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**GOVERNMENT CODE - GOV**

**TITLE 8. THE ORGANIZATION AND GOVERNMENT OF COURTS [68070 - 77655]** ( Title 8 added by Stats. 1953, Ch. 206. )

**CHAPTER 5.7. Superior Court Facilities [70301 - 70508]** ( Chapter 5.7 added by Stats. 2002, Ch. 1082, Sec. 4. )

**ARTICLE 7. Authority and Responsibility [70391 - 70397.2]** ( Article 7 added by Stats. 2002, Ch. 1082, Sec. 4. )

**70391.** The Judicial Council, as the policymaking body for the judicial branch, shall have the following responsibilities and authorities with regard to court facilities, in addition to any other responsibilities or authorities established by law:

- (a) Exercise full responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities the title of which is held by the state, including, but not limited to, the acquisition and development of facilities.
- (b) Exercise the full range of policymaking authority over trial court facilities, including, but not limited to, planning, construction, acquisition, and operation, to the extent not expressly otherwise limited by law.
- (c) Dispose of surplus court facilities following the transfer of responsibility under Article 3 (commencing with Section 70321), subject to all of the following:

(1) If the property was a court facility previously the responsibility of the county, the Judicial Council shall comply with the requirements of Section 11011, and as follows, except that, notwithstanding any other provision of law, the proportion of the net proceeds that represents the proportion of other state funds used on the property other than for operation and maintenance shall be returned to the fund from which it came and the remainder of the proceeds shall be deposited in the State Court Facilities Construction Fund.

(2) The Judicial Council shall consult with the county concerning the disposition of the facility. Notwithstanding any other law, including Section 11011, when requested by the transferring county, a surplus facility shall be offered to that county at fair market value prior to being offered to another state agency or local government agency.

(3) The Judicial Council shall consider whether the potential new or planned use of the facility:

- (A) Is compatible with the use of other adjacent public buildings.
- (B) Unreasonably departs from the historic or local character of the surrounding property or local community.
- (C) Has a negative impact on the local community.
- (D) Unreasonably interferes with other governmental agencies that use or are located in or adjacent to the building containing the court facility.
- (E) Is of sufficient benefit to outweigh the public good in maintaining it as a court facility or building.

(4) All funds received for disposal of surplus court facilities shall be deposited by the Judicial Council in the State Court Facilities Construction Fund.

(5) If the facility was acquired, rehabilitated, or constructed, in whole or in part, with moneys in the State Court Facilities Construction Fund that were deposited in that fund from the state fund, any funds received for disposal of that facility shall be apportioned to the state fund and the State Court Facilities Construction Fund in the same proportion that the original cost of the building was paid from the state fund and other sources of the State Court Facilities Construction Fund.

(6) Submission of a plan to the Legislature for the disposition of court facilities transferred to the state, prior to, or as part of, any budget submission to fund a new courthouse that will replace the existing court facilities transferred to the state.

(d) Conduct audits of all of the following:

(1) The collection of fees by the local courts.

(2) The moneys in local courthouse construction funds established pursuant to Section 76100.

(3) The collection of moneys to be transmitted to the Controller for deposit in the State Court Facilities Construction Fund, established in Section 70371.

(e) Establish policies, procedures, and guidelines for ensuring that the courts have adequate and sufficient facilities, including, but not limited to, facilities planning, acquisition, construction, design, operation, and maintenance.

(f) Establish and consult with local project advisory groups on the construction of new trial court facilities, including the trial court, the county, the local sheriff, state agencies, bar groups, including, but not limited to, the criminal defense bar, and members of the community. Consultation with the local sheriff in design, planning, and construction shall include the physical layout of new facilities, as it relates to court security and other security considerations, including matters relating to the safe control and transport of in-custody defendants.

(g) Manage court facilities in consultation with the trial courts.

(h) Allocate appropriated funds for court facilities maintenance and construction, subject to the other provisions of this chapter.

(i) Manage shared-use facilities to the extent required by the agreement under Section 70343.

(j) Prepare funding requests for court facility construction, repair, and maintenance.

(k) Implement the design, bid, award, and construction of all court construction projects, except as delegated to others.

(l) Provide for capital outlay projects that may be built with funds appropriated or otherwise available for these purposes as follows:

(1) Approve five-year and master plans for each district.

(2) Establish priorities for construction.

(3) Recommend to the Governor and the Legislature the projects to be funded by the State Court Facilities Construction Fund.

(4) Submit the cost of projects proposed to be funded to the Department of Finance for inclusion in the Governor's Budget.

(m) In carrying out its responsibilities and authority under this section, the Judicial Council shall consult with the local court for:

(1) Selecting and contracting with facility consultants.

(2) Preparing and reviewing architectural programs and designs for court facilities.

(3) Preparing strategic master and five-year capital facilities plans.

(4) Major maintenance of a facility.

