



Judicial Council of California

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June 10, 2025

Hon. Nick Schultz
Chair, Assembly Public Safety Committee
1020 N Street, Room 111
Sacramento, California 95814

Subject: SB 28 (Umberg), as amended May 23, 2025—Oppose, unless amended
Hearing: Assembly Public Safety Committee—June 17, 2025

Dear Assembly Member Schultz:

The Judicial Council regrettably opposes Senate Bill 28, which mandates treatment court programs be exclusively used for Proposition 36 defendants for treatment mandated felonies, unless it is amended to provide courts with needed flexibility to refer defendants to appropriate treatment court programs.

Health and Safety Code [section 11972](#) requires counties that opt to have treatment courts, to operate them in accordance with state and national guidelines incorporating the “Adult Treatment Court Best Practice Standards” and “Family Treatment Court Best Practice Standards” developed by All Rise (founded as the National Association of Drug Court Professionals). Additionally, Proposition 36, namely Health and Safety Code [section 11395\(d\)\(2\)](#), specifies that various treatment programs, including, but not limited to, drug treatment, be made available to for eligible defendants.

All Rise standards require treatment courts to follow a treatment-based model prioritizing high-risk, high-need defendants, as these intensive programs are not appropriate for every defendant.¹ Further, All Rise requires that treatment courts serving populations beyond high-risk, high-need populations, develop separate program tracks for defendants based on their respective levels of

¹ All Rise, Adult Treatment Court Best Practice Standards, *Publications* (May 27, 2025), p. 2, https://allrise.org/wp-content/uploads/2025/03/Adult-Treatment-Court-Best-Practice-Standards_05.27.2025.pdf.

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risk and need.² Under the SB 28, courts are required to refer all defendants to treatment courts, resulting in—as noted by All Rise—poor outcomes including waste of resources, increased likelihood of recidivism, and increased harm to program participants.³

Flexibility is needed for courts to refer the appropriate qualified defendants to treatment courts. Notably, this does not preclude courts from referring other defendants to other appropriate treatment programs pursuant to Proposition 36. Without this flexibility, courts will be very limited in their ability to effectively administer treatment programs in a way that aligns with both state law and nationally recognized best practices required under existing law.

The Judicial Council values the ongoing constructive collaboration with the author in pursuit of workable language; however, for the reasons stated above, the Council opposes SB 28 unless amended.

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

Sincerely,



Cory T. Jaspersen
Director
Governmental Affairs

CTJ/DC/jh

cc: Members, Assembly Public Safety Committee
Hon. Thomas Umberg, Member of the Senate, 34th District
Mr. Ilan Zur, Counsel, Assembly Public Safety Committee
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy
Mr. Jith Meganathan, Deputy Legislative Secretary, Office of the Governor
Ms. Michelle Curran, Administrative Director, Judicial Council of California

² *Ibid.*

³ All Rise, *All Rise's Fact Sheet: Targeting the Right Participants for Adult Drug Court* (Feb. 2012), p.4, <https://allrise.org/wp-content/uploads/2023/05/Targeting-The-Right-Participants.pdf>.