



## Judicial Council of California

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April 13, 2012

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

Subject: SB 1124 (Cannella), as amended April 9, 2012 - Oppose  
Hearing: Senate Public Safety Committee – April 17, 2012

Dear Senator Hancock:

The Judicial Council opposes SB 1124, which would require rather than allow the court, following every conviction resulting in commitment to state prison or county jail, to order the defendant to file a statement setting forth his or her assets, liability, and income, and would require rather than allow the court to conduct a hearing and make a determination of the ability of the defendant to pay all or a portion of the reasonable costs of incarceration. The council opposes SB 1124 because it is unnecessary, and would impose a crushing new obligation on the state court system with little if any likelihood of achieving the author's presumed objectives of lowering the cost to the state and counties of incarcerating felons.

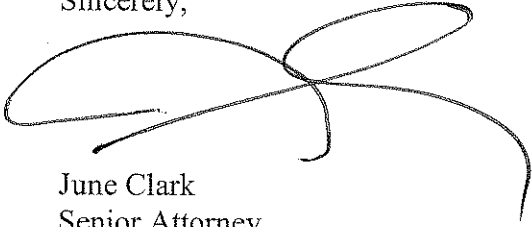
Current law provides the court with the necessary authority to make a determination in appropriate circumstances of the defendant's ability to pay. Courts may exercise this authority when there are facts to support the reasonable possibility of a positive outcome.

To require the court, in every felony case involving a period of custody time, to order the defendant to file a financial statement, and to conduct a full evidentiary hearing to determine ability to pay would be a gross misuse of the court system and of the courts' limited resources.

Hon. Loni Hancock  
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For these reasons, the Judicial Council opposes SB 1124.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke extending to the right.

June Clark  
Senior Attorney

JC/yc

cc: Members, Senate Public Safety Committee

Hon. Anthony J. Cannella, Member of the Senate

Mr. Steven Meinrath, Counsel, Senate Public Safety Committee

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

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