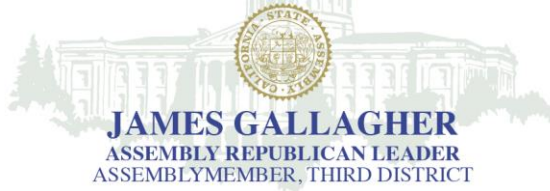


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September 13, 2022

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: RECOMMENDED VETO OF AB 2167 (KALRA, A)

Dear Governor Newsom:

I respectfully request a veto of Assembly Bill 2167, which passed the Assembly on 5/26/22 by a vote of 42 to 23, with 19 members of the Assembly Republican Caucus voting "No."

AB 2167 provides that "It is the intent of the Legislature that the disposition of any criminal case use the least restrictive means available." It provides that "The court presiding over a criminal matter shall consider alternatives to incarceration, including, without limitation, collaborative justice court programs, diversion, restorative justice, and probation."

Even without this bill, judges are fully aware that there are alternatives to incarceration and use them frequently. According to the California Department of Justice, in 2021, 19.7% of felony arrests where a conviction occurred resulted in a sentence to a state institution, down from 21.2% the prior year. Probation was granted in 68.1% of cases in 2021. California has an incarceration rate below the national average. According to 2020 data from the federal Bureau of Justice Statistics, California ranks below average among the states in terms of its prison incarceration rate (310 per 100,000 population vs. the 371 per 100,000 average among the 50 states.).

The Legislature has expanded diversion and given counties additional resources to expand probation and reduce recidivism. Judges know this and do not need to be told by the Legislature to use "the least restrictive means available" when sentencing criminal offenders. They do so often.

California does not have an over-incarceration problem; it has a crime problem. In 2021, violent crime rose 6.7% and property crime rose 3%. Homicides rose 9%. It is not appropriate to pressure judges to increase the already widespread use of non-custodial sentences for criminals by stating that they should use the “least restrictive means available.” Prison is an appropriate sanction to deter and punish violent and repeat felons and those who represent a significant danger to the public. Public safety should be judges’ primary consideration when imposing criminal sentences, not abstract notions of what constitutes the “least restrictive means available.”

For the reasons stated above, I respectfully request that you veto Assembly Bill 2167.

Sincerely,



James Gallagher
Assembly Republican Leader