

Date of Hearing: April 26, 2022

ASSEMBLY COMMITTEE ON HEALTH  
Jim Wood, Chair  
AB 2220 (Muratsuchi) – As Amended April 18, 2022

**SUBJECT:** Homeless Courts Pilot Program.

**SUMMARY:** Establishes, until January 1, 2027, the Homeless Courts Pilot Program administered by the Judicial Council. Specifically, **this bill**:

- 1) Establishes, until January 1, 2027, the Homeless Courts Pilot Program administered by the Judicial Council as a grant pilot program for eligible applicants to provide comprehensive community-based services to achieve stabilization for, and address the specific legal needs of, chronically homeless individuals involved with the criminal justice system.
- 2) Requires the Judicial Council to award grants on a competitive basis to applicants that will provide support and services to defendants charged with infractions, misdemeanors, or felonies who are experiencing homelessness. Requires the Judicial Council to develop guidelines to administer the grant program and award grants to programs that will provide, at a minimum, all of the following program components:
  - a) A diversion program enabling participating defendants to have their infraction, misdemeanor, or felony charges dismissed upon completion of the program;
  - b) Provision of a public defender for the entire program;
  - c) Regular court appearances enabling participating defendants to work with and have access to all service providers in one location. Requires the program and services to be in a location that is readily accessible to participating defendants;
  - d) The provision of supportive housing, as defined in existing law, to the participating defendant during the entire program;
  - e) A county representative to assist a defendant with long-term housing goals and processes, identifying long-term mental health and substance abuse concerns, and answer any questions and facilitate any necessary conversations between a housing agency and the defendant to enable the defendant to be successfully housed after participation in the program;
  - f) Mental health services, including mental health evaluations by county behavioral health departments and referrals to full service partnership programs, as needed;
  - g) Substance abuse and alcohol detoxification and treatment, as needed; and,
  - h) Criminal record clearing services through partnerships with a public defender's office, legal aid, or other city or county services for criminal history record clearing and infraction citation clearing.
- 3) Requires the Judicial Council, in awarding the grants, to give preference to programs that will provide the following services:
  - a) A minimum of weekly follow-up with mental health and substance abuse counseling services in between court dates;
  - b) Job training or placement services;
  - c) Court conditional releases from custody into residential narcotic and drug abuse programs, as defined in existing law; and,

- d) Participation of a licensed medical practitioner to prescribe and administer medication for program participants related to substance abuse recovery or mental health treatment, if agreed to by the defendant.
- 4) Specifies requirements for grant applications. Requires the application to include a plan for the creation of a new homeless court or expansion of an existing homeless court program, clearly detail the initiative for which funding is sought, the associated staffing activities, programs, and services to be delivered, and how the grant program will cover those costs. Requires that any funding awarded to an applicant must be used in accordance with the approved plan.
- 5) Requires the Judicial Council to establish performance-based outcome measures appropriate for each participating homeless court that, at a minimum, must include information relating to demographics of participants, services provided, services ordered but not provided, housing placements of all participants, permanent housing success, continued treatment beyond the diversion program, services available beyond the diversion program, successful substance use disorder treatment rates, detentions and other Lanterman-Petris-Short Act involvement during and following the diversion program, additional criminal justice involvement during and following the diversion program, deaths during and following the diversion program, and a subjective survey of the individuals served. Requires participating courts to provide the required data, including individual offender level data, on a quarterly basis to the Judicial Council.
- 6) Requires the Judicial Council, on or before July 1, 2026, to compile the data reported in 5) above and prepare a full evaluation of each of the programs funded pursuant to the grant program and the success and challenges of those programs in addressing the needs of chronically homeless individuals, along with recommendations for improving the programs.
- 7) Appropriates an unspecified amount from the General Fund to the Judicial Council for the purpose of administering the Homeless Courts Pilot Program.

**EXISTING LAW:**

- 1) Establishes a court diversion program for the following:
  - a) Those charged with certain drug offenses;
  - b) Those with mental disorders, as defined;
  - c) Those with cognitive disabilities, as defined; and,
  - d) Those who were, or are currently, members of the United States Military.
- 2) Authorizes, under Laura's Law a court to order a person age 18 or older into Assisted Outpatient Treatment if the court finds by clear and convincing evidence that the person is suffering from a Serious Mental Illness and is unlikely to survive safely in the community without supervision.

**FISCAL EFFECT:** Unknown. This bill has not been analyzed by a fiscal committee.

**COMMENTS:**

- 1) **PURPOSE OF THIS BILL.** According to the author, this bill looks to build on the success of such programs as those seen in San Diego and Redondo Beach, by building out a model

that provides a tried rubric for success, while also providing participating counties the flexibility to tailor their homeless court program to their specific region and community's needs. For participants under this pilot program, a Homeless Court hearing provides wrap around services such as access to housing, employment, public assistance, and treatment programs. The author concludes that this program will provide participants the opportunity to make amends for past transgressions and move forward to reentry into society and healing, that ultimately leads to a stable roof over their heads and the resources they need to regain full agency and become better integrated into their communities.

