

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

RECOMMENDATION

**Trial Court Restructuring Clean-Up:
Obsolete References to Marshals**

September 2019

California Law Revision Commission
c/o UC Davis School of Law
Davis, CA 95616
www.clrc.ca.gov

NOTE

This report includes an explanatory Comment to each section of the recommended legislation. The Comments are written as if the legislation were already operative, since their primary purpose is to explain the law as it will exist to those who will have occasion to use it after it is operative. The Comments are legislative history and are entitled to substantial weight in construing the statutory provisions. For a discussion of cases addressing the use of Law Revision Commission materials in ascertaining legislative intent, see the Commission's most recent *Annual Report*.

Cite this report as *Trial Court Restructuring Clean-Up: Obsolete References to Marshals*, 46 Cal. L. Revision Comm'n Reports 105 (2019).

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

c/o UC Davis School of Law
Davis, CA 95616

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September 26, 2019

To: The Honorable Gavin Newsom
Governor of California, and
The Legislature of California

Historically, California had both municipal courts and superior courts. Those two kinds of trial courts heard different types of cases and used different procedures. They also received court security services from different sources: Marshals provided such services in the municipal courts, while sheriffs provided such services in the superior courts.

In 1998, California voters approved a constitutional amendment that permitted county-by-county trial court unification. Under that measure, if a majority of the municipal court judges and a majority of the superior court judges in a county agreed, the municipal and superior courts in the county could unify their operations in the superior court. By early 2001, the municipal and superior courts in all 58 counties had unified.

In most counties, the sheriff's office and the marshal's office similarly consolidated their operations at about the same time, and the sheriff's office became responsible for providing court security services to the unified superior court. Just two counties still have a marshal's office: Shasta and Trinity. In those counties, the marshal's office (not the sheriff's office) now provides court security services to the unified superior court.

Due to trial court unification and two other major reforms of the trial court system (enactment of the Lockyer-Isenberg Trial Court Funding Act and enactment of the Trial Court Employment Protection and Governance Act), hundreds of code sections became obsolete, in whole or in part. The Law Revision Commission is responsible for reviewing the codes and recommending revisions to remove the obsolete material.

The Commission has done extensive work on this matter, resulting in the enactment of many bills. Numerous provisions relating to marshals (as well as lots of other provisions) have already been revised to reflect trial court restructuring.

Some such work remains unfinished. Among other things, the codes still contain some marshal-related material that now appears to be obsolete.

This recommendation proposes statutory revisions to remove that marshal-related material from the codes. It was prepared pursuant to Government Code Sections 8298 and 71674 and Resolution Chapter 158 of the Statutes of 2018.

Respectfully submitted,

Victor King
Chairperson

TRIAL COURT RESTRUCTURING CLEAN-UP: OBSOLETE REFERENCES TO MARSHALS

California's trial court system was extensively restructured around the turn of the century, to improve its efficiency and operations. As a result, hundreds of provisions throughout the codes became obsolete, in whole or in part.

Much of the obsolete material has since been removed from the codes on the Commission's recommendation. Some clean-up work still needs to be done. In this recommendation, the Commission proposes various revisions to remove obsolete material relating to marshals, the law enforcement officers who provided court security services to the municipal courts.

Background Information

Before describing and explaining the proposed revisions, it may be helpful to briefly discuss (1) how the trial court system used to work and how it was restructured, (2) how court security services were provided in the past and how they are provided today, and (3) the Commission's role in trial court restructuring and previous work in the area.

California's Trial Court System: Past and Present

In the late 1990's, each county had a superior court and one or more municipal courts with limited jurisdiction.¹ Those trial courts were county-operated, funded primarily by the counties, and largely staffed with county employees.²

1. See former Cal. Const. art. VI, §§ 4, 5. Justice courts also used to exist, but they were eliminated statewide through a ballot measure approved by the voters in 1994. See 1994 Cal. Stat. res. ch. 113 (SCA 7 (Dills)) (Prop. 191, approved Nov. 8, 1994).

2. See, e.g., Senate Committee on Judiciary Analysis of AB 233 (June 10, 1997); *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51, 76-79 (1998) (hereafter, "*TCU: Revision of Codes*"); J. Clark Kelso,

Around the turn of the century, three major reforms occurred:

- *Trial court unification.* In 1998, the voters approved a measure that permitted trial court unification on a county-by-county basis: On a vote of a majority of the municipal court judges and a majority of the superior court judges in a county, the municipal and superior courts in that county could unify their operations in the superior court.³ By early 2001, the trial courts in all of California’s 58 counties had unified.⁴ Each county now has a unified superior court, which handles all trial court operations in that county.
- *Lockyer-Isenberg Trial Court Funding Act.* Under this 1997 legislation,⁵ the state assumed full responsibility for funding trial court operations.⁶ The goal was to eliminate disparities in funding from county to county, helping to ensure equal service in courts across the state.⁷
- Enactment of the Trial Court Employment Protection and Governance Act (“TCEPGA”). This legislation was enacted in 2000.⁸ It established a new personnel system for trial court employees, in which they are employed by the superior court itself (not by the county or the state).⁹

Analysis of Existing Court Staffing Statutes (DRAFT: Jan. 24, 2000) (on file with Commission).

3. See 1996 Cal. Stat. res. ch. 36 (SCA 4 (Lockyer)) (Prop. 220, approved June 2, 1998).

4. See <https://www.courts.ca.gov/documents/unidate.pdf>.

5. 1997 Cal. Stat. ch. 850; see generally Gov’t Code §§ 77000-77655.

6. See Gov’t Code § 77200.

7. See Gov’t Code § 77100(c)-(d).

8. 2000 Cal. Stat. ch. 1010; see generally Sections 71600-71675.

9. See, e.g., Senate Committee on Judiciary Analysis of SB 2140 (May 9, 2000).

Court Security Services: Past and Present

Historically, the local marshal was responsible for providing security services to a municipal court. The local sheriff was responsible for providing security services to a superior court.¹⁰

Around the same time as trial court unification and the other reforms described above, many counties consolidated their marshal's office with their sheriff's office. Typically, the marshal's office was eliminated, its employees became employees of the sheriff's office, and the sheriff's office became responsible for providing all court security services in the county. In some counties, this occurred before the municipal and superior courts unified;¹¹ elsewhere, it occurred after unification.¹²

Two counties still have a marshal's office: Shasta and Trinity. In those counties, the marshal's office (not the sheriff's office) now provides court security services to the unified superior court.¹³

10. See *Statutes Made Obsolete by Trial Court Restructuring: Part 1*, 32 Cal. L. Revision Comm'n Reports 1, 15 (2002) (hereafter, "*TCR: Part 1*"). When justice courts existed, they received court security services from constables. *Id.* Today, there are no constables and most statutory references to them have been already been deleted. For analysis of the remaining statutory references to constables, see *Trial Court Restructuring Clean-Up: Obsolete "Constable" References*, 45 Cal. L. Revision Comm'n Reports 441 (2018).

11. See, e.g., Gov't Code §§ 26225-26225.9 (Contra Costa County Court Services Consolidation Act of 1988).

12. See, e.g., Gov't Code § 26638.15 (authorizing board of supervisors to abolish marshal's office in Merced County); Merced County Ordinance No. 1687 (effective Jan. 15, 2003) (abolishing marshal's office in Merced County); Merced County Bd. of Supervisors, Minutes (Dec. 3, 2001), pp. 4, 16 (memorializing board of supervisors' decision to abolish marshal's office in Merced County).

13. See Gov't Code § 69921.5; see also <http://www.shastacourts.com/Divisions/Marshal.shtml> ("The Shasta County Marshal's Office is the law enforcement division of the Superior Court."); <https://www.trinity.courts.ca.gov/security> ("The Marshal's Office is the law enforcement arm of the Trinity Superior Court.").

The Commission's Involvement in Trial Court Restructuring

Government Code Section 71674 directs the Law Revision Commission to review the codes, determine whether any provisions are obsolete due to trial court restructuring, and recommend revisions to remove the obsolete material.¹⁴ The Commission is not authorized to make any policy decisions about trial court restructuring; it is just supposed to help conform the codes to reflect the major reforms described above.¹⁵

The Commission has done a vast amount of work in response to this directive, resulting in many bills and the revision of over 1,700 code sections, as well as a few constitutional provisions.¹⁶ Nonetheless, some work still needs to be done.¹⁷

One area still requiring attention relates to marshals. In previous work, the Commission recommended, and the Legislature enacted, numerous statutory revisions to delete obsolete references to

14. Section 71674 says:

71674. The California Law Revision Commission shall determine whether any provisions of law are obsolete as a result of the enactment of [the TCEPGA], the enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997 (Chapter 850 of the Statutes of 1997), or the implementation of trial court unification, and shall recommend to the Legislature any amendments to remove those obsolete provisions. The commission shall report its recommendations to the Legislature, including any proposed statutory changes.

