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SB-133 Courts. (2023-2024)

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Senate Bill No. 133

CHAPTER 34

An act to amend Section 6219 of the Business and Professions Code, to amend Section 367.75 of, to add Sections 367.8 and 367.10 to, and to add and repeal Section 367.76 of, the Code of Civil Procedure, to amend Sections 68933, 69894, 70602.6, and 70662 of, to amend and repeal Sections 70616, 70617, 70657, and 70677 of, and to add Chapter 2.2 (commencing with Section 68655) to Title 8 of, the Government Code, to add Section 1473.1 to the Penal Code, and to add and repeal Section 679.5 of the Welfare and Institutions Code, relating to courts, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 30, 2023. Filed with Secretary of State June 30, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 133, Committee on Budget and Fiscal Review. Courts.

(1) The California Constitution vests the judicial power of the state in the Supreme Court, courts of appeal, and superior courts, and establishes the Judicial Council to, among other things, adopt rules of court and perform functions prescribed by statute. Existing law, the Nonprofit Public Benefit Corporation Law, authorizes and regulates the formation and operation of, among others, nonprofit public benefit corporations.

This bill would establish the California Access to Justice Commission, a nonprofit public benefit corporation, and would authorize the commission to receive funding appropriated by the Legislature. The bill would specify the membership of the commission and terms of the members. The bill would specify the purposes for which the commission may receive and use funding including, among others, providing ongoing leadership in efforts to achieve full and equal access to justice for all Californians. The bill would make the commission subject to the Nonprofit Public Benefit Corporation Law and would set the public meeting requirements for the commission.

(2) Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation. Existing law requires an attorney or law firm receiving or disbursing trust funds to establish and maintain an Interest On Lawyers' Trust Accounts (IOLTA) account in which the attorney or law firm is required to deposit or invest specified client deposits or funds. Existing law requires interest and dividends earned on IOLTA accounts to be paid to the State Bar of California and used for programs providing civil legal services without charge to indigent persons. Existing law requires the State Bar of California to distribute IOLTA funds and specified other funds to qualified legal service projects and qualified support centers, as defined, for the provision of civil legal services without charge to indigent persons in accordance with a specified statutory scheme. Existing law authorizes qualified legal services projects and qualified support centers to use the funds to provide work opportunities with pay and scholarships for disadvantaged law students to help defray their law school expenses, among other purposes.

This bill would authorize qualified legal service projects and qualified support centers to also use the funds to provide loan repayment assistance for the purposes of recruiting and retaining attorneys in accordance with a loan repayment assistance program administered by the California Access to Justice Commission. The bill would appropriate \$250,000 from the General Fund to the Judicial Council to provide funding to the California Access to Justice Commission to administer a tax advantaged student loan repayment assistance program for service providers employed by qualified legal service projects and support centers, as specified.

(3) Existing law establishes the Appellate Court Trust Fund, the proceeds of which shall be used for the purpose of funding the courts of appeal and the Supreme Court. Existing law requires the funds, upon appropriation by the Legislature, to be apportioned by the Judicial Council to the courts of appeal and the Supreme Court taking into consideration all other funds available and the needs of each court in a manner that promotes equal access to the courts, ensures the ability of the courts to carry out their functions, and promotes implementation of statewide policies.

This bill would authorize the funds to be apportioned by the Judicial Council to the Supreme Court, courts of appeal, and the Judicial Council, taking into consideration all other funds available to each and the needs of each.

(4) Existing law generally requires the superior court, as an employer, to provide employees with the use of a lactation room or other location for employees to express milk in private, including, among other things, a clean and safe place to sit. Existing law requires the superior court, commencing July 1, 2024, to provide any court user access to a lactation room in any courthouse in which a lactation room is also provided to court employees, as specified.

This bill would delay until July 1, 2026, the date by which the courts are required to provide public lactation rooms.

(5) Existing law, until July 1, 2023, imposes a supplemental fee of \$40 for filing any first paper subject to the uniform fee in certain civil proceedings, subject to reduction if the amount of the General Fund appropriation to the Trial Court Trust Fund is decreased from the amount appropriated in the 2013–14 fiscal year.

This bill, among other things, would remove the July 1, 2023, sunset from those provisions, thereby extending those supplemental fees indefinitely.

Under existing law, the uniform fee for filing any specified motion, application, order to show cause, or any other paper requiring a hearing subsequent to the first paper is \$60 until July 1, 2023, at which time that fee is reduced to \$40.

This bill would remove the July 1, 2023, reduction of that filing fee to \$40 and would indefinitely extend the operation of the \$60 supplemental fee.

Existing law, until July 1, 2023, requires a \$1,000 fee to be paid on behalf of all plaintiffs, and by each defendant, intervenor, respondent, or adverse party to a civil action that is designated or determined to be a complex case. On and after July 1, 2023, existing law requires a fee of \$550 to be paid under those circumstances. Existing law, until July 1, 2023, imposes a limitation of \$18,000 on the total amount of complex fees collected from all defendants, intervenors, respondents, or other adverse parties appearing in a complex case. On and after July 1, 2023, existing law imposes a limitation of \$10,000 on the amount of the fee required to be paid in those circumstances.

This bill would extend the operation of the \$1,000 complex case fee and the \$18,000 total fee limitation indefinitely, thereby extending that higher fee rate and limitation.

(6) Existing law prohibits the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin, as specified, and authorizes a person to prosecute a writ of habeas corpus for a violation of those provisions. Existing law requires the court to appoint counsel for the petitioner if the petitioner cannot afford counsel and either the petition alleges facts that would establish a violation of those provisions or the State Public Defender requests counsel be appointed.

This bill would require Judicial Council to promulgate standards for appointment of private counsel in superior court for claims where an individual has not been sentenced to death. The bill would require those standards to include a minimum requirement of 10 hours of training in the California Racial Justice Act of 2020 approved for Minimum Continuing Legal Education credit by the State Bar of California. The bill would, if the individual has been sentenced to death, require the appointment standards to be consistent with existing standards in the California Rules of Court.

(7) Existing law authorizes, until July 1, 2023, a party to appear remotely and a court to conduct conferences, hearings, proceedings, and trials in civil cases, in whole or in part, through the use of remote technology.

This bill would extend these provisions until January 1, 2026. The bill would exempt specific types of proceedings from these provisions. The bill would authorize, until January 1, 2026, a court to conduct an adoption finalization hearing, in whole or in part, through the use of remote technology, without the court making specific findings and would prohibit a court from requiring a party to appear through the use of remote technology.

