing to cover existing obligations and ensure an adequate fund balance.

Facility Operations and Maintenance: \$6 million ongoing General Fund for increased trial court facilities operations and maintenance costs in seven newly constructed courthouses projected to open in 2023–24.

Court Construction: \$19.2 million General Fund and \$153 million Public Buildings Construction Fund in 2023–24 to fund two new projects and continue the next phase of previously approved projects:

New Projects:

- Nevada County – New Nevada City Courthouse – \$8.1 million for acquisition
- Santa Clara County – Court of Appeal, New Sixth Appellate District Courthouse – \$2.8 million for performance criteria

Additional Funding for Previously Approved Projects:

- Monterey County – New Fort Ord Courthouse – \$153 million for design-build
- San Bernardino County – Juvenile Dependency Courthouse Addition and Renovation – \$8.3 million for construction

The 2023–24 Budget may be reviewed in its entirety at: <https://ebudget.ca.gov/>.

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