



® May 12, 2017

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The Honorable Nancy Skinner  
Chair, Senate Public Safety Committee  
State Capitol, Room 2059  
Sacramento, CA 95814

**Re: AB 789 (Rubio) – Criminal procedure: release on own recognizance.  
As Introduced February 15, 2017 – SUPPORT  
Referred to the Senate Public Safety Committee**

Dear Senator Skinner,

The California State Association of Counties (CSAC) writes in support of Assembly Bill 789 by Assembly Member Blanca Rubio. This measure would provide courts with discretion to approve own recognizance (OR) releases for individuals arrested for certain offenses who have three prior failures to appear (FTA), without holding a hearing in open court, under a court-operated or court-approved pretrial program.

Existing law requires a hearing in open court before an offender arrested for certain offenses, who has previously failed to appear in court three or more times over the preceding three years, may be granted OR release. In counties where a sizeable portion of those arrested already have multiple FTAs due to jail overcrowding and other factors, the restriction within the law limits judicial discretion and court's efficient use of court-operated or court-approved pretrial release programs to process releases for eligible defendants during non-court hours.

Some courts include an OR release component that operates during non-court hours. On-call magistrates approve OR releases allowing arrestees to return to their jobs and families, while imposing statutory conditions and appropriate levels of supervision. However, these innovative programs have been hindered by the inflexible requirements of the current law. During non-court hours, including weekends and holidays, jail officials may have no option but to release offenders without supervision or court date reminders. Many of these offenders will fail to appear for subsequent court dates, and the dysfunctional cycle of arrest and unsupervised jail release repeats.

Specifically, AB 789 would allow judges the option to grant OR release to arrestees with three or more FTAs without a hearing in open court if they are released under a court-operated or court-approved pretrial release program. This measure will encourage more efficient processing of criminal cases, more appropriate levels of offender supervision, and a reduction in jail overcrowding.

It is for these reasons that CSAC supports AB 789 and respectfully respects your AYE vote. Should you have any questions regarding our position please do not hesitate to contact me at [dkernan@counties.org](mailto:dkernan@counties.org) or 916.650.8131.

Sincerely,

A handwritten signature in black ink that reads 'Darby Kernan'.

Darby Kernan  
Legislative Representative

cc: The Honorable Blanca Rubio, California State Assembly  
Members and Consultant, Senate Public Safety Committee  
Eric Csizmar, Consultant, Senate Republican Caucus