

AMENDED IN SENATE JUNE 15, 2014

AMENDED IN SENATE JUNE 12, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1468

Introduced by Committee on Budget (Skinner (Chair), Bloom, Campos, Chesbro, Dababneh, Daly, Dickinson, Gordon, Jones-Sawyer, Mullin, Muratsuchi, Nazarian, Rodriguez, Stone, Ting, and Weber)

January 9, 2014

An act to amend Sections 12803, 15820.92, 15820.921, 15820.924, 30062, and 30070 of, to add Section 69927 to, and to add Chapter 3.131 (commencing with Section 15820.93) to Part 10b of Division 3 of Title 2 of, the Government Code, to add Section 1251.4 to the Health and Safety Code, to amend Sections 830.3, 830.38, 1026, 1170, 1170.3, 1233.15, 1233.6, 1233.61, 1370, 2694, 3060.7, 5006, 6141, 7050, 13821, and 13826.1 of, to add Sections 17.7, 667.2, 1170.06, 1233.10, 6032, and 6402 to, to add Article 2.4 (commencing with Section 3016) to Chapter 8 of Title 1 of Part 3 of, and to add Article 4 (commencing with Section 6045) to Chapter 5 of Title 7 of Part 3 of, the Penal Code, to amend Section 14306 of the Public Resources Code, and to amend Sections 1955, 1981, 1984, and 7228 of, to amend and repeal Section 17012.5 of, to amend, repeal, and add Sections 11251.3 and 18901.3 of, to add Section 7234 to, and to add and repeal Section 4023.5 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 1468, as amended, Committee on Budget. Public Safety.

Existing law establishes the Department of Finance with general powers of supervision over all matters concerning the financial and business policies of the state. Existing law authorizes the Department of Corrections and Rehabilitation, a participating county, as defined, and the State Public Works Board to enter into a construction agreement in order to acquire, design, and construct a local jail facility, as specified, using the proceeds of revenue bonds, notes, or bond anticipation notes issued by the State Public Works Board for that purpose.

This bill would require the Department of Finance, in consultation with the County of Los Angeles, to identify options for ways the state may assist in addressing the mental health and health infrastructure needs of the County of Los Angeles jail system and report its findings to the Joint Legislative Budget Committee on or before January 15, 2015.

Existing law authorizes the Board of State and Community Corrections, the State Public Works Board, and a participating county, as defined, to acquire, design, and construct an adult local criminal justice facility approved by the Board of State and Community Corrections, or to acquire a site or sites owned by, or subject to a lease option to purchase held by, a participating county. Existing law authorizes the State Public Works Board to issue up to \$500,000,000 in revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, and construction of approved adult local criminal justice facilities. The funds derived from those revenue bonds, notes, or bond anticipation notes are continuously appropriated for those purposes.

Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Existing law authorizes the Department of Corrections and Rehabilitation to design, construct, or renovate housing units, support buildings, and programming space in order to add capacity to facilities under its jurisdiction.

This bill would enact provisions similar to the provisions described above authorizing the Board of State and Community Corrections or the department, the State Public Works Board, and a participating county, as defined, to acquire, design, and construct an adult local criminal justice facility, as defined. The bill would authorize the State Public Works Board to issue up to \$500,000,000 in revenue bonds,

notes, or bond anticipation notes to finance the acquisition, design, and construction of approved adult local criminal justice facilities, and would continuously appropriate the funds for those purposes. The bill would establish procedures for approving and funding these projects.

Existing law establishes the California Health and Human Services Agency, which consists of specified departments and entities including, among others, the State Department of Health Care Services, the State Department of Social Services, and the Office of Patient Advocate.

This bill would establish the Office of Law Enforcement Support within the agency.

Existing law provides that certain persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest, as specified. These specified peace officers are not authorized to carry firearms, except as provided. Existing law classifies certain police officers, sheriff deputies, and firefighters who have responsibility for the direct supervision of state peace officer/firefighter personnel as state peace officer/firefighter members under the Public Employees' Retirement System (PERS). Employees classified as safety members under PERS, including state peace officer/firefighter members, are generally entitled to higher benefits and subject to higher contribution rates than employees classified as miscellaneous or general members. Member contributions to PERS are deposited in the Public Employees' Retirement Fund, a continuously appropriated fund.

This bill would provide that the Chief, Deputy Chief, supervising investigators, and investigators of the Office of Protective Services of the State Department of State Hospitals and the Office of Investigations and Law Enforcement Support of the California Health and Human Services Agency are peace officers for purposes of the provision described above. The bill would make an appropriation by increasing the amount of employee contributions to the Public Employees' Retirement Fund.

Existing law authorizes the Board of State and Community Corrections (BSCC), a participating county, as defined, and the State Public Works Board to acquire, design, and construct an adult local criminal justice facility, as specified, and requires them to enter into an agreement for each facility that provides related performance expectations of the parties, guidelines and criteria for the use and application of the financing instruments used to pay for the facility, and ongoing maintenance and staffing responsibilities for the term of the

financing. Existing law also authorizes the State Public Works Board and the BSCC to borrow funds from the Pooled Money Investment Account or from another appropriate source for project costs of an adult local criminal justice facility. Existing law authorizes the BSCC and a participating county, with the consent of the State Public Works Board, to enter into leases, contracts, or other agreements for property use, maintenance, or operation of an adult local criminal justice facility.

This bill would also authorize the California Department of Corrections and Rehabilitation to participate in the financing program with participating counties and the State Public Works Board for the acquisition, design, and construction of adult local criminal justice facilities, to enter into the required agreements, to borrow funds, and to enter into leases, contracts, or other agreements for these purposes, as specified.

Existing law requires the establishment of a Supplemental Law Enforcement Services Account in each county to be allocated for jail construction, criminal prosecution, law enforcement grants, and for the implementation of a comprehensive multiagency juvenile justice plan. Existing law requires that moneys allocated from a Supplemental Law Enforcement Service Account to a recipient entity be used to supplement existing services and not to supplant any existing funding.

This bill would instead prohibit local agencies from using these moneys to supplant other funding for Public Safety Services, as defined.

Existing law requires specified funds to be allocated to county sheriff's departments from funds remaining in the Enhancing Law Enforcement Activities Subaccount in the Local Revenue Fund 2011, as specified. Existing law requires that funds allocated pursuant to these provisions be used to supplement rather than supplant existing law enforcement resources.

This bill would instead prohibit funds allocated pursuant to these provisions from being used by local agencies to supplant other funding for Public Safety Services, as defined.

Under existing law, the State Department of Public Health licenses and regulates health facilities, including general acute care hospitals and correctional treatment centers, including those operated by the Department of Corrections and Rehabilitation and those located on prison grounds.

This bill would require the State Department of Public Health, upon application of the Department of Corrections and Rehabilitation, to change the license category of a general acute care hospital licensed to

the Department of Corrections and Rehabilitation, or any health facility located on prison grounds, to a correctional treatment center license.

Existing law, the Superior Court Security Act of 2012, generally requires the sheriff to be responsible for court security services pursuant to a memorandum of understanding entered into with the superior court of the relevant county.

This bill would state the intent of the Legislature to establish a process and funding mechanism for sheriffs that overall incur increased trial court security costs as a result of court construction projects that had an occupancy date on or after October 9, 2011. The bill would allow counties that demonstrate increased trial court security costs to request funding from the Department of Finance. The bill would require this funding to be funded by the General Fund, subject to an annual appropriation by the Legislature.

Existing law sets forth various findings and declarations of the Legislature relating to crime, including the Legislature's reaffirmation of its commitment to reducing recidivism among criminal offenders and a declaration that California must reinvest its criminal justice resources to support community-based corrections programs and evidence-based practices that will achieve improved public safety returns on the state's substantial investment in its criminal justice system, as specified.

This bill would set forth legislative findings and declarations that strategies supporting reentering offenders through practices and programs have been demonstrated to significantly reduce recidivism among offenders in other states, that improving outcomes among offenders reentering the community after serving time in a correctional facility will promote public safety and reduce California's prison and jail populations, and that establishing a California reentry program that encompasses strategies known to reduce recidivism warrants a vigorous short-term startup in the 2014–15 fiscal year using readily available resources in the community, as specified.

Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Existing law establishes the Administrative Office of the Courts, which has various responsibilities and authority over state court matters granted by law and delegated by the Judicial Council. Existing law, as added by Proposition 8, adopted June 8, 1982, and amended by Proposition 21, adopted March 7, 2000, among other things, defines a serious felony. Existing law, as amended by Proposition 36, adopted November 6,

2012, commonly known as the Three Strikes Law, requires increased penalties for certain recidivist offenders in addition to any other enhancement or penalty that may apply, including individuals with current and prior convictions of a serious felony, as specified.

This bill would, subject to the availability of funding for and space in the programs and services, authorize the department to provide programs and services, including, but not limited to, transitional housing, mental health, and substance abuse treatment to an offender who is released pursuant to the provisions of Proposition 36, and who is not subject to parole or postrelease community supervision. The bill would require the department, in consultation with the Administrative Office of the Courts, to establish a referral process for those offenders to participate in or receive the types of programs and services described above that the department has existing contracts to provide. The bill would also require the Administrative Office of the Courts to inform courts of the availability of those programs and services.

Existing law designates various persons and peace officers, including officers of a state hospital under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services.

This bill would require, by July 1, 2015, the California Health and Human Services Agency to develop training protocols and policies and procedures for peace officers of a state hospital under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services. The bill, when appropriate, would require the training protocols and policies and procedures to be uniformly implemented in both state hospitals and developmental centers, and would require additional training protocols and policies and procedures shall be developed to address the unique characteristics of the residents in each type of facility. The bill would require the agency, in consultation with system stakeholders, to develop recommendations to further improve the quality and stability of law enforcement and investigative functions at both developmental centers and state hospitals in a meaningful and sustainable manner and to submit those recommendations to the budget committees and relevant policy committees of both houses of the Legislature no later than January 10, 2015.

Existing law authorizes a court, when sentencing a person to county jail for a felony, to commit the person to county jail for either the full term in custody, as specified, or to suspend the execution of a concluding portion of the term selected at the court's discretion. Under existing

law, this period of suspended execution is supervised by the county probation officer and is known as mandatory supervision.

This bill would require, unless the court finds, in the interests of justice, that it is not appropriate in a particular case, that a period of the concluding portion of a county jail term be served on mandatory supervision. The bill would make this change applicable prospectively to a person sentenced on or after January 1, 2015. The bill would require the Judicial Council to adopt rules of court to implement these provisions and related provisions of existing law no later than January 1, 2015. By increasing the duties of probation officers, the bill would impose a state-mandated local program.

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to offer a program under which eligible female inmates who have been committed to state prison may be allowed to participate in a voluntary alternative custody program in lieu of confinement in state prison. Existing law defines that alternative custody program to include confinement to a residential home, a residential drug or treatment program, or a transitional care facility that offers appropriate services. Existing law authorizes the department to enter into contracts with county agencies, not-for-profit organizations, for-profit organizations, and others in order to promote alternative custody placements. Existing law requires the department to use electronic monitoring, global positioning system devices, or other supervising devices for the purpose of helping to verify a participant's compliance with the rules and regulations of the program.

This bill would authorize a sheriff or a county director of corrections to implement a similar voluntary alternative custody program for male and female inmates who have been committed to a county jail for a determinate term of imprisonment for a felony or for a misdemeanor, except that the bill would define an alternative custody program operated by a sheriff or a county director of corrections to additionally include confinement to a mental health clinic or hospital that offers appropriate mental health services, and would authorize, but not require, the sheriff or the county director of corrections to use electronic monitoring, global positioning system devices, or other supervising devices. The bill would provide that the willful failure of the program participant to return to the place of detention prior to the expiration of any period of time during which he or she is authorized to be away from the place of detention, unauthorized departures from the place of detention, or tampering with

or disabling, or attempting to tamper with or disable, an electronic monitoring device is punishable under a specified statute.

By creating a new crime, this bill would impose a state-mandated local program.

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, as specified. Existing law establishes the Recidivism Reduction Fund, to be used, upon appropriation by the Legislature, for activities designed to reduce the state's prison population, including, but not limited to, reducing recidivism.

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 the State Community Corrections Performance Incentives Fund, a continuously appropriated fund, to be used for specified purposes related to improving local probation supervision practices and capacities. Under existing law, if a county establishes a Community Corrections Performance Incentives Fund, the county is required to establish a local Community Corrections Partnership, as specified.

This bill would require a county board of supervisors, upon agreement to accept funding from the Recidivism Reduction Fund and in collaboration with the county's Community Corrections Partnership, to develop, administer, and collect and submit data to the Board of State and Community Corrections regarding a competitive grant program intended to fund community recidivism and crime reduction services, as specified. The bill would require the county board of supervisors to grant the funds allocated to the county under these provisions to community recidivism and crime reduction service providers based on the needs of their community. The bill would specify the grant amounts for which the counties and individual service providers would be eligible and would limit the total amount of grants awarded to a single community recidivism and crime reduction service provider by all counties pursuant to these provisions to \$100,000. The bill would authorize up to 5% of the grant to be withheld by the county to pay administrative costs. The bill would require funds allocated to a county that are not expended within 4 years to revert to the state General Fund and would require funds not encumbered with a community recidivism

and crime reduction service provider within one year after the allocation of grant funding to revert to the state General Fund.

Existing law provides for a probation failure reduction incentive payment for each eligible county, and establishes 3 tiers for evaluating counties for purposes of calculating that payment. Existing law also provides high performance grants to county probation departments for purposes of bolstering practices to reduce recidivism. Existing law provides for these incentive payments and grants to be paid from the State Community Corrections Performance Incentives Fund, as specified.

Existing law appropriates \$1,000,000 from the State Community Corrections Performance Incentives Fund to the judicial branch for the costs of implementing and administering those probation failure reduction incentive payments and high performance grants, as specified. Under existing law, those funds are available for encumbrance and expenditure until June 30, 2014.

This bill would, commencing July 1, 2014, and each fiscal year thereafter, continuously appropriate \$1,000,000 from the State Community Corrections Performance Incentives Fund to the Administrative Office of the Courts for the costs of implementing and administering those probation failure reduction incentive payments and high performance grants, as specified.

