

ASSEMBLY BILL

No. 219

Introduced by Assembly Member Portantino

February 1, 2011

An act to add Section 5056.8 to the Penal Code, relating to criminal recidivism.

LEGISLATIVE COUNSEL'S DIGEST

AB 219, as introduced, Portantino. California Recidivism Goals Development and Achievement Act.

Existing law authorizes the Department of Corrections and Rehabilitation to oversee programs for the purposes of reducing parolee recidivism.

This bill would declare the Legislature's intent regarding the Department of Corrections and Rehabilitation's role in reducing criminal recidivism. The bill would require the department achieve a reduction in the statewide criminal recidivism rate from 2010 of 20% by 2015 and 40% by 2020. The bill would require the department to adopt regulations to require the reporting and verification of the statewide recidivism rate, 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. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) California's prison problems are tied directly to recidivism
- 4 and overcrowding. When parolees commit crimes, they not only

1 burden the state's overtaxed prison system—they create new
2 victims and compromise public safety. California's recidivism rate
3 has been historically estimated at 70 percent, one of the nation's
4 highest. It is the intent of the Legislature to make inmate
5 rehabilitation a priority to ensure the public safety and to release
6 inmates to our communities as productive and contributing
7 members of society.

8 (2) As stated in a Department of Corrections and Rehabilitation
9 2009 study, female offenders who completed both in-prison and
10 community-based substance abuse treatment had substantially
11 lower return-to-prison rates (8.8 percent after one year and 16.5
12 percent after two years) than those who completed in-prison
13 substance abuse programs but did not attend community-based
14 substance abuse treatment (25.0 percent after one year and 37.7
15 percent after two years). These rates compare with a 30.1 percent
16 return-to-prison rate after one year and a 43.7-percent
17 return-to-prison rate after two years for all female offenders of the
18 department.

19 (3) The same study found that male offenders who completed
20 both in-prison and community-based substance abuse treatment
21 had lower return-to-prison rates (25.4 percent after one year and
22 40.4 percent after two years) than male offenders who completed
23 in-prison substance abuse programs but did not attend
24 community-based substance abuse treatment (39.8 percent after
25 one year and 55.8 percent after two years). These rates compare
26 with a 41.2-percent return-to-custody rate after one year and a
27 55.6-percent return-to-prison rate after two years for all male
28 offenders of the department.

29 (4) Overall, all offenders, both male and female, who completed
30 both in-prison and community-based substance abuse treatment
31 in the 2005–06 fiscal year had a return-to-prison rate of 21.9
32 percent after one year and 35.3 percent after two years. This
33 compares with a 39.9-percent return-to-prison rate after one year
34 and a 54.2-percent return-to-prison rate after two years for all
35 offenders. Offenders who successfully complete both in-prison
36 and community-based substance abuse treatment programs have
37 markedly lower return-to-prison percentage rates than offenders
38 who either do not receive treatment or only receive in-prison
39 substance abuse programs.

1 (5) If California is to solve its prison overcrowding problem,
2 immediate steps must be taken to reduce the revolving door of
3 prison that sees inmates return after only a short time.

4 (b) It is the intent of the Legislature that the Department of
5 Corrections and Rehabilitation coordinate with state agencies as
6 well as consult with the medical community, drug and alcohol
7 abuse treatment professionals and centers, the criminal justice
8 community, industry sectors, business groups, academic
9 institutions, organizations, and other stakeholders in implementing
10 a reduction in criminal recidivism rates to achieve a reduction of
11 20 percent by 2015 and 40 percent by 2020 from the 2010 level.

12 (c) It is the intent of the Legislature that the Department of
13 Corrections and Rehabilitation develop specific standards,
14 programs, educational opportunities, counseling, and medical and
15 followup care that will reduce criminal recidivism among persons
16 incarcerated in California prisons to meet the targets specified in
17 subdivision (b).

18 (d) It is the intent of the Legislature that the Department of
19 Corrections and Rehabilitation create identifiable and measurable
20 goals designed to assess the effectiveness of programs and efforts
21 to reduce recidivism statewide and at each state correctional
22 facility.

23 SEC. 2. Section 5056.8 is added to the Penal Code, to read:

24 5056.8. (a) This act shall be known and may be cited as the
25 California Recidivism Goals Development and Achievement Act.

26 (b) The Department of Corrections and Rehabilitation is the
27 state agency charged with creating programs and services to reduce
28 criminal recidivism. As part of this charge, the department shall
29 assess and identify the success of programs and services as
30 necessary to meet state-mandated goals.

31 (c) Using 2010 statewide recidivism statistics as the baseline,
32 the department shall achieve a reduction in the statewide recidivism
33 rate of 20 percent by 2015 and 40 percent by 2020.

34 (d) The department shall adopt regulations that require the
35 reporting and verification of the statewide criminal recidivism rate
36 on an annual basis. In reporting a prior year's criminal recidivism
37 rate, the department shall compare the prior year's rate to the
38 criminal recidivism rate from 2010.

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