



**CITY OF SANTA CLARITA  
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL:

*Ken Stripling*

DATE: July 13, 2021

SUBJECT: STATE LEGISLATION: SENATE BILL 262

DEPARTMENT: City Manager's Office

PRESENTER: Masis Hagobian

RECOMMENDED ACTION

City Council adopt the City Council Legislative Committee recommendation to oppose Senate Bill 262 (Hertzberg) and transmit position statements to Senator Hertzberg, Santa Clarita's state legislative delegation, appropriate legislative committees, Governor Newsom, League of California Cities, and other stakeholder organizations.

BACKGROUND

Authored by Senator Bob Hertzberg (D-18-Van Nuys), Senate Bill 262 waives monetary bail for all misdemeanors and specific felonies, as outlined in the legislation.

Existing state law establishes that it is the duty of the Superior Court in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses, except Vehicle Code infractions.

Additionally, state law provides that in setting, reducing, or denying bail, the presiding judge shall take into consideration the protection of the public, the safety of the victim, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of the defendant appearing at the trial or hearing of the case. Public safety and the safety of the victim shall be the primary considerations. A person may be released on their own recognizance with the court's discretion, subject to the same factors considered in setting bail.

On August 28, 2018, Governor Brown signed Senate Bill 10 (Chapter 244, Statutes of 2018), which repealed existing state law regarding monetary bail and required courts to establish and conduct a non-monetary pretrial risk assessment, instead of a monetary bail system. A veto referendum, Proposition 25 (2020), was placed on the November 3, 2020, General Election ballot to repeal Senate Bill 10 (2018). A "yes" vote on Proposition 25 (2020) was to uphold Senate Bill 10 (2018) and a "no" vote was to repeal the legislation. Senate Bill 10 was repealed by voters, with approximately 56.41 percent of voters voting against Proposition 25 (2020).

Senate Bill 262 waives bail for all misdemeanors and specific felonies, except the following felony offenses:

- A “serious felony” or a “violent felony” as defined in existing law. This includes murder, rape, lewd act on a child under 14 years of age, arson, attempted murder, robbery, assault with a deadly weapon on a peace officer, kidnapping, and grand theft auto involving a firearm;
- Attempts to deter or prevent an executive officer from performing their duties or knowingly resisting an officer in the performance of their duties;
- Contempt of court for violation of a protective order;
- Preventing or dissuading a victim or witness from testifying in court through force or threat of force;
- Spousal rape;
- Domestic violence offenses;
- A violation of a protective order if the detained person made threats to kill or harm, has engaged in violence against, or has gone to the residence or workplace of, the protected party;
- Felony criminal threats;
- Stalking;
- An offense which requires registration on the sex offender registry;
- Driving under the influence offenses;
- Felony looting;
- Being in possession of a firearm when prohibited due to a felony;
- Civil rights violations and hate crimes;
- Human trafficking;
- Willful harm or corporal punishment on a child;
- Elder and dependent adult abuse; and
- Assault by means of force likely to cause great bodily injury.

The following are some misdemeanor or felony offenses that will no longer require bail, if this bill is implemented:

- Shoplifting or grand theft, where the value of property stolen does not exceed \$950;
- Forgery or fraud, where the value of the forged check does not exceed \$950;
- Trespassing;
- Disturbing the peace;
- Personal use or possession of illegal drugs or drug paraphernalia;
- Public intoxication;
- Under the influence of a controlled substance;
- Loitering to commit prostitution;
- Resisting arrest;
- Procuring or paying for prostitution services; and
- Maliciously and willfully discharging a firearm at an occupied building or motor vehicle.

Senate Bill 262 passed the Senate (30-9-1) on May 26, 2021. Senator Scott Wilk (R-21-Santa Clarita) voted against the bill and Senator Henry Stern (D-27-Calabasas) voted in support of the bill. Senate Bill 262 is pending a hearing in the Assembly Committee on Public Safety, as of the writing of this report.

Notable supporters include the Anti-Recidivism Coalition (Co-source), Californians for Safety and Justice (Co-source), Western Center on Law & Poverty (Co-source), and City of Alameda.

Notable opponents include the California District Attorneys Association, California Peace Officers Association, California Police Chiefs Association, and City of Cypress.

The City Council Legislative Committee met on June 22, 2021, and recommends that the City Council adopt an “oppose” position on Senate Bill 262.

#### ALTERNATIVE ACTION

1. Adopt a “support” position on Senate Bill 262.
2. Adopt a “neutral” position on Senate Bill 262.

3. Take no action on Senate Bill 262.
4. Refer Senate Bill 262 back to the Legislative Committee.
5. Other direction, as provided by the City Council.

#### FISCAL IMPACT

The resources required to implement the recommended action are contained within the City of Santa Clarita's adopted FY 2021-22 budget.

#### ATTACHMENTS

Senate Bill 262 - Bill Text