

CONCURRENCE IN SENATE AMENDMENTS

AB 557 (Muratsuchi)

As Amended June 21, 2022

Majority vote

SUMMARY

Original Committee of Reference: PUB. S.

Creates the Hate Crime Vertical Prosecution Grant Pilot Program, subject to an appropriation by the Legislature, to help prosecuting agencies create, support, or expand vertical prosecution units for hate crime cases.

Senate Amendments

Current Committee Recommendation: Concur

Delete the Assembly version of this bill and instead:

- 1) Create the Hate Crime Vertical Prosecution Grant Pilot Program to be administered by the Department of Justice (DOJ) which will award grants to prosecutorial agencies for the purpose of creating, supporting, or expanding vertical prosecution units for the prosecution of hate crimes.
- 2) Provide that the one-time grants will be made on a competitive basis and that the DOJ will determine the amount of the grants.
- 3) Specify the duties of DOJ in administering the grant program.
- 4) Require each grant recipient to submit a report, as specified, to DOJ by July 1, 2028, and the DOJ to submit a report to the Legislature by January 1, 2029.
- 5) Define "prosecuting agency" as a district attorney, city attorney, or other government entity responsible for the prosecution of crimes within a local jurisdiction.
- 6) Define "vertical prosecution" as having the same individual prosecutor assigned to a case from the time charges are reviewed through sentencing.
- 7) Sunset the grant program on July 1, 2029.

COMMENTS

Vertical Prosecution: "Vertical Prosecution" refers to a method in which a prosecutor is assigned to the case from the initial point of referral to the completion of the prosecution. Many argue this method of prosecution results in continuity and improved prosecution success, as well as benefits for crime victims, such as allowing prosecutors to build a rapport with victims by remaining with the case from intake to sentencing, which ensures that victims do not have to tell their story repeatedly to prosecutors at various stages of the case.

Attorney General Recommendations: The *California Attorney General's Guidance to Prosecutors on Hate Crimes* recommends establishing a specialized hate crimes unit in district attorney offices. The report notes, "To promote the accurate and consistent identification of hate

crimes, it is recommended that, where possible, local prosecutorial agencies have a designated unit or deputy to review and/or prosecute all hate crimes. Having a designated unit or deputy assists affected communities because it conveys the importance of addressing hate crimes in the community. It also facilitates the reporting and investigation of hate crimes because there is a more easily identifiable point of contact who, optimally, is known to both local law enforcement and the community at large through engagement described below." ([Guidance to Prosecutors on Hate Crimes - Attorney General's Office - California Department of Justice](#), p. 3.)

According to the Author

"Over the last two years, there has been a dramatic spike in verbal and physical assaults against Asian Americans. According to the latest report from Stop AAPI Hate, over 10,000 anti-Asian hate incidents have occurred nationwide between March 2020 and December 2021 with over 4,000 of those occurring in California. The California Attorney General's Office recommends prosecuting hate crimes vertically – meaning a single prosecutor handles a case from start to finish – to both promote accurate and consistent prosecution and provide continuity for the victim. This bill establishes a pilot grant program for District Attorney offices to create or expand vertical prosecution units for hate crimes. In addition to assigning a single prosecutor to each hate crime case, these units will also connect victims with victim advocates."

Arguments in Support

According to the *Los Angeles County District Attorney's Office*, "The Attorney General's latest report on hate crimes in California recommends that hate crime be prosecuted vertically. Vertical prosecution means a single prosecutor handles a case from start to finish – to both promote accurate and consistent prosecution and provide continuity for the victim."

"AB 557 will help implement this recommendation by establishing a pilot grant program for District Attorney offices to create or expand vertical prosecution units for hate crimes. In addition to assigning a single prosecutor to each hate crime case, these units will also connect victims with victim advocates."

"Vertical prosecution of cases involving vulnerable victims has numerous benefits, each with the potential to improve public safety. With vertical prosecution, victims are able to work with the same prosecutor and investigator from the time potential charges are first reviewed through the sentencing of the offender. Vertical prosecution has shown to improve conviction rates, reduce victim trauma, and provide more consistent, appropriate sentencing. It is therefore considered best practice."

Arguments in Opposition

None submitted

FISCAL COMMENTS

According to the Senate Appropriations Committee, the DOJ reports costs of approximately \$1 million annually until 2028-29 to establish the Hate Crime Vertical Prosecution Pilot Grant Program (HCVP), for the purpose of creating, supporting, or expanding vertical prosecution units for the prosecutions of hate crimes (General Fund). Staff notes unknown cost pressures, potentially in the millions to tens of millions to the General Fund in 2023-24 and ongoing through 2028-29.

VOTES**ASM PUBLIC SAFETY: 8-0-0**

YES: Jones-Sawyer, Lackey, Bauer-Kahan, Quirk, Santiago, Seyarto, Wicks, Lee

ASM APPROPRIATIONS: 16-0-0

YES: Lorena Gonzalez, Bigelow, Calderon, Carrillo, Chau, Megan Dahle, Davies, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Holden, Luz Rivas

ASSEMBLY FLOOR: 79-0-0

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

SENATE FLOOR: 40-0-0

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

ASM PUBLIC SAFETY: 7-0-0

YES: Jones-Sawyer, Lackey, Mia Bonta, Bryan, Quirk, Santiago, Seyarto

UPDATED

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