

Senate Bill 10

California Money Bail Reform Act of 2017

As Amended September 6, 2017

SUMMARY

SB 10 would reform California's money bail system and replace the current pretrial process that often forces people of modest means accused of minor crimes to remain in jail until a court can determine their innocence or guilt while the wealthy go free.

ISSUE

On any given day, 63 percent or roughly 46,000 Californians are awaiting trial or sentencing in a county jail, many of whom are there simply because they cannot afford to post bail. For people who can't pay, their lives are turned upside down, waiting in jail for weeks or months before their case goes to court even when the charge is minor. The result is devastating for the individuals, who can end up losing their jobs, their homes and almost anything of value, and creates great turmoil and difficulty for their families. Many people charged with minor crimes who are unable to pay bail, but believe they are innocent, decide to plead guilty simply to get out of jail, keep their jobs and return to their families.

While some individuals are considered too dangerous to release and should be held in custody for those reasons, many are not a threat to public safety and could be released, monitored and reminded when to return for court hearings. The current bail system not only disproportionately affects the poor, but it also costs counties. It currently costs counties holding inmates awaiting trial over \$100 per inmate per day, according to the Board of State and Community Corrections. The Pretrial Justice Institute reports that the cost of supervising a defendant in the community is about 10 percent of the cost of keeping him or her in jail.

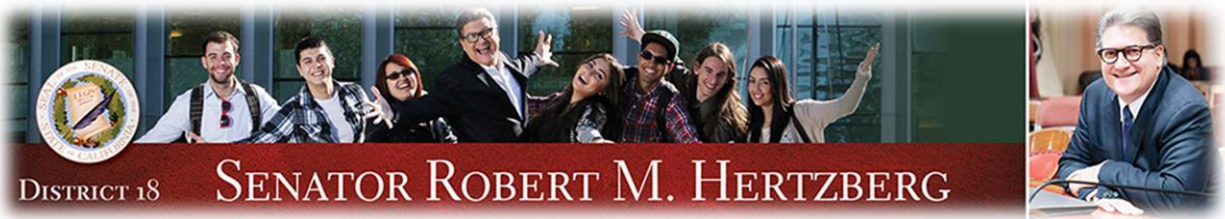
SB 10 (Hertzberg)

This bill safely reduces the number of people being held in jail awaiting trial. It ensures that those who are not a threat to public safety or at risk of fleeing are not held simply for their inability to afford bail.

The bill would require, except when a person is arrested for specified violent felonies, that a pretrial services agency conduct a risk assessment and prepare a report that makes recommendations on conditions of release for the person pretrial.

If the court determines that pretrial release, with or without nonfinancial conditions, will not

Staff contact: Diane Griffiths: 916-651-4018 or diane.griffiths@sen.ca.gov
Domonique Jones: 916-651-4018 or Domonique.jones@sen.ca.gov



reasonably assure the appearance of the person in court as required, the bill would require the court to set monetary bail to assure the appearance of the defendant in court as required.

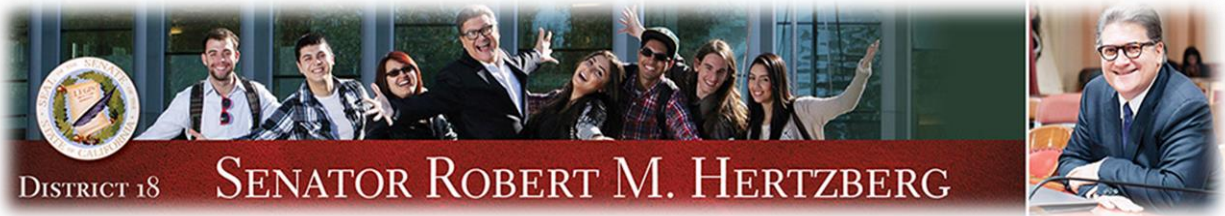
The court may detain a person under certain conditions, including when the person has been charged with a capital crime or some felonies subject to certain limitations.

The bill also creates standards for training and for cost-effective and validated risk assessment tools.

