



**LEGISLATION & PUBLIC
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March 27, 2018

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

RE: SB 1233 (MCGUIRE) – SUPPORT IF AMENDED

Dear Senator Skinner:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **supports SB 1233 if amended**. This bill is scheduled for hearing in the Senate Public Safety Committee on April 10, 2018.

As has recently been well-documented, the amount of fines, assessments, and penalties in California have a disparate impact on low-income individuals and serve to deepen their poverty and drive them further into the criminal justice system. SB 1233 clarifies terms for a court to permit individuals to perform community service in lieu of paying fines and assessments and it specifically authorizes a court to permit participation in an educational program in lieu of community service. DRC supports alternatives, such as this one, to provide alternatives for the payment of fines.

However, we have seen repeatedly that a court may require a person with a disability to perform community service or an educational activity and then they show up at the site that has accessibility barriers and they are precluded from completing the community service or education. For example, a Deaf or hard of hearing individual may show up at a site and

the site refuses to provide an interpreter; or a person with a physical disability may show up at a community service site and the site is physically inaccessible or the person cannot do the kind of labor required at the site without an accommodation. Those persons with disabilities are precluded from the community service option.

We request that SB 1233 be amended to provide that all community service and educational sites offered pursuant to Penal Code 1209.5 shall be accessible to persons with disabilities to allow their participation on an equal basis to nondisabled persons and, to the extent necessary, reasonable accommodations be made to allow their participation. Existing state and federal law already require accessibility and accommodations but they often go unheeded. It is necessary to specifically restate the existing requirements in this statute and include the requirement in court orders to ensure equal access.

Thus, we suggest that a new subsection (d) be added to Penal Code section 1209.5 to provide:

(d) Any community service or required educational program that is offered to any person under this section shall be in compliance with section 11135 of the Government Code, sections 51 et seq. and 54 et seq. of the California Civil Code and the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.). People with disabilities shall not be excluded from opportunities for community service or education programs offered under this section due to their disability. Any order permitting community service pursuant to this section shall specify that the community service comply with state and federal law and that reasonable accommodations be made and effective communication be provided to ensure persons with disabilities can participate in the community service equally with persons without disabilities.

We believe this will help ensure that all persons will be able to benefit equally from the options proposed by SB 1233.

For these reasons, DRC supports this bill if amended. Please contact me if you have any questions about our position or if I can provide any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis Child". The signature is fluid and cursive, with the first name "Curtis" and last name "Child" clearly distinguishable.

Curtis Child
Legislative Director
Disability Rights California

cc: Honorable Members, Senate Public Safety Committee
Mary Kennedy, Chief Counsel, Senate Public Safety Committee
Honorable Mike McGuire, California State Senate
Jessica Zaragoza, Legislative Aide, Office of Senator McGuire