*(Amended by Stats. 2021, Ch. 79, Sec. 25. (AB 143) Effective July 16, 2021.)*

**70391.5.** (a) The Judicial Council shall develop performance expectations for court facility proposals, including benchmark criteria for total project life-cycle costs, project cost comparisons to traditional delivery and financing options, project risk assessments and allocations, utility and energy conservation requirements that meet or exceed state standards, and court security operations cost controls and reduction goals. The performance expectations and benchmark criteria shall be consistent with Chapter 1016 of the Statutes of 2002, Chapter 488 of the Statutes of 2006, and consistent with all current state building practices.

(b) In reviewing any court facility proposal that includes a public-private partnership component, the Director of Finance shall take into consideration any terms in the proposal that could create long-term funding commitments and how those terms may be structured to minimize risk to the state's credit ratings. Following the approval of any court facility proposal of the Director of Finance, the Judicial Council shall notify the Joint Legislative Budget Committee of the performance expectations and benchmark criteria for the proposal at least 30 days prior to the release of initial solicitation documents for a court facility project. If the Joint Legislative Budget Committee does not express any opposition or concerns, the Judicial Council may proceed with the solicitation 30 days after giving that notice.

*(Added by Stats. 2007, Ch. 176, Sec. 60. Effective August 24, 2007.)*

**70392.** Except as otherwise specifically provided by law, the Administrative Office of the Courts shall have the following responsibilities and authority in addition to other responsibilities and authority granted by law or delegated by the Judicial Council:

- (a) Notwithstanding any other provision of law and subject to the appropriation of funds, provide the ongoing oversight, management, operation, and maintenance of facilities used by the trial courts, if the responsibility for the facility has been transferred to the Judicial Council pursuant to this chapter.
- (b) Carry out the Judicial Council's policies with regard to trial court facilities, except as otherwise expressly limited by law.
- (c) Develop for Judicial Council approval the master plans for trial court facilities in each district.
- (d) Construction of court buildings, including, but not limited to, selection of architects and contractors, except as otherwise expressly limited by law.
- (e) Delegate its responsibilities and authority to the local trial court for court facilities used by that court.

*(Amended by Stats. 2003, Ch. 592, Sec. 19. Effective January 1, 2004.)*

**70393.** The county shall have the following authority and responsibilities with regard to court facilities in addition to any other authority or responsibilities established by law:

- (a) Manage the shared-use buildings whose title the county retains under subdivision (b) of Section 70323.
- (b) Make recommendations to the court and the Judicial Council for the location of new court facilities.
- (c) Provide services to local court facilities as provided in the agreement entered into under Section 70322.
- (d) Indemnify the state for any liability imposed on the state pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions that existed on the property at the time of transfer whether or not known to the county.

*(Added by Stats. 2002, Ch. 1082, Sec. 4. Effective January 1, 2003.)*

**70395.** (a) Notwithstanding any other law, the Judicial Council may sell the property, at fair market value and upon the terms and conditions and subject to the reservations the Judicial Council deems in the best interests of the state, if all of the following requirements are satisfied:

- (1) The sale complies with Section 70391 as applicable.
- (2) The Judicial Council consults with the County of Los Angeles concerning the sale of the property.
- (3) The Judicial Council offers the County of Los Angeles the right to purchase the property at fair market value before otherwise offering the property for sale.

(b) Notwithstanding any other law, the net proceeds from the sale of the property shall be deposited into the State Court Facilities Construction Fund, established by Section 70371.

(c) For purposes of this act, "property" means the San Pedro superior courthouse located at 505 South Centre Street, in the City of Los Angeles and the County of Los Angeles, Assessor Parcel Number 7455-013-901.

(d) The disposition of the property authorized in this section does not constitute a sale or other disposition of surplus state property within the meaning of Section 9 of Article III of the California Constitution and is not subject to subdivision (g) of Section 11011 of this code.

*(Amended by Stats. 2021, Ch. 79, Sec. 27. (AB 143) Effective July 16, 2021.)*

**70396.** (a) Notwithstanding any other law, the Judicial Council may sell the property, at fair market value and upon the terms and conditions and subject to the reservations the Judicial Council deems in the best interests of the state, if all of the following requirements are satisfied:

- (1) The sale complies with Section 70391 of the Government Code, as applicable.
- (2) The Judicial Council consults with the county where the property is located concerning the sale of the property.
- (3) The Judicial Council offers the county in which the property is located the right to purchase the property at fair market value before otherwise offering the property for sale.

(b) Notwithstanding any other law, the net proceeds from the sale of the property shall be deposited into the State Court Facilities Construction Fund, established by Section 70371.

(c) For purposes of this act, "property" means each of the following:

(1) The Clovis Courthouse located at 1011 Fifth Street in the City of Clovis, County of Fresno, Assessor Parcel Number 492-040-13T.

(2) The Reedley Courthouse located at 815 G Street in the City of Reedley, County of Fresno, Assessor Parcel Number 368-010-06T.

(3) The Avenal Courthouse located at 501 East Kings Street in the City of Avenal, County of Kings, Assessor Parcel Numbers 040-165-007, 040-165-011, and 040-165-012.

(d) The disposition of the property authorized in this section does not constitute a sale or other disposition of surplus state property within the meaning of Section 9 of Article III of the California Constitution and shall not be subject to subdivision (g) of Section 11011 of the Government Code.

