

**Trial Court Budget Advisory Committee
Criminal Justice Realignment Subcommittee**

Issue

Allocation of the \$21.4 million in the 2016 May Revise to address courts' workload associated with Proposition 47 in 2016–2017.

Background

The 2015 Budget included a General Fund augmentation of \$26.9 million for 2015–2016 to address increased workload associated with *Proposition 47, The Safe Neighborhoods and School Funding Act*. The 2015 Governor's Budget proposed an additional \$7.6 million in 2016–2017 for Proposition 47 workload; however, the Legislature did not take action on this portion of the proposal. The initiative, which was approved by California voters November 2014, reduces most possessory drug offenses and thefts of property valued under \$950 to straight misdemeanors; creates a process for individuals currently serving sentences for these offenses to petition the courts for resentencing; and, creates a process for individuals who have completed sentences for these offenses to apply to the courts to have these crimes reclassified as misdemeanors.

On July 28, 2015, the Judicial Council approved the Trial Court Budget Advisory Committee's recommendation for the allocation of this \$26.9 million in new funding¹:

- a. Allocate \$6.73 million based on each court's share of the 10-year average of statewide felony filings;
- b. Allocate \$6.73 million based on each court's share of statewide petitions for resentencing and reclassification from November 5, 2014 to May 31, 2015; and,
- c. Allocate \$13.45 million based on each court's share of statewide petitions for resentencing and reclassification from June 1, 2015 to November 30, 2015 with funding to be distributed in January 2016.

The Judicial Council approved allocation methodology for \$26.9 million in 2015–2016 was based on monthly data time periods; however, in an effort to decrease the data collection workload on the courts, Judicial Council staff incorporated the Proposition 47 data elements into the courts' regular quarterly criminal justice data collection requirements beginning in July 2015. Because the quarterly data collection deadlines did not allow enough time for the second quarter of FY 2015–2016 to be incorporated into the allocation methodology, Judicial Council staff collected data monthly for October and November. Staff also collected the entire second quarter of FY 2015–2016 as part of the quarterly criminal justice data collection process. Because distribution requests must be submitted to the state controller in the first few days of the month, December data was not included in the FY 2015–2016 allocation.

¹ Judicial Council of Cal., mins. (July, 2015), p. 13; see www.courts.ca.gov/documents/jc-20150728-minutes.pdf

**Trial Court Budget Advisory Committee
Criminal Justice Realignment Subcommittee**

2016–2017 Funding

The California Department of Finance (DOF) requested information from Judicial Council regarding the impact of Proposition 47 on the courts in 2016–2017. In response to this request in December 2015, Judicial Council staff submitted a Budget Change Proposal on December 31, 2015 requesting \$21.4 million. The trial courts needed \$13.8 million more than the original 2016-17 allocation of \$7.6 million, for a total of \$21.4 million in 2016–2017. This was based updated information which reflect that as of June 30, 2015, the courts received over 165,000 petitions for Proposition 47 relief. Courts redirected resources in order to process these cases. The 2015–2016 augmentation assisted the courts by mitigating many of the workload effects of the proposition implementation, but additional help is needed for 2016–2017.

Judicial Council staff estimated prior to Proposition 47 implementation that courts would conduct approximately 120,000 resentencing hearings, which translates to approximately 1.8 million minutes of court time at a cost of \$34.5 million statewide. Subsequently, Judicial Council staff collected data on the actual number of proposition 47 relief petitions received that indicate that the original estimate is low. The revised estimate of court time needed to process Proposition 47 cases is approximately 2.49 million minutes at a total cost of \$48.4 million statewide.

2016–2017 Allocation Options for \$21.4 million

The TCBAC criminal justice realignment should decide if a portion of the allocation is to be based on historic felony filings trends as was done in 2015–2016 or solely on Proposition 47 filings. The subcommittee will also need to consider the data collection date frames to include in the allocations with the understanding that the data is now collected on a quarterly basis, and whether the funding should be distributed in one allocation or two. Three options for consideration are presented below.

Please note, the charts of draft allocations provided in Attachments 1 and 2 on pages 4–5 are for illustrative purposes for Options 1, and 2, to assist in the determination of the methodology. The distributions are based on the May Revise proposed funding allocation and may not reflect the available funds that will be used when the allocations are distributed.

Option 1: One distribution based on each court’s proportion of past Proposition 47 petitions for relief.

- Allocate \$21.4 million based on each court’s share of statewide petitions for resentencing and reclassification from November 5, 2014–March 31, 2016.

**Trial Court Budget Advisory Committee
Criminal Justice Realignment Subcommittee**

Option 2: Two distributions based on each court's proportion of most recent Proposition 47 petitions for relief.

First Distribution July 2016: \$10.7 million

- Allocate \$10.7 million based on each court's share of statewide petitions for resentencing and reclassification from October 1, 2015–March 31, 2016.

Second Distribution January 2017: \$10.7 million

- Allocate \$10.7 million based on each court's share of statewide petitions for resentencing and reclassification from most recent 6 months of data available in January 2017 (April 1, 2016–September 30, 2016).

