



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

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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 21, 2016

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

Subject: AB 2765 (Weber), as amended May 19, 2016 – Support
Hearing: Senate Public Safety Committee – June 28, 2016

Dear Senator Hancock:

The Judicial Council is pleased to support AB 2765, which extends the time limitation for petitioning or applying for a reduction of sentence under Proposition 47 to November 4, 2022.

Proposition 47 became effective on November 5, 2014, and has had immediate and considerable implications for criminal courts. In short, the proposition reclassified certain felony theft and drug possession offenses as misdemeanors and authorizes persons who are currently serving sentences on these offenses and would have been eligible for the new misdemeanor provisions had Proposition 47 been in place at the time of sentencing to petition courts for resentencing. It also authorizes individuals who have already served their sentences to apply to the court for reductions of felony convictions to misdemeanors. Unless good cause exists, those *applications must be filed within three years*.

Hon. Loni Hancock

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The Judicial Council believes an extension is appropriate in light of information indicating that a number of petitions have yet to be filed, based on the collective experience of Superior Courts reviewing Proposition 47 petitions. Extending the deadline for filing will avoid a glut of petitions or applications being filed to meet that November 2017 deadline and will allow courts to process them over a more reasonable extended timeframe, thereby reducing burdens on courts.

Moreover, the council notes that on July 23, 2015 the Court of Appeal, in *Alejandro N. v. Superior Court of San Diego County*, held that juveniles are entitled to re-designation of the juvenile adjudication as a misdemeanor (PEN 1170.18; WIC 602). The court found that when the voters passed Proposition 47 they reclassified certain criminal offenses from felonies to misdemeanors and that they also necessarily reclassified these offenses for juvenile offenders by virtue of the Welfare & Institutions Code section 602 correlation of wardship jurisdiction with violations of criminal law. As a result, it is likely that many individuals adjudicated as juveniles have not petitioned for resentencing because the state of the law was uncertain. In light of *Alejandro*, providing additional time for Proposition 47 petitions and applications will also ensure juveniles that have not yet applied or petitioned have time to do so.

For these reasons, the Judicial Council is pleased to support AB 2765.

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

Sincerely,



Cory T. Jaspersen

Director, Governmental Affairs

CTJ/SR/yc-s

cc: Members, Senate Public Safety Committee

Hon. Shirley Weber, Member of the Assembly

Mr. Ignacio Hernandez, Californians for Safety and Justice

Ms. Elizabeth Espinosa, Partner, Hurst Brooks Espinosa, LLC, for County of Los Angeles

Ms. Gail Stewart-Brockman, Legislative Director, Office of the San Diego District Attorney

Mr. Larry Doyle, Lobbyist, Conference of California Bar Associations

Mr. Gregory Pagan, Chief Counsel, Assembly Public Safety Committee

Mr. Jerome McGuire, Counsel, Senate Public Safety Committee

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

Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor

Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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Director, Governmental Affairs

August 30, 2016

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

Subject: AB 2765 (Weber) – Request for Signature

Dear Governor Brown:

The Judicial Council respectfully requests your signature on AB 2765, which extends the time limitation for petitioning or applying for a reduction of sentence under Proposition 47 to November 4, 2022.

Proposition 47 became effective on November 5, 2014, and has had immediate and considerable implications for criminal courts. In short, the proposition reclassified certain felony theft and drug possession offenses as misdemeanors and authorizes persons who are currently serving sentences on these offenses and would have been eligible for the new misdemeanor provisions had Proposition 47 been in place at the time of sentencing to petition courts for resentencing. It also authorizes individuals who have already served their sentences to apply to the court for reductions of felony convictions to misdemeanors. Unless good cause exists, those *applications must be filed within three years*.

The Judicial Council believes an extension is appropriate in light of information indicating that a number of petitions have yet to be filed, based on the collective experience of Superior Courts

Hon. Edmund G. Brown, Jr.

August 30, 2016

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reviewing Proposition 47 petitions. Extending the deadline for filing will avoid a glut of petitions or applications being filed to meet that November 2017 deadline and will allow courts to process them over a more reasonable extended timeframe, thereby reducing burdens on courts.

Moreover, the council notes that on July 23, 2015 the Court of Appeal, in *Alejandro N. v. Superior Court of San Diego County*, held that juveniles are entitled to re-designation of the juvenile adjudication as a misdemeanor (PEN 1170.18; WIC 602). The court found that when the voters passed Proposition 47 they reclassified certain criminal offenses from felonies to misdemeanors and that they also necessarily reclassified these offenses for juvenile offenders by virtue of the Welfare & Institutions Code section 602 correlation of wardship jurisdiction with violations of criminal law. As a result, it is likely that many individuals adjudicated as juveniles have not petitioned for resentencing because the state of the law was uncertain. In light of *Alejandro*, providing additional time for Proposition 47 petitions and applications will also ensure juveniles that have not yet applied or petitioned have time to do so.

For these reasons, the Judicial Council requests your signature on AB 2765.

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

Sincerely,



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Director, Governmental Affairs

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