



**CSAC Administration of Justice Policy
Committee Meeting (via CONFERENCE CALL)
Thursday, July 31, 2014 ■ 2:30 – 3:30 p.m.
Call-in number: (800) 867-2581; Access code: 7500513#***

** Limited seating will be available for those wishing to join in person: CSAC's Peterson Conference Room (1100 K Street, First Floor, Sacramento, CA 95814)*

**Supervisor Federal Glover, Contra Costa County, Chair
Supervisor John Viegas, Glenn County, Vice-Chair**

- 2:30 p.m. I. **Welcome and Introductions**
Supervisor Federal Glover, Contra Costa County
- 2:35 p.m. II. **PROPOSITION 47 – The Safe Neighborhoods and Schools Act (ACTION ITEM)**
Elizabeth Howard Espinosa, CSAC Senior Legislative Representative
- Proponent for Proposition 47 – Elizabeth Siggins, Volunteer, Yes on 47
 - Opponent for Proposition 47 – Cory Salzillo, Legislative Director, California State Sheriffs' Association
- 3:05 p.m. III. **Update on 2014-15 Budget – Public Safety Elements**
Elizabeth Howard Espinosa, CSAC Senior Legislative Representative
- Court Security in New Court Facilities
 - Community Recidivism Reduction Programs
 - Community Reentry Programs
 - Collaborative Court, Pretrial and Risk Assessment Programs
- 3:20 p.m. IV. **Reduced Fire Camp Rate for County Inmates**
Elizabeth Howard Espinosa, CSAC Senior Legislative Representative
- June 2014 Memo from California Department of Corrections and Rehabilitation
- 3:25 p.m. V. **2014 Legislative Update**
Elizabeth Howard Espinosa, CSAC Senior Legislative Representative
- 3:30 p.m. VI. **Adjournment**

CONFERENCE CALL GUIDELINES

1. Please keep your phone on MUTE unless you are presenting or asking a question.
2. Please **do not place the call on HOLD at any time.**
3. Please identify yourself when speaking.

**Item II. PROPOSITION 47 – The Safe
Neighborhoods and Schools Act (ACTION
ITEM)**



July 24, 2014

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TO: CSAC Administration of Justice Policy Committee
FROM: Elizabeth Howard Espinosa, Senior Legislative Representative
CSAC Administration of Justice Policy Committee
Re: **Recommended Position on Proposition 47, *The Safe Neighborhoods and Schools Act* – ACTION ITEM**

Recommended Action: Staff recommends that the Administration of Justice Policy Committee take **NO POSITION** on Proposition 47, the Safe Neighborhoods and Schools Act.

CSAC POLICY COMMITTEE REVIEW

In broad terms, Proposition 47 is a sentencing reform initiative, which would reduce penalties for specified crimes. It also would reinvest assumed savings into three categories of treatment and intervention. The CSAC Officers referred Proposition 47 to the Health and Human Services (HHS) and the Administration of Justice (AOJ) Policy Committees for joint review to permit analysis of both sentencing changes and proposed system investments. The HHS policy committee will meet on July 28 to discuss the measure; its analysis will focus on how the proposed system investments of assumed savings associated with Proposition 47’s implementation will impact counties. The AOJ committee will review and analyze the impacts of changes on the criminal justice system.

The recommendation of both committees will be forwarded to the CSAC Executive Committee for review at its August 7 meeting. The CSAC Board of Directors will review and take final action on this and other ballot measures at its September 4 meeting.

BACKGROUND

Crimes generally are classified into one of three categories, from the most to least serious: felonies, misdemeanors, and infractions. There are important subcategories within these classifications, especially in the felony class. Sentencing changes enacted pursuant to 2011 Public Safety Realignment (AB 109) mean that offenders convicted of certain lower-level felonies (non-serious, non-violent, non-sex offenses) now serve their sentences in county jail. Prior to 2011 Realignment, felony sentences generally were served in state prison.

If approved by the voters at the November 2014 General Election, Proposition 47 would make all of the following changes:

- 1. Reduce penalties for certain offenders convicted of non-serious and non-violent drug and property crimes;

2. Allow persons currently incarcerated for these specified non-serious and non-violent crimes to seek resentencing;
3. Create a mechanism by which state correction system savings associated with these sentencing changes would be calculated;
4. Redirect identified state savings to three categories of prevention and treatment.

We explore each of these four main components in more detail below.

PENALTY CHANGES

Proposition 47 would reduce existing penalties for six specific non-serious, non-violent crimes: petty theft, commercial burglary (creating a new carve-out for shoplifting), receiving stolen property, writing bad checks, forgery, and drug possession. The changes generally reduce these crimes from felonies or wobblers (crimes for which either a felony or a misdemeanor can be charged) to misdemeanors. However, convictions for these crimes could still be charged as felonies if the person is required to register as a sex offender or has a prior conviction of a “super strike” as defined in Penal Code Section 667(e)(2)(C)(iv).¹

RESENTENCING PROVISIONS

Persons serving a prison sentence for a felony conviction for crimes that, under the provisions of the initiative, are reclassified as misdemeanors would be permitted to seek court review for purposes of resentencing. The initiative gives the court guidance for considering how to exercise its discretion in determining whether a person seeking resentencing poses “an unreasonable risk of danger to public safety².” Among the factors the court may consider: 1. The person’s conviction history – including types of crimes committed, extent of victim injuries, and length of prior prison commitments; 2. The petitioner’s disciplinary and rehabilitative records; and 3. Any other evidence the court deems to be relevant in making the determination of risk.

Successful petitioners would be given credit for time served and subject to parole supervision for one year following completion of their sentence, although the court may waive parole as part of its resentencing determination. The initiative prohibits a person from receiving a longer sentence by virtue of resentencing than he or she otherwise would have had. Persons with “super strike” convictions or who are subject to sex

¹ This section enumerates eight specific offenses or categories of offenses that are serious or serious *and* violent, including, among others, murder, sexually violent offenses, possessing a weapon of mass destruction, child sexual abuse, and any other felony offense punishable by life imprisonment or capital punishment. Section 667 (e)(2)(C)(iv) was enacted by Proposition 36 (2012), the three-strikes reform. Under the latter initiative, persons seeking resentencing (if their third strike was neither serious nor violent) are ineligible if they have a previous “super strike.”

² For purposes of the initiative, “unreasonable risk of danger to public safety” is defined as the risk that the petitioner will commit a new violent felony (i.e., “super strike”) enumerated in Penal Code Section 667(2)(C)(iv), as described in the footnote 1.

offender registration requirements are not eligible to seek resentencing. Petitioners must file for resentencing within three years of the initiative's effective date or, upon showing of good cause, at a later date. Successful petitioners would still be barred from possessing or owning a firearm.

PROCESS FOR CALCULATING STATE CORRECTIONS SYSTEM SAVINGS

The initiative would create a "Safe Neighborhoods and Schools Fund" (Fund) within the state treasury and would establish a process by which the Department of Finance would calculate the annual state-level correctional system savings associated with implementation of the initiative's provisions. The measure specifies the timing of the savings calculation (before July 31, 2016 and on or before July 31 of every subsequent year) as well as the transfer of any savings (before August 15 of each year beginning in 2016) into the Fund. The measure further specifies that expenditures from the Fund must be made exclusively on the purposes outlined in the Act³ and may be made without regard to fiscal year. Further, the Act bars the Legislature from transferring or appropriating resources from the Fund for purposes other than those outlined within.

REDIRECTION OF STATE SAVINGS

The provisions of Proposition 47 direct the State Controller by August 15 of each year, beginning in 2016, to distribute the state savings in the Fund as follows:

- 65 percent to the Board of State and Community Corrections for grants to public agencies aimed at supporting **mental health and substance use disorder (SUD) treatment as well as diversion programs** for people in the criminal justice system – with a particular focus on recidivism reduction for those convicted of less serious crimes (such as those reclassified by the measure) and for those with mental health or SUD treatment needs.
- 25 percent to the Department of Education dedicated to a grant program **supporting K-12 truancy reduction programs or assisting at-risk students or those who are victims of crime;**
- 10 percent to the Victim Compensation and Government Claims Board for grants to support **trauma recovery centers.**

Each of the three recipient state entities would be permitted to spend up to 5 percent of the total funds to cover administrative costs associated with the new programmatic responsibilities. The State Controller would be required to conduct an audit of the grant programs in the three categories outlined above to ensure expenditures are targeted to only the purposes specified in the initiative. Findings must be reported to the Legislature and the public. Non-supplantation provisions would apply.

³ The stated purpose of the Fund is to "expand programs for public school pupils in kindergarten through 12th grade, victims of crime, and mental health and substance abuse treatment and diversion programs for people in the criminal justice system."

Further, the measure specifies that local agencies – presumably those awarded a grant under the initiative – would not be required to provide programming or levels of service above what the funding provided can cover. Finally, any costs incurred by the State Controller or Department of Finance for their assigned activities associated with the Act’s implementation may also be deducted from the Fund before distributions are made.

The initiative could be modified by a two-thirds vote of the Legislature, but only if the changes furthered the purpose of the original measure.

ESTIMATED FISCAL/WORKLOAD IMPACTS

The Legislative Analyst’s Office (LAO) indicates that the passage of Proposition 47 would potentially result in a net savings for the state criminal justice system in the “low hundreds of millions of dollars,” which would be deposited into the Fund as described previously. The state savings are estimated based on presumed reductions in the state prison population (given the reduction in prison-eligible crimes), which are in part offset by increased costs in state parole responsibilities and potential state court costs for resentencing proceedings. The LAO also assumes a similar level of county criminal justice system savings; any such savings achieved would remain locally and would not be subject to redirection. In terms of sheer numbers, the proponents assume – through their independent analysis – that 10,000 persons would benefit from either the resentencing provisions or shortened terms at the local level annually.

It is extraordinarily difficult to assess the likelihood that the state or local savings estimates offered by the LAO would be achieved. Indeed, in its analysis, the Analyst acknowledges that the fiscal impacts are subject to numerous assumptions and unknowns and, therefore, are “subject to significant uncertainty.” Among the complications in attempting to derive system savings are data limitations that prevent clear identification of who – now serving a state prison sentence for one of the affected crime categories – would be subject to resentencing provisions.⁴ Future application (and resulting costs and/or savings of the new sentencing scheme) is largely speculative, including how these changes might affect local sentencing decisions. Finally, future crime trends that drive workload and how these offenders resentenced under the provisions of the Act are sentenced (based on individual judicial decisions) are difficult to predict with any certainty or specificity. CSAC does not have access either to the data or the modeling tools needed to undertake these analyses independently.

For assumed savings for both state and local correctional systems, there are two aspects: the financial benefits of prospective application of the changes and those associated with the resentencing provisions (retrospective). For the state, it will enjoy savings associated

⁴ This limitation largely relates to the way in which the initiative would divide misdemeanor and felony convictions (by setting a new value [\$950] below which a theft or forgery or shoplifting, for example, would be considered only a misdemeanor). Offender-level data do not include this level of case-/crime-specific detail in electronic records.

with fewer offenders being eligible for prison, given the reductions to existing penalties. The LAO assumes that the savings associated with driving down future prison population may translate to several thousand fewer inmates annually on an ongoing basis. Further, the Analyst estimates a temporary prison population reduction resulting from those who leave prison early as a result of resentencing proceedings. As mentioned previously, the state would also experience a likely bump in the state parole population that would offset a portion of the prison savings.

The state trial court system would experience some measurable increase in costs associated with the resentencing workload. Presumably workload reductions (owing to fewer felony trials and less time-intensive court processes for misdemeanor cases) would offset those increases. To the extent that counties’ supervision responsibilities drop, there could be a resulting decrease in the number of revocation proceedings.

The table below attempts to summarize the various potential state and local effects. It is important to note that any given county’s operational or financial impact is difficult to predict, given the uncertainty about the numbers of offenders in each of these potential cost and workload impact categories. Further, implementation of the initiative’s provisions is subject to significant subjective decision-making along the way, and it’s difficult to foretell how the system and the persons employed within will adapt and adjust. For example, whether a given county may benefit from reduced jail workload (again, without being able to precisely quantify how concurrent jail workload increases may offset or outstrip workload relief) will largely depend on a county’s current capacity. Many counties continue to experience overcrowded jail conditions, so changes in jail population – even if a given jurisdiction were to face a net reduction in custody demand – may only help on the margin. By the same token, each county will experience overall workload increases of potentially varying magnitudes depending on the types of the offenders in each jurisdiction’s system.

State Impacts	Local Impacts
<p>↓ in prison population associated with fewer prison-eligible felonies</p> <p>↑ in state parole population for those ordered to state supervision following release or resentencing</p> <p>↑/↓ increase in state court costs associated with resentencing proceedings, but potentially offsetting reduction in workload associated with fewer felony (but potentially more misdemeanor trials)</p> <p>↓ in revocation hearings depending on net numbers of persons on supervision locally</p> <p>↓ in overall prison/parole costs assuming</p>	<p>↑ increase in county jail sentences to the extent that successful petitioners are remanded to the county jail to fulfill the remainder of a misdemeanor term locally</p> <p>↑ increase in county jail sentences for those sentenced to local term who otherwise would have gone to prison</p> <p>↓ in county jail population associated with those offenders who successfully petition for resentencing or who would have previously been subject to a county felony term for crimes now defined as misdemeanors (release, shorter terms, or</p>

State Impacts	Local Impacts
<p>that targeted interventions and treatment funded by the savings are successful in reducing future victimization and improved offender outcomes</p> <p>✦ The state may also benefit in reaching and maintaining the federal court-ordered population cap, assuming that prison inmate numbers (one-time and ongoing) drop.</p>	<p>perhaps heavier reliance on alternatives to incarceration)</p> <p>↓ in pre-trial jail population given fewer felonies and more misdemeanors</p> <p>↓ in post-release community supervision population for those who would otherwise have exited prison on a county probation caseload but who, under resentencing orders, would be supervised by state parole</p> <p>↓ in other local supervision workload associated with fewer felony offenders / more misdemeanants</p> <p>↑/↓ in workload (district attorney, public defender, court security, probation) associated with court proceedings overall (fewer felony and more misdemeanor proceedings overall and potentially some reduction in revocations)</p> <p>↓ in overall system costs assuming that targeted interventions and treatment funded by the savings are successful in reducing future victimization and improved offender outcomes</p>

POTENTIAL COUNTY IMPACTS

Criminal Justice System Impacts. One of the more difficult aspects of this analysis relates to how these proposed new sentencing changes would impact county criminal justice system workload. In the previous section, we outline both the potential that certain aspects of the initiative contemplate new county criminal justice system workload, but other aspects may have offsetting benefits. The difficulty is that data available today cannot predict with certainty how the retrospective application of the proposed sentencing changes may work (i.e., impacts of resentencing), and analysis of how the prospective application of the sentencing changes is highly speculative and subject to significant local discretion.

It is important to acknowledge, however, that counties remain deeply engaged in implementation of the largest correctional system reform in a generation. AB 109 fundamentally altered criminal justice system responsibilities with far-reaching impacts most acutely experienced in the local custody and supervision functions. The initiative’s opponents correctly raise concerns about the impact of another wave of sentencing reforms following too quickly on the heels of 2011 Public Safety Realignment. The specific effects of these changes are difficult to quantify, as discussed. Regardless, another round

of changes is likely to shock a system still in flux. Further, to the extent that the changes contemplated by Proposition 47 result in net criminal justice system costs, the state savings are directed to other program priorities and would not be available to local law enforcement partners.

Behavioral Health Investments. There is a clear nexus between investment in behavioral health treatment services and recidivism reduction. Research has shown that treatment investment is likely to reduce future costs associated with crime, policing, and incarceration of offenders. Previous evaluations from the Mentally Ill Offender Crime Reduction Grant Program demonstrate the effectiveness of evidence-based mental health treatment on reducing jail bookings and jail stays.

Given counties' current role as provider of behavioral health services, the grants provided under Proposition 47 could be used to augment local efforts to provide mental health and substance use disorder treatment services to criminally involved individuals. The recidivism reduction efforts could benefit county jails, as well as state prisons. The proposed reinvestments in behavioral health programs and recidivism reduction align with the budget augmentations that CSAC proposed and supported during the 2014-15 state budget discussions.

Counties would presumably be a primary beneficiary of the grant programming targeting offenders with mental health or substance use disorder treatment needs – which would receive the majority (65%) of the state savings.

Truancy Reduction Investments. In addition to investments in behavioral health programs, Proposition 47 includes investments in truancy reduction. There is a body of research that indicates a strong correlation between truancy and future criminal justice system involvement.

