



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

February 6, 2018

Hon. Marc Levine
Member of Assembly
State Capitol, Room 5135
Sacramento, California 95814

Subject: Assembly Bill 865 (Levine), as amended January 3, 2018 – Support

Dear Assembly Member Levine:

The Judicial Council is pleased to support AB 865, which authorizes any person who was sentenced for a felony conviction prior to January 1, 2016, and who is, or was, a member of the United States military and who may be suffering from post-traumatic stress disorder (PTSD) or other forms of trauma conditions as a result of his or her military service to petition for a recall of sentence if the person meets both of the following conditions: (A) the circumstance of suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of the person's military service was not considered as a factor in mitigation at the time of sentencing; and (B) the person was sentenced prior to January 1, 2016, whether or not the case was final as of January 1, 2016.

The Judicial Council believes that AB 865 is consistent with the support position the council took on AB 665 (Levine) in 2017, because the council believed that AB 865, like AB 665, is an appropriate follow up to AB 2098 (Levine; Stats. 2014, ch. 163), which required the court to consider a defendant's status as a veteran suffering from sexual trauma, traumatic brain injury, PTSD, substance abuse, or other mental health problems as result of his or her military service, as a factor in favor of granting probation and a factor in mitigation when sentencing. The Judicial

Hon. Marc Levine

February 6, 2018

Page 2

Council believes that, to treat all veterans similarly and fairly, AB 865 appropriately applies the provisions of AB 2098 to veterans who were sentenced prior to the enactment of AB 2098 by allowing those veterans to file resentencing petitions using the same criteria.

For these reasons, the Judicial Council supports AB 865.

Sincerely,

Mailed on February 7, 2017

Sharon Reilly

Attorney

SR/yc-s

cc: Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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May 4, 2018

Hon. Nancy Skinner, Chair
Senate Public Safety Committee
State Capitol, Room 2059
Sacramento, California 95814

Subject: Assembly Bill 865 (Levine), as amended April 30, 2018 – Support
Hearing: Senate Public Safety Committee – May 15, 2018

Dear Senator Skinner:

The Judicial Council is pleased to support AB 865, which authorizes any person who was sentenced for a felony conviction prior to January 1, 2016, and who is, or was, a member of the United States military and who may be suffering from post-traumatic stress disorder (PTSD) or other forms of trauma conditions as a result of his or her military service to petition for a recall of sentence if the person meets both of the following conditions: (A) the circumstance of suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of the person's military service was not considered as a factor in mitigation at the time of sentencing; and (B) the person was sentenced prior to January 1, 2016, whether or not the case was final as of January 1, 2016.

The Judicial Council believes that AB 865 is consistent with the support position the council took on AB 665 (Levine) in 2017, because the council believed that AB 865, like AB 665, is an appropriate follow up to AB 2098 (Levine; Stats. 2014, ch. 163), which required the court to consider a defendant's status as a veteran suffering from sexual trauma, traumatic brain injury, PTSD, substance abuse, or other mental health problems as result of his or her military service,

Hon. Nancy Skinner

May 4, 2018

Page 2

as a factor in favor of granting probation and a factor in mitigation when sentencing. The Judicial Council believes that, to treat all veterans similarly and fairly, AB 865 appropriately applies the provisions of AB 2098 to veterans who were sentenced prior to the enactment of AB 2098 by allowing those veterans to file resentencing petitions using the same criteria.

For these reasons, the Judicial Council supports AB 865.

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

Sincerely,

Mailed on May 4, 2018

Cory T. Jaspersen

Director, Governmental Affairs

CTJ/SR/yc-s

cc: Members, Senate Public Safety Committee
Hon. Marc B, Levine, Member of the Assembly
Ms. Stella Choe, Counsel, Senate Public Safety Committee
Mr. Eric Csizmar, Consultant, Senate Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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CORY T. JASPERSON
Director, Governmental Affairs

May 23, 2018

Hon. Josh Newman, Chair
Senate Veterans Affairs Committee
State Capitol, Room 4082
Sacramento, California 95814

Subject: Assembly Bill 865 (Levine), as amended April 30, 2018 – Support
Hearing: Senate Veterans Affairs Committee – June 12, 2018

Dear Senator Newman:

The Judicial Council is pleased to support AB 865, which authorizes any person who was sentenced for a felony conviction prior to January 1, 2016, and who is, or was, a member of the United States military and who may be suffering from post-traumatic stress disorder (PTSD) or other forms of trauma conditions as a result of his or her military service to petition for a recall of sentence if the person meets both of the following conditions: (A) the circumstance of suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of the person's military service was not considered as a factor in mitigation at the time of sentencing; and (B) the person was sentenced prior to January 1, 2016, whether or not the case was final as of January 1, 2016.