The bill would additionally authorize, until January 1, 2026, the use of remote technology, as defined, for other types of proceedings, including, among others, proceedings regarding the involuntary treatment and conservatorship of gravely disabled persons under specified provisions, contempt proceedings, and competency proceedings. The bill would provide specified circumstances in which remote technology cannot be used.

Existing law generally subjects any person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court. Existing law provides the right of a minor subject to juvenile court hearings to be physically present for those hearings.

This bill would authorize the use of remote technology in juvenile justice proceedings, as defined, except in specified circumstances, until January 1, 2026. The bill would authorize the court to develop local procedures or protocols regarding the use of remote technology consistent with legislative findings and declarations in support of these provisions.

The bill would require the Judicial Council, by April 1, 2024, to adopt, and trial court to implement by July 1, 2024, minimum standards for the courtroom technology necessary to permit remote participation in proceedings subject to these provisions. The bill would require, until July 1, 2024, that when the court conducts proceedings that will be reported by an official reporter or official reporter pro tempore, that the reporter be physically present in the same room as the judicial officer, except as specified. The bill would require, beginning July 1, 2024, that when the court conducts proceedings that will be reported by an official reporter or official reporter pro tempore, that the reporter be physically present in the same room as the judicial officer if the court cannot provide specified technology standards. The bill would repeal these provisions on January 1, 2026.

The bill would require the Judicial Council to adopt rules that include standards for when a judicial officer, in limited situations and in the interest of justice, may preside over a remote court proceeding from a location other than a courtroom.

The bill would require each superior court to report to the Judicial Council on or before October 1, 2023, and annually thereafter, and for the Judicial Council to report to the Legislature on or before December 31, 2023, and annually thereafter, to assess the impact of technology issues or problems affecting remote proceedings and purchases and leases of technology and equipment to facilitate remote conferences, hearings, or proceedings.

Existing law prohibits, until January 1, 2024, a trial court from retaliating against an official court reporter or official court reporter pro tempore for notifying a judicial officer that technology or audibility issues are interfering with the creation of the verbatim record for a remote proceeding conducted pursuant to specified provisions of the Penal Code.

This bill would, until January 1, 2026, expand application of this provision to all proceedings that include participation through remote technology, but would limit application to an official reporter or official reporter pro tempore that qualifies as a "trial court employee," as defined.

(8) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(9) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. With regard to Section 21, the Legislature finds and declares all of the following:

(a) Minors subject to wardship petitions pursuant to Sections 601 and 602 of the Welfare and Institutions Code are entitled to almost all of the constitutional rights and procedural protections that are afforded to adult criminal defendants.

(b) Remote proceedings may afford benefits to minors and their parents or guardians by helping to avoid interference with school and work schedules, and by mitigating the costs and challenges of travel, arranging childcare, and other negative impacts. Moreover, frequent and repetitive court contact may lead to entrenchment in the juvenile justice system.

(c) Because of the fundamental liberty interests involved in juvenile justice proceedings, remote hearings in these proceedings should occur only when the minor, in consultation with counsel, agrees that a remote appearance will benefit the minor, and only if the constitutional and statutory rights of minors are protected.

(d) Although the expansion of the use of remote technology may provide benefits to minors and their parents and guardians, there is a lack of equity in the availability of and accessibility to remote technology. In addition, not all court users can navigate the technology needed for remote appearances, even if the person has access to remote technology. Given this digital divide,

especially as it impacts indigent minors and families and communities of color, a party should not be prejudiced by lack of access to, or ability to effectively use, remote technology in any juvenile justice proceeding.

SEC. 2. Section 6219 of the Business and Professions Code is amended to read:

6219. Qualified legal services projects and support centers may use funds provided under this article for the following:

(a) To provide work opportunities with pay, and where feasible, scholarships for disadvantaged law students to help defray their law school expenses.

(b) To provide loan repayment assistance for the purposes of recruiting and retaining staff attorneys in accordance with a loan repayment assistance program administered by the California Access to Justice Commission.

SEC. 3. Section 367.75 of the Code of Civil Procedure is amended to read:

367.75. (a) (1) Except as provided in subdivisions (b) and (d), in civil cases, when a party has provided notice to the court and all other parties that it intends to appear remotely, a party may appear remotely and the court may conduct conferences, hearings, and proceedings, in whole or in part, through the use of remote technology.

(2) This section does not apply to any of the following type of proceedings:

(A) Any proceeding in matters identified in paragraph (1) of subdivision (a) of section 367.76.

(B) A juvenile justice proceeding covered by Section 679.5 of the Welfare and Institutions Code.

(b) Except as otherwise provided by law, the court may require a party or witness to appear in person at a conference, hearing, or proceeding described in subdivision (a), or under subdivisions (e) and (h), if any of the following conditions are present:

(1) The court with jurisdiction over the case does not have the technology necessary to conduct the conference, hearing, or proceeding remotely.

(2) Although the court has the requisite technology, the quality of the technology or audibility at a conference, hearing, or proceeding prevents the effective management or resolution of the conference, hearing, or proceeding.

(3) The court determines on a hearing-by-hearing basis that an in-person appearance would materially assist in the determination of the conference, hearing, or proceeding or in the effective management or resolution of the particular case.

(4) The quality of the technology or audibility at a conference, hearing, or proceeding inhibits the court reporter's ability to accurately prepare a transcript of the conference, hearing, or proceeding.

(5) The quality of the technology or audibility at a conference, hearing, or proceeding prevents an attorney from being able to provide effective representation to the attorney's client.

(6) The quality of the technology or audibility at a conference, hearing, or proceeding inhibits a court interpreter's ability to provide language access to a court user or authorized individual.

(c) Notwithstanding paragraph (3) of subdivision (b), an expert witness may appear remotely absent good cause to compel in-person testimony.

(d) (1) Except as otherwise provided by law and subject to the limitations of subdivision (b), upon its own motion or the motion of any party, the court may conduct a trial or evidentiary hearing, in whole or in part, through the use of remote technology, absent a showing by the opposing party as to why a remote appearance or testimony should not be allowed.

(2) (A) Except as provided in Section 269 of the Code of Civil Procedure and Section 69957 of the Government Code, if the court conducts a trial, in whole or in part, through the use of remote technology, the official reporter or official reporter pro tempore shall be physically present in the courtroom.

(B) If the court conducts a trial, in whole or in part, through the use of remote technology, upon request, the court interpreter shall be physically present in the courtroom.

(e) (1) Before the court with jurisdiction over the case may proceed with a remote conference, hearing, proceeding, or trial, the court shall have a process for a party, witness, official reporter, official reporter pro tempore, court interpreter, or other court personnel to alert the judicial officer of technology or audibility issues that arise during the conference, hearing, proceeding, or trial.