Truancy, especially among elementary school students, has long-term negative effects. Students who miss school at an early age are more likely to struggle academically and, in later years, to drop out entirely. One study found that for low-income elementary students who have already missed five days of school, each additional school day missed decreased by seven percent the student's chance of graduating. Lacking an education, these children are more likely to end up unemployed and at risk of becoming involved in crime, both as victims and as offenders. To the extent that the presumed savings are invested in K-12 crime prevention programs, there would likely be some shared benefits across a number of systems – education, social services, health care, and criminal justice – if these efforts reduce future criminal activity of the at-risk youth population.

Trauma Recovery Centers Investments. Trauma recovery centers provide mental health and medical services to individuals who have suffered from violence, trauma and loss. Populations served include victims of domestic violence, survivors of physical assault,

family members of homicide victims, sexual assault victims, individuals who have suffered brain injury as the result of trauma, survivors of torture and gender-based violence for refugees, as well as asylee and asylum-seekers. Initial studies of the trauma recovery center services indicate that the centers increase access to mental health and SUD treatment and decrease homelessness. To the extent that the centers improve outcomes for individuals counties may already be serving, additional funding may be beneficial.

SUPPORT / OPPOSITION

The named proponents of Proposition 47 are George Gascón, District Attorney for the City and County of San Francisco, and William Lansdowne, former police chief in the cities of San Diego, San Jose and Richmond. Other groups that have endorsed the initiative include the California Teachers Association, the California Democratic Party, and AFSCME.

Leading points of support among proponents:

- The sentencing changes are smart on crime, targeted to the lowest level offenders, and built with strict protections in mind to maintain public safety.
- Proposition 47's reforms prioritize serious and violent criminals, freeing up savings to invest in treatment and services that will prevent crime and reduce victimization.
- The initiative would reduce barriers to re-entry for nonviolent offenders, improving the likelihood of success upon community reentry.

Opponents of Proposition 47 include the key statewide law enforcement associations and victims' advocates in California: the California District Attorneys Association, the California State Sheriffs' Association, the California Police Chiefs Association, the California Peace Officers Association, Crime Victims United of California, Crime Victim Action Alliance, the California Coalition Against Sexual Assault, and others.

Leading points of opposition among opponents:

- Sentencing changes threaten public safety and inappropriately reduce criminal penalties, resulting in additional early prison releases.
- Significant new changes to California's sentencing structure and to how responsibilities are split between the state and local criminal justice systems come too soon on the heels of AB 109 implementation. The system remains in a state of flux and a new layer of reforms will destabilize important implementation efforts underway.
- Proposed changes would increase criminal justice system workload, but resulting savings would not benefit local law enforcement.

The ballot arguments – pro, con, and rebuttals to each – recently were made available. Those materials are included in the attachments.

COUNTY POLICY CONSIDERATIONS

At its core, Proposition 47 is a sentencing reform measure. Generally speaking, CSAC does not weigh in on legislative or ballot measures that strictly create a new crime or enhance a penalty for crimes. We did not, for example, weigh in on the original Three Strikes initiative in the 1990s nor did we take a position on the Three Strikes reform measure of 2012 (Proposition 36). However, CSAC opposed the 2000 initiative (Proposition 21) that changed the treatment of juvenile offenders – making it easier to charge juveniles in the adult court – on the basis of increased costs.

Every legislative year, there are dozens if not hundreds of bills that propose to create a new crime or enhance a penalty. Again, CSAC stays out of these bills for two primary reasons. First, there is an inherent conflict in the county criminal justice structure, with county responsibilities spanning both the prosecution and defense functions. The very nature of that structure conflicts CSAC out of these policy matters. Secondly, given the diversity of perspectives among counties about the relative benefits of a more strict vs. more lenient penalty structure, arriving at a consensus across counties on the appropriateness of punishment is unlikely.

Although AB 109 has certainly made all criminal justice partners – including CSAC – more sensitive to the workload dynamics associated with changing penalties and potentially increasing or decreasing those who are eligible for a county jail term vs. a prison term, we have no specific policy related to sentencing reforms. Some could argue that if additional sentencing reforms are called for, a more comprehensive system analysis is warranted.

- Perhaps most importantly, we anticipate that the CSAC membership will be evenly divided on this measure. While we are not aware of counties that have weighed in on Proposition 47 to date, there are boards of supervisors that would likely be inclined to support the goals and objectives of the initiative. Conversely, other county boards likely would be sufficiently concerned about the potential overall public safety impacts of the measure that they would be prone to oppose. Reasonable minds can – and do – differ on the relative merits of these policy changes.

CSAC takes very seriously both the strength and substance of the opposition of our local law enforcement partners to this initiative. They are rightly concerned about specific public safety impacts of the initiative's changes. In a broader sense, how would the new responsibilities and workload affect a local correctional system still in flux? At a time when counties continue to adjust to AB 109 implementation and are still working to resolve existing challenges, what will be the effects of a new set of substantive changes? Are our facilities and systems too fatigued to adequately adapt?

Finally, it is important to acknowledge that the initiative will likely help the state to some degree in further driving down its prison population.⁵ Depending on the magnitude of the population impact, the initiative could improve the state's likelihood that it will be able to comply with the population milestones ordered by the federal court. Counties and local criminal justice system remain somewhat vulnerable to other impacts (e.g., other changes imposed by the courts or early releases ordered by the Compliance Officer) until the state is able to reach and maintain the reduced prison population level.

STAFF COMMENTS

Although the specific provisions of Proposition 47 on their face are clear, an analysis of the local criminal justice system impacts is extraordinarily complex. The initiative could impose both increases and partially offsetting decreases in county criminal justice system workload responsibilities. Proposition 47 may produce local system savings that would be available to invest in the criminal justice system. Further, it affirmatively invests state system savings in specified programs and services that could have beneficial effects by addressing mental health and substance use disorder issues among those in the offender population. CSAC actively promoted behavioral health system investments in 2014 as a means to augmenting counties' capacity to improve offender outcomes – which could drive down future criminal justice system impacts. Importantly, however, the initiative causes considerable concern among our public safety system partners, both with the specific implications of the proposed law changes and with respect to an additional layer of responsibilities in an already strained system.

REQUESTED ACTION

Given the difficulty of quantifying specific workload and cost impacts and CSAC's likely lack of organizational consensus on the relative benefits of this measure, staff recommends that the Administration of Justice Policy Committee take **NO POSITION** on Proposition 47.

STAFF CONTACT

For questions on this matter, please contact Elizabeth Howard Espinosa at 916-650-8131 or eespinosa@counties.org.

Attachments:

- Proposition 47 Initiative [text](#)
- Legislative Analyst's Office [analysis](#) of Proposition 47 – July 14, 2014
- Ballot arguments [FOR](#) and [AGAINST](#) Proposition 47 and rebuttals (to [for](#) argument / to [against](#) argument)

⁵ Recall that the state is required to arrive at the court-ordered prison population cap of 137.5% of design capacity (approximately 113,700 inmates) by February 2016. As of July 9, 2014, the state inmate population level was roughly 116,000.

Proposition 47 Initiative Text

THE SAFE NEIGHBORHOODS AND SCHOOLS ACT

SECTION ONE. Title.

This Act shall be known as “the Safe Neighborhoods and Schools Act.”

SECTION TWO. Findings and Declarations.

The people of the State of California find and declare as follows:

The People enact the Safe Neighborhoods and Schools Act to ensure that prison spending is focused on violent and serious offenses, maximize alternatives for non-serious, nonviolent crime, and invest the savings generated from this Act into prevention and support programs in K-12 schools, victim services, and mental health and drug treatment. This Act ensures that sentences for people convicted of dangerous crimes like rape, murder, and child molestation are not changed.

SECTION THREE. Purpose and Intent.

In enacting this Act, it is the purpose and intent of the people of the State of California to:

- (1) Ensure that people convicted of murder, rape, and child molestation will not benefit from this Act.
- (2) Create the Safe Neighborhoods and Schools Fund with 25% of the funds to be provided to the Department of Education for crime prevention and support programs in K-12 schools, 10% of the funds for trauma recovery services for crime victims, and 65% of the funds for mental health and substance abuse treatment programs to reduce recidivism of people in the justice system.
- (3) Require misdemeanors instead of felonies for non-serious, nonviolent crimes like petty theft and drug possession, unless the defendant has prior convictions for specified violent or serious crimes.
- (4) Authorize consideration of resentencing for anyone who is currently serving a sentence for any of the offenses listed herein that are now misdemeanors.
- (5) Require a thorough review of criminal history and risk assessment of any individuals before resentencing to ensure that they do not pose a risk to public safety.
- (6) This measure will save significant state corrections dollars on an annual basis.

Preliminary estimates range from \$150 million to \$250 million per year. This measure will increase investments in programs that reduce crime and improve public safety, such as prevention programs in K-12 schools, victim services, and mental health and drug treatment, which will reduce future expenditures for corrections.

SECTION FOUR.

Chapter 33 (commencing with Section 7599) is added to Division 7 of Title 1 of the Government Code, to read:

Chapter 33. Creation of Safe Neighborhoods and Schools Fund

7599. (a) A fund to be known as the "Safe Neighborhoods and Schools Fund" is hereby created within the State Treasury and, notwithstanding Government Code section 13340, is continuously appropriated without regard for fiscal year for carrying out the purposes of this chapter.

(b) For purposes of the calculations required by Section 8 of Article XVI of the California Constitution, funds transferred to the Safe Neighborhoods and Schools Fund shall be considered General Fund revenues which may be appropriated pursuant to Article XIII B.

7599.1. Funding Appropriation

(a) On or before July 31, 2016, and on or before July 31 of each fiscal year thereafter, the Director of Finance shall calculate the savings that accrued to the state from the implementation of this Act during the fiscal year ending June 30, as compared to the fiscal year preceding the enactment of this Act. In making the calculation required by this subdivision, the Director of Finance shall use actual data or best available estimates where actual data is not available. The calculation shall be final and shall not be adjusted for any subsequent changes in the underlying data. The Director of Finance shall certify the results of the calculation to the Controller no later than August 1 of each fiscal year.

(b) Before August 15, 2016, and before August 15 of each fiscal year thereafter, the Controller shall transfer from the General Fund to the Safe Neighborhoods and Schools Fund the total amount calculated pursuant to subdivision (a).

(c) Monies in the Safe Neighborhoods and Schools Fund shall be continuously appropriated for the purposes of this Act. Funds transferred to the Safe Neighborhoods and Schools Fund shall be used exclusively for the purposes of this Act and shall not be subject to appropriation or transfer by the Legislature for any other purpose. The funds in the Safe Neighborhoods and Schools Fund may be used without regard to fiscal year.

7599.2. Distribution of Monies from the Safe Neighborhoods and Schools Fund

(a) By August 15 of each fiscal year beginning in 2016, the Controller shall disburse monies deposited in the Safe Neighborhoods and Schools Fund as follows:

(1) 25 percent to the State Department of Education, to administer a grant program to public agencies aimed at improving outcomes for public school pupils in kindergarten through 12th grade by reducing truancy and/or supporting students who are at-risk of dropping out of school or are victims of crime.

(2) 10 percent to the Victim Compensation and Government Claims Board, to make grants to trauma recovery centers to provide services to victims of crime pursuant to Government Code section 13963.1.

(3) 65 percent to the Board of State and Community Corrections, to administer a grant program to public agencies aimed at supporting mental health treatment, substance abuse treatment, and diversion programs for people in the criminal justice system, with an emphasis on programs that reduce recidivism of people convicted of less serious crimes, such as those covered by this measure, and those who have substance abuse and mental health problems.

(b) For each program set forth in paragraphs (1) through (3) above, the agency responsible for administering the programs shall not spend more than five percent of the total funds it receives from the Safe Neighborhoods and Schools Fund on an annual basis for administrative costs.

(c) Every two years, the Controller shall conduct an audit of the grant programs operated by the agencies specified in paragraphs (1) through (3) to ensure the funds are disbursed and expended solely according to this chapter and shall report his or her findings to the Legislature and the public.

(d) Any costs incurred by the Controller and the Director of Finance in connection with the administration of the Safe Neighborhoods and Schools Fund, including the costs of the calculation required by section 7599.1 and the audit required by subsection (c), as determined by the Director of Finance, shall be deducted from the Safe Neighborhoods and Schools Fund before the funds are disbursed pursuant to subsection (a).

(e) The funding established pursuant to this Act shall be used to expand programs for public school pupils in kindergarten through 12th grade, victims of crime, and mental health and substance abuse treatment and diversion programs for people in the criminal justice system. These funds shall not be used to supplant existing state or local funds utilized for these purposes.

(f) Local agencies shall not be obligated to provide programs or levels of service described in this chapter above the level for which funding has been provided.

SECTION FIVE.

Section 459a is added to the Penal Code, to read:

459a. (a) Notwithstanding Section 459, shoplifting is defined as entering a commercial establishment with intent to commit larceny while that establishment is open during regular business hours, where the value of the property that is taken or intended to be taken does not exceed nine hundred fifty dollars (\$950). Any other entry into a commercial establishment with intent to commit larceny is burglary. Shoplifting shall be punished as a misdemeanor, except that a person with one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290 may be punished pursuant to subdivision (h) of Section 1170.

(b) Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. No person who is charged with shoplifting may also be charged with burglary or theft of the same property.

SECTION SIX.

Section 473 of the Penal Code is hereby amended to read:

473. (a) Forgery is punishable by imprisonment in a county jail for not more than one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(b) Notwithstanding subdivision (a), any person who is guilty of forgery relating to a check, bond, bank bill, note, cashier's check, traveler's check, or money order, where the value of the check, bond, bank bill, note, cashier's check, traveler's check, or money order does not exceed nine hundred fifty dollars (\$950), shall be punishable by imprisonment in a county jail for not more than one year, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290. This subdivision shall not be applicable to any person who is convicted both of forgery and of identity theft, as defined in Section 530.5.

SECTION SEVEN.

Section 476a of the Penal Code is hereby amended to read:

476a. (a) Any person who, for himself or herself, as the agent or representative of another, or as an officer of a corporation, willfully, with intent to defraud, makes or draws or utters or delivers a check, draft, or order upon a bank or depository, a person, a firm, or a corporation, for the payment of money, knowing at the time of that making, drawing, uttering, or delivering that the maker or drawer or the corporation has not sufficient funds in, or credit with the bank or depository, person, firm, or corporation, for the payment of that check, draft, or order and all other checks, drafts, or orders upon funds then outstanding, in full upon its presentation, although no express representation is made with reference thereto, is punishable by imprisonment in a county jail for not more than one year, or pursuant to subdivision (h) of Section 1170.

(b) However, if the total amount of all checks, drafts, or orders that the defendant is charged with and convicted of making, drawing, or uttering does not exceed ~~four hundred fifty dollars (\$450)~~ nine hundred fifty dollars (\$950), the offense is punishable only by imprisonment in the county jail for not more than one year, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290. This subdivision shall not be applicable if the defendant has previously been convicted of a three or more violations of Section 470, 475, or 476, or of this section, or of the crime of petty theft in a case in which defendant's offense was a violation also of Section 470, 475, or 476 or of this section or if the defendant has previously been convicted of any offense under the laws of any other state or of the United States which, if committed in this state, would have been punishable as a violation of Section 470, 475 or 476 or of this section or if he has been so convicted of the crime of petty theft in a case in which, if defendant's offense had been committed in this state, it would have been a violation also of Section 470, 475, or 476, or of this section.

(c) Where the check, draft, or order is protested on the ground of insufficiency of funds or credit, the notice of protest shall be admissible as proof of presentation, nonpayment, and protest and shall be presumptive evidence of knowledge of insufficiency of funds or credit with the bank or depository, person, firm, or corporation.

(d) In any prosecution under this section involving two or more checks, drafts, or orders, it shall constitute prima facie evidence of the identity of the drawer of a check, draft, or order if both of the following occur:

(1) When the payee accepts the check, draft, or order from the drawer, he or she obtains from the drawer the following information: name and residence of the drawer, business or mailing address, either a valid driver's license number or Department of Motor Vehicles identification card number, and the drawer's home or work phone number or place of employment. That information may be recorded on the check, draft, or order itself or may be retained on file by the payee and referred to on the check, draft, or order by identifying number or other similar means.

(2) The person receiving the check, draft, or order witnesses the drawer's signature or endorsement, and, as evidence of that, initials the check, draft, or order at the time of receipt.

(e) The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or depository, person, firm, or corporation for the payment of a check, draft, or order.