Existing law allocates any moneys remaining in the State Community Corrections Performance Incentives Fund, after the calculation and award determination of each county's tier payments or high performance grant payments, to county probation departments, as specified. Specifically, existing law requires that the award amount for any county whose tier payment or high performance grant totals less than \$200,000 be increased to no more than \$200,000, as specified. Existing law also requires that the award amount for any county that has a probation failure rate that is below the statewide average be adjusted so that these counties receive no less than \$200,000, as specified.

Existing law requires that any funds remaining after the allocations described above be evenly distributed to those counties that did not receive a tier payment or a high performance grant payment, as specified.

This bill would instead require that these remaining funds, up to \$200,000 per county, be evenly distributed to those counties that did not receive a tier payment or a higher performance grant payment, as

specified, and would provide for the further distribution of any funds that remain.

Existing law establishes the State Department of State Hospitals for the administration of state hospitals and provides for the involuntary confinement of certain individuals in those state hospitals, including defendants who have been found incompetent to stand trial and defendants found to be guilty of a crime, or who have plead not guilty by reason of insanity, and found to be insane at the time he or she committed the crime. Existing law provides that the court shall order that the mentally incompetent defendant be delivered by the sheriff to a state hospital, or to any other available public or private treatment facility, including a local county jail treatment facility, approved by the community program director that will promote the defendant's speedy restoration to mental competence, or placed on outpatient status.

This bill would include the community-based residential treatment system, as described, as a public or private treatment facility to which the above provisions apply, if the facility has a secured perimeter or a locked and controlled treatment facility.

Existing law requires the court to select the state hospital in accordance with the policies established by the State Department of State Hospitals when directing that the defendant be confined in a state hospital. Under existing law, prior to admission to the Napa State Hospital or the Metropolitan State Hospital, the State Department of State Hospitals is required to evaluate each patient committed pursuant to specified provisions of law, and a patient determined to be a high-security risk is required to be treated in the department's most secure facilities, as provided. Existing law requires a court to provide copies of specified documents, including, among others, the commitment order, to be taken with the defendant to the state hospital when the court orders that a defendant be confined in a state hospital or other public or private treatment facility.

This bill would repeal the provision requiring the court to select the state hospital in accordance with the policies established by the State Department of State Hospitals when directing that the defendant be confined in a state hospital. The bill would instead require, prior to admission to the State Department of State Hospitals, the department to evaluate each patient committed pursuant to specified provisions of law to determine the placement of the patient to the appropriate state hospital. The bill would also require a court that orders that a defendant be committed to the State Department of State Hospitals or other public

or private treatment facility to provide copies of any medical records with the documents described above prior to the admission of the defendant to the department or other treatment facility where the defendant is to be committed. The bill would require the department to utilize specified documents, including those described above and any medical records, to make the appropriate placement. The bill would make conforming changes.

The bill would also require the State Department of State Hospitals to establish a Patient Management Unit (PMU) to facilitate patient movement across all facilities under the department's jurisdiction and any psychiatric programs operated by the department pursuant to a memorandum of understanding with the Department of Corrections and Rehabilitation. The PMU's responsibilities would include, among others, oversight and centralized management of patient admissions. The bill would authorize the State Department of State Hospitals to adopt regulations, as specified, concerning policies and procedures to be implemented by the PMU, including, among others, policies and procedures for patient referral to the department.

Existing law, in placing a mentally incompetent defendant, requires the community program director to evaluate the appropriate placement for the defendant between a state hospital or a local county jail treatment facility. If a local county jail treatment facility is selected, existing law requires the State Department of State Hospitals to provide treatment at the county jail treatment facility and to reimburse the county jail treatment facility for the reasonable costs of the bed during the treatment.

This bill would require the State Department of State Hospitals to provide reimbursement to the community-based residential treatment system if a mentally incompetent defendant is placed in that facility.

Existing law requires the Department of Corrections and Rehabilitation to expand substance abuse treatment services in prisons to accommodate at least 4,000 additional inmates who have histories of substance abuse, as specified.

This bill would generally require a substance abuse treatment program funded by the department and offered in a facility under the jurisdiction of the department pursuant to the provision described above to include a peer counseling component, as defined, allowing prisoners to receive the necessary training within those facilities to become certified addiction counselors, including necessary course work and clinical hours. The bill would require the department to notify in writing the Assembly and Senate Committees on Budget and the relevant Assembly

and Senate policy committees at the time the determination is made if the department determines that a peer counseling component shall not be included as part of a substance abuse treatment program offered in a facility under the department's jurisdiction.

Existing law requires offenders convicted of certain felonies to be incarcerated in state prison. Existing law authorizes the Department of Corrections and Rehabilitation to contract for the establishment and operation of community correctional reentry centers to enhance the potential for successful paroles.

This bill would require the Secretary of the Department of Corrections and Rehabilitation to establish the Case Management Reentry Pilot Program for offenders, under the jurisdiction of the department, who have been sentenced to a term of imprisonment in state prison for purposes of assisting certain inmates in reentering society upon their release from prison. The bill would require the program to be established in at least 3 counties over a period of 3 years after enactment of the budget act of 2014, and would require case management social workers to assist offenders assigned to the program in managing basic needs, as specified. The program would provide specified case management services. The bill would require the department to contract for an evaluation of the program that will assess its effectiveness in reducing recidivism among offenders transitioning from prison into the community. The bill would require the department to submit a final report to the Legislature and the Governor of the findings from its evaluation of the program not later than 3 years after the establishment of the program. Implementation of the program would be contingent upon availability of funds, as specified.

Existing law requires a supervising parole agency to notify a person classified within the highest control or risk classification that he or she is required to report to his or her assigned parole officer or designated local agency within 2 days of release from prison to parole or postrelease community supervision. Existing law requires the supervising parole agency to report a parolee's failure to report within 24 hours.

Existing law requires that the department release an inmate who is subject to these provisions and was sentenced prior to June 27, 2012, one or 2 days before his or her scheduled release date if the inmate's release date falls on the day before a holiday or weekend. Existing law requires all other inmates to be released one or 2 days after their scheduled release date if the release date falls on the day before a holiday or weekend.

This bill would instead apply the one or 2-day early release requirement to an inmate who is subject to the above provisions and was sentenced prior to January 1, 1996.

Existing law establishes the Inmate Welfare Fund of the Department of Corrections and Rehabilitation in the State Treasury. Existing law provides that the moneys in the fund constitute a trust to be used for the benefit and welfare of inmates of prisons and institutions under the jurisdiction of the department. Existing law allows the funds to be used for the establishment of canteens, hobby shops, educational programs, hobby and recreational programs, inmate family visiting services, leisure-time activities, and assistance with obtaining photo identification from the Department of Motor Vehicles. Under existing law, moneys in the fund, as they relate to state prison camps, are continuously appropriated.

This bill would additionally authorize the use of fund moneys for innovative programming by not-for-profit organizations offering programs that have demonstrated success and focus on offender responsibility and restorative justice principles, thereby making an appropriation.

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, as they relate to both adult corrections, juvenile justice, and gang problems. Existing law requires the board to seek to collect and make publicly available data and information reflecting the impact of state and community corrections, juvenile justice, and gang-related policies and practices enacted in the state, and information regarding evidence-based practices from other jurisdictions.

This bill would establish the California Juvenile Justice Data Working Group within the Board of State and Community Corrections, consisting of members comprised of representatives from, among others, the Department of Justice and the Judicial Council. The bill would require the working group to analyze the capacities and limitations of data systems and networks used to collect and report state and local juvenile justice caseload and outcome data. The bill would require the working group, no later than January 1, 2016, to prepare and submit a report to the Legislature on the options for improving interagency coordination, modernization, and upgrading of state and local juvenile justice data and information systems, as specified. The bill would also require the

working group, no later than December 31, 2014, to recommend a plan for improving current juvenile justice reporting requirements.

This bill would also require the board to administer and award mentally ill offender crime reduction grants on a competitive basis to counties that expand or establish a continuum of timely and effective responses to reduce crime and criminal justice costs related to mentally ill offenders and require those grant funds to be used to support prevention, intervention, supervision, and incarceration-based services and strategies to reduce recidivism and improve outcomes for mentally ill juvenile adults and offenders. The bill would require the board to establish minimum requirements, funding criteria, and procedures for awarding grants and would require counties applying for grant funding to comply with certain requirements, including a requirement that the county establish a strategy committee to design the grant application. The bill would require the board to develop an evaluation design for grants that assesses the effectiveness of the program and to annually report to the Legislature based on that evaluation design.

Existing law establishes the California Rehabilitation Oversight Board in the Office of the Inspector General to regularly examine and report to the Legislature and the Governor on the various mental health, substance abuse, educational, and employment programs for inmates and parolees operated by the Department of Corrections and Rehabilitation. Existing law requires the board to meet at least quarterly, and to report to the Governor and the Legislature biannually, on March 15 and September 15.

This bill would instead require the board to meet twice annually, and to report to the Governor and the Legislature annually, on September 15.

Existing law requires that a regulation adopted by the Department of Corrections and Rehabilitation that may impact the visitation of inmates recognize and consider the value of visiting as a means to improve the safety of prisons for both staff and inmates.

This bill would require the Department of Corrections and Rehabilitation to develop policies related to the department's contraband interdiction efforts for individuals entering detention facilities under the jurisdiction of the department. The bill would require that these policies, among other requirements, apply to all individuals, use methods to ensure that profiling is not practiced, and establish a method that ensures that no one, except as specified, has advance notice of when a random search is scheduled.

Existing law appropriates \$300,000,000 from the General Fund for capital outlay to be allocated to renovate, improve, or expand infrastructure capacity at existing prison facilities. Existing law authorizes the funds to be used for specified additional purposes, including design and construction of improvements to dental facilities and medication distribution facilities at state prisons, as specified.

This bill would also authorize the use of these funds for the design and construction of projects in the Health Care Facility Improvement Program at state prison facilities, thereby making it an appropriation.

Existing law establishes in the State Treasury the Local Revenue Fund 2011, a continuously appropriated fund, and requires that moneys in the fund be allocated exclusively for public safety services, as defined. Existing law further establishes the Law Enforcement Services Account within that fund, and creates the Enhancing Law Enforcement Activities Subaccount within the Law Enforcement Services Account.

Existing law allocates moneys in the subaccount for county sheriffs' departments, and, among other things, various crime reduction programs, including the High Technology Theft Apprehension and Prosecution Program, among others.

This bill would revise the percentage of funds to be allocated for the High Technology Theft Apprehension and Prosecution Program from the Enhancing Law Enforcement Activities Subaccount.

Existing law establishes the Gang Violence Suppression Program in the Board of State and Community Corrections for financial and technical assistance to district attorneys' offices, local law enforcement agencies, county probation departments, school districts, county offices of education, and community-based organizations which are primarily engaged in the suppression of gang violence. Existing law prohibits funds made available pursuant to these provisions from being used to supplant local funds that would, in the absence of the Gang Violence Suppression Program, be made available to support the activities specified in these provisions establishing the program.

This bill would instead prohibit these funds from being used by local agencies to supplant other funding for Public Safety Services, as defined.

Existing law authorizes the Director of the California Conservation Corps, implementing the California Conservation Corps program, to recruit and employ corpsmembers and to adopt criteria for employment in the program.

This bill would instead authorize the director to recruit and enroll corpsmembers and to adopt criteria for selecting applicants for

enrollment, including individuals convicted of a crime described in the California Uniform Controlled Substances Act. The director would be required, when adopting this criteria, to take specified factors into account.

Existing law establishes the Youthful Offender Block Grant Program to enhance the capacity of county departments to provide appropriate rehabilitative and supervision services to youthful offenders. Existing law requires the Director of Finance to annually determine the total amount of the block grant and the allocation for each county, and to report those findings to the Controller who then makes an allocation to each county from the Youthful Offender Block Grant Special Account. Under existing law, 50% of the allocation amount for each county is based on the number of the county's juvenile felony court dispositions, according to the most recent data compiled by the Department of Justice.

This bill would instead require, for purposes of determining this allocation amount, the Department of Justice to provide to the Department of Finance the number of juvenile felony court dispositions for each county for the previous calendar year by July 10 of each year.

Existing law requires the establishment of a Juvenile Reentry Fund in each county to receive all amounts allocated to that county probation department to address local program needs for persons discharged from the custody of the Division of Juvenile Facilities. Existing law prohibits these funds from being used to supplant any existing funding by local agencies for existing services provided by that entity.

This bill would instead prohibit these funds from being used by local agencies to supplant other funding for Public Safety Services, as defined.

Existing law establishes the Juvenile Reentry Grant to provide for the local supervision of persons discharged from the custody of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities. Existing law requires that 5.519% of the funds allocated to the Juvenile Justice Subaccount from the Local Revenue Fund 2011 be deposited to the Juvenile Reentry Grant Special Account to be used to fund grants for these purposes and requires the amount allocated to each county probation department from the Juvenile Reentry Grant Special Account be distributed pursuant to specified criteria.

This bill would require the Department of Finance to use this criteria to determine each county's allocation as a percentage of the funds deposited in the Juvenile Reentry Grant Special Account and would provide that actual allocations provided to counties pursuant to the

criteria would vary under the bill based on the amount of funds deposited in the Juvenile Reentry Grant Special Account.

Existing law provides for state hospitals for the care, treatment, and education of mentally disordered persons, which are under the jurisdiction of the State Department of State Hospitals.

This bill would require the Secretary of California Health and Human Services to submit a report and recommendations to the fiscal and appropriate policy committees of the Legislature reviewing and evaluating best practices and strategies, including independent oversight, for effectively and sustainably addressing the employee discipline process, criminal and major incident investigations, and the use of force within state hospitals and psychiatric programs run by the State Department of State Hospitals. The bill would authorize the secretary to consult with the Department of the California Highway Patrol, the Department of Corrections and Rehabilitation, the Office of the Inspector General, and other resources in the development of the report and recommendations.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Under existing law, an individual is ineligible for aid if the individual has been convicted in state or federal court after December 31, 1997, of any offense classified as a felony and that has as an element the possession, use, or distribution of a controlled substance.

