



**STATE LEGISLATION
COMMITTEE**
Wednesday, March 23, 2022
11:00am – 1:00pm
City Hall, Room 201

This meeting will be held in person at the location listed above. As authorized by California Government Code Section 54953(e) and Mayor Breed's 45th Supplement to her February 25, 2020 emergency proclamation, it is possible that some members of the State Legislation Committee may attend this meeting remotely via Webex. In that event, those members will participate and vote by video. Members of the public may attend the meeting to observe and provide public comment at the physical meeting location listed above or online at the link below. Everyone attending the meeting in person is required to wear a mask throughout the meeting. Instructions for providing remote public comment can be viewed on page 4 of this meeting agenda.

Join online at

<https://ccsf.webex.com/ccsf/j.php?MTID=meeec6260e04cb1e58c1287a6ea285271>
Meeting ID: 2499 474 3147 / **Meeting Password:** u6J93PyfGTA (86593793 from phones)

Join by Phone at +1-415-655-0001

(Instructions for providing remote public comment can be viewed on page 6)

MEMBERS:

Mayor's Office (Chair) – Edward McCaffrey
Supervisor Dean Preston – Preston Kilgore
Supervisor Connie Chan -- Ian Fregosi
Assessor's Office -- Holly Lung
City Attorney's Office -- Rebekah Krell
Controller's Office -- Dan Kaplan
Treasurer's Office -- Eric Manke

AGENDA

I. ROLL CALL

II. APPROVAL OF MEETING MINUTES (Action Item). Discussion and possible action to approve the minutes from the meeting of February 23, 2022.

III. STATE LOBBYIST OVERVIEW AND UPDATE (Discussion Item). The City's state lobbyist will present to the Committee an update on State legislative matters.

IV. PROPOSED LEGISLATION (Discussion and Action). Discussion and possible action item: the Committee with review and discuss state legislation affecting the City and County of San Francisco. Items are listed by Department, then by bill number.

New Business

Mayor's Office of Housing and Community Development

Presenter: Sheila Nickolopoulos

AB 2094 (Rivas): General plan: Annual report: Extremely low-income housing
Recommended Position: Support

Existing law requires a city or county to adopt a general plan, which includes a housing element. The local planning department reports annually on the city or county's progress in meeting its share of regional housing needs (RHNA) and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing.

AB 2094 would additionally require this annual report to include the locality's progress in meeting the housing needs of extremely low-income (ELI) households. By requiring cities and counties to include additional information in their annual reports, the bill would impose a state-mandated local program.

San Francisco Public Utilities Commission

Presenter: Rebecca Peacock

AB 1814 (Grayson): Transportation electrification: community choice aggregators

Recommended Position: Support

This bill would authorize Community Choice Aggregators (CCAs) to file applications for transportation electrification programs and investments with the California Public Utilities Commission (CPUC). AB 1814 will provide fair access for all ratepayers to these important funds. The SFPUC recommends a support position on AB 1814.

Department on the Status of Women

Presenter: Elise Hansel

SB 975 (Min): Debt: coerced debts: right of action

Recommended Position: Support

Economic coercion plays a significant role in domestic violence and other forms of abuse, yet current law does not provide adequate protection for victims.

SB 975 will establish consumer and credit protections for individuals who have been coerced into taking on debt without their knowledge or consent.

Department of Public Health

Presenters: Max Gara & Sneha Patil

SB 1035 (Eggman): Mental health services: assisted outpatient treatment

Recommended Position: Support

SB 1035 would clarify that medication can be included as part of a treatment plan ordered under assisted outpatient treatment (AOT). DPH recommends a support position on this bill, as the change would provide counties an important tool for ensuring that individuals with serious mental illness receive the recommended medication that helps them maintain stability in the community.

Office of the Treasurer and Tax Collector

Presenter: Michelle Lau

SB 1106 (Wiener): Criminal resentencing: restitution

Recommended Position: Support

Senate Bill 1106 removes barriers to criminal record relief by ensuring outstanding restitution and restitution funds are not used to deny a request for expungement.

We recommend supporting this bill. Ensuring successful re-entry for people with past convictions benefits the broader community; expungement petitions should not be denied due to outstanding restitution debt.

V. GENERAL PUBLIC COMMENT

Members of the public may address the Committee on items of interest that are within the Committee's subject matter jurisdiction and that do not appear on the agenda.