## 2) BACKGROUND.

- a) **The growing problem of homelessness in California.** The most recent data reported in the California Senate Housing Committee fact sheet, "Homelessness in California"(updated May 2021), on homelessness makes clear that California has a massive problem that, despite significant spending and efforts to reduce, continues to grow. The most recent single-night count from January 2020 (a count was made in 2022, but data has not yet been released) found that California had 28% of the nation's homeless population – over 160,000 – of which 70.4% were unsheltered, both of which are the highest rates in the nation. More than half of the unsheltered in the United States are in California. More veterans are homeless in California than anywhere else in the United States, representing 31% of the nation's total. Likewise, California is home to 15% of the nation's homeless children. By comparison, California has just 11.9% of the nation's population, according to the most recent census data. In addition, California experienced the largest increase in homelessness in the nation from 2018 to 2019 (6.8% increase) and the second largest from 2007 to 2020 (45.8% increase).
- b) **Homeless population comorbidities.** A *Los Angeles Times* review of the point-in-time homelessness count for Los Angeles County in October of 2019 entitled, "Are many homeless people in L.A. mentally ill? New findings back public perception" found that 76% of individuals living outside on the streets reported being, or were observed to be, affected by mental illness, substance abuse, poor health or a physical disability. (Those included 51% who either reported or were observed to be affected by mental illness, 46% by substance abuse, and 67% by either.) While not all aligned perfectly, the data available on unhoused individuals in Los Angeles and throughout California make clear that many are suffering from multiple comorbidities. A study from the University of California's, California Policy Lab, linking Los Angeles County Department of Mental Health records to its Street Outreach data found that 20% of Street Outreach clients had been diagnosed with a serious mental illness within the previous 12 months. That study also found that homeless clients of the Street Outreach program waited, on average, 101 days for interim housing, 112 days for rapid re-housing, and 188 days for permanent housing.

According to the 2019 Legislative Analyst's Office, "California's Homelessness Challenges in Context," that cited the U.S. Department of Housing and Urban Development 2019 point-in-time homelessness count, 23 % of California's homelessness population is severely mentally ill and 17 % has a chronic substance abuse disorder.

- c) **Judicial Council report on homelessness.** In 2020, California Supreme Court Chief Justice Tani Cantil-Sakauye, established a Workgroup on Homelessness to "evaluate how

court programs, processes, technology, and communications might be improved to better serve people who are without housing or are housing insecure.” In addition, the Workgroup was to “consider how the judicial branch might appropriately work with the executive and legislative branches to reduce homelessness.” The Workgroup found:

- i) Lack of affordable housing is a major cause of homelessness: experts estimate that California is at least 3 million housing units short of current need. Eviction, foreclosure, conviction, incarceration, civil commitment, debt, increased medical or mental health deterioration or trauma, and loss of a driver’s license or transportation are some of the circumstances of homelessness that may flow from the underlying causes. Being without housing can expose a person to legal consequences—such as punishment for loitering, indecent exposure, trespassing, or a failure to appear in court—creating a cycle that is difficult to escape; and,
- ii) Systemic inequality and discriminatory housing practices also significantly contribute to homelessness. Studies show that homelessness disproportionately affects those who have already been marginalized or are highly vulnerable, such as people of color, members of the LGBTQIA+ community, youth, foster youth, the elderly, military veterans, and people who have been incarcerated or convicted. Moreover, although it is illegal to discriminate in housing sales, rentals, and lending, equal opportunity does not exist for all. Information gathered by the Workgroup indicates that explicit and implicit biases and systemic disparities continue to exist and affect housing access and retention.

The Workgroup also found, that homelessness is itself a barrier that impedes access to justice. To tackle the immense problems of homelessness in California, the Workgroup made a number of recommendations to improve unlawful detainer proceedings to reduce homelessness and promote housing stability; reduce barriers to housing, and help identify housing resources; utilize technology and improve court procedures, communications, and information to increase access to justice for court users regardless of their housing circumstances; and strengthen education, outreach, and civic engagement on issues pertaining to homelessness. Of particular relevance to this bill, the Workgroup recommended establishing a “homeless court program in more counties to reduce barriers to housing stability by clearing fines, fees, warrants, and outstanding cases after treatment and rehabilitation” and “benefiting from economies of scale by increasing the funding and caseload capacity for existing collaborative courts, ensuring that the largest number of cases possible are processed through collaborative courts, and implementing new collaborative court programs in appropriate jurisdictions.”

