

AMENDED IN ASSEMBLY APRIL 18, 2022

AMENDED IN ASSEMBLY MARCH 24, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2220

Introduced by Assembly Member Muratsuchi

February 15, 2022

An act to add and repeal Chapter 5.5 (commencing with Section 5475) to of Part 1 of Division 5 of the Welfare and Institutions Code, relating to courts, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2220, as amended, Muratsuchi. Homeless Courts Pilot Program.

Existing law governs the jurisdiction of various criminal actions and criminal proceedings. Existing law also provides various diversion programs, including programs for defendants with cognitive disabilities and programs for defendants who were, or currently are, members of the United States military.

This bill would create the Homeless Courts Pilot Program, which would remain in effect until January 1, 2027, to be administered by the Judicial Council for the purpose of providing comprehensive community-based services to achieve stabilization for, and address the specific legal needs of, chronically homeless ~~individuals~~. *individuals who are involved with the criminal justice system*. The bill would require programs seeking grant funds to provide ~~any~~ a number of specified services or program components, including, but not limited to, a diversion program enabling participating defendants to have infractions, misdemeanor, or felony charges dismissed upon completion of a program, *provision of supportive housing, as defined, during the*

duration of the program, and a dedicated county representative to assist defendants with housing needs. The bill would require an applicant for grant funding under the program to submit a plan for a new homeless court program or expansion of an existing homeless court program, and would require any funding awarded to an applicant to be used in accordance with that plan. The bill would also require the Judicial Council, on or before July 1, 2026, to submit a report to the Legislature ~~describing~~ *evaluating* the programs funded and the success ~~and challenges of those programs~~ *and challenges of those programs, along with recommendations for improving the programs*. The bill would require the Judicial Council to establish performance-based outcome measures for each participating homeless ~~court~~ *court*, including, among other things, information relating to the demographics of program participants, housing placements for all participants, and successful substance use disorder treatment rates. The bill would appropriate an unspecified amount from the General Fund for the purpose of ~~providing grants under administering~~ *this program*.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5.5 (commencing with Section 5475) is
2 added to Part 1 of Division 5 of the Welfare and Institutions Code,
3 to read:

4
5 CHAPTER 5.5. HOMELESS COURTS PILOT PROGRAM
6

7 5475. The Homeless Courts Pilot Program is hereby established
8 and shall be administered by the Judicial Council as a grant pilot
9 program for eligible applicants to provide comprehensive
10 community-based services to achieve stabilization for, and address
11 the specific legal needs of, chronically homeless ~~individuals~~.
12 *individuals involved with the criminal justice system.*

13 5478. (a) The council shall award grants on a competitive
14 basis to applicants that ~~provide, or seek to provide,~~ *will provide*
15 support and services to defendants charged with infractions,
16 misdemeanors, or felonies who are experiencing homelessness.

17 (b) The council shall develop guidelines to administer the grant
18 program and award grants to programs that ~~provide, or seek to will~~

1 provide, at a minimum,~~any~~ *all* of the following program
2 components:

3 (1) A diversion program enabling participating defendants to
4 have their infraction, misdemeanor, or felony charges dismissed
5 upon completion of the program.

6 (2) *Provision of a public defender for the entire duration of the*
7 *program.*

8 ~~(2)~~

9 (3) Regular court appearances enabling participating defendants
10 to work with and have access to all service providers in one
11 location. The program and services shall be in a location that is
12 readily accessible to ~~individuals experiencing homelessness.~~
13 *participating defendants.*

14 (4) *Provision of supportive housing, as defined in Section*
15 *50675.14 of the Health and Safety Code, to the participating*
16 *defendant during the entire program.*

17 ~~(3)~~

18 (5) A county representative to assist a defendant with *long-term*
19 housing goals and processes, identifying *long-term* mental health
20 and substance abuse concerns, and answer any questions and
21 facilitate any necessary conversations between a housing agency
22 and the defendant to enable the defendant to be successfully
23 ~~housed.~~ *housed after participation in the program.*

24 ~~(4)~~

25 (6) Mental health services, including mental health evaluations
26 by county behavioral health departments and referrals to full service
27 partnership ~~programs.~~ *programs, as needed.*

28 ~~(5)~~

29 (7) Substance abuse and alcohol detoxification and ~~treatment~~
30 ~~referral services or a partnership with facilities that will admit~~
31 ~~low-income or Medi-Cal participants for treatment.~~ *treatment, as*
32 *needed.*

33 ~~(6)~~

34 (8) Criminal record clearing services through partnerships with
35 a public defender's office, legal aid, or other city or county services
36 for criminal history record clearing and infraction citation clearing.

37 ~~(7) Security services approved by the county sheriff's~~
38 ~~department.~~

~~(8) Facilities with adequate internet capacity in order to permit remote appearances through the use of remote technology with any participating party that cannot attend in person.~~

~~(9) Additional evidence-based components identified by the Judicial Council that are consistent with this section.~~

~~(c) The council—In awarding the grants, the Judicial Council shall give preference to programs that provide, or plan to provide, will provide the following services:~~

~~(1) Weekly—A minimum of weekly follow-up with mental health and substance abuse counseling services in between court dates.~~

~~(2) Job training or placement services.~~

~~(3) Court conditional releases from custody into residential narcotic and drug abuse programs, as defined in Section 11842 of the Health and Safety Code.~~

~~(4) Participation of a licensed medical practitioner to prescribe and administer medication for program participants related to substance abuse recovery or mental health—treatment. treatment, if agreed to by the defendant.~~

~~(d) An applicant for funding pursuant to this chapter shall submit an application designed by the Judicial Council. The application shall include a plan for the creation of a new homeless court or expansion of an existing homeless court program. 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.~~

5480. ~~(a) The Judicial Council shall establish performance-based outcome measures appropriate for each participating homeless—court. Participating court that, at a minimum, shall include all of the following information:~~

~~(1) Demographics of all homeless court program participants.~~

~~(2) Services provided.~~

~~(3) Services ordered, but not provided.~~

~~(4) Housing placements of all program participants.~~

~~(5) Permanent housing success for program participants.~~

~~(6) Continued treatment beyond the diversion program.~~

~~(7) Successful substance use disorder treatment rates.~~

~~(8) Detentions or conservatorship pursuant to Lanterman-Petris-Short Act (Part 1 (commencing with Section~~

1 5000) of Division 5 of the Welfare and Institutions Code) during
2 and following the diversion program.

3 (9) Additional criminal justice involvement during and following
4 the diversion program.

5 (10) Deaths during and following the diversion program.

6 (11) A subjective survey of the individuals served.

7 (b) Participating courts shall provide the required data, including
8 individual offender level data, on a quarterly basis to the Judicial
9 Council.

10 ~~(b)~~

11 (c) On or before July 1, 2026, the ~~council~~ Judicial Council shall
12 compile a report ~~describing the data reported in subdivision (a)~~
13 and shall prepare a full evaluation of each of the programs funded
14 pursuant to this chapter and the success and challenges of those
15 programs in addressing the needs of chronically homeless
16 ~~individuals. individuals, along with recommendations for improving~~
17 the programs. The report shall be submitted to the Legislature
18 pursuant to Section 9795 of the Government Code.

19 5483. The sum of _____ dollars (\$_____) is hereby appropriated
20 from the General Fund to the Judicial Council for the purpose of
21 administering the Homeless Courts Pilot Program pursuant to this
22 chapter.

23 5485. This chapter shall remain in effect only until January 1,
24 2027, and as of that date is repealed.