AMENDED IN SENATE APRIL 11, 2011

AMENDED IN SENATE APRIL 11, 2011

AMENDED IN SENATE MARCH 16, 2011

AMENDED IN SENATE MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL No. 94

Introduced by Committee on Budget (Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson)

January 10, 2011

An act to amend Section 15820.917 of, and to add Section 15820.910 to, the Government Code, relating to criminal justice realignment, *and* making an appropriation therefor, ~~and declaring the urgency thereof,~~ to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 94, as amended, Committee on Budget. Criminal justice realignment.

Existing law authorizes the Department of Corrections and Rehabilitation (CDCR), participating counties, and the State Public Works Board (SPWB) to acquire, design, and construct local jail facilities approved by the Corrections Standards Authority (CSA). Existing law authorizes the SPWB to issue revenue bonds, notes, or bond anticipation notes in specified amounts to finance the acquisition, design, or construction, and a reasonable construction reserve, of approved local jail facilities, as specified. Existing law requires a minimum of 25% in county matching funds for projects funded under

these provisions and requires the CDCR and CSA to give funding preference to counties that assist the state in siting reentry facilities, as specified. AB 111 of the 2011–12 Regular Session, if it becomes operative, instead requires that the CDCR and the CSA give funding preference to counties that committed the largest percentage of inmates to state custody in relation to the total inmate population of CDCR in 2010.

This bill would, if AB 111 of the 2011–12 Regular Session becomes operative, authorize counties that have received a conditional award under one specified jail facilities financing program to relinquish that award and reapply for a conditional award under a separate financing program, as specified. The bill would lower to 10% the required county contribution and additionally require the CDCR and CSA to give funding preference to those counties that relinquish those specified local jail construction conditional awards and agree to continue to assist the state in siting reentry facilities, as specified. The bill would cap at $100,000,000 the amount a county may receive in proceeds from SPWB's issuance of bonds, notes, or bond anticipation notes under those specified provisions.

This bill would appropriate $1,000 from the General Fund to the CDCR for purposes of state operations to be used by the CSA in the 2011–12 fiscal year.

This bill would declare that it is to take effect immediately as ~~an urgency statute and~~ a bill providing for appropriations related to the Budget Bill.

Vote: ⅔-*majority*. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1   SECTION 1. This act shall be known, and may be cited, as the
2 2011 Realignment Legislation Addressing Public Safety.
3   SEC. 2. Section 15820.910 is added to the Government Code,
4 to read:
5   15820.910. A participating county that has received a
6 conditional award under the financing program, as set forth in
7 Chapter 3.11 (commencing with Section 15820.80), may relinquish
8 its conditional award, provided that no state moneys have been
9 encumbered in contracts let by the county, and may reapply for a

1 conditional award under the financing program set forth in this
2 chapter, as amended by the act adding this section.
3   SEC. 3.   Section 15820.17 of the Government Code, as amended
4 by Section 4 of Chapter 16 of the Statutes of 2011, is amended to
5 read:
6   15820.917.   (a) Participating county contribution for projects
7 funded under this chapter shall be a minimum of 10 percent of the
8 total project costs. The CSA may reduce contribution requirements
9 for participating counties with a general population below 200,000
10 upon petition by a participating county to the CSA requesting a
11 lower level of contribution.
12   (b) The CDCR and CSA shall give funding preference to
13 counties that committed the largest percentage of inmates to state
14 custody in relation to the total inmate population of CDCR in 2010.
15   (c) The CDCR and CSA shall give funding preference to
16 counties that relinquish their conditional awards pursuant to Section
17 15820.910, provided that those counties agree to continue to assist
18 the state in siting reentry facilities pursuant to Chapter 9.8
19 (commencing with Section 6270) of Title 7 of Part 3 of the Penal
20 Code.
21   (d) A participating county shall not receive more than one
22 hundred million dollars ($100,000,000) in proceeds from an
23 issuance of the SPWB pursuant to subdivision (a) of Section
24 15820.913.
25   SEC. 4.   In addition to any amounts provided in the Budget Act
26 of 2011, the sum of one thousand dollars ($1,000) is hereby
27 appropriated from the General Fund to the Department of
28 Corrections and Rehabilitation for purposes of state operations to
29 be used by the Corrections Standards Authority in the 2011–12
30 fiscal year.
31   SEC. 5.   This act shall become operative if Assembly Bill 111
32 of the 2011–12 Regular Session of the Legislature becomes
33 operative.
34   SEC. 6.   This act is a bill providing for appropriations related
35 to the Budget Bill within the meaning of subdivision (e) of Section
36 12 of Article IV of the California Constitution, has been identified
37 as related to the budget in the Budget Bill, and shall take effect
38 immediately.
39   SEC. 7.   This act is an urgency statute necessary for the
40 immediate preservation of the public peace, health, or safety within

1 the meaning of Article IV of the Constitution and shall go into
2 immediate effect. The facts constituting the necessity are:
3   In order to obtain savings related to the Budget Act of 2011 at
4 the earliest possible time, it is necessary that this act take effect
5 immediately.

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