



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 1240 • Sacramento, California 95814-3358
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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

JODY PATEL
Interim Administrative Director of the Courts

CURT SODERLUND
Interim Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

April 10, 2012

Hon. Felipe Fuentes, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 1913 (Skinner), as amended March 19, 2012 – Fiscal Impact Statement
Hearing: Assembly Appropriations Committee – April 18, 2012

Dear Assembly Member Fuentes:

AB 1913 would allow a person on postrelease community supervision who has a revocation petition filed against him or her to file an application for bail with the superior court.

Fiscal Impact

Assuming that these detainees would be subject to the sheriff's authority to release according to the locally-adopted bail schedule, courts would hear cases only where one of the parties seeks to deviate from the bail schedule. A typical hearing would take about an hour of court time. It costs the court approximately \$4,000 per day to operate (not including use of juries or interpreters).

Approximately 2,300 petitions to revoke postrelease community supervision were filed with the courts statewide under Penal Code section 3455 between October 1, 2011, and February 29, 2012. If this rate of filing remains constant, about 5,520 petitions will be filed each year. It is not possible to know what percentage of these would result in a court hearing.

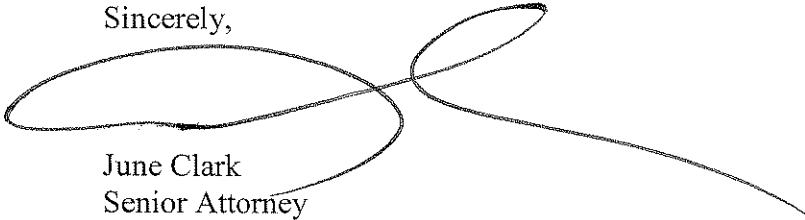
If 50 percent result in court hearings, the cost to the judicial branch would be approximately \$1.4 million.

If 25 percent result in hearings, the cost would be \$690,000.

Hon. Felipe Fuentes
April 10, 2012
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Please contact me at 916-323-3121 or june.clark@jud.ca.gov if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long, sweeping horizontal stroke that extends to the right.

June Clark
Senior Attorney

JC/yc

cc: Members, Assembly Appropriations Committee

Hon. Nancy Skinner, Member of the Assembly

Mr. Geoff Long, Consultant, Assembly Appropriations Committee

Mr. Allan Cooper, Fiscal Consultant, Assembly Republican Fiscal Office

Ms. Sandy Uribe, Counsel, Assembly Public Safety Committee

Mr. Gary Olson, Consultant, Assembly Republican Office of Policy

Mr. Gareth Elliot, Legislative Affairs Secretary, Office of the Governor

Mr. Michael Miyao, Budget Analyst, Department of Finance



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July 10, 2012

Hon. Nancy Skinner
Member of the Assembly
State Capitol, Room 4126
Sacramento, California 95814

Subject: AB 1913 (Skinner), as amended May 25, 2012 - Oppose

Dear Assembly Member Skinner:

The Judicial Council regrets that it must oppose AB 1913, which authorizes persons on post-release community supervision (PRCS) to apply for bail during the pendency of court revocation proceedings, specifies that admittance to bail pending revocation of PRCS is within the sole discretion of the court, and provides that a bail application pursuant to the bill's provisions shall be governed by existing statutory procedures for the setting of bail.

The Judicial Council sponsored a legislative proposal which was incorporated into a budget trailer bill (SB 1023, ch. 43, Stats. 2012) that applies probation revocation procedures under Penal Code section 1203.2 to revocations of mandatory supervision, PRCS, and, beginning July 1, 2013, parole. The intention is to establish uniformity, thus relieving courts of the burdens associated with implementing separate procedures for each category of supervision.

Under current law, probationers and parolees are not entitled to bail as a matter of right. Furthermore, no comparable statutory provision authorizes applications for bail for the other categories of supervision. By authorizing persons supervised on PRCS, in contrast to other kinds of supervision, to apply for bail, the council believes that the bill would increase confusion by prescribing a distinct bail procedure applicable only to PRCS, which would undermine the uniformity achieved by the new law to applying probation revocation procedures under Penal Code section 1203.2 to all revocations.

Hon. Nancy Skinner
July 10, 2012
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In addition, the council believes that the bill would replace existing informal bail practices with the more formal procedures required by current bail statutes, result in a significant increase in bail applications and related hearings, and inadvertently create a distinct standard for evaluating applications for bail in the PRCS context.