- d) **Homeless and collaborative court in California today.** According to the Work Group referenced above, California has over 450 collaborative courts and homeless courts that “provide rehabilitation services and housing to individuals in need.” Collaborative courts generally use a team-based approach to address the underlying issues that led an individual to become involved with the criminal justice system. Teams can include judges, attorneys, probation officers, social workers, service providers, and others. In addition to homeless courts, collaborative courts include such courts as drug courts, reentry courts, mental health courts, and veteran’s treatment courts.

The first homeless court was created in San Diego in 1989 to specifically address issues facing homeless veterans. Homeless courts generally work with low-level offenders and

offer community-based treatment and rehabilitation services rather than jail time to resolve citations and misdemeanors often the result of poverty and homelessness. Homeless courts use “an action-first model that requires participants to achieve individualized treatment, rehabilitation, or other goals before appearing in homeless court. Homeless courts are often convened once a month, and participants resolve their legal issues or cases in a single court appearance.”

**e) Governor’s Community Assistance, Recovery and Empowerment (CARE) Court Proposal.** In March of 2022, Governor Newsom introduced a new plan to get Californians in crisis off the streets and into housing, treatment, and care. CARE Court is a new framework to provide people with mental health and substance use disorders (SUDs) the support and care they need. It is aimed at helping the thousands of Californians who are suffering from untreated mental health and SUDs leading to homelessness, incarceration or worse. CARE Court will connect a person struggling with untreated mental illness – and often also substance use challenges with a court-ordered Care Plan for up to 24 months. Each plan will be managed by a care team in the community and can include clinically prescribed, individualized interventions with several supportive services, medication, and a housing plan. In addition to their full clinical team, this client-entered approach also includes a public defender and supporter to help the individual make self-directed care decisions. The CARE Court proposal is proceeding through the Legislative process in both the Assembly and the Senate.

**3) SUPPORT.** The City of Redondo Beach in a support position states that this bill would allow local jurisdictions to apply for grant funds to create or expand a homeless court program to provide comprehensive community-based services to criminal defendants experiencing homelessness. Many defendants experiencing homelessness are suffering from mental health illnesses and/or substance abuse addiction and are unable to seek or accept services. This bill would bring treatment services to the defendants in an informal court setting, making it easier for them to accept the services and become stabilized to obtain permanent housing.

**4) DOUBLE REFERRAL.** This bill has been double referred. It passed the Assembly Judiciary Committee with a vote of 7-0 on April 19, 2022.

**5) RELATED LEGISLATION.**

**a)** AB 2830 (Bloom) establishes the CARE Court Program to connect a person struggling with untreated mental illness and SUDs with a court-ordered CARE plan; authorizes a court to order an adult person who is suffering from schizophrenia spectrum or other psychotic disorder and may also involve a SUD and who lacks medical decision-making capacity to obtain treatment and services under a CARE plan that is managed by a CARE team, as specified, and, requires each county to participate in providing services under the program. AB 2830 is pending hearing in the Assembly Judiciary Committee.

**b)** SB 1338 (Umberg and Eggman), substantially similar to AB 2830, establishes the CARE Court Program to connect a person struggling with untreated mental illness and SUDs with a court-ordered CARE plan; authorizes a court to order an adult person who is suffering from schizophrenia spectrum or other psychotic disorder and may also involve a SUD and who lacks medical decision-making capacity to obtain treatment and services under a CARE plan that is managed by a CARE team, as specified; and, requires each

county to participate in providing services under the program. SB 1338 is pending hearing in the Senate Judiciary Committee.

- c) SB 1427 (Ochoa Bogh) establishes the Homeless and Mental Health Court Grant Program administered by the Board of State and Community Corrections that would, subject to an appropriation by the Legislature, provide grants to counties for the purpose of establishing or expanding homeless courts and mental health courts. SB 1427 is pending hearing in the Senate Appropriations Committee.

## **6) PREVIOUS LEGISLATION.**

- a) HR 13 (Williams) of 2013 would have resolved to encourage county governments to find ways to make homeless courts more accessible, such as allowing people to bring multiple cases to court per year instead of limiting them to one, and allowing fines to be recalled from collection by the county or collections agencies. HR 13 was set for hearing in the Assembly Judiciary Committee, but was postponed and never heard.
- b) AB 2899 (Migden) of 2002, would have created a "Homeless Court Pilot Project" in no more than four counties, to be administered by the Judicial Council. AB 2899 was vetoed by Governor Gray Davis. The veto message read in part:

“Actions or cases related to homeless people are already within the responsibility of the established court system. It is not clear that further delineation of areas of responsibility within the court is necessary, and such delineation could result in inefficiencies and duplication of efforts.

In addition, establishing the program proposed by this bill would result in General Fund costs of more than \$1 million over 3 years and a reimbursable State-mandated local program. Given the State's \$24 billion deficit, I cannot reasonably justify the use of General Fund resources at this time. It is my hope that the State's Trial Courts attempt to fund a pilot project using existing resources.”

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

City of Redondo Beach City Attorney's Office

### **Opposition**

None on file.

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