JUDICIAL COUNCIL OF CALIFORNIA
GOVERNMENTAL AFFAIRS
520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368
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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

June 24, 2019

Hon. Bob Archuleta, Chair
Senate Veterans Affairs Committee
State Capitol, Room 4066
Sacramento, California 95814

Subject: Assembly Bill 581 (Levine), as introduced – Support
Hearing: Senate Veterans Affairs Committee – June 25, 2019

Dear Senator Archuleta:

The Judicial Council is pleased to support Assembly Bill 581, which allows a defendant who is currently serving a felony sentence, who is or was a member of the United States military, and who may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of the defendant's military service (military related trauma), to petition for resentencing if those criteria were not considered at the time of sentencing without regard to whether the defendant was sentenced prior to January 1, 2015. The bill also clarifies that this relief is available whether or not there was argument or evidence about the defendant's condition at trial.

The Judicial Council supports AB 581 because the council believes that including the January 1, 2015 date in the eligibility criteria could inadvertently exclude some veterans who otherwise meet the eligibility criteria. Thus, the council believes that AB 581 appropriately clarifies that defendants who are currently serving a felony sentence who otherwise meet the eligibility requirements may petition for relief. The council previously supported AB 865 (Levine, Stats. 2018, ch. 523), which allowed a defendant who is currently serving a felony sentence, who is or

was a member of the United States military, and who may be suffering from military related trauma, to petition the court for resentencing if those criteria were not considered by the court at the time of sentencing and the person was sentenced prior to January 1, 2015. The council supported AB 865 because the council believed that extending consideration of military trauma when resentencing currently incarcerated veterans upon petition was an appropriate follow up to AB 2098 (Levine; Stats. 2014, ch. 163), which allowed consideration of military related trauma in sentencing of eligible individuals. In supporting AB 865, the council concluded that, to treat all veterans similarly and fairly, AB 865 appropriately applied the provisions of AB 2098 to veterans who were sentenced prior to January 2015 by allowing those veterans to file resentencing petitions using the same criteria. Eliminating the January 1, 2015 date from the eligibility requirements likewise serves the goal of treating all veterans similarly and fairly.

For these reasons, the Judicial Council is pleased to support AB 581.

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

Sincerely,

Mailed June 24, 2019

Cory T. Jasperson
Director, Governmental Affairs

CJT/SR/jh
cc: Members, Senate Veterans Affairs Committee
Hon. Marc Levine, Member of the Assembly
Ms. Melissa Immel, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Doug Yoakam, Consultant, Senate Republican Office of Policy
Mr. Martin Hoshino, Administrative Director, Judicial Council of California

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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

April 19, 2019

Hon. Marc Levine
Member of the Assembly
State Capitol, Room 5135
Sacramento, California 95814

Subject: Assembly Bill 581 (Levine), as introduced – Support

Dear Assembly Member Levine:

The Judicial Council is pleased to support Assembly Bill 581, which allows a defendant who is currently serving a felony sentence, who is or was a member of the United States military, and who may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of the defendant's military service (military related trauma), to petition for resentencing if those criteria were not considered at the time of sentencing without regard to whether the defendant was sentenced prior to January 1, 2015. The bill also clarifies that this relief is available whether or not there was argument or evidence about the defendant's condition at trial.

The Judicial Council supports AB 581 because the council believes that including the January 1, 2015 date in the eligibility criteria could inadvertently exclude some veterans who otherwise meet the eligibility criteria. Thus, the council believes that AB 581 appropriately clarifies that defendants who are currently serving a felony sentence who otherwise meet the eligibility requirements may petition for relief. The council previously supported AB 865 (Levine, Stats. 2018, ch. 523), which allowed a defendant who is currently serving a felony sentence, who is or was a member of the United States military, and who may be suffering from military related

trauma, to petition the court for resentencing if those criteria were not considered by the court at the time of sentencing and the person was sentenced prior to January 1, 2015. The council supported AB 865 because the council believed that extending consideration of military trauma when resentencing currently incarcerated veterans upon petition was an appropriate follow up to AB 2098 (Levine; Stats. 2014, ch. 163), which allowed consideration of military related trauma in sentencing of eligible individuals. In supporting AB 865, the council concluded that, to treat all veterans similarly and fairly, AB 865 appropriately applied the provisions of AB 2098 to veterans who were sentenced prior to January 2015 by allowing those veterans to file resentencing petitions using the same criteria. Eliminating the January 1, 2015 date from the eligibility requirements likewise serves the goal of treating all veterans similarly and fairly.

For these reasons, the Judicial Council is pleased to support AB 581.

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

Sincerely,

Mailed on April 19, 2019

Sharon Reilly
Attorney

SR/yc-s
cc: Ms. Melissa Immel, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California