VI. ADJOURNMENT

Disability Access

Room 201 of City Hall is located at 1 Dr. Carton B. Goodlett Place and is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible Muni lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness, as well as Muni Metro stations at Van Ness and Civic Center. For more information about Muni accessible services, call 923-6142. There is accessible parking at the Civic Center Plaza garage.

Know Your Rights Under the Sunshine Ordinance

The government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Donna Hall at Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, by phone at 415-554-7724, by fax at 415-554-7854, or email the Sunshine Ordinance Taskforce Administrator at sotf@sfgov.org. Citizens may obtain a free copy of the Sunshine Ordinance by contacting the Task Force, or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at www.sfgov.org/sunshine.htm.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Sec. 2.100 -2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone 415-581-2300, fax 415-581-2317, Internet website: www.sfgov.org/ethics.

Cell Phones and Pagers

The ringing and use of cell phones, pagers, and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Public Comment

Public Comment will be taken on each item on the agenda before or during consideration of that item.

Document Review

Documents that may have been provided to members of the State Legislation Committee in connection with the items on the agenda include proposed state legislation, consultant reports, correspondence and reports from City departments, and public correspondence. These may be inspected by contacting Edward McCaffrey, Manager, State and Federal Affairs, Mayor's Office at: (415) 554-6588.

Health Considerations

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City accommodate these individuals.

March 23, 2022 State Legislation Committee Remote Option

View the meeting:

<https://ccsf.webex.com/ccsf/j.php?MTID=meeec6260e04cb1e58c1287a6ea285271>

NOTE: Depending on your broadband/WIFI connection, there may be a 30- second to 2-minute delay when viewing the meeting live.

PUBLIC COMMENT CALL-IN: +1-415-655-0001 Access code: 249 947 43147

Webinar password: u6J93PyfGTA (86593793 from phones)

Information Regarding Providing Public Comment

- Each individual may comment 1 time per agenda item.
- Each individual may speak for up to 2 minutes; after which time the line is automatically silenced.
- To make public comment on a specific agenda item, dial in using the information above when the item is called.
- Dial *3 to be added to the public comment queue for this item.
- When it is your time to speak, you will hear "Your line has been unmuted."
- Ensure you are in a quiet location.
- Before you speak, mute the sound of any equipment around you including televisions, radios, and computers. It is especially important that **you mute your computer** so there is no echo sound when you speak.
- When the Commission Secretary states, "Next Caller," you are encouraged to state your name clearly. As soon as you speak, your 2 minute allotment will begin.
- After you speak, you will go back to listening mode. You may stay on the line to provide public comment on another item.



**STATE LEGISLATION
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**Wednesday, February 23, 2022
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Join online at

<https://ccsf.webex.com/ccsf/j.php?MTID=m2487b9d00cf14f82c9c035e99ead0d3>

**c Meeting ID: 2491 091 9511 / Meeting Password: yGqk2pzUp98 (94752798
from phones) Join by Phone at +1-415-655-0001**

(Public Comment Instructions available on page 5)

MEMBERS:

Mayor's Office (Chair) -- Edward McCaffrey
Supervisor Dean Preston -- Preston Kilgore
Supervisor Connie Chan -- Ian Fregosi
Assessor's Office -- Holly Lung
City Attorney's Office -- Rebekah Krell
Controller's Office -- Dan Kaplan
Treasurer's Office -- Eric Manke

AGENDA

VII. ROLL CALL

Present: Edward McCaffrey, Preston Kilgore, Ian Fregosi, Holly Lung, Rebekah Krell, Dan Kaplan, and Eric Manke

Absent: None.

VIII. APPROVAL OF MEETING MINUTES (Action Item). Discussion and possible action to approve the minutes from the meeting of January 26, 2022.

No public comment.

Motion to Approve: Edward McCaffrey

Seconded by: Eric Manke

Approved: 7-0

IX. STATE LOBBYIST OVERVIEW AND UPDATE (Discussion Item). The City’s state lobbyist will present to the Committee an update on State legislative matters.

Presenter: Karen Lange, Partner, Shaw Yoder Antwih Schmelzer & Lange

X. PROPOSED LEGISLATION (Discussion and Action). Discussion and possible action item: the Committee with review and discuss state legislation affecting the City and County of San Francisco. Items are listed by Department, then by bill number.

New Business

San Francisco Municipal Transportation Agency & Planning Department

Presenter: Kate Breen and Aaron Starr

SB 922 (Wiener): California Environmental Quality Act: exemptions: transportation-related projects

Recommended Position: Support

Senate Bill 922 expands the provisions and eliminates the sunset in SB 288 (Wiener, 2020) to ensure San Francisco and California can create an equitable and sustainable transportation system without unnecessary delays. SB 922 will extend statutory exemptions to the California Environmental Quality Act (CEQA) for transportation projects that significantly advance the state’s climate, public safety and public health goals.

