



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS
770 L Street, Suite 1240 • Sacramento, California 95814-3368
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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

CORY T. JASPERSON
Director, Office of Governmental Affairs

April 18, 2013

Hon. Curt C. Hagman
Member of the Assembly
State Capitol, Room 4130
Sacramento, California 95814

Subject: AB 1118 (Hagman), as amended April 10, 2013 - Oppose

Dear Assembly Member Hagman:

The Judicial Council opposes AB 1118, which requires the Judicial Council to annually adopt a statewide bail schedule for all felonies, misdemeanors, and non-vehicle code infractions. It further requires each superior court to consider the council's bail schedule when adopting its local bail schedule, and to submit a report to the council to explain how the local schedule differs from the council's statewide schedule. AB 1118 would also require the Judicial Council to consult with various justice partner stakeholders, including two representatives of the Golden State Bail Agents Association and the California Bail Agents Association.

The council believes that the attempts to impose a uniform statewide bail schedule intrude on the ability of judges to exercise their discretion in setting bail amounts that are appropriate for individual counties and that are necessarily different because of the unique circumstances in each county. Additionally, this legislation places additional burdens on courts when they can least afford it by not only requiring courts to consider the uniform statewide bail schedule when adopting the local bail schedule, but to also justify any differences to the Judicial Council on an annual basis. Finally, the council is concerned that the bill imposes additional burdens on the judicial branch without accomplishing any clear purpose.

Hon. Curt C. Hagman
April 18, 2013
Page 2

For these reasons, the Judicial Council opposes AB 1118.

Sincerely,

A handwritten signature in cursive script, reading "Sharon Reilly". The signature is written in black ink and is positioned above the printed name.

Sharon Reilly
Senior Attorney

SR/yc-s

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



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June 20, 2014

Hon. Loni Hancock, Chair
Senate Public Safety Committee
State Capitol, Room 2082
Sacramento, California 95814

Subject: AB 1118 (Hagman), as amended June 19, 2014 – Oppose
Hearing: Senate Public Safety Committee – June 24, 2014

Dear Senator Hancock:

The Judicial Council opposes AB 1118, which requires the Judicial Council (council) to annually adopt a statewide bail schedule for all felonies, misdemeanors, and non-vehicle code infractions. The bill would also require the council to consult with various specified justice partners, as well as other unspecified interested parties, in preparing, adopting, and annually revising the bail schedule.

The council believes the attempts to impose a uniform statewide bail schedule, as well as require certain determinations of bail as specified, intrude on the ability of judges to exercise discretion in setting bail amounts that are appropriate for individual cases and for the unique circumstances in each county. The council is also concerned the bill imposes additional burdens on the judicial branch without accomplishing any clear purpose.

Hon. Loni Hancock
June 20, 2014
Page 2

For these reasons, the Judicial Council opposes AB 1118.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Reilly". To the right of the signature, the letters "JT" are handwritten.

Sharon Reilly
Senior Attorney

SR/yc-s

cc: Members, Senate Public Safety Committee

Hon. Curt C. Hagman, Member of the Assembly

Hon. Nancy Skinner, Member of the Assembly

Hon. Jim W. Nielsen, Member of the Senate

Mr. Jerome McGuire, Counsel, Senate Public Safety committee

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

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



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April 18, 2013

Hon. Mike Gatto, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 1118 (Hagman), as amended April 10, 2013 – Fiscal Impact Statement

Dear Assembly Member Gatto:

AB 1118 requires the Judicial Council to annually adopt a statewide bail schedule for all felonies, misdemeanors, and non-vehicle code infractions. It further requires each superior court to consider the council's bail schedule when adopting its local bail schedule, and to submit a report to the council to explain how the local schedule differs from the council's statewide schedule. AB 1118 would also require the Judicial Council to consult with various justice partner stakeholders, including two representatives of the Golden State Bail Agents Association and the California Bail Agents Association.

