



# Judicial Council of California

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August 29, 2024

Hon. Buffy Wicks  
Chair, Assembly Appropriations Committee  
1021 O Street, Suite 8140  
Sacramento, California 95814

**Subject: Senate Bill 898 (Skinner), as amended August 23, 2024—Fiscal Impact**

Dear Assembly Member Wicks:

Recent amendments to Senate Bill 898 made in the Appropriations Committee will have substantial costs and operational impacts on California's courts.

Existing law allows a court, Board of Parole Hearings, county correctional administrator, district attorney, or the Attorney General, under certain circumstances, to petition for recall and resentencing of an incarcerated defendant. (Pen. Code, § 1172.1.) Once a court recalls a defendant's sentence, the court must consider several factors to determine whether, in the interests of justice, the court should reduce the defendant's sentence or vacate their conviction and impose judgment on any lesser included or related offense, as specified. (Pen. Code, § 1172.1(a)(3)-(5).) Among other things, the court must also state on the record its reasons for grants or denials, afford the victim of the crime an opportunity to be heard, and notify the defendant of their right to an appeal. (Pen. Code, § 1172.1(a)(7)-(8), (d).) Existing law specifically provides that a defendant is *not* entitled to file a petition, and that if a defendant files such a petition, the court is not required to respond. (Pen. Code, § 1172.1(c).)

SB 898 would instead allow all defendants in state prison who have sentences of 15 years or more to petition for recall and resentencing once every three years so long as they meet specified eligibility requirements. These requirements include whether their case is final, changes in Judicial Council sentencing rules or changes in sentencing laws make the defendant eligible for a reduced sentence, and their controlling parole eligibility date is not in the past. The bill would also authorize courts to summarily deny any petitions should the defendant not succeed in making a prima facie showing of eligibility.

Hon. Buffy Wicks

August 29, 2024

Page 2

Based on data obtained from the California Department of Corrections and Rehabilitation (CDCR), we estimate that SB 898 will dramatically increase the number of petitions filed pursuant to Penal Code section 1172.1 because there are tens of thousands of inmates who potentially meet the eligibility criteria. This expansion amended into SB 898 last week would significantly increase the judicial resources and court time needed to address thousands of additional petitions. At minimum, courts would need to allocate time for determining whether a petition succeeds in its attempt of making a prima facie showing of eligibility, including determining what changes in sentencing laws affect a defendant's sentence. Furthermore, courts would have to place the matter on calendar to state their reason for denial on the record, and notify the defendant of their appellate rights.

For those defendants who are eligible, which we estimate to be the bulk of these matters as there have been numerous recent changes in sentencing law that would entitle an inmate to this recall and resentencing process under SB 898, the process would be time consuming as it typically includes holding a status conference hearing; appointing counsel; reviewing case files; reviewing disciplinary records; reviewing any evidence submitted by the defense including, but not limited to constitutional rights violations, childhood trauma, victimhood of intimate partner violence or human trafficking, or diminished risk of future violence; and ultimately holding a hearing where both parties are given time to present their arguments. All this review will require significant court time and absent provision of additional judgeships and the staff resources to support them, the impacts on the rest of the court's case processing will be substantial. Because Penal Code section 1172.1 also allows for an appeal of any denial, we anticipate significant workload impacts on our appellate courts as well.

Based on our estimates and the data from CDCR, we estimate that the fiscal impact of addressing the cases of the thousands of inmates who will be eligible currently for this relief will be between \$27.1 million up to \$75.6 million in one-time costs, spread over two years, plus unknown, additional costs likely in the millions of dollars for any appeals that may be filed. Once the initial workload has been addressed, we expect the ongoing impacts to be between \$1.3 to \$3.5 million annually as new defendants are sentenced and may become eligible for SB 898 resentencing or as future laws which impact sentencing may become effective, as well as those from the initial population who may repetition every three years.

We note that the trial courts are implementing the \$97 million baseline reduction in the current year budget in a challenging fiscal environment where courts are facing hiring freezes, furloughs, layoffs, and other reductions to service levels that directly impact access to the courts. The appellate courts are also facing similar budget reductions and constraints. It's also important to note that these impacts come on top of unfunded workload due to numerous recent changes to law entitling many other defendants to post-conviction recall and resentencing relief.

Hon. Buffy Wicks

August 29, 2024

Page 3

A substantial negative impact on access to justice will result if funding and resources are not provided for the large new workload created by SB 898 as delays and lower priority given to other case types will be required.

Our fiscal analysis of SB 898 does not represent a position in support or opposition to the bill as the policy considerations are within the purview of the Legislature. It is, however, our best estimate of the substantial fiscal and operational impacts that will likely be experienced by California's courts should SB 898 be enacted as currently drafted.

Please contact Morgan Lardizabal at 916-323-3121 if you would like further information or have any questions about the fiscal impact of SB 898 on the judicial branch.

Sincerely,



Cory T. Jaspersen  
Director  
Governmental Affairs

CTJ//MR/Imm

cc: Members, Assembly Appropriations Committee  
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