Madison Tam from SPUR expressed SPUR’s support for this bill.

Motion to Approve: Edward McCaffrey

Seconded by: Eric Manke

Approved: 7-0

Office of Civic Engagement & Immigrant Affairs

Presenters: Elena Shore and Chloe Noonan

SB 836 (Wiener): Evidence: immigration status

Recommended Position: Support

On January 6, 2022, Sen. Scott Wiener, D-San Francisco, introduced SB 836 Evidence: immigration status, which would prevent the disclosure of a person’s immigration status in open court, unless the presiding judge finds that their immigration status is relevant to the case. This legislation would extend protections of the 2018 law, SB 785 (Wiener), which had a sunset date of January 1, 2022. SB 836 would remove the sunset date to make these protections permanent. This legislation would allow undocumented immigrants, including crime victims and witnesses, to testify in California

courts without fear that their immigration status be made public. The bill would require a two-thirds vote of the state legislature, and if passed, it would take effect immediately.

No public comment.
Motion to Approve: Ian Fregosi
Seconded by: Holly Lung
Approved: 7-0

Office of the City Attorney

Presenter: Rebekah Krell

AB 2766 (Maienschein): Unfair Competition Law: enforcement powers: investigatory subpoena

Recommended Position: Sponsor

Existing law provides authority to the California Attorney General, District Attorneys, as well as City Attorneys and County Counsels representing populations greater than 750,000 to file cases under the California Unfair Competition Law (UCL), an important civil prosecutorial tool to address unlawful, unfair or fraudulent business acts as well as unfair or deceptive advertising. However, only the Attorney General and the District Attorneys may issue pre-litigation subpoenas, which they routinely do to investigate, expedite and focus potential UCL cases. The bill would provide pre-litigation subpoena authority to the seven agencies that already have authority to bring UCL actions (San Francisco City Attorney, Los Angeles City Attorney, San Jose City Attorney, San Diego City Attorney, Santa Clara County Counsel, Los Angeles County Counsel, and San Diego County Counsel). It is limited in scope to apply only to potential violations of the UCL.

No public comment.
Motion to Approve: Edward McCaffrey
Seconded by: Eric Manke
Approved: 7-0

XI. GENERAL PUBLIC COMMENT

Members of the public may address the Committee on items of interest that are within the Committee's subject matter jurisdiction and that do not appear on the agenda.

No public comment.

XII. ADJOURNMENT

Meeting concluded at 11:52pm.



State Legislation Proposal Form

This form should be used to submit legislative proposals for consideration by the State Legislation Committee. We ask that you keep your submissions under two pages. Before submission, proposals must be reviewed and approved by the Department Head or Commission. Please send completed forms to Eddie McCaffrey in the Mayor's Office at edward.mccaffrey@sfgov.org and cc Susanna Conine-Nakano at Susanna.Conine-Nakano@sfgov.org.

Date Submitted	March 15, 2022
Submitting Department	MOHCD, HSH
Contact Name	Sheila Nickolopoulos
Contact Email	Sheila.Nickolopoulos@sfgov.org
Contact Phone	
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input type="checkbox"/> NO X N/A

AB 2094

Asm. Rivas, District 30, Democrat

General plan: Annual report: Extremely low-income housing

Recommended Position

- SPONSOR SUPPORT
 SUPPORT if amended OPPOSE
 OTHER & Describe

Summary

Existing law requires a city or county to adopt a general plan, which includes a housing element. The local planning department reports annually on the city or county's progress in meeting its share of regional housing needs (RHNA) and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing.

AB 2094 would additionally require this annual report to include the locality's progress in meeting the housing needs of extremely low-income (ELI) households. By requiring cities and counties to include additional information in their annual reports, the bill would impose a state-mandated local program.

Background/Analysis

Current law states that cities must allocate a certain number of sites for ELI units that are available to households with incomes of 0-

30% of the area average median income (AMI). Reporting on progress towards this goal is not required in annual reports.

Challenge

Right now, cities are required to report their progress on building various levels of low-income housing but are not required to specifically report the number of ELI units being built.

Solution/Recommended Proposal

AB 2094 will increase transparency in existing building reporting requirements by requiring local jurisdictions to clarify their progress towards building new units for extremely low-income (ELI) households.

