



Judicial Council of California

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July 15, 2024

Hon. Anna M. Caballero
Chair, Senate Appropriations Committee
State Capitol, Room 412
Sacramento, California 95814

Subject: Assembly Bill 3196 (Nguyen)—Oppose Unless Amended

Dear Senator Caballero:

The Judicial Council regretfully must oppose Assembly Bill 3196, which would require a hearing date within 20 court days of the filing of a demurrer to a commercial unlawful detainer complaint, because it adds yet another expedited calendar deadline but affords a court no flexibility for when 20 court days is impracticable or impossible to meet.

While existing law does not include a specific timeline for hearing a demurrer, the California Rules of Court provide that demurrers must be set for a hearing within 35 days of the filing of the demurrer, or on the first date available to the court thereafter. (Cal. Rules of Court [3.1320\(d\)](#).) The Judicial Council respectfully requests that AB 3196 be amended with similar language to account for court calendaring pressures.

Absent an amendment to permit courts to hear commercial unlawful detainer demurrers beyond 20 court days with a showing of good cause, AB 3196 will compound current civil calendaring challenges with unknown but moderate staff workload impacts associated with ensuring the bill's rigid calendaring requirement is met. This will likely come at the expense of other civil cases that have already been calendared. The existing calendar preferences required for civil matters such as CEQA, protective orders, and motions to strike already require court clerks to move back previously scheduled hearings. Creating an additional preference for certain civil case types creates an access to justice issue for all other court users whose hearings are postponed and thus for whom resolution to their important matters is delayed.

For these reasons, the Judicial Council opposes AB 3196 unless it is amended.

Hon. Anna M. Caballero

July 15, 2024

Page 2

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

Sincerely,



Cory T. Jaspersen

Director

Governmental Affairs

CTJ/HR/ad

Attachment

cc: Members, Senate Appropriations Committee
Hon. Stephanie Nguyen, Member of the Assembly, 10th District
Ms. Liah Burnley, Consultant, Senate Appropriations Committee
Mr. Morgan Branch, Consultant, Senate Republican Office of Policy
Mr. Jith Meganathan, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Shelley Curran, Administrative Director, Judicial Council of California