(2) The court shall require that a remote appearance by a party or witness have the necessary privacy and security appropriate for the conference, hearing, proceeding, or trial.

(3) The court shall inform all parties, particularly parties without legal representation, about the potential technological or audibility issues that could arise when using remote technology, which may require a delay of or halt the conference, hearing, proceeding, or trial. The court shall make information available to self-represented parties regarding the options for appearing in person and through the use of remote technology.

(f) The court shall not require a party to appear through the use of remote technology. If the court permits an appearance through remote technology, the court must ensure that technology in the courtroom enables all parties, whether appearing remotely or in person, to fully participate in the conference, hearing, or proceeding.

(g) A self-represented party may appear remotely in a conference, hearing, or proceeding conducted through the use of remote technology only if they agree to do so.

(h) Any juvenile dependency proceeding may be conducted in whole or in part through the use of remote technology subject to the following:

(1) Any person authorized to be present may request to appear remotely.

(2) Any party to the proceeding may request that the court compel the physical presence of a witness or party. A witness, including a party providing testimony, may appear through remote technology only with the consent of all parties and if the witness has access to the appropriate technology.

(3) A court shall not require a party to appear through the use of remote technology.

(4) The confidentiality requirements that apply to an in-person juvenile dependency proceeding shall apply to a juvenile dependency proceeding conducted through the use of remote technology.

(i) (1) Notwithstanding Section 8613.5 of the Family Code, in an adoption proceeding under Division 13 (commencing with Section 8500) of the Family Code, the court may conduct an adoption finalization hearing, in whole or in part, through the use of remote technology, without the court finding that it is impossible or impracticable for either prospective adoptive parent to make the appearance in person.

(2) A court shall not require a party to appear through the use of remote technology.

(3) The confidentiality and privacy requirements that apply to an in-person adoption finalization hearing, including, but not limited to, the requirements in Section 8611 of the Family Code, apply to an adoption finalization hearing conducted through the use of remote technology.

(j) For purposes of this section, a party includes a nonparty subject to Chapter 6 of Title 4 of Part 4 (commencing with Section 2020.010).

(k) Subject to the limitations in subdivision (b), this section is not intended to prohibit the use of appearances through the use of remote technology when stipulated by attorneys for represented parties.

(l) Consistent with its constitutional rulemaking authority, the Judicial Council shall adopt rules to implement the policies and provisions in this section to promote statewide consistency, including, but not limited to, the following procedures:

(1) A deadline by which a party must notify the court and the other parties of their request to appear remotely.

(2) Procedures and standards for a judicial officer to determine when a conference, hearing, or proceeding may be conducted through the use of remote technology. The procedures and standards shall require that a judicial officer give consideration to the limited access to technology or transportation that a party or witness might have.

(m) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 4. Section 367.76 is added to the Code of Civil Procedure, to read:

367.76. (a) (1) This section applies to proceedings in the following matters:

(A) Judicial commitments under Part 2 (commencing with Section 6250) of Division 6 of the Welfare and Institutions Code, except for delinquency proceedings.

(B) Involuntary treatment and conservatorships of gravely disabled persons under Chapter 1 (commencing with Section 5000), Chapter 2 (commencing with Section 5150), and Chapter 3 (commencing with Section 5350) of Part 1 of Division 5

of the Welfare and Institutions Code, including Murphy conservatorships.

(C) Contempt proceedings under Title 5 (commencing with Section 1209) of Part 3 of this code.

(D) Mentally disordered offender proceedings under Article 4 (commencing with Section 2960) of Chapter 7 of Title 1 of Part 3 of the Penal Code.

(E) Commitment proceedings under Section 1026, et seq. of the Penal Code.

(F) Competency proceedings under Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 of the Penal Code.

(G) Placement and revocation proceedings pursuant to Section 1600 et seq. of the Penal Code.

(H) Involuntary medication and treatment hearings for individuals committed or awaiting admission to a State Department of State Hospitals facility as described in Section 4100 of the Welfare and Institutions Code.

(2) This section does not apply to proceedings in matters brought pursuant to Sections 601 and 602 of the Welfare and Institutions Code.

(b) For the purposes of this section, the following definitions apply:

(1) "Person" means the person subject to any proceeding in matters described in paragraph (1) of subdivision (a).

(2) "Proceeding" or "proceedings" includes, but is not limited to, all hearings, conferences, and trials in matters described in paragraph (1) of subdivision (a).

(3) "Remote technology" means technology that provides for the two-way transmission of video and audio signals except that audio signals alone may be permitted where specifically authorized by law. Remote technology shall include, but not be limited to, a computer, tablet, telephone, cellular telephone, or other electronic or communications device. Notwithstanding the foregoing and subject to subdivision (h), the person subject to the proceeding, in consultation with counsel if represented, may, at their request, participate through audio-only technology.

(c) Proceedings in matters arising under subdivision (a) may be conducted through the use of remote technology subject to the following:

(1) A person has the right to be physically present for all proceedings and shall not be required to appear through the use of remote technology.

(2) A person may waive their right to be physically present and may elect to appear remotely.

(3) Except as provided in subdivisions (d), (e), and (h), a party, counsel for a party, or witness may appear through the use of remote technology.

(4) The confidentiality requirements that apply to inperson proceedings shall apply with equal force and effect when conducted through the use of remote technology.

(d) If the person is physically present in court the following shall apply:

(1) Absent exceptional circumstances and except as provided in paragraphs (3) and (4), counsel for the person, counsel for the other party or parties, the other party or parties, and the judicial officer shall be physically present in the courtroom.

(2) Except as provided in paragraphs (3) and (4) and paragraph (3) of subdivision (b) of Section 1370 of the Penal Code, absent a waiver by the person or a finding of good cause by the court, any witness the other party or parties calls shall be physically present in the courtroom. In determining whether good cause exists to excuse the physical presence of a witness, the court shall consider the distance the witness must travel, the nature of the testimony, and the nature of the proceeding.

(3) Notwithstanding paragraphs (1) and (2), counsel and witnesses for the State Department of Developmental Services shall not be required to be physically present in the courtroom absent a finding of good cause by the court.

(4) Notwithstanding paragraphs (1) and (2), counsel and witnesses for the State Department of State Hospitals shall not be required to be physically present in the courtroom in any nonjury trial matters or proceedings described in paragraph (1) of subdivision (a) absent a finding of good cause by the court.