SB 10 Amendments taken in the Assembly

SB 10 was amended on July 5th, August 21st, and September 6th 2017 to address several concerns raised by prosecutors and the courts, including:

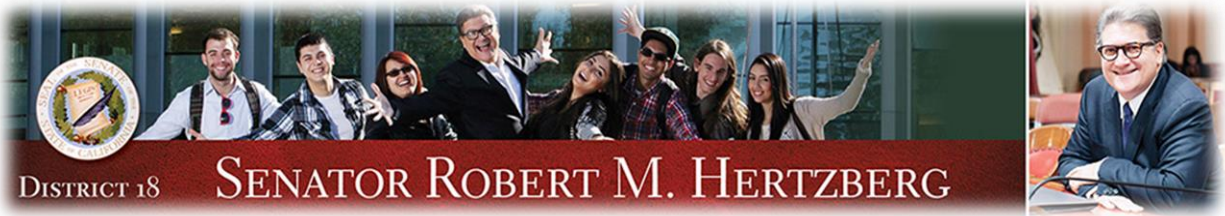
- Clarifying that criminal history will continue to be a consideration in risk assessment tools;
- Reducing costs by permitting judges to require pretrial defendants to pay for pretrial services or conditions if they can afford to;
- Filling in previously blank timelines, including those related to timing for pretrial assessments to be completed, and those related to the timing of detention hearings;
- Ensuring that victims of serious felonies are provided with notice prior to the release of the defendant, in accordance with Marsy's Law;
- Eliminating a provision that previously required judges to release arrestees in the case of late pretrial assessments;
- Reducing costs, ensuring a smooth transition, and providing greater flexibility for counties by providing for a two-year delayed implementation; and
- Specifying that each county may select its own risk assessment tool so long as it conforms with certain standards



SUPPORT

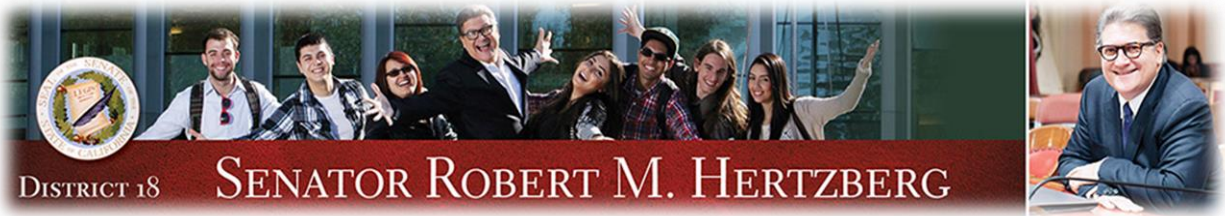
American Civil Liberties Union of California (co-sponsor)
Anti-Recidivism Coalition (co-sponsor)
California Public Defenders Association (co-sponsor)
Californians for Safety and Justice (co-sponsor)
Ella Baker Center for Human Rights (co-sponsor)
Essie Justice Group (co-sponsor)
SEIU California (co-sponsor)
Silicon Valley De-Bug (co-sponsor)
Western Center on Law and Poverty (co-sponsor)
9 to 5 Working Women
ACCESS Women's Health Justice
A New Path
A New Way of Life Reentry Project
Alameda County Democratic Party
Alliance for Boys and Men of Color
Alliance San Diego
All Saints Church Pasadena
American Academy of Pediatrics
American Friends Service Committee
Amity Foundation
Amnesty International
Ann Martin Center
Arts for Incarcerated Youth Network
Asian Americans Advancing Justice—California
Asian American Criminal Trial Lawyers Association
Asian Law Alliance
Avokids
Bay Area Equal Voice Coalition
Bay Area Resource Generation
Bend the Arc: A Jewish Partnership for Justice
Bill Wilson Center
Black Women for Wellness
California Association of Alcohol and Drug Program Executives (CAADPE)
California Calls
California Catholic Conference, Inc.
California Coalition Against Sexual Assault
California Coalition for Mental Health
California Coalition for Women Prisoners
California Immigrant Policy Center
California Labor Federation
California Latinas for Reproductive Justice

Staff contact: Diane Griffiths: 916-651-4018 or diane.griffiths@sen.ca.gov
Domonique Jones: 916-651-4018 or Domonique.jones@sen.ca.gov



