
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 1231 (Elhawary) - Criminal procedure: Safer Communities Through Opportunities Act

Version: July 1, 2025
Urgency: No
Hearing Date: August 29, 2025

Policy Vote: PUB. S. 4 - 1
Mandate: No
Consultant: Liah Burnley

Bill Summary: Authorizes a court, in its discretion, to grant pre-trial diversion for specified non-violent, non-serious felony offenses.

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

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

Fiscal Impact:

- Unknown, potential costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate the diversion hearings specified in this bill. The fiscal impact of this bill to the courts will depend on many unknowns, including the numbers of people charged with an offense that request diversion and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the 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 fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.

However, diversion is a cost savings tool that could result in potential savings to the trial courts. By removing people from traditional prosecution before entering a formal plea, diversion programs have generally resulted in cost savings to the court through reduced costs associated with jury trials, hearings and other court appearances. For example, in San Francisco, for example, a traditional court case is estimated to cost \$16,379, but the cost of behavioral health court is \$12,101 and \$9,757 for drug court, with an average savings of about \$4,000 per case. In 2023–24, over 4.8 million cases were filed statewide in the including 179,821 felony cases. If diversion is successful in only 10% of these cases, the courts could save over \$70,000,000 per year.

- Unknown, potentially significant cost savings to county jails (local funds) to the extent people successfully complete diversion rather than serve terms in county jail. The average annual cost to incarcerate one person in county jail varies by county, but likely ranges from \$70,000 to \$90,000 per year. For example, in 2021, Los Angeles County budgeted \$1.3 billion for jail spending, including \$89,580 per incarcerated person. Actual incarceration costs to counties will

depend on the number of convictions and the length of each sentence.

- Unknown, potentially significant cost savings to the California Department of Corrections and Rehabilitation (General Fund) to the extent people successfully complete diversion rather than serve terms in state prison. The Legislative Analyst's Office (LAO) estimates the average annual cost to incarcerate one person in state prison is \$133,000. The annual cost of operating a mental health crisis bed at CDCR is around \$400,000. Thus, if even if just one person does not get sentenced to state prison for one year under this bill, it will result in significant cost savings to CDCR

Committee Amendments: Strike all provisions relating to single agency and dual agency supervision.

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