This bill would, beginning April 1, 2015, authorize CalWORKs benefits to be paid to an individual who is convicted as an adult in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance, as defined. If the person is on probation or parole and is ineligible for aid due to violating a condition of probation or parole or fleeing to avoid prosecution or custody and confinement, he or she would be ineligible for CalWORKs benefits until he or she is no longer in violation of probation or parole or a fleeing felon.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Under existing law, a person

convicted of specified drug offenses, including transporting, selling, furnishing, administering, giving away, possessing for sale, purchasing for purpose of sale, or manufacturing a controlled substance, is ineligible to receive CalFresh benefits. Existing law authorizes the payment of CalFresh benefits to other convicted drug felons who have participated in, or are on the waiting list for, a drug treatment program, or who can show other evidence that the illegal use of controlled substances has ceased.

This bill would, beginning April 1, 2015, authorize CalFresh benefits to be paid to an individual who is convicted as an adult in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance, as defined. If the person is on probation or parole and is ineligible for aid due to violating a condition of probation or fleeing to avoid prosecution or custody and confinement, he or she would be ineligible for CalFresh benefits until he or she is no longer in violation of probation or parole or a fleeing felon. By requiring local agencies to provide a higher level of service, this bill would impose a state-mandated local program.

Until January 1, 2016, the bill would, notwithstanding certain rulemaking provisions of the Administrative Procedure Act, authorize the department to implement and administer the provisions described above relating to CalWORKs and CalFresh by all-county letters or similar instructions. The bill would require those all-county letters or similar instructions to be developed in consultation with the Chief Probation Officers of California, the County Welfare Directors Association of California, and client advocates.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

By authorizing additional payments from a continuously appropriated fund, the bill would make an appropriation.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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.

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

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) The state has provided counties with the opportunity to
4 receive lease revenue bond financing to improve local correctional
5 facilities.

6 (2) However, for the construction of certain county in-custody
7 mental health treatment and rehabilitation facilities, where the state
8 portion of construction would be minor, state lease revenue
9 financing may not be an appropriate mechanism.

10 (3) As the largest local correctional and justice system in the
11 nation, it is important to explore improvements to the county's
12 efforts to improve mental health treatment and maximize the efforts
13 to improve criminal justice outcomes and reduce recidivism.

14 (b) The Department of Finance, in consultation with the County
15 of Los Angeles, shall identify options for ways the state may assist
16 in addressing the mental health and health infrastructure needs of
17 the County of Los Angeles jail system, and to report its findings
18 to the Joint Legislative Budget Committee on or before January
19 15, 2015.

20 SEC. 2. Section 12803 of the Government Code is amended
21 to read:

22 12803. (a) The California Health and Human Services Agency
23 consists of the following departments: Aging; Community Services
24 and Development; Developmental Services; Health Care Services;
25 Managed Health Care; Public Health; Rehabilitation; Social
26 Services; and State Hospitals.

27 (b) The agency also includes the Emergency Medical Services
28 Authority, the Managed Risk Medical Insurance Board, the Office
29 of Health Information Integrity, the Office of Patient Advocate,
30 the Office of Statewide Health Planning and Development, the
31 Office of Systems Integration, the Office of Law Enforcement
32 Support, and the State Council on Developmental Disabilities.

1 (c) The Department of Child Support Services is hereby created
2 within the agency commencing January 1, 2000, and shall be the
3 single organizational unit designated as the state's Title IV-D
4 agency with the responsibility for administering the state plan and
5 providing services relating to the establishment of paternity or the
6 establishment, modification, or enforcement of child support
7 obligations as required by Section 654 of Title 42 of the United
8 States Code. State plan functions shall be performed by other
9 agencies as required by law, by delegation of the department, or
10 by cooperative agreements.

11 SEC. 3. Section 15820.92 of the Government Code is amended
12 to read:

13 15820.92. For purposes of this chapter, "participating county"
14 means any county, or regional consortium of counties, within the
15 state that has been certified to the State Public Works Board (the
16 board) by the Board of State and Community Corrections (BSCC)
17 as having satisfied all of the requirements set forth in Section
18 15820.925 for financing an adult local criminal justice facility
19 pursuant to this chapter. For purposes of this chapter, an adult local
20 criminal justice facility may include any custodial housing, reentry,
21 program, mental health, or treatment space necessary to manage
22 the adult offender population consistent with the legislative intent
23 described in Sections 17.5 and 3450 of the Penal Code under the
24 jurisdiction of the sheriff or county department of corrections, as
25 may be applicable, to be further defined by the BSCC in duly
26 adopted regulations.

27 (a) The BSCC or the California Department of Corrections and
28 Rehabilitation (CDCR), a participating county, and the board are
29 authorized to acquire, design, and construct an adult local criminal
30 justice facility approved by the BSCC pursuant to Section
31 15820.925, or to acquire a site or sites owned by, or subject to a
32 lease or option to purchase held by, a participating county. For the
33 purposes of this chapter, acquisition shall include, but is not limited
34 to, acquisition of completed facilities through a build-to-suit
35 purchase. Facilities financed pursuant to this chapter may be
36 delivered through either a design-bid-build or a design-build
37 process. The ownership interest of a participating county in the
38 site or sites for an adult local criminal justice facility shall be
39 determined by the board to be adequate for purposes of its
40 financing in order to be eligible under this chapter.

1 (b) Notwithstanding Section 14951, the participating county
2 may assign an inspector during the construction of the adult local
3 criminal justice facility.

4 (c) The BSCC or the CDCR, a participating county, and the
5 board shall enter into an agreement for each adult local criminal
6 justice facility that shall provide, at a minimum, performance
7 expectations of the parties related to the acquisition, design, and
8 construction, including, without limitation, renovation, of the adult
9 local criminal justice facility; guidelines and criteria for use and
10 application of the proceeds of revenue bonds, notes, or bond
11 anticipation notes issued by the board to pay for the cost of the
12 approved adult local criminal justice facility; and ongoing
13 maintenance and staffing responsibilities for the term of the
14 financing.

15 (d) The agreement shall include a provision that the participating
16 county agrees to indemnify, defend, and hold harmless the State
17 of California for any and all claims and losses arising out of the
18 acquisition, design, and construction of the adult local criminal
19 justice facility. The agreement may also contain additional terms
20 and conditions that facilitate the financing by the board.

21 (e) The scope and cost of the adult local criminal justice facilities
22 shall be subject to approval and administrative oversight by the
23 board.

24 (f) For purposes of compliance with the California
25 Environmental Quality Act (Division 13 (commencing with Section
26 21000) of the Public Resources Code), neither the board, nor the
27 BSCC or the CDCR, shall be deemed a lead or responsible agency
28 and the participating county shall be the lead agency.

29 SEC. 4. Section 15820.921 of the Government Code is amended
30 to read:

31 15820.921. Upon a participating county's receipt of responsive
32 construction bids or design-build proposals, or a participating
33 county's notification to the board of its intent to exercise a purchase
34 option, the board and the BSCC or the CDCR may borrow funds
35 for project costs after the adult local criminal justice facility has
36 been certified pursuant to Section 15820.92 from the Pooled Money
37 Investment Account pursuant to Sections 16312 and 16313, or
38 from any other appropriate source. In the event any of the revenue
39 bonds, notes, or bond anticipation notes authorized by this chapter
40 are not sold, the BSCC or the CDCR shall commit a sufficient

1 amount of its support appropriation to repay any loans made for
2 an approved adult local criminal justice facility.

3 SEC. 5. Section 15820.924 of the Government Code is amended
4 to read:

5 15820.924. With the consent of the board, the BSCC or the
6 CDCR and a participating county are authorized to enter into leases
7 or subleases, as lessor or lessee, for any property or approved adult
8 local criminal justice facility and are further authorized to enter
9 into contracts or other agreements for the use, maintenance, and
10 operation of the adult local criminal justice facility in order to
11 facilitate the financing authorized by this chapter. In those leases,
12 subleases, or other agreements, the participating county shall agree
13 to indemnify, defend and hold harmless the State of California for
14 any and all claims and losses accruing and resulting from or arising
15 out of the participating county’s use and occupancy of the adult
16 local criminal justice facility.

17 SEC. 6. Chapter 3.131 (commencing with Section 15820.93)
18 is added to Part 10b of Division 3 of Title 2 of the Government
19 Code, to read:

20

21 CHAPTER 3.131. FINANCING OF LOCAL CRIMINAL JUSTICE
22 FACILITIES

23

24 15820.93. (a) For purposes of this chapter, “participating
25 county” means a county, city and county, or regional consortium
26 of counties, within the state that has been certified to the State
27 Public Works Board (board) by the Board of State and Community
28 Corrections (BSCC) as having satisfied all of the requirements set
29 forth in Section 15820.935 for financing an adult local criminal
30 justice facility pursuant to this chapter.

31 (b) (1) For purposes of this chapter, an adult local criminal
32 justice facility may include improved housing with an emphasis
33 on expanding program and treatment space as necessary to manage
34 the adult offender population consistent with the legislative intent
35 described in Sections 17.5 and 3450 of the Penal Code under the
36 jurisdiction of the sheriff or county department of corrections, as
37 may be applicable, to be further defined by the BSCC in duly
38 adopted regulations.

39 (2) For purposes of this chapter, an adult local criminal justice
40 facility may also include custodial housing, reentry, program,

1 mental health, or treatment space necessary to manage the adult
2 offender population, consistent with the legislative intent described
3 in Sections 17.5 and 3450 of the Penal Code, under the jurisdiction
4 of the sheriff or county department of corrections, as may be
5 applicable, to be further defined by the BSCC in duly adopted
6 regulations.

7 15820.930. (a) The BSCC or the Department of Corrections
8 and Rehabilitation (CDCR), a participating county, and the board
9 are authorized to acquire, design, and construct an adult local
10 criminal justice facility approved by the BSCC pursuant to Section
11 15820.935, or to acquire a site or sites owned by, or subject to a
12 lease or option to purchase held by, a participating county. For the
13 purposes of this chapter, acquisition shall include, but is not limited
14 to, acquisition of completed facilities through a build-to-suit
15 purchase. Facilities financed pursuant to this chapter may be
16 delivered through either a design-bid-build or a design-build
17 process. The ownership interest of a participating county in the
18 site or sites for an adult local criminal justice facility shall be
19 determined by the board to be adequate for purposes of its
20 financing in order to be eligible under this chapter.

21 (b) Notwithstanding Section 14951, the participating county
22 may assign an inspector during the construction of the adult local
23 criminal justice facility.

24 (c) The BSCC or the CDCR, a participating county, and the
25 board shall enter into an agreement for each adult local criminal
26 justice facility that shall provide, at a minimum, performance
27 expectations of the parties related to the acquisition, design, and
28 construction, including, without limitation, renovation, of the adult
29 local criminal justice facility; guidelines and criteria for use and
30 application of the proceeds of revenue bonds, notes, or bond
31 anticipation notes issued by the board to pay for the cost of the
32 approved adult local criminal justice facility; and ongoing
33 maintenance and staffing responsibilities for the term of the
34 financing.

35 (d) The agreement shall include a provision that the participating
36 county agrees to indemnify, defend, and hold harmless the State
37 of California for any and all claims and losses arising out of the
38 acquisition, design, and construction of the adult local criminal
39 justice facility. The agreement may also contain additional terms
40 and conditions that facilitate the financing by the board.

1 (e) The scope and cost of the adult local criminal justice facilities
2 shall be subject to approval and administrative oversight by the
3 board.

4 (f) For purposes of compliance with the California
5 Environmental Quality Act (Division 13 (commencing with Section
6 21000) of the Public Resources Code), neither the board nor the
7 BSCC or the CDCR shall be deemed a lead or responsible agency
8 and the participating county shall be the lead agency.

9 15820.931. Upon a participating county's receipt of responsive
10 construction bids or design-build proposals, or a participating
11 county's notification to the board of its intent to exercise a purchase
12 option, and after the adult local criminal justice facility has been
13 certified pursuant to Section 15820.93, the board and the BSCC
14 or the CDCR may borrow funds for project costs from the Pooled
15 Money Investment Account pursuant to Sections 16312 and 16313,
16 or from any other appropriate source. In the event any of the
17 revenue bonds, notes, or bond anticipation notes authorized by
18 this chapter are not sold, the BSCC or the CDCR shall commit a
19 sufficient amount of its support appropriation to repay any loans
20 made for an approved adult local criminal justice facility.

21 15820.932. (a) The board may issue up to five hundred million
22 dollars (\$500,000,000) in revenue bonds, notes, or bond
23 anticipation notes, pursuant to Chapter 5 (commencing with Section
24 15830) to finance the acquisition, design, and construction,
25 including, without limitation, renovation, and a reasonable
26 construction reserve, of approved adult local criminal justice
27 facilities described in Section 15820.930, and any additional
28 amount authorized under Section 15849.6 to pay for the cost of
29 financing.

30 (b) Proceeds from the revenue bonds, notes, or bond anticipation
31 notes may be used to reimburse a participating county for the costs
32 of acquisition, design, and construction, including, without
33 limitation, renovation, for approved adult local criminal justice
34 facilities.

35 (c) Notwithstanding Section 13340, funds derived pursuant to
36 this section and Section 15820.931 are continuously appropriated
37 for purposes of this chapter.

38 15820.933. In support of this state financing, the Legislature
39 finds and declares all of the following:

1 (a) California’s current challenges in managing jail populations
2 follow decades of overcrowded and aging jails, and piecemeal,
3 erratic, and incomplete responses to dealing with these problems.
4 Reversing course will require sustainable solutions that must
5 include sound planning and implementation, and must be grounded
6 in the principle that jail resources must be well-planned and
7 employed efficiently and effectively to prevent overcrowding and
8 promote public safety through the broader use of evidence-based
9 practices and policies in the criminal justice system.

10 (b) California needs a long-term, statewide strategy to effectively
11 manage its jail population and jail resources. Without an ongoing
12 analytical framework for taking into account factors such as
13 population growth, criminogenic needs of the current and future
14 jail populations, crime rates, custodial housing needs, and
15 additional changes to realignment or sentencing laws and practices,
16 California will continue to resort to reactive, fragmentary fixes to
17 its jail condition and capacity problems instead of being fully
18 prepared to develop an effective and sustainable system of local
19 custodial facilities.

20 (c) The county adult criminal justice system needs improved
21 housing with an emphasis on expanding program and treatment
22 space to manage the adult offender population under its jurisdiction.

23 (d) Improved county adult criminal justice housing with an
24 emphasis on expanding program and treatment space will enhance
25 public safety throughout the state by providing increased access
26 to appropriate programs or treatment.

