

AMENDED IN SENATE AUGUST 21, 2012

AMENDED IN SENATE JUNE 25, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1481**

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

January 10, 2012

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An act to amend Sections ~~631 and 631.3 of, and to amend and repeal Section 367.6 of, the Code of Civil Procedure, to amend Section 53086 of the Education Code, to amend Sections 11552, 12838, 12838.1, 21221, 21224, 21229, 68085.1, 68086, 68090.8, 68106, 68502.5, 68926, 68927, 69921, 69922, 69925, 69950, 70371.5, 70602.5, 70617, 70626, 76000.3, 77003, 77202, 77204, 77205, and 77209 of, to amend and repeal Section 72011 of, to amend, repeal, and add Sections 68085, 70616, 70657, and 70677 of, to add Sections 11011.28 and 69923 to, to add and repeal Sections 12838.14 and 70602.6 of, to repeal Sections 12838.2, 12838.3, 69927, and 77213 of, and to repeal and add Sections 69920, 69921.5, 69926, and 77203 of, the Government Code, to amend Sections 1170.05, 1231, 1233.1, 1233.6, 1233.61, 2065, 3417, 5024.2, 5072, 5075.1, 6024, 6027, 6030, 6126, and 13800 of, to amend and repeal Section 1465.8 of, to amend, repeal, and add Section 4115.5 of, to add Sections 5031, 5032, 13155, and 13827 to, and to add Article 5 (commencing with Section 2985) to Chapter 7 of Title 7 of Part 3 of, the Penal Code, to amend Section 8200 of the Probate Code, and to amend Sections 607, 736, 912, 1016, 1703, 1711, 1713, 1719, 1719.5, 1725, 1731.5, 1752.16, 1752.81, 1764.2, 1766, 1766.01, 1767.3, 1767.35, 1767.36, 1769, 1771, 1800, 1800.5, 1916, 3050, 3051, 3100,~~

~~3100.6, and 3201 of, to add Section 3202 to, and to repeal Chapter 1 (commencing with Section 3000) of Division 3 of, the Welfare and Institutions Code 631 and 631.3 of the Code of Civil Procedure, and to amend Sections 607, 1719, 1719.5, 1769, and 1771 of the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.~~

## LEGISLATIVE COUNSEL'S DIGEST

AB 1481, as amended, Committee on Budget. Public safety.

*Existing law requires each party demanding a jury trial to deposit advance jury fees in the amount of \$150 with the clerk or judge. Existing law requires the court to transmit the advance jury fees to the State Treasury for deposit in the Trial Court Trust Fund within 45 calendar days after the end of the month in which the advance jury fees are deposited with the court.*

*This bill would instead require that at least one party demanding a jury on each side of a civil case pay a nonrefundable fee of \$150, unless the fee has been paid by another party on the same side of the case. The bill would make that fee due on or before the date scheduled for the initial case management conference in the action, except in specified circumstances. The bill would make related and conforming changes to those provisions.*

*Existing law authorizes the juvenile court to retain jurisdiction over a ward of the court, until the ward attains 21 years of age, except in certain circumstances. Existing law further authorizes the court to retain jurisdiction over a ward who has committed specified serious offenses or other offenses requiring registration as a sex offender, until age 25, if committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, or to a state hospital or mental health facility. Existing law also requires, on and after July 1, 2012, every person committed by the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, by reason of committing specified offenses, to be discharged after a 2-year period of control, or when that person reaches 23 years of age, whichever occurs later, except as specified.*

*This bill would remove specified offenses requiring registration as a sex offender from those provisions that allow the court, in certain circumstances, to retain jurisdiction over a ward until that person*

*attains either 25 years of age or 23 years of age. The bill would state that these changes apply retroactively.*

*Existing law authorizes the Department of Corrections and Rehabilitation to develop and implement a system of graduated sanctions for wards that distinguishes between minor, intermediate, and serious misconduct. Existing law further requires the department to promulgate regulations to implement a table of sanctions to be used in determining discharge consideration date extensions. Existing law also authorizes the department to extend a ward's discharge consideration date, subject to appeal, to not more than 12 months, for a sustained serious misconduct violation if all other sanctioning options have been considered and determined to be unsuitable in light of the previous case history and circumstances of the misconduct.*

*This bill would delete the above provision requiring the department to promulgate regulations to implement a table of sanctions, in certain circumstances. The bill would also revise the above provision regarding a ward's discharge to instead prohibit the department from extending a ward's discharge consideration date for incidents occurring after September 1, 2012.*

*The bill would appropriate \$1,000 from the General Fund to the Department of Corrections and Rehabilitation for administration.*

*This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

~~(1) Existing law establishes the Department of Corrections and Rehabilitation, and provides that the department shall be headed by a secretary who is appointed by the Governor, subject to Senate confirmation. Existing law authorizes the Governor to appoint to the department 2 undersecretaries, requires the Governor to appoint 3 chief deputy secretaries, and an assistant secretary for health care policy, all subject to Senate confirmation. Existing law also authorizes the Governor to appoint assistant secretaries for victim and survivor rights and services and for correctional safety.~~

~~This bill would reorganize the executive structure of the department in various ways, including, among others, modifying the responsibilities of the undersecretaries, removing the provisions that authorize the Governor to appoint chief deputy secretaries and assistant secretaries, authorizing the Governor to appoint a chief for certain offices to be created by this bill, and creating certain divisions within the department and abolishing others.~~

~~(2) Existing law establishes the Board of State and Community Corrections as an entity independent of the Department of Corrections and Rehabilitation, and authorizes the board to carry out various powers and duties relating to providing advice and leadership on criminal justice issues.~~

~~This bill would authorize the Governor to appoint an executive officer of the board, subject to Senate confirmation, who would hold the office at the pleasure of the Governor. The executive officer would be the administrative head of the board and would exercise all duties and functions necessary to ensure that the responsibilities of the board are successfully discharged.~~

~~(3) Existing law requires the Secretary of the Department of Corrections and Rehabilitation to ensure compliance with the terms of any state plan, memoranda of understanding, administrative order, interagency agreements, assurances, single state agency obligations, federal statutes and regulations, and any other form of agreement or obligation that vital government activities rely upon, or are condition to, the continued receipt by the department of state or federal funds or services.~~

~~This bill would, until June 30, 2021, require money recovered by the Department of Corrections and Rehabilitation from a union paid leave settlement agreement to be credited to the fiscal year in which the recovered money is received, which would be available for expenditure by the department for the fiscal year in which the recovered money is received, upon approval of the Department of Finance. The bill would require the Department of Corrections and Rehabilitation to identify and report the total amount collected annually to the Department of Finance.~~

~~(4) Existing law requires the Department of General Services to offer for sale land that is declared excess or is declared surplus by the Legislature, and that is not needed by any state agency, to local agencies and private entities and individuals, subject to specified conditions.~~

~~This bill would authorize the Director of General Services, until January 1, 2015, to sell or lease property known as the Southern Youth Correctional Reception Center and Clinic to the County of Los Angeles at market value. After that date, if not sold or leased to the County of Los Angeles, the bill would authorize the sale or lease of that property to any other person or entity subject to a competitive bid process. The bill would provide that the proceeds of the sale or lease be expended~~

on bond payments, as specified, and other costs, including costs for the review of the sale of the property and bond counsel.