(f) If any of the preceding paragraphs, or parts thereof, shall be found unconstitutional or invalid, the remainder of this section shall not thereby be invalidated, but shall remain in full force and effect.

(g) A sheriff's department, police department, or other law enforcement agency may collect a fee from the defendant for investigation, collection, and processing of checks referred to their agency for investigation of alleged violations of this section or Section 476.

(h) The amount of the fee shall not exceed twenty-five dollars (\$25) for each bad check, in addition to the amount of any bank charges incurred by the victim as a result of the alleged offense. If the sheriff's department, police department, or other law enforcement agency collects a fee for bank charges incurred by the victim pursuant to this section, that fee shall be paid to the victim for any bank fees the victim may have been assessed. In no event shall reimbursement of the bank charge to the victim pursuant to this section exceed ten dollars (\$10) per check.

SECTION EIGHT.

Section 490.2 is added to the Penal Code, to read:

490.2. (a) Notwithstanding Section 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed nine hundred fifty dollars (\$950), shall be considered petty theft and shall be punished as a misdemeanor, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C)

of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

(b) This section shall not be applicable to any theft that may be charged as an infraction pursuant to any other provision of law.

SECTION NINE.

Section 496 of the Penal Code is hereby amended to read:

496. (a) Every person who buys or receives any property that has been stolen or that has been obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, or who conceals, sells, withholds, or aids in concealing, selling, or withholding any property from the owner, knowing the property to be so stolen or obtained, shall be punished by imprisonment in a county jail for not more than one year, or imprisonment pursuant to subdivision (h) of Section 1170. However, ~~if the district attorney or the grand jury determines that this action would be in the interests of justice, the district attorney or the grand jury, as the case may be, may,~~ if the value of the property does not exceed nine hundred fifty dollars (\$950), ~~specify in the accusatory pleading that the offense shall be a misdemeanor, punishable only by imprisonment in a county jail not exceeding one year, if such person has no prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.~~

A principal in the actual theft of the property may be convicted pursuant to this section. However, no person may be convicted both pursuant to this section and of the theft of the same property.

(b) Every swap meet vendor, as defined in Section 21661 of the Business and Professions Code, and every person whose principal business is dealing in, or collecting, merchandise or personal property, and every agent, employee, or representative of that person, who buys or receives any property of a value in excess of nine hundred fifty dollars (\$950) that has been stolen or obtained in any manner constituting theft or extortion, under circumstances that should cause the person, agent, employee, or representative to make reasonable inquiry to ascertain that the person from whom the property was bought or received had the legal right to sell or deliver it, without making a reasonable inquiry, shall be punished by imprisonment in a county jail for not more than one year, or imprisonment pursuant to subdivision (h) of Section 1170.

Every swap meet vendor, as defined in Section 21661 of the Business and Professions Code, and every person whose principal business is dealing in, or collecting, merchandise or personal property, and every agent, employee, or representative of that person, who

buys or receives any property of a value of nine hundred fifty dollars (\$950) or less that has been stolen or obtained in any manner constituting theft or extortion, under circumstances that should cause the person, agent, employee, or representative to make reasonable inquiry to ascertain that the person from whom the property was bought or received had the legal right to sell or deliver it, without making a reasonable inquiry, shall be guilty of a misdemeanor.

(c) Any person who has been injured by a violation of subdivision (a) or (b) may bring an action for three times the amount of actual damages, if any, sustained by the plaintiff, costs of suit, and reasonable attorney's fees.

(d) Notwithstanding Section 664, any attempt to commit any act prohibited by this section, except an offense specified in the accusatory pleading as a misdemeanor, is punishable by imprisonment in a county jail for not more than one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

SECTION TEN.

Section 666 of the Penal Code is hereby amended to read:

~~666. (a) Notwithstanding Section 490, every person who, having been convicted three or more times of petty theft, grand theft, a conviction pursuant to subdivision (d) or (e) of Section 368, auto theft under Section 10851 of the Vehicle Code, burglary, carjacking, robbery, or a felony violation of Section 496 and having served a term therefor in any penal institution or having been imprisoned therein as a condition of probation for that offense, and who is subsequently convicted of petty theft, is punishable by imprisonment in a county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.~~

~~(b)~~(a) Notwithstanding Section 490, any person described in subdivision (b) paragraph (1) who, having been convicted of petty theft, grand theft, a conviction pursuant to subdivision (d) or (e) of Section 368, auto theft under Section 10851 of the Vehicle Code, burglary, carjacking, robbery, or a felony violation of Section 496, and having served a term of imprisonment therefor in any penal institution or having been imprisoned therein as a condition of probation for that offense, and who is subsequently convicted of petty theft, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison.

~~(1)~~(b) This s Subdivision (a) shall apply to any person who is required to register pursuant to the Sex Offender Registration Act, or who has a prior violent or serious felony conviction, as specified in subdivision (e) of Section 667.5 or subdivision (e) of Section 1192.7 clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667, or has a conviction pursuant to subdivision (d) or (e) of Section 368.

~~(2)(c)~~ This ~~subdivision~~ section shall not be construed to preclude prosecution or punishment pursuant to subdivisions (b) to (i), inclusive, of Section 667, or Section 1170.12.

SECTION ELEVEN.

Section 11350 of the Health and Safety Code is hereby amended to read:

11350. (a) Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b), ~~or (c), (e),~~ or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in a county jail for not more than one year, except that such person shall instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

~~(b) Except as otherwise provided in this division, every person who possesses any controlled substance specified in subdivision (e) of Section 11054 shall be punished by imprisonment in a county jail for not more than one year or pursuant to subdivision (h) of Section 1170 of the Penal Code.~~

~~(e)(b)~~ Except as otherwise provided in this division, whenever a person who possesses any of the controlled substances specified in subdivision (a) ~~or (b),~~ the judge may, in addition to any punishment provided for pursuant to subdivision (a) ~~or (b),~~ assess against that person a fine not to exceed seventy dollars (\$70) with proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

~~(d)(c)~~ Except in unusual cases in which it would not serve the interest of justice to do so, whenever a court grants probation pursuant to a felony conviction under this section, in addition to any other conditions of probation which may be imposed, the following conditions of probation shall be ordered:

(1) For a first offense under this section, a fine of at least one thousand dollars (\$1,000) or community service.

(2) For a second or subsequent offense under this section, a fine of at least two thousand dollars (\$2,000) or community service.

(3) If a defendant does not have the ability to pay the minimum fines specified in paragraphs (1) and (2), community service shall be ordered in lieu of the fine.

SECTION TWELVE.

Section 11357 of the Health and Safety Code is hereby amended to read:

11357. (a) Except as authorized by law, every person who possesses any concentrated cannabis shall be punished by imprisonment in the county jail for a period of not more than one year or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment, ~~or shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code~~ except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

(b) Except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100).

(c) Except as authorized by law, every person who possesses more than 28.5 grams of marijuana, other than concentrated cannabis, shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment.

(d) Except as authorized by law, every person 18 years of age or over who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment in a county jail for a period of not more than 10 days, or both.

(e) Except as authorized by law, every person under the age of 18 who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be subject to the following dispositions:

(1) A fine of not more than two hundred fifty dollars (\$250), upon a finding that a first offense has been committed.

(2) A fine of not more than five hundred dollars (\$500), or commitment to a juvenile hall, ranch, camp, forestry camp, or secure juvenile home for a period of not more than 10 days, or both, upon a finding that a second or subsequent offense has been committed.

SECTION THIRTEEN.

Section 11377 of the Health and Safety Code is hereby amended to read:

11377. (a) Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year ~~or pursuant to subdivision (h) of Section 1170 of the Penal Code,~~ except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

~~(b)(1) Any person who violates subdivision (a) by unlawfully possessing a controlled substance specified in subdivision (f) of Section 11056, and who has not previously been convicted of a violation involving a controlled substance specified in subdivision (f) of Section 11056, is guilty of a misdemeanor.~~

~~(2) Any person who violates subdivision (a) by unlawfully possessing a controlled substance specified in subdivision (g) of Section 11056 is guilty of a misdemeanor.~~

~~(3) Any person who violates subdivision (a) by unlawfully possessing a controlled substance specified in paragraph (7) or (8) of subdivision (d) of Section 11055 is guilty of a misdemeanor.~~

~~(4) Any person who violates subdivision (a) by unlawfully possessing a controlled substance specified in paragraph (8) of subdivision (f) of Section 11057 is guilty of a misdemeanor.~~

~~(e)(b) In addition to any fine assessed under subdivision (b),~~ †The judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates subdivision (a), with the proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

SECTION FOURTEEN.

Section 1170.18 is added to the Penal Code, to read:

1170.18. (a) A person currently serving a sentence for a conviction, whether by trial or plea, of a felony or felonies who would have been guilty of a misdemeanor under this Act had this Act been in effect at the time of the offense may petition for a recall of sentence before the trial court that entered the judgment of conviction in his or her case to request resentencing in accordance with Sections 11350, 11357, or 11377 of the Health and Safety Code, or Sections 459a, 473, 476a, 490.2, 496, or 666 of the Penal Code, as those sections have been amended by this Act.

(b) Upon receiving a petition under subdivision (a), the court shall determine whether the petitioner satisfies the criteria in subdivision (a). If the petitioner satisfies the criteria in subdivision (a), the petitioner's felony sentence shall be recalled and the petitioner resentenced to a misdemeanor pursuant to Sections 11350, 11357, or 11377 of the Health and Safety Code, or Sections 459a, 473, 476a, 490.2, 496, or 666 of the Penal Code, as those sections have been amended by this Act, unless the court, in its discretion, determines that resentencing the petitioner would pose an unreasonable risk of danger to public safety. In exercising its discretion, the court may consider:

(1) The petitioner's criminal conviction history, including the type of crimes committed, the extent of injury to victims, the length of prior prison commitments, and the remoteness of the crimes;

(2) The petitioner's disciplinary record and record of rehabilitation while incarcerated; and

(3) Any other evidence the court, within its discretion, determines to be relevant in deciding whether a new sentence would result in an unreasonable risk of danger to public safety.

(c) As used throughout this Code, “unreasonable risk of danger to public safety” means an unreasonable risk that the petitioner will commit a new violent felony within the meaning of clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667.

(d) A person who is resentenced pursuant to subdivision (b) shall be given credit for time served and shall be subject to parole for one year following completion of his or her sentence, unless the court, in its discretion, as part of its resentencing order, releases the person from parole. Such person is subject to Section 3000.08 parole supervision by the Department of Corrections and Rehabilitation and the jurisdiction of the court in the county in which the parolee is released, resides, or in which an alleged violation of supervision has occurred, for the purpose of hearing petitions to revoke parole and impose a term of custody.

(e) Under no circumstances may resentencing under this section result in the imposition of a term longer than the original sentence.

(f) A person who has completed his or her sentence for a conviction, whether by trial or plea, of a felony or felonies who would have been guilty of a misdemeanor under this Act had this Act been in effect at the time of the offense may file an application before the trial court that entered the judgment of conviction in his or her case to have the felony conviction or convictions designated as misdemeanors.

(g) If the application satisfies the criteria in subdivision (f), the court shall designate the felony offense or offenses as a misdemeanor.

(h) Unless requested by the applicant, no hearing is necessary to grant or deny an application filed under subsection (f).

(i) The provisions of this section shall not apply to persons who have one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

(j) Any petition or application under this section must be filed within three years after the effective date of the Act that added this section or at a later date upon a showing of good cause.

(k) Any felony conviction that is recalled and resentenced under subsection (b) or designated as a misdemeanor under subsection (g) shall be considered a misdemeanor for all purposes, except that such resentencing shall not permit that person to own, possess, or have in his or her custody or control any firearm or prevent his or her conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.

(l) If the court that originally sentenced the petitioner is not available, the presiding judge shall designate another judge to rule on the petition or application.

(m) Nothing in this section is intended to diminish or abrogate any rights or remedies otherwise available to the petitioner or applicant.

(n) Nothing in this and related sections is intended to diminish or abrogate the finality of judgments in any case not falling within the purview of this Act.

(o) A resentencing hearing ordered under this Act shall constitute a “post-conviction release proceeding” under paragraph (7) of subdivision (b) of Section 28 of Article I of the California Constitution (Marsy’s Law).

SECTION FIFTEEN. Amendment.

This Act shall be broadly construed to accomplish its purposes. The provisions of this measure may be amended by a two-thirds vote of the members of each house of the Legislature and signed by the Governor so long as such amendments are consistent with and further the intent of this Act. The Legislature may by majority vote amend, add, or repeal provisions to further reduce the penalties for any of the offenses addressed by this Act.

SECTION SIXTEEN. Severability.

If any provision of this measure, or part of this measure, or the application of any provision or part to any person or circumstances, is for any reason held to be invalid, the remaining provisions, or applications of provisions, shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable.

SECTION SEVENTEEN. Conflicting Initiatives.

(a) This Act changes the penalties associated with certain non-serious, nonviolent crimes. In the event that this measure and another initiative measure or measures relating to the same subject appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure shall be null and void. However, in the event that this measure and another measure or measures containing provisions that eliminate penalties for the possession of concentrated cannabis are approved at the same election, the voters intend such provisions relating to concentrated cannabis in the other measure or measures to prevail, regardless of which measure receives a greater number of affirmative votes. The voters also intend to give

full force and effect to all other applications and provisions of this measure, and such other measure or measures, but only to the extent such other measure or measures are not inconsistent with the provisions of this Act.

(b) If this measure is approved by voters but superseded by law by any other conflicting measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

SECTION EIGHTEEN. Liberal Construction.

This Act shall be liberally construed to effectuate its purposes.

**Legislative Analyst's Office
analysis of Proposition 47**

July 17, 2014

Proposition 47
Criminal Sentences. Misdemeanor Penalties. Initiative Statute.

Yes/No Statement

A **YES** vote on this measure means: Criminal offenders who commit certain nonserious and nonviolent drug and property crimes would be sentenced to reduced penalties (such as shorter terms in jail). State savings resulting from the measure would be used to support school truancy and dropout prevention, victim services, mental health and drug abuse treatment, and other programs designed to keep offenders out of prison and jail.

A **NO** vote on this measure means: Penalties for offenders who commit certain nonserious and nonviolent drug and property crimes would not be reduced.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact

- Net state criminal justice system savings that could reach the low hundreds of millions of dollars annually. These savings would be spent on school truancy and dropout prevention, mental health and substance abuse treatment, and victim services.
- Net county criminal justice system savings that could reach several hundred million dollars annually.

Ballot Label

Fiscal Impact: State and county criminal justice savings potentially in the high hundreds of millions of dollars annually. State savings spent on school truancy and dropout prevention, mental health and substance abuse treatment, and victim services.

BACKGROUND

There are three types of crimes: felonies, misdemeanors, and infractions. A felony is the most serious type of crime. Existing law classifies some felonies as “violent” or “serious,” or both. Examples of felonies currently defined as both violent and serious include murder, robbery, and rape. Felonies that are not classified as violent or serious include grand theft (not involving a gun) and possession of illegal drugs. A misdemeanor is a less serious crime. Misdemeanors include crimes such as assault and public drunkenness. An infraction is the least serious crime and is usually punished with a fine. For example, possession of less than one ounce of marijuana for personal use is an infraction.

Felony Sentencing. In recent years, there has been an average of about 220,000 annual felony convictions in California. Offenders convicted of felonies can be sentenced as follows:

- ***State Prison.*** Felony offenders who have current or prior convictions for serious, violent, or sex crimes can be sentenced to state prison. Offenders who are released from prison after serving a sentence for a serious or violent crime are supervised in the community by state parole agents. Offenders who are released from prison after serving a sentence for a crime that is not a serious or violent crime are usually supervised in the community by county probation officers. Offenders who break the rules that they are required to follow while supervised in the community can be sent to county jail or state prison, depending on their criminal history and the seriousness of the violation.
- ***County Jail and Community Supervision.*** Felony offenders who have no current or prior convictions for serious, violent, or sex offenses are typically sentenced to county

jail or the supervision of a county probation officer in the community, or both. In addition, depending on the discretion of the judge and what crime was committed, some offenders who have current or prior convictions for serious, violent, or sex offenses can receive similar sentences. Offenders who break the rules that they are required to follow while supervised in the community can be sent to county jail or state prison, depending on their criminal history and the seriousness of the violation.

Misdemeanor Sentencing. Under current law, offenders convicted of misdemeanors may be sentenced to county jail, county community supervision, a fine, or some combination of the three. Offenders on county community supervision for a misdemeanor crime may be placed in jail if they break the rules that they are required to follow while supervised in the community.

