

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2576**

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**Introduced by Assembly Member ~~Williams Davis~~**

February 24, 2012

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~~An act to amend Section 65560 of the Government Code, relating to local planning.~~ *An act to amend Section 12838 of, and to repeal Section 12838.3 of, the Government Code, and to add Sections 1715.5, 1940, and 1945 to the Welfare and Institutions Code, relating to juveniles, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2576, as amended, ~~Williams Davis. Local planning: general plan elements: open-space element.~~ *Juveniles: juvenile justice.*

*Existing law provides that a person who is under 18 years of age and who commits a crime is within the jurisdiction of the juvenile court, as specified. Under existing law, the court may, in some cases, commit a ward of the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities. Additionally, existing law provides that a minor who is convicted in criminal court may be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities.*

*This bill would, as of January 1, 2013, prohibit the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, from accepting wards and youthful offenders. Additionally, this bill would abolish the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, as of June 1, 2014. The bill would create the Juvenile Justice Rehabilitation Best Practices Fund as of January 1, 2013, and would require counties to apply to the Board of State and Community*

*Corrections for grants from that fund to contract with service providers and to renovate facilities to provide custodial and noncustodial rehabilitative services for juveniles. The Juvenile Justice Rehabilitation Best Practices Fund would be continuously appropriated from the General Fund. By increasing the duties of local officials, the bill would impose a state-mandated local program.*

*This bill would further establish the Juvenile Justice Realignment Fund as of January 1, 2013. The bill would continuously appropriate specific amounts from the General Fund to the Juvenile Justice Realignment Fund. Under the bill, each county would receive a quarterly allocation from this fund pursuant to a specified formula. The bill would also grant each county a minimum block grant beginning in the 2012–13 fiscal year.*

*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.*

~~Existing law requires every city and county to prepare, adopt, and amend a general plan stating development policies and including specified elements, including an open-space element, as defined.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

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

- 1 *SECTION 1. Section 12838 of the Government Code is*
- 2 *amended to read:*
- 3 *12838. (a) There is hereby created in state government the*
- 4 *Department of Corrections and Rehabilitation, to be headed by a*
- 5 *secretary, who shall be appointed by the Governor, subject to*
- 6 *Senate confirmation, and shall serve at the pleasure of the*
- 7 *Governor. The Department of Corrections and Rehabilitation shall*
- 8 *consist of Adult Operations, Adult Programs, ~~Juvenile Justice~~, the*
- 9 *Corrections Standards Authority, the Board of Parole Hearings,*

1 the State Commission on Juvenile Justice, the Prison Industry  
2 Authority, and the Prison Industry Board.

3 (b) The Governor, upon recommendation of the secretary, may  
4 appoint two undersecretaries of the Department of Corrections and  
5 Rehabilitation, subject to Senate confirmation. The undersecretaries  
6 shall hold office at the pleasure of the Governor. One  
7 undersecretary shall oversee program support and the other  
8 undersecretary shall oversee program operations for the department.

9 (c) The Governor, upon recommendation of the secretary, shall  
10 appoint three chief deputy secretaries, subject to Senate  
11 confirmation, who shall hold office at the pleasure of the Governor.  
12 One chief deputy secretary shall oversee adult operations, one  
13 chief deputy secretary shall oversee adult programs, and one chief  
14 deputy secretary shall oversee juvenile justice for the department.

15 (d) The Governor, upon recommendation of the secretary, shall  
16 appoint an assistant secretary, subject to Senate confirmation, who  
17 shall be responsible for health care policy for the department, and  
18 shall serve at the pleasure of the Governor.

19 (e) The Governor, upon recommendation of the secretary, shall  
20 appoint an Assistant Secretary for Victim and Survivor Rights and  
21 Services, and an Assistant Secretary for Correctional Safety, who  
22 shall serve at the pleasure of the Governor.

23 *SEC. 2. Section 12838.3 of the Government Code is repealed.*  
24 ~~12838.3. There is hereby created within the Department of~~  
25 ~~Corrections and Rehabilitation under the Chief Deputy Secretary~~  
26 ~~for Juvenile Justice, the Division of Juvenile Facilities, the Division~~  
27 ~~of Juvenile Programs, and the Division of Juvenile Parole~~  
28 ~~Operations. Each division shall be headed by a chief, who shall~~  
29 ~~be appointed by the Governor, at the recommendation of the~~  
30 ~~secretary, subject to Senate confirmation, who shall serve at the~~  
31 ~~pleasure of the Governor.~~

32 *SEC. 3. Section 1715.5 is added to the Welfare and Institutions*  
33 *Code, to read:*

34 *1715.5. (a) As of January 1, 2013, the Department of*  
35 *Corrections and Rehabilitation, Division of Juvenile Facilities,*  
36 *shall stop the intake of offenders.*

37 *(b) As of June 1, 2014, the Department of Corrections and*  
38 *Rehabilitation, Division of Juvenile Facilities, is abolished.*

39 *SEC. 4. Section 1940 is added to the Welfare and Institutions*  
40 *Code, to read:*

1 1940. (a) As of January 1, 2013, the Juvenile Justice  
2 Rehabilitation Best Practices Fund is established.

3 (b) In the 2012–13 fiscal year, forty million dollars  
4 (\$40,000,000) shall be transferred from the budget of the  
5 Department of Corrections and Rehabilitation, Division of Juvenile  
6 Facilities, to the Juvenile Justice Rehabilitation Best Practices  
7 Fund. During that fiscal year, counties shall apply for grants from  
8 the Juvenile Justice Rehabilitation Best Practices Fund to contract  
9 with service providers and to renovate facilities in order to provide  
10 custodial and noncustodial rehabilitative services for juveniles.