~~(5) Existing law generally prohibits a person who has been retired under the Public Employees' Retirement System from serving without reinstatement from retirement unless a specified exception applies. Existing law authorizes a retired person to serve without reinstatement upon appointment to certain positions, including, among others, member of a board, commission, or advisory committee, as specified, or in certain circumstances, such as during an emergency to prevent stoppage of public business or because the retired employee has specialized skills needed in performing work of limited duration. Existing law prohibits those appointments from exceeding 960 hours in any fiscal year and requires that the rate of pay not be less than the minimum nor exceed the amount paid to other employees performing comparable duties.~~

~~This bill would prohibit the hourly rate of pay for an appointment of a retired person pursuant to those provisions from exceeding the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule divided by 173.333. The bill would also prohibit an appointee from receiving any benefit, incentive, compensation in lieu of benefits, or any other form of compensation in addition to the hourly pay rate. The bill would prohibit these appointments, including those made concurrently, as specified, from exceeding a combined total of 960 hours each fiscal year. The bill would prohibit a retired annuitant appointed pursuant to these provisions from working more than 960 hours each fiscal year regardless of whether he or she works for one or more employers.~~

~~(6) Existing law requires the Judicial Council, on or before July 1, 2011, to establish statewide, uniform fees to be paid by a party to a civil action for appearing by telephone, which shall supersede any fees paid to vendors and courts under existing agreements and procedures. Existing law, until July 1, 2013, provides that if a vendor or court later receives a fee or a portion of a fee for appearance by telephone that was previously waived, that fee shall be distributed, as specified. Existing law, until July 1, 2013, requires each vendor or court that provides for appearances by telephone to transmit \$20, for each fee received for providing telephone appearance services, to the State Treasury for deposit in the Trial Court Trust Fund, except as specified. Existing law also requires these vendors to transmit, as specified, an amount equal to the total amount of revenue received by all courts for providing appearances for the 2009-10 fiscal year.~~

~~This bill would specify that the statewide, uniform fees to be paid by a party for appearing by telephone shall supersede any fees paid to vendors and courts under any previously existing agreements and procedures. The bill would delete the July 1, 2013, repeal of the provision for distribution of fees that were previously waived, and the repeal date for the \$20 payment required for each fee received for providing telephone appearance services, thereby extending those provisions indefinitely.~~

~~Existing law requires each party to a civil action demanding a jury trial to deposit advance jury fees with the clerk or judge, the total amount of which may not exceed \$150 for each party. Existing law requires the deposit of advance jury fees to be made at least 25 calendar days before the date initially set for trial, except that in unlawful detainer actions the fees are required to be deposited at least 5 days before the date set for trial. Existing law authorizes the refund of advance jury fees under specified circumstances, but provides for the transfer of those fees that are not refunded to the Controller for deposit into the Trial Court Trust Fund.~~

~~This bill, instead, would require each party to pay advance jury fees in the amount of \$150. The bill would provide additional dates for the deposit of advance jury fees, as specified. The bill would require the court to transmit the advance jury fees to the State Treasury for deposit in the Trial Court Trust Fund within 45 calendar days after the end of the month in which the advance jury fees are deposited with the court, and would specify that advance jury fees deposited after the effective date of this measure are nonrefundable.~~

~~Existing law states the intent of the Legislature to establish a moratorium on increases in court filing fees until July 1, 2013, but imposes supplemental fees for filing first papers in connection with specified civil proceedings, until that date.~~

~~This bill would delete the repeal date for the supplemental fees, thereby extending those fees indefinitely. The bill would impose an additional supplemental fee for filing first papers in certain civil proceedings, until July 1, 2015, subject to reduction if the amount of the General Fund appropriation to the Trial Court Trust Fund is decreased from the amount appropriated in the 2013–14 fiscal year. The supplemental fees collected pursuant to these provisions would be deposited into the Trial Court Trust Fund. The bill would make other conforming changes.~~

Existing law requires a \$550 fee to be paid on behalf of all plaintiffs, and by each defendant, intervenor, respondent, or adverse party to a civil action at the time of filing its first paper if the case is designated as a complex case or whenever the case is determined by the court to be a complex case. Existing law imposes a limitation of \$10,000 on the total amount of fees collected from all defendants, intervenors, respondents, and adverse parties appearing in a complex case.

This bill would, until July 1, 2015, increase the complex case fee from \$550 to \$1,000, and increase the limitation on the total amount of fees collected from all defendants, intervenors, respondents, and adverse parties appearing in a complex case from \$10,000 to \$18,000.

Under existing law, the uniform fee for filing any specified motion, application, order to show cause, or other paper requiring a hearing subsequent to the first paper is \$40. The fee for filing a motion for summary judgment or summary adjudication of issues, or for filing in the superior court an application to appear as counsel pro hac vice, is \$500 until July 1, 2013, at which time those fees shall be reduced to \$200 and \$250, respectively. Existing law, until July 1, 2013, provides for  $\frac{1}{2}$  of the pro hac vice application fee to be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund and  $\frac{1}{2}$  into the Trial Court Trust Fund. After that date the entire fee collected for the pro hac vice application is required to be transmitted to the state for deposit into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund. Existing law also requires, until July 1, 2013, an attorney whose application to appear as counsel pro hac vice has been granted to pay an annual renewal fee of \$500 for each year that the attorney maintains pro hac vice status in the case in which the application was granted. The entire renewal fee is transmitted to the state for deposit into the Trial Court Trust Fund.

This bill would, until July 1, 2015, increase that \$40 uniform filing fee to \$60. The bill also would extend indefinitely the \$500 fee for filing a motion for summary judgment or summary adjudication of issues, for filing in the superior court an application to appear as counsel pro hac vice, and for the annual renewal of pro hac vice status. The bill would extend indefinitely the provisions requiring  $\frac{1}{2}$  of the fee to appear as counsel pro hac vice to be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund and  $\frac{1}{2}$  into the Trial Court Trust Fund.

~~Existing law requires the charge of an official court reporter fee, in addition to any other fee required in civil actions or cases, for each proceeding lasting more than one hour, in an amount equal to the actual cost of providing that service per ½ day of services to the parties, on a pro rata basis, for the services of an official court reporter on the first and each succeeding judicial day those services are provided, as specified. Fees collected pursuant to this provision may be used only to pay for services of an official court reporter in civil proceedings. Existing law further requires that, whenever a daily transcript is ordered in a civil case requiring the services of more than one reporter, the party requesting the transcript must pay a fee equal to the per diem rate for pro tempore reporters in addition to any other required fee.~~

~~This bill would additionally require an official court reporter fee to be charged for each proceeding lasting less than one hour.~~

~~Existing law imposes specified fees upon filing a notice of appeal in a civil case appealed to a court of appeal, a petition for a writ within the original jurisdiction of the Supreme Court or the court of appeal, and a petition for hearing in a civil case in the Supreme Court after decision in a court of appeal. Existing law also imposes specified fees for a party other than appellant filing its first document in a civil case appealed to a court of appeal, for a party other than petitioner filing its first document in a writ proceeding within the original jurisdiction of the Supreme Court, or for a party other than petitioner filing its first document in a writ proceeding within the original jurisdiction of a court of appeal.~~

~~This bill would increase those fees, as specified.~~

~~Existing law requires the Judicial Council to retain the ultimate responsibility to adopt a budget and allocate funding for the trial courts. Under existing law, the Judicial Council may authorize a trial court to carry unexpended funds over from one fiscal year to the next, provided that the trial court meets certain trial court coordination requirements.~~