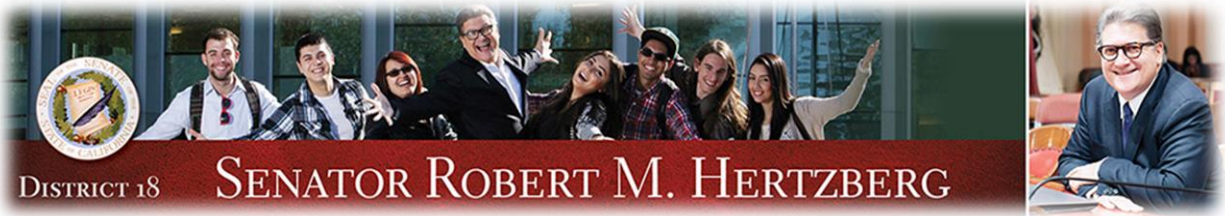
California Medical Association
California Mental Health Planning Council
California Partnership
California Partnership to End Domestic Violence
California State Conference of NAACP
California Women's Law Center
California Youth Empowerment Network (CAYEN)
Central Coast Alliance United for a Sustainable Economy
Center on Juvenile and Criminal Justice
Children's Defense Fund-California
City and County of San Francisco
Clergy and Laity United for Economic Justice (CLUE)
Coalition for Humane Immigrant Rights (CHIRLA)
Coleman Advocates for Children and Youth
Community Oriented Correctional Health Services
Communities United for Restorative Youth Justice
Contra Costa County Defenders Association
Contra Costa County Racial Justice Coalition
Contra Costa County Supervisor John Giaoa
County of Sonoma Law Office of the Public Defender
Council on American-Islamic Relations, California
Council District Four, City of San Diego
Courage Campaign
David Bohnett Foundation
Democratic Party of Contra Costa County
Disability Rights California
Drug Policy Alliance
Equality California
Equal Rights Advocates
Fair Chance Project
Forward Together
Friends Committee on Legislation of California
Further The Work
Future Justice Fund
FWD.us
Greenbridge Corporate Counsel
Harm Reduction Services
Homeboy Industries
Homies Unidos
Housing and Economic Rights Advocates (HERA)
Human Impact Partners
Human Rights Watch
Hunger Action Los Angeles

Staff contact: Diane Griffiths: 916-651-4018 or diane.griffiths@sen.ca.gov
Domonique Jones: 916-651-4018 or Domonique.jones@sen.ca.gov



Immigrant Legal Resource Center
Inland Congregations United for Change
John Burton Advocates for Youth
Justice Action Network
KESHET
LA Voice
Law Enforcement Action Partnership
Law Foundation of Silicon Valley
Lawyers' Committee for Civil Rights
League of Women Voters of California
Legal Aid at Work
Los Angeles Area Chamber of Commerce
Los Angeles Regional Reentry Partnership
Lutheran Office of Public Policy - California
Marijuana Lifer Project
McElfresh Law, Inc.
Mental Health America of California
Mental Health America of Los Angeles
Mujeres Unidas y Activas
Multi-Faith ACTION Coalition
Napa County Public Defender
NARAL Pro-Choice America
National Alliance on Mental Illness Los Angeles County Council
National Alliance on Mental Illness Santa Clara County Board
National Association of Social Workers, California Chapter
National Council of Jewish Women - CA
National Council of La Raza
National Immigration Law Center
National Organization for Women – California
National Organization for Women – Hollywood Chapter
Oakland Privacy
Pangea Legal Services
Peace United Church of Christ
People's Life Fund
PICO California
Planned Parenthood Affiliates of California
Progressive Christians Uniting
Public Defender Contra Costa County
R Street
Reform CA
Religious Action Center of Reform Judaism
Riverside Temple Beth El
Root & Rebound: Reentry Advocates
Rubicon Programs

Staff contact: Diane Griffiths: 916-651-4018 or diane.griffiths@sen.ca.gov
Domonique Jones: 916-651-4018 or Domonique.jones@sen.ca.gov



San Diego Organizing Project
San Fernando Valley Young Democrats
San Francisco Coalition on Homelessness
San Francisco Public Defender
San Francisco Senior & Disability Action
San Jose/ Silicon Valley NAACP
San Jose State University Human Rights Institute [SJSU HRI]
Santa Clara County Board of Supervisors
Showing Up For Racial Justice, Peninsula Chapter
Showing Up For Racial Justice, Santa Barbara
Solano County Office of the Public Defender
Starting Over Inc.
Steinberg Institute
Stonewall Democratic Club
Strike Debt Bay Area
Tarzana Treatment Centers, Inc.
Temple Beth El Jewish Community Center
The Advocacy Fund
T'ruah: The Rabbinic Call for Human Rights
The Financial Justice Project San Francisco
The Kitchen
United Advocates for Children and Families
United Domestic Workers of America – AFSCME Local 3930 / AFL-CIO
United Food and Commercial Workers (UFCW) Western States Council
Urban Habitat
Urban Peace Institute
Voices for Progress Education Fund
W. Haywood Burns Institute
Western Regional Advocacy Project
William C. Velasquez Institute
Women's Council of the CA Chapter of the National Association of Social Workers
Women's Foundation of California
Youth for Environmental Sanity (YES!)
Youth Justice Coalition

Staff contact: Diane Griffiths: 916-651-4018 or diane.griffiths@sen.ca.gov
Domonique Jones: 916-651-4018 or Domonique.jones@sen.ca.gov