*(Amended by Stats. 2021, Ch. 79, Sec. 28. (AB 143) Effective July 16, 2021.)*

**70397.** (a) Notwithstanding any other law, the Judicial Council may sell the property, at fair market value and upon the terms and conditions and subject to the reservations the Judicial Council deems in the best interests of the state, if all of the following requirements are satisfied:

(1) The sale complies with Section 70391, as applicable.

(2) The Judicial Council consults with the County of Los Angeles concerning the sale of the property.

(3) The Judicial Council offers the County of Los Angeles the right to purchase the property at fair market value before otherwise offering the property for sale.

(b) Notwithstanding any other law, the net proceeds from the sale of the property shall be deposited into the State Court Facilities Construction Fund, established by Section 70371.

(c) For purposes of this act, "property" means each of the following:

(1) The West Los Angeles Courthouse located at 1633 Purdue Avenue, City of Los Angeles, County of Los Angeles, Assessor Parcel Numbers 4261-011-908, 4261-011-909, 4261-011-910, 4261-011-913, 4261-011-914, and 4261-011-915.

(2) The Mental Health Courthouse located at 1150 North San Fernando Road, City of Los Angeles, County of Los Angeles, Assessor Parcel Number 5453-002-900.

(d) The disposition of the property authorized in this section does not constitute a sale or other disposition of surplus state property within the meaning of Section 9 of Article III of the California Constitution and is not subject to subdivision (g) of Section 11011.

*(Amended by Stats. 2021, Ch. 79, Sec. 29. (AB 143) Effective July 16, 2021.)*

**70397.1.** (a) Notwithstanding any other law, the Judicial Council may sell the property, in a fair market value transaction and upon the terms and conditions and subject to the reservations the Judicial Council deems in the best interests of the state, if all of the following requirements are satisfied:

(1) The sale complies with Section 70391, as applicable.

(2) The Judicial Council consults with the county in which the property is located concerning the sale of the property.

(3) The Judicial Council offers the county in which the property is located the right to purchase the property in a fair market value transaction before otherwise offering the property for sale.

(b) Notwithstanding any other law, the net proceeds from the sale of the property shall be deposited into the General Fund.

(c) For purposes of this section, "property" means each of the following:

(1) The Plumas/Sierra Regional Courthouse located at 600 South Gulling Street, City of Portola, County of Plumas, Assessor Parcel Number 126-050-046.

(2) The Modesto Main Courthouse located at 800 11th Street, and the Hall of Records, located at 1100 I Street, City of Modesto, County of Stanislaus, collectively a portion of Assessor Parcel Number 105-025-001.

(3) The Ceres Superior Court located at 2744 Second Street, City of Ceres, County of Stanislaus, Assessor Parcel Number 127-016-014.

(d) The disposition of the property authorized in this section does not constitute a sale or other disposition of surplus state property within the meaning of Section 9 of Article III of the California Constitution and is not subject to subdivision (g) of Section 11011.

*(Added by Stats. 2025, Ch. 11, Sec. 5. (AB 136) Effective June 27, 2025.)*

**70397.2.** (a) Notwithstanding any other law, the Judicial Council may sell the property, in a fair market value transaction and upon the terms and conditions and subject to the reservations the Judicial Council deems in the best interests of the state, if all of the following requirements are satisfied:

(1) The sale complies with Section 70391, as applicable.

(2) The Judicial Council consults with the county in which the property is located concerning the sale of the property.

(3) The Judicial Council offers the county in which the property is located the right to purchase the property in a fair market value transaction before otherwise offering the property for sale.

(4) The Judicial Council makes the availability of the property known to the Department of Housing and Community Development for the purpose of including the property on the up-to-date listing of all notices of availability for developing low- and moderate-income housing through the state maintained by the Department of Housing and Community Development on its internet website pursuant to paragraph (2) of subdivision (a) of Section 54222.

(5) The Judicial Council makes the availability of the property known to any local public entity that has jurisdiction for developing low- and moderate-income housing where the property is located.

(6) Any local agency, as defined in paragraph (1) of subdivision (a) of Section 54221, that purchases the property from the Judicial Council in a fair market value transaction pursuant to this section to use the property for developing low- and moderate-income housing shall give priority to an entity that agrees to use the site for housing and proposes to provide the greatest number of units that meet the requirements of Section 54222.5 in accordance with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

(b) Notwithstanding any other law, the net proceeds from the sale of the property shall be deposited into the State Court Facilities Construction Fund, established by Section 70371.

(c) For purposes of this section, "property" means the Gordon D. Schaber Sacramento County Courthouse located at 720 Ninth Street, City of Sacramento, County of Sacramento, Assessor Parcel Number 002-0145-026.

(d) The disposition of the property authorized in this section does not constitute a sale or other disposition of surplus state property within the meaning of Section 9 of Article III of the California Constitution and is not subject to subdivision (g) of Section 11011.

*(Added by Stats. 2024, Ch. 973, Sec. 1. (AB 2988) Effective January 1, 2025.)*