



## JUDICIAL COUNCIL OF CALIFORNIA

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368  
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE  
*Chief Justice of California*  
*Chair of the Judicial Council*

MARTIN HOSHINO  
*Administrative Director*

CORY T. JASPERSON  
*Director, Governmental Affairs*

August 22, 2022

Hon. Gavin Newsom  
Governor of California  
State Capitol, First Floor  
Sacramento, California 95814

Subject: AB 1576 (Committee on Judiciary) – Support if funded

Dear Governor Newsom:

The Judicial Council supports AB 1576 if funding is provided to the Judicial Branch to implement the bill's provisions requiring superior courts to provide court users access to a lactation room in court facilities where the court provides lactation accommodations to court employees. Additionally, this bill requires the lactation room provided for court users to be accessible to the public or in a location that is reasonably accessible to the public. Finally, it requires courts to ensure that the lactation room provided to the public complies with most of the existing requirements in Labor Code section 1031 except for the requirement that the lactation room have a sink with running water and a refrigerator.

Support for AB 1576 (if funded) aligns with Goal VI *Branchwide Infrastructure for Service Excellence* of the council's strategic plan by enhancing the quality of justice by providing physical infrastructure that supports and meets the needs of the public; provided, however, that sufficient funding is appropriated for the physical infrastructure improvements necessary to implement this legislation. Finally, an exemption is necessary for buildings with limitations, including building and fire code issues, that make compliance impracticable or unreasonably expensive.

*Fiscal Impact*

This bill would require the superior court 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, effective July 1, 2024.

The one-time \$15 million included in the 2022 Budget Act for the judicial branch will provide lactation rooms in approximately 67 courthouse locations, which represents 30 percent of the 224 existing courthouses. The Judicial Council estimates additional one-time costs of approximately \$67 million for the remaining 70 percent of courthouses (157 facilities). In addition, there would be one-time costs for current and future trial court construction projects of approximately \$100,000 to \$200,000 per project.

To the extent these trial court facility modification and capital outlay costs are not funded through the normal budget process, the branch would have to prioritize these projects within existing resources which would likely result in delays of critical facility modifications, add cost pressures to capital outlay projects, and potentially affect court users which may impact access to justice.

It is important to note that implementation of AB 1576 will require approval of the State Fire Marshall for fire prevention and life safety code compliance and other permitting authorities for more general building code compliance. The modular pod solution in particular could impact a building's evacuation and egress routes which would be of particular interest to the fire marshal. In any individual case, fire prevention and life safety and/or other code compliance issues could significantly increase costs, or possibly even prevent implementation. In those cases, where compliance would be unreasonably expensive or impracticable due to building code compliance issues, an exemption must be provided; otherwise, litigation with its attendant costs could well ensue.

Although the bill has a one-year delayed implementation date, dedicated funding in the upcoming budget will be necessary to plan, design and construct the required facility modifications by July 1, 2024.

For these reasons, the Judicial Council supports AB 1576 if sufficient funding is provided for implementation.

Should you have any questions or require additional information, please contact me at 916-323-3121.

Sincerely,

*Sent August 22, 2022*

Cory T. Jaspersen  
Director, Governmental Affairs

Hon. Gavin Newsom

August 22, 2022

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CTJ/jh

cc: Members, Assembly Committee on Judiciary

Ms. Jessica Devencenzi, Deputy Legislative Affairs Secretary, Office of the Governor

Mr. Martin Hoshino, Administrative Director, Judicial Council of California

Ms. Shelley Curran, Chief Policy & Research Officer, Judicial Council of California



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### GOVERNMENTAL AFFAIRS

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TANI G. CANTIL-SAKAUYE  
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Director, Governmental Affairs

December 15, 2021

Hon. Mark Stone  
Chair, Assembly Judiciary Committee  
State Capitol, Room 3146  
Sacramento, California 95814

Subject: AB 1576 (Committee on Judiciary), as amended September 9, 2021 – Support if Funded

Dear Assembly Member Stone:

The Judicial Council supports AB 1576 if funding is provided to the Judicial Branch to implement the bill's provisions requiring superior courts to provide court users access to a lactation room in court facilities where the court provides lactation accommodations to court employees. Additionally, this bill requires the lactation room provided for court users to be accessible to the public or in a location that is reasonably accessible to the public. Finally, it requires courts to ensure that the lactation room provided to the public complies with most of the existing requirements in Labor Code section 1031 except for the requirement that the lactation room have a sink with running water and a refrigerator.

The Judicial Council supports AB 1576 if funded because it supports Goal VI *Branchwide Infrastructure for Service Excellence* of the council's strategic plan by enhancing the quality of justice by providing physical infrastructure that supports and meets the needs of the public; provided, however, that sufficient funding is appropriated for the physical infrastructure improvements necessary to implement this legislation. Finally, the bill also needs to include an exemption for buildings with limitations, including building and fire code issues, that make compliance impracticable or unreasonably expensive.

