



## JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

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August 26, 2014

Hon. Loni Hancock  
Member of the Senate  
State Capitol, Room 2082  
Sacramento, California 95814

Subject: SB 210 (Hancock), as amended August 22, 2014 - Support

Dear Senator Hancock:

The Judicial Council is pleased to support SB 210, which, among other things: (1) provides that a pretrial OR release investigation report may be prepared for any defendant not charged with a violent felony or driving under the influence with injury; (2) requires that a pretrial OR release investigation report shall include "all results of an evidence-based pretrial risk assessment" concerning the risk the defendant presents to public safety and the probability the defendant will return to court; and (3) requires that in setting conditions for pretrial release and in setting, reducing or denying bail, the court consider the following, in addition to the protection of the public, the defendant's criminal record and the seriousness of the charged offense: (a) the nature and circumstances of the charged offense, including whether or not a drug offense involved large quantities; (b) whether the defendant was on probation, parole or any form of release pending trial, sentencing or appeal at the time of his or her arrests; and (c) public safety as the primary consideration; and (4) provides that when considering the history and circumstances of the defendant, the court may consider the results of an evidence-based pretrial risk assessment instrument.

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The Judicial Council notes that jail overcrowding is a very real and continuing problem, which often results in the Sheriff, rather than the court, determining which defendants are released from jail pretrial. The council believes that by permitting courts to consider the results of an evidence-based pretrial risk assessment instrument, the bill will enhance judicial discretion in determining which defendants to release pretrial, a responsibility that should rest with the courts.

For these reasons, the Judicial Council is pleased to support SB 210.

Sincerely,

A handwritten signature in black ink that reads "Sharon Reilly". The signature is written in a cursive, flowing style.

Sharon Reilly  
Senior Attorney

SR/yc-s

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