15. The Commission played a similar role in the early phases of trial court restructuring. See *Trial Court Unification: Constitutional Revision (SCA 3)*, 24 Cal. L. Revision Comm'n Reports 1 (1994) (presenting constitutional revisions necessary to implement trial court unification, but not addressing its wisdom or desirability); *TCU: Revision of Codes*, *supra* note 2 (presenting statutory revisions necessary to accommodate county-by-county unification).

16. For a summary of the work completed as of early 2018, see CLRC Staff Memorandum 2018-5, pp. 4-6. For information on more recent progress, see <http://www.clrc.ca.gov/J1405.html>.

17. For a summary of projects remaining as of early 2018, see CLRC Staff Memorandum 2018-5, pp. 6-9. For information on recent progress, see <http://www.clrc.ca.gov/J1405.html>.

marshals.¹⁸ Due to the passage of time, however, additional statutory references to marshals have become obsolete.

In this study, the Commission systematically reviewed the codes for remaining references to marshals. As explained below, some of the marshal-related provisions it found contain material that now appears to be obsolete.

Obsolete References to Marshals

The remaining statutory references to marshals arise in a number of contexts. The ones described here appear to be obsolete and the Commission recommends revising them to delete the obsolete material.

Display of Flashing Amber Warning Lights by Peace Officer Personnel of a Marshal (Veh. Code § 25254)

Under Vehicle Code Section 25254, a peace officer in a marshal's department in a county with at least 250,000 people may display flashing amber warning lights when operating a publicly owned vehicle in specified circumstances. This provision appears to be obsolete because there no longer are any counties where it would apply. Only Shasta and Trinity counties still have marshals,¹⁹ and their populations are much less than 250,000.²⁰ Consequently, the Commission recommends that Vehicle Code Section 25254 be repealed.²¹

18. See, e.g., *TCR: Part 1*, *supra* note 10, at 15-16; *Statutes Made Obsolete by Trial Court Restructuring: Part 5*, 39 Cal. L. Revision Comm'n Reports 109 (2009).

19. See *supra* note 13 & accompanying text.

20. See [census.gov/quickfacts/fact/table/shastacountycalifornia/PST045218](https://www.census.gov/quickfacts/fact/table/shastacountycalifornia/PST045218) (as of July 1, 2018, estimated population of Shasta County was 180,040); [census.gov/quickfacts/fact/table/trinitycountycalifornia/PST045218](https://www.census.gov/quickfacts/fact/table/trinitycountycalifornia/PST045218) (as of July 1, 2018, estimated population of Trinity County was 12,535).

21. See proposed repeal of Veh. Code § 25254 *infra*.

Locations of the Marshal’s Office in the North County Judicial District of San Diego County (Gov’t Code § 73956)

Government Code Section 73956 pertains to a former municipal court district (the North County Judicial District) in San Diego County. Among other things, the section says that the “marshal of the North County Judicial District shall be located within the City of Vista or such other place as shall be designated by the Board of Supervisors of the County of San Diego.” The section also says that the “marshal of the North County Judicial District shall maintain branch offices at a location within the City of Escondido as shall be designated by the board of supervisors.”

The entirety of Government Code Section 73956, including the marshal-related material, appears to be obsolete. San Diego County no longer has any municipal courts or marshals, and the judicial branch (not the county) is now primarily responsible for determining court locations.²² The Commission recommends that the section be repealed.²³

Merced County Marshal: Number, Salary, and Selection Process (Gov’t Code § 73796)

Government Code Section 73796 says that there “shall be one marshal of the Merced County Municipal Court.” The section also specifies the marshal’s salary range and how to fill a vacancy in the position.

The Merced County marshal’s office was abolished in 2003.²⁴ Consequently, there is no longer any need to specify the number of marshals in that office, the marshal’s salary, and the marshal selection process.

22. For further explanation of these matters, see *Statutes Made Obsolete by Trial Court Restructuring (Part 6): Court Facilities*, 46 Cal. L. Rev. Comm’n Reports 25, 37-46 (2019) (hereafter, “*Court Facilities Recommendation*”).