In general, offenders convicted of misdemeanor crimes are punished less severely than felony offenders. For example, misdemeanor crimes carry a maximum sentence of up to one year in jail while felony offenders can spend much longer periods in prison or jail. In addition, offenders who are convicted of a misdemeanor are usually supervised in the community for fewer years and may not be supervised as closely by probation officers.

Wobbler Sentencing. Under current law, some crimes—such as check forgery and being found in possession of stolen property—can be charged as either a felony or a misdemeanor. These crimes are known as “wobblers.” Courts decide how to charge wobbler crimes based on the details of the crime and the criminal history of the offender.

PROPOSAL

This measure reduces penalties for certain offenders convicted of nonserious and nonviolent property and drug crimes. The measure also allows certain offenders who have been previously

convicted of such crimes to apply for reduced sentences. In addition, the measure requires any state savings that result from the measure be spent to support truancy (unexcused absences) prevention, mental health and substance abuse treatment, and victim services. These changes are described in more detail below.

Reduction of Existing Penalties

This measure reduces certain nonserious and nonviolent property and drug offenses from wobblers or felonies to misdemeanors. The measure limits these reduced penalties to offenders who have not committed certain severe crimes listed in the measure—including murder and certain sex and gun crimes. Specifically, the measure reduces the penalties for the following crimes:

- ***Grand Theft.*** Under current law, theft of property worth \$950 or less is often charged as petty theft, which is a misdemeanor or an infraction. However, such crimes can sometimes be charged as grand theft, which is generally a wobbler. For example, a wobbler charge can occur if the crime involves the theft of certain property (such as cars) or if the offender has previously committed certain theft-related crimes. This measure would limit when theft of property of \$950 or less can be charged as grand theft. Specifically, such crimes would no longer be charged as grand theft solely because of the type of property involved or because the defendant had previously committed certain theft-related crimes.
- ***Shoplifting.*** Under current law, shoplifting property worth \$950 or less (a type of petty theft) is often a misdemeanor. However, such crimes can also be charged as

burglary, which is a wobbler. Under this measure, shoplifting property worth \$950 or less would always be a misdemeanor and could not be charged as burglary.

- ***Receiving Stolen Property.*** Under current law, individuals found with stolen property may be charged with receiving stolen property, which is a wobbler crime. Under this measure, receiving stolen property worth \$950 or less would always be a misdemeanor.
- ***Writing Bad Checks.*** Under current law, writing a bad check is generally a misdemeanor. However, if the check is worth more than \$450, or if the offender has previously committed a crime related to forgery, it is a wobbler crime. Under this measure, it would be a misdemeanor to write a bad check unless the check is worth more than \$950 or the offender had previously committed three forgery related crimes, in which case they would remain wobbler crimes.
- ***Check Forgery.*** Under current law, it is a wobbler crime to forge a check of any amount. Under this measure, forging a check worth \$950 or less would always be a misdemeanor, except that it would remain a wobbler crime if the offender commits identity theft in connection with forging a check.
- ***Drug Possession.*** Under current law, possession for personal use of most illegal drugs (such as cocaine or heroin) is a misdemeanor, a wobbler, or a felony—depending on the amount and type of drug. Under this measure, such crimes would always be misdemeanors. The measure would not change the penalty for possession of marijuana, which is currently either an infraction or a misdemeanor.

We estimate that about 40,000 offenders annually are convicted of the above crimes and would be affected by the measure. However, this estimate is based on the limited available data and the actual number could be thousands of offenders higher or lower.

Change in Penalties for These Offenders. As the above crimes are nonserious and nonviolent, most offenders are currently being handled at the county level. Under this measure, that would continue to be the case. However, the length of sentences—jail time and/or community supervision—would be less. A relatively small portion—about one-tenth—of offenders of the above crimes are currently sent to state prison (generally, because they had a prior serious or violent conviction). Under this measure, none of these offenders would be sent to state prison. Instead, they would serve lesser sentences at the county level.

Resentencing of Previously Convicted Offenders

This measure allows offenders currently serving felony sentences for the above crimes to apply to have their felony sentences reduced to misdemeanor sentences. In addition, certain offenders who have already completed a sentence for a felony that the measure changes could apply to the court to have their felony conviction changed to a misdemeanor. However, no offender who has committed a specified severe crime could be resentenced or have their conviction changed. In addition, the measure states that a court is not required to resentence an offender currently serving a felony sentence if the court finds it likely that the offender will commit a specified severe crime. Offenders who are resentenced would be required to be on state parole for one year, unless the judge chooses to remove that requirement.

Funding for Truancy Prevention, Treatment, and Victim Services

The measure requires that the annual savings to the state from the measure, as estimated by the Governor's administration, be annually transferred from the General Fund into a new state fund, the Safe Neighborhoods and Schools Fund. Under the measure, monies in the fund would be divided as follows:

- 25 percent for grants aimed at reducing truancy and drop-outs among K-12 students in public schools.
- 10 percent for victim services grants.
- 65 percent to support mental health and drug abuse treatment services that are designed to help keep individuals out of prison and jail.

FISCAL EFFECTS

This measure would have a number of fiscal effects on the state and local governments. The size of these effects would depend on several key factors. In particular, it would depend on the way individuals are currently being sentenced for the felony crimes changed by this measure. Currently, there is limited data available on this, particularly at the county level. The fiscal effects would also depend on how certain provisions in the measure are implemented, including how offenders would be sentenced for crimes changed by the measure. For example, it is uncertain whether such offenders would be sentenced to jail or community supervision and for how long. In addition, the fiscal effects would depend heavily on the number of crimes affected by the measure that are committed in the future. Thus, the fiscal effects of the measure described below are subject to significant uncertainty.

State Effects of Reduced Penalties

The proposed reduction in penalties would affect state prison, parole, and court costs.

State Prison and Parole. This measure makes two changes that would reduce the state prison population and associated costs. First, changing future crimes from felonies and wobblers to misdemeanors would make fewer offenders eligible for state prison sentences. We estimate that this could result in an ongoing reduction to the state prison population of several thousand inmates within a few years. Second, the resentencing of inmates currently in state prison could result in the release of several thousand inmates, temporarily reducing the state prison population for a few years after the measure becomes law.

In addition, the resentencing of individuals currently serving sentences for felonies that are changed to misdemeanors would temporarily increase the state parole population by a couple thousand parolees over a three-year period. The costs associated with this increase in the parole population would temporarily offset a portion of the above prison savings.

State Courts. Under the measure, the courts would experience a one-time increase in costs resulting from the resentencing of offenders and from changing the sentences of those who have already completed their sentences. However, the above costs to the courts would be partly offset by savings in other areas. First, because misdemeanors generally take less court time to process than felonies, the proposed reduction in penalties would reduce the amount of resources needed for such cases. Second, the measure would reduce the amount of time offenders spend on county community supervision, resulting in fewer offenders being supervised at any given time. This would likely reduce the number of court hearings for offenders who break the rules that they are

required to follow while supervised in the community. Overall, we estimate that the measure could result in a net increase in court costs for a few years with net annual savings thereafter.

Summary of State Fiscal Effects. In total, we estimate that the effects described above could eventually result in net state criminal justice system savings in the low hundreds of millions of dollars annually, primarily from an ongoing reduction in the prison population of several thousand inmates. As noted earlier, any state savings would be deposited in the Safe Neighborhoods and Schools Fund to support various purposes.

County Effects of Reduced Penalties

The proposed reduction in penalties would also affect county jail and community supervision operations, as well as those of various other county agencies (such as public defenders and district attorneys' offices).

County Jail and Community Supervision. The proposed reduction in penalties would have various effects on the number of individuals in county jails. Most significantly, the measure would reduce the jail population as most offenders whose sentence currently includes a jail term would stay in jail for a shorter time period. In addition, some offenders currently serving sentences in jail for certain felonies could be eligible for release. These reductions would be slightly offset by an increase in the jail population as offenders who would otherwise have been sentenced to state prison would now be placed in jail. On balance, we estimate that the total number of statewide county jail beds freed up by these changes could reach into the low tens of thousands annually within a few years. We note, however, that this would not necessarily result in a reduction in the county jail population of a similar size. This is because many county jails

are currently overcrowded and therefore release inmates early. Such jails could use the available jail space created by the measure to reduce such early releases.

We also estimate that county community supervision populations would decline. This is because offenders would likely spend less time under such supervision if they were sentenced for a misdemeanor instead of a felony. Thus, county probation departments could experience a reduction in their caseloads of tens of thousands of offenders within a few years after the measure becomes law.

Other County Criminal Justice System Effects. As discussed above, the reduction in penalties would increase workload associated with resentencing in the short run. However, the changes would reduce workload associated with both felony filings and other court hearings (such as for offenders who break the rules of their community supervision) in the long run. As a result, while county district attorneys' and public defenders' offices (who participate in these hearings) and county sheriffs (who provide court security) could experience an increase in workload in the first few years, their workload would be reduced on an ongoing basis in the long run.

Summary of County Fiscal Effects. We estimate that the effects described above could result in net criminal justice system savings to the counties of several hundred million dollars annually, primarily from freeing jail capacity.

Effects of Increased Services Funded by the Measure

Under the measure, the above savings would be used to provide additional funding for truancy prevention, mental health and drug abuse treatment, and other programs designed to keep offenders out of prison and jail. If such funding increased participation in these programs

and made participants less likely to commit future crimes, the measure could result in future additional savings to the state and counties.

**Ballot arguments FOR and
AGAINST Proposition 47 and
rebuttals**

ARGUMENT IN FAVOR OF PROPOSITION 47

PROPOSITION 47 IS SUPPORTED BY LAW ENFORCEMENT, CRIME VICTIMS AND TEACHERS.

We in the law enforcement community have come together in support of Proposition 47 because it will:

- Improve public safety.
- Reduce prison spending and government waste.
- Dedicate hundreds of millions of dollars to K-12 schools, crime victim assistance, mental health treatment and drug treatment.

Proposition 47 is sensible. It focuses law enforcement dollars on violent and serious crime while providing new funding for education and crime prevention programs that will make us all safer.

Here's how Proposition 47 works:

- *Prioritizes Serious and Violent Crime:* Stops wasting prison space on petty crimes and focuses law enforcement resources on violent and serious crime by changing low-level nonviolent crimes such as simple drug possession and petty theft from felonies to misdemeanors.
- *Keeps Dangerous Criminals Locked Up:* Authorizes felonies for registered sex offenders and anyone with a prior conviction for rape, murder or child molestation.
- *Saves Hundreds of Millions of Dollars:* Stops wasting money on warehousing people in prisons for nonviolent petty crimes, saving hundreds of millions of taxpayer funds every year.
- *Funds Schools and Crime Prevention:* Dedicates the massive savings to crime prevention strategies in K-12 schools, assistance for victims of crime, and mental health treatment and drug treatment to stop the cycle of crime.

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For too long, California's overcrowded prisons have been disproportionately draining taxpayer dollars and law enforcement resources, and incarcerating too many people convicted of low-level, nonviolent offenses.

The objective, nonpartisan Legislative Analyst's Office carefully studied Proposition 47 and concluded that it could save "hundreds of millions of dollars annually, which would be spent on truancy prevention, mental health and substance abuse treatment, and victim services."

The state spends more than \$9,000,000,000 per year on the prison system. In the last 30 years California has built 22 new prisons but only one university.

Proposition 47 invests in solutions supported by the best criminal justice science which will increase safety and make better use of taxpayer dollars.

We are:

- The District Attorney of San Francisco, former Assistant Police Chief for the Los Angeles Police Department, and former Chief of Police for San Francisco.
- The former Chief of Police for the cities of San Diego, San Jose, and Richmond.
- A crime survivor, crime victims' advocate, and widow of a San Leandro police officer killed in the line of duty.

We support Proposition 47 because it means safer schools and neighborhoods.

Joining us in our support of Proposition 47 are other law enforcement leaders and crime victims, teachers, rehabilitation experts, business leaders, civil rights organizations, faith leaders, conservatives and liberals, Democrats, Republicans and independents.

Please join us, and VOTE YES ON PROPOSITION 47.

For more information or to ask questions about Proposition 47 we invite you to visit VoteYes47.com.

GEORGE GASCON, District Attorney
City and County of San Francisco
WILLIAM LANSDOWNE, Former Chief of Police
San Diego, San Jose, Richmond

**SUBJECT TO COURT
ORDERED CHANGES**

**DIONNE WILSON, Victims' Advocate,
Crime Survivors for Safety & Justice**

**SUBJECT TO COURT
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No On Proposition 47 Rebuttal

This isn't just a poorly written initiative. It is an invitation for disaster. Prosecutors and those concerned about protecting the innocent from violent sexual abuse, identity theft and other serious crimes overwhelmingly oppose Prop 47. Some opponents include:

- California Coalition Against Sexual Assault
- California District Attorneys Association
- California Fraternal Order of Police
- California Peace Officers Association
- California Police Chiefs Association
- California Retailers Association
- California State Sheriffs' Association
- Crime Victim Action Alliance
- Crime Victims United of California

Regardless of what Prop 47 supporters intend or say, these respected law enforcement and victims' rights groups want you to know these hard, cold facts:

1. Prop 47 supporters admit that 10,000 inmates will be eligible for early release. They wrote this measure so that judges will not be able to block the early release of these prison inmates, many of whom have prior convictions for serious crimes, such as assault, robbery and home burglary.

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No On Proposition 47 Rebuttal

2. It's so poorly drafted that illegal possession of "date-rape" drugs will be reduced to a "slap on the wrist."
3. Stealing any handgun valued at less than \$950 will no longer be a felony.
4. California Retailers Association President Bill Dombrowski says "reducing penalties for theft, receiving stolen property and forgery could cost retailers and consumers millions of dollars."
5. There are no "petty" criminals in our prisons anymore. First-time, low-level drug offenders are already sent to diversion programs, not prison.

Protect our communities. Vote NO on Prop 47:

Sandra Henriquez

Executive Director, California Coalition Against Sexual Assault

Adam Christianson

President, California State Sheriffs' Association

Roger Mayberry

President, California Fraternal Order of Police

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California law enforcement, business leaders, and crime-victim advocates all urge you to vote NO on Proposition 47.

Proposition 47 is a dangerous and radical package of ill-conceived policies wrapped in a poorly drafted initiative, which will endanger Californians.

The proponents of this dangerous measure have already admitted that Proposition 47 will make 10,000 felons eligible for early release. *According to independent analysis, many of those 10,000 felons have violent criminal histories.*

Here is what Prop 47's backers aren't telling you:

- **Prop 47 will require the release of thousands of dangerous inmates.** Felons with prior convictions for armed robbery, kidnapping, carjacking, child abuse, residential burglary, arson, assault with a deadly weapon, and many other serious crimes will be eligible for early release under Prop 47. These early releases will be virtually mandated by Proposition 47. While Prop 47's backers say judges will be able to keep dangerous offenders from being released early, this is simply not true. Prop 47 prevents judges from blocking the early release of prisoners except in very rare cases. For example, even if the judge finds that the inmate poses a risk of committing crimes like kidnapping, robbery, assault, spousal abuse, torture of small animals, carjacking or felonies committed on behalf of a criminal street gang, Proposition 47 requires their release.

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- **Prop 47 would eliminate automatic felony prosecution for stealing a gun.** Under current law, stealing a gun is a felony, period. Prop 47 would redefine grand theft in such a way that theft of a firearm could only be considered a felony if the value of the gun is greater than \$950. Almost all handguns (which are the most stolen kind of firearm) retail for well below \$950. People don't steal guns just so they can add to their gun collection. They steal guns to commit another crime. People stealing guns are protected under Proposition 47.
- **Prop 47 undermines laws against sex-crimes.** Proposition 47 will reduce the penalty for possession of drugs used to facilitate date-rape to a simple misdemeanor. **No matter how many times the suspected sexual predator has been charged with possession of date-rape drugs, it will only be a misdemeanor, and the judge will be forced to sentence them as if it were their very first time in court.**
- **Prop 47 will burden our criminal justice system.** This measure will overcrowd jails with dangerous felons who should be in state prison and jam California's courts with hearings to provide "Get Out of Prison Free" cards.

California has plenty of laws and programs that allow judges and prosecutors to keep first-time, low-level offenders out of jail if it is appropriate. Prop 47 would strip judges and prosecutors of that discretion. When a career criminal steals a firearm, or a suspected sexual predator

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possesses date rape drugs, or a carjacker steals yet another vehicle, there needs to be an option besides a misdemeanor slap on the wrist.

Proposition 47 is bad for public safety. Please vote NO.

