

Date of Hearing: April 19, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 67 (Muratsuchi) – As Amended March 13, 2023

Policy Committee:	Public Safety	Vote:	8 - 0
	Judiciary		9 - 0

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

SUMMARY:

This bill creates a pilot program administered by the Judicial Council to provide grants to cities and counties to establish or expand existing diversion programs that provide services to people experiencing homelessness who have been charged with infractions, misdemeanors, and qualifying felonies.

Specifically, this bill:

- 1) Requires the Judicial Council to establish and administer a Homeless Courts Pilot Program as a pilot grant program for eligible cities and counties to provide comprehensive community-based services to homeless individuals charged with specified types of crimes.
- 2) Requires the Judicial Council to award grants to programs that will provide, at a minimum, all of the following program components:
 - a) A misdemeanor and infraction diversion program that will require dismissal of charges upon completion,
 - b) Representation by a public defender,
 - c) A location where the defendant can access all service providers,
 - d) Supportive housing during the course of the program,
 - e) A representative to assist the defendant with developing a temporary and permanent long-term housing plan, identifying long-term treatment concerns, and answering any questions and facilitating any necessary conversations between a housing agency and the defendant to enable the defendant to obtain temporary, time-limited, or permanent housing while participating in the program,
 - f) Provision of mental health evaluation and services,
 - g) Substance use disorder and withdrawal treatment,
 - h) Criminal record clearing services.

- 3) Specifies that a person is not eligible to participate in a diversion program funded by the Homeless Court Pilot Program if the person is charged with a violent felony, a serious felony, or an offense that requires registration as a sex offender upon conviction.
- 4) Requires the Judicial Council to establish performance-based outcome measures for each court, and to compile all data and prepare a report to the Legislature outlining the outcomes of the program by July 1, 2027.
- 5) Sunsets the pilot program on January 1, 2029.

FISCAL EFFECT:

The general fund cost of this pilot grant program will likely be in the millions of dollars. The Judicial Council estimates that it would need approximately \$5 million to create and administer the pilot program and submit its one-time report to the Legislature, assuming that it would provide funds to approximately 10 grantees through multi-year grants during the pilot program. However, grant recipients may need additional funding to provide the level of services prescribed by this bill. In particular, it would be more costly for a grant recipient to establish a new homeless court than for an existing court to expand their services using grant funds.

COMMENTS:

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

AB 67 builds upon the success of homeless courts as seen in San Diego and Redondo Beach by creating a statewide homeless court grant program. ... For participants, homeless courts provide access to wraparound services such as housing, employment, public assistance, and treatment programs to better integrate individuals into their communities. For the community, homeless courts engage individuals in a gainful process, removing homeless people from doorways, parks, and gathering places. These individuals can then rebuild their lives by addressing the legal issues that often create barriers to accessing housing, employment, public assistance, and treatment programs.

- 2) **Existing Courts Serving People Experiencing Homelessness.** According to a 2021 report by the Judicial Council, California has over 450 collaborative courts, including homeless courts that “provide rehabilitation services and housing to individuals in need.” (Judicial Council, *Report to the Chief Justice: Work Group on Homelessness* (2021) at p. 19.) There are currently homeless court programs in 19 counties in California. Collaborative courts and homeless court programs generally use a community-based, holistic approach to address the underlying causes of homelessness and poverty that lead individuals into the criminal justice system.

In 2022, the Legislature passed the Community Assistance, Recovery, and Empowerment (CARE) Act, which provides mental health and substance use disorder services to qualifying individuals in an attempt to avoid future incarceration or conservatorship. (See SB 1338 (Umberg), Chapter 319, Statutes of 2022). However, the CARE Act provides treatment only for people with certain severe mental health needs, so it is not available to all individuals experiencing homelessness. In contrast, the pilot program described in this bill would attempt to make a wide array of services (including housing, treatment, and legal

representation) available to anyone experiencing homelessness who is charged with a qualifying infraction, misdemeanor, or felony.

- 3) **Related Legislation.** SB 63 (Ochoa Bogh) would establish the Homeless and Mental Health Court Grant Program to disburse grants to such courts. SB 63 is currently pending hearing in the Senate Committee on Appropriations.
- 4) **Prior Legislation.** AB 2220 (Muratsuchi), of the 2021-2022 Legislative Session, sought to establish a similar Homeless Court Pilot Program administered by the Judicial Council. That bill was held on this committee's suspense file.

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