

AMENDED IN SENATE APRIL 6, 2010
AMENDED IN SENATE MARCH 15, 2010
AMENDED IN SENATE JUNE 23, 2009
AMENDED IN ASSEMBLY JUNE 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 552

Introduced by Assembly Member Solorio

February 25, 2009

An act to amend Sections 15819.40, 15819.401, 15819.41, and 15819.411 of the Government Code, and to amend Section 7021 of the Penal Code, relating to correctional facilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 552, as amended, Solorio. Correctional facilities.

Existing law, the Public Safety and Offender Rehabilitation Services Act of 2007, authorized certain revenue bond construction of prison facilities. The act, among other things, authorized the Department of Corrections and Rehabilitation to design, construct, or renovate prison housing units, prison support buildings, and programming space in order to add new beds at existing adult correctional facilities. It also authorized the department to construct and establish new buildings at existing facilities under the jurisdiction of the department to provide medical, dental, and mental health treatment or housing, as specified.

This bill would additionally authorize the Department of Corrections and Rehabilitation to develop beds and treatment space to serve inmates requiring mental health or medical services. The bill would provide that

any beds developed with a medical or mental health purpose shall be supported with rehabilitative programming ~~to the extent it is, as defined, that is consistent with the medical or mental health services to be delivered~~ *required by the inmates*. The bill would authorize the department, in addition to designing and constructing new buildings at existing facilities for medical, dental, and mental health treatment, to renovate existing buildings at existing facilities for medical, dental, and mental health treatment as well as to design, construct, or renovate any ancillary improvements, as specified. The bill would also make changes regarding the calculation of design-build project augmentations from these funds.

Because this bill would authorize different uses of continuously appropriated bond moneys, it would make an appropriation.

Although existing law allows the State Public Works Board to issue revenue bonds, negotiable notes, or negotiable bond anticipation notes for the purposes above, it forbids the board to release specified funds until a 3-member panel, composed as specified, certifies that certain conditions have been met.

This bill would alter one of those conditions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 15819.40 of the Government Code is
 2 amended to read:
 3 15819.40. (a) (1) (A) The Department of Corrections and
 4 Rehabilitation may design, construct, or renovate housing units,
 5 support buildings, and programming space in order to add up to
 6 12,000 beds at facilities under its jurisdiction. The department
 7 shall complete site assessments at facilities at which it intends to
 8 construct or renovate additional housing units, support buildings,
 9 and programming space. The department may use the funding
 10 provided in Section 28 of Chapter 7 of the Statutes of 2007 to
 11 complete these site assessments. After completing these site
 12 assessments, the department shall define the scope and cost of each
 13 project pursuant to subdivision (d).

1 (B) The authority contained in subparagraph (A) may be used
2 to develop new beds including appropriate programmatic space
3 pursuant to paragraph (2) and, together with the funds appropriated
4 in Section 15819.403 for this purpose, shall constitute the scope
5 of a single capital outlay project for purposes of calculating
6 augmentations pursuant to Section 13332.11 or Section 13332.19
7 as described in Section 15819.401.

8 (2) Any new beds constructed pursuant to this section shall be
9 supported by rehabilitative programming for inmates, including,
10 but not limited to, education, vocational programs, substance abuse
11 treatment programs, employment programs, and prerelease
12 planning.

13 (3) The purpose of beds constructed pursuant to this section is
14 to replace the temporary beds currently in use, and they are not
15 intended to house additional inmates. For the purposes of this
16 section, “temporary beds” shall be defined as those that are placed
17 in gymnasiums, classrooms, hallways, or other public spaces that
18 were not constructed for the purpose of housing inmates.

19 (4) Notwithstanding ~~paragraphs (2) and~~ *paragraph (3)*, the
20 authority contained in this subdivision may be used to develop
21 beds and treatment space to serve inmates requiring mental health
22 or medical services. Any beds developed with a medical or mental
23 health purpose shall be supported with rehabilitative programming
24 ~~to the extent it as defined in paragraph (2) that~~ is consistent with
25 the medical or mental health services ~~to be delivered~~ *required by*
26 *the inmates.*

27 (b) The Department of Corrections and Rehabilitation may
28 acquire land, design, construct, and renovate reentry program
29 facilities to provide housing for up to 6,000 inmates as authorized
30 in Chapter 9.8 (commencing with Section 6271) of the Penal Code
31 and, together with the funds appropriated in Section 15819.403
32 for this purpose, this shall constitute the scope and cost of a single
33 capital outlay project for purposes of calculating augmentations
34 pursuant to Section 13332.11 or Section 13332.19 as described in
35 Section 15819.401.