Christopher W. Boyd, President, California Police Chiefs Association

Harriet Salarno President, Crime Victims United

Gilbert G. Otero President, California District Attorneys Association

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REBUTTAL TO ARGUMENT AGAINST
PROPOSITION 47

REBUTTAL TO THE ARGUMENT AGAINST PROPOSITION 47

Don't be fooled by the opposition's deceptive scare tactics:

Proposition 47 does not require automatic release of anyone. There is no automatic release. It includes strict protections to protect public safety and make sure rapists, murderers, molesters and the most dangerous criminals cannot benefit.

Proposition 47 maintains penalties for gun crimes. Under Prop 47, possessing a stolen concealed gun remains a felony. Additional felony penalties to prevent felons and gang members from obtaining guns also apply.

Proposition 47 does not reduce penalties for any sex crime. Under Prop 47, using or attempting to use any kind of drug to commit date rape or other felony crimes remains a felony.

We have been on the frontlines fighting crime, as police chiefs of major cities, a top prosecutor, and a victims' advocate working with thousands of victims across California. We support Proposition 47 because it will:

- Improve public safety.
- Reduce prison spending and government waste.
- Dedicate hundreds of millions of dollars to K-12 schools, victims and mental health treatment.

Don't believe the scare tactics. Proposition 47:

- **Keeps Dangerous Criminals Locked Up.** Authorizes felonies for sex offenders and anyone with a prior conviction for rape, murder or child molestation.
- **Prioritizes Serious and Violent Crime.** Stops wasting prison space on petty crimes and focuses resources on violent and serious crime.
- **Provides new funding for education and crime prevention.**

Proposition 47 is sensible. That is why it is supported by law enforcement, crime victims, teachers, rehabilitation experts, business leaders, and faith leaders.

GEORGE GASCON, District Attorney
City and County of San Francisco
WILLIAM LANSDOWNE, Former Chief of Police
San Diego, San Jose, Richmond
DIONNE WILSON, Victims' Advocate,
Crime Survivors for Safety & Justice

**SUBJECT TO COURT
ORDERED CHANGES**

**Item III. Update on 2014-15 Budget –
Public Safety Elements**



July 23, 2014

TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa, Senior Legislative Representative
CSAC Administration of Justice Policy Committee

Re: Update on 2014-15 State Budget

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This informational memo provides a summary of the key public safety elements in the 2014-15 state budget, with a particular focus on court security in new court facilities and several new initiatives of interest to counties funded in the Recidivism Reduction Fund.

The 2014-15 budget enacts a comprehensive package of investments and expanded authority that will strengthen counties' ability to carry out new public safety responsibilities transferred in 2011, among other local priorities. CSAC – in collaboration with our public safety partners – took an active leadership role in advocating on issues of significance to counties. With one exception, the budget enacts CSAC's identified public safety priorities and fulfills one of the Administration of Justice policy unit's key 2014 legislative priorities as adopted by the CSAC Board of Directors.

Where we have new information on timing or implementation that has been gleaned since the late June passage of the budget, we've highlighted below. In certain instances, we've included expanded discussion or provided relevant supplemental materials on specific items as separate attachments.

Jail Construction Program. SB 863 (Chapter 37, Statutes of 2014) authorizes an additional \$500 million in state lease revenue bond capacity to be dedicated to local jail construction, with an emphasis on expanded programming and treatment space. The relevant provisions – beginning with new Government Code Section 15820.93 – make a number of additional specifications regarding the process that will govern the construction project application process, which contemplates the development a new Request for Proposal. A 10 percent match – with a waiver process available for those counties with a population of less than 200,000 – would be required, as has been the case in previous construction programs. Further, the BSCC is vested with the authority to develop funding and scoring criteria, with the following key provisions:

- AB 900 and SB 1022 award history may be considered;
- Applicant counties must document the percentage of pre-trial jail inmates between January and December 2013 and describe their risk-assessment based pretrial release program;
- Preference will be granted to counties that can demonstrate readiness to proceed by (1) providing proof of available matching funds and (2) documenting compliance with CEQA, as specified;
- Consideration also shall be given to counties seeking to replace outdated or unsafe housing capacity.

Finally, the provisions set forth a number of legislative findings and declarations that, among other things, cite the need for a long-term statewide strategy for managing jail population. For technical reasons only, the provisions related to the jail construction program will be taken up and re-enacted in a separate bill later this week due to the fact that bond requirements necessitate that the legislative authority be contained within a stand-alone measure.

Split Sentence Presumption. The public safety trailer bill (AB 1468) also contains language amending Penal Code Section 1170(h) to establish the presumption of a split sentence, unless the court finds that in the interests of justice such a sentence is not appropriate. The changes would be effective beginning January 1, 2015. The Judicial Council is required to adopt rules of court by January 2015 outlining the intent of the split sentencing presumption.

SB 678 Funding. The budget provides for \$125 million in SB 678 funding in 2014-15, using the new distribution methodology as revised in SB 105 of 2013. *(See ATTACHMENT 1 for expected county-by-county allocation.)*

Cap on Long-Term Jail Sentences. Despite the inclusion of a proposal in the Governor's January budget to establish a bright-line cap of 10 years on felony jail sentences authorized under AB 109 (2011), the Legislature did not act on the proposal, and the language is not part of the budget agreement. It is our understanding that there will be additional discussion on this important issue over the legislative break this summer. CSAC continues to advocate for this change and will participate actively in future work on this issue.

Trial Court Security in New Facilities. The budget includes a \$1 million appropriation and a mechanism by which counties may seek funding to address increased levels of service following activation of a new court facility. Proposition 30 requires the state to provide annual funding for newly required activities (after October 9, 2011) that have the overall effect of increasing county costs in a realigned program. Recognizing that new court facilities built by the state and occupied on or after October 9, 2011 may impose additional court security responsibilities, the main budget bill (SB 852) appropriates \$1 million and establishes a process (contained in the public safety trailer bill (AB 1468) for evaluating changed service requirements in new facilities.

As outlined in new Government Code Section 69927, counties seeking funding to cover costs associated with the activation of a new courthouse must submit information to permit the Department of Finance to evaluate a variety of relevant factors including, among others, changes in court security associated with facility consolidation, square footage accessible to the public, types of cases being heard, the number of holding cells, and other design considerations. The section also specifies that any funds authorized for this purpose shall be used exclusively for sheriff-provided court security services and excludes payment of any general county administrative costs. Approved requests will be funded on an ongoing basis, subject to an annual budget appropriation, and would be adjusted annually by the same rate applicable to the 2011 Realignment court security subaccount.

In addition to the language outlining the process in the public safety trailer bill, the main budget bill contains a number of provisions that further define the use and purpose of the supplemental trial court security funds. It specifically calls out the counties of Calaveras and San Benito for the

2014-15 allocation; provides for application from other qualifying counties; establishes a per-staff reimbursement cap of \$100,000; and sets a March 1, 2015 deadline for 2014-15 applications.

Please see related instructions in ATTACHMENT 2 as outlined in a Department of Finance memo directed to CSAC. This information has been distributed broadly to counties as of July 22, 2014.

CCP Planning Grants. The budget (SB 852) contains an additional one-year appropriation to fund grants that support the work of local Community Corrections Partnerships (CCPs) in their AB 109 implementation efforts. As in previous years, counties receive a fixed amount (\$100,000; \$150,000; or \$200,000 – depending on county size), for a statewide amount of \$7.9 million. Receipt of the planning grants is conditioned upon a county's submission of report to the state by December 15, 2014, regarding local implementation efforts, as specified.

Federal Court Order Impact. Consistent with the Governor's May Revision proposal, the budget addresses activities associated with the federal court's final order of February 10, 2014, which dictates the means and timing by which the state must meet the 137.5 percent prison population threshold. A key element of the state's plan to reduce prison population is the application of enhanced credit earning for non-violent, non-sexual second strikers (increasing from 20 to 30 percent). Many of these prison inmates, under the provisions of 2011 public safety realignment, would be released onto Post Release Community Supervision (PRCS), a responsibility of county probation departments. The federal court order does not change who is eligible for PRCS; it only changes when the population a county would otherwise be supervising arrives in its jurisdiction. The budget provides for \$11.3 million to be allocated directly to probation departments to mitigate the increment of workload associated with the PRCS offenders benefiting from the accelerated credit earning. Statewide, the average daily population impact is projected to be 216 in 2013-14 and 819 in 2014-15.

Recidivism Reduction Fund. In September 2013, the Governor and the Legislature arrived at a negotiated agreement on how to manage the state's compliance with the federal court order regarding prison overcrowding. SB 105 codified the elements of that agreement, which included a specification that any unexpended portion of the \$315 million authorized for in- and out-of-state beds would be dedicated to a Recidivism Reduction Fund, if certain conditions were met. The total amount available for Recidivism Reduction Fund Investment in 2014-15 is just over \$90 million. The budget compromise would dedicate those resources to a wide array of priorities, reflecting a blend of Administration, Senate and Assembly ideas, as detailed below.

Local Recidivism Reduction Grants - Board of State and Community Corrections (BSCC)

- **Mentally Ill Offenders Crime Reduction Grants**—\$18 million in one-time competitive grant program with funding allocated to counties in the first year and available for expenditure for three years. Program details are set forth in section 32 of the public safety trailer bill, AB 1468; half of the funds are to be dedicated to the adult populations, and the other half to juveniles. ***The BSCC is expected to appoint an Executive Steering Committee (ESC) at its September 2014 meeting. This body would be charged with developing a Request for Proposal process, evaluating county applications, and recommending grant awards. At this time, the BSCC is tentatively planning to release the MIOCR RFP in January, with a goal toward issuing award in April 2015.***

- **Community Recidivism Reduction Grants**-\$8 million in one-time funding for each county to provide small grants to nongovernmental entities engaged in a broad-scope of recidivism reduction efforts in the community. *At this time, it is expected that the State Controller will issue lump-sum pass through payments to counties in August. The BSCC is preparing a letter that will precede release of the funds outlining the statutory purpose and county responsibilities associated with administering the Community Recidivism Reduction Grants. See additional details in ATTACHMENT 3.*
- **Grants to Cities with the highest rates of Serious Crimes**-\$2 million funding to provide three grants of equal amounts to the cities with the highest rates of murder, rape, and robbery.

State Recidivism Reduction Efforts - Department of Corrections and Rehabilitation (CDCR)

- **Community Reentry Facilities**-\$20 million to house inmates prior to release in community facilities, which could also serve as transitional housing and intermediate sanctions for probationers. *Additional details on the structure of these programs will follow in the coming weeks. CSAC will be meeting with CDCR staff and other public safety partners to discuss potential approaches and processes this summer.*
- **Substance Use Disorder Treatment Expansion in Prisons**-\$12 million to expand treatment to all non-reentry hub prisons over a two-year period.
- **Cognitive Behavioral Treatment at Contracted Facilities**-\$4 million for rehabilitative programming at in-state contract facilities, similar to programming at reentry hubs.
- **Case Managers at Parolee Outpatient Clinics**-\$2.5 million to fund a three-year pilot program will include case management social workers assisting parolee participants in managing basic needs, including housing, job training, medical and mental health care.
- **Grants to Community Colleges for Inmate Education**-\$2 million to provide coursework geared toward improving inmates' ability to find employment upon release.
- **California Leadership Academy Planning Grant**-\$865,000 to develop a plan for a facility with specialized programming aimed at reducing recidivism for 18 to 25 year old male inmates.
- **Independent Evaluation of Integrated Services for Mentally Ill Parolees Program**-One-time funding of \$0.5 million to contract with an independent entity to do an evaluation of the program's effectiveness in reducing recidivism.
- **Innovative Programming Grants**-One-time funding of \$2.5 million to expand non-profit programs that have demonstrated success and focus on offender responsibility and restorative justice principles to prisons with fewer volunteer programs available. (\$0.5 million in General Fund and \$2 million in CDCR Inmate Welfare Fund)
- **Cal-ID Expansion**-Expands the current ID program at the reentry hubs to all prisons to prepare inmates for release. (\$2.175 million in CDCR Inmate Welfare Fund).

Other Initiatives

- **Court Programs**-\$15 million in one-time competitive grants for operation of programs known to reduce recidivism and enhance public safety, such as collaborative courts, and pretrial and risk assessment programs. *The Judicial Council of California is working on an expedited basis to develop a request for proposal process. CSAC continues to advocate for maximum public safety system partner involvement from the outset to ensure local collaboration and priority setting. See more details in ATTACHMENT 4.*

- **Social Innovation Bonds**-Subject to future legislation, **\$5 million** dedicated to facilitate the use of social innovation financing for recidivism reduction programs, such as housing for former felons.
- **Workforce Investment Boards**-**\$1 million** in one-time competitive grant program for workforce training and job development to serve the reentry population.

Other Realignment Clean-up and Public Safety Provisions. The public safety trailer bill (AB 1468) contains a range of other provisions of interest to counties, summarized below:

- For consistency purposes, previous supplantation references within specified law enforcement programs funded under 2011 Realignment (e.g., COPS, JJCPA, rural and small county sheriffs, Juvenile Reentry Fund) are amended to mirror the supplantation language in Proposition 30.
- Modeled after SB 1266 (Liu, 2010), which created an alternative custody program for female state prison inmates, the public safety trailer bill enacts language to grant counties the authority to run local alternative custody programs for men and women.
- To coordinate and modernize juvenile justice data collection, the trailer bill establishes a Juvenile Justice Data Workgroup within the Board of State and Community Corrections, with specified representatives, charged with developing a comprehensive plan for data collection and reporting by county agencies.
- Other technical and/or corrective provisions to the 2011 Realignment fiscal structure, including 1. Clarification that the per-juvenile minimum allocation for Juvenile Reentry Grants no longer applies; 2. A change to the specific data reporting from the Department of Justice regarding juvenile felony court dispositions to those of the previous calendar year for purposes of calculating counties' Youthful Offender Block Grant allocations; and 3. A correction to the specified county shares of the High Technology Theft Apprehension and Prosecution Program distribution to ensure the formula allocates exactly 100 percent.

Judicial Branch Funding. The budget augments the judicial branch budget by \$223 million, which includes the following elements:

- \$86.3 million for trial court operations
- \$42.8 million to cover increases in trial court employee health and retirement expenses
- \$2.24 to cover rent increases for the state-level entities
- \$5 million for state-level employee costs
- \$30.9 million towards the projected fee revenue shortfall
- \$40 million from the General Fund (one-time) to offset the Immediate and Critical Needs Account (ICNA) ongoing transfer of \$50 million. (This one-time funding will not automatically be included in the FY 2015-16 budget, and is earmarked for court construction, not for court operations.)

