



**CITY OF NEWPORT BEACH**

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**Mayor**

Brad Avery

**Mayor Pro Tem**

Kevin Muldoon

**Council Members**

Noah Blom

Joy Brenner

Diane Brooks Dixon

Marshall "Duffy" Duffield

Will O'Neill

September 2, 2021

The Honorable Robert Hertzberg  
California State Senate  
State Capitol Building  
Sacramento, CA 95814

**RE: Senate Bill 262 (Oppose)**

Dear Senator Hertzberg:

The City of Newport Beach (City) respectfully opposes Senate Bill (SB) 262, which codifies the zero-dollar bail system instituted by California's Judicial Council at the start of the COVID-19 pandemic. Unfortunately, this one-size-fits-all emergency bail schedule was flawed and failed to adequately protect the public.

There are examples from almost every region of the state, including Newport Beach, of how this policy has failed, including one individual who has been arrested by the Newport Beach Police Department six different times in the 2020 calendar year. His criminal charges include identity theft, vehicle burglary, commercial burglary and narcotics violations.

Another example is an individual who has been arrested by the Newport Beach Police Department 23 times and has been cited 15 times. This person has had 84 criminal cases sent to the Orange County District Attorney's Office for review. This person is a career criminal and continues to actively victimize members of our community.

Additionally, the Newport Beach Police Department has arrested another repeat offender five times. This person has had 55 criminal cases sent to the Orange County District Attorney's Office for review. We believe this one individual is responsible for numerous thefts from our city.

The flaw in the system is that it treats repeat offenders the same as first time offenders. Several major crimes (including felony elder abuse and child abuse), fall within the category of offenses subject to zero-dollar bail. We firmly believe that crimes against a person should not be a part of such a rigid system.

The City supports the creation of a bail scheme that is fair and equitable, but that still is able to separate the repeat and high-risk offenders from those to be released without bail. However, for the reasons stated above, we must oppose SB 262. Thank you for considering our position.

Respectfully,

A handwritten signature in blue ink, appearing to read "Brad Avery", with a stylized, cursive script.

Brad Avery  
Mayor