



JUDICIAL COUNCIL OF CALIFORNIA

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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 31, 2018

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

Subject: Senate Bill 1187 (Beall) – Request for Signature

Dear Governor Brown:

The Judicial Council respectfully requests your signature on Senate Bill 1187, which changes the period of commitment for an individual who has been found incompetent to stand trial (IST) from three years to two years, makes IST individuals eligible for custody credits during the period of commitment, and applies those credits to those individuals when competency is restored. Additionally, the bill deletes the requirement that a court hold a hearing to determine mental competency for a IST individual who has been committed or who is on outpatient status for 18 months and remains hospitalized or on outpatient status.

The council believes SB 1187 is consistent with the current view of mental health and neuroscience professionals that it is unlikely that an individual who has been found IST will be restored to competency after a period of two years, thus making the court proceedings in the third year unnecessary because they do not support the goal of restoration to competency. The council also believes that given advances in mental health treatment and medical science, SB 1187 brings the “reasonable time” of commitment in line with the holdings in *Indiana v. Jackson* (1972) 406 U.S. 715 and *People v. Davis*, 8 Cal. 3d 798.

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Additionally, we believe that the enactment of SB 1187 will reduce workload burdens on courts that would otherwise occur during the third year of the restoration period as follows:

- There will be fewer hearings pursuant to Penal Code section 1370(b) to review the reports that are required at 6-month intervals following the initial 90-day report.
- It will reduce the time that criminal proceedings can remain suspended while competency treatment occurs by one year, which helps with court congestion.
- It will open up treatment beds currently occupied by committed persons in their third year of commitment, which could help address issues that arise during the period of incarceration without treatment that often occurs because the Department of State Hospitals does not have enough beds available for treatment and restoration. It could also reduce the burden on courts to issue orders to show cause and impose sanctions based on systemic failures appropriately to place IST individuals in a timely manner.

For these reasons, the Judicial Council requests your signature SB 1187.

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

Sincerely,

Mailed on September 4, 2018

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/SR/yc-s

cc: Hon. Jim Beall, Member of the Senate
Mr. Nick Bradshaw, Sacramento Advocates, California Public Defenders Association
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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GOVERNMENTAL AFFAIRS

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June 14, 2018

Hon. Reginald B. Jones-Sawyer, Sr., Chair
Assembly Public Safety Committee
State Capitol, Room 2117
Sacramento, California 95814

Subject: Senate Bill 1187 (Beall), as amended May 25, 2018 – Support
Hearing: Assembly Public Safety Committee – June 19, 2018

Dear Assembly Member Jones-Sawyer:

The Judicial Council supports SB 1187, which changes the period of commitment for and individual who has been found incompetent to stand trial (IST) from three years to two years, makes IST individuals eligible for custody credits during the period of commitment, and applies those credits to those individuals when competency is restored.

The council believes SB 1187 is consistent with the current view of mental health and neuroscience professionals that it is unlikely that an individual who has been found IST will be restored to competency after a period of two years, thus making the court proceedings in the third year unnecessary because they do not support the goal of restoration to competency. The council also believes that given advances in mental health treatment and medical science, SB 1187 brings the “reasonable time” of commitment in line with the holdings in *Indiana v. Jackson* (1972) 406 U.S. 715 and *People v. Davis*, 8 Cal. 3d 798.

Additionally, we believe that the enactment of SB 1187 will reduce workload burdens on courts that would otherwise occur during the third year of the restoration period as follows:

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- It will open up treatment beds currently occupied by committed persons in their third year of commitment, which could help address issues that arise during the period of incarceration without treatment that often occurs because the Department of State Hospitals does not have enough beds available for treatment and restoration. It could also reduce the burden on courts to issue orders to show cause and impose sanctions based on systemic failures appropriately to place IST individuals in a timely manner.

For these reasons, the Judicial Council is pleased to support SB 1187.

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

Sincerely,

Mailed on June 15, 2018

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/SR/yc-s

cc: Members, Assembly Public Safety Committee
Mr. Jim Beall, Member of the Senate
Mr. Nick Bradshaw, Sacramento Advocates, California Public Defenders Association
Mr. David Billingsley, Counsel, Assembly Public Safety Committee
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California