Municipal Law Enforcement Grants. The budget increases the 2014-15 investment in municipal law enforcement services by \$12.5 million, bringing the grant program for local law enforcement activities to \$40 million. The increment of new funding may be dedicated to targeted police training. As in previous years, one identified municipality will serve as the fiduciary agent within each county. *It is expected that these funds will be disbursed by late August, using the same allocation methodology that has been used in the last two years.*

ATTACHMENT 1

Community Corrections Performance Incentive Act of 2009 Fiscal Year 2014-15 Allocations

High Performance Grant Funding Availability:

12,519,763

County	Population 18 - 25	High Performance Eligible	High Performance Award Amount	Tier Payment Award Amount	Tier Payment High Performance Grant No Payment	Finalized Tier/HPG Payment Amount to County	ADP Avoidance	Final Payment Including Undistributed Funds
California	4,612,683		12,519,763	112,246,103		119,228,208	9,169	124,765,865
Alameda	169,816	No	-	1,790,313	Tier Payment	1,790,313	146	1,790,313
Alpine	71	No	-	-	No Payment	-	-	200,000
Amador	2,782	No	-	-	No Payment	-	-	200,000
Butte	34,770	No	-	-	No Payment	-	-	200,000
Calaveras	3,841	No	-	407,394	Tier Payment	407,394	33	407,394
Colusa	2,593	No	-	20,705	Tier Payment	20,705	2	200,000
Del Norte	2,897	No	-	8,420	Tier Payment	8,420	1	200,000
El Dorado	18,484	No	-	112,603	Tier Payment	112,603	9	200,000
Fresno	126,492	No	-	4,679,738	Tier Payment	4,679,738	381	4,679,738
Glenn	3,144	No	-	-	No Payment	-	-	261,887
Humboldt	18,101	No	-	53,928	Tier Payment	53,928	5	200,000
Imperial	24,583	No	-	-	No Payment	-	-	200,000
Inyo	1,621	No	-	26,363	Tier Payment	26,363	2	231,912
Kern	115,689	No	-	2,119,228	Tier Payment	2,119,228	172	2,119,228
Kings	20,117	No	-	608,548	Tier Payment	608,548	74	608,548
Lake	8,065	No	-	140,553	Tier Payment	140,553	13	200,000
Lassen	4,472	No	-	-	No Payment	-	-	200,000
Los Angeles	1,203,411	No	-	43,838,592	Tier Payment	43,838,592	3,567	43,838,592
Madera	19,439	No	-	1,191,069	Tier Payment	1,191,069	97	1,191,069
Marin	20,136	No	-	-	No Payment	-	-	596,403
Mendocino	6,307	No	-	-	No Payment	-	7	200,000
Mendocino	60,622	Yes	1,300,126	1,300,126	High Performance Grant	1,300,126	87	1,300,126
Modoc	784	No	-	-	No Payment	-	-	200,000
Mono	1,401	No	-	92,821	Tier Payment	92,821	8	227,577
Monterey	54,810	No	-	-	No Payment	-	-	200,000
Napa	15,139	No	-	-	No Payment	-	-	498,033
Napa	6,329	Yes	277,501	-	High Performance Grant	277,501	-	277,501
Orange	366,844	No	-	5,593,081	Tier Payment	5,593,081	465	5,593,081
Placer	38,894	No	-	639,455	Tier Payment	639,455	52	639,455
Plumas	1,781	No	-	294,316	Tier Payment	294,316	24	329,369
Riverside	292,674	No	-	3,113,619	Tier Payment	3,113,619	253	3,113,619
Sacramento	165,491	No	-	19,827,590	Tier Payment	19,827,590	1,613	19,827,590
San Benito	6,748	No	-	146,619	Tier Payment	146,619	12	200,000
San Bernardino	275,569	No	-	10,796,509	Tier Payment	10,796,509	879	10,796,509
San Diego	414,686	No	-	-	No Payment	-	-	200,000
San Diego	63,717	Yes	2,757,568	2,757,568	High Performance Grant	2,757,568	80	2,757,568
San Diego	31,246	Yes	3,046,543	3,046,543	High Performance Grant	3,046,543	221	3,046,543
San Luis Obispo	42,168	No	-	-	No Payment	-	-	200,000
San Mateo	68,641	No	-	-	No Payment	-	-	200,000
Santa Barbara	69,312	No	-	1,826,315	Tier Payment	1,826,315	149	1,826,315
Santa Clara	188,900	No	-	1,716,822	Tier Payment	1,716,822	140	1,716,822
Santa Clara	33,113	Yes	1,289,797	-	High Performance Grant	1,289,797	-	1,289,797
Shasta	18,573	No	-	846,423	Tier Payment	846,423	103	846,423
Sierra	197	No	-	-	No Payment	-	-	200,000
Sierra	2,126	Yes	301,201	-	High Performance Grant	301,201	25	301,201
Solano	46,669	No	-	821,600	Tier Payment	821,600	67	821,600
Sonoma	54,828	No	-	1,054,396	Tier Payment	1,054,396	86	1,054,396
Stanislaus	67,265	No	-	-	No Payment	-	-	200,000
Sutter	11,098	No	-	828,500	Tier Payment	828,500	101	828,500
Tehama	6,696	No	-	25,129	Tier Payment	25,129	2	200,000
Tehama	1,637	Yes	162,338	-	High Performance Grant	162,338	13	200,000
Tulare	60,634	No	-	1,375,286	Tier Payment	1,375,286	112	1,375,286
Tuolumne	4,875	No	-	176,304	Tier Payment	176,304	14	296,977
Ventura	100,036	No	-	-	No Payment	-	-	200,000
Yolo	40,921	No	-	1,829,258	Tier Payment	1,829,258	149	1,829,258
Yuba	6,436	No	-	160,744	Tier Payment	160,744	15	200,000

Current Statewide Probation Revocation Rate:	8.06%
State Cost Avoidance Per ADP:	\$ 27,309.00
Total Deposit into State Fund:	124,765,865
Tier and High Performance Grant Payments	119,228,208
Distribution of Remaining Funds	5,537,657
Total Funds Distributed to Counties	\$124,765,865



**DEPARTMENT OF
FINANCE**
OFFICE OF THE DIRECTOR

ATTACHMENT 2

EDMUND G. BROWN JR. • GOVERNOR
STATE CAPITOL ■ ROOM 1145 ■ SACRAMENTO CA ■ 95814-4998 ■ WWW.DOF.CA.GOV

July 22, 2014

Matt Cate
Executive Director
California State Association of Counties
1100 K Street, Suite 101
Sacramento, CA 95814

Supervisor, John Gioia
President
California State Association of Counties
11780 San Pablo Avenue, Suite D
El Cerrito, CA 94530

Dear Mr. Cate and Supervisor Gioia:

The 2014-15 budget package included a \$1 million appropriation and statutory language detailing the mechanism by which counties may seek funding to address increased levels of court security services following activation of a new court facility. This memo outlines the steps counties must take to submit a funding request. Outside of the instructions provided herein, there is no formal application or form required.

Background. Proposition 30 requires the state to provide annual funding for newly required activities (after October 9, 2011) that have the overall effect of increasing the level of service or increasing a county's costs in a realigned program. Recognizing that new court facilities built by the state and occupied on or after October 9, 2011, may impose additional court security responsibilities, the 2014 Budget Act (Chapter 25, Statutes of 2014) appropriates \$1 million and establishes a process (contained in the public safety trailer bill (Chapter 26, Statutes of 2014)) for evaluating changed service requirements in new facilities. (See language in Attachment I and II).

As outlined in new Government Code section 69927, counties seeking funding to cover costs associated with the activation of a new courthouse must submit information to the Department of Finance (Finance) for purposes of evaluating a variety of relevant factors including, among others, changes in court security associated with facility consolidation, square footage accessible to the public, types of cases being heard, the number of holding cells, and other design considerations. The section also specifies that any funds authorized for this purpose shall be used exclusively for sheriff-provided court security services and excludes payment of any general county administrative costs. Approved requests will be funded on an ongoing basis, subject to an annual budget appropriation, and would be adjusted annually by the same rate applicable to the 2011 Realignment trial court security subaccount.

Application Process. Applicant counties should take the following steps to apply for funding.

- Prepare the necessary documentation and narrative for each of the 13 factors specified in Government Code section 69927 subdivision (d). The written submission should focus on quantifying the differences between the previous and new or replacement facility that "imposes a measurable and higher level of court security costs incurred by the sheriff."

Mr. Cate and Supervisor Gioia
July 22, 2014
Page 2

- Submit photos, if desired, that help illustrate the differences in the previous and new or replacement facility. (This is optional.)
- Include a brief cover letter indicating that the county is submitting a funding request for supplemental court security funding pursuant to Government Code section 69927 that specifies the amount of funding being requested. The cover letter also should include the name and contact information (phone and email address) for the key county point of contact that would be able to respond to follow-up questions from Finance.
- Submit the entire packet of materials, as follows:
 - A hard copy of the cover letter and accompanying materials, including a detailed narrative regarding each of the 13 factors in Government Code section 69927(d) to:

Chris Ryan
Program Budget Manager
915 L Street
Sacramento, CA 95814

An electronic version of the cover letter and accompanying explanatory materials, including any photos being submitted, should be simultaneously transmitted to:

Chris Ryan (chris.ryan@dof.ca.gov) and
Amy Jarvis (amy.jarvis@dof.ca.gov)

While the deadline for submissions for fiscal year 2014-15 is March 15, 2015, counties are encouraged to submit the necessary documentation well in advance to allow for exchange of any additional information or clarification that may be requested by Finance.

Should you have any questions, please contact Amy Jarvis, Assistant Program Budget Manager, at (916) 445-8913.

MICHAEL COHEN
Director

By:



KEELY M. BOSLER
Chief Deputy Director

Attachment

cc: Sheriff Adam Christlanson, President, California State Sheriffs' Association
Ms. Elizabeth Howard Espinosa, Senior Legislative Representative, California State Association of Counties
Mr. Nick Warner, Policy Director, California State Sheriffs' Association
Mr. Aaron Maguire, Legislative Counsel, California State Sheriffs' Association
Mr. Curt Soderlund, Chief Administrative Officer, Administrative Office of the Courts

**2014-15 Budget Bill (\$1 million appropriation + additional provisions)
SB 852 (Leno) – Budget Item 9285-101-0001**

9285-101-0001—For local assistance, payment to counties for Trial Court Security, to be allocated by the Controller

1,000,000

Provisions:

1. The amount appropriated in this item is to provide payment to Calaveras and San Benito counties for increased trial court security staff as a result of court construction projects that had an occupancy date on or after October 9, 2011.
2. The specified counties may be eligible and may apply for funding from the Department of Finance if they demonstrate that, as a result of projects described in Provision 1, there is an overall effect of increasing costs to the county sheriff for court security. The Department of Finance may allocate funds upon a determination that additional funding is warranted under Section 69927 of the Government Code.
3. Funding requests may be submitted to the Department of Finance at any time, but requests must be submitted by March 1, 2015, to be considered for funding in the 2014–15 fiscal year. Each county requesting additional trial court security staff as a result of the state's construction of court facilities shall submit a request to the Department of Finance pursuant to Section 69927 of the Government Code. Requests will be considered by the Department of Finance on a case-by-case basis. Requests received after March 1, 2015, shall be considered for funding in the following fiscal year, subject to an appropriation.
4. Upon review and approval of requests, the Department of Finance shall submit an allocation schedule to the Controller and shall notify the county of its decision. The Controller shall make payments to counties within 30 days of receipt of the allocation schedule provided by the Department of Finance.
5. To the extent counties not specified in Provision 1 may be eligible and apply for funding, the Department of Finance shall notify the Chairperson of the Joint Legislative Budget Committee of its intent to approve a funding request not sooner than 30 days prior to submitting an allocation schedule to the Controller and notifying the county of its decision.
6. The amount provided to counties may not exceed \$100,000 for each additional staff that the Department of Finance determines is necessary to meet the increased trial court security workload.

Public Safety Trailer Bill language – AB 1468

SEC. 9. Section 69927 is added to the Government Code, to read:

It is the intent of the Legislature to establish a process and funding mechanism for sheriffs that overall incur increased trial court security costs as a result of court construction projects that had an occupancy date on or after October 9, 2011.

(a) Funding for increased trial court security costs pursuant to this section shall be funded by the General Fund, subject to an annual appropriation by the Legislature.

(b) Counties that demonstrate increased trial court security costs incurred by the sheriff as a result of court construction projects that had an occupancy date on or after October 9, 2011, may request funding pursuant to this section.

(1) Requests shall be submitted to the Department of Finance, and shall include, but not be limited to, information described in subdivision (d).

(c) Counties shall assess and identify key, quantifiable differences between the previous court facility or facilities and the new or replacement facility that impose a measurable and higher level of court security costs incurred by the sheriff.

(d) In evaluating requests, the Department of Finance shall consider on a case-by-case basis relevant factors, including, but not limited to:

(1) Changes in court security due to the consolidation of court facilities.

(2) Changes in overall court security costs due to the consolidation of court facilities.

(3) The square footage of the facility that is accessible to the public.

(4) Other design considerations, such as multiple floors or the distance between entry points and courtrooms.

(5) The number of courtrooms compared to previous courtrooms.

(6) The case types and time spent on various case types being heard in the new facility as compared to the previous facility or facilities.

(7) The addition of holding cells and the escorting of inmates within the court facility.

(8) The number of public entrances and security screening stations.

(9) The presence of a security monitor or control panel.

(10) The presence, location, and expected utilization of jury assembly rooms and juries.

(11) Historical court security staffing and the use of deputies or court attendants.

(12) Personnel costs for sheriff deputies and court attendant staff within the county.

(13) The population of the county.

(e) In evaluating the number of courtrooms under paragraph (5) of subdivision (d), the addition of courtrooms for new judgeships that have not been both authorized and funded may be excluded.

(f) The Director of Finance, in his or her discretion, may limit the amount of funding provided within the annual appropriation.

(g) Funds authorized pursuant to this section shall be used exclusively to fund trial court security provided by county sheriffs. No general county administrative costs may be paid with the funds provided, including, but not limited to, the costs of administering the funds received pursuant to this section.

(h) Requests received by the Department of Finance shall be evaluated as expeditiously as possible.

(i) Requests approved by the Department of Finance shall be considered ongoing, subject to an annual appropriation by the Legislature. The appropriation shall be adjusted annually by a rate commensurate with the growth in the Trial Court Security Growth Subaccount in the prior fiscal year.

Recidivism Reduction Fund

Community Recidivism Reduction Grants - \$8 million

Counties should review in particular the provisions enacted in Section 21 of the public safety trailer bill (AB 1468) – *language provided beginning on the following page*, which outline local responsibilities associated with the Community Recidivism Reduction Grants. Boards of supervisors, in collaboration with the local Community Corrections Partnership, will be required to administer a competitive grant program for local nongovernmental entities that provide community recidivism and crime reduction services, as described.

Pursuant to new Penal Code Section 1233.10, counties are asked to review grant applications and pass through funds to successful applicants; counties would be permitted to retain 5% of the funds allocated to a county to cover administrative costs. Awards to service providers are capped on a per-entity basis depending on county size: \$100,000 maximum grant in a county with a population over 4 million; \$50,000 maximum grant in a county with a population between 700,000 and 3,999,999; \$25,000 maximum grant in a county with a population between 400,000 and 699,999; and \$10,000 maximum grant in a county with a population of less than 400,000. The State Controller's Office will apportion the \$8 million to counties as detailed on the following page.

There are a variety of potential uses for the funds, but qualifying nongovernmental entities must have a demonstrated history of providing recidivism and crime reduction services, as specified. Boards of supervisors must establish minimum requirements and funding criteria and must transmit to the Board of State and Community Corrections data collected by the service providers as required in the bill. Funds for these programs will be available for four years and any unencumbered after that period will revert to the General Fund. Further, any funds not granted to a service provider one year after allocation to a county also are subject to immediate General Fund reversion.

**Excerpt of 2014 Public Safety Trailer Bill
 AB 1468 (Assembly Committee on Budget), Chapter 26, Statutes of 2014
 Section 21 – Community Recidivism Reduction Grants**

SEC. 21. Section 1233.10 is added to the Penal Code, to read:

(a) Upon agreement to accept funding from the Recidivism Reduction Fund, created in Section 1233.9, a county board of supervisors, in collaboration with the county's Community Corrections Partnership, shall develop, administer, and collect and submit data to the Board of State and Community Corrections regarding a competitive grant program intended to fund community recidivism and crime reduction services, including, but not limited to, delinquency prevention, homelessness prevention, and reentry services. The funding shall be allocated to counties by the State Controller's Office from Item 5227-101-3259 of Section 2.00 of the Budget Act of 2014–15 according to the following schedule:

Alameda	\$250,000
Alpine	\$10,000
Amador	\$10,000
Butte	\$50,000
Calaveras	\$10,000
Colusa	\$10,000
Contra Costa	\$250,000
Del Norte	\$10,000
El Dorado	\$50,000
Fresno	\$250,000
Glenn	\$10,000
Humboldt	\$50,000
Imperial	\$50,000
Inyo	\$10,000
Kern	\$250,000
Kings	\$50,000
Lake	\$25,000
Lassen	\$10,000
Los Angeles	\$1,600,000
Madera	\$50,000
Marin	\$50,000
Mariposa	\$10,000
Mendocino	\$25,000
Merced	\$50,000
Modoc	\$10,000
Mono	\$10,000
Monterey	\$100,000
Napa	\$50,000
Nevada	\$25,000
Orange	\$500,000
Placer	\$50,000

Plumas	\$10,000
Riverside	\$500,000
Sacramento	\$250,000
San Benito	\$25,000
San Bernardino	\$500,000
San Diego	\$500,000
San Francisco	\$250,000
San Joaquin	\$250,000
San Luis Obispo	\$50,000
San Mateo	\$250,000
Santa Barbara	\$100,000
Santa Clara	\$500,000
Santa Cruz	\$50,000
Shasta	\$50,000
Sierra	\$10,000
Siskiyou	\$10,000
Solano	\$100,000
Sonoma	\$100,000
Stanislaus	\$100,000
Sutter	\$25,000
Tehama	\$25,000
Trinity	\$10,000
Tulare	\$100,000
Tuolumne	\$25,000
Ventura	\$250,000
Yolo	\$50,000
Yuba	\$25,000

(b) For purposes of this section, "community recidivism and crime reduction service provider" means a nongovernmental entity or a consortium or coalition of nongovernmental entities, that provides community recidivism and crime reduction services, as described in paragraph (2) of subdivision (c), to persons who have been released from the state prison, a county jail, a juvenile detention facility, who are under the supervision of a parole or probation department, or any other person at risk of becoming involved in criminal activities.