36 (c) The Department of Corrections and Rehabilitation is
37 authorized to design and construct new, or renovate existing,
38 buildings and any necessary ancillary improvements, at facilities
39 under the jurisdiction of the department to provide medical, dental,
40 and mental health treatment or housing for up to 6,000 inmates

1 and, together with the funds appropriated in Section 15819.403
2 for this purpose, this shall constitute the scope and cost of a single
3 capital outlay project for purposes of calculating augmentations
4 pursuant to Section 13332.11 or Section 13332.19 as described in
5 Section 15819.401.

6 (d) (1) The reporting requirements set forth in Sections 7000
7 to 7003.5, inclusive, of the Penal Code, shall apply separately to
8 each institution or facility. The scope and cost of the project for
9 each institution or facility shall be established individually by the
10 State Public Works Board. The amount of the total appropriations
11 in Section 15819.403 that is necessary for each project shall be
12 allocated to each institution or facility project. The appropriations
13 may be allocated based on current estimates. These initial
14 allocations may be adjusted commensurate to changes that occur
15 during the progression of the projects. As allocations are made or
16 adjusted, the anticipated deficit or savings shall be continuously
17 tracked and reported. Once the total appropriation has been
18 allocated, any augmentation necessary to fund an anticipated deficit
19 shall be based on the total applicable capital outlay appropriation
20 in Section 15819.403 and applied to each project allocation as
21 necessary.

22 (2) For each institution, the Department of Corrections and
23 Rehabilitation shall report to the Joint Legislative Budget
24 Committee identifying those projects that the department proposes
25 to undertake, and any support buildings, and programming space
26 to support up to 12,000 new beds. For each institution, the
27 department shall describe the scope, budget, schedule, number of
28 beds by security level, along with approximate square footage of
29 support buildings, and programming space to be constructed or
30 renovated. If after providing these reports, the committee fails to
31 take any action with respect to each report within 30 days after
32 submittal, this inaction shall be deemed to be approval for purposes
33 of this section, and the department is authorized to proceed to
34 design, construct, or renovate housing units, support buildings,
35 and programming space for each institution for which a report has
36 been approved.

37 (3) The department shall notify the Joint Legislative Budget
38 Committee 45 days prior to the submission of preliminary plans
39 to the board for each project authorized in this section. If after
40 providing these notifications, the committee fails to take any action

1 with respect to each report within 45 days after submittal, this
2 inaction shall be deemed to be approval for purposes of this section,
3 and the department is authorized to design, construct, or renovate
4 housing units, support buildings, and programming space for each
5 institution for which a report has been approved.

6 (4) The Department of Corrections and Rehabilitation shall
7 report quarterly to the Joint Legislative Budget Committee on the
8 allocations from the appropriations in Section 15819.403 and the
9 anticipated deficit or savings. Each reentry program facility
10 authorized under subdivision (b) shall be considered to be a
11 separate project for reporting purposes pursuant to Sections 7000
12 and 7003.5 of the Penal Code. Each medical, mental health, or
13 dental building improvement authorized under subdivision (c)
14 shall be considered to be a separate project, except that building
15 improvements that have a related purpose and that are located at
16 the same institution may be considered one project, for reporting
17 purposes pursuant to Sections 7000 and 7003.5 of the Penal Code.

18 SEC. 2. Section 15819.401 of the Government Code is amended
19 to read:

20 15819.401. The scope and costs of the projects authorized by
21 this chapter shall be subject to approval and administrative
22 oversight by the State Public Works Board, including
23 augmentations, pursuant to Section 13332.11 or Section 13332.19.
24 For purposes of this chapter, the availability of an augmentation
25 for each individual project allocation shall be calculated based on
26 the total applicable capital outlay appropriation contained in
27 Section 15819.403 and is not limited to 20 percent of the individual
28 project allocation.

29 SEC. 3. Section 15819.41 of the Government Code is amended
30 to read:

31 15819.41. (a) The Department of Corrections and
32 Rehabilitation shall complete site assessments at facilities where
33 it intends to construct or renovate additional housing units, support
34 buildings, and programming space in order to add up to 4,000 beds
35 at facilities under its jurisdiction. The department may use the
36 funding provided in Section 28 of Chapter 7 of the Statutes of 2007
37 to complete the site assessments. After completing these site
38 assessments the department shall define the scope and costs of
39 each project pursuant to subdivision (d). This authorization is in
40 addition to the authorization in subdivision (a) of Section 15819.40.

