Judicial Council *of* California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-090

For business meeting on July 17, 2026

Allocations and Reimbursements to Trial Courts: Pretrial Release Funding and Allocation Methodology

Judicial Council Report Details

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair
Ms. Rebecca Fleming, Vice-Chair

Report Type
Action Required

Effective Date
July 17, 2026

Date of Report
July 7, 2026

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Executive Summary

The Trial Court Budget Advisory Committee recommends approving the fiscal year 2026–27 pretrial release funding of $48.95 million General Fund for the trial courts and directing Judicial Council staff to conduct a midyear survey and recommend a methodology for reallocating funding to trial courts based on demonstrated need, if available. Funding through the pretrial release program provides for the operation of ongoing court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail.

Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective July 17, 2026, approve fiscal year 2026–27 pretrial release allocations of $48.95 million General Fund for the trial courts in accordance with methodologies outlined in the Budget Act of 2026, as authorized by Assembly Bill 109, including minimum funding floors. The committee also recommends that the council direct staff to conduct a midyear survey and to recommend a methodology for reallocating funding to trial courts based on availability and demonstrated need.

Recommendations were presented to the Judicial Branch Budget Committee on April 23, 2026, and approved for consideration by the Judicial Council.

Relevant Previous Council Action

Beginning in fiscal year (FY) 2021–22, the Judicial Council has reviewed and approved annual allocations to the Pretrial Release Program. For FY 2021–22, allocations of $137.9 million General Fund for the trial courts were approved by the council on October 1, 2021, in accordance with methodologies outlined in Senate Bill 129 (Stats. 2021, ch. 69) and included minimum funding floors (see Link A). As required in the legislation, half of the approved FY 2021–22 funding ($68.95 million) was distributed to the 41 courts that did not receive Pretrial Pilot Program funding provided in the Budget Act of 2019. The remaining $68.95 million was distributed to all courts. The council has since approved annual allocations to the Pretrial Release Program.

The Budget Act of 2025 (amended by AB 102) reduced the appropriation by $5 million, resulting in a new allocation to the trial courts of $63.95 million (see Link B). Following enactment of the Budget Act of 2025, the council approved the FY 2025–26 allocations to the trial courts on September 2, 2025, via circulating order.

Analysis/Rationale

The main Budget Act of 2026 (authorized by AB 109) allocated $48.95 million, a reduction of $15 million from the prior year. Since FY 2024–25, the Pretrial Release Program budget available for allocation to the trial courts has been reduced by 29 percent. Funding through the Pretrial Release Program is intended to be distributed to the courts for the operation of ongoing court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail.[1]

Each court may retain up to 30 percent of the funding for costs associated with pretrial programs and practices. Courts are required to contract for pretrial services with their county's probation department or any county department or agency other than those that have primary responsibility for making arrests or prosecuting criminal offenses and provide those departments with the remainder of the funds.[2]

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[1] The Budget Act of 2026 allocated $1.05 million to the Judicial Council for administrative costs. This cost is separated from the overall allocation of $48.95 million.

[2] The Budget Act of 2026 specifically provides that the Superior Court of Santa Clara County may contract with the Office of Pretrial Services in that county, and that the Superior Court of San Francisco County may contract with the sheriff's office and the existing not-for-profit entity that is performing pretrial services in the city and county for pretrial assessment and supervision services.

The Judicial Council is required to distribute funds annually to all courts based on each county's relative proportion of the state population that is 18 to 25 years of age. The budget available to the courts for the Pretrial Release Program under AB 109 is $48.95 million (see Link C). These funds must be encumbered or expended by June 30, 2027. The breakdown of these allocation recommendations is reflected in Attachment A.

Funding floor

In prior years, the pretrial release allocations approval requests to the Trial Court Budget Advisory Committee (TCBAC) included a recommendation to provide small and small-medium courts with a $200,000[3] funding floor with a commitment from Judicial Council staff to monitor and evaluate the impact of and necessity for the floor and return to the committee with a recommendation to either rescind or adjust the floor. The funding floor allocations allow small and small-medium courts to implement and operate pretrial programs that promote court appearance and public safety. If small and small-medium courts are limited to their unadjusted allocations, all of them are likely to operate their programs in a deficit.

The program allocation was reduced by $5 million or 7.25 percent in FY 2025–26. Accordingly, the funding floor allocation was adjusted by 7.25 percent, resulting in a new funding floor allocation of $185,500. For FY 2026–27, the proposed funding floor allocation is $141,987, which again reflects a proportional reduction of the $15 million decrease to the program.

In FY 2025–26, staff further investigated the costs of operating a basic pretrial program, especially in small courts. Utilizing the 23 funding floor court[4] actual expenditures for FY 2024–25, council staff determined that operating a basic pretrial program requires approximately $204,000. In the analysis, staff reviewed the minimum requirements to operate a basic pretrial services program. The analysis considered the statutory mandate that 70 percent of program funding be directed to the pretrial service provider. It included at least one deputy probation officer to both assess individuals and provide monitoring services as ordered by the court, and costs for court-ordered services. The analysis also included a small percentage of court staff time to reflect the court's 30 percent of the funding.

Although the analysis yielded a minimum operating cost of $204,000, staff recommend that all 23 courts that have previously received a funding floor receive the updated funding floor allocation of $141,987 in FY 2026–27. This recommendation aims to ensure a proportional reduction across all courts.

