
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 1071 (Kalra) - Criminal procedure: discrimination

Version: June 25, 2025

Urgency: No

Hearing Date: August 29, 2025

Policy Vote: PUB. S. 4 - 1

Mandate: No

Consultant: Liah Burnley

Bill Summary: AB 1071 amends the Racial Justice Act of 2020 (RJA) to allow a defendant to file a motion for disclosure of all relevant evidence related to a potential RJA violation.

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

The following information is revised to reflect amendments
adopted by the committee on August 29, 2025

Fiscal Impact:

- Unknown, significant workload costs pressures to the judicial branch (Trial Court Trust Fund, Appellate Court Trust Fund, General Fund). It is estimated that 100,000 claims could be filed under the RJA. The Judicial Council notes that the courts are currently implementing the RJA and anticipating higher filings related to the act when it expands on January 1, 2026 under the current statute. The branch is currently considering the workload implications of the current statutory requirements under the RJA and expects needing approximately \$19 million as the only funding provided was one-time funding of \$2.9 million in the 2023-24 Budget Act specifically for the Supreme Court, the California Appellate Project, and the Habeas Corpus Resource Center. AB 1071 will further expand RJA and create additional workload, possible hearings, and costs for the courts. While exact amounts are still being determined.
- The Department of Justice (DOJ) reports a fiscal impact of approximately \$2.5 million or more (General Fund). DOJ notes that implementation of this bill will be dependent upon the appropriation of funds. The DOJ will be unable to absorb the costs to comply with or implement the requirements of the bill within existing budgeted resources. In addition, the DOJ reports that the Office of General Counsel has identified that costs are unquantifiable at this time, but are anticipated to be significant. Legal Team within DOJ's Office of General Counsel would be responsible for processing records requests as a result of the Bill. To address the increase in workload, the team will require a significant level of resources, which is currently unquantifiable, beginning FY 2025-26 through FY 2028-29. The work required for these cases is anticipated to be similar to what the Appeals, Writs and Trials Section (AWT), within the Criminal Law Division, has done for RJA state habeas cases. AWT has had 142 such cases so far, and they required an average of 80 hours of work. The appeals may become routine and require 40 hours of work each. AWT anticipates each fiscal year would entail 250 cases requiring 40

hours each = 10,000 hours. Due to the lag in cases getting to AWT on appeal or habeas, AWT anticipates that workload would begin in FY 2026-27 and continue for four years. To address the increase in workload, AWT will require the following resources, from July 1, 2026 through June 30, 2030: 6.0 *Deputy Attorneys General* (DAG) & 4.0 *Legal Secretaries* (LS).

- Unknown, potentially significant costs to the counties for indigent defense counsel (General Fund, local funds), likely in the millions of dollars annually. The California Constitution requires the state to reimburse local agencies for certain costs mandated by the state. Counties may claim reimbursement of those costs if the Commission on State Mandates determines that this bill creates a new program or imposes a higher level of service on local agencies. The Commission on State Mandates recently approved a Test Claim from the County of Los Angeles and found that the RJA imposes a reimbursable state-mandated program by requiring counties to provide counsel to represent indigent habeas corpus petitioners when appointed by the court.¹ The claimant estimated that the costs to provide counsel under the existing statute in 2024-2025 would be \$2,190,000 statewide.
- Potential cost savings (General Fund, local funds) to the extent that fewer people are incarcerated due to racial bias and discrimination. For example, Santa Clara County has resentenced around 12 individuals to time served because of successful RJA claims. Additionally, this bill may result in costs savings to the extent it allows parties to avoid retrials, which are currently required under the RJA, through granting of alternative remedies instead.

Author Amendments:

- Strike provisions recasting and revising procedures and remedies for RJA violation.
- Clarify that the court shall appoint counsel to all indigent postconviction litigants who allege a plausible RJA violation, and whenever the State Public Defender requests.
- Before a judgement is entered, require the court to impose specified remedies including granting a defendant's request for a mistrial, and any other remedy not prohibited by any other law.
- Allow a petitioner or their counsel to file a motion for relevant evidence upon the prosecution of an RJA petition or in preparation of filing a petition.
- Clarify that a prima facie showing determination on an RJA petition shall be based on the petitioner's showing and the record. The court may request an informal response from the state.

¹ Commission on State Mandates, Draft Proposed Decision, *Criminal Procedure: Discrimination*, 24-TC-02. (Sept. 26, 2025)

- Provide that, in preparation of filing a motion to vacate, a defendant may file a motion to obtain discovery, as specified.
- Make technical, clarifying and conforming changes.

-- END --