**Option 1: One Distribution of \$21.4 Million based on Proportion of Past Proposition 47 Petitions and Applications
(November 4, 2014 - March 31, 2016)**

Court	Total Prop 47 Filings (Petitions + Applications)	Percent of Statewide Prop 47 Filings	Current allocation (Column B*\$21.4 Million)
	Column A	Column B	Column C
Alameda	3,017	1.28%	273,922
Alpine	-	0.00%	-
Amador	285	0.12%	25,876
Butte	1,911	0.81%	173,505
Calaveras	270	0.11%	24,514
Colusa	52	0.02%	4,721
Contra Costa	1,411	0.60%	128,109
Del Norte	113	0.05%	10,260
El Dorado	918	0.39%	83,348
Fresno	8,845	3.75%	803,064
Glenn	198	0.08%	17,977
Humboldt	912	0.39%	82,803
Imperial	506	0.21%	45,941
Inyo	39	0.02%	3,541
Kern	10,922	4.63%	991,641
Kings	1,791	0.76%	162,610
Lake	450	0.19%	40,857
Lassen	171	0.07%	15,526
Los Angeles	42,055	17.84%	3,818,299
Madera	1,009	0.43%	91,610
Marin	377	0.16%	34,229
Mariposa	33	0.01%	2,996
Mendocino	187	0.08%	16,978
Merced	747	0.32%	67,822
Modoc	23	0.01%	2,088
Mono	133	0.06%	12,075
Monterey	1,058	0.45%	96,059
Napa	126	0.05%	11,440
Nevada	178	0.08%	16,161
Orange	27,356	11.61%	2,483,733
Placer	1,306	0.55%	118,576
Plumas	59	0.03%	5,357
Riverside	11,580	4.91%	1,051,383
Sacramento	10,275	4.36%	932,898
San Benito	331	0.14%	30,052
San Bernardino	9,354	3.97%	849,278
San Diego	49,901	21.17%	4,530,661
San Francisco	1,195	0.51%	108,498
San Joaquin	5,942	2.52%	539,492
San Luis Obispo	1,395	0.59%	126,656
San Mateo	6,002	2.55%	544,940
Santa Barbara	1,815	0.77%	164,789
Santa Clara	3,684	1.56%	334,481
Santa Cruz	2,230	0.95%	202,468
Shasta	2,634	1.12%	239,149
Sierra	3	0.00%	272
Siskiyou	156	0.07%	14,164
Solano	1,638	0.69%	148,719
Sonoma	1,916	0.81%	173,959
Stanislaus	3,995	1.69%	362,718
Sutter	547	0.23%	49,664
Tehama	693	0.29%	62,920
Trinity	1,243	0.53%	112,856
Tulare	2,767	1.17%	251,224
Tuolumne	588	0.25%	53,386
Ventura	6,391	2.71%	580,258
Yolo	2,577	1.09%	233,974
Yuba	391	0.17%	35,500
Total (statewide)	235,701	100%	21,400,000

**Option 2: Two Distributions of \$10.7 Million based on Most Recent Proposition 47 Petitions and Applications
(October 1, 2015 - March 31, 2016)**

Court	Total Prop 47 Filings (Petitions + Applications)	Percent of Statewide Prop 47 Filings	Current allocation (Column B*10.7 Million)
	Column A	Column B	Column C
Alameda	1,281	3.16%	\$338,212
Alpine	-	0.00%	\$0
Amador	33	0.08%	\$8,713
Butte	219	0.54%	\$57,821
Calaveras	23	0.06%	\$6,072
Colusa	2	0.00%	\$528
Contra Costa	427	1.05%	\$112,737
Del Norte	34	0.08%	\$8,977
El Dorado	117	0.29%	\$30,891
Fresno	1,289	3.18%	\$340,324
Glenn	20	0.05%	\$5,280
Humboldt	66	0.16%	\$17,425
Imperial	82	0.20%	\$21,650
Inyo	2	0.00%	\$528
Kern	4,352	10.74%	\$1,149,022
Kings	265	0.65%	\$69,966
Lake	48	0.12%	\$12,673
Lassen	30	0.07%	\$7,921
Los Angeles	9,902	24.43%	\$2,614,341
Madera	81	0.20%	\$21,386
Marin	140	0.35%	\$36,963
Mariposa	10	0.02%	\$2,640
Mendocino	-	0.00%	\$0
Merced	119	0.29%	\$31,419
Modoc	-	0.00%	\$0
Mono	9	0.02%	\$2,376
Monterey	139	0.34%	\$36,699
Napa	-	0.00%	\$0
Nevada	17	0.04%	\$4,488
Orange	2,810	6.93%	\$741,900
Placer	113	0.28%	\$29,834
Plumas	1	0.00%	\$264
Riverside	1,318	3.25%	\$347,980
Sacramento	408	1.01%	\$107,721
San Benito	22	0.05%	\$5,808
San Bernardino	2,521	6.22%	\$665,598
San Diego	1,871	4.62%	\$493,984
San Francisco	270	0.67%	\$71,286
San Joaquin	1,993	4.92%	\$526,195
San Luis Obispo	188	0.46%	\$49,636
San Mateo	2,636	6.50%	\$695,961
Santa Barbara	184	0.45%	\$48,580
Santa Clara	1,115	2.75%	\$294,384
Santa Cruz	790	1.95%	\$208,577
Shasta	318	0.78%	\$83,959
Sierra	-	0.00%	\$0
Siskiyou	11	0.03%	\$2,904
Solano	468	1.15%	\$123,562
Sonoma	208	0.51%	\$54,916
Stanislaus	919	2.27%	\$242,636
Sutter	-	0.00%	\$0
Tehama	48	0.12%	\$12,673
Trinity	11	0.03%	\$2,904
Tulare	516	1.27%	\$136,235
Tuolumne	79	0.19%	\$20,858
Ventura	2,005	4.95%	\$529,363
Yolo	964	2.38%	\$254,517
Yuba	33	0.08%	\$8,713
Total (statewide)	40,527	100%	\$10,700,000