
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 67 **Hearing Date:** July 11, 2023
Author: Muratsuchi
Version: March 13, 2023
Urgency: No **Fiscal:** Yes
Consultant: SC

Subject: *Homeless Courts Pilot Program*

HISTORY

Source: County of Los Angeles

Prior Legislation: SB 1427 (Ochoa-Bogh), 2021-22 Leg. Sess. held in Assem. Approps.
AB 2200 (Muratsuchi), 2021-22 Leg. Sess., held in Sen. Approps.

Support: California Apartment Association; California Catholic Conference; California Faculty Association; California Public Defenders Association; City of Long Beach; City of Norwalk; Livable California; Valley Industry and Commerce Association

Opposition: None known

Assembly Floor Vote: 68 - 7

PURPOSE

The purpose of this bill is to establish the Homeless Courts Pilot Program, upon appropriation by the Legislature, to be administered by the Judicial Council as a grant program for the purpose of providing comprehensive community-based services for homeless individuals who are involved with the criminal justice system.

Existing law provides that the Judicial Council consists of the Chief Justice and one other judge of the Supreme Court, three judges of courts of appeal, 10 judges of superior courts, two nonvoting court administrators, and any other nonvoting members as determined by the voting membership of the council, each appointed by the Chief Justice for a three-year term pursuant to procedures established by the council; four members of the State Bar appointed by its governing body for three-year terms; and one member of each house of the Legislature appointed as provided by the house. (Cal. Const, Art. VI § 6.)

Existing law states that to improve the administration of justice the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, and perform other functions prescribed by statute. The rules adopted shall not be inconsistent with statute. (Cal. Const., Art. VI § 6.)

This bill establishes the Homeless Courts Pilot Program to be administered by Judicial Council as a grant pilot program for eligible applicants to provide comprehensive community-based services to achieve stabilization for, and address the specific legal needs of, homeless individuals involved with the criminal justice system.

This bill requires Judicial Council to award grants on a competitive basis to applicants that will provide support and services to defendants charged with infractions or misdemeanors who are experiencing homelessness. Applicants may also, with the consent of the prosecuting agency, provide support and services to defendants charged with felonies not included in paragraph (2) who are experiencing homelessness.

This bill states that a defendant may participate in a program authorized under the provisions of this bill at any stage in criminal proceedings, including by entering into a pre-plea diversion agreement with the consent of the prosecuting agency, or with the consent of the court, as otherwise authorized by existing law.

This bill excludes defendants currently charged with the following offenses from eligibility for services:

- A violent felony, as defined;
- A serious felony, as defined; or,
- An offense for which sex offender registration is required.

This bill states that eligible applicants shall include cities, with the approval of the county and local superior court, and counties, with the approval of the local superior court.

This bill requires Judicial Council to develop guidelines to administer the grant program and award grants to programs that will provide, at minimum, all of the following program components:

- A diversion program enabling participating defendants to have their infraction or misdemeanor charges dismissed upon completion of the program;
- Provision of a public defender for the entire duration of the program;
- Regular court appearances enabling participating defendants to work with and have access to all service providers in one location. The program and services shall be in a location that is readily accessible to participating defendants;
- Provision of temporary, time-limited, or permanent housing to the participating defendant during the entire program;
- A representative to assist a defendant with developing a temporary and permanent long-term housing plan, identifying long-term mental health and substance use disorder concerns, and answering any questions and facilitating any necessary conversations between a housing agency and the defendant to enable the defendant to obtain temporary, time-limited, or permanent housing while participating in the program;
- Mental health services, including mental health evaluations by county behavioral health departments and referrals to full service partnership programs, as needed;

- Substance use disorder and withdrawal management and treatment, as needed; and,
- Criminal record clearing services through partnerships with a public defender's office, legal aid, or other city or county services for criminal history record clearing and infraction citation clearing.

This bill requires Judicial Council, in awarding the grants, to give preference to programs that will provide the following services:

- A minimum of weekly follow up with mental health and substance use disorder counseling services in between court dates;
- Job training or placement services;
- Court conditional releases from custody into appropriate substance use disorder treatment, as determined by clinical screening, assessment, or both screening and assessment; and,
- Participation of a licensed medical practitioner to prescribe and administer medication for program participants related to substance use disorder or mental health treatment, if agreed to by the defendant.

This bill states that an applicant for funding shall submit an application, designed by Judicial Council, that includes a plan for the creation of a new homeless court or expansion of an existing homeless court program.