For these reasons, the Judicial Council opposes AB 1913.

Sincerely,

A handwritten signature in cursive script, reading "Andi Liebenbaum".

Andi Liebenbaum
Senior Governmental Affairs Analyst

ABL/yc

cc: Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor



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July 25, 2012

Hon. Christine Kehoe, Chair
Senate Appropriations Committee
State Capitol, Room 5050
Sacramento, California 95814

Subject: AB 1913 (Skinner), as amended June 27, 2012 – Fiscal Impact and Opposition
Hearing: Senate Appropriations Committee – August 6, 2012

Dear Senator Kehoe:

For reasons of cost, judicial inefficiency and the potential to create confusion in the law, the Judicial Council regrets that it must oppose AB 1913, which authorizes persons on post-release community supervision (PRCS) to apply for bail during the pendency of court revocation proceedings, specifies that admittance to bail pending revocation of PRCS is within the sole discretion of the court, and provides that a bail application pursuant to the bill's provisions shall be governed by existing statutory procedures for the setting of bail.

The Judicial Council sponsored a legislative proposal which was incorporated into a budget trailer bill (SB 1023, Stats. 2012, ch. 43) that applies probation revocation procedures under Penal Code section 1203.2 to revocations of mandatory supervision, PRCS, and, beginning July 1, 2013, parole. The intention of this application of the probation revocation procedures is to establish uniformity, thus relieving courts of the burdens associated with implementing separate procedures for each category of supervision.

Under current law, probationers and parolees are not entitled to bail as a matter of right. Furthermore, no comparable statutory provision authorizes applications for bail for the other

categories of supervision. By authorizing persons supervised on PRCS, in contrast to other kinds of supervision, to apply for bail, the council believes that the bill would increase confusion by prescribing a distinct bail procedure applicable only to PRCS, which would undermine the uniformity achieved by the new law to applying probation revocation procedures under Penal Code section 1203.2 to all revocations.

In addition, the council believes that the bill would replace existing informal bail practices with the more formal procedures required by current bail statutes, resulting in a significant increase in bail applications and related hearings, and inadvertently create a distinct standard for evaluating applications for bail in the PRCS context. The costs associated with more formal bail procedures, and the increase in bail applications, are likely to be significant. Currently, bail proceedings take, upon average, 15 minutes per defendant.

Approximately 2,300 petitions to revoke post-release community supervision were filed with the courts statewide under Penal Code section 3455 between October 1, 2011 and February 29, 2012. If this rate of filing remains constant, about 5,520 petitions will be filed each year. It is not possible to know what percentage of these would result in a court hearing, but it is likely that the percentage will be high because the hearing would be available as a matter of right under the terms of AB 1913, and it is a safe assumption that people who are out of confinement on post release community supervision would prefer not to return to confinement on a revocation petition.

Our calculations use the estimated 5,520 petitions filed annually as a baseline. If 50 percent result in court hearings, the cost to the judicial branch would be \$345,000¹. Please note, too, that the courts believe that the length of the hearings likely would extend beyond the current average of 15 minutes if more formal revocation hearings are required, as described in the bill.

If you have questions about the Judicial Council's opposition to AB 1913 or would like additional information about the costs estimated here, please contact me at 916-323-3121 or andi.liebenbaum@jud.ca.gov.

Sincerely,



Andi Liebenbaum

Senior Governmental Affairs Analyst

¹ We are assuming that 5,520 petitions will be filed each year and each requires 15 minutes. That would be four petitions heard each hour, resulting in 1,380 hours of petition revocation hearing time. If divided by eight hours per court day, it would require the equivalent of 172.5 days for all hearings. Taking into account the time of the judicial officer and courtroom staff, the average cost of a day in court is approximately \$4,000. Multiplying \$4,000 x 172.5 and dividing in half gives us a total annual cost of \$345,000.

Hon. Christine Kehoe
July 25, 2012
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ABL/yc

cc: Members, Senate Appropriations Committee

Hon. Nancy Skinner, Member of the Assembly

Ms. Jolie Onodera, Consultant, Senate Appropriations Committee

Mr. Matt Osterli, Fiscal Consultant, Senate Republican Fiscal Office

Mr. Jerome McGuire, Counsel, Senate Public Safety Committee

Mr. Eric Csizmar, Consultant, Senate Republican Office of Policy

Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Madelynn McClain, Budget Analyst, Department of Finance