

Date of Hearing: May 11, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 2220 (Muratsuchi) – As Amended April 18, 2022

Policy Committee:	Judiciary	Vote:	7 - 0
	Health		12 - 1

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill establishes, until January 1, 2027, the Homeless Court Pilot Program administered by the Judicial Council as a grant pilot program (homeless court grant 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. Specifically, this bill:

- 1) Appropriates the sum of \$_____ from the General Fund (GF) to the Judicial Council for the purpose of administering the Homeless Courts Pilot Program.
- 2) Requires the Judicial Council to develop guidelines to administer the homeless court grant program and award grants to courts that will provide the following:
 - 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. The program and services shall be in a location that is readily accessible to participating defendants.
 - d) The provision of supportive housing, as defined, 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.

- 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 to establish performance-based outcome measures, and, no later than July 1, 2026, requires the Judicial Council to issue a report including a full evaluation of each homeless court program funded by the grant program and recommendations for improvement of the homeless court grant program.

FISCAL EFFECT:

- 1) This bill appropriates an unspecified amount of GF money to fund the homeless court grant program. Costs to fund this grant program will likely be in the millions of dollars in order to ensure county superior courts are able to provide the level of service contemplated by this bill. Judicial Council estimates it would need approximately \$5 million to provide the services specified in this bill. Judicial Council notes, however, additional costs may be necessary to implement the program. Costs may also include additional judgeships and court staff to set up a homeless court in a county that does not already have a homeless court.
- 2) Possibly reimbursable costs (local funds and GF) in the millions of dollars to county behavioral health departments, district attorney offices, public defender offices and local housing agencies to coordinate with the county and Judicial Council to provide the level of service this bill contemplates. This bill requires any grant recipient to provide a diversion program for homeless people facing criminal charges resulting in possible reimbursable costs to district attorney and public defender offices, ongoing mental health assistance possibly resulting in costs to county behavioral health departments and housing resulting in possibly reimbursable costs to county housing authorities. Any costs incurred beyond any grant amount provided to the county may constitute a state-mandated local program. GF costs, beyond what is provided as part of the homeless court grant program, will depend on whether the duties imposed by this bill are considered a state reimbursable mandate by the Commission on State Mandates.

COMMENTS:

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

For the community, AB 2220 engages people in a gainful process, removing homeless people from doorways, parks, and gathering places. These people can then rebuild their lives by addressing the legal issues that often create barriers to accessing housing, employment, public assistance, and treatment programs.

- 2) **State Auditor and Judicial Council Reports.** The California State Auditor reviewed California's approach to addressing homelessness and determined that its disjointed approach has likely, in part, led to California's largest in the nation homeless population. Instead of a single state entity responsible for overseeing California's efforts to address homelessness, "at least nine state agencies administer and oversee 41 different programs."

The State Auditor found that the Homeless Coordinating and Financing Council created in 2017 to, among other things, coordinate funding, establish partnerships to develop strategies

to end homelessness, and create a statewide data system, has not lived up to its promise of coordinating the state's response to homelessness, and major gaps in services remain.

In 2020, Chief Justice Tani Cantil-Sakauye established a Work Group on Homelessness to evaluate how court programs might be improved to better the homeless. The Work Group 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.

- 3) **Related Legislation.** AB 2434 (Santiago) authorizes the Homelessness Action Authority to, among other things, exercise land use authority over the property it owns, oversee the administration of social service programs administered by the County of Los Angeles, issue bonds, acquire land through eminent domain and fund the planning and construction of housing for the homeless population. AB 2434 was referred to, but not heard in the Committee on Local Government.

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