(e) Notwithstanding any other law, unless good cause exists, a court shall not compel the physical presence of the person who is a patient in a State Department of State Hospitals or State Department of Developmental Services facility or other inpatient or outpatient treatment facility absent consent of the person in consultation with counsel. In determining whether good cause exists

to compel the physical presence of a patient, the court shall consider the nature of the hearing and whether requiring the physical presence of the patient would interfere with the person's program of treatment or be detrimental to their mental or physical health.

(f) (1) Until July 1, 2024, when the court conducts proceedings that will be reported by an official reporter or official reporter pro tempore, the reporter shall be physically present in the same room as the judicial officer except where the court finds that, as the result of unusual circumstances, this requirement would place extreme or undue hardship on the court or the litigants. For purposes of this paragraph, "unusual circumstances" means a work stoppage, a circumstance described in subdivision (a) of Section 68115 of the Government Code, an unforeseen emergency, court proceedings conducted in a remote court location to which a judicial officer is not regularly assigned to sit, or when a judicial officer has to travel to a location outside of a courthouse to conduct the proceeding.

(2) Beginning July 1, 2024, when the court conducts proceedings that will be reported by an official reporter or official reporter pro tempore, the reporter shall be physically present in the same room as the judicial officer if the court cannot provide the technology standards described in subdivision (o).

(g) If the court conducts a trial, in whole or in part, through the use of remote technology, upon request, the court interpreter shall be physically present in the courtroom.

(h) (1) If any of the following conditions are present and cannot be resolved, the court shall not permit any party, counsel, or witness to appear or participate in proceedings through the use of remote technology, and shall continue any proceeding being conducted with the use of remote technology:

(A) The court does not have the technology necessary to conduct the proceeding remotely.

(B) Although the court has the requisite technology, the quality of the technology or audibility at a proceeding prevents the effective management or resolution of the proceeding.

(C) The quality of the technology or audibility at a proceeding inhibits the court reporter's ability to accurately prepare and certify a transcript of the proceeding.

(D) The court reporter is unable to capture the verbatim record and certify a transcript of any proceeding that is conducted remotely, in whole or in part, to the same extent and in the same manner as if it were not conducted remotely.

(E) The quality of the technology or audibility at a proceeding inhibits the ability of the person to understand or participate in the proceeding.

(F) The quality of the technology or audibility at a proceeding inhibits counsel from being able to provide effective representation to the person.

(G) The court does not have the technology necessary for secure, confidential communication between counsel and the person.

(H) The quality of the technology or audibility at a proceeding inhibits a court interpreter's ability to provide language access, including to communicate and interpret directly with the person and the court during the proceedings.

(2) Except as provided in subdivision (e) or otherwise provided by law, the court may require a party or witness to appear in person at a proceeding if the court determines on a hearing-by-hearing basis that an inperson appearance would materially assist in the determination of the proceeding or resolution of the case. The court's determination shall be based on the individual case before the court and shall be entered into the minutes or otherwise made on the record. In making its determination, the court shall consider the request of the person, the nature of the proceedings, and whether requiring the physical presence of the person would disrupt the person's program of treatment or be detrimental to their mental or physical health.

(3) The court shall not continue proceedings beyond statutory time limits pursuant to this section absent a waiver by the person in consultation with counsel.

(i) Subject to the limitations in subdivision (h), this section is not intended to prohibit the use of appearances through the use of remote technology when stipulated by attorneys for represented parties.

(j) Before the court may conduct proceedings through the use of remote technology, the court shall have a process for a party, witness, official reporter, official reporter pro tempore, court interpreter, or other court personnel to alert the judicial officer of technology or audibility issues that arise during the proceedings.

(k) The court shall inform all parties, particularly parties without legal representation, about the potential technological or audibility issues that could arise when using remote technology, which may require a delay of or halt the proceedings. The court shall make

information available to self-represented parties regarding the options for appearing in person and through the use of remote technology.

(l) A self-represented party may appear remotely in a proceeding conducted through the use of remote technology only if they agree to do so.

(m) For purposes of this section, a party includes a nonparty subject to Chapter 6 (commencing with Section 2020.010) of Title 4 of Part 4.

(n) Consistent with its constitutional rulemaking authority, the Judicial Council shall adopt such other rules and standards as are necessary to implement the policies and provisions of this section and the intent of the Legislature.

(o) By April 1, 2024, the Judicial Council shall adopt, and trial courts shall implement by July 1, 2024, minimum standards for the courtroom technology necessary to permit remote participation in proceedings subject to this section. Those standards shall include, but not be limited to, hard-wired or other reliable high-speed internet connections in the courtroom for the judicial officer and court reporter, and monitors, dedicated cameras, speakers, and microphones so the judicial officer, court reporter, and court interpreter can appropriately see and hear remote participants, as well as to ensure that remote participants can appropriately see and hear the judicial officer and other courtroom participants.

(p) Consistent with federal and California labor law, a trial court shall not retaliate or threaten to retaliate against an official reporter or an official reporter pro tempore who notifies the judicial officer that technology or audibility issues are impeding the creation of the verbatim record of a proceeding that includes participation through remote technology. This subdivision shall only apply to an official reporter and an official reporter pro tempore when they meet the definition of "trial court employee" under subdivision (l) of Section 71601 of the Government Code.

(q) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 5. Section 367.8 is added to the Code of Civil Procedure, to read:

367.8. (a) Each superior court shall report to the Judicial Council on or before October 1, 2023, and annually thereafter, and the Judicial Council shall report to the Legislature on or before December 31, 2023, and annually thereafter, to assess the impact of technology issues or problems affecting remote proceedings, as included under Sections 367.75 and 367.76 of this code, and Section 679.5 of the Welfare and Institutions Code, and all purchases and leases of technology or equipment to facilitate remote conferences, hearings, or proceedings. The report by each superior court and the Judicial Council shall specify all of the following for each annual reporting period:

- (1) The number of proceedings conducted with the use of remote technology.
- (2) Any superior court in which technology issues or problems occurred.
- (3) The superior courts in which remote technology was used.
- (4) The types of trial court conferences, hearings, or proceedings in which remote technology was used.
- (5) The cost of purchasing, leasing, or upgrading remote technology.
- (6) The type of technology and equipment purchased or leased.
- (7) Any other information necessary to evaluate the use of remote proceedings by the courts.

(b) A report to be submitted to the Legislature pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 6. Section 367.10 is added to the Code of Civil Procedure, to read:

367.10. Consistent with its constitutional rulemaking authority, the Judicial Council shall adopt rules that include standards for when a judicial officer, in limited situations and in the interest of justice, may preside over a remote court proceeding from a location other than a courtroom.

SEC. 7. Chapter 2.2 (commencing with Section 68655) is added to Title 8 of the Government Code, to read:

CHAPTER 2.2. California Access to Justice Commission

68655. (a) The California Access to Justice Commission (commission), a nonprofit public benefit corporation, is authorized to receive funding as appropriated by the Legislature.

(b) The purposes for which the commission may receive and use funding shall include any or all of the following:

- (1) To provide ongoing leadership in efforts to achieve full and equal access to justice for all Californians, including indigent and moderate-means Californians, immigrants, children and families, seniors, persons with disabilities, persons in rural areas, veterans, and others currently unable to meet their legal needs.
- (2) To identify and promote improved methods of delivering legal help through coordinated efforts among the three branches of government, the public, attorneys, and others in the public and private sectors.
- (3) To carry out functions designated for the commission in legislation or the annual Budget Act, including, but not limited to, administering grant programs and programs supporting the recruitment and retention of legal aid attorneys.
- (4) To encourage increases in the resources available to achieve equal access to justice, including funding for legal help for people who cannot afford to pay, and donated time and effort by pro bono lawyers and others.

68656. The commission shall be subject to the Nonprofit Public Benefit Corporation Law (Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code). To the extent of any conflict between this chapter and the Nonprofit Public Benefit Corporation Law, this chapter shall prevail.

68657. (a) Members of the commission appointed by state officials shall be as follows:

- (1) Two members appointed by the Governor of California.
- (2) One member appointed by the Senate President pro Tempore.
- (3) One member appointed by the Speaker of the Assembly.
- (4) Three members appointed by the Judicial Council.

(b) Action by the commission shall require approval by a majority of members appointed pursuant to subdivision (a) present at a meeting.

(c) Pursuant to its bylaws, the commission may appoint members, who shall be approved by the members specified in subdivision (a) present at a meeting. The appointing authorities shall, in making appointments, make every effort to ensure that there is a geographic balance of representation, and that the members will include a broad representation of organizations and communities who participate in or are affected by the provision of civil justice in California.

68658. (a) The term of each commission member shall be four years. Each appointing authority may reappoint a member whose term has expired and shall fill any vacancy for the unexpired portion of the term in which it occurs.

(b) All appointees may continue their term until the appointment of their successors, subject to compliance with subdivision (d).

(c) The commission shall meet as often as required, but at least twice per year. The commission shall provide the public with notice of the date, time, and manner of attendance at least 10 days in advance of each commission meeting and public comments shall be solicited during each meeting. A confidential executive session may be conducted only for attorney-client communications with a lawyer representing the commission.

(d) The commission shall appoint an executive director to serve at the pleasure of the commission to assist in the commission's duties. The executive director may serve for the commission pro bono.

(e) Members shall attend at least 50 percent of all duly convened meetings in a calendar year, unless the absence has been excused by the executive director. A member who fails to attend at least 50 percent of all duly convened meetings of the commission in a calendar year forfeits membership on the commission, unless the absence has been excused by the executive director. The vacancy shall be filled pursuant to Section 68657.

(f) The commission shall not be a state body and judges who participate as part of their judicial office shall not thereby be undertaking a nonjudicial state office.

(g) Members shall be uncompensated volunteers. Members may be reimbursed for reasonable expenses incurred in participating if the funds available to the commission permit.

68659. (a) The commission is expressly authorized to inform the Legislature of its position on any legislative proposal pending before the Legislature and to urge the introduction of legislative proposals.

(b) The commission is expressly authorized to state its position and viewpoint on issues developed in the performance of its duties and responsibilities as specified in this chapter.

(c) The commission is expressly authorized to inform the executive and judicial branches of its positions, including stating positions on regulations and rules and submitting amicus curiae briefs on issues supporting the commission's mission.

(d) The commission is expressly authorized to hold public hearings, issue reports and recommendations, and initiate projects to provide legal assistance.

(e) In carrying out its mission, the commission does not speak on behalf of any appointing authority or any commissioner as an individual or as the holder of another office, but instead on behalf of the commission as a whole.

SEC. 8. Section 68933 of the Government Code is amended to read:

68933. (a) There is hereby established the Appellate Court Trust Fund, the proceeds of which shall be used for the purpose of funding the Supreme Court, courts of appeal, and the Judicial Council.

(b) The fund, upon appropriation by the Legislature, shall be apportioned by the Judicial Council to the courts of appeal, the Supreme Court, and the Judicial Council, as determined by the Judicial Council, taking into consideration all other funds available to each and the needs of each, in a manner that promotes equal access to the courts, ensures the ability of the courts to carry out their functions, and promotes implementation of statewide policies.

(c) Notwithstanding any other provision of law, the fees listed in subdivision (d) shall all be transmitted for deposit in the Appellate Court Trust Fund within the State Treasury.

(d) This section applies to all fees collected pursuant to Section 68926, excluding that portion subject to Section 68926.3; subdivision (b) of Section 68926.1; and Sections 68927, 68928, 68929, 68930, and 68932.

(e) The Appellate Court Trust Fund shall be invested in the Surplus Money Investment Fund and all interest earned shall be allocated to the Appellate Court Trust Fund semiannually and used as specified in this section.

SEC. 9. Section 69894 of the Government Code is amended to read:

69894. (a) The superior court shall provide any court user access to a lactation room in any courthouse in which a lactation room is also provided to court employees in compliance with Section 1031 of the Labor Code. The lactation room for court users shall be located within the court facility in an area that is accessible to the public or in any location that is reasonably accessible to the public using the court facility. The lactation room for court users shall meet all of the requirements of Section 1031 of the Labor Code.

(b) Notwithstanding subdivision (a), a superior court may comply with this section by designating a lactation room for court users without complying with subdivision (d) of Section 1031 of the Labor Code, if due to operational, financial, or space limitations. The lactation room shall not be a bathroom, shall be shielded from view and free from intrusion while it is being used by a court user to express milk, and shall otherwise be compliant with this section.

(c) This section shall become operative on July 1, 2026.

SEC. 10. Section 70602.6 of the Government Code is amended to read:

70602.6. (a) Notwithstanding any other law, a supplemental fee of forty dollars (\$40) shall be collected for filing any first paper subject to the uniform fee that is set at three hundred fifty-five dollars (\$355) under Sections 70611, 70612, 70650, 70651, 70652, 70653, 70655, 70658, and 70670. The total fee collected under these sections, which includes the supplemental fee, shall be deposited and distributed as provided in Sections 68085.3 and 68086.1, as applicable.

(b) The fee imposed under this section is in addition to any other fees authorized by law, including, but not limited to, the fees authorized in Section 70602.5.

