



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

CORY T. JASPERSON
Director, Office of Governmental Affairs

April 22, 2013

Hon. Kevin de León, Chair
Senate Appropriations Committee
State Capitol, Room 5108
Sacramento, California 95814

Subject: SB 260 (Hancock), as amended April 4, 2013 – Fiscal Impact Statement
Hearing: Senate Appropriations Committee – April 22, 2013

Dear Senator de León:

SB 260 adds a new provision to the Penal Code requiring a sentencing court to hold a hearing to review the sentence of a person who was under 18 years of age at the time of an offense and was prosecuted as an adult. That hearing would occur after the defendant has served 10 years in prison so long as the defendant was not sentenced to life imprisonment. After the review, this new provision would allow the judge to suspend or stay all or a portion of the sentence, reduce the sentence to any sentence that could lawfully have been ordered at the time of the original judgment, or both reduce and suspend or stay all or a portion of the sentence. SB 260 would authorize the court to consider specified evidence, in conjunction with any other evidence the court considers relevant in making this determination, and would permit additional review only in the event of a change in circumstances that is proven by a preponderance of the evidence in a petition filed with the sentencing court.

Fiscal Impact

SB 260 would require sentencing courts to hold hearings to review the sentences for qualifying juveniles on an annual basis, and possibly more frequently based on provable claims of changed circumstances. Assuming that such hearings would require a minimum of three hours of

Hon. Kevin de León

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courtroom time during which the prosecution and the defense would present their cases, the cost would be \$1500 per hearing. This is based on the average cost of a day in court, which is approximately \$4000, taking into account the time of the judicial officer and courtroom staff. According to 2011 data from the Department of Justice (*2011 Juvenile Justice in California*, which can be found at:

<http://oag.ca.gov/sites/all/files/agweb/pdfs/cjsc/publications/misc/jj11/preface.pdf>), 294 juveniles were tried as adults that could have received sentences in excess of 10 years. Of that group, 134 juveniles were tried for homicide, for which it is possible they were sentenced to life without parole, excluding them from eligibility of the authority created by SB 260. Since we do not have sentencing information for the 134 youths tried and sentenced as adults for homicide, we are left with at least 160, and possibly as many as 294, juveniles charged as adults eligible for sentences in excess of ten years but not life without parole for whom this bill, if enacted, could provide relief. Based on these figures and extrapolating annual impacts from them, under the authority created by SB 260 should it be signed into law, the fiscal impact to the courts in California would be between \$240,000 and \$441,000 per year.

Please contact me at 916-323-3121 or andi.liebenbaum@jud.ca.gov if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Sincerely,



Andi Liebenbaum

Senior Governmental Affairs Analyst

AL/yc-s

cc: Members, Senate Appropriations Committee

Hon. Loni Hancock, Member of the Senate

Ms. Jolie Onodera, Consultant, Senate Appropriations Committee

Mr. Matt Osterli, Fiscal Consultant, Senate Republican Fiscal Office

Ms. Mary Kennedy, Counsel, Senate Public Safety Committee

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

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

Ms. Madelynn McClain, Budget Analyst, Department of Finance



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June 27, 2013

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

Subject: SB 260 (Hancock), as amended May 24, 2013 – Oppose
Hearing: Assembly Public Safety Committee – July 2, 2013

Dear Assembly Member Ammiano:

The Judicial Council opposes SB 260, which requires a sentencing court, to hold a hearing to review the sentence of a person who meets the following criteria: 1) was under 18 years of age at the time of a non-homicide offense and was prosecuted as an adult; 2) has served at least ten years in prison; and 3) was not sentenced to life imprisonment. The bill provides that a judge may suspend, stay, or reduce the sentence, and each person granted review whose sentence is not suspended, stayed, or reduced, can file a new petition for review 3 or more years after the prior hearing.

The Judicial Council's opposition is based on its belief that the petitions authorized by SB 260 will be routinely filed every three years by virtually all individuals who were sentenced as adults for crimes committed as juveniles even when the individual cannot demonstrate a change in circumstances that would support a suspension, stay, or reductions to his or her sentence. Given the severe fiscal constraints

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currently facing the courts, the Judicial Council has significant concerns about the new burdens SB 260 places on courts to consider these petitions, many of which may lack merit.

For these reasons, the Judicial Council opposes SB 260.

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: Members, Assembly Public Safety Committee
Hon. Loni Hancock, Member of the Senate
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