This bill states that the application shall clearly detail the initiative for which funding is sought, the associated staffing activities, programs, and services to be delivered, and how the grant program will cover those costs. Any funding awarded to an applicant shall be used in accordance with the approved plan.

This bill requires Judicial Council, in collaboration with subject matter experts, to establish performance-based outcome measures appropriate for each participating homeless court that, at a minimum, include all of the following information:

- Demographics of all homeless court program participants.
- Services provided.
- Services ordered, but not provided.
- Housing placements of all program participants.
- Permanent housing success for program participants.
- Continued treatment beyond the diversion program.
- Successful substance use disorder treatment rates.

- Detentions or conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code) during and following the diversion program.
- Additional criminal justice involvement during and following the diversion program.
- Deaths during and following the diversion program.
- A subjective survey of the individuals served.

This bill requires participating courts to provide the required data, including individual offender level data, on a quarterly basis to the Judicial Council.

This bill requires, on or before July 1, 2027, the Judicial Council to compile the data reported pursuant to this bill and prepare a full evaluation of each of the programs funded pursuant to the provisions of this bill and the success and challenges of those programs in addressing the needs of chronically homeless individuals, along with recommendations for improving the programs.

This bill requires the Judicial Council report to be submitted to the Legislature.

This bill sunsets its provisions on January 1, 2029.

COMMENTS

1. Need for This Bill

According to the author of this bill:

The state has established a Collaborative Justice Courts system through Judicial Council. These Courts are meant to address a number of infractions related to drug abuse, domestic violence, mental health, child welfare, and homelessness. Homeless courts efficiently expand access to justice by integrating the shelter system into the established courts system. Advanced preparation and fewer hearings translate into reduced courtroom hours and court costs. Shelters and service agencies save precious resources when clients move toward self-sufficient lives with cleared criminal cases. Before the Homeless Court Program, a client might successfully complete the agency program only to be incarcerated on an outstanding criminal case and, afterward, return to homelessness.

In 2020, former California Supreme Court Chief Justice Tani Cantil-Sakauye, established a Work Group on Homelessness to evaluate how court programs might be improved to better serve people who are without housing or are housing insecure. One of the key recommendations of the Workgroup was to establish a homeless court program in more counties to reduce barriers to housing stability.

AB 67 builds upon the success of homeless courts as seen in San Diego and Redondo Beach by creating a statewide homeless court grant program. This funding will allow other jurisdictions to apply for their own homeless court which will incorporate components of other successful models, but also provides

flexibility to tailor their program to their specific region and community's needs. For participants, homeless courts provide access to wraparound services such as housing, employment, public assistance, and treatment programs to better integrate individuals into their communities. For the community, homeless courts engage individuals in a gainful process, removing homeless people from doorways, parks, and gathering places. These individuals can then rebuild their lives by addressing the root causes of homelessness such as barriers to accessing housing, employment, public assistance, and treatment programs. AB 67 establishes a competitive grant pilot program administered by the Judicial

2. California's Homeless Population

According to the Public Policy Institute of California (PPIC), as of 2022, 30% of all people in the United States experiencing homelessness resided in California, including half of all unsheltered people (115,491 in California; 233,832 in the US). The federal government's Point In Time (PIT) count conducted every January showed that since 2020, California's homeless population increased 6%, compared to the rest of the country which increased 0.4%. However, due to federal and state protections put in during the COVID-19 pandemic, people experiencing homelessness had expanded housing supports including hotels as temporary housing and moratoriums on evictions. Thus, the increase in the homeless but sheltered population accounted for almost all of California's change, while the more visible unsheltered population increased 2%. The rest of the country's unsheltered population grew faster than California's (4%), while its sheltered population actually shrank (-2%). (PPIC, *Homeless Populations Are Rising around California*, February 21, 2023 < <https://www.ppic.org/blog/homeless-populations-are-rising-around-california/>> [as of Jun. 23, 2023].)

3. Collaborative Courts: Homeless Courts

California has over 450 collaborative courts that "provide rehabilitation services and housing to individuals in need." (Judicial Council, *Report to the Chief Justice: Work Group on Homelessness* (2021) p. 19 <https://www.courts.ca.gov/documents/hwg_work-group-report.pdf> [as of Mar. 2, 2023].) Collaborative justice courts-also known as problem-solving courts-combine judicial supervision with rehabilitation services that are rigorously monitored and focused on recovery to reduce recidivism and improve offender outcomes. These courts include, among other models, drug courts, reentry courts, mental health courts, homeless courts and veterans treatment courts. (California Courts, *Collaborative Justice Courts* < <https://www.courts.ca.gov/programs-collabjustice.htm> > [as of Jun. 23, 2023].)