(c) After the 2013–14 fiscal year, if the amount of the General Fund transfer to the Trial Court Trust Fund is decreased more than 10 percent from the amount appropriated in the 2013–14 fiscal year and is not offset by another source of revenue other than court fees so as to result in a net reduction in funding greater than 10 percent, then the amount of the supplemental fees provided in subdivision (a) shall be decreased proportionally. The Judicial Council shall adopt and publish a schedule setting the fees resulting from the decrease.

SEC. 11. Section 70616 of the Government Code, as amended by Section 10 of Chapter 45 of the Statutes of 2018, is amended to read:

70616. (a) In addition to the first paper filing fee required by Section 70611 or 70613, a single complex case fee shall be paid to the clerk on behalf of all plaintiffs, whether filing separately or jointly, either at the time of the filing of the first paper if the case is designated as complex pursuant to the California Rules of Court, or, if no such designation was made, in each case in which a court determines that the case is a complex case pursuant to the California Rules of Court, within 10 calendar days of the filing of the court's order.

(b) In addition to the first appearance fee required under Section 70612 or 70614, a complex case fee shall be paid on behalf of each defendant, intervenor, respondent, or adverse party, whether filing separately or jointly, either at the time that party files its first paper in a case if the case is designated or counterdesignated as complex pursuant to the California Rules of Court, or, if no such designation was made, in each case in which a court determines that the case is a complex case pursuant to the California Rules of Court, within 10 calendar days of the filing of the court's order. This additional complex fee shall be charged to each defendant, intervenor, respondent, or adverse party appearing in the case, but the total complex fees collected from all the defendants, intervenors, respondents, or other adverse parties appearing in a complex case shall not exceed eighteen thousand dollars (\$18,000).

(c) In each case in which the court determines that a case that has been designated or counterdesignated as complex is not a complex case, the court shall order reimbursement to the parties of the amount of any complex case fees that the parties have previously paid pursuant to subdivision (a) or (b).

(d) In each case determined to be complex in which the total fees actually collected exceed, or if collected would exceed, the limit in subdivision (b), the court shall make an order necessary to ensure that the total complex fees paid by the defendants, intervenors, respondents, or other adverse parties appearing in the case do not exceed the limit and that the complex fees paid by those parties are apportioned fairly among those parties.

(e) The complex case fee established by this section shall be one thousand dollars (\$1,000), unless the fee is reduced pursuant to this section. The fee shall be transmitted to the Trial Court Trust Fund as provided in Section 68085.1.

(f) The fees provided by this section are in addition to the filing fee authorized by Section 70611, 70612, 70613, or 70614.

(g) Failure to pay the fees required by this section shall have the same effect as the failure to pay a filing fee, and shall be subject to the same enforcement and penalties.

(h) The amendments made to this section during the 2011–12 Regular Session of the Legislature do not constitute a change in, but are declaratory of, existing law.

SEC. 12. Section 70616 of the Government Code, as amended by Section 11 of Chapter 45 of the Statutes of 2018, is repealed.

SEC. 13. Section 70617 of the Government Code, as amended by Section 31 of Chapter 79 of the Statutes of 2021, is amended to read:

70617. (a) Except as provided in subdivisions (d) and (e), the uniform fee for filing a motion, application, or any other paper requiring a hearing subsequent to the first paper, is sixty dollars (\$60). Papers for which this fee shall be charged include the following:

- (1) A motion listed in paragraphs (1) to (12), inclusive, of subdivision (a) of Section 1005 of the Code of Civil Procedure.
- (2) A motion or application to continue a trial date.
- (3) An application for examination of a third person controlling defendant's property under Section 491.110 or 491.150 of the Code of Civil Procedure.
- (4) Discovery motions under Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure.
- (5) A motion for a new trial of a civil action or special proceeding.
- (6) An application for an order for a judgment debtor examination under Section 708.110 or 708.160 of the Code of Civil Procedure.
- (7) An application for an order of sale of a dwelling under Section 704.750 of the Code of Civil Procedure.
- (8) An ex parte application that requires a party to give notice of the ex parte appearance to other parties.

(b) There shall be no fee under subdivision (a) or (c) for filing any of the following:

- (1) A motion, application, demurrer, request, notice, or stipulation and order that is the first paper filed in an action and on which a first paper filing fee is paid.

- (2) An amended notice of motion.
- (3) A civil case management statement.
- (4) A request for trial de novo after judicial arbitration.
- (5) A stipulation that does not require an order.
- (6) A request for an order to prevent civil harassment.
- (7) A request for an order to prevent domestic violence.
- (8) A request for entry of default or default judgment.
- (9) A paper requiring a hearing on a petition for emancipation of a minor.
- (10) A paper requiring a hearing on a petition for an order to prevent abuse of an elder or dependent adult.
- (11) A paper requiring a hearing on a petition for a writ of review, mandate, or prohibition.
- (12) A paper requiring a hearing on a petition for a decree of change of name or gender.
- (13) A paper requiring a hearing on a petition to approve the compromise of a claim of a minor.

(c) The fee for filing the following papers not requiring a hearing is twenty dollars (\$20):

- (1) A request, application, or motion for, or a notice of, the continuance of a hearing or case management conference. The fee shall be charged no more than once for each continuance. The fee shall not be charged if the continuance is required by the court.
- (2) A stipulation and order.
- (3) A request for an order authorizing service of summons by posting or by publication under Section 415.45 or 415.50 of the Code of Civil Procedure.

(d) The fee for filing a motion for summary judgment or summary adjudication of issues is five hundred dollars (\$500).

(e) (1) The fee for filing in the superior court an application to appear as counsel pro hac vice is five hundred dollars (\$500). This fee is in addition to any other fee required of the applicant. Two hundred fifty dollars (\$250) of the fee collected under this paragraph shall be transmitted to the state for deposit into the State Court Facilities Construction Fund, established in Section 70371. The remaining two hundred fifty dollars (\$250) of the fee shall be transmitted to the state for deposit into the Trial Court Trust Fund, established in Section 68085.

(2) An attorney whose application to appear as counsel pro hac vice has been granted shall pay to the superior court, on or before the anniversary of the date the application was granted, an annual renewal fee of five hundred dollars (\$500) for each year that the attorney maintains pro hac vice status in the case in which the application was granted. The entire fee collected under this paragraph shall be transmitted to the state for deposit into the Trial Court Trust Fund, established in Section 68085.

(3) Fees imposed by this subdivision shall be waived when the applicant is an attorney representing a tribe in a child welfare matter under the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

(f) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required by subdivisions (a), (c), (d), and (e) apply separately to each motion or other paper filed. The Judicial Council may publish rules to give uniform guidance to courts in applying fees under this section.

