

LEGISLATIVE DIGEST

[Trial Courts Courthouse Construction Fund - Rescission of Superior Court Surcharges for Court Construction]

Ordinance rescinding the \$50 surcharge on civil, family, or probate filings in San Francisco Superior Court under Board Resolution No. 714-92 that the City previously collected to support the acquisition, rehabilitation, construction, and financing of courtrooms or courtroom buildings.

Existing Law

State law authorizes the City to establish a courthouse construction fund for the purpose of assisting in the acquisition, rehabilitation, construction, and financing of courtrooms or courtroom buildings. State law requires the City to place certain surcharges on court filing fees and court-imposed fines, penalties, and forfeitures into the courthouse construction fund. Implementing this State law, the Board of Supervisors established the Trial Courts Courthouse Construction Fund (the "Fund").

In 1992, the Board adopted Resolution No. 714-92, which authorized the imposition and collection of a \$50 surcharge on filing fees in civil, family, or probate actions in Superior Court, and directed that the revenues from that surcharge be deposited in the Fund.

Under State law, any amount remaining in the Fund must be transferred to the State after the final payment of the bonded indebtedness for any court facility that is paid from the Fund. The City's bond indebtedness on the Civic Center Courthouse concluded on April 1, 2021, triggering the requirement for the City to transfer any remaining monies in the Fund. In Ordinance No. 68-22, the Board terminated the Fund because no money remained in the Fund. The ordinance did not terminate the \$50 surcharge authorized by Resolution No. 714-92, however.

Amendments to Current Law

The proposed ordinance would rescind the \$50 surcharge on filing fees in civil, family, or probate actions in Superior Court, established in Resolution No. 714-92.