27 (e) By improving county adult criminal justice housing with an
28 emphasis on expanding program and treatment space, this financing
29 will serve a critical state purpose by promoting public safety.

30 (f) This purpose represents valuable consideration in exchange
31 for this state action.

32 15820.934. With the consent of the board, the BSCC or the
33 CDCR and a participating county are authorized to enter into leases
34 or subleases, as lessor or lessee, for any property or approved adult
35 local criminal justice facility and are further authorized to enter
36 into contracts or other agreements for the use, maintenance, and
37 operation of the adult local criminal justice facility in order to
38 facilitate the financing authorized by this chapter. In those leases,
39 subleases, or other agreements, the participating county shall agree
40 to indemnify, defend, and hold harmless the State of California

1 for any and all claims and losses accruing and resulting from or
2 arising out of the participating county's use and occupancy of the
3 adult local criminal justice facility.

4 15820.935. (a) The BSCC shall adhere to its duly adopted
5 regulations for the approval or disapproval of adult local criminal
6 justice facilities. The BSCC shall also consider cost-effectiveness
7 in determining approval or disapproval. No state moneys shall be
8 encumbered in contracts let by a participating county until one of
9 the following occur:

10 (1) Final architectural plans and specifications have been
11 approved by the BSCC, and subsequent construction bids have
12 been received.

13 (2) Documents prepared by a participating county pursuant to
14 paragraph (1) of subdivision (d) of Section 20133 of the Public
15 Contract Code have been approved by the BSCC, and subsequent
16 design-build proposals have been received pursuant to that section.

17 (3) The participating county has notified the board of its intent
18 to exercise an option to purchase the completed facility pursuant
19 to Section 15820.931.

20 (b) The review and approval of plans, specifications, or other
21 documents by the BSCC are for the purpose of ensuring the proper
22 administration of moneys and the determination of whether the
23 adult local criminal justice facility specifications comply with law
24 and regulation. The BSCC may require changes in construction
25 materials to enhance safety and security if materials proposed at
26 the time of final plans and specifications are not essential and
27 customary as used statewide for facilities of the same security
28 level. Participating counties are responsible for the acquisition,
29 design, construction, staffing, operation, repair, and maintenance
30 of the adult local criminal justice facility.

31 (c) The BSCC shall establish minimum standards, funding
32 schedules, and procedures, which shall take into consideration,
33 but not be limited to, the following:

34 (1) Certification by a participating county of control of the adult
35 local criminal justice facility site through either fee simple
36 ownership of the site or comparable long-term possession of the
37 site, and right of access to the adult local criminal justice facility
38 sufficient to ensure undisturbed use and possession.

1 (2) Documentation of the need for improved adult local criminal
2 justice facility housing with an emphasis on expanded program
3 and treatment space.

4 (3) A written adult local criminal justice facility proposal.

5 (4) Submission of a staffing plan for the adult local criminal
6 justice facility, including operational cost projections and
7 documentation that the adult local criminal justice facility will be
8 able to be safely staffed and operated within 90 days of completion,
9 as may be applicable.

10 (5) Submission of architectural drawings, which shall be
11 approved by the BSCC for compliance with minimum adult
12 detention facility standards and which shall also be approved by
13 the State Fire Marshal for compliance with fire safety and life
14 safety requirements.

15 (6) Documentation evidencing compliance with the California
16 Environmental Quality Act (CEQA).

17 (7) Provisions intended to maintain the tax-exempt status of the
18 bonds, notes, or bond anticipation notes issued by the board.

19 15820.936. (a) The participating county contribution for adult
20 local criminal justice facilities financed under this chapter shall
21 be a minimum of 10 percent of the total project costs. The BSCC
22 may reduce contribution requirements for participating counties
23 with a general population below 200,000 upon petition by a
24 participating county to the BSCC requesting a lower level of
25 contribution.

26 (b) The BSCC shall determine the funding and scoring criteria.
27 The BSCC may consider award history in Chapters 3.11 to 3.13,
28 inclusive, in its scoring of adult local criminal justice facilities
29 applications. The funding criteria shall include, as a mandatory
30 criterion, documentation of the percentage of pretrial inmates in
31 the county jail from January 1, 2013, to December 31, 2013,
32 inclusive, and a description of the county's current
33 risk-assessment-based pretrial release program. Funding preference
34 shall also be given to counties that are most prepared to proceed
35 successfully with this financing in a timely manner. The
36 determination of preparedness to proceed shall include the
37 following:

38 (1) Counties providing a board of supervisors' resolution
39 authorizing an adequate amount of available matching funds to
40 satisfy the counties' contribution and approving the forms of the

1 project documents deemed necessary, as identified by the board
 2 to the BSCC, to effectuate the financing authorized by this chapter,
 3 and authorizing the appropriate signatory or signatories to execute
 4 those documents at the appropriate times. The identified matching
 5 funds in the resolution shall be compatible with the state’s lease
 6 revenue bond financing.

7 (2) Counties providing documentation evidencing CEQA
 8 compliance has been completed. Documentation of CEQA
 9 compliance shall be either a final Notice of Determination or a
 10 final Notice of Exemption, as appropriate, and a letter from county
 11 counsel certifying the associated statute of limitations has expired
 12 and either no challenges were filed or identifying any challenges
 13 filed and explaining how they have been resolved in a manner that
 14 allows the project to proceed as proposed.

15 (c) Funding consideration shall be given to counties that are
 16 seeking to replace compacted, outdated, or unsafe housing capacity
 17 or are seeking to renovate existing or build new facilities that
 18 provide adequate space for the provision of treatment and
 19 rehabilitation services, including mental health treatment.

20 (d) A participating county may replace existing housing
 21 capacity, realizing only a minimal increase of capacity, using this
 22 financing authority if the requesting county clearly documents an
 23 existing housing capacity deficiency.

24 SEC. 7. Section 30062 of the Government Code is amended
 25 to read:

26 30062. (a) Except as required by paragraphs (1), (2), and (4)
 27 of subdivision (b) of Section 30061, moneys allocated from a
 28 Supplemental Law Enforcement Services Account (SLESA) to a
 29 recipient entity shall be expended exclusively to provide front line
 30 law enforcement services. These moneys shall not be used by local
 31 agencies to supplant other funding for Public Safety Services, as
 32 defined in Section 36 of Article XIII of the California Constitution.
 33 Moneys allocated pursuant to paragraph (4) of subdivision (b) of
 34 Section 30061 shall not be used by local agencies to supplant other
 35 funding for Public Safety Services, as defined in Section 36 of
 36 Article XIII of the California Constitution.

37 (b) In the Counties of Los Angeles, Orange, and San Diego
 38 only, the district attorney may, in consultation with city attorneys
 39 in the county, determine a prorated share of the moneys received
 40 by the district attorney pursuant to this section to be allocated to

1 city attorneys in the county in each fiscal year to fund the
2 prosecution by those city attorneys of misdemeanor violations of
3 state law.

4 (c) In no event shall any moneys allocated from the county's
5 SLESA be expended by a recipient agency to fund any of the
6 following:

7 (1) Administrative overhead costs in excess of 0.5 percent of a
8 recipient entity's SLESA allocation for that year.

9 (2) The costs of any capital project or construction project
10 funded from moneys allocated pursuant to paragraph (3) of
11 subdivision (b) of Section 30061 that does not directly support
12 front line law enforcement services.

13 (3) The costs of any capital project or construction project
14 funded from moneys allocated pursuant to paragraph (4) of
15 subdivision (b) of Section 30061.

16 (d) For purposes of subdivision (c), both of the following shall
17 apply:

18 (1) A "recipient agency" or "recipient entity" is that entity that
19 actually incurs the expenditures of SLESA funds allocated pursuant
20 to paragraph (1), (2), (3), or (4) of subdivision (b) of Section 30061.

21 (2) Administrative overhead costs shall only be charged by the
22 recipient entity, as defined in paragraph (1), up to 0.5 percent of
23 its SLESA allocation.

24 (e) For purposes of this chapter, "front line law enforcement
25 services" and "front line municipal police services" each include
26 antigang, community crime prevention, and juvenile justice
27 programs.

28 SEC. 8. Section 30070 of the Government Code is amended
29 to read:

30 30070. (a) For the 2011–12 fiscal year, the program authorized
31 by this chapter shall be funded from the Local Law Enforcement
32 Services Account in the Local Revenue Fund 2011. The Controller
33 shall, on a quarterly basis, beginning on October 1, 2011, allocate
34 4.07 percent of the moneys annually deposited in the Local Law
35 Enforcement Services Account. Commencing with the 2012–13
36 fiscal year, the program authorized by this chapter shall be funded
37 from the Enhancing Law Enforcement Activities Subaccount in
38 the Local Revenue Fund 2011. Subsequent to the allocation
39 described in subdivision (c) of Section 29552, the Controller shall
40 allocate 4.06682787 percent of the remaining moneys annually

1 deposited in the Enhancing Law Enforcement Activities
 2 Subaccount in the Local Revenue Fund 2011. Commencing with
 3 the 2013–14 fiscal year, subsequent to the allocation described in
 4 subdivision (d) of Section 29552, the Controller shall allocate
 5 4.06682787 percent of the remaining moneys annually deposited
 6 in the Enhancing Law Enforcement Activities Subaccount in the
 7 Local Revenue Fund 2011. Funds shall be allocated in monthly
 8 installments to county sheriffs’ departments to enhance law
 9 enforcement efforts in the counties specified in paragraphs (1) to
 10 (37), inclusive, according to the following schedule:

11		
12	(1) Alpine County	2.7027%
13	(2) Amador County	2.7027%
14	(3) Butte County	2.7027%
15	(4) Calaveras County	2.7027%
16	(5) Colusa County	2.7027%
17	(6) Del Norte County	2.7027%
18	(7) El Dorado County	2.7027%
19	(8) Glenn County	2.7027%
20	(9) Humboldt County	2.7027%
21	(10) Imperial County	2.7027%
22	(11) Inyo County	2.7027%
23	(12) Kings County	2.7027%
24	(13) Lake County	2.7027%
25	(14) Lassen County	2.7027%
26	(15) Madera County	2.7027%
27	(16) Marin County	2.7027%
28	(17) Mariposa County	2.7027%
29	(18) Mendocino County	2.7027%
30	(19) Merced County	2.7027%
31	(20) Modoc County	2.7027%
32	(21) Mono County	2.7027%
33	(22) Napa County	2.7027%
34	(23) Nevada County	2.7027%
35	(24) Placer County	2.7027%
36	(25) Plumas County	2.7027%
37	(26) San Benito County	2.7027%
38	(27) San Luis Obispo County	2.7027%
39	(28) Santa Cruz County	2.7027%
40	(29) Shasta County	2.7027%

1	(30) Sierra County	2.7027%
2	(31) Siskiyou County	2.7027%
3	(32) Sutter County	2.7027%
4	(33) Tehama County	2.7027%
5	(34) Trinity County	2.7027%
6	(35) Tuolumne County	2.7027%
7	(36) Yolo County	2.7027%
8	(37) Yuba County	2.7027%

9

10 (b) Funds allocated pursuant to this section shall not be used by
11 local agencies to supplant other funding for Public Safety Services,
12 as defined in Section 36 of Article XIII of the California
13 Constitution.

14 (c) The funds allocated pursuant to this section may not be used
15 for any video surveillance or monitoring of the general public.

16 SEC. 9. Section 69927 is added to the Government Code, to
17 read:

18 69927. It is the intent of the Legislature to establish a process
19 and funding mechanism for sheriffs that overall incur increased
20 trial court security costs as a result of court construction projects
21 that had an occupancy date on or after October 9, 2011.

22 (a) Funding for increased trial court security costs pursuant to
23 this section shall be funded by the General Fund, subject to an
24 annual appropriation by the Legislature.

25 (b) Counties that demonstrate increased trial court security costs
26 incurred by the sheriff as a result of court construction projects
27 that had an occupancy date on or after October 9, 2011, may
28 request funding pursuant to this section.

29 (1) Requests shall be submitted to the Department of Finance,
30 and shall include, but not be limited to, information described in
31 subdivision (d).

32 (c) Counties shall assess and identify key, quantifiable
33 differences between the previous court facility or facilities and the
34 new or replacement facility that impose a measurable and higher
35 level of court security costs incurred by the sheriff.

36 (d) In evaluating requests, the Department of Finance shall
37 consider on a case-by-case basis relevant factors, including, but
38 not limited to:

39 (1) Changes in court security due to the consolidation of court
40 facilities.

- 1 (2) Changes in overall court security costs due to the
2 consolidation of court facilities.
- 3 (3) The square footage of the facility that is accessible to the
4 public.
- 5 (4) Other design considerations, such as multiple floors or the
6 distance between entry points and courtrooms.
- 7 (5) The number of courtrooms compared to previous courtrooms.
- 8 (6) The case types and time spent on various case types being
9 heard in the new facility as compared to the previous facility or
10 facilities.
- 11 (7) The addition of holding cells and the escorting of inmates
12 within the court facility.
- 13 (8) The number of public entrances and security screening
14 stations.
- 15 (9) The presence of a security monitor or control panel.
- 16 (10) The presence, location, and expected utilization of jury
17 assembly rooms and juries.
- 18 (11) Historical court security staffing and the use of deputies
19 or court attendants.
- 20 (12) Personnel costs for sheriff deputies and court attendant
21 staff within the county.
- 22 (13) The population of the county.
- 23 (e) In evaluating the number of courtrooms under paragraph (5)
24 of subdivision (d), the addition of courtrooms for new judgeships
25 that have not been both authorized and funded may be excluded.
- 26 (f) The Director of Finance, in his or her discretion, may limit
27 the amount of funding provided within the annual appropriation.
- 28 (g) Funds authorized pursuant to this section shall be used
29 exclusively to fund trial court security provided by county sheriffs.
30 No general county administrative costs may be paid with the funds
31 provided, including, but not limited to, the costs of administering
32 the funds received pursuant to this section.
- 33 (h) Requests received by the Department of Finance shall be
34 evaluated as expeditiously as possible.
- 35 (i) Requests approved by the Department of Finance shall be
36 considered ongoing, subject to an annual appropriation by the
37 Legislature. The appropriation shall be adjusted annually by a rate
38 commensurate with the growth in the Trial Court Security Growth
39 Subaccount in the prior fiscal year.