This legislation does not change the housing element nor the RHNA allocation for any jurisdiction. AB 2094 increases transparency by requiring that the form to report annual progress on housing production to HCD add an additional column to specifically report progress on ELI unit production. Several jurisdictions around the state, including San Francisco, already track and share data on ELI housing production as part of their efforts to prioritize development of such units to help

alleviate the severe shortage of affordable housing that leads to homelessness.

AB 2094 provides additional information to ensure that existing commitments to create housing that is affordable at all income levels are met. This bill will also help the State understand where gaps exist and assist in using and allocating resources effectively for those who are most vulnerable to homelessness.

Departments Impacted & Why

MOHCD tracks the production of affordable units at different levels of affordability, including ELI units. This data is shared annually

with the Planning Department, who prepare and submit the annual report to the HCD.

The data on ELI units is already tracked by City agencies, so the impact of this bill would be minimal.

Fiscal Impact

No fiscal impact is anticipated.

Support / Opposition

Unknown



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Date Submitted	3/15/22
Submitting Department	SFPUC
Contact Name	Rebecca Peacock
Contact Email	rpeacock@sfgov.org
Contact Phone	415-757-8365
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A

AB 1814
Asm. Grayson, District 14, Democrat
Transportation electrification: community choice
aggregators.

Recommended Position

- SPONSOR **SUPPORT**
 SUPPORT if amended **OPPOSE**
 OTHER & Describe

investments. This bill would modify current law and require the CPUC to authorize Community Choice Aggregators to file applications for transportation electrification programs with the CPUC.

Summary

This bill would authorize Community Choice Aggregators (CCAs) to file applications for transportation electrification programs and investments with the California Public Utilities Commission (CPUC). AB 1814 will provide fair access for all ratepayers to these important funds. The SFPUC recommends a support position on AB 1814.

Challenge

Currently, state law directs the investor-owned utilities to file applications to accelerate widespread transportation electrification and the CPUC has approved only investor-owned utility programs and investments. However, CCA ratepayers contribute to the over \$1 billion in transportation electrification investments that have thus far been approved by the CPUC through payment of distribution rates.¹

Background/Analysis

Current law requires the CPUC to direct investor-owned utilities to file applications with the CPUC for programs and investments to accelerate widespread transportation electrification. Current law does not require the CPUC to provide Community Choice Aggregators with the option to also file applications for electrification programs and

Solution/Recommended Proposal

This bill remedies the disparity of funding access by authorizing CCAs to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on

¹ See *Transportation Electrification Framework Energy Division Staff Proposal*, pp. 8 and 108, Accessible at: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M326/K281/326281940.PDF> (last accessed 2/17/22).

petroleum, meet air quality standards, and reduce emissions of greenhouse gases.

Departments Impacted & Why

The City's Community Choice Aggregator program, CleanPowerSF, has not yet determined whether it would file an application with the CPUC for transportation electrification programs or investments that would affect other City Departments.

Fiscal Impact

This bill has no fiscal impact. The bill provides Community Choice Aggregators the option to file applications for transportation electrification investments with the CPUC. It does not require Community Choice Aggregators to file applications with the CPUC.

Support / Opposition

Support

CalCCA (Sponsor)

Opposition

Coalition of California Utility Employees
(Oppose unless amended)

California State Association of Electrical
Workers (Oppose unless amended)



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Date Submitted	March 11, 2022
Submitting Department	Department on the Status of Women
Contact Name	Elise Hansell
Contact Email	Elise.hansell@sfgov.org
Contact Phone	415-252-4653
Reviewed and approved by Department Head?	X YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES X NO <input type="checkbox"/> N/A

SB 975

Sen. Min, District 37, Democrat

Debt: coerced debts: right of action

Recommended Position

- SPONSOR SUPPORT
 SUPPORT if amended OPPOSE
 OTHER & Describe

Summary

Economic coercion plays a significant role in domestic violence and other forms of abuse, yet current law does not provide adequate protection for victims.

SB 975 will establish consumer and credit protections for individuals who have been coerced into taking on debt without their knowledge or consent.

Background/Analysis

Financial abuse occurs in the majority of domestic violence cases and can include stealing money, credit, property, or identity from a partner. It may also include forcing a partner to file fraudulent legal financial documents or overspend on credit cards. Abusive partners can incur debt without a survivor's consent, or coerce a survivor into incurring the debt, by threats of

harm. Further, research illustrates that access to economic resources is the most likely predictor of whether a survivor will be able to permanently separate from their abusive partner.

