



JUDICIAL COUNCIL OF CALIFORNIA

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August 16, 2017

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

Subject: Senate Bill 8 (Beall), as proposed to be amended – Support

Dear Senator Beall:

The Judicial Council is pleased to support SB 8, as proposed to be amended, which authorizes a court, with the consent of the defendant and a waiver of the defendant's right to a speedy trial, to postpone prosecution of a misdemeanor or a felony punishable in a county jail, and place the defendant in a pretrial diversion program if the court is satisfied the defendant suffers from a mental disorder, that the defendant's mental disorder played a significant role in the commission of the charged offense, and that the defendant would benefit from mental health treatment,.

The Judicial Council is supportive of the creation of a pretrial diversion program for mentally disordered offenders because pretrial diversion programs, in general, enhance judicial discretion by giving courts greater flexibility in fashioning remedies that are most appropriate to the individual facts and circumstances of a defendant. Further, the council appreciates the proposed amendments in RN 17-18706 that clarify: (1) that in any case before the court on an accusatory pleading alleging the commission of a misdemeanor offense or felony offense punishable in a county jail pursuant to subdivision (h) of Section 1170, the court may, after considering the positions of the defense and prosecution, grant pretrial diversion to a defendant; and (2) courts will continue to have access the arrest record of the defendant even if the defendant successfully

Hon. Jim Beall
August 16, 2017
Page 2

completes the diversion program. In addition, the council appreciates that the proposed amendments ensure ongoing monitoring by the court by requiring that reports be made to the court, as well as the defense and prosecution, by the divertee's mental health provider on the divertee's process in treatment at least every three months. Finally, the proposed amendments support judicial discretion by providing that a court may conclude that a divertee has performed satisfactorily if, in the court's judgment, the divertee has substantially complied with the requirements of the treatment program, avoided significant new violations of law unrelated to the defendant's mental health condition, and has a place in place for long-term mental health care.

For these reasons, the Judicial Council is pleased to support SB 8, as proposed to be amended.

Sincerely,

Mailed on August 16, 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