



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS
770 L Street, Suite 1240 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

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

June 20, 2013

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

Subject: SB 513 (Hancock), as amended April 1, 2013 – Support if funded and amended
Hearing: Assembly Public Safety Committee – June 25, 2013

Dear Assembly Member Ammiano:

The Judicial Council is pleased to support SB 513, if funded and amended. SB 513 provides that two years after a person has successfully completed a pretrial diversion program, he or she may petition the court for an order sealing the arrest records and related court files and records.

- The Judicial Council believes that the ability of an individual who is participating in a pretrial diversion program to have his or her records sealed provides a powerful incentive for those individuals to successfully complete the program to avoid the consequences of a criminal conviction or charge, including legal and practical barriers to employment. Also, SB 513 would bring pretrial diversion programs in line with existing provisions of law relating to drug diversion programs and deferred entry of judgment programs.

SB 513 requires a hearing in every instance upon a petitioner's request for a sealing of these records. The council believes that SB 513 should be amended to provide that a hearing will be conducted only if requested by the prosecution within 10 days of being served with a petition. If the prosecution does not request a hearing, the court may order the records sealed. The council believes this amendment is consistent with the author's goal of giving individuals who have successfully completed pretrial

diversions programs and opportunity petition the courts to have their records sealed. This amendment would also lessen the burdens and costs on the court of holding hearings when the issue is not contested.

The Judicial Council also has serious concerns about the cost burdens SB 513 will place on the courts by requiring courts to consider these new petitions. Unfortunately, the fiscal climate facing the judicial branch has resulted in court-closures, layoffs, furloughs and the elimination of positions. As a result, it is very difficult for courts to absorb new workload, even when the council supports the goals of legislation. Judicial Council therefore conditions its support of the bill on funding.

For these reasons, the Judicial Council supports SB 513, if funded and amended.

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
Mr. George Gascón, San Francisco County District Attorney
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



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August 28, 2013

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

Subject: SB 513 (Hancock), as amended August 22, 2013 – Support if amended

Dear Senator Hancock:

The Judicial Council supports, if amended, SB 513, which provides that two years after a person has successfully completed a qualifying prefiling diversion program, he or she may petition the court for an order sealing the arrest records and related court files and records. In view of the fiscal condition continuing to face the courts, it is very difficult for courts to absorb new workload even when the council supports a program. Thus, the Judicial Council requests that the bill be amended to authorize courts to charge a modest filing fee for the petitions, with the understanding that this request is coming late in the legislative process.

The Judicial Council believes that the ability of an individual who is participating in a prefiling diversion program to have his or her records sealed provides a powerful incentive for those individuals to successfully complete the program to avoid the consequences of a criminal conviction or charge, including legal and practical barriers to employment. Also, SB 513 would bring prefiling diversion programs in line with existing law relating to drug diversion programs and deferred entry of judgment programs.

Hon. Loni Hancock
August 28, 2013
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Nonetheless, the Judicial Council continues to have concerns about the cost burdens SB 513 will place on the courts by requiring courts to consider these new petitions. Unfortunately, the fiscal climate facing the judicial branch has resulted in court closures, layoffs, furloughs and the elimination of positions. As a result, it is very difficult for courts to absorb new workload, and the Judicial Council therefore requests that the bill be amended to authorize courts to charge a modest filing fee of up to \$40.00 for the petitions.

For these reasons, the Judicial Council supports SB 513, if amended.

Sincerely,

A handwritten signature in black ink, reading "Sharon Reilly". The signature is fluid and cursive, with the first name "Sharon" and last name "Reilly" clearly distinguishable.

Sharon Reilly
Senior Attorney

SR/yc-s

cc: Mr. George Gascón, San Francisco County District Attorney
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor



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September 5, 2013

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

Subject: SB 513 (Hancock) – Request for Signature

Dear Governor Brown:

The Judicial Council supports SB 513, which provides that two years after a person has successfully completed a qualifying prefilng diversion program, he or she may petition the court for an order sealing the arrest records and related court files and records. In view of the fiscal condition continuing to face the courts, it is very difficult for courts to absorb new workload even when the council supports a program. Thus, the Judicial Council requests that the bill be amended to authorize courts to charge a modest filing fee for the petitions, with the understanding that this request is coming late in the legislative process.

The Judicial Council believes that the ability of an individual who is participating in a prefilng diversion program to have his or her records sealed provides a powerful incentive for those individuals to successfully complete the program to avoid the consequences of a criminal conviction or charge, including legal and practical barriers to employment. Also, SB 513 would bring prefilng diversion programs in line with existing law relating to drug diversion programs and deferred entry of judgment programs.

Hon. Edmund G. Brown, Jr.

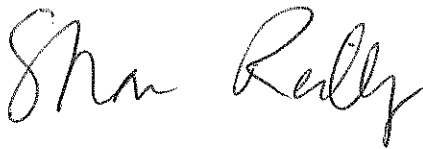
September 5, 2013

Page 2

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For these reasons, the Judicial Council requests your signature on SB 513.

Sincerely,

A handwritten signature in cursive script, reading "Sharon Reilly".

Sharon Reilly
Senior Attorney

SR/yc-s

cc: Mr. George Gascón, San Francisco County District Attorney

Hon. Loni Hancock, Member of the Senate

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