

BOARD OF SUPERVISORS

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December 3, 2025

The Honorable Stan Ellis
1021 O Street, Suite 5350
Sacramento, CA 95814

The Honorable Tom Lackey
1021 O Street, Suite 5340
Sacramento, CA 95814

The Honorable Jasmeet Bains
1021 O Street, Suite 5730
Sacramento, CA 95814

RE: AB 1231 (Elhawary), Diversion for felony offenses – OPPOSE

Dear Assembly Delegates,

I am writing on behalf of the Kern County Board of Supervisors to express our serious concerns with AB 1231 (Elhawary), which proposes to significantly expand eligibility for diversion programs to a broad array of felony offenses. While we support efforts to improve rehabilitation and reduce recidivism through collaborative court models and targeted diversion programs, AB 1231 raises serious concerns regarding public safety, judicial efficiency, and accountability.

Kern County has long supported evidence-based alternatives to incarceration, including mental health courts, veterans courts, and substance use diversion programs. These models work precisely because they are structured, court-supervised, and tailored to specific populations. AB 1231, however, departs from this proven framework by creating a generalized diversion pathway for felony offenses without sufficient safeguards or clarity.

Specifically, we are concerned that:

- Oversight and accountability are undermined. The bill allows treatment agencies, potentially with no formal connection to the court, to oversee felony defendants and report on their progress. This disconnect from judicial oversight risks inconsistent enforcement and diminished accountability.

- Public safety will be compromised. The bill includes offenses currently addressed through supervision or detention, including those covered under Proposition 36. Allowing diversion for such offenses will reduce accountability for felony offenders and directly contradicts public sentiment and voter intent expressed in the overwhelming passage of Prop. 36. This legislation weakens the integrity of our criminal justice system and undermines the will of the people.
- The bill will lead to operational confusion and inefficiency. The proposed multi-agency supervision model introduces ambiguity into an already complex system. This could lead to court inefficiencies, conflicting responsibilities, and increased administrative burdens for counties.

Simply put, AB 1231 does not align with Kern County's legislative priorities, which emphasizes structured rehabilitation, judicial accountability, and public safety. While we appreciate the intent to expand access to services, this bill lacks the necessary structure and oversight to ensure successful outcomes for participants and the communities they return to.

This bill has been granted reconsideration and could be taken up at the start of the 2026 Session. For these reasons, the Kern County Board of Supervisors stands in lockstep with the Chief Probation Officers of California and respectfully opposes AB 1231 and asks for your opposition to the bill should it find an opportunity for advancement in January.

Sincerely,



David Couch, Vice Chairman
Kern County Board of Supervisors

cc: Chief Probation Officers of California
Kern County Probation Department
Shaw Yoder Antwih Schmelzer & Lange