23. See proposed repeal of Gov’t Code § 73956 *infra*.

24. See *supra* note 12.

Government Code Section 73796 thus appears to be obsolete. In fact, the entire article containing that section appears to be obsolete due to trial court restructuring.²⁵

The Commission therefore recommends that the article pertaining to the Merced County Municipal Court be repealed.²⁶ To ensure that this repeal would have no adverse effect on any former marshal, former employee of a marshal, or their families, the proposed legislation would include the following savings clause:

If a right, privilege, duty, authority, or status, including, but not limited to, a qualification for office, salary range, or employment benefit, is based on a provision of law repealed by this act, and if a statute, order, rule of court, memorandum of understanding, or other legally effective instrument provides that the right, duty, authority, or status continues for a period beyond the effective date of the repeal, that provision of law continues in effect for that purpose, notwithstanding its repeal by this act.²⁷

This savings clause is identical to the one used in massive previous legislation on trial court restructuring.²⁸

Sheriff-Marshal Consolidation Statutes (Gov't Code §§ 26625-26625.9, 26638.15, 26639-26639.3, 72116, 74820-74820.3)

When trial court restructuring was in progress, many counties had statutes specifying how to consolidate the local sheriff's office with the local marshal's office. Most of those statutes have since been repealed,²⁹ typically pursuant to a sunset clause that was

25. See *Court Facilities Recommendation*, *supra* note 22, at 37-45 (explaining why Gov't Code §§ 73790-73796 are obsolete).

26. See proposed repeal of Gov't Code §§ 73790-73796 *infra*.

27. See proposed uncodified provision *infra*.

28. See 2002 Cal. Stat. ch. 784, § 622; see also *TCR: Part 1*, *supra* note 10, at 20, 566.

29. See, e.g., former Gov't Code §§ 26630-26637 (Ventura County); 26638.1-26638.12 (Sacramento County); 26639.5-26639.7 (Solano County),

added on the Commission's recommendation.³⁰ The Commission is not aware of any adverse effects from those repeals.

For various reasons, a few counties still have statutes that describe or refer to the sheriff-marshall consolidation process. Those counties are Contra Costa,³¹ Los Angeles,³² Merced,³³ San Joaquin,³⁴ and Shasta.³⁵

Due to the passage of time since consolidation, it now seems unnecessary to preserve the material in these statutes regarding the transition to consolidation. The Commission proposes to delete that material as obsolete.³⁶ The savings clause previously discussed

72110 (Riverside County); 72114.2 (San Diego County), 72115 (San Bernardino County).

30. The Commission's 2002 report on trial court restructuring explained:

Consolidation of sheriff and marshal operations has been an ongoing process. In most counties, the sheriff has assumed operations formerly performed by the marshal.... The consolidation statutes may continue to serve functions in some counties to the extent that they guarantee continuing rights of former marshal personnel. *The proposed legislation accommodates this situation by generally preserving the existing consolidation statutes, but adding a 15-year sunset clause to each of them.*

TCR: Part 1, supra note 10, at 16 (emphasis added; footnotes omitted). The 2002 legislation thus generally protected the rights of marshals and their personnel by preserving the sheriff-marshall consolidation statutes for a 15-year transition period. The 2002 legislation further protected those rights through the savings clause discussed above.

31. See Gov't Code §§ 26625-26625.9.

32. See Gov't Code §§ 26639-26639.3.

33. See Gov't Code § 26638.15.

34. See Gov't Code §§ 74820-74820.3.

35. See Gov't Code § 72116.

36. See proposed revisions of:

- Gov't Code §§ 26625, 26625.5, 26625.6, 26625.8, 26625.9 & Article 1.2 heading *infra* (Contra Costa County).
- Gov't Code §§ 26638.15-26638.15 *infra* (Merced County).
- Gov't Code §§ 26639, 26639.2, 26639.3 & Article 1.8 heading *infra* (Los Angeles County).

would protect any remaining rights of persons affected by the consolidation process.

-
- Gov't Code § 72116 *infra* (Shasta County).
 - Gov't Code § 74820.1 & Article 32.3 heading *infra* (San Joaquin County).

The Commission also proposes another revision of the sheriff-marshall consolidation statute for Contra Costa County. See proposed amendment of Gov't Code § 26625.3 & Comment *infra*. This amendment would delete an obsolete reference to a discontinued practice. The amendment falls within the Commission's general authority to "recommend revisions to correct technical or minor substantive defects in the statutes of the state" Gov't Code § 8298.

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PROPOSED LEGISLATION

GOVERNMENT CODE

Heading of Article 1.2 (commencing with Section 26625) (amended)

SEC. _____. The heading of Article 1.2 (commencing with Section 26625) of Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code is amended to read:

Article 1.2. Court Security in Contra Costa County ~~Marshal/Sheriff Consolidation~~

Comment. The heading of Article 1.2 is amended to delete an obsolete reference to the consolidation of the marshal's office and the sheriff's office in Contra Costa County, which became effective in 1988, more than thirty years ago.

§ 26625 (repealed). Contra Costa County Court Services Consolidation Act of 1988

SEC. _____. Section 26625 of the Government Code is repealed.