1 SEC. 10. Section 1251.4 is added to the Health and Safety
2 Code, to read:

3 1251.4. (a) Notwithstanding any other law, upon application
4 of the Department of Corrections and Rehabilitation, the
5 department shall change the license category of a general acute
6 care hospital licensed to the Department of Corrections and
7 Rehabilitation to a correctional treatment center license. No
8 licensing inspection is required for this change of license category.

9 (b) Notwithstanding any other law, upon application of the
10 Department of Corrections and Rehabilitation, the department shall
11 change the license category of a general acute care hospital or any
12 other licensed health facility located on the grounds of a prison to
13 a correctional treatment center license regardless of the location
14 of the buildings included in those licenses. No licensing inspection
15 is required for this change of license category.

16 SEC. 11. Section 17.7 is added to the Penal Code, to read:

17 17.7. The Legislature finds and declares the following:

18 (a) Strategies supporting reentering offenders through practices
19 and programs, such as standardized risk and needs assessments,
20 transitional community housing, treatment, medical and mental
21 health services, and employment, have been demonstrated to
22 significantly reduce recidivism among offenders in other states.

23 (b) Improving outcomes among offenders reentering the
24 community after serving time in a correctional facility will promote
25 public safety and will reduce California's prison and jail
26 populations.

27 (c) Establishing a California reentry program that encompasses
28 strategies known to reduce recidivism warrants a vigorous
29 short-term startup in the 2014–15 fiscal year using readily available
30 resources in the community, and a comprehensive long-term
31 development plan for future budget years designed to expand the
32 availability, impact, and sustainability of these strategies as further
33 community partnerships are identified and developed.

34 SEC. 12. Section 667.2 is added to the Penal Code, to read:

35 667.2. (a) The Legislature finds and declares that assisting
36 offenders released pursuant to Proposition 36, adopted at the
37 November 6, 2012, statewide general election, with their transition
38 back into communities will increase the offenders' likelihood of
39 successful reintegration.

1 (b) Subject to the availability of funding for and space in the
2 programs and services, the Department of Corrections and
3 Rehabilitation may provide programs and services, including, but
4 not limited to, transitional housing, mental health, and substance
5 abuse treatment to an offender who is released from the
6 department's custody and satisfies both of the following conditions:

7 (1) The offender is released pursuant to any of the following
8 provisions, as they were amended or added by Sections 2 to 6,
9 inclusive, of Proposition 36, as adopted at the November 6, 2012,
10 statewide general election:

11 (A) Section 667.

12 (B) Section 667.1.

13 (C) Section 1170.12.

14 (D) Section 1170.125.

15 (E) Section 1170.126.

16 (2) The offender is not subject to either of the following:

17 (A) Parole pursuant to Article 3 (commencing with Section
18 3040) of Chapter 8 of Title 1 of Part 3.

19 (B) Postrelease community supervision pursuant to Title 2.05
20 (commencing with Section 3450) of Part 3.

21 (c) (1) The Department of Corrections and Rehabilitation, in
22 consultation with the Administrative Office of the Courts, shall
23 establish a referral process for offenders described in subdivision
24 (b) to participate in programs and receive services that the
25 department has existing contracts to provide.

26 (2) The Administrative Office of the Courts shall inform courts
27 of the availability of the programs and services described in this
28 section.

29 SEC. 13. Section 830.3 of the Penal Code, as added by Section
30 38 of Chapter 515 of the Statutes of 2013, is amended to read:

31 830.3. The following persons are peace officers whose authority
32 extends to any place in the state for the purpose of performing
33 their primary duty or when making an arrest pursuant to Section
34 836 as to any public offense with respect to which there is
35 immediate danger to person or property, or of the escape of the
36 perpetrator of that offense, or pursuant to Section 8597 or 8598 of
37 the Government Code. These peace officers may carry firearms
38 only if authorized and under those terms and conditions as specified
39 by their employing agencies:

1 (a) Persons employed by the Division of Investigation of the
2 Department of Consumer Affairs and investigators of the Board
3 of Dental Examiners, who are designated by the Director of
4 Consumer Affairs, provided that the primary duty of these peace
5 officers shall be the enforcement of the law as that duty is set forth
6 in Section 160 of the Business and Professions Code.

7 (b) Voluntary fire wardens designated by the Director of
8 Forestry and Fire Protection pursuant to Section 4156 of the Public
9 Resources Code, provided that the primary duty of these peace
10 officers shall be the enforcement of the law as that duty is set forth
11 in Section 4156 of that code.

12 (c) Employees of the Department of Motor Vehicles designated
13 in Section 1655 of the Vehicle Code, provided that the primary
14 duty of these peace officers shall be the enforcement of the law as
15 that duty is set forth in Section 1655 of that code.

16 (d) Investigators of the California Horse Racing Board
17 designated by the board, provided that the primary duty of these
18 peace officers shall be the enforcement of Chapter 4 (commencing
19 with Section 19400) of Division 8 of the Business and Professions
20 Code and Chapter 10 (commencing with Section 330) of Title 9
21 of Part 1.

22 (e) The State Fire Marshal and assistant or deputy state fire
23 marshals appointed pursuant to Section 13103 of the Health and
24 Safety Code, provided that the primary duty of these peace officers
25 shall be the enforcement of the law as that duty is set forth in
26 Section 13104 of that code.

27 (f) Inspectors of the food and drug section designated by the
28 chief pursuant to subdivision (a) of Section 106500 of the Health
29 and Safety Code, provided that the primary duty of these peace
30 officers shall be the enforcement of the law as that duty is set forth
31 in Section 106500 of that code.

32 (g) All investigators of the Division of Labor Standards
33 Enforcement designated by the Labor Commissioner, provided
34 that the primary duty of these peace officers shall be the
35 enforcement of the law as prescribed in Section 95 of the Labor
36 Code.

37 (h) All investigators of the State Departments of Health Care
38 Services, Public Health, and Social Services, the Department of
39 Toxic Substances Control, the Office of Statewide Health Planning
40 and Development, and the Public Employees' Retirement System,

1 provided that the primary duty of these peace officers shall be the
2 enforcement of the law relating to the duties of his or her
3 department or office. Notwithstanding any other law, investigators
4 of the Public Employees' Retirement System shall not carry
5 firearms.

6 (i) The Chief of the Bureau of Fraudulent Claims of the
7 Department of Insurance and those investigators designated by the
8 chief, provided that the primary duty of those investigators shall
9 be the enforcement of Section 550.

10 (j) Employees of the Department of Housing and Community
11 Development designated under Section 18023 of the Health and
12 Safety Code, provided that the primary duty of these peace officers
13 shall be the enforcement of the law as that duty is set forth in
14 Section 18023 of that code.

15 (k) Investigators of the office of the Controller, provided that
16 the primary duty of these investigators shall be the enforcement
17 of the law relating to the duties of that office. Notwithstanding any
18 other law, except as authorized by the Controller, the peace officers
19 designated pursuant to this subdivision shall not carry firearms.

20 (l) Investigators of the Department of Business Oversight
21 designated by the Commissioner of Business Oversight, provided
22 that the primary duty of these investigators shall be the enforcement
23 of the provisions of law administered by the Department of
24 Business Oversight. Notwithstanding any other law, the peace
25 officers designated pursuant to this subdivision shall not carry
26 firearms.

27 (m) Persons employed by the Contractors' State License Board
28 designated by the Director of Consumer Affairs pursuant to Section
29 7011.5 of the Business and Professions Code, provided that the
30 primary duty of these persons shall be the enforcement of the law
31 as that duty is set forth in Section 7011.5, and in Chapter 9
32 (commencing with Section 7000) of Division 3, of that code. The
33 Director of Consumer Affairs may designate as peace officers not
34 more than 12 persons who shall at the time of their designation be
35 assigned to the special investigations unit of the board.
36 Notwithstanding any other law, the persons designated pursuant
37 to this subdivision shall not carry firearms.

38 (n) The Chief and coordinators of the Law Enforcement Branch
39 of the Office of Emergency Services.

1 (o) Investigators of the office of the Secretary of State designated
2 by the Secretary of State, provided that the primary duty of these
3 peace officers shall be the enforcement of the law as prescribed
4 in Chapter 3 (commencing with Section 8200) of Division 1 of
5 Title 2 of, and Section 12172.5 of, the Government Code.
6 Notwithstanding any other law, the peace officers designated
7 pursuant to this subdivision shall not carry firearms.

8 (p) The Deputy Director for Security designated by Section
9 8880.38 of the Government Code, and all lottery security personnel
10 assigned to the California State Lottery and designated by the
11 director, provided that the primary duty of any of those peace
12 officers shall be the enforcement of the laws related to assuring
13 the integrity, honesty, and fairness of the operation and
14 administration of the California State Lottery.

15 (q) Investigators employed by the Investigation Division of the
16 Employment Development Department designated by the director
17 of the department, provided that the primary duty of those peace
18 officers shall be the enforcement of the law as that duty is set forth
19 in Section 317 of the Unemployment Insurance Code.
20 Notwithstanding any other law, the peace officers designated
21 pursuant to this subdivision shall not carry firearms.

22 (r) The chief and assistant chief of museum security and safety
23 of the California Science Center, as designated by the executive
24 director pursuant to Section 4108 of the Food and Agricultural
25 Code, provided that the primary duty of those peace officers shall
26 be the enforcement of the law as that duty is set forth in Section
27 4108 of the Food and Agricultural Code.

28 (s) Employees of the Franchise Tax Board designated by the
29 board, provided that the primary duty of these peace officers shall
30 be the enforcement of the law as set forth in Chapter 9
31 (commencing with Section 19701) of Part 10.2 of Division 2 of
32 the Revenue and Taxation Code.

33 (t) (1) Notwithstanding any other provision of this section, a
34 peace officer authorized by this section shall not be authorized to
35 carry firearms by his or her employing agency until that agency
36 has adopted a policy on the use of deadly force by those peace
37 officers, and until those peace officers have been instructed in the
38 employing agency's policy on the use of deadly force.

1 (2) Every peace officer authorized pursuant to this section to
2 carry firearms by his or her employing agency shall qualify in the
3 use of the firearms at least every six months.

4 (u) Investigators of the Department of Managed Health Care
5 designated by the Director of the Department of Managed Health
6 Care, provided that the primary duty of these investigators shall
7 be the enforcement of the provisions of laws administered by the
8 Director of the Department of Managed Health Care.
9 Notwithstanding any other law, the peace officers designated
10 pursuant to this subdivision shall not carry firearms.

11 (v) The Chief, Deputy Chief, supervising investigators, and
12 investigators of the Office of Protective Services of the State
13 Department of Developmental Services, the Office of Protective
14 Services of the State Department of State Hospitals, and the Office
15 of Law Enforcement Support of the California Health and Human
16 Services Agency, provided that the primary duty of each of those
17 persons shall be the enforcement of the law relating to the duties
18 of his or her department or office.

19 (w) This section shall become operative July 1, 2014.

20 SEC. 14. Section 830.38 of the Penal Code is amended to read:

21 830.38. (a) The officers of a state hospital under the
22 jurisdiction of the State Department of State Hospitals or the State
23 Department of Developmental Services appointed pursuant to
24 Section 4313 or 4493 of the Welfare and Institutions Code, are
25 peace officers whose authority extends to any place in the state
26 for the purpose of performing their primary duty or when making
27 an arrest pursuant to Section 836 as to any public offense with
28 respect to which there is immediate danger to person or property,
29 or of the escape of the perpetrator of that offense, or pursuant to
30 Section 8597 or 8598 of the Government Code provided that the
31 primary duty of the peace officers shall be the enforcement of the
32 law as set forth in Sections 4311, 4313, 4491, and 4493 of the
33 Welfare and Institutions Code. Those peace officers may carry
34 firearms only if authorized and under terms and conditions
35 specified by their employing agency.

36 (b) By July 1, 2015, the California Health and Human Services
37 Agency shall develop training protocols and policies and
38 procedures for peace officers specified in subdivision (a). When
39 appropriate, training protocols and policies and procedures shall
40 be uniformly implemented in both state hospitals and

1 developmental centers. Additional training protocols and policies
2 and procedures shall be developed to address the unique
3 characteristics of the residents in each type of facility.

4 (c) In consultation with system stakeholders, the agency shall
5 develop recommendations to further improve the quality and
6 stability of law enforcement and investigative functions at both
7 developmental centers and state hospitals in a meaningful and
8 sustainable manner. These recommendations shall be submitted
9 to the budget committees and relevant policy committees of both
10 houses of the Legislature no later than January 10, 2015.

11 SEC. 15. Section 1026 of the Penal Code is amended to read:

12 1026. (a) When a defendant pleads not guilty by reason of
13 insanity, and also joins with it another plea or pleas, the defendant
14 shall first be tried as if only such other plea or pleas had been
15 entered, and in that trial the defendant shall be conclusively
16 presumed to have been sane at the time the offense is alleged to
17 have been committed. If the jury shall find the defendant guilty,
18 or if the defendant pleads only not guilty by reason of insanity,
19 then the question whether the defendant was sane or insane at the
20 time the offense was committed shall be promptly tried, either
21 before the same jury or before a new jury in the discretion of the
22 court. In that trial, the jury shall return a verdict either that the
23 defendant was sane at the time the offense was committed or was
24 insane at the time the offense was committed. If the verdict or
25 finding is that the defendant was sane at the time the offense was
26 committed, the court shall sentence the defendant as provided by
27 law. If the verdict or finding be that the defendant was insane at
28 the time the offense was committed, the court, unless it shall appear
29 to the court that the sanity of the defendant has been recovered
30 fully, shall direct that the defendant be committed to the State
31 Department of State Hospitals for the care and treatment of the
32 mentally disordered or any other appropriate public or private
33 treatment facility approved by the community program director,
34 or the court may order the defendant placed on outpatient status
35 pursuant to Title 15 (commencing with Section 1600) of Part 2.

