

Date of Hearing: June 2, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 1950 (Kamlager) – As Amended May 21, 2020

Policy Committee: Public Safety

Vote: 5 - 3

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill provides a court may not impose a term of probation longer than two years for a felony conviction and one year for a misdemeanor conviction.

FISCAL EFFECT:

Cost savings (GF/local funds), possibly in the hundreds of thousands of dollars to low millions of dollars annually, to counties in reduced incarceration rates. There are approximately 500,000 people currently on either misdemeanor or felony probation. The average length of probation for a misdemeanor is three years. If a person violates a grant of probation, they may face a violation of probation (VOP) – even where the violation does not constitute a new crime – and may be sentenced to a term of incarceration in the county jail. Reducing the amount of time people spend on probation will likely reduce the number of people returned to county jail on a VOP. The average cost per year to house a person in a county jail is approximately \$32,000. If the limits on the lengths of probationary terms proposed by this bill reduces the number of misdemeanor and felony VOPs by even 100 cases statewide with an average term of incarceration for each VOP of six months, the cost savings to the counties is approximately \$1.6 million dollars.

Although counties are not reimbursed for increased incarceration costs pursuant to Proposition 30 (2012), counties have received hundreds of millions of dollars since the enactment of the 2011 Realignment Act to incarcerate inmates in the county jails. If this bill reduces the number of county jail commitments, it may alleviate cost pressures on the GF to allocate additional resources to counties to build more jail space.

COMMENTS:

1) **Purpose.** According to the author:

AB 1950 would restrict the period of adult probation for a misdemeanor to no longer than one year, and no longer than two years for a felony. In doing so, AB 1950 allows for the reinvestment of funding into supportive services for people on misdemeanor and felony probation rather than keeping this population on supervision for extended periods

2) **Probation.** According to a report prepared by the Public Policy Institute of California in 2014, probation is the least costly form of supervision. However, defendants who remain on probation for extended periods of time are less likely to be successful because even minor or technical violations of the law may result in a violation of probation resulting in more fines

and longer terms of probation. Misdemeanors are usually subject to three years of summary or informal probation and felony convictions result in a five-year grant of probation.

- 3) **Proposed 2020-21 Budget.** The Governor's proposed January 2020-21 budget included reducing probation to two years while adding greater programming and services for people on summary probation in order to reduce recidivism. However, this proposal was removed from the May revise.

- 4) **Arguments in Support.** According to the California Public Defenders Association:

Current law allows judges to impose a term of probation for up to three years on most misdemeanors, and for a period that exceeds three years for designated misdemeanors. Shortening the probation period will ... decrease the amount of time that an individual must suffer for a prior misdeed, which has the added benefit of incentivizing compliance.

- 5) **Arguments in Opposition.** According to the California District Attorneys Association:

A major part of rehabilitation is making amends through the payment of restitution, which is a constitutional right. In cases where a probationer owes thousands of dollars in restitution, in some cases millions of dollars, it is vital that probation be long enough in order to increase the likelihood that a crime victim is paid in full.

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