



Judicial Council of California

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August 19, 2025

Hon. Anna M. Caballero
Chair, Senate Appropriations Committee
1021 O Street, Room 2200
Sacramento, California 95814

Subject: **AB 1018 (Bauer-Kahan), as amended July 17, 2025 – Oppose unless amended**

Dear Senator Caballero:

The Judicial Council must regretfully adopt an oppose unless amended position on Assembly Bill 1018, which seeks to regulate the development and use of automated decision systems (ADS) that can be used to make consequential decisions. While the council appreciates and shares AB 1018's goal of ensuring natural persons do not abdicate their role as decisionmakers to automated systems, the council believes this bill overlooks existing guardrails on ADS tools and is overly broad and ambiguous in its attempt to set guidelines on both the developers and deployers of these systems. Under AB 1018's requirements, the judicial branch risks losing the ability to utilize many of these helpful tools that allow for timely access to justice on a daily basis throughout the state.

Currently, courts use pretrial risk assessment tools, risk and needs assessment tools, and many other tools that fall within the AB 1018's definition of an ADS. Existing law already regulates many of these tools. For example, courts are allowed at sentencing to use risk assessment instruments that have been validated as accurate and reliable.¹ In addition, SB 36 (Hertzberg) Stats. 2019, ch. 589, requires the Judicial Council to publish an annual report with data related to outcomes and potential biases in pretrial release risk assessment tools. The report is required to include information on each tool used by a court, the predictive accuracy of the tool by gender/race/ethnicity, and the number of individuals affected, among other things.² These pretrial risk assessment tools must be validated on a regular basis and in any event, no less than once every three years. (PEN 1320.35(b)(4) & (c).) The council has spoken to the developers of these pretrial risk assessment tools. Unlike many ADS tools that are developed and owned by for-profit

¹ [California Standards of Judicial Administration, section 4.35](#)

² Judicial Council. [Pretrial Release: Risk Assessment Tools \(SB 36\)](#). [as of Aug. 18, 2025] <[2025_online-infraction-adjudication-and-ability-pay-determinations.pdf](#)>.

corporations, the developers of pretrial risk assessment tools do not have the financial capacity or financial motive to comply with AB 1018. These developers are nonprofits, universities, and state government. These developers created their tools with public use in mind and realistically will not be able to make any adjustments as required under AB 1018. As such, the judicial branch is at risk of losing the use of all such ADS tools.

In addition, there are other tools which are statutorily required to be used when assessing the risk of re-offense by sex offenders and violent felons that we would be precluded from using if their developers do not comply with the requirements of AB 1018. These include the State Authorized Risk Assessment Tools for Sex Offenders (SARATSO) and the Static-99R risk assessment tool.

AB 1018 would potentially place the judicial branch out of compliance with existing requirements to utilize specified tools. For example, AB 143 (Committee on Budget) Stats. 2021, ch. 79, required the Judicial Council to create *MyCitations*,³ which is a convenient online tool that allows drivers who can't afford their traffic tickets to request ability-to-pay determinations and receive significant reductions to the amount they owe. If the council is unable to secure funding to monitor the tool both as the developer and for each trial court as a deployer, the judicial branch will either be noncompliant with AB 1018's requirements or noncompliant with AB 143's mandates. And thousands of California drivers will be forced to appear in court to get help with their traffic tickets.

The ability to properly and fully forecast the ramifications of this bill are difficult. For example, when it comes to the use of SARATSO for sex offenders, the court is required to use the tool in a number of ways (see PEN 290.04 et seq.) Courts must take into account the recommendation from SARATSO to determine what tier a sex offender should be placed in,⁴ for participation in an approved sex offender management program while a defendant is on probation,⁵ and when determining whether to terminate a sex offender from the registry.⁶

The Judicial Council put together two possible fiscal estimates for AB 1018, one to achieve compliance with the bill and one based on the inability of the branch to comply and instead be forced to discontinue the use of current ADS tools and have staff and judicial officers complete those tasks manually.

In order to meet the requirements as a developer of *MyCitations* and as a deployer of the many tools used throughout the branch, the judicial branch estimates ongoing costs of \$200 million to \$300 million annually. This cost assumes a multi-year approach to even get into compliance with the bill, including an initial year to conduct assessments to figure out which tools fall under the provisions and attempt to establish auditing guidelines and standards for each individual tool. The multiple court case management system vendors will also require time and impose costs to update case management systems and bring all trial courts onto one data system for data sharing and evaluations. In total, the council anticipates a five-year implementation timeline. There would be

³ Judicial Council. [MyCitations report: Online Infraction Adjudication and Ability-to-Pay Determinations](#) (Feb. 2025). <[2025_online-infraction-adjudication-and-ability-pay-determinations.pdf](#)>.

⁴ Pen. Code, § 290.006.

⁵ Pen. Code, § 290.09.

⁶ Pen. Code, § 290.5.

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a need to hire staff at both the council and trial court level to conduct evaluations, gather data, and respond to court user inquiries. It should be noted that there are unknown, likely significant costs associated with the record retention language included in the bill that requires information to be stored that was used as part of an ADS tool's decision making for the lifespan of the tool plus ten years after decommissioning. This could lead to substantial storage costs if this is interpreted to require vast numbers of entire case files to be kept indefinitely, well past the current three-year record retention norm.


If the Judicial Council is not provided funding, the judicial branch may be required to stop using ADS tools that help the courts function effectively. The council estimates annual ongoing costs of \$120 million to over \$200 million in additional workload and costs to the courts to manually process all risk assessments and ability-to-pay determinations. While courts are not funded on the basis of workload, this reversal of current procedures would have extremely significant impacts on the courts' ability to timely handle existing workloads. These inefficiencies will have widespread impacts on the judicial system as a whole with defendants waiting longer for their hearings and even bail decisions, meaning defendants will be waiting in jail for much longer timeframes than we see currently. The Judicial Council further notes that bill's broad scope and ambiguous language could result in substantial litigation costs to the council to represent itself and the courts in statewide actions arising from its requirements.

As currently drafted, AB 1018 exempts ADS tools used to operate aircraft in national airspace and for cybersecurity systems. Given the significant impacts AB 1018 would have across the judicial branch, the Judicial Council requests amendments to exempt ADS tools used by the judicial branch from the bill. These tools, used every day in every court in the state, are a generally well-regulated efficiency that allows for courts to provide timely access to justice and provides judges with critical information to be used in their decision making process.

For these reasons, the Judicial Council opposes AB 1018 unless amended.

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

Sincerely,



Cory T. Jaspersen

Director, Office of Governmental Affairs

CTJ/MR/jh

cc: Jith Meganathan, Deputy Legislative Secretary, Office of the Governor
Michelle Curran, Administrative Director, Judicial Council of California
Mark McKenzie, Chief Consultant, Senate Appropriations Committee
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