36 (b) Prior to making the order directing that the defendant be
37 committed to the State Department of State Hospitals or other
38 treatment facility or placed on outpatient status, the court shall
39 order the community program director or a designee to evaluate
40 the defendant and to submit to the court within 15 judicial days of

1 the order a written recommendation as to whether the defendant
2 should be placed on outpatient status or committed to the State
3 Department of State Hospitals or other treatment facility. No person
4 shall be admitted to a state hospital or other treatment facility or
5 placed on outpatient status under this section without having been
6 evaluated by the community program director or a designee. If,
7 however, it appears to the court that the sanity of the defendant
8 has been recovered fully, the defendant shall be remanded to the
9 custody of the sheriff until the issue of sanity shall have been
10 finally determined in the manner prescribed by law. A defendant
11 committed to a state hospital or other treatment facility or placed
12 on outpatient status pursuant to Title 15 (commencing with Section
13 1600) of Part 2 shall not be released from confinement, parole, or
14 outpatient status unless and until the court which committed the
15 person shall, after notice and hearing, find and determine that the
16 person's sanity has been restored. Nothing in this section shall
17 prevent the transfer of the patient from one state hospital to any
18 other state hospital by proper authority. Nothing in this section
19 shall prevent the transfer of the patient to a hospital in another
20 state in the manner provided in Section 4119 of the Welfare and
21 Institutions Code.

22 (c) If the defendant is committed or transferred to the State
23 Department of State Hospitals pursuant to this section, the court
24 may, upon receiving the written recommendation of the medical
25 director of the state hospital and the community program director
26 that the defendant be transferred to a public or private treatment
27 facility approved by the community program director, order the
28 defendant transferred to that facility. If the defendant is committed
29 or transferred to a public or private treatment facility approved by
30 the community program director, the court may, upon receiving
31 the written recommendation of the community program director,
32 order the defendant transferred to the State Department of State
33 Hospitals or to another public or private treatment facility approved
34 by the community program director. Where either the defendant
35 or the prosecuting attorney chooses to contest either kind of order
36 of transfer, a petition may be filed in the court requesting a hearing
37 which shall be held if the court determines that sufficient grounds
38 exist. At that hearing, the prosecuting attorney or the defendant
39 may present evidence bearing on the order of transfer. The court
40 shall use the same procedures and standards of proof as used in

1 conducting probation revocation hearings pursuant to Section
2 1203.2.

3 (d) Prior to making an order for transfer under this section, the
4 court shall notify the defendant, the attorney of record for the
5 defendant, the prosecuting attorney, and the community program
6 director or a designee.

7 (e) When the court, after considering the placement
8 recommendation of the community program director required in
9 subdivision (b), orders that the defendant be committed to the State
10 Department of State Hospitals or other public or private treatment
11 facility, the court shall provide copies of the following documents
12 prior to the admission of the defendant to the State Department of
13 State Hospitals or other treatment facility where the defendant is
14 to be committed:

15 (1) The commitment order, including a specification of the
16 charges.

17 (2) A computation or statement setting forth the maximum term
18 of commitment in accordance with Section 1026.5.

19 (3) A computation or statement setting forth the amount of credit
20 for time served, if any, to be deducted from the maximum term of
21 commitment.

22 (4) State summary criminal history information.

23 (5) Any arrest reports prepared by the police department or other
24 law enforcement agency.

25 (6) Any court-ordered psychiatric examination or evaluation
26 reports.

27 (7) The community program director's placement
28 recommendation report.

29 (8) Any medical records.

30 (f) If the defendant is confined in a state hospital or other
31 treatment facility as an inpatient, the medical director of the facility
32 shall, at six-month intervals, submit a report in writing to the court
33 and the community program director of the county of commitment,
34 or a designee, setting forth the status and progress of the defendant.
35 The court shall transmit copies of these reports to the prosecutor
36 and defense counsel.

37 (g) For purposes of this section and Sections 1026.1 to 1026.6,
38 inclusive, "community program director" means the person,
39 agency, or entity designated by the State Department of State

1 Hospitals pursuant to Section 1605 of this code and Section 4360
2 of the Welfare and Institutions Code.

3 SEC. 16. Section 1170 of the Penal Code, as amended by
4 Section 5 of Chapter 508 of the Statutes of 2013, is amended to
5 read:

6 1170. (a) (1) The Legislature finds and declares that the
7 purpose of imprisonment for crime is punishment. This purpose
8 is best served by terms proportionate to the seriousness of the
9 offense with provision for uniformity in the sentences of offenders
10 committing the same offense under similar circumstances. The
11 Legislature further finds and declares that the elimination of
12 disparity and the provision of uniformity of sentences can best be
13 achieved by determinate sentences fixed by statute in proportion
14 to the seriousness of the offense as determined by the Legislature
15 to be imposed by the court with specified discretion.

16 (2) Notwithstanding paragraph (1), the Legislature further finds
17 and declares that programs should be available for inmates,
18 including, but not limited to, educational programs, that are
19 designed to prepare nonviolent felony offenders for successful
20 reentry into the community. The Legislature encourages the
21 development of policies and programs designed to educate and
22 rehabilitate nonviolent felony offenders. In implementing this
23 section, the Department of Corrections and Rehabilitation is
24 encouraged to give priority enrollment in programs to promote
25 successful return to the community to an inmate with a short
26 remaining term of commitment and a release date that would allow
27 him or her adequate time to complete the program.

28 (3) In any case in which the punishment prescribed by statute
29 for a person convicted of a public offense is a term of imprisonment
30 in the state prison of any specification of three time periods, the
31 court shall sentence the defendant to one of the terms of
32 imprisonment specified unless the convicted person is given any
33 other disposition provided by law, including a fine, jail, probation,
34 or the suspension of imposition or execution of sentence or is
35 sentenced pursuant to subdivision (b) of Section 1168 because he
36 or she had committed his or her crime prior to July 1, 1977. In
37 sentencing the convicted person, the court shall apply the
38 sentencing rules of the Judicial Council. The court, unless it
39 determines that there are circumstances in mitigation of the
40 punishment prescribed, shall also impose any other term that it is

1 required by law to impose as an additional term. Nothing in this
2 article shall affect any provision of law that imposes the death
3 penalty, that authorizes or restricts the granting of probation or
4 suspending the execution or imposition of sentence, or expressly
5 provides for imprisonment in the state prison for life, except as
6 provided in paragraph (2) of subdivision (d). In any case in which
7 the amount of preimprisonment credit under Section 2900.5 or any
8 other provision of law is equal to or exceeds any sentence imposed
9 pursuant to this chapter, the entire sentence shall be deemed to
10 have been served and the defendant shall not be actually delivered
11 to the custody of the secretary. The court shall advise the defendant
12 that he or she shall serve a period of parole and order the defendant
13 to report to the parole office closest to the defendant's last legal
14 residence, unless the in-custody credits equal the total sentence,
15 including both confinement time and the period of parole. The
16 sentence shall be deemed a separate prior prison term under Section
17 667.5, and a copy of the judgment and other necessary
18 documentation shall be forwarded to the secretary.

19 (b) When a judgment of imprisonment is to be imposed and the
20 statute specifies three possible terms, the choice of the appropriate
21 term shall rest within the sound discretion of the court. At least
22 four days prior to the time set for imposition of judgment, either
23 party or the victim, or the family of the victim if the victim is
24 deceased, may submit a statement in aggravation or mitigation. In
25 determining the appropriate term, the court may consider the record
26 in the case, the probation officer's report, other reports, including
27 reports received pursuant to Section 1203.03, and statements in
28 aggravation or mitigation submitted by the prosecution, the
29 defendant, or the victim, or the family of the victim if the victim
30 is deceased, and any further evidence introduced at the sentencing
31 hearing. The court shall select the term which, in the court's
32 discretion, best serves the interests of justice. The court shall set
33 forth on the record the reasons for imposing the term selected and
34 the court may not impose an upper term by using the fact of any
35 enhancement upon which sentence is imposed under any provision
36 of law. A term of imprisonment shall not be specified if imposition
37 of sentence is suspended.

38 (c) The court shall state the reasons for its sentence choice on
39 the record at the time of sentencing. The court shall also inform
40 the defendant that as part of the sentence after expiration of the

1 term he or she may be on parole for a period as provided in Section
2 3000.

3 (d) (1) When a defendant subject to this section or subdivision
4 (b) of Section 1168 has been sentenced to be imprisoned in the
5 state prison and has been committed to the custody of the secretary,
6 the court may, within 120 days of the date of commitment on its
7 own motion, or at any time upon the recommendation of the
8 secretary or the Board of Parole Hearings, recall the sentence and
9 commitment previously ordered and resentence the defendant in
10 the same manner as if he or she had not previously been sentenced,
11 provided the new sentence, if any, is no greater than the initial
12 sentence. The court resentencing under this subdivision shall apply
13 the sentencing rules of the Judicial Council so as to eliminate
14 disparity of sentences and to promote uniformity of sentencing.
15 Credit shall be given for time served.

16 (2) (A) (i) When a defendant who was under 18 years of age
17 at the time of the commission of the offense for which the
18 defendant was sentenced to imprisonment for life without the
19 possibility of parole has served at least 15 years of that sentence,
20 the defendant may submit to the sentencing court a petition for
21 recall and resentencing.

22 (ii) Notwithstanding clause (i), this paragraph shall not apply
23 to defendants sentenced to life without parole for an offense where
24 the defendant tortured, as described in Section 206, his or her
25 victim or the victim was a public safety official, including any law
26 enforcement personnel mentioned in Chapter 4.5 (commencing
27 with Section 830) of Title 3, or any firefighter as described in
28 Section 245.1, as well as any other officer in any segment of law
29 enforcement who is employed by the federal government, the state,
30 or any of its political subdivisions.

31 (B) The defendant shall file the original petition with the
32 sentencing court. A copy of the petition shall be served on the
33 agency that prosecuted the case. The petition shall include the
34 defendant's statement that he or she was under 18 years of age at
35 the time of the crime and was sentenced to life in prison without
36 the possibility of parole, the defendant's statement describing his
37 or her remorse and work towards rehabilitation, and the defendant's
38 statement that one of the following is true:

39 (i) The defendant was convicted pursuant to felony murder or
40 aiding and abetting murder provisions of law.

1 (ii) The defendant does not have juvenile felony adjudications
2 for assault or other felony crimes with a significant potential for
3 personal harm to victims prior to the offense for which the sentence
4 is being considered for recall.

5 (iii) The defendant committed the offense with at least one adult
6 codefendant.

7 (iv) The defendant has performed acts that tend to indicate
8 rehabilitation or the potential for rehabilitation, including, but not
9 limited to, availing himself or herself of rehabilitative, educational,
10 or vocational programs, if those programs have been available at
11 his or her classification level and facility, using self-study for
12 self-improvement, or showing evidence of remorse.

13 (C) If any of the information required in subparagraph (B) is
14 missing from the petition, or if proof of service on the prosecuting
15 agency is not provided, the court shall return the petition to the
16 defendant and advise the defendant that the matter cannot be
17 considered without the missing information.

18 (D) A reply to the petition, if any, shall be filed with the court
19 within 60 days of the date on which the prosecuting agency was
20 served with the petition, unless a continuance is granted for good
21 cause.

22 (E) If the court finds by a preponderance of the evidence that
23 the statements in the petition are true, the court shall hold a hearing
24 to consider whether to recall the sentence and commitment
25 previously ordered and to resentence the defendant in the same
26 manner as if the defendant had not previously been sentenced,
27 provided that the new sentence, if any, is not greater than the initial
28 sentence. Victims, or victim family members if the victim is
29 deceased, shall retain the rights to participate in the hearing.

30 (F) The factors that the court may consider when determining
31 whether to recall and resentence include, but are not limited to,
32 the following:

33 (i) The defendant was convicted pursuant to felony murder or
34 aiding and abetting murder provisions of law.

35 (ii) The defendant does not have juvenile felony adjudications
36 for assault or other felony crimes with a significant potential for
37 personal harm to victims prior to the offense for which the sentence
38 is being considered for recall.

39 (iii) The defendant committed the offense with at least one adult
40 codefendant.

1 (iv) Prior to the offense for which the sentence is being
2 considered for recall, the defendant had insufficient adult support
3 or supervision and had suffered from psychological or physical
4 trauma, or significant stress.

5 (v) The defendant suffers from cognitive limitations due to
6 mental illness, developmental disabilities, or other factors that did
7 not constitute a defense, but influenced the defendant's
8 involvement in the offense.

9 (vi) The defendant has performed acts that tend to indicate
10 rehabilitation or the potential for rehabilitation, including, but not
11 limited to, availing himself or herself of rehabilitative, educational,
12 or vocational programs, if those programs have been available at
13 his or her classification level and facility, using self-study for
14 self-improvement, or showing evidence of remorse.

15 (vii) The defendant has maintained family ties or connections
16 with others through letter writing, calls, or visits, or has eliminated
17 contact with individuals outside of prison who are currently
18 involved with crime.

19 (viii) The defendant has had no disciplinary actions for violent
20 activities in the last five years in which the defendant was
21 determined to be the aggressor.

22 (G) The court shall have the discretion to recall the sentence
23 and commitment previously ordered and to resentence the
24 defendant in the same manner as if the defendant had not
25 previously been sentenced, provided that the new sentence, if any,
26 is not greater than the initial sentence. The discretion of the court
27 shall be exercised in consideration of the criteria in subparagraph
28 (B). Victims, or victim family members if the victim is deceased,
29 shall be notified of the resentencing hearing and shall retain their
30 rights to participate in the hearing.

31 (H) If the sentence is not recalled, the defendant may submit
32 another petition for recall and resentencing to the sentencing court
33 when the defendant has been committed to the custody of the
34 department for at least 20 years. If recall and resentencing is not
35 granted under that petition, the defendant may file another petition
36 after having served 24 years. The final petition may be submitted,
37 and the response to that petition shall be determined, during the
38 25th year of the defendant's sentence.

39 (I) In addition to the criteria in subparagraph (F), the court may
40 consider any other criteria that the court deems relevant to its

1 decision, so long as the court identifies them on the record,
2 provides a statement of reasons for adopting them, and states why
3 the defendant does or does not satisfy the criteria.

4 (J) This subdivision shall have retroactive application.

5 (e) (1) Notwithstanding any other law and consistent with
6 paragraph (1) of subdivision (a), if the secretary or the Board of
7 Parole Hearings or both determine that a prisoner satisfies the
8 criteria set forth in paragraph (2), the secretary or the board may
9 recommend to the court that the prisoner's sentence be recalled.

10 (2) The court shall have the discretion to resentence or recall if
11 the court finds that the facts described in subparagraphs (A) and
12 (B) or subparagraphs (B) and (C) exist:

13 (A) The prisoner is terminally ill with an incurable condition
14 caused by an illness or disease that would produce death within
15 six months, as determined by a physician employed by the
16 department.

