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

September 6, 2018

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

Subject: Senate Bill 215 (Beall) – Request for Signature

Dear Governor Brown:

The Judicial Council respectfully requests your signature on Senate Bill 215, which makes defendants ineligible for the mental health diversion program for certain serious offenses; authorizes a court to require the defendant to make a prima facie showing that the defendant will meet the minimum requirements of eligibility for diversion and to summarily deny the petition if the defendant and the offense are not suitable for diversion; and requires the court, upon request, to conduct a hearing to determine whether restitution is owed to any victim as a result of the diverted offense and, if owed, to order its payment during the period of diversion.

The council supports SB 215 because it includes cleanup language to AB 1810 (Stats. 2018, ch. 34) on two important issues. First, SB 215 requires petitioners to make a prima facie showing of eligibility making the process more efficient by allowing courts to summarily dismiss petitions for individuals who are not eligible or suitable for diversion early in the process and lessening the burdens on courts. Likewise, narrowing the offenses that are eligible for diversion (and that would likely be unsuitable for diversion given the offense) makes the process more efficient and lessens the burdens on courts. Second, by requiring the court to hold a hearing upon request to determine whether restitution is owed to any victim, SB 215 clarifies that restitution is

available to victims in diversion cases, which enables courts to deliver the highest quality of justice and service to victims in diverted cases.

For these reasons, the Judicial Council requests your signature on SB 215.

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

Sincerely,

Mailed on September 6, 2018

Cory T. Jasperson
Director, Governmental Affairs

CTJ/SR/yc-s
cc: Hon. Jim Beall, Member of the Senate
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California

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TANI G. CANTIL-SAKAUYE
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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

August 28, 2018

Hon. Jim Beall
Member of the Senate
State Capitol, Room 2082
Sacramento, California 95814

Subject: Senate Bill 215 (Beall), as amended August 23, 2018 – Support

Dear Senator Beall:

The Judicial Council strongly supports SB 215, which makes defendants ineligible for the mental health diversion program for certain serious offenses; authorizes a court to require the defendant to make a prima facie showing that the defendant will meet the minimum requirements of eligibility for diversion and to summarily deny the petition if defendant and the offense are not suitable for diversion; and requires the court, upon request, to conduct a hearing to determine whether restitution is owed to any victim as a result of the diverted offense and, if owed, to order its payment during the period of diversion.

The council supports SB 215 because it includes cleanup language to AB 1810 (Stats. 2018, ch. 34) on two important issues. First, SB 215 requires petitioners to make a prima facie showing of eligibility making the process more efficient by allowing courts to summarily dismiss petitions for individuals who are not eligible or suitable for diversion early in the process and lessening the burdens on courts. Likewise, narrowing the offenses that are eligible for diversion (and that would likely be unsuitable for diversion given the offense) makes the process more efficient and lessens the burdens on courts. Second, requiring the court to hold a hearing upon request to determine whether restitution is owed to any victim, SB 215 clarifies that restitution is available

to victims in diversion cases, which enables courts to deliver the highest quality of justice and service to victims in diversion cases.

For these reasons, the Judicial Council strongly supports SB 215.

Sincerely,

Mailed on August 28, 2018

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