

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 06/27/2012
POSITION: Oppose
SPONSOR: Aladdin Bail Bonds

BILL NUMBER: AB 1913
AUTHOR: Skinner, Nancy

BILL SUMMARY: Postrelease community supervision: release on bail pending revocation

This bill would permit a person on postrelease community supervision (PRCS) who is in custody pending a revocation hearing to file an application for bail with the court.

FISCAL SUMMARY

At the time of this analysis, we were unable to confirm fiscal impact with the Judicial Branch, but we believe this bill would result in increased workload at the courts, which could cause a delay of civil cases and/or create a backlog among the criminal cases to be heard. In addition, this bill could result in increased workload for the courts due to bail applications and related hearings. We note that the courts do not typically receive funding on a caseload basis. Therefore, unless this caseload becomes significant and is documented, we believe it is likely to be absorbed.

COMMENTS

The Department of Finance is opposed to this bill because it would undermine the uniformity that the courts have established for probation, mandatory supervision, PRCS, and, beginning July 1, 2013, parole as it relates to revocation procedures. Further, this bill would impose additional workload on the courts that may be duplicative and unnecessary, as revocation hearings are likely to be heard fairly quickly and the courts, in considering bail, would have to look at the same factors that a probation officer would have already considered when determining whether the PRCS violator should be held in custody pending the revocation hearing.

We note that the courts are opposed to this bill, stating that this bill would set a bail procedure specific only to PRCS when the courts have already established uniform revocation procedures to avoid confusion and to relieve the burdens of having to implement separate procedures for each category of supervision. By permitting persons on PRCS to apply for bail, this measure would provide them an entitlement that is not provided to probationers and parolees.

The Chief Probation Officers of California and the California Probation, Parole and Correctional Association are opposed to this bill, indicating that revocation is usually a last resort after a probation officer has already exhausted and taken all steps with regard to treatment services and other available rehabilitative resources. As such, it would seem that the probation officer would have made an appropriate determination to have a supervised person be held in custody pending the revocation hearing.

According to the author's office, it is unclear under public safety realignment if a bail procedure is set up for persons on PRCS who violate their conditions of supervision. The author's office states that this bill would provide that clarity and a cost-effective way to ease overcrowding in county jails resulting from realignment.

Analyst/Principal (0234) J.Howard	Date	Program Budget Manager Lisa Ann Mangat	Date
Department Deputy Director		Date	
Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
BILL ANALYSIS			Form DF-43 (Rev 03/95 Buff)

Skinner, Nancy

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COMMENTS (continued)

Existing law:

- Requires that persons released from prison after serving a prison term for a felony, with exceptions, be released onto PRCS for a period not exceeding three years.
- Provides for immediate, structured, or intermediate sanctions to punish violators of their conditions of PRCS.
- Permits the revocation of a person on PRCS through a revocation hearing officer appointed by the court upon finding that the person on PRCS has violated his or her conditions of supervision.

This bill would allow a person on PRCS who is in custody awaiting a hearing on a petition to revoke his or her supervision to apply for bail with the superior court.

This bill would also provide that admittance to bail pending revocation of PRCS is a matter within the sole discretion of the court, that the bail application would be governed by existing law relating to bail proceedings, and that nothing in this measure would prohibit the court from making any order authorized by existing law governing bail proceedings.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)						Fund Code
	LA	(Dollars in Thousands)						
	CO	PROP		2012-2013	FC	2013-2014	FC	2014-2015
	RV	98	FC					
0250/Jud Branch	LA	No		-----	See Fiscal Summary	-----		0001