
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2023 - 2024 Regular Session

AB 67 (Muratsuchi) - Homeless Courts Pilot Program

Version: March 13, 2023

Urgency: No

Hearing Date: August 28, 2023

Policy Vote: PUB. S. 4 - 0

Mandate: No

Consultant: Matthew Fleming

Bill Summary: AB 67 would, upon appropriation, establish the Homeless Courts Pilot Program, to be administered by the Judicial Council as a grant program for the purpose of providing comprehensive community-based services for homeless individuals who are involved with the criminal justice system.

Fiscal Impact: Unknown cost pressures of approximately \$5 million in order to fund grants to county courts and for the Judicial Council to administer the program (General Fund). See Staff Comments for additional detail.

Background: Various reports, and data from the Federal Government, indicate that half of all Americans living outside on the streets reside in California.

There are currently homeless court programs in 19 counties in the state. The first homeless court was established in San Diego County in 1989 as an outgrowth of a veterans program because the majority of the county's homeless population were veterans. Generally, homeless courts are held at a homeless community service center and involve a one-time court appearance during which participants can address infractions or very low-level misdemeanors.

Proposed Law:

- Establishes the Homeless Courts Pilot Program to be administered by 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, homeless individuals involved with the criminal justice system.
- Requires the Judicial Council to award grants on a competitive basis to applicants that will provide support and services to defendants charged with infractions or misdemeanors who are experiencing homelessness. Applicants may also, with the consent of the prosecuting agency, provide support and services to defendants charged with felonies not included in paragraph (2) who are experiencing homelessness.
- Provides that a defendant may participate in a program authorized under the provisions of this bill at any stage in criminal proceedings, including by entering into a pre-plea diversion agreement with the consent of the prosecuting agency, or with the consent of the court, as otherwise authorized by existing law.
- Excludes defendants charged with a violent felony, as defined, a serious felony, as defined, or an offense for which sex offender registration is required.

- Provides that eligible applicants shall include cities, with the approval of the county and local superior court, and counties, with the approval of the local superior court.
- Requires the Judicial Council to develop guidelines to administer the grant program and award grants to programs that will provide services as specified.
- Requires the Judicial Council, in collaboration with subject matter experts, to establish performance-based outcome measures appropriate for each participating homeless court that meet specified criteria.
- Requires participating courts to provide data, including individual offender level data, on a quarterly basis to the Judicial Council.
- Requires, on or before July 1, 2027, the Judicial Council to compile the data and submit a report to the Legislature.
- Sunsets these provisions on January 1, 2029.

Related Legislation:

- SB 63 (Ochoa Bogh, 2023), would have established the Homeless and Mental Health Court Grant Program to disburse grants to such courts. SB 63 was held on this Committee's suspense file.
- SB 1427 (Ochoa Bogh, 2022) was substantially similar to SB 63. SB 1427 was held on the Assembly Appropriations suspense file.
- a) AB 2220 (Muratsuchi, 2022) would have established the Homeless Courts Pilot Program to be administered by the Judicial Council. AB 2220 was held on the Assembly Appropriations Committee suspense file.
- SB 1006 (Jones, 2021) would create a grant program within the Department of Justice that enables local law enforcement agencies to establish and operate homeless outreach teams. SB 1006 was held on this Committee's suspense file.

Staff Comments: According to the Judicial Council, this bill would generate cost pressures of approximately \$5 million. The estimate is based on similar collaborative court programs and assumes approximately 10 courts will participate in a multi-year pilot program. Costs would include associated staffing, housing, treatment, and other support services such as data collection and reporting, contracting with courts, tracking expenditures, and training. Any new, unfunded workload to the branch could result in delays of court services, prioritization of court cases, and may impact access to justice.

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