17 (B) The conditions under which the prisoner would be released
18 or receive treatment do not pose a threat to public safety.

19 (C) The prisoner is permanently medically incapacitated with
20 a medical condition that renders him or her permanently unable
21 to perform activities of basic daily living, and results in the prisoner
22 requiring 24-hour total care, including, but not limited to, coma,
23 persistent vegetative state, brain death, ventilator-dependency, loss
24 of control of muscular or neurological function, and that
25 incapacitation did not exist at the time of the original sentencing.

26 The Board of Parole Hearings shall make findings pursuant to
27 this subdivision before making a recommendation for resentence
28 or recall to the court. This subdivision does not apply to a prisoner
29 sentenced to death or a term of life without the possibility of parole.

30 (3) Within 10 days of receipt of a positive recommendation by
31 the secretary or the board, the court shall hold a hearing to consider
32 whether the prisoner's sentence should be recalled.

33 (4) Any physician employed by the department who determines
34 that a prisoner has six months or less to live shall notify the chief
35 medical officer of the prognosis. If the chief medical officer
36 concurs with the prognosis, he or she shall notify the warden.
37 Within 48 hours of receiving notification, the warden or the
38 warden's representative shall notify the prisoner of the recall and
39 resentencing procedures, and shall arrange for the prisoner to
40 designate a family member or other outside agent to be notified

1 as to the prisoner's medical condition and prognosis, and as to the
2 recall and resentencing procedures. If the inmate is deemed
3 mentally unfit, the warden or the warden's representative shall
4 contact the inmate's emergency contact and provide the information
5 described in paragraph (2).

6 (5) The warden or the warden's representative shall provide the
7 prisoner and his or her family member, agent, or emergency
8 contact, as described in paragraph (4), updated information
9 throughout the recall and resentencing process with regard to the
10 prisoner's medical condition and the status of the prisoner's recall
11 and resentencing proceedings.

12 (6) Notwithstanding any other provisions of this section, the
13 prisoner or his or her family member or designee may
14 independently request consideration for recall and resentencing
15 by contacting the chief medical officer at the prison or the
16 secretary. Upon receipt of the request, the chief medical officer
17 and the warden or the warden's representative shall follow the
18 procedures described in paragraph (4). If the secretary determines
19 that the prisoner satisfies the criteria set forth in paragraph (2), the
20 secretary or board may recommend to the court that the prisoner's
21 sentence be recalled. The secretary shall submit a recommendation
22 for release within 30 days in the case of inmates sentenced to
23 determinate terms and, in the case of inmates sentenced to
24 indeterminate terms, the secretary shall make a recommendation
25 to the Board of Parole Hearings with respect to the inmates who
26 have applied under this section. The board shall consider this
27 information and make an independent judgment pursuant to
28 paragraph (2) and make findings related thereto before rejecting
29 the request or making a recommendation to the court. This action
30 shall be taken at the next lawfully noticed board meeting.

31 (7) Any recommendation for recall submitted to the court by
32 the secretary or the Board of Parole Hearings shall include one or
33 more medical evaluations, a postrelease plan, and findings pursuant
34 to paragraph (2).

35 (8) If possible, the matter shall be heard before the same judge
36 of the court who sentenced the prisoner.

37 (9) If the court grants the recall and resentencing application,
38 the prisoner shall be released by the department within 48 hours
39 of receipt of the court's order, unless a longer time period is agreed
40 to by the inmate. At the time of release, the warden or the warden's

1 representative shall ensure that the prisoner has each of the
2 following in his or her possession: a discharge medical summary,
3 full medical records, state identification, parole medications, and
4 all property belonging to the prisoner. After discharge, any
5 additional records shall be sent to the prisoner's forwarding
6 address.

7 (10) The secretary shall issue a directive to medical and
8 correctional staff employed by the department that details the
9 guidelines and procedures for initiating a recall and resentencing
10 procedure. The directive shall clearly state that any prisoner who
11 is given a prognosis of six months or less to live is eligible for
12 recall and resentencing consideration, and that recall and
13 resentencing procedures shall be initiated upon that prognosis.

14 (f) Notwithstanding any other provision of this section, for
15 purposes of paragraph (3) of subdivision (h), any allegation that
16 a defendant is eligible for state prison due to a prior or current
17 conviction, sentence enhancement, or because he or she is required
18 to register as a sex offender shall not be subject to dismissal
19 pursuant to Section 1385.

20 (g) A sentence to state prison for a determinate term for which
21 only one term is specified, is a sentence to state prison under this
22 section.

23 (h) (1) Except as provided in paragraph (3), a felony punishable
24 pursuant to this subdivision where the term is not specified in the
25 underlying offense shall be punishable by a term of imprisonment
26 in a county jail for 16 months, or two or three years.

27 (2) Except as provided in paragraph (3), a felony punishable
28 pursuant to this subdivision shall be punishable by imprisonment
29 in a county jail for the term described in the underlying offense.

30 (3) Notwithstanding paragraphs (1) and (2), where the defendant
31 (A) has a prior or current felony conviction for a serious felony
32 described in subdivision (c) of Section 1192.7 or a prior or current
33 conviction for a violent felony described in subdivision (c) of
34 Section 667.5, (B) has a prior felony conviction in another
35 jurisdiction for an offense that has all the elements of a serious
36 felony described in subdivision (c) of Section 1192.7 or a violent
37 felony described in subdivision (c) of Section 667.5, (C) is required
38 to register as a sex offender pursuant to Chapter 5.5 (commencing
39 with Section 290) of Title 9 of Part 1, or (D) is convicted of a crime
40 and as part of the sentence an enhancement pursuant to Section

1 186.11 is imposed, an executed sentence for a felony punishable
2 pursuant to this subdivision shall be served in state prison.

3 (4) Nothing in this subdivision shall be construed to prevent
4 other dispositions authorized by law, including pretrial diversion,
5 deferred entry of judgment, or an order granting probation pursuant
6 to Section 1203.1.

7 (5) (A) Unless the court finds that, in the interests of justice, it
8 is not appropriate in a particular case, the court, when imposing a
9 sentence pursuant to paragraph (1) or (2) of this subdivision, shall
10 suspend execution of a concluding portion of the term for a period
11 selected at the court's discretion.

12 (B) The portion of a defendant's sentenced term that is
13 suspended pursuant to this paragraph shall be known as mandatory
14 supervision, and shall begin upon release from custody. During
15 the period of mandatory supervision, the defendant shall be
16 supervised by the county probation officer in accordance with the
17 terms, conditions, and procedures generally applicable to persons
18 placed on probation, for the remaining unserved portion of the
19 sentence imposed by the court. The period of supervision shall be
20 mandatory, and may not be earlier terminated except by court
21 order. Any proceeding to revoke or modify mandatory supervision
22 under this subparagraph shall be conducted pursuant to either
23 subdivisions (a) and (b) of Section 1203.2 or Section 1203.3.
24 During the period when the defendant is under such supervision,
25 unless in actual custody related to the sentence imposed by the
26 court, the defendant shall be entitled to only actual time credit
27 against the term of imprisonment imposed by the court. Any time
28 period which is suspended because a person has absconded shall
29 not be credited toward the period of supervision.

30 (6) The sentencing changes made by the act that added this
31 subdivision shall be applied prospectively to any person sentenced
32 on or after October 1, 2011, ~~until December 31, 2014~~ 2011.

33 (7) The sentencing changes made *to paragraph (5)* by the act
34 that added this paragraph shall *become effective and operative on*
35 *January 1, 2015, and shall* be applied prospectively to any person
36 sentenced on or after January 1, 2015.

37 (i) This section shall remain in effect only until January 1, 2017,
38 and as of that date is repealed, unless a later enacted statute, that
39 is enacted before that date, deletes or extends that date.

1 SEC. 17. Section 1170 of the Penal Code, as amended by
2 Section 6 of Chapter 508 of the Statutes of 2013, is amended to
3 read:

4 1170. (a) (1) The Legislature finds and declares that the
5 purpose of imprisonment for crime is punishment. This purpose
6 is best served by terms proportionate to the seriousness of the
7 offense with provision for uniformity in the sentences of offenders
8 committing the same offense under similar circumstances. The
9 Legislature further finds and declares that the elimination of
10 disparity and the provision of uniformity of sentences can best be
11 achieved by determinate sentences fixed by statute in proportion
12 to the seriousness of the offense as determined by the Legislature
13 to be imposed by the court with specified discretion.

14 (2) Notwithstanding paragraph (1), the Legislature further finds
15 and declares that programs should be available for inmates,
16 including, but not limited to, educational programs, that are
17 designed to prepare nonviolent felony offenders for successful
18 reentry into the community. The Legislature encourages the
19 development of policies and programs designed to educate and
20 rehabilitate nonviolent felony offenders. In implementing this
21 section, the Department of Corrections and Rehabilitation is
22 encouraged to give priority enrollment in programs to promote
23 successful return to the community to an inmate with a short
24 remaining term of commitment and a release date that would allow
25 him or her adequate time to complete the program.

26 (3) In any case in which the punishment prescribed by statute
27 for a person convicted of a public offense is a term of imprisonment
28 in the state prison of any specification of three time periods, the
29 court shall sentence the defendant to one of the terms of
30 imprisonment specified unless the convicted person is given any
31 other disposition provided by law, including a fine, jail, probation,
32 or the suspension of imposition or execution of sentence or is
33 sentenced pursuant to subdivision (b) of Section 1168 because he
34 or she had committed his or her crime prior to July 1, 1977. In
35 sentencing the convicted person, the court shall apply the
36 sentencing rules of the Judicial Council. The court, unless it
37 determines that there are circumstances in mitigation of the
38 punishment prescribed, shall also impose any other term that it is
39 required by law to impose as an additional term. Nothing in this
40 article shall affect any provision of law that imposes the death

1 penalty, that authorizes or restricts the granting of probation or
2 suspending the execution or imposition of sentence, or expressly
3 provides for imprisonment in the state prison for life, except as
4 provided in paragraph (2) of subdivision (d). In any case in which
5 the amount of preimprisonment credit under Section 2900.5 or any
6 other provision of law is equal to or exceeds any sentence imposed
7 pursuant to this chapter, the entire sentence shall be deemed to
8 have been served and the defendant shall not be actually delivered
9 to the custody of the secretary. The court shall advise the defendant
10 that he or she shall serve a period of parole and order the defendant
11 to report to the parole office closest to the defendant's last legal
12 residence, unless the in-custody credits equal the total sentence,
13 including both confinement time and the period of parole. The
14 sentence shall be deemed a separate prior prison term under Section
15 667.5, and a copy of the judgment and other necessary
16 documentation shall be forwarded to the secretary.

17 (b) When a judgment of imprisonment is to be imposed and the
18 statute specifies three possible terms, the court shall order
19 imposition of the middle term, unless there are circumstances in
20 aggravation or mitigation of the crime. At least four days prior to
21 the time set for imposition of judgment, either party or the victim,
22 or the family of the victim if the victim is deceased, may submit
23 a statement in aggravation or mitigation to dispute facts in the
24 record or the probation officer's report, or to present additional
25 facts. In determining whether there are circumstances that justify
26 imposition of the upper or lower term, the court may consider the
27 record in the case, the probation officer's report, other reports,
28 including reports received pursuant to Section 1203.03, and
29 statements in aggravation or mitigation submitted by the
30 prosecution, the defendant, or the victim, or the family of the victim
31 if the victim is deceased, and any further evidence introduced at
32 the sentencing hearing. The court shall set forth on the record the
33 facts and reasons for imposing the upper or lower term. The court
34 may not impose an upper term by using the fact of any
35 enhancement upon which sentence is imposed under any provision
36 of law. A term of imprisonment shall not be specified if imposition
37 of sentence is suspended.

38 (c) The court shall state the reasons for its sentence choice on
39 the record at the time of sentencing. The court shall also inform
40 the defendant that as part of the sentence after expiration of the

1 term he or she may be on parole for a period as provided in Section
2 3000.

3 (d) (1) When a defendant subject to this section or subdivision
4 (b) of Section 1168 has been sentenced to be imprisoned in the
5 state prison and has been committed to the custody of the secretary,
6 the court may, within 120 days of the date of commitment on its
7 own motion, or at any time upon the recommendation of the
8 secretary or the Board of Parole Hearings, recall the sentence and
9 commitment previously ordered and resentence the defendant in
10 the same manner as if he or she had not previously been sentenced,
11 provided the new sentence, if any, is no greater than the initial
12 sentence. The court resentencing under this subdivision shall apply
13 the sentencing rules of the Judicial Council so as to eliminate
14 disparity of sentences and to promote uniformity of sentencing.
15 Credit shall be given for time served.

16 (2) (A) (i) When a defendant who was under 18 years of age
17 at the time of the commission of the offense for which the
18 defendant was sentenced to imprisonment for life without the
19 possibility of parole has served at least 15 years of that sentence,
20 the defendant may submit to the sentencing court a petition for
21 recall and resentencing.

22 (ii) Notwithstanding clause (i), this paragraph shall not apply
23 to defendants sentenced to life without parole for an offense where
24 the defendant tortured, as described in Section 206, his or her
25 victim or the victim was a public safety official, including any law
26 enforcement personnel mentioned in Chapter 4.5 (commencing
27 with Section 830) of Title 3, or any firefighter as described in
28 Section 245.1, as well as any other officer in any segment of law
29 enforcement who is employed by the federal government, the state,
30 or any of its political subdivisions.

31 (B) The defendant shall file the original petition with the
32 sentencing court. A copy of the petition shall be served on the
33 agency that prosecuted the case. The petition shall include the
34 defendant's statement that he or she was under 18 years of age at
35 the time of the crime and was sentenced to life in prison without
36 the possibility of parole, the defendant's statement describing his
37 or her remorse and work towards rehabilitation, and the defendant's
38 statement that one of the following is true:

39 (i) The defendant was convicted pursuant to felony murder or
40 aiding and abetting murder provisions of law.

1 (ii) The defendant does not have juvenile felony adjudications
2 for assault or other felony crimes with a significant potential for
3 personal harm to victims prior to the offense for which the sentence
4 is being considered for recall.

5 (iii) The defendant committed the offense with at least one adult
6 codefendant.