1 Any new beds constructed shall be supported by rehabilitative
2 programming for inmates, including, but not limited to, education,
3 vocational programs, substance abuse treatment programs,
4 employment programs, and prerelease planning. The Department
5 of Corrections and Rehabilitation is authorized to design, construct,
6 or renovate housing units, support buildings, and programming
7 space in order to add up to 4,000 beds at facilities under its
8 jurisdiction. This authorization is in addition to the authorization
9 in subdivision (a) of Section 15819.40. Any new beds constructed
10 shall be supported by rehabilitative programming for inmates,
11 including, but not limited to, education, vocational programs,
12 substance abuse treatment programs, employment programs, and
13 prerelease planning. The authority in this subdivision may also be
14 used to develop beds and treatment space to serve inmates requiring
15 mental health or medical services. Any beds developed with a
16 medical or mental health purpose shall be supported with
17 rehabilitative programming ~~to the extent it is as defined in~~
18 *paragraph (2) of subdivision (a) of Section 15819.40 that is*
19 ~~consistent with the medical or mental health services to be~~
20 ~~delivered~~ *required by the inmates.* The authority contained in this
21 subdivision together with the funds appropriated in Section
22 15819.413 for this purpose, shall constitute the scope and cost of
23 a single capital outlay project for purposes of calculating
24 augmentations pursuant to Section 13332.11 or Section 13332.19
25 as described in Section 15819.411.

26 (b) The Department of Corrections and Rehabilitation is
27 authorized to design and construct new, or renovate existing,
28 buildings and any necessary ancillary improvements, at facilities
29 under the jurisdiction of the department to provide medical, dental,
30 and mental health treatment or housing for up to 2,000 inmates.
31 This authorization is in addition to the authorization in subdivision
32 (c) of Section 15819.40. The authority contained in this subdivision
33 together with the funds appropriated in Section 15819.413 for this
34 purpose, shall constitute the scope and cost of a single capital
35 outlay project for purposes of calculating augmentations pursuant
36 to Section 13332.11 or Section 13332.19 as described in Section
37 15819.411.

38 (c) The Department of Corrections and Rehabilitation is
39 authorized to acquire land, design, construct, and renovate reentry
40 program facilities throughout the state that will house up to 10,000

1 inmates pursuant to Section 6271.1 of the Penal Code, and together
2 with the funds appropriated in Section 15819.413 for this purpose,
3 this shall constitute the scope and cost of a single capital outlay
4 project for purposes of calculating augmentations pursuant to
5 Section 13332.11 or Section 13332.19 as described in Section
6 15819.411.

7 (d) (1) The reporting requirements set forth in Sections 7000
8 to 7003.5, inclusive, of the Penal Code, shall apply separately to
9 each institution or facility. The scope and cost of the project for
10 each institution or facility shall be established by the State Public
11 Works Board individually. The amount of the total appropriations
12 in Section 15819.413 that is necessary for each project shall be
13 allocated to each institution or facility project. The appropriations
14 may be allocated based on current estimates. These initial
15 allocations may be adjusted commensurate to changes that occur
16 during the progression of the projects. As allocations are made or
17 adjusted, the anticipated deficit or savings shall be continuously
18 traced and reported. Once the total appropriation has been allocated,
19 any augmentation necessary to fund an anticipated deficit shall be
20 based on the total applicable capital outlay appropriation in Section
21 15819.413 and applied to each project allocation as necessary.

22 (2) For each institution, the department shall report to the Joint
23 Legislative Budget Committee, identifying those projects that the
24 department proposes to undertake, and any support buildings, and
25 programming space to support up to 4,000 new beds. For each
26 institution, the department shall describe the scope, budget,
27 schedule, number of beds by security level, along with approximate
28 square footage of support buildings, and programming space to
29 be constructed or renovated. If after providing these reports, the
30 committee fails to take any action with respect to each report within
31 30 days after submittal, this inaction shall be deemed to be approval
32 for purposes of this section, and the department is authorized to
33 proceed to design, construct, or renovate housing units, support
34 buildings, and programming space for each institution for which
35 a report has been approved.

36 (3) The Department of Corrections and Rehabilitation shall
37 notify the Joint Legislative Budget Committee 45 days prior to
38 the submission of preliminary plans to the board for each project
39 authorized in this section. If after providing these notifications,
40 the committee fails to take any action with respect to each report

1 within 45 days after submittal, this inaction shall be deemed to be
2 approval for purposes of this section, and the department is
3 authorized to design, construct, or renovate housing units, support
4 buildings, and programming space for each institution for which
5 a report has been approved.