(c) (1) A community recidivism and crime reduction service provider shall have a demonstrated history of providing services, as described in paragraph (2), to the target population during the five years immediately prior to the application for a grant awarded pursuant to this section.

(2) A community recidivism and crime reduction service provider shall provide services that are designed to enable persons to whom the services are provided to refrain from engaging in crime, reconnect with their family members, and contribute to their communities. Community recidivism and crime reduction services may include all of the following:

(A) Self-help groups.

(B) Individual or group assistance with basic life skills.

(C) Mentoring programs.

(D) Academic and educational services, including, but not limited to, services to enable the recipient to earn his or her high school diploma.

- (E) Job training skills and employment.
- (F) Truancy prevention programs.
- (G) Literacy programs.
- (H) Any other service that advances community recidivism and crime reduction efforts, as identified by the county board of supervisors and the Community Corrections Partnership.
- (I) Individual or group assistance with referrals for any of the following:
 - (i) Mental and physical health assessments.
 - (ii) Counseling services.
 - (iii) Education and vocational programs.
 - (iv) Employment opportunities.
 - (v) Alcohol and drug treatment.
 - (vi) Health, wellness, fitness, and nutrition programs and services.
 - (vii) Personal finance and consumer skills programs and services.
 - (viii) Other personal growth and development programs to reduce recidivism.
 - (ix) Housing assistance.

(d) Pursuant to this section and upon agreement to accept funding from the Recidivism Reduction Fund, the board of supervisors, in collaboration with the county's Community Corrections Partnership, shall grant funds allocated to the county, as described in subdivision (a), to community recidivism and crime reduction service providers based on the needs of their community.

(e) (1) The amount awarded to each community recidivism and crime reduction service provider by a county shall be based on the population of the county, as projected by the Department of Finance, and shall not exceed the following:

(A) One hundred thousand dollars (\$100,000) in a county with a population of over 4,000,000 people.

(B) Fifty thousand dollars (\$50,000) in a county with a population of 700,000 or more people but less than 4,000,000 people.

(C) Twenty five thousand dollars (\$25,000) in a county with a population of 400,000 or more people but less than 700,000 people.

(D) Ten thousand dollars (\$10,000) in a county with a population of less than 400,000 people.

(2) The total amount of grants awarded to a single community recidivism and crime reduction service provider by all counties pursuant to this section shall not exceed one hundred thousand dollars (\$100,000).

(f) The board of supervisors, in collaboration with the county's Community Corrections Partnership, shall establish minimum requirements, funding criteria, and procedures for the counties to award grants consistent with the criteria established in this section.

(g) A community recidivism and crime reduction service provider that receives a grant under this section shall report to the county board of supervisors or the Community Corrections Partnership on the number of individuals served and the types of services provided, consistent with paragraph (2) of subdivision (c). The board of supervisors or the Community Corrections Partnership shall report to the Board of State and Community Corrections any information received under this subdivision from grant recipients.

(h) Of the total amount granted to a county, up to 5 percent may be withheld by the board of supervisors or the Community Corrections Partnership for the payment of administrative costs.

(i) Any funds allocated to a county under this section shall be available for expenditure for a period of four years and any unexpended funds shall revert to the state General Fund at the end of the four-year period. Any funds not encumbered with a community recidivism and crime reduction service provider one year after allocation of grant funds to counties shall immediately revert to the state General Fund.

Recidivism Reduction Fund

Collaborative Courts/Pre-Trial Programs/Risk and Needs Assessments - \$15 million

The main 2014-15 budget bill appropriates \$15 million in new General Fund resources through the judicial branch budget to a variety of allowable uses. These include “the establishment or ongoing operation and staffing of programs known to reduce recidivism and enhance public safety, including collaborative courts that serve moderate and high-risk adult criminal offenders, pretrial programs, and the use of risk and needs assessment instruments at sentencing of felony offenders subject to local supervision.” The Judicial Council will administer the competitive grant program, and participating courts must submit a joint application on behalf of the county and other participating partners. A focus on practices and programs that address the needs of the mentally ill and drug addicted populations. Details on reporting requirements also are outlined. *See budget bill language below.*

At the time of this writing, we understand that the Judicial Council of California is working on an expedited basis to develop the request for proposal process for this new initiative. CSAC continues to advocate for maximum involvement of public safety system partners from the outset to ensure local collaboration and joint priority setting.

**Budget Bill Language – SB 852 (2014-15 Budget Bill)
Budget Item 0250-101-3259**

For local assistance, Judicial Branch, payable from the Recidivism Reduction Fund
Program 45.10-Support for Operation of the Trial Courts \$ 15,000,000

Provisions:

1. Funds appropriated in this item shall be used for the establishment or ongoing operation and staffing of programs known to reduce recidivism and enhance public safety, including collaborative courts that serve moderate and high-risk adult criminal offenders, pretrial programs, and the use of risk and needs assessment instruments at sentencing of felony offenders subject to local supervision.
2. Funds shall be designated for a competitive grant program developed and administered by the Judicial Council and shall be used to support the administration and operation of programs and practices known to reduce offender recidivism including the use of risk and needs assessments, evidence-based practices, and programs that specifically address the needs of mentally ill and drug addicted offenders.
3. Participating courts shall submit a joint application on behalf of the court, county, and other local justice system partners that clearly details the initiative for which funding is sought; the associated staffing activities, programs, and services to be delivered by the partner organizations; and how the grant program will cover those costs.
4. In consultation with the California Department of Corrections and Rehabilitation and the Chief Probation Officers of California, the Judicial Council shall establish performance based outcome measures appropriate for each program including, but not limited to, the number of offenders participating in these programs who fail to appear, are revoked to county jail or state prison, or commit new crimes and are sentenced to county jail or state prison.

Participating courts shall provide the required data, including individual offender level data, on a quarterly basis to the Judicial Council.

5. Annually, the Judicial Council shall report aggregate level data related to these programs to the Department of Finance and the Joint Legislative Budget Committee. The first report shall include information related to the establishment and operation of the grantee programs. The Judicial Council shall provide a report to the Joint Legislative Budget Committee and the Department of Finance that addresses the effectiveness of the programs based on the reports of the established outcome measures described in Provision 4 and the impact of the moneys appropriated pursuant to this act to enhance public safety and improve offender outcomes four years after the grants are awarded. Five percent of the funds shall be designated to the Judicial Council for the administration of the program, including the collection and analysis of data from the grantee courts, the California Department of Corrections and Rehabilitation, and local justice system partners; the provision of technical and legal assistance to the courts; and evaluation of the program. Funds appropriated in this item may be expended until June 30, 2017, after which any unexpended funds shall revert to the General Fund.

**Item IV. Reduced Fire Camp Rate for
County Inmates**



July 23, 2014

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa, Senior Legislative Representative
CSAC Administration of Justice Policy Committee

Re: Memo on Fire Camp Rates for County Inmates

The attached memo from California Department of Corrections and Rehabilitation (CDCR) Undersecretary Martin Hoshino was circulated broadly to counties immediately after its release last month. Recipients included board of supervisors members, county administrative officers, county legislative coordinators, the county caucus, and other key county public safety contacts.

To ensure all policy committee members also were aware, we are providing the memo for informational purposes. As detailed in the attached, the state is extending through its administrative authority a \$10 daily rate for county offenders in CDCR fire camps. A higher daily rate would apply during the training period. The rate changes are effective January 1, 2014; counties already in contract with the state will be granted the reduced rate back to the effective date. We encourage counties to consider the fire camp option as a potential management tool for eligible inmates sentenced to extended county jail terms.

Attachment

OFFICE OF THE SECRETARY

P.O. Box 942883
Sacramento, CA 94283-0001



June 11, 2014

John Gioia, President
California State Association of Counties
1100 K Street, Suite 101
Sacramento, CA 95814

REVISED DAILY RATES FOR COUNTY OFFENDERS HOUSED AT CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION FIRE CAMPS

To whom it may concern:

The purpose of this memorandum is to clarify the implementation of changes to the newly-established rates for housing county offenders at the California Department of Corrections and Rehabilitation (CDCR) Fire Camps.

After the enactment of Assembly Bill 109, the State developed a proposal whereby counties could contract with the CDCR to send long-term, low-level county offenders to CDCR Fire Camps throughout the State at a rate of \$46.19 per day.

County offenders must meet all eligibility criteria to participate in a fire camp program and pass the same training requirements as CDCR inmates. Historically, local offenders were not eligible to be housed in a CDCR Fire Camp.

Contracts for fire camp beds were executed with four counties; however, the CDCR currently has fewer than 200 local inmates in fire camps. The CDCR has agreed to reduce the daily rate from \$46.19 to \$10 per day in a camp and \$81 per day while offenders are being trained. There is no cost to the General Fund and this should offer a better incentive for counties to participate in the fire camp program. This rate decrease was effective January 1, 2014 and was implemented administratively.

As recorded in Exhibit B of the executed contracts between the CDCR and Sierra, Riverside, Los Angeles and San Diego counties, the contracts shall be amended to decrease the Offender Per-Diem Rate and the Special Custodial Costs Training Rate to reflect the lower \$10 per-diem rate while at camp and the Special Custodial Costs Training Rate of \$81 while offenders are being trained.

These new rates will also be applied retroactively to January 1, 2014, subject to agreement by CDCR and the respective County. CDCR and County accounting offices will communicate to adjust invoicing accordingly. Future contracts will reflect the new rates.

John Gioia, President
Page 2

If you have any questions or require additional information, please contact Jorge Santana, Captain/Camp Liaison, Reception Centers Mission, at (916) 324-0756.

Sincerely,



MARTIN HOSHINO
Undersecretary, Operations

cc: Matt Cate, Executive Director, California State Association of Counties
M.D. Stainer, Director, Division of Adult Institutions
Amy Jarvis, Assistant Program Budget Manager, Department of Finance
Jorge Santana, Captain/Camp Liaison, Reception Centers Mission

Item IV. 2014 Legislative Update



1100 K Street
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916.441.5507

July 23, 2014

TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa, Senior Legislative Representative
CSAC Administration of Justice Policy Committee

Re: **2014 Legislative Update**

At the time of this writing, the Legislature is completing its third week of a four-week summer recess. The houses return Monday, August 4 for one remaining month of work before concluding the 2013-14 legislative session on August 31.

The attached table updates the measures of interest in the Administration of Justice area in 2014. We have provided a status update on the primary public safety/justice bills in which we actively engaged (support/opposition). Other bills of interest are also reported by broad category.

As is generally the case, the last few weeks of session will be very active, and your staff will remain vigilant for late-in-session plays in the area of criminal justice.

Attachment

Bill no. / author HOT BILLS	Description	Status / Votes
AB 579 (Melendez) Mandatory supervision As Amended January 15, 2014 SUPPORT CHAPTERED	Clean-up legislation to clarify in state law that the period of mandatory supervision period begins immediately upon release from custody for individuals who have been given a split sentence under Penal Code Section 1170 (h) as a result of 2011 Realignment. Co-sponsored by the California State Sheriffs' Association and the Chief Probation Officers of California	Signed into law by Governor on April 28, 2014 – Chapter No. 12, Statutes of 2014
AB 1512 (Stone) Corrections: inmate transfers As Amended June 2, 2014 SUPPORT CHAPTERED	Would extend to 7/1/2018 the authority of a board of supervisors to enter into a transfer agreement with another county to house local jail inmates when it is deemed in the opinion of the Sheriff of the transferring county that the current facilities for housing inmates are inadequate to serve the population. Provisions of the bill apply only to sentenced inmates.	Signed into law by Governor on June 23, 2014 – Chapter No. 44, Statutes of 2014
AB 1756 (Skinner) Court Records: Sealing and Destruction As amended May 1, 2014 OPPOSE	Would prohibit a court from charging a fee for the destruction and sealing of juvenile court records when the record in question belongs to a person who is 26 years or younger. While CSAC appreciates the author's intent to make the record sealing process more affordable for California's youth, we believe that current law is sufficient in that local jurisdictions determine whether petitioners have the ability to pay for services rendered. Further, under existing law, counties may choose not to impose a fee for the destruction of records at all as a matter of policy. This bill places yet another financial burden on counties by limiting local authority for reimbursement for services at a time when courts and county probation departments are struggling for resources.	Bill is currently in the Senate Appropriations Committee and has been placed on the Suspend File.
AB 2151 (Wagner) Counties: Search and Rescue Costs As Amended June 24, 2014 SUPPORT	Would allow a city or county to seek reimbursement from residents in specified instances when search and rescue costs are incurred. Specifically, the bill allows a city or county to seek reimbursement from a resident when search and rescue efforts necessitate the use of extraordinary method and certain acts or omissions were a contributing factor to the need for search and rescue. The bill would also require an individual deemed as having the ability to pay, to remit those funds to the city or county within 30 days.	Currently awaiting a vote on the Senate Floor.

Bill no. / author	Description	Status / Votes
<p>AB 2199 (Muratsuchi) Mandatory supervision: costs As Introduced February 20, 2014 SUPPORT</p>	<p>Recent amendments state that a county or city and county may only seek reimbursement if the board of supervisors of that county or city and county passes an ordinance consistent with this bill. CSAC supports this bill given the amount of staff and resources often involved in complex rescue cases. This measure provides a much-needed cost assistance tool.</p> <p>Would expand existing law that authorizes the court to direct specified defendants to pay all or a portion of the reasonable cost of probation-related services.</p> <p>CSAC supports AB 2199 as a reasonable statutory correction allowing the court to order a defendant to contribute to their own supervision services.</p>	<p>Currently awaiting a vote on the Senate Floor.</p>
<p>AB 2314 (Hall) Peace officers: firearms As Amended May 7, 2014 OPPOSE DEAD</p>	<p>Would provide that if a chief probation officer has not armed or has not adopted a policy regarding arming probation officers prior to January 1, 2015, the chief probation officer must develop a policy by June 30, 2015. In our view, this measure is unnecessary given that the number of departments (55 of the 59) now arming their probation officers suggests that the local decision making process is working. The current process allows for counties to consider and make appropriate adjustments in light of the changed environment resulting from the implementation of 2011 public safety realignment. The requirement to put an arming policy in writing may create unnecessary liability concerns.</p> <p>Would require a county board of supervisors either to (1) provide the level of funding identified by a county's probation chief or (2) require the county to respond in writing within 30 days that it does not have the resources to do so.</p>	<p>Failed passage in the Senate Public Safety Committee.</p>
<p>AB 2373 (Hernandez) Probation officers: funding As Amended April 24, 2014 OPPOSE DEAD</p>	<p>Would require a county board of supervisors either to (1) provide the level of funding identified by a county's probation chief or (2) require the county to respond in writing within 30 days that it does not have the resources to do so.</p>	<p>Held on the Senate Appropriations Suspense File.</p>
<p>AB 2393 (Levine) Vehicle Registration Fees As Introduced February 21, 2014 SUPPORT</p>	<p>Would authorize counties to collect an additional \$1 fee on vehicle registrations (on top of the existing \$1 fee) to pay for automated fingerprint identification programs (Cal-ID).</p> <p>Given the current – and continuing – fiscal challenges facing counties and local law enforcement, CSAC believes the additional authority to levy an increased vehicle registration fee will go a long way towards enhancing local efforts to enforce vehicle code violations and keep our roadways safe.</p>	<p>Currently awaiting a vote on the Senate Floor.</p>