~~26625. This article shall be known and may be cited as the
Contra Costa County Court Services Consolidation Act of 1988.~~

Comment. Section 26625 is repealed as obsolete. This is not a substantive change. The consolidation of the marshal's office and the sheriff's office in Contra Costa County became effective in 1988, more than thirty years ago.

§ 26625.3 (amended). Court Security Oversight Committee

SEC. _____. Section 26625.3 of the Government Code is amended to read:

26625.3. There is a Court Security Oversight Committee consisting of five superior court judges appointed by the presiding judge. The duties of the committee shall be those prescribed by this article, and include, but are not limited to, the following:

(a) To approve all transfers out of and into the court security bureau.

(b) To approve staffing levels and the recommended budget prior to submission to the Judicial Council.

(c) To approve security measures and plans prepared by the sheriff, through the court security bureau commander.

(d) Notwithstanding any other provisions of law, the sheriff shall provide bailiffing, court security, and prisoner holding in the Superior Court of Contra Costa County.

Comment. Section 26625.6 is amended to delete an obsolete phrase. The practice of submitting a court security budget plan to the Judicial Council has been discontinued.

§ 26625.5 (repealed). Effect of consolidation on personnel

SEC. _____. Section 26625.5 of the Government Code is repealed.

~~26625.5. (a) All personnel of the marshal's office who are assigned to court services on the operative date of this section shall become members of the court security bureau at their existing salaries and benefits. Permanent employees presently holding the rank of deputy or sergeant, respectively, in the marshal's office shall become deputy sheriffs or sheriff's sergeants upon the operative date of this section.~~

~~(b) Sworn personnel described in subdivision (a) may be transferred to another position in the sheriff's office at the same or an equivalent classification, but shall not be involuntarily transferred out of court services.~~

~~(c) Permanent employees of the sheriff's office assigned to court services on the operative date of this section and permanent employees of the marshal's office on the operative date of this section shall be deemed qualified for employment and retention in the Sheriff's Department of Contra Costa County. Probationary employees of the sheriff's department assigned to court services on the operative date of this section and probationary employees of the marshal's office on the operative date of this section shall retain their probationary status and rights, and shall not be required to start a new probationary period.~~

~~(d) For personnel of the sheriff's office assigned to court services on the operative date of this section and personnel of the marshal's office on the operative date of this section, all county service shall be counted toward county seniority, and all time spent in the same classification, and all time spent in the equivalent or higher classification shall be counted toward classification seniority. All county seniority shall be credited as departmental seniority. For layoff and displacement purposes all covered service in the sheriff's department and marshal's office shall be counted equally, and the County's Personnel Management Regulations and other governing county ordinances and resolutions shall determine the class, county, and departmental seniority dates, the seniority and layoff order, and displacement rights of all employees.~~

~~(e) No employee of the sheriff's office assigned to court services on the operative date of this section or employee of the marshal's office on the operative date of this section shall lose peace officer status or be demoted or otherwise adversely affected by the consolidation of court services accomplished by this section. Peace Officer Standards and Training certificates held on the operative date of this section by employees of the Marshal's Department of Contra Costa County and the Sheriff's Department of Contra Costa County shall be considered the same for purposes of this section.~~

Comment. Section 26625.5 is repealed as obsolete. This is not a substantive change. The consolidation of the marshal's office and the sheriff's office in Contra Costa County became effective in 1988, more than thirty years ago.

§ 26625.6 (amended). Transfers

SEC. _____. Section 26625.6 of the Government Code is amended to read:

26625.6. ~~(a)~~ Notwithstanding any other provision of this article, the sheriff through the court security bureau commander shall make all transfers within the court security bureau consistent with existing personnel policies of the sheriff, memoranda of understanding, if any, and other county personnel management rules and regulations.

~~(b) A deputy marshal or deputy marshal sergeant on the operative date of this section who transfers out of the court security bureau to another division of the sheriff's office and subsequently fails to meet the employment standards of the other division may be transferred back to the court security bureau at the sole discretion of the sheriff.~~

Comment. Section 26625.6 is amended to delete obsolete material. This is not a substantive change. The consolidation of the marshal's office and the sheriff's office in Contra Costa County became effective in 1988, more than thirty years ago.

§ 26625.8 (repealed). Jail service requirement

SEC. _____. Section 26625.8 of the Government Code is repealed.