The elderly also experience economic coercion at high rates. In cases of elder abuse, family members and other trusted individuals can abuse Power of Attorney, steal money, take advantage of joint bank accounts, misuse ATM cards, and/or steal checks, as well as threaten to abandon, physically abuse, or otherwise harm the individual unless their demands are met. Youth in foster care are particularly vulnerable to economic coercion. When foster youth are put in multiple placements, numerous adults are given access to their personal information, leaving these children vulnerable to abuse. A 2018 survey conducted by the Identity Theft Resource Center and Symantec found that 15% of foster youth surveyed were victims of identity theft.

Challenge

Survivors of domestic violence or elder abuse, and foster youth are often victims of coerced or fraudulent debt, with debts taken out in their name without their knowledge or consent. These debts damage individuals' credit and force them into years of debt repayment, reducing their economic stability and leaving them vulnerable to future abuse, poverty, and housing instability or homelessness. Financial abuse occurs in 99% of domestic violence cases and can include stealing money, credit, property, or identity from a partner. It can also involve forcing a partner to file fraudulent legal financial documents or overspend on credit cards. Abusive partners can incur debt without a survivor's consent, or coerce a survivor into incurring the debt, by threats of harm. The debt and poor credit score resulting from financial abuse can have long-term consequences for survivors, creating barriers to education, housing, and employment opportunities.

Solution/Recommended Proposal

This bill allows individuals to establish a debt was coerced by providing

evidence including, but not limited to, a police report, FTC identity theft report, relevant court orders, and other documents provided by listed professionals. The measure also provides survivors and creditors the opportunity to settle matters outside of court, if that is preferred by both parties. To ensure debts are ultimately collected by the appropriate entity, the bill allows creditors to pursue debts from anyone who used or possessed money, goods, services, or property obtained through a coerced debt.

Departments Impacted & Why

N/A

Fiscal Impact

N/A

Support / Opposition

California Partnership to End Domestic Violence (co-sponsor)
Public Law Center (co-sponsor)
Law Foundation of Silicon Valley (co-sponsor)
Little Hoover Commission

No Opposition on file.



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Date Submitted	March 15, 2022
Submitting Department	Department of Public Health
Contact Name	Max Gara; 415-554-2621
Contact Email	Maxwell.gara@sfdph.org
Contact Phone	Sneha Patil; 415-554-2795 Sneha.patil@sfdph.org
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A

SB 1035

Sen. Eggman, District 5, Democrat

Mental health services: assisted outpatient treatment

Recommended Position

- SPONSOR **SUPPORT**
 SUPPORT if amended OPPOSE
 OTHER & Describe

Summary

SB 1035 would clarify that medication can be included as part of a treatment plan ordered under assisted outpatient treatment (AOT). DPH recommends a support position on this bill, as the change would provide counties an important tool for ensuring that individuals with serious mental illness receive the recommended medication that helps them maintain stability in the community.

Background/Analysis

The Assisted Outpatient Treatment (AOT) program provides for court ordered outpatient treatment for individuals with serious mental illness. AOT is designed to assist individuals with severe and persistent mental illness who are not engaged in treatment, are deteriorating, and have a history of poor treatment compliance. In San Francisco, the Department of Public Health (DPH) runs the AOT program. The

goal of the program is to reduce hospitalization, incarceration, and victimization. The AOT Care Team has served 129 individuals, 17 of whom were court ordered participants, between Nov 2015 to March 2019.

Challenge

Although state law permits courts to order AOT plans that specify coordination and access to medication, it does not allow courts to order medication that may be essential to an individual living in their community, especially those transitioning from conservatorship.

Solution/Recommended Proposal

SB 1035 would clarify that medication can be included as part of a treatment plan ordered under AOT. Including for court-ordered medication as a component of AOT would provide counties an important tool for ensuring that individuals with a high risk of medication noncompliance continue to take the medication that helps them maintain stability. This change was supported by 2020 State LPS Audit, which stated that "requiring people to take

medication while living within their communities ultimately provides them more freedom than if they were required to take medication while placed on short-term involuntary holds or in some conservatorship settings.”

At least 12 other state that have similar AOT programs expressly permit court-ordered medication for individuals living in the community. For example, in New York, an AOT plan can include court-ordered medication to treat a person’s mental illness and specifies that the treatment plan must describe how the medication will be administered and the type and dosage of the medication.

