



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

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

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

August 25, 2017

Hon. Marie Waldron
Member of Assembly
State Capitol, Room 4130
Sacramento, California 95814

Subject: Assembly Bill 532 (Waldron), as amended August 23, 2017 – Oppose

Dear Assembly Member Waldron:

The Judicial Council regrettably opposes AB 532, which, until January 1, 2020, authorizes a court to collaborate with outside organizations to develop, administer, and implement a program to offer mental health and addiction treatment services, as defined, to women who are charged with a misdemeanor offense or who have a prior misdemeanor conviction. The Judicial Council believes that AB 532 is unnecessary and could cause confusion about the existing authority of courts to establish mental health courts and drug courts.

With regard to why the bill is unnecessary, the well-established authority of courts to have collaborative justice courts is addressed on the Judicial Council's website, which notes that those courts are designed to promote accountability by combining judicial supervision with rehabilitation services that are rigorously monitored and focused on recovery. As of March 2017, California has over 400 collaborative courts in all but three small counties, with more than 30 counties having four or more collaborative court types. Currently, there are 86 adult drug courts and 44 adult mental health courts. Also, the Judicial Council has addressed the authority of courts to develop local protocols for cases involving offenders with mental illness or co-occurring disorders in rule 10.951(c) of the California Rules of Court, which encourages courts,

in conjunction with justice partners, “to develop local protocols for cases involving offenders with mental illness or co-occurring disorders to ensure early identification of and appropriate treatment for offenders with mental illness or co-occurring disorders with the goals of reducing recidivism, responding to public safety concerns, and providing better outcomes for those offenders while using resources.” Further, rule 10.952 of the California Rules of Court, requires designated judges “to attend regular meetings to be held with the district attorney; public defender; representatives of the local bar, probation department, parole office, sheriff department, police departments, and Forensic Conditional Release Program (CONREP); county mental health director or his or her designee; county alcohol and drug programs director or his or her designee; court personnel; and other interested persons to identify and eliminate problems in the criminal court system and to discuss other problems of mutual concern, responsibly and reducing costs.”

Finally, the council is concerned about the potential for confusion regarding the existing authority of courts to establish mental health and drug courts that could result if AB 532 is enacted. For example, because the bill is limited to misdemeanors it could cause confusion about the existing authority of mental health courts and drug courts to address the needs of those charged with felonies. Moreover, because the bill sunsets its provisions as of January 1, 2020, this could result in confusion about whether courts have the ability to establish the sort of collaborative efforts contemplated by AB 532 once the bill sunsets.

For these reasons, the Judicial Council regrettably opposes AB 532.

Sincerely,

Mailed on August 28, 2017

Sharon Reilly
Attorney

SR/yc-s

cc: Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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MARTIN HOSHINO
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CORY T. JASPERSON
Director, Governmental Affairs

September 18, 2017

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: Assembly Bill 532 (Waldron) – Request for Veto

Dear Governor Brown:

The Judicial Council (council) respectfully requests your veto on AB 532, which, until January 1, 2020, authorizes a court to collaborate with outside organizations to develop, administer, and implement a program to offer mental health and addiction treatment services, as defined, to women who are charged with a misdemeanor offense or who have a prior misdemeanor conviction. The council believes that AB 532 is unnecessary and could cause confusion about the existing authority of courts to establish mental health courts and drug courts.

With regard to why the bill is unnecessary, the well-established authority of courts to have collaborative justice courts is addressed on the council's website, which notes that those courts are designed to promote accountability by combining judicial supervision with rehabilitation services that are rigorously monitored and focused on recovery. As of March 2017, California has over 400 collaborative courts in all but three small counties, with more than 30 counties having four or more collaborative court types. Currently, there are 86 adult drug courts and 44 adult mental health courts. The council has addressed the authority of courts to develop local protocols for cases involving offenders with mental illness or co-occurring disorders in rule 10.951(c) of the California Rules of Court, which encourages courts, in conjunction with justice

Hon. Edmund G. Brown, Jr.

September 18, 2017

Page 2

partners, “to develop local protocols for cases involving offenders with mental illness or co-occurring disorders to ensure early identification of and appropriate treatment for offenders with mental illness or co-occurring disorders with the goals of reducing recidivism, responding to public safety concerns, and providing better outcomes for those offenders while using resources.” Further, rule 10.952 of the California Rules of Court, requires designated judges “to attend regular meetings to be held with the district attorney; public defender; representatives of the local bar, probation department, parole office, sheriff department, police departments, and Forensic Conditional Release Program (CONREP); county mental health director or his or her designee; county alcohol and drug programs director or his or her designee; court personnel; and other interested persons to identify and eliminate problems in the criminal court system and to discuss other problems of mutual concern, responsibly and reducing costs.”

Additionally, the council is concerned about the potential for confusion regarding the existing authority of courts to establish mental health and drug courts that could result if AB 532 is signed into law. For example, because the bill is limited to misdemeanors it could cause confusion about the existing authority of mental health courts and drug courts to address the needs of those charged with felonies. Moreover, because the bill sunsets its provisions as of January 1, 2020, this could result in confusion about whether courts have the ability to establish the sort of collaborative efforts contemplated by AB 532 once the bill sunsets.

For these reasons, the Judicial Council respectfully requests your veto on AB 532.

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

Sincerely,

Mailed on September 18, 2017

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/SR/yc-s

cc: Hon. Marie Waldron, Member of the Assembly
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California