~~26625.8. Since the sheriff's department previously required each of its deputies to serve on its jail detention staff, and a deputy was permitted to credit time spent as a superior court bailiff prior to January 5, 1987, in lieu of all or part of this jail requirement, employees of the marshal's office on the operative date of this section shall be required to serve on the jail staff only if they transfer out of the court security bureau. In addition, those employees shall receive day-for-day credit on the jail requirement for time spent prior to the operative date of this section in bailiff-related services in the municipal court to the same extent as sheriff's deputies receive such credit for time spent in bailiff-related services in the superior court. The purpose of this section is to provide equality of treatment for those who have provided equivalent service in the municipal and superior courts.~~

Comment. Section 26625.8 is repealed as obsolete. This is not a substantive change. The consolidation of the marshal's office and the sheriff's office in Contra Costa County became effective in 1988, more than thirty years ago.

§ 26625.9 (amended). Requirements of Commission on Peace Officer Standards and Training

SEC. _____. Section 26625.9 of the Government Code is amended to read:

26625.9. All sworn permanent employees ~~subsequently~~ assigned to the court security bureau shall be required to meet those requirements of the California Commission on Peace Officer Standards and Training imposed on all marshal's departments in California.

Comment. Section 26625.9 is amended to delete obsolete material. This is not a substantive change. The consolidation of the marshal's office and the sheriff's office in Contra Costa County became effective in 1988, more than thirty years ago.

§§ 26638.15-26638.15 (repealed). Court security services in Merced County

SEC. _____. Article 1.75 (commencing with Section 26638.15) of Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code is repealed.

Comment. Section 26638.15 is repealed to reflect:

(1) Unification of the municipal and superior courts in Merced County pursuant to former Article VI, Section 5(e), of the California Constitution, effective August 3, 1998.

(2) Elimination of the marshal's office in Merced County and transfer of its functions to the sheriff's office. See Section 26638.15; Merced County Ordinance No. 1687 (effective Jan. 15, 2003); Merced County Bd. of Supervisors, Minutes (Dec. 3, 2002), pp. 4, 16; see also Section 69921.5.

Note. The text of the repealed article is set out below.

Article 1.75. Merced County Court Security Division

26638.15. Notwithstanding any other provision of law, the Board of Supervisors of Merced County may abolish, by ordinance, the Merced County Marshal's office and establish a court security division in the Merced County Sheriff's Department. If the board of supervisors chooses to abolish this office, the following provisions shall apply:

(a) The sheriff shall be appointing authority for all division personnel. The person selected by the sheriff to oversee the operation of court security services shall report directly to the sheriff, or his or her designee.

(b) Notwithstanding any other provision of law, all personnel of the marshal's office affected by the abolition of the marshal's office in

Merced County shall become employees of the sheriff's department at their existing or equivalent classification, salaries, and benefits.

(c) Permanent employees of the marshal's office on the effective date of transfer of services from the marshal to the sheriff pursuant to this section shall be deemed to be qualified, and no other qualifications shall be required for employment or retention. Promotions for all personnel from the marshal's office shall be made pursuant to standards set by the sheriff. Probationary employees in the marshal's office on the effective date of the abolition shall not be required to serve a new probationary period. All probationary time served as an employee of the marshal [sic] shall be credited toward probationary time required as an employee of the sheriff's department.

(d) All county service with the marshal's office by employees of the marshal's office on the effective date of the abolition of the marshal's office shall be counted toward seniority in the court security division of the sheriff's department.

(e) No employee of the marshal's office on the effective date of a consolidation pursuant to this section shall lose peace officer status, or otherwise be adversely affected as a result of the abolition and merger of personnel into the sheriff's department.

(f) The personnel of the marshal's office who become employees of the sheriff's department may not be transferred from the division in the sheriff's department under which court security services are provided unless the transfer is voluntary.

(g) Personnel of the abolished marshal's office shall be entitled to request an assignment to another division within the sheriff's department, and that request shall be reviewed in the same manner as any other request from within the department.

Heading of Article 1.8 (commencing with Section 26639) (repealed)

SEC. _____. The heading of Article 1.8 (commencing with Section 26639) of Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code is repealed.

~~Article 1.8. Sheriff Marshal Consolidation~~

Comment. The heading of Article 1.8 is repealed as obsolete. The consolidation of the marshal's office and the sheriff's office in Los Angeles County became effective in 1994, more than twenty-five years ago.

Heading of Article 1.8 (commencing with Section 26639) (added)

SEC. _____. The heading of Article 1.8 (commencing with Section 26639) is added to Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code, to read:

Article 1.8. Court Security in Los Angeles County

Comment. The heading of Article 1.8 is updated to reflect the consolidation of the marshal's office and the sheriff's office in Los Angeles County, which became effective in 1994, more than twenty-five years ago.

