



## JUDICIAL COUNCIL OF CALIFORNIA

### GOVERNMENTAL AFFAIRS

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*Director, Governmental Affairs*

September 12, 2022

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

Subject: Assembly Bill 256 (Kalra)—Neutral

Dear Governor Newsom:

The Judicial Council has adopted a neutral position on AB 256, as amended August 24, 2022, which: (1) makes the Racial Justice Act (RJA) ([AB 2542](#), Stats. 2020, ch. 317) retroactive by authorizing a petition to be filed for a case in which a judgment was entered prior to January 1, 2021; (2) phases in retroactivity over a four-year period; and (3) makes numerous clarifying changes to the act. The RJA prohibits the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin, as specified, and, in a case in which judgment has not been entered prior to January 1, 2021, allows a petition to be filed alleging a violation of that prohibition.

Over the past two years, the Judicial Council has provided ongoing technical drafting assistance on the bill. The council believes that many of the amendments to the RJA made by AB 256 will help clarify the law.

### ***Fiscal Impact***

This bill's requirement for the trial courts to review petitions seeking retroactive relief to January 1, 2021 will likely result in increased workload and costs with annual implementation dates beginning January 1, 2023 to January 1, 2026. In addition, certain provisions of this bill could have a significant cost impact for the appellate courts based on the number of appeals filed over

a phased-in period. With costs anticipated to increase in the out years with additional filing eligibility becoming effective, and depending on the number of filings, the Judicial Council estimates this bill could cost up to several million dollars annually. The actual number of filings and appeals as well as the workload and cost impact to the trial courts and appellate courts cannot be determined at this time. Any new, unfunded workload due to the implementation of this bill could result in delays in court services, prioritization of cases, and may impact access to justice.

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

Sincerely,



Cory T. Jaspersen  
Director, Governmental Affairs

CTJ/SR/lmm

cc: Hon. Ash Kalra, Member of Assembly, 27<sup>th</sup> District  
Ms. Jessica Devencenzi, Deputy Legislative Affairs Secretary, Office of the Governor  
Ms. Natasha Minkser, Policy Advisor for Smart Justice California  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California  
Ms. Shelley Curran, Chief Policy & Research Officer, Judicial Council of California