SEC. 14. Section 70617 of the Government Code, as amended by Section 32 of Chapter 79 of the Statutes of 2021, is repealed.

SEC. 15. Section 70657 of the Government Code, as amended by Section 14 of Chapter 45 of the Statutes of 2018, is amended to read:

70657. (a) Except as provided in subdivision (c), the uniform fee for filing a motion or other paper requiring a hearing subsequent to the first paper in a proceeding under the Probate Code, other than a petition or application or opposition described in Sections 70657.5 and 70658, is sixty dollars (\$60). This fee shall be charged for the following papers:

- (1) Papers listed in subdivision (a) of Section 70617.
- (2) Applications for ex parte relief, whether or not notice of the application to any person is required, except an ex parte petition for discharge of a personal representative, conservator, or guardian upon completion of a court-ordered distribution or transfer,

for which no fee shall be charged.

(3) Petitions or applications, or objections, filed subsequent to issuance of temporary letters of conservatorship or guardianship or letters of conservatorship or guardianship that are not subject to the filing fee provided in subdivision (a) of Section 70658.

(4) The first or subsequent petition for temporary letters of conservatorship or guardianship.

(b) There shall be no fee under subdivision (a) for filing any of the papers listed under subdivision (b) of Section 70617.

(c) The summary judgment fee provided in subdivision (d) of Section 70617 shall apply to summary judgment motions in proceedings under the Probate Code.

(d) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required by subdivisions (a) and (c) apply separately to each motion or other paper filed. The Judicial Council may publish rules to give uniform guidance to courts in applying fees under this section.

(e) No fee is payable under this section for a petition or opposition filed subsequent to issuance of letters of temporary guardianship or letters of guardianship in a guardianship described in Section 70654.

SEC. 16. Section 70657 of the Government Code, as amended by Section 15 of Chapter 45 of the Statutes of 2018, is repealed.

SEC. 17. Section 70662 of the Government Code is amended to read:

70662. The filing fee for a request for special notice pursuant to Sections 1250, 2700, and 17204 of the Probate Code is forty dollars (\$40). This fee shall be in addition to any other fee charged for a paper filed concurrently with a request for special notice.

SEC. 18. Section 70677 of the Government Code, as amended by Section 17 of Chapter 45 of the Statutes of 2018, is amended to read:

70677. (a) The uniform fee for filing any motion, application, order to show cause, or any other paper requiring a hearing subsequent to the first paper is sixty dollars (\$60). Papers for which this fee shall be charged include the following:

(1) Papers listed in subdivision (a) of Section 70617.

(2) An order to show cause or notice of motion seeking temporary prejudgment or postjudgment orders, including, but not limited to, orders to establish, modify, or enforce child, spousal, or partner support, custody and visitation of children, division and control of property, attorney's fees, and bifurcation of issues.

(b) There shall be no fee under subdivision (a) of this section for filing any of the following:

(1) A motion, motion to quash proceeding, application, or demurrer that is the first paper filed in an action and on which a first paper filing fee is paid.

(2) An amended notice of motion or amended order to show cause.

(3) A statement to register foreign support under Section 5700.602 of the Family Code.

(4) An application to determine the judgment after entry of default.

(5) A request for an order to prevent domestic violence.

(6) A paper requiring a hearing on a petition for writ of review, mandate, or prohibition that is the first paper filed in an action and on which a first paper filing fee has been paid.

(7) A stipulation that does not require an order.

(c) The uniform fee for filing the following papers not requiring a hearing is twenty dollars (\$20):

(1) A request, application, or motion for the continuance of a hearing or case management conference.

(2) A stipulation and order.

(d) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required under paragraph (1) of subdivision (a) and under subdivision (c) apply separately to each motion or other paper filed. If an order to show cause or notice of motion is filed as specified in paragraph (2) of subdivision (a) combining requests for relief or opposition to relief on more than one issue, only one filing fee shall be charged under this section. The Judicial Council may publish rules to give uniform guidance to courts in applying fees under this section.

SEC. 19. Section 70677 of the Government Code, as amended by Section 18 of Chapter 45 of the Statutes of 2018, is repealed.

SEC. 20. Section 1473.1 is added to the Penal Code, to read:

1473.1. The Judicial Council shall promulgate standards for appointment of private counsel in superior court for claims filed pursuant to subdivision (f) of Section 1473 of the Penal Code by individuals who are not sentenced to death. These standards shall include a minimum requirement of 10 hours of training in the California Racial Justice Act of 2020. The training required by this section shall meet the requirements for Minimum Continuing Legal Education credit approved by the State Bar of California. Appointment standards for counsel where an individual has been sentenced to death shall be consistent with existing standards set forth in the California Rules of Court.

SEC. 21. Section 679.5 is added to the Welfare and Institutions Code, to read:

679.5. (a) A juvenile justice proceeding may be conducted in whole or in part through the use of remote technology, subject to the provisions of this section.

(b) As used in this section, the following definitions apply:

(1) "Juvenile justice proceeding" means a conference, hearing, or proceeding pursuant to Section 601 or 602.

(2) "Minor" means a person subject to a petition pursuant to Section 601 or 602.

(3) "Remote proceeding" means a juvenile justice proceeding conducted in whole or in part through the use of remote technology.

(4) "Remote technology" means technology that provides for the two-way transmission of video and audio signals except that audio signals alone may be permitted where specifically authorized by subdivision (k) of Section 224.2. Remote technology shall include, but not be limited to, a computer, tablet, telephone, cellular telephone, or other electronic or communications device. Notwithstanding the foregoing, and subject to subdivision (i), a minor, minor's family member or guardian, at the individual's request, may participate through audio only technology.

(c) Except as provided in subdivisions (d), (e), and (f), a minor has the right to be physically present in any juvenile justice proceeding and has the right, subject to express waiver, to the physical presence of defense counsel, any prosecution witnesses whom the prosecution calls to testify, and the judicial officer.

(d) A minor, in consultation with counsel, may waive their right to be physically present and may elect to appear remotely. The court shall take the waiver on the record, but the waiver may be taken remotely. If the minor waives their right to be physically present, the minor, in consultation with counsel, also may waive their right to physical presence of persons identified in subdivision (c).

(e) If the minor is physically present in court, defense counsel shall be physically present absent exceptional circumstances and subject to the express waiver of the minor. If a minor waives their right to be physically present and appears remotely, defense counsel may also appear remotely.

(f) A minor's parent or guardian may appear through remote technology, subject to the court's authority to require the person to be physically present, in accordance, and consistent, with subdivision (i).

(g) A minor retains the same constitutional rights as a criminal defendant to confront and cross-examine witnesses.