§ 26639 (repealed). Consolidation of court-related services in Los Angeles County

SEC. _____. Section 26639 of the Government Code is repealed.

~~26639. This article applies to the abolition of the marshal's office and the consolidation of court-related services within the sheriff's office in Los Angeles County.~~

Comment. Section 26639 is repealed as obsolete. This is not a substantive change. The consolidation of the marshal's office and the sheriff's office in Los Angeles County became effective in 1994, more than twenty-five years ago.

§ 26639.2 (amended). Bailiff assignments

SEC. _____. Section 26639.2 of the Government Code is amended to read:

26639.2. The courtroom assignment of bailiffs in the Los Angeles County Superior Court ~~after consolidation pursuant to this article~~ shall be determined by the presiding judge and the bailiff's management representative; or their designees. Any new bailiff assignments shall be made only after consultation with the affected judge or commissioner in whose courtroom a new assignment is planned, the bailiff's management representative, and with the bargaining unit of the bailiff employee, if the employee is represented.

It is the intent of the Legislature, in enacting this section, to ensure that courtroom assignments are made in a manner which

best assures that the interests of the affected judge or commissioner and bailiff are protected.

Comment. Section 26639.2 is amended to delete obsolete material. This is not a substantive change. The consolidation of the marshal's office and the sheriff's office in Los Angeles County became effective in 1994, more than twenty-five years ago.

§ 26639.3. (repealed). Effect of consolidation on personnel

SEC. _____. Section 26639.3 of the Government Code is repealed.

~~26639.3. (a) All county service or service by employees of the marshal's office on the effective date of the consolidation under this article shall be counted toward seniority in the sheriff's office, and all time spent in the same, equivalent, or higher classification shall be counted toward classification seniority.~~

~~(b) No employee of the marshal's office or the sheriff's office on the effective date of the consolidation under this article shall lose peace officer status, be demoted, or otherwise adversely affected as a result of the consolidation.~~

Comment. Section 26639.3 is repealed as obsolete. This is not a substantive change. The consolidation of the marshal's office and the sheriff's office in Los Angeles County became effective in 1994, more than twenty-five years ago.

§ 72116 (amended). Court security services in Shasta County

SEC. _____. Section 72116 of the Government Code is amended to read:

72116. (a) ~~This section applies to the consolidation of court-related services within~~ Court-related services are provided by the marshal's office in Shasta County.

~~(b) Except as provided in subdivision (f), all personnel of the marshal's office or personnel of the sheriff's office affected by a consolidation of court-related services under this section shall become employees of that consolidated office at their existing or equivalent classifications, salaries, and benefits, and except as may be necessary for the operation of the agency under which court-~~

~~related services are consolidated, shall not be involuntarily transferred out of the consolidated court-related services office for a period of four years following the consolidation.~~

~~(c) Permanent employees of the marshal's office or sheriff's office on the effective date of consolidation under this section shall be deemed qualified, and no other qualifications shall be required for employment or retention. Probationary employees of the marshal's office or the sheriff's office on the effective date of a consolidation under this section shall retain their probationary status and rights, and shall not be deemed to have transferred so as to require serving a new probationary period.~~

~~(d) All county service or service by employees of the marshal's office or the sheriff's office on the effective date of a consolidation under this section shall be counted toward seniority in that court-related services office, and all time spent in the same, equivalent, or higher classification shall be counted toward classification seniority.~~

~~(e) No employee of the marshal's office or the sheriff's office on the effective date of a consolidation under this section shall lose peace officer status, or be demoted or otherwise adversely affected by a consolidation of court-related services.~~

~~(f) All sheriff's bailiffs affected by the consolidation shall be given the option of becoming employees of the marshal's office or of remaining with the sheriff's office. If a staffing shortage is created by the exercise of this option by these bailiffs, the marshal may accept qualified applicants from the sheriff's office under the provisions of subdivisions (b), (c), (d), and (e).~~

Comment. Section 72116 is amended to delete material that has become obsolete due to the passage of time since court-related services in Shasta County were consolidated within the marshal's office in 1993. This is not a substantive change.

§§ 73790-73796 (repealed). Merced County

SEC. _____. Article 12.5 (commencing with Section 73790) of Chapter 10 of Title 8 of the Government Code is repealed.

Comment. Sections 73790-73796 are repealed to reflect:

(1) Unification of the municipal and superior courts in Merced County pursuant to former Article VI, Section 5(e), of the California Constitution, effective August 3, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

(4) Elimination of the marshal’s office in Merced County. See Section 26638.15; Merced County Ordinance No. 1687 (effective Jan. 15, 2003); Merced County Bd. of Supervisors, Minutes (Dec. 3, 2002), pp. 4, 16; see also Section 69921.5.

