



JUDICIAL COUNCIL OF CALIFORNIA

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July 6, 2021

Hon. Steven Bradford, Chair
Senate Public Safety Committee
State Capitol, Room 2059
Sacramento, California 95814

Subject: Assembly Bill 1308 (Ting), as introduced—Oppose, unless funded
Hearing: Senate Public Safety Committee—July 13, 2021

Dear Senator Bradford:

The Judicial Council regrettably opposes AB 1308, unless funded, which expands recently enacted AB 1076 (Ting; Stats. 2019, ch. 578), making individuals with arrests or convictions eligible for automatic relief if, among other criteria, the arrest or conviction occurred on or after January 1, 1973. We note that current law, as established by AB 1076, provides this automatic relief only to arrests or convictions that occur on or after January 1, 2021.

The Judicial Council does not have an objection to the policy AB 1308 seeks to achieve and instead opposes AB 1308 unless funded because the council conservatively estimates that the requirement for the trial courts to review petitions seeking the retroactive relief provided by AB 1308 would create significant annual workload costs of between approximately \$10 million and \$19 million. These costs would support workload associated with the clerk processing and court hearing time required to hear the resentencing petition. We note that the actual fiscal impact of this bill would depend on the number of petitions that are ultimately filed. Further, any new, unfunded workload in the courts as a result of this bill may result in delays in court services, prioritization of cases, and could impact access to justice.

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Additionally, this bill could also result in lost trial court revenue if the courts determine that eligible persons are relieved from all associated penalties and assessments. While estimated revenue loss is unknown at this time, it could potentially be in the tens of millions annually.

For these reasons, the Judicial Council regretfully opposes AB 1308 unless funded.

Should you have any questions or require additional information, please contact Sharon Reilly at 916-323-3121 or sharon.reilly@jud.ca.gov

Sincerely,

Mailed July 6, 2021

Cory T. Jaspersen
Director, Governmental Affairs

CJ/SR/lb

cc: Members, Senate Public Safety Committee
Hon. Philip Y. Ting, Member of the Assembly
Ms. Tania Dikho, Legislative Director, Office of Assembly Member Philip Y. Ting
Ms. Mary Kennedy, Chief Counsel, Senate Public Safety Committee
Eric Csizmar, Policy Consultant, Senate Republican Office of Policy
Ms. Jessica Devencenzi, Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California