(h) The court shall not require any party or witness to appear through the use of remote technology.

(i) (1) If any of the following conditions are present and cannot be resolved, the court shall not permit any party, counsel, or witness to appear or participate in a juvenile justice proceeding through the use of remote technology, and shall continue any juvenile justice proceeding being conducted with remote technology:

(A) The court does not have the technology necessary to conduct the juvenile justice proceeding remotely.

(B) Although the court has the requisite technology, the quality of the technology or audibility prevents the effective management or resolution of the juvenile justice proceeding.

(C) The quality of the technology or audibility at a juvenile justice proceeding inhibits the court reporter's ability to accurately prepare and certify a transcript of the juvenile justice proceeding.

(D) The court reporter is unable to capture the verbatim record and certify a transcript of any proceeding that is conducted remotely, in whole or in part, to the same extent and in the same manner as if it were not conducted remotely.

(E) The quality of the technology or audibility at a juvenile justice proceeding prevents an attorney from being able to provide effective representation to the attorney's client.

(F) The quality of the technology or audibility at a juvenile justice proceeding inhibits a court interpreter's ability to provide language access to a court user or authorized individual.

(2) Except as otherwise provided by law, the court may require a party or witness to appear in person if the court determines on a hearing-by-hearing basis that an inperson appearance would materially assist in the determination of the proceeding or the resolution of the case. The court's determination shall be based on the individual case before the court and the basis for the determination shall be stated on the record. In making its determination, the court shall consider the request of the minor, the nature of the proceedings, and whether requiring the physical presence of the minor would disrupt the education, employment, treatment, or case plan of the minor or would otherwise result in a significant hardship to the minor or the minor's family.

(j) If, at any time during a remote proceeding, the court determines that an inperson appearance is necessary, the court may require such an appearance and continue the matter for only a period of time that is necessary to ensure the party or witness is physically present, considering the factors specified in subdivision (i). The court shall only continue the matter for such period of time as is necessary to ensure the matter can be heard in person. The court shall not continue proceedings beyond statutory time limits pursuant to this section absent a waiver by the minor in consultation with counsel.

(k) (1) Until July 1, 2024, when the court conducts proceedings that will be reported by an official reporter or official reporter pro tempore, the reporter shall be physically present in the same room as the judicial officer except where the court finds that, as the result of unusual circumstances, this requirement would place extreme or undue hardship on the court or the litigants. For purposes of this paragraph, "unusual circumstances" means a work stoppage, a circumstance described in paragraph (a) of Section 68115 of the Government Code, an unforeseen emergency, court proceedings conducted in a remote court location to which a judicial officer is not regularly assigned to sit, or when a judicial officer has to travel to a location outside a courthouse to conduct the proceeding.

(2) Beginning July 1, 2024, when the court conducts proceedings that will be reported by an official reporter or official reporter pro tempore, the reporter shall be physically present in the same room as the judicial officer if the court cannot provide the technology standards described in subdivision (n).

(l) The court may develop local procedures or protocols that benefit minors and families, while ensuring that the constitutional and statutory rights of the minor are protected in remote proceedings, and that a party is not prejudiced by lack of access to, or ability to effectively use, remote technology in any juvenile justice proceeding.

(m) When conducting remote proceedings, the court shall, at a minimum, do all of the following:

(1) Ensure that any party appearing remotely can participate in the proceeding in real time, with no delay in aural or visual transmission or reception.

(2) Ensure that the statements of participants are audible to all other participants and court staff and that the statements made by a participant are identifiable as being made by that participant.

(3) Ensure that any juvenile justice proceeding that is conducted remotely, in whole or in part, is reported to the same extent and in the same manner as if it were not conducted remotely.

(4) Ensure that the quality of the technology or audibility at a remote proceeding does not prevent an attorney from being able to provide effective representation to the attorney's client.

(5) Ensure that a minor appearing remotely is able to communicate confidentially with their attorney during the remote proceeding and provide timely notice to all parties of the steps necessary to secure confidential communication. A request for a confidential attorney-client communication during the remote proceeding shall be granted by the court to ensure effective representation of the minor under the California and the United States Constitutions.

(6) Ensure that the quality of the technology or audibility at a remote proceeding does not inhibit the court reporter's ability to accurately prepare and certify a transcript of the remote proceeding.

(7) Ensure that the quality of the technology or audibility at a remote proceeding does not inhibit a court interpreter's ability to provide language access to a minor, a parent, or other individual ordered by the court to have access to court interpreter services.

(8) Ensure there is a process, before the court with jurisdiction over the case proceeds with a remote proceeding, for a party, witness, official reporter, official reporter pro tempore, court interpreter, or other court personnel to alert the judicial officer of technology or audibility issues that arise during the remote proceeding.

(9) Ensure that the juvenile justice proceedings remain confidential, as required by law.

(10) Permit a party to appear in person for a juvenile justice proceeding at the time and place for which the proceeding was noticed, even if that party had previously notified the court of an intent to appear remotely.

(11) Publish information online providing the instructions necessary for participants to appear remotely.

(n) By April 1, 2024, the Judicial Council shall adopt, and trial courts shall implement by July 1, 2024, minimum standards for the courtroom technology necessary to permit remote participation in juvenile justice proceedings. Such standards shall include, but not be limited to, hard-wired or other reliable high-speed internet connections in the courtroom for the judicial officer and court reporter, and monitors, dedicated cameras, speakers, and microphones so the judicial officer, court reporter, and court interpreter can appropriately see and hear remote participants, as well as to ensure that remote participants can appropriately see and hear the judicial officer and other courtroom participants.

(o) Consistent with federal and California labor law, a trial court shall not retaliate or threaten to retaliate against an official reporter or official reporter pro tempore who notifies the judicial officer that technology or audibility issues are impeding the creation of the verbatim record of a proceeding conducted pursuant to this section that includes participation through remote technology. This subdivision shall only apply to an official reporter and official reporter pro tempore when they meet the definition of "trial court employee" under subdivision (l) of Section 71601 of the Government Code.

(p) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 22. The Legislature finds and declares that Section 7 of this act, which adds Section 68658 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

It is in the best interest of the public for the commission to be able to receive confidential legal advice to ensure compliance with all rules on judicial conduct.

SEC. 23. The sum of two hundred fifty thousand dollars (\$250,000) is hereby appropriated from the General Fund to the Judicial Council to provide funding to the California Access to Justice Commission to administer a tax advantaged student loan repayment assistance program for service providers employed by qualified legal service projects and support centers. The amount of such loan repayment assistance shall not exceed the payment amounts due from any individual participant under the lowest repayment option available from the student loan creditor.

SEC. 24. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.