Bill no. / author	Description	Status / Votes
<p>AB 2397 (Frazier) Criminal Procedure: Video Appearance</p> <p>As Amended June 16, 2014 SUPPORT</p> <p>CHAPTERED</p>	<p>Would allow for increased use of video for court appearances for inmates. CSAC supports this measure as it will reduce the financial burden on local law enforcement agencies and the courts associated with various judicial hearings and specified proceedings without limiting inmate access to due process under the law. The bill is co-sponsored by the California State Sheriffs' Association and the Chief Probation Officers of California.</p>	<p>Signed into law by Governor on July 21, 2014 – Chapter No. 167, Statutes of 2014</p>
<p>AB 2543 (Levine) State Hospital Placement Evaluations</p> <p>As Amended April 23, 2014 OPPOSE</p> <p>DEAD</p>	<p>Would change the mental health evaluation process for certain Department of State Hospital placements by replacing the existing law which requires a court determination, with a process that instead requires only an evaluation by a panel of psychiatrists and psychologists drawn from a pool chosen by the Department of State Hospitals (DSH).</p> <p>CSAC opposes this measure for several reasons: 1) It appears to create a rather significant conflict by giving DSH the ability to authorize – or, more importantly, deny – placements; 2) this change could extend already substantial delays in state hospital placements; and 3) there are a range of related policy reforms which have had more thorough consideration and stakeholder input and given other potential changes specific to the management and movement of those who are deemed incompetent to stand trial, it seems far more appropriate to evaluate the need for and benefits of a change to the evaluation process through the ongoing stakeholder process.</p>	<p>Failed passage in the Assembly Public Safety Committee.</p>
<p>AB 2526 (Gonzalez) Composition of Community Corrections Partnerships</p> <p>As Amended March 20, 2014 OPPOSE</p> <p>DEAD</p>	<p>Would change the composition of the Community Corrections Partnerships (CCPs) and their Executive Committees by adding two members: a rank-and-file deputy sheriff or police officer and a rank-and-file probation officer. As with previous efforts in this vein, CSAC opposes given that successful implementation of realignment requires that these bodies do not become too large or unwieldy given their responsibilities under AB 109.</p>	<p>Failed passage in the Senate Public Safety Committee.</p>

Bill no. / author	Description	Status / Votes
AB 2727 (Frazier) Local employees: court witnesses As Introduced February 21, 2014 SUPPORT CHAPTERED	Would increase daily amount to be tendered for each day a local public employee is required to be in attendance at a civil action or proceeding as a witness in a matter regarding an event or transaction that the employee perceived or investigated. CSAC supports this bill given that it will raise the current deposit amount from \$125 to \$275 and bring conformity to the deposit amounts already required for state and county employees.	Signed into law by Governor on July 21, 2014 – Chapter No. 170, Statutes of 2014
SB 16 (Gaines) County costs: nonhomicide criminal trials As Amended June 17, 2013 SUPPORT	Would create a cost assistance program largely modeled after the homicide reimbursement program in which state financial assistance may be available when costs greatly exceed a county's financial capacity. CSAC supports this measure as a narrowly crafted response from issues arising from only the most complex and costly cases that threaten to overwhelm a county's ability to provide an appropriate defense.	Currently awaiting a hearing in the Assembly Appropriations Committee.
SB 419 (Block) Restitution: collection of fines and Fees As Amended July 3, 2014 SUPPORT	Would authorize the agency designated by the county board of supervisors, or, a local collection program to collect restitution fines and fees from people on post-release community supervision, mandatory supervision, and county jail inmates who have completed their sentence and to deduct and retain administrative fees for those collections. SB 419 is needed to ensure that local entities tasked with the collection of restitution from county jail inmates who previously would have served a prison term prior to Realignment, as well as those in the community on mandatory or post-release community supervision have the clear authority to carry out the duties assigned to them. CSAC supports the bill as it will make restitution recovery procedures more practical and workable for counties and our local law enforcement partners.	Currently awaiting a vote on the Assembly Floor.
HUMAN TRAFFICKING		
AB 1585 (Alejo) Human Trafficking: petition for relief	Would provide that a defendant who has been convicted of solicitation or prostitution may petition the court to set aside the conviction if the defendant can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking.	Currently on the Suspense File in the Senate Appropriations Committee.
AB 1610 (Bonta) Material witnesses: human trafficking	Would expand the ability for witnesses who are victims or material witnesses in serious felony cases involving human trafficking to provide their testimony on a conditional status ahead of the trial.	Currently awaiting a vote on the Senate Floor.

Bill no. / author	Description	Status / Votes
AB 1791 (Maienschein) Human trafficking: sex offender registration	Under existing law, this ability to be examined conditionally prior to trial only exists for specified criminal trial cases, including when a person is about to leave the state or is so sick or infirm that he or she will be unable to attend the trial. Would expand the Sex Offender Registration Act to apply to a person who recruits, harbors, transports, provides, sells, purchases, or obtains, or attempts to recruit, harbor, transport, provide, sell, purchase, or obtain, a person who is a minor at the time of the commission of certain commercial sex acts.	Currently awaiting a hearing in the Senate Appropriations Committee.
AB 1887 (Campos) Human Trafficking: sealing and destruction of arrest records DIED	Would authorize a person to petition a court to set aside a conviction for an offense relating to solicitation or prostitution based on a finding that the person is factually innocent of the charge if the person is a victim of human trafficking and the offense is a result of the petitioner's status as a victim of that crime. If the court finds that the petitioner is factually innocent, the bill would further require the court to order the records of the arrest to be sealed and destroyed. The bill would also provide that a finding that of factual innocence pursuant to this provision shall be admissible in a civil action brought by the petitioner, or his or her estate or representative, against an individual or entity for damages arising from the individual's or entity's alleged involvement in human trafficking.	Held on the Suspense File in the Assembly Appropriations Committee
SB 955 (Mitchell) Human trafficking: interception of electronic communication	Would add human trafficking to the list of offenses for which interception of electronic communications may be ordered if a judge finds, among other things, that there is probable cause to believe that an individual is committing, has committed, or is about to commit, one of several offenses, including possession for sale of certain controlled substances, murder, and certain felonies involving destructive devices.	Currently on the Suspense File in the Assembly Appropriations Committee.
SB 1084 (Walters) Human trafficking: serious felony DIED	Would add human trafficking to the definition of a serious felony and make that felony punishable under California's Three Strikes Law.	Failed passage in the Senate Public Safety Committee, but was granted reconsideration
SB 1085 (Walters) Human trafficking: Probation DIED	Would prohibit the granting of probation to, or the suspension of a sentence for a person who is convicted of human trafficking.	Held on the Suspense File in Senate Appropriations Committee

Bill no. / author	Description	Status / Votes
SB 1001 (Morrell) Actions for damages – Felony Offenses DIED	Would include a human trafficking offense as a serious felony for which an action for damages against a defendant may be brought within 10 years from the date on which the defendant is discharged from parole, and would make other corrective changes.	All hearings were canceled at the request of the author.
SB 1388 (Lieu) Commercial Sexual Exploitation of Children Services Fund	<p>Would establish a fund based on fine revenue that will support child sexual abuse victim counseling centers and programs that fund services for child victims of human trafficking.</p> <p>Specifically, under the bill, a person who seeks to purchase or purchases a commercial sex act will be guilty of a misdemeanor, punishable by imprisonment in the county jail for at least 48 hours, but not more than 6 months, and by a fine of at least \$1,000. If probation is granted, the fine will be at least \$1,000, but not more than \$50,000, and will be deposited in the Victim-Witness Assistance Fund to fund grants to local programs.</p> <p>The bill would also authorize the court to order a defendant who is convicted of purchasing a commercial sex act involving any person who was a minor at the time of the offense, to pay an additional fine of not less than \$1,000 and not more than \$10,000. These fines would be deposited into the Commercial Sexual Exploitation of Children Services Fund, which would be created in the State Treasury and available upon appropriation from the Legislature.</p>	Currently awaiting a hearing in the Assembly Appropriations Committee.
INCOMPLETE TO STAND TRIAL (IST)		
AB 2625 (Achadjian) Defendants: Competence	<p>Would enact three provisions designed to streamline the process for returning IST defendants to their county of commitment after exhausting treatment at a State Hospital.</p> <ol style="list-style-type: none"> 1. Counties must receive IST defendants whom they've committed to a state hospital no later than 10 days after the superior court has received notification from the hospital that there is no substantial likelihood that the defendant will regain competency. 2. The Department of State Hospitals must notify the patient's defense counsel and the district attorney of the Department's determination that the defendant is unlikely to regain competency. Additionally, the 	Currently awaiting a vote on the Senate Floor.

Bill no. / author	Description	Status / Votes
<p>AB 2186 (Lowenthal) Defendants: involuntary medication</p>	<p>Department must notify the Sheriff of the committing county so that transportation can be arranged.</p> <p>3. IST defendants who do not restore to competency at a State Hospital within a three-year period must be returned to their county of commitment 90 days prior to the statutory three-year length of stay cap.</p> <p>DSH believes these changes, if implemented, will increase the number of beds available for waitlisted IST patients and reserve space for those who are most likely to benefit from treatment at a State Hospital. However, by imposing additional responsibilities on medical directors at local facilities, the bill would undoubtedly impose a state-mandated local program.</p> <p>Would make a number of changes relating to the administration of involuntary medication (IM) orders for defendants who have been deemed incompetent to stand trial (IST) and have been committed to a State Hospital. Specifically, this bill has four main provisions:</p> <ol style="list-style-type: none"> 1. The bill would allow an IM order issued by a superior court to follow a patient between jurisdictions. Under current law, an IM order is only valid for a State Hospital facility. As such, the Department of State Hospitals (DSH) believes that IST patients that have restored to competency may unnecessarily decompensate in county jail while awaiting a new IM order authorizing continued medication at the local level. 2. The bill would allow a superior court to extend an IM order by 14 days when approved by an Administrative Law Judge (ALJ) upon a finding of good cause. 3. The bill would allow a superior court to issue a one year extension on a previously issued IM order upon a finding of good cause. 4. The bill would make minor adjustments to the timing of competency progress reports and IM reports. Specifically, the bill would synchronize 	<p>Currently awaiting a vote on the Senate Floor.</p>

Bill no. / author	Description	Status / Votes
AB 1960 (Perea) State Hospitals: patient criminal history	<p>due dates to reduce staff workload and ensure more coordinated delivery to the courts.</p> <p>Would provide state hospital clinicians with additional information on the criminal history of their patients so that they are better equipped to develop clinically appropriate treatment plans that take into account undisclosed criminal behavior that may put other patients and staff at risk.</p> <p>Under the bill, the Attorney General would be authorized to provide state summary criminal history information to the director of a state hospital for patients committed to that facility for treatment. Law enforcement officers at state hospitals would also be able to access the California Law Enforcement Telecommunication System. The state hospital would be prohibited from using the information for any other purpose than determining appropriate treatment and security options. The hospital would be further required to destroy the criminal history information from the patient's file within 30 days of discharge.</p>	Currently awaiting a hearing in the Senate Appropriations Committee.
REALIGNMENT		
AB 1449 (Perez, VM) Realignment Omnibus Act of 2014 DIED	<p>Would make three major changes in the way criminal justice realignment is implemented in California:</p> <ol style="list-style-type: none"> 1. The bill requires a sentence to be served in state prison when a defendant is convicted of a felony or felonies otherwise punishable in a county jail and is sentenced to an aggregate term of more than 3 years. 2. The bill would also require any person who is released from prison who has a prior conviction for any specified crimes to be subject to parole supervision by the CDCR and the jurisdiction of the court in the county in which the parolee is released, resides, or in which an alleged violation of supervision has occurred. 3. This bill would, if the person has been found to have violated the conditions of postrelease community supervision on 2 or more prior occasions, allow the revocation hearing officer to revoke and terminate postrelease community supervision and order the person to confinement in the state prison for a period of one year. <p>Would encourage criminal justice system officials to use an evidence-based risk and needs assessment. CSAC staff is watching this bill closely to ensure that it</p>	This bill will not move out of Assembly Public Safety this session.
AB 1919 (Perez, VM) Inmates: Assessments	<p>Would encourage criminal justice system officials to use an evidence-based risk and needs assessment. CSAC staff is watching this bill closely to ensure that it</p>	Failed Deadline and will not make it out of the Senate Rules Committee this session.

Bill no. / author	Description	Status / Votes
DIED AB 2499 (Bonilla) Information sharing: electronic monitoring	does not get amended to include mandatory language resulting in a state mandate on counties.	Awaiting a hearing in the Senate Appropriations Committee.
AB 1633 (Ammiano) Board of State and Community Corrections	Would require the Board of State and Community Corrections (BSCC) to develop consistent data collection processes and perform analysis with regard to sentencing. The bill requires the BSCC to establish a database for any sentencing-related data that is compiled by the Board and requires the BSCC to recommend changes to the Governor and Legislature. The BSCC must also consult with stakeholders and experts.	Held on the Assembly Appropriations Committee Suspend File.
DIED AB 1901 (Muratsuchi) Corrections and Parole	Would authorize a court to order a person who will serve a term in a state prison for a crime that is not a serious felony, violent felony, a Three Strikes offense, classified as a High Risk Sex Offender, or a crime where the person is required to undergo treatment by the State Department of State Hospitals because the person has a severe mental disorder, to be released on parole rather than post-release community supervision after serving his or her term in prison.	Failed passage in Assembly Public Safety Committee and will not move forward this session
AB 2521 (Hagman) Data Collection for Realigned Felons	Would require the BSCC to work with CSAC, CPOC, CSSA and the Judicial Council to collect and analyze specified recidivism information and make it available on the BSCC website.	Awaiting hearing in Senate Appropriations Committee.
SB 1097 (Nielsen) Board of State Community Corrections: Grant Program	Would authorize the BSCC to award grants to assist counties with the creation or expansion of infrastructure that allows each county to consistently collect and report specified criminal justice information.	Held on the Senate Appropriations Suspend File.
COLLECTION OF COURT-ORDERED DEBT		
DIED AB 2085 (Fox) Misdemeanor Violations/ Amnesty Program As Amended March 19, 2014 CONCERNS	The bill would require each local community corrections partnership, on or before June 1, 2014, to report to the board on the county's capacity to collect and report the data required. The bill also requires the board to review each assessment and to prioritize and award grants to the counties. Would authorize, in each county (upon agreement between the county and court) implementation of an amnesty program during the 2016 calendar year for unpaid court fines. Eligible persons could fulfill financial obligations by paying 50% of a fine or bail due. CSAC raised two primary concerns: 1. Implementing an amnesty program so	Held on the Suspend file in the Assembly Appropriations Committee.

Bill no. / author	Description	Status / Votes
DIED	quickly on the heels of an only moderately successful (CSAC/Judicial Council-sponsored) program in 2012 and 2. Authorizing a piecemeal rather than statewide program.	
AB 2332 (Wleckowski) Courts' contracting authority	<p>Would restrict trial courts' use of contracts for personal services beginning with contracts entered into or renewed as of January 1, 2015, as specified. Contracts for services currently or customarily performed by trial court employees, (must thereafter:</p> <ul style="list-style-type: none"> a) Demonstrate actual savings compared to the court's actual costs of providing the same services; b) Not be approved solely because of savings from lower contractor pay rates or benefits. c) Not cause loss of an existing employee's job, seniority, a reduction in wages or benefits, or an involuntary transfer. d) Be awarded through a competitive bidding process and limited to a five-year duration. <p>Would also require disclosure of certain financial information as well as impose audit requirements. Specifically exempts a contract between trial courts or between a court and a local government agency. Similar to AB 566 (Wleckowski) of 2013 – some raised concerns it would impede contracting authority associated with collection of court-ordered debt.</p>	Bill in Senate Appropriations Committee
AB 2645 (Dababneh) Mandatory supervision: transfer of case	Would require a court transferring a probation or mandatory supervision case to another county to determine the amount of victim restitution before the transfer is made	Signed into law by Governor on July 9, 2014 – Chapter No. 111, Statutes of 2014
CHAPTERED AB 2724 (Bradford) Civil assessment collection As amended February 21, 2014	Would provide that the ability to pay a fine is not a prerequisite to filing a request that the court vacate a civil assessment, and that an agreement to pay a fine in installments or perform community service in lieu of paying a fine is sufficient for the court to request that the hold on the defendant's driver's license be lifted. Some have raised concerns about loss of civil assessment collection revenue as a result.	Bill in the Senate Appropriations Committee
REQUEST FOR COMMENT SB 419 (Block) Restitution: collection of fines and Fees	Would authorize the agency designated by the county board of supervisors, or, a local collection program to collect restitution fines and fees from people on post-release community supervision, mandatory supervision, and county jail inmates	Currently awaiting a vote on the Assembly Floor.

Bill no. / author	Description	Status / Votes
As Amended July 3, 2014 SUPPORT	<p>who have completed their sentence and to deduct and retain administrative fees for those collections.</p> <p>SB 419 is needed to ensure that local entities tasked with the collection of restitution from county jail inmates who previously would have served a prison term prior to Realignment, as well as those in the community on mandatory or post-release community supervision have the clear authority to carry out the duties assigned to them. CSAC supports the bill as it will make restitution recovery procedures more practical and workable for counties and our local law enforcement partners.</p>	
SB 1197 (Pavley) Collection of Restitution	<p>Would provide for the collection and distribution of restitution and restitution fines when a defendant is released on post release community supervision (PRCS) community supervision, or mandatory supervision. Requires a county electing to collect restitution fines and orders to coordinate efforts with Franchise Tax Board.</p>	In Assembly awaiting action by full house.