



JUDICIAL COUNCIL OF CALIFORNIA

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Director, Governmental Affairs

August 26, 2016

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: SB 266 (Block) – Request for Signature

Dear Governor Brown:

The Judicial Council respectfully requests your signature on SB 266, which authorizes until January 1, 2021, the use of “flash” incarceration, where a county probation department can order the detention of any adult offender under their supervision in jail for not more than 10 consecutive days for violating a condition of probation or mandatory supervision if at the time of granting probation or ordering mandatory supervision the court had obtained from the defendant a waiver to a court hearing prior to the imposition of flash incarceration.

The Judicial Council believes that SB 266 appropriately extends the use of “flash” incarceration as authorized in the Criminal Justice Realignment Act of 2011, for parolees and persons on PRCS to persons on probation and mandatory supervision (that is, supervision that is part of a “split sentence” for a person convicted of a jail felony). The council believes that authorizing incarceration of individuals for up to 10 days on the condition that a defendant waived his or her right to a court hearing at the time probation or mandatory supervision was ordered is consistent with other provisions of law relating to the waiver of rights as a condition of probation. The council further believes that the use of flash incarceration introduces some

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efficiencies and costs saving to the courts because it will result in fewer revocation hearings. Without flash incarceration, a probation department's only choice to address a violation of a court-ordered condition would be to initiate revocation proceedings, which places additional burdens on courts.

For these reasons, the Judicial Council respectfully requests your signature on SB 266.

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

Sincerely,



Cory T. Jaspersen

Director, Governmental Affairs

CTJ/SR/yc-s

cc: Hon. Marty Block, Member of the Senate

Hon. Joel Anderson, Member of the Senate

Ms. Danielle Sanchez, Chief Probation Officers of California

Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor

Mr. Martin Hoshino, Administrative Director, Judicial Council of California