The Judicial Council estimates a fiscal impact of between approximately \$20 million and \$50 million in one-time construction costs to support trial court facility modifications required for the branch to comply with the provisions of this bill in approximately 270 court facilities statewide that would likely be affected. Specifically, we estimate that the average cost to modify existing

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December 15, 2021  
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space in courthouses would be approximately \$190,000 per facility. In those cases where there is no suitable existing space, the council has identified a prefabricated modular pod that could be installed in a public hallway or other public common area of a court facility with a cost of approximately \$75,000 per pod.

It is important to note that implementation of either solution will require approval of the State Fire Marshall for fire prevention and life safety code compliance and other permitting authorities for more general building code compliance. The modular pod solution in particular could impact a building's evacuation and egress routes which would be of particular interest to the fire marshal. In any individual case, fire prevention and life safety and/or other code compliance issues could significantly increase costs, or possibly even prevent implementation. In those cases, where compliance would be unreasonably expensive or impracticable due to building code compliance issues, the bill needs to provide an exemption; otherwise, litigation with its attendant costs could well ensue.

Although this bill, as currently drafted, does not take effect until July 1, 2024, the branch will need dedicated funding in the upcoming budget to have time to plan, design and construct the required facility modifications to be ready by July 1, 2024.

For these reasons, the Judicial Council supports AB 1576 if sufficient funding is provided for implementation. We look forward to further discussions on this bill and would be happy to arrange for you to visit court facilities to see the opportunities and challenges this bill creates for trial court facilities.

Should you have any questions or require additional information, please contact Mark Neuburger at 916-323-3121 or [mark.neuburger@jud.ca.gov](mailto:mark.neuburger@jud.ca.gov).

Sincerely,

*Sent December 15, 2021*

Cory T. Jasperson  
Director, Governmental Affairs

CTJ/MN/jh

cc: Ms. Allison Merrilees, Chief Counsel, Assembly Committee on Judiciary  
Ms. Jessica Devencenzi, Deputy Legislative Secretary, Office of the Governor  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California  
Ms. Shelley Curran, Chief of Policy and Research, Judicial Council of California



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*Director, Governmental Affairs*

August 23, 2021

Hon. Anthony Portantino, Chair  
Senate Appropriations Committee  
State Capitol, Room 5050  
Sacramento, California 95814

Subject: AB 1576 (Committee on Judiciary), as amended June 25, 2021 – Fiscal Impact Statement

Dear Senator Portantino:

The Judicial Council is neutral if amendments are made regarding AB 1576, which requires superior courts to allow attorneys and other “officers of the court” to utilize the lactation room that is provided to court employees or another legally compliant lactation location within the courthouse.

AB 1576 requires courts to allow non-employees, in this case attorneys and other individuals who are considered “officers of the court,” such as probation officers, coroners, and other individuals that vary by county, access to a code-compliant lactation room in each courthouse that is provided for court employees. Labor Code section 1031, attached, requires employers, including courts, to provide lactation rooms for their employees. The Labor Code outlines the requirements for these rooms and clearly indicates that employers must provide them for the employees, although the statute is silent on making those rooms accessible to customers, members of the public, or other individuals. Available information indicates that existing judicial branch facilities currently comply with the requirements of Labor Code 1031.

### *Fiscal Impact*

The Judicial Council estimates cumulative fiscal impacts of between \$14 million and \$16 million at a minimum as a result of trial court facility modifications that would be required for the branch to comply with the provisions of this bill. This bill would also escalate the cost of current

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and future trial court construction projects by between \$100,000 and \$200,000 per project to comply with its provisions. The council notes that courts are currently in compliance with the existing provisions of Labor Code 1031, but that nearly all of the existing lactation rooms in court facilities are in secured areas accessible only to court employees. Among a variety of concerns, courts have pointed out that federal justice agencies provide a variety of guidelines which require criminal justice agencies, including the courts, to ensure they maintain strict physical access controls of their facilities (see attachment, section 5.9 Policy Area 9: Physical Protection pg. 51) in order to ensure that criminal justice information remains secure. We have discussed this bill with the Federal Bureau of Investigations and they concur that, because it requires courts to provide non-court employees with access to areas of court facilities currently restricted to court staff, it's provisions would put courts in violation of a variety of federal information security guidelines that they currently adhere to.

We note our estimate is based on a conservative assumption that between 25% and 30% of the branch's 272 existing courthouse facilities would need to modify an alternative space in their facilities to be compliant with all of the provisions of this bill as well as federal information security guidelines. However, we note it is likely that an even larger portion of existing courthouse facilities would need to be modified to comply with the provisions of AB 1576, which could further escalate the costs of this bill.

Please contact me at 916-323-3121 or [mark.neuburger@jud.ca.gov](mailto:mark.neuburger@jud.ca.gov) if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Sincerely,

*Sent August 23, 2021*

Cory T. Jaspersen  
Director, Governmental Affairs

CTJ/MN/jh

cc: Members, Senate Appropriations Committee  
Members, Assembly Judiciary Committee  
Mr. Shaun Naidu, Consultant, Senate Appropriations Committee  
Mr. Matt Osterli, Fiscal Consultant, Senate Republican Fiscal Office  
Mr. Morgan Branch, Senate Republican Office of Policy  
Ms. Jessica Devencenzi, Deputy Legislative Affairs Secretary, Office of the Governor  
Mr. Jessie Romine, Budget Analyst, Department of Finance  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California