There are currently homeless court programs in 19 counties in the state. The first homeless court was established in San Diego County in 1989 as an outgrowth of a veterans program because the majority of the county's homeless population were veterans. Generally, homeless courts are held at a homeless community service center and involve a one-time court appearance during which participants can address infractions or very low-level misdemeanors:

Resolution of outstanding warrants not only meets a fundamental need of homeless people but also eases court case-processing backlogs and reduces vagrancy. Homeless people tend to be fearful of attending court, yet their outstanding warrants limit their reintegration into society, deterring them from using social services and impeding their access to employment. They are

effectively blocked from obtaining driver's licenses, job applications, and rental agreements.

(California Courts, *Community/Homeless Courts* <<https://www.courts.ca.gov/5976.htm>> [as of Jun. 23, 2023].) The key principles of homeless courts include:

- Prosecutors, defense counsel and the court should agree on which offenses may be resolved in the Homeless Court Program, and approve the criteria for individual participation, recognizing that defendant participation in Homeless Court Programs shall be voluntary.
- Community-based service providers should establish criteria for individual participation in the Homeless Court Program and screen individuals pursuant to these criteria.
- The Homeless Court Program shall not require defendants to waive any protections afforded by due process of law.
- All Homeless Court Program participants shall have time for meaningful review of the cases and issues prior to disposition.
- The Homeless Court Program process and any disposition therein should recognize homeless participants' voluntary efforts to improve their lives and move from the streets toward self-sufficiency, including participation in community-based treatment or services.
- Participation in community-based treatment or services shall replace traditional sanctions such as fines, public work service and custody.
- Defendants who have completed appropriate treatment or services prior to appearing before the Homeless Court shall have minor charges dismissed, and, where appropriate, may have more serious misdemeanor charges before the court reduced or dismissed. Where charges are dismissed, public access to the record should be limited.

(Judicial Council of California, *Homeless and Community Court Blueprint*, January 2020, pp. 4-5 <<https://www.courts.ca.gov/documents/homeless-community-court-blueprint.pdf>> [as of Jun. 23, 2023].)

This bill would establish the Homeless Courts Pilot Program, upon appropriation by the Legislature for this purpose, to be administered by Judicial Council to provide grants on a competitive basis to applicant cities and counties that will provide support and services to defendants charged with infractions or misdemeanors who are experiencing homelessness. Applicant cities and counties providing support and services to non-exempted felony defendants may also be eligible upon consent of the prosecuting agency. The bill specifies requires Judicial Council to develop guidelines to award grants to programs that will provide diversion from criminal proceedings, location that is ready accessible to participating defendants, provision of housing during the entire program and assistance in developing long-term housing plans, mental health and substance use disorder treatment as needed, and provision of a public defender as well as criminal record clearing services.

This bill requires each homeless court receiving a grant to provide required data, including data on demographics of the participants, housing placements as well as permanent housing success of participants, subsequent criminal justice involvement of participants, any deaths during and following the program, and a subjective survey of the individuals served. The participating courts would be required to submit that data on a quarterly basis to the Judicial Council. This bill requires Judicial Council to compile a report regarding the programs funded and the successes

and challenges of those programs in addressing the needs of homeless individuals along with recommendations and to submit the report to the Legislature on or before July 1, 2027. The grant program would sunset on January 1, 2029.

4. Argument in Support

According to the City of Long Beach:

This bill would create the Homeless Courts Pilot Program, a competitive grant administered by the Judicial Council to address the specific legal needs of chronically homeless individuals who are involved with the criminal justice system. AB 67 aligns with the City's objectives to support regional initiatives that encourage mental health treatment programs, funding for substance use treatment, and homelessness intervention efforts instead of incarceration-only solutions.

The City recognizes that addressing the root causes of homelessness requires a regional and collaborative approach. On May 11, 2021, the Long Beach City Council voted to implement a Homeless Court Pilot Program, which assists people experiencing homelessness with outstanding criminal legal needs including the removal of warrants, expungements of past convictions, and dismissal of charges. The program connects participants to important services such as housing, disability, benefits, mental health, and substance abuse counseling.

The City's Homeless Court Project would greatly benefit from additional state funding. The proposed legislation will strengthen the City's capacity to address homelessness locally and ensure that resources are available to expand these vital services throughout the state.

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