~~This bill would instead authorize a trial court to, prior to June 30, 2014, carry over unexpended funds from the court's operating budget from the prior fiscal year and, on and after that date, to carry over unexpended funds in an amount not to exceed 1% of the court's operating budget from the prior fiscal year. The bill would require the Judicial Council to set a preliminary allocation to trial courts in July of each fiscal year and to finalize those allocations in January, as specified. The bill would require the Judicial Council to set aside 2% of specified funds appropriated in the annual Budget Act and to make those funds~~

~~available to trial courts for unforeseen emergencies, unanticipated expenses for existing programs, or unavoidable funding shortfalls, as specified.~~

~~The bill would prohibit the Judicial Council from expending funds on the Court Case Management System without consent from the Legislature, except as specified. The bill would prohibit construing any provision of law as authorizing the Judicial Council to redirect funds for any purpose other than allocation to trial courts or as otherwise appropriated.~~

~~Existing law creates the Trial Court Trust Fund and requires that the fund be invested in the Surplus Money Investment Fund and requires that interest earned be allocated among trial courts, as specified.~~

~~This bill would delete the requirement that the interest earned be allocated among trial courts.~~

~~Existing law establishes the Immediate and Critical Needs Account of the State Court Facilities Construction Fund and limits the use of the proceeds to certain purposes.~~

~~This bill would also authorize using the proceeds for trial court operations, as defined.~~

~~Existing law establishes the Trial Court Improvement Fund and the Judicial Administrative Efficiency and Modernization Fund.~~

~~This bill would establish the State Trial Court Improvement and Modernization Fund as the successor to those funds, would require that any assets, liabilities, revenues, and expenditures of those funds be transferred to the State Trial Court Improvement and Modernization Fund, and would make other related conforming changes.~~

~~(7) Existing law, until July 1, 2013, provides that for each parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of \$3 shall be imposed in addition to the penalty, fine, or forfeiture set by the city, district, or other issuing agency. Existing law requires the county treasurer to transmit the penalty to the Treasurer for deposit in the Trial Court Trust Fund, as specified.~~

~~This bill would extend the operation of these provisions indefinitely. By extending the operation of these provisions, the bill would increase the duties of county employees and thereby impose a state-mandated local program.~~

~~Existing law, until July 1, 2013, requires an assessment of \$40 to be imposed on every conviction for a criminal offense, as provided, to assist in funding court operations. As of that date, that assessment shall be reduced to \$30.~~

~~This bill would delete that repeal date, thereby extending the \$40 assessment indefinitely.~~

~~(8) Existing law requires the custodian of a will, within 30 days after having knowledge of the death of the testator, unless a petition for probate of the will is earlier filed, to deliver the will to the clerk of the superior court of the county in which the estate of the decedent may be administered and to mail a copy of the will to the executor or a beneficiary, as specified. Existing law prohibits a fee from being charged for delivering the will to the clerk of the superior court.~~

~~This bill would impose a fee of \$50 for delivering a will to the clerk of the superior court as required pursuant to that provision.~~

~~(9) The Superior Court Law Enforcement Act of 2002 authorizes the presiding judge of each superior court to contract with a sheriff or marshal for the necessary level of law enforcement services in the courts. The act requires a sheriff to attend all superior courts held within his or her county whenever required, as specified. Existing law requires the superior court and the sheriff or marshal to enter into an annual or multiyear memorandum of understanding specifying the agreed-upon level of court security services and their cost and terms of payment, and requires the sheriff or marshal to provide specified information to the courts by April 30 of each year, with actual court security allocations subject to the approval of the Judicial Council and the funding provided by the Legislature. Existing law requires the Controller, for the 2011–12 fiscal year, to allocate on a monthly basis a specified amount of the revenues received in the Local Revenue Fund 2011 into the Trial Court Security Account of that fund. Existing law provides that the moneys in the Trial Court Security Account shall be used exclusively to fund trial court security provided by county sheriffs, but shall not include any general county administrative costs. The Controller is required to allocate funds in that account each month to each county or city and county, as specified, to be used solely to provide security to the trial courts, and not for general county administrative expenses.~~

~~This bill would revise and recast the Superior Court Law Enforcement Act of 2002, including renaming the act as the Superior Court Security Act of 2012. The bill would provide that it implements the statutory changes necessary as a result of the realignment of superior court security funding enacted in Assembly Bill 118 (Chapter 40 of the Statutes of 2011), in which the Trial Court Security Account was established to fund court security. The bill would require the sheriff, with the approval and authorization of the board of supervisors, and on~~

behalf of the county, to enter into an annual or multiyear memorandum of understanding with the superior court specifying an agreed-upon level of court security services and any other agreed-upon governing or operating procedures. Except as specified, the bill would provide that the sheriff is responsible for the necessary level of court security services, as established by the memorandum of understanding. The bill would specify that the court security services provided by the sheriff may include, among other things, bailiff functions, taking charge of a jury, and overseeing and escorting prisoners in holding cells. The bill prohibit a superior court from paying a sheriff for court security services and equipment, except as provided. The bill would establish a meeting process for the resolution of an impasse in the negotiation of the memorandum of understanding or disputes regarding the administration or level of services and equipment being provided to a court. The bill would require the Judicial Council to establish, by rule of court, a process that expeditiously and finally resolves disputes that are not settled in the meeting process through a panel of court of appeal justices qualified to hear these matters.

(10) Existing law authorizes the Department of Corrections and Rehabilitation to offer a program under which female inmates, pregnant inmates, or inmates who were primary caregivers of dependent children immediately prior to incarceration and who have been committed to state prison may participate in a voluntary alternative custody program in lieu of confinement in state prison, such as confinement to a residential home, as specified, or confinement to a residential drug treatment program. Existing law also requires the department to collaborate with local law enforcement and community-based programs that administer evidence-based practices in order to prevent recidivism among individuals placed in alternative custody and assist in reentry to society.

This bill would clarify that only female inmates are eligible for the program. The bill would delete the provision requiring the department to collaborate with local law enforcement and would instead require the department to prioritize the use of evidence-based programs and services that will aid in the successful reentry of inmates into society while they take part in alternative custody. The bill would also require that case management services be provided to support rehabilitation and to track the progress and individualized treatment plan compliance of the inmate.

~~(11) Existing law establishes in the State Treasury the State Community Corrections Performance Incentives Fund, a continuously appropriated fund. Moneys in the fund are appropriated for purposes of providing probation revocation incentive payments and high performance grants for the implementation of a specified community corrections program consisting of a system of felony probation supervision intended to, among other goals, reduce recidivism and improve public safety. Existing law also authorizes each county to establish in the county treasury a Community Corrections Performance Incentives Fund to receive amounts allocated to the counties for purposes of funding community corrections programs pursuant to these provisions, as specified.~~

~~Existing law requires each county receiving funding pursuant to these provisions to identify and track specific outcome-based measures, as provided, and report to the Administrative Office of the Courts on the effectiveness of the community corrections program. Existing law requires the Administrative Office of the Courts, in consultation with the Chief Probation Officers of California and the Department of Corrections and Rehabilitation, to provide a quarterly statistical report to the Department of Finance containing statistical information for each county, including information regarding the number of felony filings and felony convictions.~~

~~This bill would expand the scope of the information provided in the statistical report to include information regarding the number of felons who had their probation revoked and were sent to county jail and the number of adult felony probationers sent to county jail for a conviction of a new felony offense, as specified.~~

~~Existing law requires the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Administrative Office of the Courts, to annually calculate, among other things, the statewide probation failure rate and a probation failure rate for each county, for purposes of calculating the probation failure reduction incentive payments and high performance grant payments to counties to support the community corrections program described above.~~