6 (4) The Department of Corrections and Rehabilitation shall
7 report quarterly to the Joint Legislative Budget Committee on the
8 allocations from the appropriations in Section 15819.413 and the
9 anticipated deficit or savings. Each reentry program facility
10 authorized under subdivision (c) shall be considered to be a
11 separate project. Each medical, mental health, or dental building
12 improvement authorized under subdivision (b) shall be considered
13 to be a separate project, except that building improvements that
14 have a related purpose and that are located at the same institution
15 may be considered one project, for reporting purposes pursuant to
16 Sections 7000 and 7003.5 of the Penal Code.

17 SEC. 4. Section 15819.411 of the Government Code is amended
18 to read:

19 15819.411. The scope and costs of the projects authorized by
20 this chapter shall be subject to approval and administrative
21 oversight by the State Public Works Board, including
22 augmentations, pursuant to Section 13332.11 or Section 13332.19.
23 For purposes of this chapter, the availability of an augmentation
24 for each individual project allocation shall be calculated based on
25 the total applicable capital outlay appropriation contained in
26 Section 15819.413 and is not limited to 20 percent of the individual
27 project allocation.

28 SEC. 5. Section 7021 of the Penal Code is amended to read:

29 7021. (a) The State Public Works Board may not release any
30 funds provided for projects in Section 15819.41 of the Government
31 Code or Section 6271.1, until a three-member panel, composed of
32 the State Auditor, the Inspector General, and an appointee of the
33 Judicial Council of California, verifies that the conditions outlined
34 in paragraphs (1) to (13), inclusive, have been met. The Legislative
35 Analyst shall provide information and input to the three-member
36 panel as it considers whether the conditions have been met.

37 (1) At least 4,000 beds authorized in subdivision (a) of Section
38 15819.40 of the Government Code have been established by the
39 State Public Works Board.

1 (2) The first 4,000 beds authorized in subdivision (a) of Section
2 15819.40 of the Government Code include space and will provide
3 opportunities for rehabilitation services for inmates.

4 (3) At least 2,000 of the beds authorized in subdivision (a) of
5 Section 6271 are under construction or sited.

6 (4) At least 2,000 substance abuse treatment slots established
7 in Section 2694 have been established, with aftercare in the
8 community.

9 (5) Prison institutional drug treatment slots have averaged at
10 least 75 percent participation over the previous six months.

11 (6) The Department of Corrections and Rehabilitation has
12 implemented an inmate assessment at reception centers, pursuant
13 to Section 3020, and has used the assessment to assign inmates to
14 rehabilitation programs for at least six consecutive months.

15 (7) The Department of Corrections and Rehabilitation has
16 completed the Inmate Treatment and Prison-to-Employment Plan,
17 pursuant to Section 3105.

18 (8) At least 300 parolees are being served in day treatment or
19 crisis care services, pursuant to Section 3073.

20 (9) The California Rehabilitation Oversight Board (C-ROB),
21 created pursuant to Section 6140, has been in operation for at least
22 one year, and is regularly reviewing the Department of Corrections
23 and Rehabilitation's programs. This condition may be waived if
24 the appointments to the C-ROB have not been made by the
25 Legislature.

26 (10) The Department of Corrections and Rehabilitation has
27 implemented a plan to address management deficiencies, pursuant
28 to Section 2061, and at least 75 percent of management positions
29 have been filled for at least six months.

30 (11) The Department of Corrections and Rehabilitation has
31 increased full-time participation in inmate academic and vocation
32 education programs by 10 percent from the levels of participation
33 on April 1, 2007.

34 (12) The Department of Corrections and Rehabilitation has
35 developed and implemented a plan to obtain additional
36 rehabilitation services, pursuant to Section 2062, and the vacancy
37 rate for positions dedicated to rehabilitation and treatment services
38 in prisons and parole offices is no greater than the statewide
39 average vacancy rate for all state positions.

1 (13) The Department of Corrections and Rehabilitation has
2 reviewed existing parole procedures.
3 (b) The provisions of Section 15819.41 of the Government Code
4 and Section 6271.1 shall not authorize construction of facilities
5 until the three-member panel specified in subdivision (a) has
6 certified that the requirements of that subdivision have been met.
7 Those sections shall become inoperative on January 1, 2014. Any
8 projects already underway may continue, and funding for those
9 projects shall remain authorized in order to allow for the issuance
10 of bonds.
11 (c) The requirements set forth in this section are contingent
12 upon the Legislature making funds available for the rehabilitation
13 programs set forth in the Public Safety and Offender Rehabilitation
14 Services Act of 2007.
15 SEC. 6. This act is an urgency statute necessary for the
16 immediate preservation of the public peace, health, or safety within
17 the meaning of Article IV of the Constitution and shall go into
18 immediate effect. The facts constituting the necessity are:
19 In order to address California’s prison overcrowding at the
20 earliest possible time, it is necessary that this act take effect
21 immediately.