



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368
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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

August 4, 2020

Hon. Reginald Jones-Sawyer, Sr., Chair
Assembly Public Safety Committee
State Capitol, Room 2117
Sacramento, California 95814

Subject: Senate Bill 580 (Wilk), as proposed to be amended – Neutral
Hearing: Assembly Public Safety – August 5, 2020

Dear Assembly Member Jones-Sawyer:

The Judicial Council is pleased to inform you that it has removed its opposition to SB 580 which requires the court to order a psychological or psychiatric evaluation when a defendant is granted probation for specified crimes involving animal abuse based on the amendments proposed to be adopted in Assembly Public Safety on August 3, 2020 as they address the concerns previously expressed by the council.

Sincerely,

Mailed August 4, 2020

Cory T. Jasperson
Director, Governmental Affairs

CTJ/SR/jh

cc: Members, Assembly Public Safety Committee
Hon. Scott Wilk, Member of the Senate
Hon. Patricia Bates, Member of the Senate
Hon. Ben Hueso, Member of the Senate

Hon. Reginald Jones-Sawyer, Sr.

August 4, 2020

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Hon. Tasha Boerner Horvath, Member of the Assembly

Hon. Devon Mathis, Member of the Assembly

Ms. Sosan Madanat, Director, Lighthouse Public Affairs

Mr. Tyler Rinde, Policy Analyst, County Behavioral Health Directors Association of California

Mr. Gregory Pagan, Chief Counsel, Assembly Public Safety Committee

Mr. Gary Olson, Consultant, Assembly Republican Office of Policy

Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the Governor

Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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TANI G. CANTIL-SAKAUYE
Chief Justice of California
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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

June 24, 2019

Hon. Reginald Jones-Sawyer, Sr., Chair
Assembly Public Safety Committee
State Capitol, Room 2117
Sacramento, California 95814

Subject: Senate Bill 580 (Wilk), as amended May 22, 2019 – Oppose
Hearing: Assembly Public Safety – July 9, 2019

Dear Assembly Member Jones-Sawyer:

The Judicial Council regrettably opposes SB 580, which requires the court to order a psychological or psychiatric evaluation when a defendant is granted probation for: sexually assaulting an animal; poisoning an animal; improperly caring for an animal; injuring a police dog; maliciously and intentionally injuring an animal; or, overworking an animal.

The council has several concerns about the bill. First, it interferes with the court's discretion to order evaluations when appropriate. Also, because the court is ordering the evaluation, the court would be responsible for paying for the evaluation, which can be quite costly. Further, while an evaluation may generally be needed for some of the enumerated crimes (e.g. sexually assaulting an animal), the crimes of "improperly caring for any animal," "overworking an animal," and "injuring a police dog" do not necessarily evoke immediate concerns about the mental health of the individual. Thus, requiring courts to automatically order and pay for mental health evaluations is a waste of court resources.

Moreover, the bill appears to require the mental health evaluation after conviction and sentencing, which is inconsistent with other laws pertaining to mental health evaluations. Typically, a mental health evaluation is requested by the defense and/or prosecution as part of the criminal proceeding. If a court also ordered a mental health evaluation those evaluations would all be considered by the court in determining sentencing and the terms and conditions of probation, including mental health treatment as a term of probation. As written, the legislation

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requires the evaluation and potential order for treatment to occur after probation is granted, which will result in additional and unnecessary court proceedings.

Finally, the requirement that if the court finds that the defendant is financially unable to pay for counseling, the court may develop a sliding fee schedule is problematic because there are no provisions in the bill explaining what entities will fund the difference in cost between what the individual can pay and what the service will cost.

For these reasons, the Judicial Council regretfully opposes SB 580.

Should you have any questions or require additional information, please contact Sharon Reilly at 916-323-3121.

Sincerely,

Mailed June 25, 2019

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/SR/jh

cc: Members, Assembly Public Safety Committee
Hon. Scott Wilk, Member of the Senate
Hon. Patricia Bates, Member of the Senate
Hon. Ben Hueso, Member of the Senate
Hon. Tasha Boerner Horvath, Member of the Assembly
Hon. Devon Mathis, Member of the Assembly
Ms. Sosan Madanat, Director, Lighthouse Public Affairs
Mr. Tyler Rinde, Policy Analyst, County Behavioral Health Directors Association of California
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