Note. The text of the repealed article is set out below.

Article 12.5. Merced County

73790. There is hereby created a municipal court district which embraces the entire County of Merced. This article applies to the municipal court established within the district, which shall be known as the Merced County Municipal Court.

73792. Facilities for the court shall be maintained at or near the county seat and at court facilities provided elsewhere as determined by ordinance adopted by the board of supervisors. The court shall determine the nature and frequency of sessions held at additional court locations designated by the board of supervisors.

73796. There shall be one marshal of the Merced County Municipal Court. The marshal shall receive a salary on range 68.5.

When a vacancy occurs in the office, a majority of the superior and municipal court judges shall appoint the marshal and the marshal shall serve at their pleasure.

§ 73956 (repealed). Court facilities and sessions

SEC. _____. Section 73956 of the Government Code is repealed.

~~73956. The headquarters of the municipal court and the clerk and marshal of the North County Judicial District shall be located within the City of Vista or such other place as shall be designated~~

~~by the Board of Supervisors of the County of San Diego. The municipal court shall hold sessions at its headquarters and at a department at a location within the City of Escondido and at such other location or locations within the North County Judicial District as shall be designated by the board of supervisors. The clerk and marshal of the North County Judicial District shall maintain branch offices at a location within the City of Escondido as shall be designated by the board of supervisors. The Escondido branch office shall maintain the same office hours as the headquarters offices and shall provide facilities for complete municipal court services, including the filing of original complaints and other documents and the posting of bail, and the board of supervisors shall provide facilities within the City of Escondido for the complete transaction of business of the court including the holding of jury trials.~~

Comment. Section 73956 is repealed to reflect:

(1) Unification of the municipal and superior courts in San Diego County pursuant to former Article VI, Section 5(e), of the California Constitution, effective December 1, 1998.

(2) Enactment of the Trial Court Funding Act of 1997 and the related Trial Court Facilities Act of 2002. See Sections 77003 (“court operations” defined), 77200 (state funding of trial court operations). See also Sections 70311-70312 (responsibility for court operations & facilities), 70391 (Judicial Council responsibility & authority for court facilities).

(3) Enactment of Section 69740(a) (trial court to determine number and location of its sessions).

(4) Elimination of the marshal’s office in the area.

Heading of Article 32.3 (commencing with Section 74820) (amended)

SEC. _____. The heading of Article 32.3 (commencing with Section 74820) of Chapter 10 of Title 8 of the Government Code is amended to read:

Article 32.3. San Joaquin County Court Security and Civil Process ~~Consolidation~~

Comment. The heading of Article 32.3 is amended to reflect elimination of the marshal's office in San Joaquin County.

§ 74820.1 (amended). Application of article

SEC. _____. Section 74820.1 of the Government Code is amended to read:

74820.1. This article applies to the ~~abolition of the marshal's office and the consolidation of~~ court security functions and service of process and notice functions in the sheriff's office.

Comment. Section 74820.1 is amended to reflect elimination of the marshal's office in San Joaquin County.

VEHICLE CODE

§ 25254 (repealed). Display of flashing amber warning lights in specified circumstances

SEC. _____. Section 25254 of the Vehicle Code is repealed.

~~25254. In any county with a population of 250,000 or more persons, publicly owned vehicles operated by peace officer personnel of a marshal's department, when actually being used in the enforcement of the orders of any court, including, but not limited to, the transportation of prisoners, may display flashing amber warning lights to the rear when such vehicles are necessarily parked upon a roadway and such parking constitutes a hazard to other motorists.~~

Comment. Section 25254 is repealed to reflect:

(1) Unification of the municipal and superior courts pursuant to former Article VI, Section 5(e), of the California Constitution.

(2) Elimination of the marshal's office in every county having a population of 250,000 or more. See Gov't Code § Section 69921.5 ("Except for court security services provided by the marshal in the Counties of Shasta and Trinity, the sheriff is responsible for the necessary level of court security services").

UNCODIFIED

Uncodified (added). Savings clause — rights and benefits

SEC. _____. If a right, privilege, duty, authority, or status, including, but not limited to, a qualification for office, salary range, or employment benefit, is based on a provision of law repealed by this act, and if a statute, order, rule of court, memorandum of understanding, or other legally effective instrument provides that the right, duty, authority, or status continues for a period beyond the effective date of the repeal, that provision of law continues in effect for that purpose, notwithstanding its repeal by this act.
