

**Introduced by Senator Maldonado**

February 19, 2010

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An act to amend Section 13825.4 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 1313, as introduced, Maldonado. Crime prevention.

Existing law requires the Department of Justice to administer the California Gang, Crime, and Violence Prevention Partnership Program, pursuant to which the department is required to disburse any appropriated funds to community organizations and nonprofit agencies for prevention and intervention activities for at-risk youth, as specified.

This bill would provide that, on and after January 1, 2011, no funds shall be provided under the program to a community-based organization or nonprofit agency to provide gang intervention services, unless the organization or agency enters into a contract with each person providing gang intervention services, as specified, expressly providing that the conviction of the person for an offense on or after January 1, 2011, must be reported, as specified, and constitutes a breach of contract for which funds received after the conviction must be repaid, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 13825.4 of the Penal Code is amended
- 2 to read:
- 3 13825.4. Community-based organizations and nonprofit
- 4 agencies that receive funds under this chapter shall utilize the funds

1 to provide services and activities designed to prevent or deter  
2 at-risk youth from participating in gangs, criminal activity, or  
3 violent behavior.

4 (a) These prevention and intervention efforts shall include, but  
5 not be limited to, any of the following:

6 (1) Services and activities designed to do any of the following:

7 (A) Teach alternative methods for resolving conflicts and  
8 responding to violence, drugs, and crime.

9 (B) Develop positive and life-affirming attitudes and behaviors.

10 (C) Build self-esteem.

11 (2) Recreational, educational or cultural activities.

12 (3) Counseling or mentoring services.

13 (4) Economic development activities.

14 (b) Funds allocated under this chapter may not be used for  
15 services or activities related to suppression, law enforcement,  
16 incarceration, or other purposes not related to the prevention and  
17 deterrence of gangs, crime, and violence.

18 Nothing in this paragraph shall prevent funds allocated under  
19 this chapter from being used for violence prevention and gang  
20 crime deterrence services provided by community-based  
21 organizations and nonprofit agencies to youths incarcerated in  
22 juvenile detention facilities.

23 (c) Services and activities provided with funds under this chapter  
24 shall be used for at-risk youth who are defined as persons from  
25 age 5 to 20 years of age and who fall into one or more of the  
26 following categories:

27 (1) Live in a high-crime or high-violence neighborhood as  
28 identified by local or federal law enforcement agencies.

29 (2) Live in a low-economic neighborhood as identified by the  
30 U.S. Census or come from an impoverished family.

31 (3) Are excessively absent from school or are doing poorly in  
32 school as identified by personnel from the youth's school.

33 (4) Come from a socially dysfunctional family as identified by  
34 local or state social service agencies.

35 (5) Have had one or more contacts with the police.

36 (6) Have entered the juvenile justice system.

37 (7) Are identified by the juvenile justice system as being at risk.

38 (8) Are current or former gang members.

39 (9) Have one or more family members living at home who are  
40 current or former members of a gang.

1 (10) Are identified as wards of the court, as defined in Section  
2 601 of the Welfare and Institutions Code.

3 (d) Except as provided in subdivision (e), in carrying out a  
4 program of prevention and intervention services and activities with  
5 funds received under this chapter, community-based organizations  
6 and nonprofit agencies shall do all of the following:

7 (1) Collaborate with other local community-based organizations,  
8 nonprofit agencies or local agencies providing similar services,  
9 local schools, local law enforcement agencies, residents and  
10 families of the local community, private businesses in the local  
11 community, and charitable or religious organizations, for purposes  
12 of developing plans to provide a program of prevention and  
13 intervention services and activities with funds provided under this  
14 chapter.

15 (2) Identify other community-based organizations, nonprofit  
16 agencies, local agencies, and charitable or religious organizations  
17 in the local community that can serve as a resource in providing  
18 services and activities under this chapter.

19 (3) Follow the public health model approach in developing and  
20 carrying out a program to prevent, deter or reduce youth gangs,  
21 crime or violence by (A) identifying risk factors of the particular  
22 population to be targeted, (B) implementing protective factors to  
23 prevent or reduce gangs, crime or violence in the particular  
24 community to be serviced, and (C) designing community guidelines  
25 for prevention and intervention.

26 (4) Provide referral services to at-risk youth who are being  
27 served under this chapter to appropriate organizations and agencies  
28 where the community-based organization or nonprofit agency can  
29 readily identify a need for counseling, tutorial, family support, or  
30 other types of services.

31 (5) Provide the parents and family of the at-risk youth with  
32 support, information, and services to cope with the problems the  
33 at-risk youth, the parents, and the family are confronting.

34 (6) Involve members of the at-risk target population in the  
35 development, coordination, implementation, and evaluation of  
36 their program of services and activities.

37 (7) Objectively evaluate the effectiveness of their services and  
38 activities to determine changes in attitudes or behaviors of the  
39 at-risk youth being served under this chapter towards gangs, crime,  
40 and violence.

1 (e) Providers of programs that operate in juvenile detention  
2 facilities shall not be required to meet the criteria specified in  
3 paragraph (5) of subdivision (d) for those programs offered only  
4 in those facilities.

5 (f) *On and after January 1, 2011, no funds shall be provided*  
6 *under this chapter to a community-based organization or nonprofit*  
7 *agency to provide gang intervention services, unless the*  
8 *organization or agency enters into a signed agreement with each*  
9 *person providing those services that includes all of the following*  
10 *provisions:*

11 (1) *The person shall be required to report to the Department of*  
12 *Justice, in writing, the conviction of the person of any offense that*  
13 *occurred on or after January 1, 2011, within 90 days of the date*  
14 *the person has knowledge of the conviction.*

15 (2) *A conviction shall constitute a breach of the gang*  
16 *intervention services contract.*

17 (3) *The person shall be entitled to payment for gang intervention*  
18 *services in an amount commensurate with those services provided*  
19 *prior to a conviction, and any funds received by the person in*  
20 *excess of this amount shall be required to be repaid to the*  
21 *disbursing state agency.*