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[3] The original funding floor allocation of $200,000 is equivalent to the funding floor used in the funding methodology in the California Community Corrections Performance Incentives Act of 2009. (Sen. Bill 678; Stats. 2009, ch. 608.) In FY 2023–24, after an annual spending survey of the funding floor courts, staff implemented a sliding-scale model to more effectively allocate the funding based on individual court needs.

[4] The Superior Courts of Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, San Benito, Sierra, Siskiyou, Sutter, Tehama, Trinity, Tuolumne, and Yuba Counties have previously received funding floor allocations.

Staff will continue to monitor and evaluate small and small-medium courts to determine if the recommended floor allocations provide the necessary resources for the courts to meet the mandates of the Pretrial Release Program. Staff will suggest recommendations to adjust the funding floor to the TCBAC and Judicial Branch Budget Committee, as needed.

Policy implications

No policy implications are associated with this report.

Comments

Public comments were not solicited for this proposal because the recommendations are within the Judicial Council's purview to approve without circulation.

Alternatives considered

Staff considered eliminating the funding floor recommendations, but this alternative is not advisable. In FY 2025–26 more than half the courts that received a funding floor expended over 100 percent of their unadjusted allocation. These courts would not have enough funding to continue operating their pretrial programs without the funding floor adjustments.

Fiscal and Operational Impacts

The Budget Act of 2026 allocates $1.05 million to the Judicial Council for costs associated with implementing, supporting, and evaluating pretrial programs in courts. Council staff continue to assist courts with legal, educational, and technical support to help courts operate their pretrial programs and meet the legislative requirements.

Attachments and Links

1. Attachment A: Recommended FY 2026–27 Pretrial Release Program Allocations
2. Link A: Sen. Bill 129 (Stats. 2021, ch. 69)
3. Link B: Assem. Bill 102 (Stats. 2025, ch. 5)
4. Link C: Assem. Bill 109 (Stats. 2026, ch. 19)

Recommended FY 2026–27 Pretrial Release Program Allocations

County	Population 18–24 years old	Percentage of California population 18–24 years old	Proposed allocation ($)
Alameda	130,760	3.72	1,700,596
Alpine	NA	NA	141,987
Amador	NA	NA	141,987
Butte	30,289	0.86	393,923
Calaveras	NA	NA	141,987
Colusa	NA	NA	141,987
Contra Costa	92,860	2.64	1,207,688
Del Norte	NA	NA	141,987
El Dorado	12,593	0.36	163,778
Fresno	98,003	2.79	1,274,575
Glenn	NA	NA	141,987
Humboldt	16,209	0.46	210,806
Imperial	17,729	0.50	230,574
Inyo	NA	NA	141,987
Kern	90,016	2.56	1,170,701
Kings	15,901	0.45	206,800
Lake	NA	NA	141,987
Lassen	NA	NA	141,987
Los Angeles	872,040	24.83	11,341,293
Madera	15,806	0.45	205,564
Marin	18,230	0.52	237,090
Mariposa	NA	NA	141,987
Mendocino	NA	NA	141,987
Merced	32,744	0.93	425,851
Modoc	NA	NA	141,987
Mono	NA	NA	141,987
Monterey	43,949	1.25	571,577
Napa	11,123	0.32	144,660
Nevada	NA	NA	141,987
Orange	282,770	8.05	3,677,558
Placer	30,238	0.86	393,259
Plumas	NA	NA	141,987
Riverside	231,396	6.59	3,009,414
Sacramento	132,077	3.76	1,717,724
San Benito	NA	NA	141,987
San Bernardino	215,164	6.13	2,798,309
San Diego	320,072	9.11	4,162,688

County	Population 18–24 years old	Percentage of California population 18–24 years old	Proposed allocation ($)
San Francisco	54,969	1.56	714,898
San Joaquin	74,737	2.13	971,990
San Luis Obispo	41,959	1.19	545,697
San Mateo	54,440	1.55	708,018
Santa Barbara	65,938	1.88	857,555
Santa Clara	164,705	4.69	2,142,066
Santa Cruz	37,310	1.06	485,234
Shasta	13,391	0.38	174,156
Sierra	NA	NA	141,987
Siskiyou	NA	NA	141,987
Solano	37,447	1.07	487,016
Sonoma	37,982	1.08	493,974
Stanislaus	52,244	1.49	679,458
Sutter	NA	NA	141,987
Tehama	NA	NA	141,987
Trinity	NA	NA	141,987
Tulare	48,582	1.38	631,832
Tuolumne	NA	NA	141,987
Ventura	73,952	2.11	961,781
Yolo	45,073	1.28	586,196
Yuba	NA	NA	141,987
TOTAL	**3,512,698**	**100**	**$48,950,000**

Note: Funding is allocated based on AB 109. Funding must be spent or encumbered by June 30, 2027.

For allocation purposes, the 18-to-24 age category in population data defined and published by the U.S. Census Bureau is used as a proxy for the 18-to-25 age group. U.S. Census Bureau. "Age and Sex." American Community Survey, ACS 5-Year Estimates Subject Tables, Table S0101.

“NA” is used for courts that have been provided with a funding floor allocation to ensure adequate funding is provided to meet the legislative mandate.