The Judicial Council believes that AB 865 is consistent with the support position the council took on AB 665 (Levine) in 2017, because the council believed that AB 865, like AB 665, is an appropriate follow up to AB 2098 (Levine; Stats. 2014, ch. 163), which required the court to consider a defendant's status as a veteran suffering from sexual trauma, traumatic brain injury, PTSD, substance abuse, or other mental health problems as result of his or her military service,

Hon. Josh Newman
May 23, 2018
Page 2

as a factor in favor of granting probation and a factor in mitigation when sentencing. The Judicial Council believes that, to treat all veterans similarly and fairly, AB 865 appropriately applies the provisions of AB 2098 to veterans who were sentenced prior to the enactment of AB 2098 by allowing those veterans to file resentencing petitions using the same criteria.

For these reasons, the Judicial Council supports AB 865.

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

Sincerely,

Mailed May 23, 2018

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/SR/yc-s

cc: Members, Senate Veterans Affairs Committee
Hon. Marc B. Levine, Member of the Assembly
Mr. Wade Teasdale, Staff Director, Senate Veterans Affairs Committee
Mr. Doug Yoakam, Consultant, Senate Republican Office of Policy
Mr. Michael Martinez, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

August 7, 2018

Hon. Ricardo Lara, Chair
Senate Appropriations Committee
State Capitol, Room 5050
Sacramento, California 95814

Subject: Assembly Bill 865 (Levine), as amended April 30, 2018 – Support

Dear Senator Lara:

The Judicial Council is pleased to support AB 865, which authorizes any person who was sentenced for a felony conviction prior to January 1, 2016, and who is, or was, a member of the United States military and who may be suffering from post-traumatic stress disorder (PTSD) or other forms of trauma conditions as a result of his or her military service to petition for a recall of sentence if the person meets both of the following conditions: (A) the circumstance of suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of the person's military service was not considered as a factor in mitigation at the time of sentencing; and (B) the person was sentenced prior to January 1, 2016, whether or not the case was final as of January 1, 2016.

The Judicial Council believes that AB 865 is consistent with the support position the council took on AB 665 (Levine) in 2017, because the council believed that AB 865, like AB 665, is an appropriate follow up to AB 2098 (Levine; Stats. 2014, ch. 163), which required the court to consider a defendant's status as a veteran suffering from sexual trauma, traumatic brain injury, PTSD, substance abuse, or other mental health problems as result of his or her military service, as a factor in favor of granting probation and a factor in mitigation when sentencing. The Judicial

Hon. Ricardo Lara
August 7, 2018
Page 2

Council believes that, to treat all similarly situated veterans fairly, AB 865 appropriately applies the provisions of AB 2098 to veterans who were sentenced prior to the enactment of AB 2098 by allowing those veterans to file resentencing petitions using the same criteria. Finally, the council believes that any potential increases in these types of petitions will be absorbable within existing court workload.

For these reasons, the Judicial Council supports AB 865.

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

Sincerely,

Mailed August 7, 2018

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/SR/yc-s

cc: Members, Senate Appropriations Committee
Hon. Marc B. Levine, Member of the Assembly
Ms. Debra Cooper, Consultant, Senate Appropriations Committee
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

August 28, 2018

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: Assembly Bill 865 (Levine) – Request for Signature

Dear Governor Brown:

The Judicial Council respectfully requests your signature on AB 865, which authorizes any person who was sentenced for a felony conviction prior to January 1, 2016, and who is, or was, a member of the United States military and who may be suffering from post-traumatic stress disorder (PTSD) or other forms of trauma conditions as a result of his or her military service to petition for a recall of sentence if the person meets both of the following conditions: (A) the circumstance of suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of the person's military service was not considered as a factor in mitigation at the time of sentencing; and (B) the person was sentenced prior to January 1, 2016, whether or not the case was final as of January 1, 2016.

The Judicial Council believes that AB 865 is consistent with the support position the council took on AB 665 (Levine) in 2017, because the council believed that AB 865, like AB 665, is an appropriate follow up to AB 2098 (Levine; Stats. 2014, ch. 163), which required the court to consider a defendant's status as a veteran suffering from sexual trauma, traumatic brain injury, PTSD, substance abuse, or other mental health problems as result of his or her military service, as a factor in favor of granting probation and a factor in mitigation when sentencing. The Judicial

Hon. Edmund G. Brown, Jr.

August 28, 2018

Page 2

Council believes that, to treat all veterans similarly and fairly, AB 865 appropriately applies the provisions of AB 2098 to veterans who were sentenced prior to the enactment of AB 2098 by allowing those veterans to file resentencing petitions using the same criteria.

For these reasons, the Judicial Council requests your signature on AB 865.

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

Sincerely,

Mailed August 29, 2018

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/SR/yc-s

cc: Hon. Marc B. Levine, Member of the Assembly
Mr. Michael Martinez, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California