~~This bill would instead require the department, in consultation with those entities, to calculate the statewide probation failure to prison rate and a probation failure to prison rate for each county. The bill would also make conforming changes.~~

~~Existing law prohibits more than 1% of the estimated savings to the state resulting from the population of felony probationers successfully prevented from being sent to state prison, as calculated by the Department of Finance, from being appropriated for use by the Administrative Office of the Courts for the costs of implementing and administering the community corrections program described above. Existing law also requires the Department of Finance to increase the award amount, as specified, for any county whose payment in connection with that program totals less than \$100,000 to no more than \$100,000.~~

~~This bill would require the Department of Finance, in consultation with the Administrative Office of the Courts, to determine a funding amount not to exceed 1% of estimated savings to the state, as described above, to be appropriated for use by the Administrative Office of the Courts for the costs of implementing and administering the community corrections program described above and the 2011 Realignment Legislation addressing public safety. The bill would also require the Department of Finance to increase the award amount for any county whose payment in connection with that program totals less than \$200,000 to be no more than \$200,000.~~

~~(12) Existing law requires the Department of Corrections and Rehabilitation to establish and implement a community treatment program, under which a woman sentenced to state prison who has one or more children under 6 years of age, whose child is born prior to incarceration, or who is pregnant, shall be eligible for release with her children to a public or private facility in the community suitable to their needs. Existing law requires the department to deny placement in the community treatment program, except as provided, to certain women including, but not limited to, those who have been convicted of the unlawful sale or possession for sale, manufacture, or transportation of a controlled substance, as defined, if large scale and for profit, as defined by the department, and those who have been convicted of a violent felony, among others.~~

~~This bill would permit women who are convicted of planting, cultivating, harvesting, drying, or processing any marijuana or any part thereof, or convicted of possessing for sale any marijuana, to participate in the program and would require the Secretary of the Department of Corrections and Rehabilitation to consider for placement in the program inmates who have been convicted of the unlawful sale or possession for sale, manufacture, or transportation of controlled substances, if large scale and for profit, on a case-by-case basis. The bill would also require~~

~~the secretary to consider women on a case-by-case basis for placement in the program who have been convicted of a robbery or burglary, and women who are subject to a United States Immigration and Customs Enforcement hold. The bill would provide that charged offenses that did not result in conviction shall not be used to exclude an applicant from the program.~~

~~(13) Existing law authorizes a county where adequate facilities are not available for prisoners who would otherwise be confined in its county adult detention facilities to enter into an agreement with the board or boards of supervisors of one or more nearby counties whose county adult detention facilities are adequate for and are readily accessible from the first county. Existing law requires these agreements to make provision for the support of a person so committed or transferred by the county from which he or she is committed.~~

~~This bill, until July 1, 2015, would authorize the board of supervisors of a county, where, in the opinion of the county sheriff or the director of the county department of corrections, adequate facilities are not available for prisoners, to enter into an agreement with any other county whose county adult detention facilities are adequate for and accessible to the first county and would require the concurrence of the receiving county's sheriff or the director of the county department of corrections. The bill would remove the requirement for support of the offender by the originating county. The bill would also require a county entering into an agreement with another county to report annually to the Board of State and Community Corrections on the number of offenders who otherwise would be under that county's jurisdiction but who are now being housed in another county's facility and the reason for needing to house the offenders outside the county.~~

~~(14) Existing law requires the Department of Corrections and Rehabilitation to have responsibility for oversight over state prisons and for the supervision of parolees.~~

~~This bill would require the department to submit, as specified, estimated expenditures for each state or contracted facility housing offenders and for the cost of supervising offenders on parole, by region, for inclusion in the annual Governor's Budget and the May Revision thereto. The bill would require the departmental estimates, assumptions, and other supporting data to be forwarded annually to the Joint Legislative Budget Committee and the public safety policy committees and fiscal committees of the Legislature.~~

~~The bill would also require the department, as directed by the Department of Finance, to work with the appropriate budget and policy committees of the Legislature and the Legislative Analyst's Office to establish appropriate oversight, evaluation, and accountability measures, to be adopted as part of a corrections plan, as specified. The bill would also require a periodic review, conducted by the Department of Finance's Office of State Audits and Evaluations, that assesses the fiscal benchmarks of the plan.~~

~~(15) Existing law makes the State Department of Health Care Services (SDHCS) the designated state agency to supervise every phase of the administration of health care services and medical assistance for which grants-in-aid are received from the federal government or made by the state in order to secure full compliance with the applicable provisions of state and federal laws. Existing law requires the Department of Corrections and Rehabilitation to, among other things, seek to enter into memoranda of understanding with the Social Security Administration and the SDHCS, and federal, state, or county entities to facilitate prerelease agreements to help inmates initiate benefits claims. Existing law requires the department to reimburse county public hospitals on a quarterly basis for the nonfederal share of Medi-Cal costs incurred by the county for individuals who have been granted medical parole and the county costs for providing health care services that are not allowable under Medi-Cal but are required by the state to be furnished to eligible persons who have been granted medical parole, including public guardianship health care services. Existing law requires the department to provide, or provide reimbursement for, services associated with public guardianship of medical parolees and authorizes the department to provide supplemental reimbursements to providers. Existing law requires the department to establish contracts with appropriate medical providers in cases where medical parolees are ineligible for Medi-Cal and are unable to pay the costs of their medical care.~~

~~This bill would delete the provisions requiring the department to seek to enter into memoranda of understanding with the Social Security Administration and the SDHCS to facilitate prerelease agreements to help inmates initiate benefits claims and would instead only require the department to seek to enter into memoranda of understanding with federal, state, or county entities for those purposes. The bill would require hospitals, nursing facilities, and other providers providing services to medical parolees to invoice the department, and would~~

~~require the department to reimburse those entities in accordance with contracted rates or, if there is no contract, at a rate equal to or less than the amount payable under the Medicare Fee Schedule. The bill would require the department to submit a quarterly invoice to the SDHCS for reimbursement for services provided to medical parolees eligible for Medi-Cal for claiming and reimbursement of federal Medicaid funds and would require the SDHCS to remit funds for federal financial participation to the department. The bill would require the department to directly provide, or provide reimbursement for, services associated with conservatorship for inmates who are granted medical parole who are ineligible for Medi-Cal. The bill would, to the extent allowed by federal law and to the extent federal participation is available, authorize the department or its designee to act on behalf of an inmate for the limited purposes of applying for and redetermination of Medi-Cal eligibility and sharing and maintaining records with the SDHCS.~~

~~Under existing law, the department and the SDHCS are authorized to develop a process to maximize federal financial participation in the provision of acute inpatient hospital services rendered to individuals who, but for their institutional status as inmates, are otherwise eligible for Medi-Cal or the Low Income Health Program (LIHP). For individuals eligible for Medi-Cal or LIHP, existing law requires the department to submit a monthly invoice to the SDHCS or to the county of last residence, as applicable, for claiming federal participation for acute inpatient hospital services.~~

~~This bill would, instead, require the submission of quarterly invoices.~~

~~(16) Existing law requires that certain mentally disordered prisoners, as a condition of parole, be treated by the State Department of Mental Health, as provided. Existing law authorizes the Department of Corrections and Rehabilitation to obtain day treatment, and to contract for crisis care services, for parolees with mental health problems.~~

~~This bill would require the Department of Corrections and Rehabilitation to provide a supportive housing program that provides wraparound services to mentally ill parolees at risk of homelessness using funding appropriated for that purpose. The program would provide that an inmate or parolee is eligible for participation if he or she has a serious mental disorder, as specified, and has been assigned a release date from state prison and is likely to become homeless upon release or is currently a homeless parolee. The bill would require providers to offer various services, including housing location services and rental subsidies. The bill would require providers to report specified information~~

to the department, including the number of participants served and the outcomes for participants. The bill would also require the department to prepare an analysis of the information and to annually submit, on or before February 1, the information and the analysis to the chairs of the Joint Legislative Budget Committee and other specified committees.

~~(17) Existing law authorizes the Department of Corrections and Rehabilitation to maintain and operate a comprehensive pharmacy services program for facilities under the jurisdiction of the department and to incorporate certain protocols, including a requirement for the use of generic medications, when available, unless an exception is reviewed and approved in accordance with an established nonformulary approval process.~~

~~This bill would require the program to incorporate those protocols and would require the nonformulary process to include a process whereby a prescriber may indicate on the face of the prescriptions “dispense as written” or other appropriate form for electronic prescriptions.~~

~~(18) Existing law, commencing July 1, 2012, requires the Board of State and Community Corrections to establish minimum standards for local correctional facilities. Existing law requires standards for state correctional facilities to be established by January 1, 2007. Existing law requires the board to review both of these standards biennially and make appropriate revisions. Existing law requires that the standards include standards for the treatment of persons confined in state and local correctional facilities.~~

~~This bill would delete the provision requiring the standards for state correctional facilities to be established and reviewed biennially, and would remove the requirement that the standards include standards for the treatment of persons confined in state correctional facilities, thereby making these provisions applicable to local correctional facilities only.~~

~~(19) Existing law provides that it is the duty of the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, and to collect and make publicly available data and information reflecting the impact of state and community correctional, juvenile justice, and gang-related policies and practices in this state, as specified.~~

~~This bill would require, on and after July 1, 2012, the board, in consultation with the Administrative Office of the Courts, the California State Association of Counties, the California Sheriffs Association, and~~

~~the Chief Probation Officers of California, to support the development and implementation of specified data collection instruments to reflect the impact of Chapter 15 of the Statutes of 2011 relating to the disposition of felony offenders and postrelease community supervision, and to make any data collected available on the board's Internet Web site. The bill would also require the Administrative Office of the Courts, commencing January 1, 2013, to collect information from trial courts regarding the implementation of that chapter, as specified. The bill would require the trial courts to provide this data twice a year to the Administrative Office of the Courts, would authorize the courts to use funds provided to them for criminal justice realignment for the purpose of collecting and providing this data, and would require the office to make the data available to the Department of Finance, the Board of State and Community Corrections, and the Joint Legislative Budget Committee by September 1, 2013, and annually thereafter.~~

~~(20) Existing law requires the Inspector General to be responsible for contemporaneous oversight of internal affairs investigations and the disciplinary process of the department, as specified.~~

~~This bill would require the Inspector General to conduct an objective, metric-oriented oversight and inspection program to periodically review delivery of specified reforms relating to the prison system, including adherence to the standardized staffing model at each institution and prison gang management.~~

~~(21) Existing law authorizes the juvenile court to retain jurisdiction over a ward of the court until the ward attains 21 years of age, or, if the person has committed certain specified offenses, until the person attains 25 years of age. Existing law requires the Juvenile Parole Board to carry out specified duties relating to the release and supervision on parole of wards from the custody of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities. Beginning July 1, 2014, existing law eliminates the power of revocation or suspension of parole as a state duty exercised by the Juvenile Parole Board, and instead requires the court to establish the conditions of the ward's supervision and the county of commitment to supervise a ward released on parole.~~

~~This bill would end juvenile parole on January 1, 2013, instead of July 1, 2014, except as specified. By requiring county supervision of wards on parole to begin earlier, the bill would impose a state-mandated local program. The bill would also reduce the jurisdiction of the Department of Corrections and Rehabilitation, Division of Juvenile~~

Facilities, to 23 years of age for all wards committed to the division on or after July 1, 2012.

~~Existing law requires, beginning on January 1, 2012, counties to pay an annual fee of \$125,000 for each individual from that county who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, for the time that the individual remains in any institution under the division's direct supervision, or in an institution, boarding home, foster home, or other institution in which he or she is placed by the division, on parole or otherwise, and cared for and supported at the expense of the division.~~

~~This bill would specify that the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, shall not collect, and a county shall not owe, those fees, and, beginning on July 1, 2012, would require counties to pay an annual fee of \$24,000 per year for each individual committed by a juvenile court on or after July 1, 2012, to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities. The bill would also require the Board of State and Community Corrections to collect and maintain information about the movement of juvenile offenders committed by a juvenile court and placed in any institution, boarding home, foster home, or other institution in which they are cared for, supervised by the division or county, or both.~~

~~Existing law authorizes the chief of the Division of Juvenile Facilities to enter into contracts with counties for the Department of Corrections and Rehabilitation, Division of Juvenile Facilities to provide housing to a ward who was in the custody of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities on December 12, 2011, and whose commitment was recalled under specific circumstances.~~

~~This bill would specify that a county entering into a contract pursuant to these provisions shall not be required to reimburse the state.~~

~~(22) Existing law authorizes the Department of Corrections and Rehabilitation to extend a ward's parole consideration date from one to not more than 12 months for a sustained serious misconduct violation if all other sanctioning options have been considered and determined to be unsuitable in light of the ward's previous case history and the circumstances of the misconduct. Existing law authorizes the department to promulgate regulations establishing a process for granting wards who have successfully responded to disciplinary sanctions a reduction of up to 50% of any time acquired for disciplinary matters.~~

~~This bill would prohibit the department from extending a ward's parole consideration date and would authorize the department to~~

promulgate regulations establishing a process for granting wards who have successfully responded to disciplinary sanctions a reduction of any time acquired for disciplinary matters.

~~(23) Existing law establishes the California Voluntary Tattoo Removal Program to serve individuals between 14 and 24 years of age, who are in the custody of the Department of Corrections and Rehabilitation or county probation departments, who are on parole or probation, or who are in a community-based organization serving at-risk youth, through a competitive grant process, as specified. Existing law authorizes the California Emergency Management Agency to administer this program to the extent funds are appropriated.~~

~~This bill would instead authorize the Board of State and Community Corrections to administer the program.~~

~~(24) Existing law provides for the commitment of persons who are addicted to narcotics, or who by reason of repeated use of narcotics, may be in imminent danger of becoming addicted to narcotics, to the Department of Corrections and Rehabilitation for confinement in the narcotic detention, treatment, and rehabilitation facility upon the petition of the district attorney. Existing law provides that a person may be committed following a conviction of an infraction, misdemeanor, felony, or probation revocation, or upon a report to the district attorney by anyone who believes a person is addicted to the use of narcotics, or upon an examination by a physician who determines that the person is addicted to narcotics, as provided.~~

~~Commencing July 1, 2012, this bill would provide that no new commitments may be made pursuant to these provisions. This bill would make these provisions inoperative on April 1, 2014, and would repeal these provisions on January 1, 2015.~~

~~Existing law requires a person involuntarily committed pursuant to the above provisions to be released on parole once the person has spent a period of confinement or in custody equal to that which he or she would have otherwise spent in state prison had the sentence been executed. Existing law requires that upon the termination of the period of parole the person shall be returned to the court from which he or she was committed to be discharged from the program.~~

~~This bill would require the person to be returned to the court for discharge from the program pursuant to the above provisions either at the end of parole supervision or July 1, 2013, whichever occurs sooner. If the person is serving a term of revocation or obtaining substance abuse treatment on July 1, 2013, the bill would require the person to~~

~~complete the term of treatment in the California Rehabilitation Center. Beginning July 1, 2012, the bill would prohibit a person committed pursuant to the above provisions and discharged from the California Rehabilitation Center from being placed on a period of parole. Beginning July 1, 2013, the bill would require that any person on parole pursuant to the above provisions that is not serving a term of revocation or in the custody of the Department of Corrections and Rehabilitation to be discharged from parole and returned to the court that suspended execution of the person’s sentence.~~

~~(25) The bill would also make technical, clarifying, and conforming changes:~~

~~(26) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~(27) The bill would appropriate \$1,000 from the General Fund to the Department of Corrections and Rehabilitation for administration.~~

~~(28) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.~~

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

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

1     SECTION 1. Section 631 of the Code of Civil Procedure is  
2     amended to read:

3     631. (a) The right to a trial by jury as declared by Section 16  
4     of Article I of the California Constitution shall be preserved to the  
5     parties inviolate. In civil cases, a jury may only be waived pursuant  
6     to subdivision (f).

7     ~~(b) Each party demanding a jury trial shall deposit advance jury~~  
8     ~~fees with the clerk or judge. The total amount of the advance jury~~  
9     ~~fees shall be one hundred fifty dollars (\$150) for each party.~~

10    (b) *At least one party demanding a jury on each side of a civil*  
11    *case shall pay a nonrefundable fee of one hundred fifty dollars*  
12    *(\$150), unless the fee has been paid by another party on the same*  
13    *side of the case. The fee shall offset the costs to the state of*

1 *providing juries in civil cases. If there are more than two parties*  
2 *to the case, for purposes of this section only, all plaintiffs shall be*  
3 *considered one side of the case, and all other parties shall be*  
4 *considered the other side of the case. Payment of the fee by a party*  
5 *on one side of the case shall not relieve parties on the other side*  
6 *of the case from waiver pursuant to subdivision (f).*

7 ~~(c) The advance jury fee deposit shall be made~~ *fee described in*  
8 *subdivision (b) shall be due on or before the date scheduled for*  
9 *the initial case management conference in the action. ~~If, except as~~*  
10 *follows:*

11 *(1) In unlawful detainer actions, the fees shall be due at least*  
12 *five days before the date set for trial.*

13 *(2) If no case management conference is scheduled in a civil*  
14 *action, ~~the advance jury deposit shall be made or the initial case~~*  
15 *management conference occurred before June 28, 2012, and the*  
16 *initial complaint was filed on or after July 1, 2011, the fee shall*  
17 *be due no later than 365 calendar days after the filing of the initial*  
18 *complaint. ~~If~~*

19 *(3) If the initial case management conference occurred before*  
20 *June 28, 2012, and the initial complaint in the case was filed before*  
21 *July 1, 2011, the fee shall be due at least 25 calendar days before*  
22 *the date initially set for trial.*

23 *(4) If the party requesting a jury has not appeared before the*  
24 *initial case management conference, or ~~has first~~ appeared more*  
25 *than 365 calendar days after the filing of the initial complaint, the*  
26 *deposit shall be made as provided in subdivision ~~(d)~~ fee shall be*  
27 *due at least 25 calendar days before the date initially set for trial.*

28 ~~(d) Except as otherwise provided~~ *If a party failed to timely pay*  
29 *the fee described in subdivision ~~(e)~~, the deposit (b) that was due*  
30 *between June 27, 2012, and November 30, 2012, the party will be*  
31 *relieved of advance jury fees ~~shall be made at least a jury waiver~~*  
32 *on that basis only if the party pays the fee on or before December*  
33 *31, 2012, or 25 calendar days before the date initially set for trial,*  
34 *except that in unlawful detainer actions the fees shall be deposited*  
35 *at least five days before the date set for trial whichever is earlier.*

36 *(e) The parties demanding a jury trial shall deposit with the*  
37 *clerk or judge, at the beginning of the second and each succeeding*  
38 *day's session, a sum equal to that day's fees and mileage of the*  
39 *jury, including the fees and mileage for the trial jury panel if the*  
40 *trial jury has not yet been selected and sworn. If more than one*

1 party has demanded a jury, the respective amount to be paid daily  
2 by each party demanding a jury shall be determined by stipulation  
3 of the parties or by order of the court.

4 (f) A party waives trial by jury in any of the following ways:

5 (1) By failing to appear at the trial.

6 (2) By written consent filed with the clerk or judge.

7 (3) By oral consent, in open court, entered in the minutes.

8 (4) By failing to announce that a jury is required, at the time  
9 the cause is first set for trial, if it is set upon notice or stipulation,  
10 or within five days after notice of setting if it is set without notice  
11 or stipulation.

12 (5) By failing to ~~deposit with~~ *timely pay* the ~~clerk, or judge,~~  
13 ~~advance jury fees as provided~~ *fee described* in subdivision (e) ~~or~~  
14 ~~(d), as applicable (b), unless another party on the same side of the~~  
15 ~~case has paid that fee.~~

16 (6) By failing to deposit with the clerk or judge, at the beginning  
17 of the second and each succeeding day's session, the sum provided  
18 in subdivision (e).

19 (g) The court may, in its discretion upon just terms, allow a trial  
20 by jury although there may have been a waiver of a trial by jury.

21 (h) The court shall transmit the ~~advance jury fees~~ *fee described*  
22 *in subdivision (b)* to the State Treasury for deposit in the Trial  
23 Court Trust Fund within 45 calendar days after the end of the  
24 month in which the ~~advance jury fees are deposited with~~ *fee is*  
25 *paid to the court.*

26 (i) ~~Advance jury fees deposited after the effective date of the~~  
27 ~~act that amended this section during the 2011-12 Regular Session~~  
28 ~~shall be nonrefundable.~~

29 *SEC. 2. Section 631.3 of the Code of Civil Procedure is*  
30 *amended to read:*

31 631.3. (a) Notwithstanding any other law, when a party to the  
32 litigation has deposited jury fees with the judge or clerk and that  
33 party waives a jury or obtains a continuance of the trial, or the case  
34 is settled, none of the deposit shall be refunded if the court finds  
35 there has been insufficient time to notify the jurors that the trial  
36 would not proceed at the time set. If the jury fees so deposited are  
37 not refunded for any of these reasons, or if a refund of jury fees  
38 deposited with the judge or clerk has not been requested, in writing,  
39 by the depositing party within 20 business days from the date on  
40 which the jury is waived or the action is settled, dismissed, or a

1 continuance thereof granted, the fees shall be transmitted to the  
2 Controller for deposit into the Trial Court Trust Fund.

3 (b) All jury fees and mileage fees that may accrue by reason of  
4 a juror serving on more than one case in the same day shall be  
5 transmitted to the Controller for deposit into the Trial Court Trust  
6 Fund. All jury fees that were deposited with the court in advance  
7 of trial pursuant to Section 631 prior to January 1, 1999, and that  
8 remain on deposit in cases that were settled, dismissed, or otherwise  
9 disposed of, and three years have passed since the date the case  
10 was settled, dismissed, or otherwise disposed of, shall be  
11 transmitted to the Controller for deposit into the Trial Court Trust  
12 Fund.

13 (c) ~~Advance jury fees deposited after the effective date of the~~  
14 ~~act that amended this section during the 2011–12 Regular Session~~  
15 *The fee described in subdivision (b) of Section 631 shall be*  
16 *nonrefundable and is not subject to this section.*

17 *SEC. 3. Section 607 of the Welfare and Institutions Code is*  
18 *amended to read:*

19 607. (a) The court may retain jurisdiction over any person who  
20 is found to be a ward or dependent child of the juvenile court until  
21 the ward or dependent child attains 21 years of age, except as  
22 provided in subdivisions (b), (c), and (d).

23 (b) The court may retain jurisdiction over any person who is  
24 found to be a person described in Section 602 by reason of the  
25 commission of any of the offenses listed in subdivision (b) or  
26 paragraph (2) of subdivision (d) of Section 707, ~~or subdivision (e)~~  
27 ~~of Section 290.008 of the Penal Code~~, until that person attains 25  
28 years of age if the person was committed to the Department of  
29 Corrections and Rehabilitation, Division of Juvenile Facilities.

30 (c) The court shall not discharge any person from its jurisdiction  
31 who has been committed to the Department of Corrections and  
32 Rehabilitation, Division of Juvenile Facilities so long as the person  
33 remains under the jurisdiction of the Department of Corrections  
34 and Rehabilitation, Division of Juvenile Facilities, including  
35 periods of extended control ordered pursuant to Section 1800.

36 (d) The court may retain jurisdiction over any person described  
37 in Section 602 by reason of the commission of any of the offenses  
38 listed in subdivision (b) or paragraph (2) of subdivision (d) of  
39 Section 707, ~~or subdivision (e) of Section 290.008 of the Penal~~  
40 ~~Code~~, who has been confined in a state hospital or other appropriate

1 public or private mental health facility pursuant to Section 702.3  
2 until that person attains 25 years of age, unless the court that  
3 committed the person finds, after notice and hearing, that the  
4 person's sanity has been restored.

5 (e) The court may retain jurisdiction over any person while that  
6 person is the subject of a warrant for arrest issued pursuant to  
7 Section 663.

8 (f) Notwithstanding subdivisions (b) and (d), on and after July  
9 1, 2012, every person committed by the juvenile court to the  
10 Department of Corrections and Rehabilitation, Division of Juvenile  
11 Facilities, who is found to be a person described in Section 602  
12 by reason of the violation of any of the offenses listed in  
13 subdivision (b) or paragraph (2) of subdivision (d) of Section 707;  
14 ~~or subdivision (e) of Section 290.008 of the Penal Code~~, shall be  
15 discharged upon the expiration of a two-year period of control, or  
16 when the person attains 23 years of age, whichever occurs later,  
17 unless an order for further detention has been made by the  
18 committing court pursuant to Article 6 (commencing with Section  
19 1800) of Chapter 1 of Division 2.5. This section shall not apply to  
20 persons committed to the Department of Corrections and  
21 Rehabilitation, Division of Juvenile Facilities, or persons confined  
22 in a state hospital or other appropriate public or private mental  
23 health facility, by a court prior to July 1, 2012, pursuant to  
24 subdivisions (b) and (d).

25 (g) *The amendments to this section made by the act adding this*  
26 *subdivision shall apply retroactively.*

27 *SEC. 4. Section 1719 of the Welfare and Institutions Code, as*  
28 *amended by Section 94 of Chapter 41 of the Statutes of 2012, is*  
29 *amended to read:*

30 1719. (a) This section applies only to a ward who is released  
31 to parole supervision prior to the 90th day after the enactment of  
32 the act adding this subdivision.

33 (b) Commencing July 1, 2005, the following powers and duties  
34 shall be exercised and performed by the Juvenile Parole Board:  
35 discharges of commitment, orders to parole and conditions thereof,  
36 revocation or suspension of parole, and disciplinary appeals.

37 (c) Any ward may appeal an adjustment to his or her parole  
38 consideration date to a panel comprised of at least two  
39 commissioners.

1 (d) The following powers and duties shall be exercised and  
2 performed by the Division of Juvenile Facilities: return of persons  
3 to the court of commitment for redispotion by the court,  
4 determination of offense category, setting of parole consideration  
5 dates, conducting annual reviews, treatment program orders,  
6 institution placements, furlough placements, return of nonresident  
7 persons to the jurisdiction of the state of legal residence,  
8 disciplinary decisionmaking, and referrals pursuant to Section  
9 1800.

10 (e) The department shall promulgate policies and regulations  
11 implementing a departmentwide system of graduated sanctions  
12 for addressing ward disciplinary matters. The disciplinary  
13 decisionmaking system shall be employed as the disciplinary  
14 system in facilities under the jurisdiction of the Division of Juvenile  
15 Facilities, and shall provide a framework for handling disciplinary  
16 matters in a manner that is consistent, timely, proportionate, and  
17 ensures the due process rights of wards. The department shall  
18 develop and implement a system of graduated sanctions that  
19 distinguishes between minor, intermediate, and serious misconduct.  
20 The department may not extend a ward's discharge consideration  
21 date. ~~The department shall promulgate regulations to implement~~  
22 ~~a table of sanctions to be used in determining discharge~~  
23 ~~consideration date extensions.~~ The department also may promulgate  
24 regulations to establish a process for granting wards who have  
25 successfully responded to disciplinary sanctions a reduction of up  
26 to 50 percent of any time acquired for disciplinary matters.

27 (f) This section shall remain in effect only until January 1, 2013,  
28 and as of that date is repealed, unless a later enacted statute, that  
29 is enacted before January 1, 2013, deletes or extends that date.

30 *SEC. 5. Section 1719 of the Welfare and Institutions Code, as*  
31 *amended by Section 95 of Chapter 41 of the Statutes of 2012, is*  
32 *amended to read:*

33 1719. (a) The following powers and duties shall be exercised  
34 and performed by the Juvenile Parole Board: discharges of  
35 commitment, orders for discharge from the jurisdiction of the  
36 Division of Juvenile Facilities to the jurisdiction of the committing  
37 court, and disciplinary appeals.

38 (b) Any ward may appeal a decision by the Juvenile Parole  
39 Board to deny discharge to a panel comprised of at least two  
40 commissioners.

1 (c) The following powers and duties shall be exercised and  
2 performed by the Division of Juvenile Facilities: return of persons  
3 to the court of commitment for redispotion by the court or a  
4 reentry disposition, determination of offense category, setting of  
5 discharge consideration dates, conducting annual reviews, treatment  
6 program orders, institution placements, furlough placements, return  
7 of nonresident persons to the jurisdiction of the state of legal  
8 residence, disciplinary decisionmaking, and referrals pursuant to  
9 Section 1800.

10 (d) The department shall promulgate policies and regulations  
11 implementing a departmentwide system of graduated sanctions  
12 for addressing ward disciplinary matters. The disciplinary  
13 decisionmaking system shall be employed as the disciplinary  
14 system in facilities under the jurisdiction of the Division of Juvenile  
15 Facilities, and shall provide a framework for handling disciplinary  
16 matters in a manner that is consistent, timely, proportionate, and  
17 ensures the due process rights of wards. The department shall  
18 develop and implement a system of graduated sanctions that  
19 distinguishes between minor, intermediate, and serious misconduct.  
20 The department may not extend a ward's discharge consideration  
21 date. ~~The department shall promulgate regulations to implement~~  
22 ~~a table of sanctions to be used in determining discharge~~  
23 ~~consideration date extensions.~~ The department also may promulgate  
24 regulations to establish a process for granting wards who have  
25 successfully responded to disciplinary sanctions a reduction of any  
26 time acquired for disciplinary matters.

27 (e) This section shall become operative on January 1, 2013.

28 *SEC. 6. Section 1719.5 of the Welfare and Institutions Code*  
29 *is amended to read:*

30 1719.5. (a) This section shall become operative on the 90th  
31 day after the enactment of the act adding this section.

32 (b) The following powers and duties shall be exercised and  
33 performed by the Juvenile Parole Board: discharges of  
34 commitment, orders for discharge from the jurisdiction of the  
35 Division of Juvenile Facilities to the jurisdiction of the committing  
36 court, revocation or suspension of parole, and disciplinary appeals.

37 (c) Any ward may appeal a decision by the Juvenile Parole  
38 Board to deny discharge to a panel comprised of at least two  
39 commissioners.

1 (d) The following powers and duties shall be exercised and  
2 performed by the Division of Juvenile Facilities: return of persons  
3 to the court of commitment for redispotion by the court or a  
4 reentry disposition, determination of offense category, setting of  
5 discharge consideration dates, conducting annual reviews, treatment  
6 program orders, institution placements, furlough placements, return  
7 of nonresident persons to the jurisdiction of the state of legal  
8 residence, disciplinary decisionmaking, and referrals pursuant to  
9 Section 1800.

10 (e) The department shall promulgate policies and regulations  
11 implementing a departmentwide system of graduated sanctions  
12 for addressing ward disciplinary matters. The disciplinary  
13 decisionmaking system shall be employed as the disciplinary  
14 system in facilities under the jurisdiction of the Division of Juvenile  
15 Facilities, and shall provide a framework for handling disciplinary  
16 matters in a manner that is consistent, timely, proportionate, and  
17 ensures the due process rights of wards. The department shall  
18 develop and implement a system of graduated sanctions that  
19 distinguishes between minor, intermediate, and serious misconduct.  
20 The department may *not* extend a ward's discharge consideration  
21 date, ~~subject to appeal pursuant to subdivision (c), from one to not~~  
22 ~~more than 12 months, inclusive, for a sustained serious misconduct~~  
23 ~~violation if all other sanctioning options have been considered and~~  
24 ~~determined to be unsuitable in light of the ward's previous case~~  
25 ~~history and the circumstances of the misconduct for incidents~~  
26 ~~occurring after September 1, 2012.~~ In any case in which a  
27 discharge consideration date has been extended, the disposition  
28 report shall clearly state the reasons for the extension. The length  
29 of any discharge consideration date extension shall be based on  
30 the seriousness of the misconduct, the ward's prior disciplinary  
31 history, the ward's progress toward treatment objectives, the ward's  
32 earned program credits, and any extenuating or mitigating  
33 circumstances. The department shall promulgate regulations to  
34 implement a table of sanctions to be used in determining discharge  
35 consideration date extensions. The department also may promulgate  
36 regulations to establish a process for granting wards who have  
37 successfully responded to disciplinary sanctions a reduction of up  
38 to 50 percent of any time acquired for disciplinary matters.

1 (f) This section applies only to a ward who is discharged from  
2 state jurisdiction to the jurisdiction of the committing court on or  
3 after the operative date of this section.

4 (g) This section shall remain in effect only until January 1, 2013,  
5 and as of that date is repealed, unless a later enacted statute, that  
6 is enacted before January 1, 2013, deletes or extends that date.

7 *SEC. 7. Section 1769 of the Welfare and Institutions Code is*  
8 *amended to read:*

9 1769. (a) Every person committed to the Department of  
10 Corrections and Rehabilitation, Division of Juvenile Facilities, by  
11 a juvenile court shall, except as provided in subdivision (b), be  
12 discharged upon the expiration of a two-year period of control or  
13 when he or she attains 21 years of age, whichever occurs later,  
14 unless an order for further detention has been made by the  
15 committing court pursuant to Article 6 (commencing with Section  
16 1800).

17 (b) Every person committed to the Department of Corrections  
18 and Rehabilitation, Division of Juvenile Facilities, by a juvenile  
19 court who has been found to be a person described in Section 602  
20 by reason of the violation of any of the offenses listed in  
21 subdivision (b) or paragraph (2) of subdivision (d) of Section 707,  
22 ~~or subdivision (e) of Section 290.008 of the Penal Code,~~ shall be  
23 discharged upon the expiration of a two-year period of control or  
24 when he or she attains 25 years of age, whichever occurs later,  
25 unless an order for further detention has been made by the  
26 committing court pursuant to Article 6 (commencing with Section  
27 1800).

28 (c) Notwithstanding subdivision (b), on and after July 1, 2012,  
29 every person committed by a juvenile court to the Department of  
30 Corrections and Rehabilitation, Division of Juvenile Facilities,  
31 who is found to be a person described in Section 602 by reason of  
32 the violation of any of the offenses listed in subdivision (b) or  
33 paragraph (2) of subdivision (d) of Section 707, ~~or subdivision (e)~~  
34 ~~of Section 290.008 of the Penal Code,~~ shall be discharged upon  
35 the expiration of a two-year period of control, or when he or she  
36 attains 23 years of age, whichever occurs later, unless an order for  
37 further detention has been made by the committing court pursuant  
38 to Article 6 (commencing with Section 1800). This section shall  
39 not apply to persons committed to the Department of Corrections

1 and Rehabilitation, Division of Juvenile Facilities, by a juvenile  
2 court prior to July 1, 2012, pursuant to subdivision (b).

3 *(d) The amendments to this section made by the act adding this*  
4 *subdivision shall apply retroactively.*

5 *SEC. 8. Section 1771 of the Welfare and Institutions Code is*  
6 *amended to read:*

7 1771. (a) Every person convicted of a felony and committed  
8 to the Department of Corrections and Rehabilitation, Division of  
9 Juvenile Facilities, shall be discharged when he or she attains 25  
10 years of age, unless an order for further detention has been made  
11 by the committing court pursuant to Article 6 (commencing with  
12 Section 1800) or unless a petition is filed under Article 5  
13 (commencing with Section 1780). In the event that a petition under  
14 Article 5 (commencing with Section 1780) is filed, the division  
15 shall retain control until the final disposition of the proceeding  
16 under Article 5 (commencing with Section 1780).

17 (b) Notwithstanding subdivision (a), on and after July 1, 2012,  
18 every person committed by a juvenile court to the Department of  
19 Corrections and Rehabilitation, Division of Juvenile Facilities,  
20 who is found to be a person described in Section 602 by reason of  
21 the violation of any of the offenses listed in subdivision (b) or  
22 paragraph (2) of subdivision (d) of Section 707, ~~or subdivision (e)~~  
23 ~~of Section 290.008 of the Penal Code~~, shall be discharged upon  
24 the expiration of a two-year period of control, or when the person  
25 attains 23 years of age, whichever occurs later, unless an order for  
26 further detention has been made by the committing court pursuant  
27 to Article 6 (commencing with Section 1800). This section shall  
28 not apply to persons committed to the Department of Corrections  
29 and Rehabilitation, Division of Juvenile Facilities, by a juvenile  
30 court prior to July 1, 2012, pursuant to subdivision (a).

31 *(c) The amendments to this section made by the act adding this*  
32 *subdivision shall apply retroactively.*

33 *SEC. 9. The sum of one thousand dollars (\$1,000) is hereby*  
34 *appropriated from the General Fund to the Department of*  
35 *Corrections and Rehabilitation for administration.*

36 *SEC. 10. This act is a bill providing for appropriations related*  
37 *to the Budget Bill within the meaning of subdivision (e) of Section*  
38 *12 of Article IV of the California Constitution, has been identified*  
39 *as related to the budget in the Budget Bill, and shall take effect*  
40 *immediately.*

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**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Senate, June 25, 2012. (JR11)**

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