11 (c) Beginning in the 2013–14 fiscal year, and annually thereafter  
12 without regard to fiscal years, forty million dollars (\$40,000,000)  
13 shall be appropriated from the General Fund to the Juvenile Justice  
14 Rehabilitation Best Practices Fund to contract with service  
15 providers and to renovate facilities in order to provide custodial  
16 and noncustodial rehabilitative services for juveniles.

17 SEC. 5. Section 1945 is added to the Welfare and Institutions  
18 Code, to read:

19 1945. (a) As of January 1, 2013, the Juvenile Justice  
20 Realignment Fund is created.

21 (b) There is hereby appropriated to the Juvenile Justice  
22 Realignment Fund sixty million dollars (\$60,000,000) from the  
23 General Fund in the 2013–14 fiscal year, and one hundred twenty  
24 million dollars (\$120,000,000) annually thereafter without regard  
25 to fiscal years, to be distributed to counties according to  
26 subdivision (c) to contract with service providers and to renovate  
27 facilities in order to provide custodial and noncustodial  
28 rehabilitative services for juveniles.

29 (c) The amount allocated to each county from the Juvenile  
30 Justice Realignment Fund to be paid in September, December,  
31 March, and June of each fiscal year is as follows:

32 (1) Fifty percent based on the number of the county's juvenile  
33 felony court dispositions, according to the most recent data  
34 compiled by the Department of Justice, calculated as a percentage  
35 of the state's total number of juvenile felony court dispositions.

36 (2) Fifty percent based on the county's population of minors of  
37 10 to 17 years of age, inclusive, according to the most recent data  
38 published by the Department of Finance, calculated as a  
39 percentage of the state's total number of minors of 10 to 17 years  
40 of age.

1 (d) Each county shall receive a minimum block grant from the  
2 Juvenile Justice Realignment Fund of fifty-eight thousand five  
3 hundred dollars (\$58,500) for the 2012–13 fiscal year, and  
4 minimum block grant allocation of one hundred seventeen thousand  
5 dollars (\$117,000) for each fiscal year thereafter to contract with  
6 service providers and to renovate facilities in order to provide  
7 custodial and noncustodial rehabilitative services for juveniles.

8 SEC. 6. If the Commission on State Mandates determines that  
9 this act contains costs mandated by the state, reimbursement to  
10 local agencies and school districts for those costs shall be made  
11 pursuant to Part 7 (commencing with Section 17500) of Division  
12 4 of Title 2 of the Government Code.

13 SEC. 7. Sections 1 and 2 of this act shall become operative on  
14 June 1, 2014.

15 SECTION 1. ~~Section 65560 of the Government Code is~~  
16 ~~amended to read:~~

17 ~~65560. (a) “Local open-space plan” means the open-space~~  
18 ~~element of a county or city general plan adopted by the board or~~  
19 ~~council, either as the local open-space plan or as the interim local~~  
20 ~~open-space plan adopted pursuant to Section 65563.~~

21 ~~(b) “Open-space land” means any parcel or area of land or water~~  
22 ~~that is essentially unimproved and devoted to an open-space use~~  
23 ~~as defined in this section, and that is designated on a local, regional~~  
24 ~~or state open-space plan as any of the following:~~

25 ~~(1) Open space for the preservation of natural resources~~  
26 ~~including, but not limited to, areas required for the preservation~~  
27 ~~of plant and animal life, including habitat for fish and wildlife~~  
28 ~~species; areas required for ecologic and other scientific study~~  
29 ~~purposes; rivers, streams, bays and estuaries; and coastal beaches,~~  
30 ~~lakeshores, banks of rivers and streams, and watershed lands.~~

31 ~~(2) Open space used for the managed production of resources,~~  
32 ~~including but not limited to, forest lands, rangeland, agricultural~~  
33 ~~lands and areas of economic importance for the production of food~~  
34 ~~or fiber; areas required for recharge of groundwater basins; bays,~~  
35 ~~estuaries, marshes, rivers and streams which are important for the~~  
36 ~~management of commercial fisheries; and areas containing major~~  
37 ~~mineral deposits, including those in short supply.~~

38 ~~(3) Open space for outdoor recreation, including but not limited~~  
39 ~~to, areas of outstanding scenic, historic and cultural value; areas~~  
40 ~~particularly suited for park and recreation purposes, including~~

1 access to lakeshores, beaches, and rivers and streams; and areas  
2 that serve as links between major recreation and open-space  
3 reservations, including utility easements, banks of rivers and  
4 streams, trails, and scenic highway corridors.

5 (4) Open space for public health and safety, including, but not  
6 limited to, areas that require special management or regulation  
7 because of hazardous or special conditions such as earthquake  
8 fault zones, unstable soil areas, flood plains, watersheds, areas  
9 presenting high fire risks, areas required for the protection of water  
10 quality and water reservoirs and areas required for the protection  
11 and enhancement of air quality.

12 (5) Open space in support of the mission of military installations  
13 that comprises areas adjacent to military installations, military  
14 training routes, and underlying restricted airspace that can provide  
15 additional buffer zones to military activities and complement the  
16 resource values of the military lands.

17 (6) Open space for the protection of places, features, and objects  
18 described in Sections 5097.9 and 5097.993 of the Public Resources  
19 Code.