Fiscal Impact

Should AB 1118 become law, Judicial Council will necessarily incur costs related to the establishment of a staffed process by which to adopt a bail schedule for all felonies, misdemeanors, and non-Vehicle Code infractions. Taking into account the costs of judicial officers (including travel and per diem costs) at a minimum of 36 hours, senior and subordinate staff time calculated using current average wages and calculated at 114 hours, and materials, we estimate that the cost to the Judicial Council to develop the bail schedule contemplated by AB 1118 to be at least \$130,000. Annual costs to maintain and update the bail schedule, calculated at 15 percent of the development costs, would likely be at least \$19,500 every year.

In addition, local trial courts will incur costs under the authority created by AB 1118. First, trial courts would be required to undertake a comparative analysis review including the statewide bail schedule and their own bail schedules, adding as much as 20 percent additional time and cost to their current bail schedule review processes. Moreover, should a trial court wish to utilize a bail amount different from a bail amount in the Judicial Council's statewide bail schedule, the trial court would incur the cost of preparing a report to Judicial Council detailing the difference. Currently, trial courts review and approve their bail schedules annually at no insignificant expense. The current review process requires the input and time of judicial officers, court executives, and administrative staff, and could cost a court anywhere from \$3000 at a smaller court (one or two judicial officers and staff) to as much as \$10,000 (eight to ten judicial officers and staff). Courts estimate that their bail schedule review costs will increase by at least 20 percent if AB 1118 becomes law. At an average cost of \$6500 per court for current bail schedule review (\$377,000), an additional 20 percent annually means an additional \$1300 per court per year, which, multiplied by 58 courts, equals \$75,400 in new annual costs.

In addition to costs associated with the creation and maintenance of a statewide bail schedule for felonies, misdemeanors, and non-Vehicle Code infractions, AB 1118 requires the creation of several conforming Rules of Court. Taking into consideration the different kinds of staff who are engaged in the rule and form process, we estimate a total staff investment of 52.6 hours plus expenses, at an estimated total cost of \$4134. Please note that this cost estimate does not include the time of committee members, commentators, court staff, or others who contribute to the development and review process, nor does it include time spent by the Judicial Council's Office of Governmental Affairs.

Each year, the Legislature passes bills that have impacts on the California court system. Many of these bills require the adoption of new rules and forms, or the amendment of current rules and revisions to existing forms, to be consistent with newly enacted laws. Most fiscal impacts of legislation on rules and forms are not minor or insubstantial. Based on a review of the bills that are enacted each year, it is determined that many bills require specific changes that need to be carefully prepared, considered by advisory bodies, circulated for public comment and presented to the Judicial Council for final approval and ratification.

The rule-making and forms-adoption process is a careful, deliberative, and public process. Although there are enormous benefits to using such open and effective process, it does require the expenditure of funds and incur costs.

The main stages in the process are as follows:

- Identification and analysis by staff of legislation that requires a rule or form change;
- Preparation of draft rules and form changes to implement the legislation; and preparation of supporting explanatory materials (memorandums, etc);
- Review by subcommittees and committees of the proposed rule or form changes and the making of recommendations;

Hon. Mike Gatto

April 18, 2013

Page 3

- Preparation of Invitations to Comment for each rule and form proposal, including review and approval by the Judicial Council's Rules and Projects Committee (RUPRO);
- Circulation for public comment, including review by the public and the courts;
- Preparation of summary of comments for review by subcommittees and committees and the preparation of supporting memoranda including recommendations by committees; and,
- Preparation of Judicial Council reports, including review and approval by RUPRO and submission to the council for final approval.

The staff time is considerable, even for simple rule and form changes. For those that require multiple forms to be crafted or amended, and the appropriate rules to be drafted or amended, the costs can be significant.

This fiscal impact information has been shared with Mr. Hagman's staff; we were informed that there may be efforts to amend the bill to reduce some of these fiscal impacts. We look forward to hearing from and working with the author's office, and will revisit the fiscal implications of AB 1118 when amendments are available.

Please contact me at 916-323-3121 or andi.liebenbaum@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,



Andi Liebenbaum

Senior Governmental Affairs Analyst

AL/yc-s

cc: Members, Assembly Appropriations Committee

Hon. Curt Hagman, Member of the Assembly

Mr. Chuck Nicol, Principal Consultant, Assembly Appropriations Committee

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

Ms. Stella Choe, Counsel, Assembly Public Safety Committee

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

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

Ms. Madelynn McClain, Budget Analyst, Department of Finance