



Judicial Council of California
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June 12, 2014

Hon. Tom Ammiano, Chair
Assembly Public Safety Committee
State Capitol, Room 3146
Sacramento, California 95814

Subject: SB 1227 (Hancock), as amended May 27, 2014 – Support, if amended
Hearing: Assembly Public Safety Committee – June 17, 2014

Dear Assembly Member Ammiano:

The Judicial Council supports, if amended, SB 1227, which creates a pretrial diversion program when a member or former member of the United States Military is accused of a misdemeanor or jail or realigned felony and the defendant is suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse or mental health problems resulting from his or her military service.

The Judicial Council supports SB 1227, if amended, to authorize the court to determine whether military related service and the related conditions are a substantial factor in the commission of the criminal offense prior to placement in of the defendant the pretrial diversion program. The council is concerned that under SB 1227, the court cannot consider there is no requirement that there be a causal link between the alleged crime and the military service and related trauma, and this could undermine judicial discretion. Further, the council is concerned that there could be instances in which due to time and the nature of the crime, there may not be a causal connection between the military service and resulting trauma and the crime.

The council supports the veterans' pretrial diversion program established by SB 1227 because it enhances judicial discretion in fashioning remedies that are most appropriate to the individual facts and circumstance of the defendant and also has the potential to free up precious judicial resources. However, the council is concerned that the bill as currently written limits judicial discretion because it does not permit a court to consider whether there is a causal link between the military-service related trauma and the crime.

For these reasons, the Judicial Council supports SB 1227, if amended as described above.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Reilly".

Sharon Reilly
Senior Attorney

SR/yc-s

cc: Members, Assembly Public Safety Committee
Hon. Loni Hancock, Member of the Assembly
Ms. Stella Choe, Counsel, Assembly Public Safety Committee
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy