

AMENDED IN SENATE SEPTEMBER 12, 2013

AMENDED IN SENATE SEPTEMBER 3, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 84**

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**Introduced by ~~Committee on Budget (Skinner (Chair), Bloom, Campos, Chesbro, Daly, Dickinson, Gordon, Jones-Sawyer, Mitchell, Mullin, Muratsuchi, Nazarian, Stone, and Ting)~~  
Assembly Members John A. Pérez and Conway**  
*(Principal coauthors: Senators Steinberg and Huff)*  
*(Coauthors: Senators Emmerson and Knight)*

January 10, 2013

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~~An act to add Chapter 4 (commencing with Section 1234) to Title 8 of Part 2 of, and to add Title 14 (commencing with Section 14400) to Part 4 of, the Penal Code, relating to corrections, and making an appropriation therefor, to take effect immediately, bill related to the budget. An act to amend, repeal, and add Sections 19050.2 and 19050.8 of the Government Code, to amend, repeal, and add Sections 1233.1, 1233.3, 1233.4, 2910, 11191, and 13602 of, to add Section 1233.9 to, and to add and repeal Sections 2915 and 6250.2 of, the Penal Code, and to amend Section 15 of Chapter 42 of the Statutes of 2012, relating to corrections, and making an appropriation therefor, to take effect immediately, bill related to the budget.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 84, as amended, ~~Committee on Budget John A. Pérez. Public safety: Public safety performance incentives. Corrections.~~

*(1) Existing law requires the Department of Corrections and Rehabilitation to close the California Rehabilitation Center located in*

Norco, California, no later than either December 31, 2016, or 6 months after the construction of three Level II dorm facilities.

This bill would suspend this requirement pending a review by the Department of Finance and the Department of Corrections and Rehabilitation that determines the facility can be closed.

(2) The California Constitution establishes the civil service, to include every officer and employee of the state, except as provided, and requires permanent appointment and promotion in the civil service to be made under a general system based on merit ascertained by competitive examination.

Existing law requires the appointing power in all cases not exempted by the California Constitution to fill positions by appointment, including cases of transfers, reinstatements, promotions, and demotions, in strict accordance with specified provisions of law, and requires that appointments to vacant positions be made from employment lists.

Existing law, subject to the approval of the State Personnel Board, allows an appointing agency to enter into arrangements with personnel agencies in other jurisdictions for the purpose of exchanging services and effecting transfers of employees.

This bill would, until January 1, 2017, make the private California City Correctional Center in California City an agency or jurisdiction for the purpose of exchanging services pursuant to the above provision and all related rules.

(3) Existing law allows the State Personnel Board to prescribe rules governing the temporary assignment or loan of employees within an agency or between agencies not to exceed 2 years, or between jurisdictions not to exceed 4 years, for specified purposes.

This bill would, until January 1, 2017, make the private California City Correctional Center in California City an agency or jurisdiction for the purpose of the above provision and all related rules for a period not to exceed 2 years.

(4) Existing law allows the Secretary of the Department of Corrections and Rehabilitation to enter into an agreement with a city, county, or city and county, to permit transfer of prisoners in the custody of the secretary to a jail or other adult correctional facility. Under existing law, prisoners transferred to a local facility remain under the legal custody of the department. Existing law prohibits any agreement pursuant to these provisions unless the cost per inmate in the facility is no greater than the average costs of keeping an inmate in a comparable facility of the department.

*This bill would, until January 1, 2017, for purposes of entering into agreements pursuant to the above provisions, waive any process, regulation, or requirement relating to entering into those agreements. The bill would, until January 1, 2017, delete the provision requiring that prisoners transferred to a local facility remain under the legal custody of the department and would delete the requirement that no agreement be entered into unless the cost per inmate in the facility is no greater than the average costs of keeping an inmate in a comparable facility of the department. The bill would, until January 1, 2017, allow a transfer of prisoners to include inmates who have been sentenced to the department but remain housed in a county jail, and would specify that these prisoners shall be under the sole legal custody and jurisdiction of the sheriff or other official having jurisdiction over the facility and not under the legal custody and jurisdiction of the department.*

*The bill would also, until January 1, 2017, allow the secretary to enter into one or more agreements in the form of a lease or operating agreement with private entities to obtain secure housing capacity in the state or in another state, upon terms and conditions deemed necessary and appropriate to the secretary. The bill would, until January 1, 2017, waive any process, regulation, or requirement that relates to the procurement or implementation of those agreements, except as specified. The bill would make the provisions of the California Environmental Quality Act inapplicable to these provisions.*

*(5) Existing law allows the Secretary of the Department of Corrections and Rehabilitation to establish and operate community correctional centers.*

*This bill would, until January 1, 2017, allow the secretary to enter into agreements for the transfer of prisoners to community correctional centers, and to enter into contracts to provide housing, sustenance, and supervision for inmates placed in community correctional centers. The bill would, until January 1, 2017, waive any process, regulation, or requirement that relates to entering into those agreements.*

*(6) Existing law allows any court or other agency or officer of this state having power to commit or transfer an inmate to any institution for confinement to commit or transfer that inmate to any institution outside this state if this state has entered into a contract or contracts for the confinement of inmates in that institution and the inmate, if he or she was sentenced under California law, has executed written consent to the transfer.*

*This bill would, until January 1, 2017, allow the secretary to transfer an inmate to a facility in another state without the consent of the inmate.*

*(7) Existing law establishes the Commission on Correctional Peace Officer Standards and Training (CPOST) within the Department of Corrections and Rehabilitation and requires the CPOST to develop, approve, and monitor standards for the selection and training of state correctional peace officers. Existing law allows for the use of training academies and centers, as specified.*

*This bill would, until January 1, 2017, allow the department to use a training academy established for the private California City Correctional Center.*

*(8) Existing law, the California Community Corrections Performance Incentives Act of 2009, authorizes each county to establish a Community Corrections Performance Incentives Fund, and authorizes the state to annually allocate moneys into a State Community Corrections Performance Incentives Fund to be used for specified purposes relating to improving local probation supervision practices and capacities, as specified. As part of the California Community Corrections Performance Incentives Act of 2009, existing law requires the Director of Finance to make certain calculations, including the cost to the state to incarcerate in prison and supervise on parole an offender who fails local supervision and is sent to prison. Existing law requires the Director of Finance to calculate a probation failure reduction incentive payment based on the estimated number of probationers successfully prevented from being incarcerated, multiplied by a specified percentage of the cost to the state to incarcerate in prison and supervise on parole a probationer who was sent to prison. Existing law requires the Department of Finance to calculate 5% of the total statewide estimated number of probationers successfully prevented from being incarcerated for counties that successfully reduce the number of adult felony probationers incarcerated multiplied by the costs to the state to incarcerate in prison and supervise on parole a probationer who was sent to prison to be used to provide high performance grants to county probation departments.*

*This bill would, beginning July 1, 2014, remove the requirement that the Director of Finance calculate the cost to the state to incarcerate in prison and supervise on parole an offender who fails local supervision and is sent to prison, and would instead require the Director of Finance to calculate the cost to the state to incarcerate in a contract facility and supervise on parole an offender who fails local supervision and is sent*

to prison. The bill would require the probation failure reduction incentive payment to be based on the estimated number of probationers successfully prevented from being incarcerated multiplied by a percentage of the state's cost of housing an inmate in a contract facility, and to supervise on parole a probationer who was sent to prison. The bill would require the Department of Finance to calculate high performance grants to county probation departments as 5% of the total statewide estimated number of probationers successfully prevented from being incarcerated multiplied by the state's cost of housing an inmate in a contract facility, and to supervise on parole a probationer who was sent to prison.

The bill would create the Recidivism Reduction Fund in the State Treasury to be available upon appropriation by the Legislature for activities designed to reduce the state's prison population, and would allow funds available in the Recidivism Reduction Fund to be transferred to the State Community Corrections Performance Incentives Fund.

(9) The bill would appropriate \$315,000,000 from the General Fund to the Department of Corrections and Rehabilitation for the purposes of this measure. The bill would require the department to spend the funds only to the extent needed to avoid early release. The bill would require any amounts not encumbered by June 30, 2014 to be transferred to the Recidivism Reduction Fund, except as provided. The bill would require the Secretary of the Department of Corrections and Rehabilitation to report no later than April 1, 2014, and again on April 1, 2015, to the Director of Finance and specified legislative committees detailing the number of inmates housed in leased beds and in contracted beds both inside and outside of the state pursuant to this measure.

The bill would require the administration to assess the state prison system, including capacity needs, prison population levels, recidivism rates, and factors effecting crime levels, and to develop recommendations on balanced solutions that are cost effective and protect public safety. The bill would require the Department of Finance to submit the administration's interim report to the Legislature not later than April 1, 2014, and to submit the final report to the Legislature not later than January 10, 2015.

(10) 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 authorizes each county to establish a Community Corrections Performance Incentives Fund (CCPIF) and authorizes the state to annually allocate moneys in a State Corrections Performance~~

~~Incentives Fund to be used for specified purposes relating to improving local probation supervision practices and capacities. Existing law requires community corrections programs to be developed by the chief probation officer, as advised by a Community Corrections Partnership. Existing law requires each county using CCPIF funds to identify and track specific outcome-based measures and to report to the Administrative Office of the Courts on the effectiveness of the programs funded by the CCPIF.~~

~~This bill would authorize each county to establish a Public Safety Performance Incentives Fund (PSPIF) and would authorize the state to annually allocate money into a Public Safety Performance Incentives Fund to be used for specified purposes relating to reducing crime and recidivism among criminal offenders, as specified. This bill would require the Director of Finance, to calculate a formula and recommend to the Legislature the amount of money that should be appropriated into a county PSPIF not to exceed \$315 million each year, as specified. The bill would also require each county program using PSPIF funds to identify and track specific outcome-based measures, as specified, and require counties receiving PSPIF funds to report to the Administrative Office of the Courts regarding the effectiveness of the crime reduction program funded by the PSPIF.~~

~~This bill would require, as a condition of receiving PSPIF funds, the board of supervisors and the chief probation officer of each county to develop and implement a crime reduction program.~~

~~(2) Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Existing law establishes 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, among other duties.~~

~~This bill would establish the California Public Safety Commission, a permanent, advisory agency in state government, to be composed of 18 members, as specified. The bill would require the commission to provide information and develop recommendations for the Legislature and the Governor to consider, to assist with prison population management options consistent with public safety, to assist with effective correctional practices and the effective allocation of public safety resources, to develop recommendations for the Legislature and the Governor to consider regarding criminal sentences and evidence-based programming for criminal offenders, and to develop~~

recommendations for the Legislature and the Governor to consider sentencing credits.

The bill would require the administrative duties of the commission to be performed by commission staff physically sited in the Administrative Office of the Courts, and would deem the commission to be within the judicial branch of state government. The bill would specify that the commission is a criminal justice agency.

This bill would require each agency and department of state and local government to make its services, equipment, personnel, facilities, and information available to the greatest practical extent to the commission in the execution of its functions. By increasing the duties of local governments, this bill would impose a state-mandated local program.

(3) 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:

(4) Existing constitutional provisions require that a statute that limits the right of access to the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

The bill would make findings to that effect regarding the need to keep confidential any information requested by the California Public Safety Commission and provided by an agency of state or local government in order for the commission to execute its functions.

(5) The bill would appropriate \$1,000,000 from the General Fund to the California Public Safety Commission for the establishment and funding of the commission. The bill would appropriate \$500,000 from the Public Safety Performance Incentives Fund to the Administrative Office of the Courts for the costs of implementing and administering the California Public Safety Performance Incentives program. The bill would appropriate \$180,000,000 from the General Fund to the Department of Finance to support evidence-based programs and practices that are likely to reduce the number of offenders admitted to state prison. The bill would also appropriate \$20,000,000 from the General Fund to the Judicial Council to support the administration and operation of court programs and practices known to reduce offender recidivism.

~~(6) 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. The additional prison capacity and change to*  
2 *reduce prison population authorized by this act are immediate*  
3 *measures to avoid early release of inmates and allow the state to*  
4 *comply with the federal court order. This act will also provide*  
5 *time to develop additional thoughtful, balanced, and effective*  
6 *long-term solutions with input from the state's local government*  
7 *and justice partners who are still adjusting to the recent criminal*  
8 *justice reforms of realignment. The long-term changes will build*  
9 *upon the transition of lower level offenders to local jurisdiction,*  
10 *the construction of new prison health care facilities, and*  
11 *improvements to existing health care facilities throughout the*  
12 *prison system. The administration shall begin immediately, in*  
13 *consultation with stakeholders, including appropriate legislative*  
14 *committees, to assess the state prison system, including capacity*  
15 *needs, prison population levels, recidivism rates, and factors*  
16 *affecting crime levels, and to develop recommendations on*  
17 *balanced solutions that are cost effective and protect public safety.*  
18 *Not later than April 1, 2014, the Department of Finance shall*  
19 *submit the administration's interim report to the Legislature, and,*  
20 *not later than January 10, 2015, the Department of Finance shall*  
21 *submit the administration's final report to the Legislature. It is*  
22 *the intent of the Legislature to consider the reports along with the*  
23 *Legislature's independent findings during the annual budget*  
24 *process.*

25     *SEC. 2. Section 19050.2 of the Government Code is amended*  
26 *to read:*

27     19050.2. (a) Subject to the approval of the board, the  
28 appointing authority may enter into arrangements with personnel  
29 agencies in other jurisdictions for the purpose of exchanging  
30 services and effecting transfers of employees.

31     (b) For purposes of this section, and all related rules, the  
32 *California City Correctional Center in California City is an agency*

1 *or jurisdiction for the duration of the two-year period described*  
2 *in Section 19050.8.*

3 *(c) This section shall remain in effect only until January 1, 2017,*  
4 *and as of that date is repealed, unless a later enacted statute, that*  
5 *is enacted before January 1, 2017, deletes or extends that date.*

6 *SEC. 3. Section 19050.2 is added to the Government Code, to*  
7 *read:*

8 *19050.2. (a) Subject to the approval of the board, the*  
9 *appointing authority may enter into arrangements with personnel*  
10 *agencies in other jurisdictions for the purpose of exchanging*  
11 *services and effecting transfers of employees.*

12 *(b) This section shall become operative on January 1, 2017.*

13 *SEC. 4. Section 19050.8 of the Government Code is amended*  
14 *to read:*

15 19050.8. The board may prescribe rules governing the  
16 temporary assignment or loan of employees within an agency or  
17 between agencies for *a period* not to exceed two years or between  
18 jurisdictions for *a period* not to exceed four years for any of the  
19 following purposes:

20 (a) To provide training to employees.

21 (b) To enable an agency to obtain expertise needed to meet a  
22 compelling program or management need.

23 (c) To facilitate the return of injured employees to work.

24 These temporary assignments or loans shall be deemed to be in  
25 accord with this part limiting employees to duties consistent with  
26 their class and may be used to meet minimum requirements for  
27 promotional as well as open examinations. An employee  
28 participating in that arrangement shall have the absolute right to  
29 return to his or her former position. Any temporary assignment or  
30 loan of an employee made for the purpose specified in subdivision  
31 (b) shall be made only with the voluntary consent of the employee.

32 In addition, out-of-class experience obtained in a manner not  
33 described in this section may be used to meet minimum  
34 requirements for promotional as well as open examinations, only  
35 if it was obtained by the employee in good faith and was properly  
36 verified under standards prescribed by board rule.

37 For purposes of this section, a temporary assignment or loan  
38 between educational agencies or jurisdictions shall be extended  
39 for up to two additional years upon a finding by the Superintendent  
40 of Public Instruction or the Chancellor of the California

1 Community Colleges, and with the approval of the Executive  
2 Officer of the State Personnel Board, that the extension is necessary  
3 in order to substantially complete work on an educational  
4 improvement project. However, the temporary assignment of any  
5 local educator who is performing the duties of a nonrepresented  
6 classification while on loan to a state-~~education~~ *educational* agency  
7 may be extended for as many successive two year intervals as  
8 necessary by the Superintendent of Public Instruction or the  
9 Chancellor of the California Community Colleges with the  
10 concurrence of the-~~education~~ *educational* agency or jurisdiction.  
11 Public and private colleges and universities shall be considered  
12 educational agencies or jurisdictions within the meaning of this  
13 section.

14 A temporary assignment within an agency or between agencies  
15 may be extended by the board for up to two additional years in  
16 order for an employee to complete an apprenticeship program.

17 *(d) For the duration of a temporary assignment or loan not to*  
18 *exceed two years, for the purposes of this section and all related*  
19 *rules, the California City Correctional Center in California City,*  
20 *which provides services equivalent to the core governmental*  
21 *function of incarcerating inmates, shall be considered an agency*  
22 *or jurisdiction.*

23 *(e) This section shall remain in effect only until January 1, 2017,*  
24 *and as of that date is repealed, unless a later enacted statute, that*  
25 *is enacted before January 1, 2017, deletes or extends that date.*

26 *SEC. 5. Section 19050.8 is added to the Government Code, to*  
27 *read:*

28 *19050.8. The board may prescribe rules governing the*  
29 *temporary assignment or loan of employees within an agency or*  
30 *between agencies for a period not to exceed two years or between*  
31 *jurisdictions for a period not to exceed four years for any of the*  
32 *following purposes:*

33 *(a) To provide training to employees.*

34 *(b) To enable an agency to obtain expertise needed to meet a*  
35 *compelling program or management need.*

36 *(c) To facilitate the return of injured employees to work.*

37 *These temporary assignments or loans shall be deemed to be in*  
38 *accord with this part limiting employees to duties consistent with*  
39 *their class and may be used to meet minimum requirements for*  
40 *promotional as well as open examinations. An employee*

1 *participating in that arrangement shall have the absolute right to*  
2 *return to his or her former position. Any temporary assignment*  
3 *or loan of an employee made for the purpose specified in*  
4 *subdivision (b) shall be made only with the voluntary consent of*  
5 *the employee.*

6 *In addition, out-of-class experience obtained in a manner not*  
7 *described in this section may be used to meet minimum*  
8 *requirements for promotional as well as open examinations, only*  
9 *if it was obtained by the employee in good faith and was properly*  
10 *verified under standards prescribed by board rule.*

11 *For purposes of this section, a temporary assignment or loan*  
12 *between educational agencies or jurisdictions shall be extended*  
13 *for up to two additional years upon a finding by the Superintendent*  
14 *of Public Instruction or the Chancellor of the California*  
15 *Community Colleges, and with the approval of the Executive*  
16 *Officer of the State Personnel Board, that the extension is*  
17 *necessary in order to substantially complete work on an*  
18 *educational improvement project. However, the temporary*  
19 *assignment of any local educator who is performing the duties of*  
20 *a nonrepresented classification while on loan to a state educational*  
21 *agency may be extended for as many successive two year intervals*  
22 *as necessary by the Superintendent of Public Instruction or the*  
23 *Chancellor of the California Community Colleges with the*  
24 *concurrence of the educational agency or jurisdiction. Public and*  
25 *private colleges and universities shall be considered educational*  
26 *agencies or jurisdictions within the meaning of this section.*

27 *A temporary assignment within an agency or between agencies*  
28 *may be extended by the board for up to two additional years in*  
29 *order for an employee to complete an apprenticeship program.*

30 *(d) This section shall become operative on January 1, 2017.*

31 *SEC. 6. Section 1233.1 of the Penal Code is amended to read:*

32 *1233.1. After the conclusion of each calendar year following*  
33 *the enactment of this section, the Director of Finance, in*  
34 *consultation with the Department of Corrections and Rehabilitation,*  
35 *the Joint Legislative Budget Committee, the Chief Probation*  
36 *Officers of California, and the Administrative Office of the Courts,*  
37 *shall calculate the following for that calendar year:*

38 *(a) The cost to the state to incarcerate in prison and supervise*  
39 *on parole an offender who fails local supervision and is sent to*  
40 *prison. This calculation shall take into consideration factors,*

1 including, but not limited to, the average length of stay in prison  
2 and on parole for offenders subject to local supervision, as well  
3 as the associated parole revocation rates, and revocation costs.

4 (b) (1) The statewide probation failure rate. The statewide  
5 probation failure rate shall be calculated as the total number of  
6 adult felony probationers statewide sent to prison in the previous  
7 year as a percentage of the average statewide adult felony probation  
8 population for that year.

9 (2) The statewide probation failure rate for the 2012 calendar  
10 year shall be calculated as the total number of adult felony  
11 probationers statewide sent to prison, or to jail pursuant to  
12 paragraph (5) of subdivision (h) of Section 1170, as a percentage  
13 of the average statewide adult felony probation population for that  
14 year.

15 (c) (1) A probation failure rate for each county. Each county's  
16 probation failure rate shall be calculated as the number of adult  
17 felony probationers sent to prison from that county in the previous  
18 year as a percentage of the county's average adult felony probation  
19 population for that year.

20 (2) The probation failure rate for each county for the 2012  
21 calendar year shall be calculated as the total number of adult felony  
22 probationers sent to prison, or to jail pursuant to paragraph (5) of  
23 subdivision (h) of Section 1170, from that county as a percentage  
24 of the county's average adult felony probation population for that  
25 year.

26 (d) An estimate of the number of adult felony probationers each  
27 county successfully prevented from being incarcerated. For each  
28 county, this estimate shall be calculated based on the reduction in  
29 the county's probation failure rate as calculated annually pursuant  
30 to subdivision (c) of this section and the county's baseline  
31 probation failure rate as calculated pursuant to Section 1233. In  
32 making this estimate, the Director of Finance, in consultation with  
33 the Department of Corrections and Rehabilitation, the Joint  
34 Legislative Budget Committee, the Chief Probation Officers of  
35 California, and the Administrative Office of the Courts, shall adjust  
36 the calculations to account for changes in each county's adult  
37 felony probation caseload in the most recent completed calendar  
38 year as compared to the county's adult felony probation population  
39 during the period 2006 to 2008, inclusive.

1 (e) (1) In calculating probation failure rates for the state and  
2 individual counties, the number of adult felony probationers sent  
3 to prison shall include those adult felony probationers sent to state  
4 prison for a revocation of probation, as well as adult felony  
5 probationers sent to state prison for a conviction of a new felony  
6 offense. The calculation shall also include adult felony probationers  
7 who are sent to prison for conviction of a new crime and who  
8 simultaneously have their probation terms terminated.

9 (2) In calculating probation failure rates for the state and  
10 individual counties for the 2012 calendar year, the number of adult  
11 felony probationers sent to prison, or to jail pursuant to paragraph  
12 (5) of subdivision (h) of Section 1170, shall include those adult  
13 felony probationers sent to prison, or to jail pursuant to paragraph  
14 (5) of subdivision (h) of Section 1170, for a revocation of  
15 probation, as well as adult felony probationers sent to prison, or  
16 to jail pursuant to paragraph (5) of subdivision (h) of Section 1170,  
17 for a conviction of a new felony offense. The calculation shall also  
18 include adult felony probationers who are sent to prison, or to jail  
19 pursuant to paragraph (5) of subdivision (h) of Section 1170, for  
20 a conviction of a new crime and who simultaneously have their  
21 probation terms terminated.

22 (f) The statewide mandatory supervision failure to prison rate.  
23 The statewide mandatory supervision failure to prison rate shall  
24 be calculated as the total number of offenders supervised under  
25 mandatory supervision statewide sent to prison in the previous  
26 year as a percentage of the average statewide mandatory  
27 supervision population for that year.

28 (g) A mandatory supervision failure to prison rate for each  
29 county. Each county's mandatory supervision failure to prison rate  
30 shall be calculated as the number of offenders supervised under  
31 mandatory supervision sent to prison from that county in the  
32 previous year as a percentage of the county's average mandatory  
33 supervision population for that year.

34 (h) The statewide postrelease community supervision failure to  
35 prison rate. The statewide postrelease community supervision  
36 failure to prison rate shall be calculated as the total number of  
37 offenders supervised under postrelease community supervision  
38 statewide sent to prison in the previous year as a percentage of the  
39 average statewide postrelease community supervision population  
40 for that year.

1 (i) A postrelease community supervision failure to prison rate  
2 for each county. Each county's postrelease community supervision  
3 failure to prison rate shall be calculated as the number of offenders  
4 supervised under postrelease community supervision sent to prison  
5 from that county in the previous year as a percentage of the  
6 county's average postrelease community supervision population  
7 for that year.

8 (j) *This section shall remain in effect only until July 1, 2014,*  
9 *and as of that date is repealed, unless a later enacted statute, that*  
10 *is enacted before July 1, 2014, deletes or extends that date.*

11 SEC. 7. *Section 1233.1 is added to the Penal Code, to read:*

12 *1233.1. After the conclusion of each calendar year, the Director*  
13 *of Finance, in consultation with the Department of Corrections*  
14 *and Rehabilitation, the Joint Legislative Budget Committee, the*  
15 *Chief Probation Officers of California, and the Administrative*  
16 *Office of the Courts, shall calculate the following for that calendar*  
17 *year:*

18 (a) *The cost to the state to incarcerate in a contract facility and*  
19 *supervise on parole an offender who fails local supervision and*  
20 *is sent to prison. This calculation shall take into consideration*  
21 *factors, including, but not limited to, the average length of stay in*  
22 *prison for offenders subject to local supervision and the average*  
23 *length of parole for offenders who failed local supervision and*  
24 *were sent to prison.*

25 (b) *Beginning with the 2013 calendar year, the statewide*  
26 *probation failure rate shall be calculated as the total number of*  
27 *adult felony probationers statewide sent to prison, or to jail*  
28 *pursuant to paragraph (5) of subdivision (h) of Section 1170, as*  
29 *a percentage of the average statewide adult felony probation*  
30 *population for that year.*

31 (c) *Beginning with the 2013 calendar year, the probation failure*  
32 *rate for each county shall be calculated as the total number of*  
33 *adult felony probationers sent to prison, or to jail pursuant to*  
34 *paragraph (5) of subdivision (h) of Section 1170, from that county,*  
35 *as a percentage of the county's average adult felony probation*  
36 *population for that year.*

37 (d) *An estimate of the number of adult felony probationers each*  
38 *county successfully prevented from being incarcerated. For each*  
39 *county, this estimate shall be calculated based on the reduction*  
40 *in the county's probation failure rate as calculated annually*

1 pursuant to subdivision (c) and the county's baseline probation  
2 failure rate as calculated pursuant to Section 1233. In making this  
3 estimate, the Director of Finance, in consultation with the  
4 Department of Corrections and Rehabilitation, the Joint Legislative  
5 Budget Committee, the Chief Probation Officers of California,  
6 and the Administrative Office of the Courts, shall adjust the  
7 calculations to account for changes in each county's adult felony  
8 probation caseload in the most recent completed calendar year  
9 as compared to the county's adult felony probation population  
10 during the 2006 to 2008, inclusive, calendar period.

11 (e) Beginning with the 2013 calendar year, in calculating  
12 probation failure rates for the state and individual counties, the  
13 number of adult felony probationers sent to prison, or to jail  
14 pursuant to paragraph (5) of subdivision (h) of Section 1170, shall  
15 include those adult felony probationers sent to prison, or to jail  
16 pursuant to paragraph (5) of subdivision (h) of Section 1170, for  
17 a revocation of probation, as well as adult felony probationers  
18 sent to prison, or to jail pursuant to paragraph (5) of subdivision  
19 (h) of Section 1170, for a conviction of a new felony offense. The  
20 calculation shall also include adult felony probationers who are  
21 sent to prison, or to jail pursuant to paragraph (5) of subdivision  
22 (h) of Section 1170, for a conviction of a new crime and who  
23 simultaneously have their probation terms terminated.

24 (f) The statewide mandatory supervision failure to prison rate.  
25 The statewide mandatory supervision failure to prison rate shall  
26 be calculated as the total number of offenders supervised under  
27 mandatory supervision pursuant to subparagraph (B) of paragraph  
28 (5) of subdivision (h) of Section 1170, statewide, sent to prison in  
29 the previous calendar year as a percentage of the average  
30 statewide mandatory supervision population for that year.

31 (g) A mandatory supervision failure to prison rate for each  
32 county. Each county's mandatory supervision failure to prison  
33 rate shall be calculated as the number of offenders supervised  
34 under mandatory supervision pursuant to subparagraph (B) of  
35 paragraph (5) of subdivision (h) of Section 1170 sent to prison  
36 from that county in the previous calendar year as a percentage of  
37 the county's average mandatory supervision population for that  
38 year.

39 (h) The statewide postrelease community supervision failure to  
40 prison rate. The statewide postrelease community supervision

1 failure to prison rate shall be calculated as the total number of  
2 offenders supervised under postrelease community supervision  
3 pursuant to Title 2.05 (commencing with Section 3450) of Part 3,  
4 statewide, sent to prison in the previous calendar year as a  
5 percentage of the average statewide postrelease community  
6 supervision population for that year.

7 (i) A postrelease community supervision failure to prison rate  
8 for each county. Each county's postrelease community supervision  
9 failure to prison rate shall be calculated as the number of offenders  
10 supervised under postrelease community supervision pursuant to  
11 Title 2.05 (commencing with Section 3450) of Part 3 sent to prison  
12 from that county in the previous calendar year as a percentage of  
13 the county's average postrelease community supervision population  
14 for that year.

15 (j) This section shall become operative on July 1, 2014.

16 SEC. 8. Section 1233.3 of the Penal Code is amended to read:

17 1233.3. Annually, the Director of Finance, in consultation with  
18 the Department of Corrections and Rehabilitation, the Joint  
19 Legislative Budget Committee, the Chief Probation Officers of  
20 California, and the Administrative Office of the Courts, shall  
21 calculate a probation failure reduction incentive payment for each  
22 eligible county, pursuant to Section 1233.2, for the most recently  
23 completed calendar year, as follows:

24 (a) For a county identified as being in Tier 1, as defined in  
25 subdivision (a) of Section 1233.2, its probation failure reduction  
26 incentive payment shall equal the estimated number of probationers  
27 successfully prevented from being incarcerated, as defined by  
28 subdivision (d) of Section 1233.1, multiplied by 45 percent of the  
29 costs to the state to incarcerate in prison and supervise on parole  
30 a probationer who was sent to prison, as defined in subdivision (a)  
31 of Section 1233.1.

32 (b) For a county identified as being in Tier 2, as defined in  
33 subdivision (b) of Section 1233.2, its probation failure reduction  
34 incentive payment shall equal the estimated number of probationers  
35 successfully prevented from being incarcerated, as defined by  
36 subdivision (d) of Section 1233.1, multiplied by 40 percent of the  
37 costs to the state to incarcerate in prison and supervise on parole  
38 a probationer who was sent to prison, as defined in subdivision (a)  
39 of Section 1233.1.

1 (c) For a county identified as being in Tier 3, as defined in  
2 subdivision (c) of Section 1233.2, its probation failure reduction  
3 incentive payment shall equal the estimated number of probationers  
4 successfully prevented from being incarcerated, as defined by  
5 subdivision (d) of Section 1233.1, multiplied by 30 percent of the  
6 costs to the state to incarcerate in prison and supervise on parole  
7 a probationer who was sent to prison, as defined in subdivision (a)  
8 of Section 1233.1.

9 (d) A county that fails to provide information specified in  
10 Section 1231 to the Administrative Office of the Courts shall not  
11 be eligible for a probation failure reduction incentive payment.

12 (e) *This section shall remain in effect only until July 1, 2014,*  
13 *and as of that date is repealed, unless a later enacted statute, that*  
14 *is enacted before July 1, 2014, deletes or extends that date.*

15 *SEC. 9. Section 1233.3 is added to the Penal Code, to read:*

16 *1233.3. Annually, the Director of Finance, in consultation with*  
17 *the Department of Corrections and Rehabilitation, the Joint*  
18 *Legislative Budget Committee, the Chief Probation Officers of*  
19 *California, and the Administrative Office of the Courts, shall*  
20 *calculate a probation failure reduction incentive payment for each*  
21 *eligible county, pursuant to Section 1233.2, for the most recently*  
22 *completed calendar year, as follows:*

23 (a) *For a county identified as being in Tier 1, as defined in*  
24 *subdivision (a) of Section 1233.2, its probation failure reduction*  
25 *incentive payment shall equal the estimated number of probationers*  
26 *successfully prevented from being incarcerated, as defined by*  
27 *subdivision (d) of Section 1233.1, multiplied by 45 percent of the*  
28 *state's cost of housing an inmate in a contract facility, and to*  
29 *supervise on parole a probationer who was sent to prison, as*  
30 *defined in subdivision (a) of Section 1233.1.*

31 (b) *For a county identified as being in Tier 2, as defined in*  
32 *subdivision (b) of Section 1233.2, its probation failure reduction*  
33 *incentive payment shall equal the estimated number of probationers*  
34 *successfully prevented from being incarcerated, as defined by*  
35 *subdivision (d) of Section 1233.1, multiplied by 40 percent of the*  
36 *state's cost of housing an inmate in a contract facility, and to*  
37 *supervise on parole a probationer who was sent to prison, as*  
38 *defined in subdivision (a) of Section 1233.1.*

39 (c) *For a county identified as being in Tier 3, as defined in*  
40 *subdivision (c) of Section 1233.2, its probation failure reduction*

1 *incentive payment shall equal the estimated number of probationers*  
2 *successfully prevented from being incarcerated, as defined by*  
3 *subdivision (d) of Section 1233.1, multiplied by 30 percent of the*  
4 *state's cost of housing an inmate in a contract facility, and to*  
5 *supervise on parole a probationer who was sent to prison, as*  
6 *defined in subdivision (a) of Section 1233.1.*

7 *(d) A county that fails to provide information specified in Section*  
8 *1231 to the Administrative Office of the Courts is not eligible for*  
9 *a probation failure reduction incentive payment.*

10 *(e) This section shall become operative on July 1, 2014.*

11 *SEC. 10. Section 1233.4 of the Penal Code is amended to read:*

12 1233.4. (a) It is the intent of the Legislature for counties  
13 demonstrating high success rates with adult felony probationers  
14 to have access to performance-based funding as provided for in  
15 this section.

16 (b) On an annual basis, the Department of Finance, in  
17 consultation with the Department of Corrections and Rehabilitation,  
18 the Joint Legislative Budget Committee, the Chief Probation  
19 Officers of California, and the Administrative Office of the Courts,  
20 shall calculate 5 percent of the total statewide estimated number  
21 of probationers successfully prevented from being incarcerated  
22 for counties that successfully reduce the number of adult felony  
23 probationers incarcerated multiplied by the costs to the state to  
24 incarcerate in prison and supervise on parole a probationer who  
25 was sent to prison, as defined in subdivision (a) of Section 1233.1.

26 (c) The amount estimated pursuant to subdivision (b) shall be  
27 used to provide high performance grants to county probation  
28 departments for the purpose of bolstering evidence-based probation  
29 practices designed to reduce recidivism among adult felony  
30 probationers.

31 (d) County probation departments eligible for these high  
32 performance grants shall be those with adult probation failure rates  
33 more than 50 percent below the statewide average in the most  
34 recently completed calendar year.

35 (e) A county probation department that qualifies for a probation  
36 failure reduction incentive payment, as provided in Section 1233.3,  
37 and a high performance grant payment in the same year shall  
38 choose to receive either the probation failure incentive payment  
39 or the high performance grant payment. The CPO of a county that  
40 qualifies for both a high performance grant and a probation failure

1 reduction incentive payment shall indicate to the Administrative  
2 Office of the Courts, by a date designated by the Administrative  
3 Office of the Courts, whether the CPO chooses to receive the high  
4 performance grant or probation failure reduction payment.

5 (f) The grants provided for in this section shall be administered  
6 by the Administrative Office of the Courts. The Administrative  
7 Office of the Courts shall seek to ensure that all qualifying  
8 probation departments that submit qualifying applications receive  
9 a proportionate share of the grant funding available based on the  
10 population of adults ages 18 to 25, inclusive, in each of the counties  
11 qualifying for the grants.

12 (g) A county that fails to provide the information specified in  
13 Section 1231 to the Administrative Office of the Courts shall not  
14 be eligible for a high performance grant payment.

15 (h) *This section shall remain in effect only until July 1, 2014,*  
16 *and as of that date is repealed, unless a later enacted statute, that*  
17 *is enacted before July 1, 2014, deletes or extends that date.*

18 SEC. 11. Section 1233.4 is added to the Penal Code, to read:

19 1233.4. (a) *It is the intent of the Legislature for counties*  
20 *demonstrating high success rates with adult felony probationers*  
21 *to have access to performance-based funding as provided for in*  
22 *this section.*

23 (b) *On an annual basis, the Department of Finance, in*  
24 *consultation with the Department of Corrections and*  
25 *Rehabilitation, the Joint Legislative Budget Committee, the Chief*  
26 *Probation Officers of California, and the Administrative Office of*  
27 *the Courts, shall calculate 5 percent of the total statewide estimated*  
28 *number of probationers successfully prevented from being*  
29 *incarcerated for counties that successfully reduce the number of*  
30 *adult felony probationers incarcerated multiplied by the state's*  
31 *cost of housing an inmate in a contract facility, and to supervise*  
32 *on parole a probationer who was sent to prison, as defined in*  
33 *subdivision (a) of Section 1233.1.*

34 (c) *The amount estimated pursuant to subdivision (b) shall be*  
35 *used to provide high performance grants to county probation*  
36 *departments for the purpose of bolstering evidence-based probation*  
37 *practices designed to reduce recidivism among adult felony*  
38 *probationers.*

39 (d) *County probation departments eligible for these high*  
40 *performance grants shall be those with adult probation failure*

1 rates more than 50 percent below the statewide average in the  
2 most recently completed calendar year.

3 (e) A county probation department that qualifies for a probation  
4 failure reduction incentive payment, as provided in Section 1233.3,  
5 and a high performance grant payment in the same year shall  
6 choose to receive either the probation failure incentive payment  
7 or the high performance grant payment. The Chief Probation  
8 Officer of a county that qualifies for both a high performance grant  
9 and a probation failure reduction incentive payment shall indicate  
10 to the Administrative Office of the Courts, by a date designated  
11 by the Administrative Office of the Courts, whether the Chief  
12 Probation Officer chooses to receive the high performance grant  
13 or probation failure reduction payment.

14 (f) The grants provided for in this section shall be administered  
15 by the Administrative Office of the Courts. The Administrative  
16 Office of the Courts shall seek to ensure that all qualifying  
17 probation departments that submit qualifying applications receive  
18 a proportionate share of the grant funding available based on the  
19 population of adults 18 to 25 years of age, inclusive, in each of  
20 the counties qualifying for the grants.

21 (g) A county that fails to provide the information specified in  
22 Section 1231 to the Administrative Office of the Courts is not  
23 eligible for a high performance grant payment.

24 (h) This section shall become operative on July 1, 2014.

25 SEC. 12. Section 1233.9 is added to the Penal Code, to read:

26 1233.9. There is hereby created in the State Treasury the  
27 Recidivism Reduction Fund for moneys to be available upon  
28 appropriation by the Legislature, for activities designed to reduce  
29 the state's prison population, including, but not limited to, reducing  
30 recidivism. Funds available in the Recidivism Reduction Fund  
31 may be transferred to the State Community Corrections  
32 Performance Incentives Fund.

33 SEC. 13. Section 2910 of the Penal Code is amended to read:

34 2910. (a) ~~The Director~~ Secretary of the Department of  
35 Corrections and Rehabilitation may enter into an agreement with  
36 a city, county, or city and ~~county~~, county to permit transfer of  
37 prisoners in the custody of the ~~Director of Corrections~~ secretary  
38 to a jail or other adult correctional facility of the city, county, or  
39 city and county, if the sheriff or corresponding official having  
40 jurisdiction over the facility has consented thereto. The agreement

1 shall provide for contributions to the city, county, or city and  
2 county toward payment of costs incurred with reference to such  
3 transferred prisoners.

4 (b) *For purposes of this section, a transfer of prisoners under*  
5 *subdivision (a) may include inmates who have been sentenced to*  
6 *the department but remain housed in a county jail. These prisoners*  
7 *shall be under the sole legal custody and jurisdiction of the sheriff*  
8 *or corresponding official having jurisdiction over the facility and*  
9 *shall not be under the legal custody or jurisdiction of the*  
10 *Department of Corrections and Rehabilitation.*

11 (c) *Notwithstanding any other law, for purposes of entering into*  
12 *agreements under subdivision (a), any process, regulation,*  
13 *requirement, including any state governmental reviews or*  
14 *approvals, or third-party approval that is required under, or*  
15 *implemented pursuant to, any statute that relates to entering into*  
16 *those agreements is hereby waived.*

17 (b)

18 (d) When an agreement entered into pursuant to subdivision (a)  
19 or (c) is in effect with respect to a particular local facility, the  
20 ~~Director of Corrections~~ *secretary* may transfer prisoners whose  
21 terms of imprisonment have been fixed and parole violators to the  
22 facility.

23 (e)

24 (e) Prisoners so transferred to a local facility may, with approval  
25 of notice to the ~~Director of Corrections~~, *secretary*, participate in  
26 programs of the facility, ~~including~~ *including, but not limited to,*  
27 work furlough rehabilitation programs.

28 ~~(d) Prisoners transferred to such facilities are subject to the rules~~  
29 ~~and regulations of the facility in which they are confined, but~~  
30 ~~remain under the legal custody of the Department of Corrections~~  
31 ~~and shall be subject at any time, pursuant to the rules and~~  
32 ~~regulations of the Director of Corrections, to be detained in the~~  
33 ~~county jail upon the exercise of a state parole or correctional~~  
34 ~~officer's peace officer powers as specified in Section 830.5, with~~  
35 ~~the consent of the sheriff or corresponding official having~~  
36 ~~jurisdiction over the facility.~~

37 (e)

38 (f) The ~~Director of Corrections~~, *secretary*, to the extent possible,  
39 shall select city, county, or city and county facilities in areas where

1 medical, food, and other support services are available from nearby  
2 existing prison facilities.

3 (f)

4 (g) ~~The Director of Corrections, secretary~~, with the approval  
5 of the Department of General Services, may enter into an agreement  
6 to lease state property for a period not in excess of 20 years to be  
7 used as the site for a facility operated by a city, county, or city and  
8 county authorized by this section.

9 ~~(g) No agreement may be entered into under this section unless  
10 the cost per inmate in the facility is no greater than the average  
11 costs of keeping an inmate in a comparable facility of the  
12 department, as determined by the director.~~

13 (h) *This section shall remain in effect only until January 1, 2017,  
14 and as of that date is repealed, unless a later enacted statute, that  
15 is enacted before January 1, 2017, deletes or extends that date.*

16 SEC. 14. Section 2910 is added to the Penal Code, to read:

17 2910. (a) *The Secretary of the Department of Corrections and  
18 Rehabilitation may enter into an agreement with a city, county, or  
19 city and county to permit transfer of prisoners in the custody of  
20 the secretary to a jail or other adult correctional facility of the  
21 city, county, or city and county, if the sheriff or corresponding  
22 official having jurisdiction over the facility has consented thereto.  
23 The agreement shall provide for contributions to the city, county,  
24 or city and county toward payment of costs incurred with reference  
25 to such transferred prisoners.*

26 (b) *When an agreement entered into pursuant to subdivision  
27 (a) is in effect with respect to a particular local facility, the  
28 secretary may transfer prisoners whose terms of imprisonment  
29 have been fixed and parole violators to the facility.*

30 (c) *Prisoners so transferred to a local facility may, with  
31 approval of the secretary, participate in programs of the facility,  
32 including, but not limited to, work furlough rehabilitation  
33 programs.*

34 (d) *Prisoners transferred to such facilities are subject to the  
35 rules and regulations of the facility in which they are confined,  
36 but remain under the legal custody of the Department of  
37 Corrections and Rehabilitation and shall be subject at any time,  
38 pursuant to the rules and regulations of the secretary, to be  
39 detained in the county jail upon the exercise of a state parole or  
40 correctional officer's peace officer powers, as specified in Section*

1 830.5, with the consent of the sheriff or corresponding official  
2 having jurisdiction over the facility.

3 (e) The secretary, to the extent possible, shall select city, county,  
4 or city and county facilities in areas where medical, food, and  
5 other support services are available from nearby existing prison  
6 facilities.

7 (f) The secretary, with the approval of the Department of  
8 General Services, may enter into an agreement to lease state  
9 property for a period not in excess of 20 years to be used as the  
10 site for a facility operated by a city, county, or city and county  
11 authorized by this section.

12 (g) An agreement shall not be entered into under this section  
13 unless the cost per inmate in the facility is no greater than the  
14 average costs of keeping an inmate in a comparable facility of the  
15 department, as determined by the secretary.

16 (h) This section shall become operative on January 1, 2017.

17 SEC. 15. Section 2915 is added to the Penal Code, to read:

18 2915. (a) The Secretary of the Department of Corrections and  
19 Rehabilitation may enter into one or more agreements to obtain  
20 secure housing capacity within the state. These agreements may  
21 be entered into with private entities and may be in the form of a  
22 lease or an operating agreement. The secretary may procure and  
23 enter these agreements on terms and conditions he or she deems  
24 necessary and appropriate. Notwithstanding any other law, any  
25 process, regulation, requirement, including any state governmental  
26 reviews or approvals, or third-party approval that is required  
27 under statutes that relate to the procurement and implementation  
28 of those agreements is hereby waived, however, no agreement  
29 shall contain terms, either directly or indirectly, that involve the  
30 repayment of any debt issuance or other financing and, consistent  
31 with state law, shall provide that payment of that agreement is  
32 subject to appropriation.

33 (b) The Secretary of the Department of Corrections and  
34 Rehabilitation may enter into one or more agreements to obtain  
35 secure housing capacity in another state. These agreements may  
36 be entered into with private entities and may be in the form of an  
37 operating agreement or other contract. The secretary may procure  
38 and enter these agreements on terms and conditions he or she  
39 deems necessary and appropriate. Notwithstanding any other law,  
40 any process, regulation, requirement, including any state

1 governmental reviews or approvals, or third-party approval that  
2 is required under statutes that relate to the procurement and  
3 implementation of those agreements is hereby waived, however,  
4 no agreement shall contain terms, either directly or indirectly,  
5 that involve the repayment of any debt issuance or other financing  
6 and, consistent with state law, shall provide that payment of that  
7 agreement is subject to appropriation. This subdivision does not  
8 authorize the department to operate a facility out of state.

9 (c) The provisions of Division 13 (commencing with Section  
10 21000) of the Public Resources Code do not apply to this section.

11 (d) This section shall remain in effect only until January 1, 2017,  
12 and as of that date is repealed, unless a later enacted statute, that  
13 is enacted before January 1, 2017, deletes or extends that date.

14 SEC. 16. Section 6250.2 is added to the Penal Code, to read:

15 6250.2. (a) The Secretary of the Department of Corrections  
16 and Rehabilitation may enter into agreements for the transfer of  
17 prisoners to, or placement of prisoners in, community correctional  
18 centers. The secretary may enter into contracts to provide housing,  
19 sustenance, and supervision for inmates placed in community  
20 correctional centers.

21 (b) Notwithstanding any other law, for the purposes of entering  
22 into agreements under subdivision (a), any process, regulation,  
23 requirement, including any state government reviews or approvals,  
24 or third-party approval that is required under, or implemented  
25 pursuant to, any statute that relates to entering into those  
26 agreements is hereby waived.

27 (c) This section shall remain in effect only until January 1, 2017,  
28 and as of that date is repealed, unless a later enacted statute, that  
29 is enacted before January 1, 2017, deletes or extends that date.

30 SEC. 17. Section 11191 of the Penal Code is amended to read:

31 11191. (a) Any court or other agency or officer of this state  
32 having power to commit or transfer an inmate (as defined in Article  
33 II(d) of the Interstate Corrections Compact or of the Western  
34 Interstate Corrections Compact) to any institution for confinement  
35 may commit or transfer that inmate to any institution within or  
36 without this state if this state has entered into a contract or contracts  
37 for the confinement of inmates in that institution pursuant to Article  
38 III of the Interstate Corrections Compact or of the Western  
39 Interstate Corrections Compact, but no inmate Compact.

1     **(b)** *An inmate sentenced under California law may shall not be*  
2 *committed or transferred to an institution outside of this state,*  
3 *unless he or she has executed a written consent to the transfer. The*  
4 *inmate shall have the right to a private consultation with an attorney*  
5 *of his or her choice, or with a public defender if the inmate cannot*  
6 *afford counsel, concerning his or her rights and obligations under*  
7 *this section, and shall be informed of those rights prior to executing*  
8 *the written consent. At any time more than five years after the*  
9 *transfer, the inmate shall be entitled to revoke his or her consent*  
10 *and to transfer to an institution in this state. In such cases, the*  
11 *transfer shall occur within the next 30 days.*

12     ~~**(b)** This section shall become operative on July 1, 2011, or at~~  
13 ~~such time as the Department of Corrections and Rehabilitation has~~  
14 ~~replaced “temporary beds,” as defined in paragraph (3) of~~  
15 ~~subdivision (a) of Section 15819.34 of the Government Code,~~  
16 ~~whichever is sooner.~~

17     **(c)** *Notwithstanding the requirements in this section or Section*  
18 *11194, the secretary may transfer an inmate to a facility in another*  
19 *state without the consent of the inmate.*

20     **(d)** *Inmates who volunteer by submitting a request to transfer*  
21 *and are otherwise eligible shall receive first priority under this*  
22 *section.*

23     **(e)** *This section shall remain in effect only until January 1, 2017,*  
24 *and as of that date is repealed, unless a later enacted statute, that*  
25 *is enacted before January 1, 2017, deletes or extends that date.*

26     **SEC. 18.** *Section 11191 is added to the Penal Code, to read:*

27     **11191.** *(a) Any court or other agency or officer of this state*  
28 *having power to commit or transfer an inmate, as defined in Article*  
29 *II(d) of the Interstate Corrections Compact or of the Western*  
30 *Interstate Corrections Compact, to any institution for confinement*  
31 *may commit or transfer that inmate to any institution within or*  
32 *outside of this state if this state has entered into a contract or*  
33 *contracts for the confinement of inmates in that institution pursuant*  
34 *to Article III of the Interstate Corrections Compact or of the*  
35 *Western Interstate Corrections Compact.*

36     **(b)** *No inmate sentenced under California law may be committed*  
37 *or transferred to an institution outside of this state, unless he or*  
38 *she has executed a written consent to the transfer. The inmate shall*  
39 *have the right to a private consultation with an attorney of his*  
40 *choice, or with a public defender if the inmate cannot afford*

1 *counsel, concerning his rights and obligations under this section,*  
2 *and shall be informed of those rights prior to executing the written*  
3 *consent. At any time more than five years after the transfer, the*  
4 *inmate shall be entitled to revoke his consent and to transfer to an*  
5 *institution in this state. In such cases, the transfer shall occur*  
6 *within the next 30 days.*

7 *(c) This section shall become operative on January 1, 2017.*

8 *SEC. 19. Section 13602 of the Penal Code is amended to read:*

9 13602. (a) The Department of Corrections and Rehabilitation  
10 may use the training academy at Galt or the training center in  
11 Stockton. The academy at Galt shall be known as the Richard A.  
12 McGee Academy. The training divisions, in using the funds, shall  
13 endeavor to minimize costs of administration so that a maximum  
14 amount of the funds will be used for providing training and support  
15 to correctional peace officers while being trained by the  
16 department.

17 *(b) Notwithstanding subdivision (a), and pursuant to Section*  
18 *13602.1, the Department of Corrections and Rehabilitation may*  
19 *use a training academy established for the California City*  
20 *Correctional Center. This academy, in using the funds, shall*  
21 *endeavor to minimize costs of administration so that a maximum*  
22 *amount of the funds will be used for providing training and support*  
23 *to correctional employees who are being trained by the department.*

24 ~~(b)~~

25 (c) Each new cadet who attends an academy shall complete the  
26 course of training, pursuant to standards approved by the CPOST  
27 before he or she may be assigned to a post or job as a peace officer.  
28 Every newly appointed first-line or second-line supervisor in the  
29 Department of Corrections and Rehabilitation shall complete the  
30 course of training, pursuant to standards approved by the CPOST  
31 for that position.

32 ~~(e)~~

33 (d) The Department of Corrections and Rehabilitation shall  
34 make every effort to provide training prior to commencement of  
35 supervisory duties. If this training is not completed within six  
36 months of appointment to that position, any first-line or second-line  
37 supervisor shall not perform supervisory duties until the training  
38 is completed.

39 ~~(d) This section shall become operative July 1, 2012.~~

1 (e) *This section shall remain in effect only until January 1, 2017,*  
2 *and as of that date is repealed, unless a later enacted statute, that*  
3 *is enacted before January 1, 2017, deletes or extends that date.*

4 SEC. 20. *Section 13602 is added to the Penal Code, to read:*

5 13602. (a) *The Department of Corrections and Rehabilitation*  
6 *may use the training academy at Galt or the training center in*  
7 *Stockton. The academy at Galt shall be known as the Richard A.*  
8 *McGee Academy. The training divisions, in using the funds, shall*  
9 *endeavor to minimize costs of administration so that a maximum*  
10 *amount of the funds will be used for providing training and support*  
11 *to correctional peace officers while being trained by the*  
12 *department.*

13 (b) *Each new cadet who attends an academy shall complete the*  
14 *course of training, pursuant to standards approved by the CPOST,*  
15 *before he or she may be assigned to a post or job as a peace officer.*  
16 *Every newly appointed first-line or second-line supervisor in the*  
17 *Department of Corrections and Rehabilitation shall complete the*  
18 *course of training, pursuant to standards approved by the CPOST*  
19 *for that position.*

20 (c) *The Department of Corrections and Rehabilitation shall*  
21 *make every effort to provide training prior to commencement of*  
22 *supervisory duties. If this training is not completed within six*  
23 *months of appointment to that position, any first-line or second-line*  
24 *supervisor shall not perform supervisory duties until the training*  
25 *is completed.*

26 (d) *This section shall become operative January 1, 2017.*

27 SEC. 21. *Section 15 of Chapter 42 of the Statutes of 2012 is*  
28 *amended to read:*

29 Sec. 15. (a) *The Department of Corrections and Rehabilitation*  
30 *shall remove all inmates from, cease operations of, and close the*  
31 *California Rehabilitation Center located in Norco, California, no*  
32 *later than either December 31, 2016, or six months after*  
33 *construction of the three Level II dorm facilities authorized in*  
34 *Section 14 of this act, whichever is earlier.*

35 (b) *This requirement is hereby suspended pending a review by*  
36 *the Department of Finance and the Department of Corrections*  
37 *and Rehabilitation that determines the facility can be closed.*  
38 *Closure of the facility shall not occur sooner than 30 days after*  
39 *notification in writing to the Chair of the Joint Legislative Budget*  
40 *Committee.*

1 SEC. 22. (a) *There is hereby appropriated from the General*  
2 *Fund the amount of three hundred fifteen million dollars*  
3 *(\$315,000,000) to the Department of Corrections and*  
4 *Rehabilitation for purposes of implementing this act. The amount*  
5 *appropriated is based on federal court orders in the Three Judge*  
6 *Court proceedings (2:90-cv-00520 LKK JFM P, C01-1351 THE)*  
7 *requiring that the department achieve a population of 137.5 percent*  
8 *of design capacity no later than December 31, 2013. If the*  
9 *department no longer needs to meet this percentage or is not*  
10 *required to meet this percentage within the 2013–14 fiscal year,*  
11 *then the department shall reduce its use of this appropriation*  
12 *accordingly. The department shall spend these funds on immediate*  
13 *capacity to meet the federal court orders issued in the Three Judge*  
14 *Court proceedings (2:90-cv-00520 LKK JFM P, C01-1351 THE)*  
15 *only to the extent needed to avoid early release. Except as provided*  
16 *by subdivision (c), any amounts which are not encumbered by June*  
17 *30, 2014, are to be transferred to the Recidivism Reduction Fund.*

18 (b) *To the extent the Three Judge Court referenced in*  
19 *subdivision (a) issues an order or orders subsequent to the*  
20 *enactment of this act, which eliminates the need to obtain the full*  
21 *amount of capacity authorized by this act, or adjusts the date by*  
22 *which that capacity is required, the Department of Finance shall*  
23 *report on the activities and prepare and submit a fiscal estimate*  
24 *necessary to meet the revised order or orders, to the Joint*  
25 *Legislative Budget Committee and appropriate fiscal committees,*  
26 *within 15 days of the issuance of the new order or orders.*

27 (c) *To the extent the fiscal estimate necessary to meet the revised*  
28 *order or orders issued in the Three Judge Court proceedings*  
29 *(2:90-cv-00520 LKK JFM P, C01-1351 THE) is less than the three*  
30 *hundred fifteen million dollars (\$315,000,000) appropriated in*  
31 *this section then, within 45 days of the order or orders, the Director*  
32 *of Finance shall direct the Controller to transfer the first*  
33 *seventy-five million dollars (\$75,000,000) of those savings, as*  
34 *determined in subdivision (b) to the Recidivism Reduction Fund.*  
35 *Any additional savings shall be allocated as follows: 50 percent*  
36 *shall revert to the General Fund and 50 percent shall be*  
37 *transferred to the Recidivism Reduction Fund.*

38 (d) (1) *Not later than April 1, 2014, and again not later than*  
39 *April 1, 2015, the Secretary of the Department of Corrections and*  
40 *Rehabilitation shall submit a report to the Director of Finance*

1 *and the chairpersons and vice chairpersons of the committees in*  
2 *both houses of the Legislature that consider the state budget, and*  
3 *to the Assembly Committee on Public Safety and the Senate*  
4 *Committee on Public Safety, detailing the number of inmates*  
5 *housed in leased beds and in contracted beds both within and*  
6 *outside of the state pursuant to the provisions of this act. The report*  
7 *shall provide the specific number of inmates moved to each facility*  
8 *and shall identify all costs associated with housing these inmates.*

9 (2) *The requirement for submitting a report imposed under this*  
10 *subdivision is inoperative on January 1, 2017, pursuant to Section*  
11 *10231.5 of the Government Code.*

12 (3) *A report to be submitted pursuant to this subdivision shall*  
13 *be submitted in compliance with Section 9795 of the Government*  
14 *Code.*

15 *SEC. 23. This act is a bill providing for appropriations related*  
16 *to the Budget Bill within the meaning of subdivision (e) of Section*  
17 *12 of Article IV of the California Constitution, has been identified*  
18 *as related to the budget in the Budget Bill, and shall take effect*  
19 *immediately.*

20  
21  
22 **All matter omitted in this version of the bill**  
23 **appears in the bill as amended in the**  
24 **Senate, September 3, 2013. (JR11)**  
25