On average, there are 10-15 petitions to the court for AOT in San Francisco, and almost all would benefit from being eligible for court-ordered medication. Including the

bill’s proposed changes would help to prevent an individual from needing a higher level of care, including conservatorship, and for these reasons the DPH supports the bill.

Departments Impacted & Why

No other department would be impacted by the bill.

Fiscal Impact

Potential long-term cost savings by reducing utilization of higher acuity services for individuals with several mental illness.

Support / Opposition

None listed



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Date Submitted	3/14/2022
Submitting Department	Office of the Treasurer and Tax Collector
Contact Name	Amanda Fried
Contact Email	amanda.fried@sfgov.org
Contact Phone	415-554-0889
Reviewed and approved by Department Head?	X YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input type="checkbox"/> NO X N/A

SB 1106 Sen. Wiener, District 11, Democrat Criminal resentencing: restitution

Recommended Position

- SPONSOR SUPPORT
 SUPPORT if amended OPPOSE
 OTHER & Describe

Summary

Senate Bill 1106 removes barriers to criminal record relief by ensuring outstanding restitution and restitution finds are not used to deny a request for expungement.

We recommend supporting this bill. Ensuring successful re-entry for people with past convictions benefits the broader community; expungement petitions should not be denied due to outstanding restitution debt.

Background/Analysis

State law authorizes courts to charge people convicted of crimes to pay restitution fines and restitution to compensate survivors for damages or harm caused. Courts can order people to pay direct restitution based on the amount of loss or injury but are not required to take into account a person's ability to pay in setting amounts.

Courts also impose restitution fines which are fixed amounts charged to anyone with a conviction regardless of whether there was harm caused. A 2021 study of restitution data from 15 California counties found that people are ordered to pay a median amount of approximately \$10,000 in direct restitution and approximately \$2,000 in restitution fines.

Black and brown people are ordered to pay disproportionately higher restitution amounts. For example, in Los Angeles County, Black people make up 8% of the population but were charged 20% of all dollars owed in restitution.

Approximately 80% of Californians charged with crimes are unable to pay off their restitution and restitution fine debt. A 2020 study of restitution data in San Francisco conducted by the Financial Justice Project found that very little direct restitution is ever collected: between 2012 and 2017, less than 10 percent of direct restitution ordered was paid.

Because restitution debt never expires and cannot be discharged in bankruptcy

proceedings, many Californians live with this debt for the rest of their lives. People who have been harmed by a crime and may need financial restitution to be made whole rarely receive restitution because people cannot afford to pay it.

In San Francisco, The Financial Justice Project, in partnership with the District Attorney's Office, Public Defender's Office, Juvenile Probation, San Francisco Bar Association, and Huckleberry Youth Programs, recently launched a pilot program to test an alternative to the traditional restitution system for young people. The Aims to Foster Transformation and Ensure Restitution (AFTER) Program aims to set the responsible young person and the harmed person on a more economically secure path. The young person will make amends by participating in restorative justice conferences, performing community service, or connecting to job opportunities while the person harmed will be paid from a restitution fund.

Challenge

Although people who still owe restitution and restitution fines legally qualify for record relief, in practice people are regularly denied relief solely due to inability to pay these outstanding balances.

Solution/Recommended Proposal

Expungement of criminal records increases access to employment and housing, greater earning capacity, increased tax revenue, and reduction of reliance on public assistance payments.

A 2014 study by Stanford University and the San Jose State University Record Clearance Project found that the estimated benefits of expungement outweigh costs by about \$5,800, per person, in one year—nearly \$6,500 in today's dollars.

Because ensuring successful re-entry for people with past convictions benefits the broader community, expungement petitions should not be denied due to outstanding restitution debt.

Departments Impacted & Why

No impact on departments.

Fiscal Impact

No fiscal impact.

Support / Opposition

Support

ACLU California Action (co-sponsor)
All of Us or None (co-sponsor)
Anti-Recidivism Coalition (co-sponsor)
Californians for Safety and Justice (co-sponsor)
Community Healers Network (co-sponsor)
Debt Collective (co-sponsor)
East Bay Community Law Center (co-sponsor)
Freedom 4 Youth (co-sponsor)
Initiate Justice (co-sponsor)
Insight Center for Community Economic Development (co-sponsor)
Justice2Jobs Coalition (co-sponsor)
Legal Services for Prisoners with Children (co-sponsor)
Root and Rebound (co-sponsor)
United CORE Alliance (co-sponsor)
Western Center on Law and Poverty (co-sponsor)

No opposition on file.