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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair  
2021 - 2022 Regular Session

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### SB 775 (Becker) - Felony murder: resentencing

**Version:** February 19, 2021

**Policy Vote:** PUB. S. 4 - 1

**Urgency:** No

**Mandate:** No

**Hearing Date:** May 20, 2021

**Consultant:** Shaun Naidu

**Bill Summary:** SB 775 would allow a person who was convicted of attempted murder under the natural and probable consequences doctrine or who was convicted of manslaughter, as specified, to petition the court to vacate their sentence and to be resentenced, as specified. It also would require the court to hold prima facie hearings before denying a petition.

\*\*\*\*\* **ANALYSIS ADDENDUM – SUSPENSE FILE** \*\*\*\*\*

The following information is revised to reflect amendments  
adopted by the committee on May 20, 2021

#### **Fiscal Impact:**

- Courts: Unknown, potentially-major one-time costs in the low millions of dollars to the courts to hold prima facie hearings and adjudicate new resentencing petitions. The courts are likely to receive an influx of petitions during the initial years after enactment of this bill, then new filings likely would taper off. While the superior courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to increase the amount appropriated to backfill for trial court operations. For illustrative purposes, the Governor's proposed 2021-2022 budget would appropriate \$118.3 million from the General Fund to backfill continued reduction in fine and fee revenue for trial court operations. (General Fund\*)
- Department of Justice (DOJ): The department reports the following costs associated with this measure: \$210,000 (and 2.0 PYs) in FY 2021-2022, \$3.443 million (and 15.0 PYs) in FY 2022-2023, and \$3.335 million (and 15.0 PYs) in FYs 2023-2024 through 2025-2026. (General Fund)
- Transportation & supervision: Unknown, potentially-significant workload costs in the thousands of dollars to the Department of Corrections and Rehabilitation (CDCR) to supervise and transport individuals in state custody to attend hearings to vacate first-degree murder convictions and for resentencing. Actual costs would depend on the number of incarcerated persons who file a petition pursuant to this measure and make a prima facie showing that they are entitled to relief and for whom remote/video appearances at the proceedings are not exercised. (General Fund)
- Incarceration savings: Unknown, potentially-major savings annually in reduced state incarceration costs for individuals whom the courts resentence to a shorter term of imprisonment and/or release from state facilities and for those who, absent this measure, would be convicted to first-degree murder prospectively. The proposed FY 2020-2021 per capita cost to detain a person in a state prison is \$112,691

annually, with an annual marginal rate per person of over \$13,000. Actual savings would depend on the number of individuals who are resentenced and who avoid incarceration in state prison because of this measure. Aside from marginal cost savings per individual, however, the department would experience an institutional cost savings only if the number of persons incarcerated decreased to a level that would effectuate the closing of a prison yard or wing. (General Fund)

\*Trial Court Trust Fund

**Author Amendments:** Expand relief to murder convictions where malice is imputed solely based on a person's participation in a crime; require the court to provide a statement fully setting forth its reasons for declining to make an order to show cause if it does so; require the provisions of the Evidence Code to apply to the hearing; allow a person whose conviction for a relevant homicide is not final to challenge the validity of the conviction on direct appeal; make specified procedural changes to the hearing.

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