



## JUDICIAL COUNCIL OF CALIFORNIA

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*Director, Governmental Affairs*

August 9, 2019

Hon. Anthony J. Portantino, Chair  
Senate Appropriations Committee  
State Capitol, Room 3086  
Sacramento, California 95814

Subject: AB 927 (Jones-Sawyer), as amended March 27, 2019—Fiscal Impact Statement

Dear Senator Portantino:

AB 927 requires a court imposing a penalty, fine, fee, or assessment related to a criminal or juvenile proceeding involving a misdemeanor or a felony to make a finding that the defendant has the ability to pay. Courts will likely evaluate a defendants' ability to pay during the sentencing portion of the criminal case. We estimate that AB 927 will have annual workload impacts of between \$23.6 million and \$43.0 million and lead to potential annual court revenue reductions of between \$2.0 million and \$5.0 million.

### *Workload*

This bill's primary workload impact comes from the requirement that courts gather information to evaluate a defendant's ability to pay in all adult and juvenile misdemeanor and felony sentencing hearings. A survey of courts found that, on average, gathering the information required by this bill and evaluating it during a sentencing hearing would take between 3 minutes to 5 minutes to complete.

We utilized court data on criminal case filings for the past 5 years to develop an estimate of the potential number of cases that will be impacted by this bill. Based on our analysis, we estimate that this bill will impact between 492,000 cases to 537,000 cases annually.<sup>1</sup> Gathering and

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<sup>1</sup> Includes criminal felony, misdemeanor and juvenile delinquency cases, excluding cases that were transferred or dismissed, that were disposed of from FY 2013 to FY 2017 as reported in the 2018 Court Statistics Report. The upper range was calculated by averaging the number of criminal case dispositions from FY 2013 to FY 2017 (537,000) and the lower range (492,000) was calculated using the average annual reduction (-8.45 percent) over that 5 year period.

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evaluating this information during a sentencing hearing would have a workload cost of between \$23.6 million and \$43.0 million annually<sup>2</sup>.

Additionally, courts do not typically have the information a judge will need to evaluate a defendant's ability to pay that is required by this bill. Instead, a defendant's attorney, the prosecution or the probation department has access to this information. Probation reports, which are required for felony cases, may include information relevant to a defendant's ability to pay. As such, AB 927 should be clarified to indicate that, to the extent feasible, the defense, district attorney and/or probation department should provide the information to the court before the case's sentencing hearing occurs. If this bill were clarified in that manner, we believe the workload impact to the courts would decrease.

#### *Revenue*

This bill will also have a revenue impact on courts and other governmental agencies because it is likely that a portion of individuals who currently pay their criminal fines in full would be eligible to have their fines reduced or eliminated as a result of the ability to pay assessment required by this bill. We estimate this provision would lead to annual revenue losses of between \$2.0 million to 5.0 million for court funds.<sup>3</sup>

If you have any questions, please feel free to contact Mark Neuburger at (916) 323-3121 or [mark.neuburger@jud.ca.gov](mailto:mark.neuburger@jud.ca.gov).

Sincerely,

*Mailed August 9, 2019*

Cory T. Jaspersen  
Director, Governmental Affairs

CTJ/MN/jh

cc: Members, Senate Appropriations Committee  
Hon. Reginald Jones-Sawyer, Member of the Assembly  
Mr. Shaun Naidu, Senate Appropriations Committee  
Mr. Matt Osterli, Consultant, Senate Republican Office of Policy  
Ms. Melissa Immel, Deputy Legislative Secretary, Office of the Governor  
Ms. Timothy Weber, Budget Analyst, Department of Finance  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California

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<sup>2</sup>This calculation was determined by multiplying the case range (492,000 to 537,000) by the hearing workload cost range per case of 3 minutes (\$48 per case) and 5 minutes (\$80 per case).

<sup>3</sup> This estimate is based on the assumption that criminal dispositions covered by this bill represent 15% to 20% of the \$922.3 million in total forthwith payments paid in FY 2017 and the provisions of this bill would lead to a 1% to 2% decrease in these revenues. Revenue values were obtained from the Judicial Council's Report on the Statewide Collection of Court Ordered Debt for 2017-18, available at: [www.courts.ca.gov/documents/lr-2018-statewide-court-ordered-debt-2017-18-pc1463\\_010.pdf](http://www.courts.ca.gov/documents/lr-2018-statewide-court-ordered-debt-2017-18-pc1463_010.pdf)