7 (iv) The defendant has performed acts that tend to indicate
8 rehabilitation or the potential for rehabilitation, including, but not
9 limited to, availing himself or herself of rehabilitative, educational,
10 or vocational programs, if those programs have been available at
11 his or her classification level and facility, using self-study for
12 self-improvement, or showing evidence of remorse.

13 (C) If any of the information required in subparagraph (B) is
14 missing from the petition, or if proof of service on the prosecuting
15 agency is not provided, the court shall return the petition to the
16 defendant and advise the defendant that the matter cannot be
17 considered without the missing information.

18 (D) A reply to the petition, if any, shall be filed with the court
19 within 60 days of the date on which the prosecuting agency was
20 served with the petition, unless a continuance is granted for good
21 cause.

22 (E) If the court finds by a preponderance of the evidence that
23 the statements in the petition are true, the court shall hold a hearing
24 to consider whether to recall the sentence and commitment
25 previously ordered and to resentence the defendant in the same
26 manner as if the defendant had not previously been sentenced,
27 provided that the new sentence, if any, is not greater than the initial
28 sentence. Victims, or victim family members if the victim is
29 deceased, shall retain the rights to participate in the hearing.

30 (F) The factors that the court may consider when determining
31 whether to recall and resentence include, but are not limited to,
32 the following:

33 (i) The defendant was convicted pursuant to felony murder or
34 aiding and abetting murder provisions of law.

35 (ii) The defendant does not have juvenile felony adjudications
36 for assault or other felony crimes with a significant potential for
37 personal harm to victims prior to the offense for which the sentence
38 is being considered for recall.

39 (iii) The defendant committed the offense with at least one adult
40 codefendant.

1 (iv) Prior to the offense for which the sentence is being
2 considered for recall, the defendant had insufficient adult support
3 or supervision and had suffered from psychological or physical
4 trauma, or significant stress.

5 (v) The defendant suffers from cognitive limitations due to
6 mental illness, developmental disabilities, or other factors that did
7 not constitute a defense, but influenced the defendant's
8 involvement in the offense.

9 (vi) The defendant has performed acts that tend to indicate
10 rehabilitation or the potential for rehabilitation, including, but not
11 limited to, availing himself or herself of rehabilitative, educational,
12 or vocational programs, if those programs have been available at
13 his or her classification level and facility, using self-study for
14 self-improvement, or showing evidence of remorse.

15 (vii) The defendant has maintained family ties or connections
16 with others through letter writing, calls, or visits, or has eliminated
17 contact with individuals outside of prison who are currently
18 involved with crime.

19 (viii) The defendant has had no disciplinary actions for violent
20 activities in the last five years in which the defendant was
21 determined to be the aggressor.

22 (G) The court shall have the discretion to recall the sentence
23 and commitment previously ordered and to resentence the
24 defendant in the same manner as if the defendant had not
25 previously been sentenced, provided that the new sentence, if any,
26 is not greater than the initial sentence. The discretion of the court
27 shall be exercised in consideration of the criteria in subparagraph
28 (B). Victims, or victim family members if the victim is deceased,
29 shall be notified of the resentencing hearing and shall retain their
30 rights to participate in the hearing.

31 (H) If the sentence is not recalled, the defendant may submit
32 another petition for recall and resentencing to the sentencing court
33 when the defendant has been committed to the custody of the
34 department for at least 20 years. If recall and resentencing is not
35 granted under that petition, the defendant may file another petition
36 after having served 24 years. The final petition may be submitted,
37 and the response to that petition shall be determined, during the
38 25th year of the defendant's sentence.

39 (I) In addition to the criteria in subparagraph (F), the court may
40 consider any other criteria that the court deems relevant to its

1 decision, so long as the court identifies them on the record,
2 provides a statement of reasons for adopting them, and states why
3 the defendant does or does not satisfy the criteria.

4 (J) This subdivision shall have retroactive application.

5 (e) (1) Notwithstanding any other law and consistent with
6 paragraph (1) of subdivision (a), if the secretary or the Board of
7 Parole Hearings or both determine that a prisoner satisfies the
8 criteria set forth in paragraph (2), the secretary or the board may
9 recommend to the court that the prisoner's sentence be recalled.

10 (2) The court shall have the discretion to resentence or recall if
11 the court finds that the facts described in subparagraphs (A) and
12 (B) or subparagraphs (B) and (C) exist:

13 (A) The prisoner is terminally ill with an incurable condition
14 caused by an illness or disease that would produce death within
15 six months, as determined by a physician employed by the
16 department.

17 (B) The conditions under which the prisoner would be released
18 or receive treatment do not pose a threat to public safety.

19 (C) The prisoner is permanently medically incapacitated with
20 a medical condition that renders him or her permanently unable
21 to perform activities of basic daily living, and results in the prisoner
22 requiring 24-hour total care, including, but not limited to, coma,
23 persistent vegetative state, brain death, ventilator-dependency, loss
24 of control of muscular or neurological function, and that
25 incapacitation did not exist at the time of the original sentencing.

26 The Board of Parole Hearings shall make findings pursuant to
27 this subdivision before making a recommendation for resentence
28 or recall to the court. This subdivision does not apply to a prisoner
29 sentenced to death or a term of life without the possibility of parole.

30 (3) Within 10 days of receipt of a positive recommendation by
31 the secretary or the board, the court shall hold a hearing to consider
32 whether the prisoner's sentence should be recalled.

33 (4) Any physician employed by the department who determines
34 that a prisoner has six months or less to live shall notify the chief
35 medical officer of the prognosis. If the chief medical officer
36 concurs with the prognosis, he or she shall notify the warden.
37 Within 48 hours of receiving notification, the warden or the
38 warden's representative shall notify the prisoner of the recall and
39 resentencing procedures, and shall arrange for the prisoner to
40 designate a family member or other outside agent to be notified

1 as to the prisoner's medical condition and prognosis, and as to the
2 recall and resentencing procedures. If the inmate is deemed
3 mentally unfit, the warden or the warden's representative shall
4 contact the inmate's emergency contact and provide the information
5 described in paragraph (2).

6 (5) The warden or the warden's representative shall provide the
7 prisoner and his or her family member, agent, or emergency
8 contact, as described in paragraph (4), updated information
9 throughout the recall and resentencing process with regard to the
10 prisoner's medical condition and the status of the prisoner's recall
11 and resentencing proceedings.

12 (6) Notwithstanding any other provisions of this section, the
13 prisoner or his or her family member or designee may
14 independently request consideration for recall and resentencing
15 by contacting the chief medical officer at the prison or the
16 secretary. Upon receipt of the request, the chief medical officer
17 and the warden or the warden's representative shall follow the
18 procedures described in paragraph (4). If the secretary determines
19 that the prisoner satisfies the criteria set forth in paragraph (2), the
20 secretary or board may recommend to the court that the prisoner's
21 sentence be recalled. The secretary shall submit a recommendation
22 for release within 30 days in the case of inmates sentenced to
23 determinate terms and, in the case of inmates sentenced to
24 indeterminate terms, the secretary shall make a recommendation
25 to the Board of Parole Hearings with respect to the inmates who
26 have applied under this section. The board shall consider this
27 information and make an independent judgment pursuant to
28 paragraph (2) and make findings related thereto before rejecting
29 the request or making a recommendation to the court. This action
30 shall be taken at the next lawfully noticed board meeting.

31 (7) Any recommendation for recall submitted to the court by
32 the secretary or the Board of Parole Hearings shall include one or
33 more medical evaluations, a postrelease plan, and findings pursuant
34 to paragraph (2).

35 (8) If possible, the matter shall be heard before the same judge
36 of the court who sentenced the prisoner.

37 (9) If the court grants the recall and resentencing application,
38 the prisoner shall be released by the department within 48 hours
39 of receipt of the court's order, unless a longer time period is agreed
40 to by the inmate. At the time of release, the warden or the warden's

1 representative shall ensure that the prisoner has each of the
2 following in his or her possession: a discharge medical summary,
3 full medical records, state identification, parole medications, and
4 all property belonging to the prisoner. After discharge, any
5 additional records shall be sent to the prisoner's forwarding
6 address.

7 (10) The secretary shall issue a directive to medical and
8 correctional staff employed by the department that details the
9 guidelines and procedures for initiating a recall and resentencing
10 procedure. The directive shall clearly state that any prisoner who
11 is given a prognosis of six months or less to live is eligible for
12 recall and resentencing consideration, and that recall and
13 resentencing procedures shall be initiated upon that prognosis.

14 (f) Notwithstanding any other provision of this section, for
15 purposes of paragraph (3) of subdivision (h), any allegation that
16 a defendant is eligible for state prison due to a prior or current
17 conviction, sentence enhancement, or because he or she is required
18 to register as a sex offender shall not be subject to dismissal
19 pursuant to Section 1385.

20 (g) A sentence to state prison for a determinate term for which
21 only one term is specified, is a sentence to state prison under this
22 section.

23 (h) (1) Except as provided in paragraph (3), a felony punishable
24 pursuant to this subdivision where the term is not specified in the
25 underlying offense shall be punishable by a term of imprisonment
26 in a county jail for 16 months, or two or three years.

27 (2) Except as provided in paragraph (3), a felony punishable
28 pursuant to this subdivision shall be punishable by imprisonment
29 in a county jail for the term described in the underlying offense.

30 (3) Notwithstanding paragraphs (1) and (2), where the defendant
31 (A) has a prior or current felony conviction for a serious felony
32 described in subdivision (c) of Section 1192.7 or a prior or current
33 conviction for a violent felony described in subdivision (c) of
34 Section 667.5, (B) has a prior felony conviction in another
35 jurisdiction for an offense that has all the elements of a serious
36 felony described in subdivision (c) of Section 1192.7 or a violent
37 felony described in subdivision (c) of Section 667.5, (C) is required
38 to register as a sex offender pursuant to Chapter 5.5 (commencing
39 with Section 290) of Title 9 of Part 1, or (D) is convicted of a crime
40 and as part of the sentence an enhancement pursuant to Section

1 186.11 is imposed, an executed sentence for a felony punishable
2 pursuant to this subdivision shall be served in state prison.

3 (4) Nothing in this subdivision shall be construed to prevent
4 other dispositions authorized by law, including pretrial diversion,
5 deferred entry of judgment, or an order granting probation pursuant
6 to Section 1203.1.

7 (5) (A) Unless the court finds, in the interest of justice, that it
8 is not appropriate in a particular case, the court, when imposing a
9 sentence pursuant to paragraph (1) or (2) of this subdivision, shall
10 suspend execution of a concluding portion of the term for a period
11 selected at the court's discretion.

12 (B) The portion of a defendant's sentenced term that is
13 suspended pursuant to this paragraph shall be known as mandatory
14 supervision, and shall begin upon release from custody. During
15 the period of mandatory supervision, the defendant shall be
16 supervised by the county probation officer in accordance with the
17 terms, conditions, and procedures generally applicable to persons
18 placed on probation, for the remaining unserved portion of the
19 sentence imposed by the court. The period of supervision shall be
20 mandatory, and may not be earlier terminated except by court
21 order. Any proceeding to revoke or modify mandatory supervision
22 under this subparagraph shall be conducted pursuant to either
23 subdivisions (a) and (b) of Section 1203.2 or Section 1203.3.
24 During the period when the defendant is under such supervision,
25 unless in actual custody related to the sentence imposed by the
26 court, the defendant shall be entitled to only actual time credit
27 against the term of imprisonment imposed by the court. Any time
28 period which is suspended because a person has absconded shall
29 not be credited toward the period of supervision.

30 (6) The sentencing changes made by the act that added this
31 subdivision shall be applied prospectively to any person sentenced
32 on or after October 1, 2011, ~~until December 31, 2014~~ 2011.

33 (7) The sentencing changes made *to paragraph (5)* by the act
34 that added this ~~subdivision~~ *paragraph* shall *become effective and*
35 *operative on January 1, 2015, and shall* be applied prospectively
36 to any person sentenced on or after January 1, 2015.

37 (i) This section shall become operative on January 1, 2017.

38 SEC. 18. Section 1170.06 is added to the Penal Code, to read:

39 1170.06. (a) Notwithstanding any other law, a sheriff or a
40 county director of corrections is authorized to offer a program

1 under which inmates as specified in subdivision (c), who are not
2 precluded by subdivision (d), and who have been committed to a
3 county jail may be allowed to participate in a voluntary alternative
4 custody program as defined in subdivision (b) in lieu of their
5 confinement in a county jail. Under this program, one day of
6 participation is in lieu of one day of incarceration in a county jail.
7 Participants in the program shall receive any sentence reduction
8 credits that they would have received had they served their sentence
9 in a county jail, and are subject to denial and loss of credit pursuant
10 to subdivision (d) of Section 4019. The sheriff or the county
11 director of corrections may enter into contracts with county
12 agencies, not-for-profit organizations, for-profit organizations, and
13 others in order to promote alternative custody placements.

14 (b) As used in this section, an alternative custody program shall
15 include, but is not limited to, the following:

16 (1) Confinement to a residential home during the hours
17 designated by the sheriff or the county director of corrections.

18 (2) Confinement to a residential drug or treatment program
19 during the hours designated by the county sheriff or the county
20 director of corrections.

21 (3) Confinement to a transitional care facility that offers
22 appropriate services.

23 (4) Confinement to a mental health clinic or hospital that offers
24 appropriate mental health services.

25 (c) Except as provided by subdivision (d), inmates sentenced
26 to a county jail for a determinate term of imprisonment pursuant
27 to a misdemeanor or a felony pursuant to subdivision (h) of Section
28 1170, and only those persons, are eligible to participate in the
29 alternative custody program authorized by this section.

30 (d) An inmate committed to a county jail who meets any of the
31 following criteria is not eligible to participate in the alternative
32 custody program:

33 (1) The person was screened by the sheriff or the county director
34 of corrections using a validated risk assessment tool and determined
35 to pose a high risk to commit a violent offense.

36 (2) The person has a history, within the last 10 years, of escape
37 from a facility while under juvenile or adult custody, including,
38 but not limited to, any detention facility, camp, jail, or state prison
39 facility.

1 (3) The person has a current or prior conviction for an offense
2 that requires the person to register as a sex offender as provided
3 in Chapter 5.5. (commencing with Section 290) of Title 9 of Part
4 1.

5 (e) An alternative custody program may include the use of
6 electronic monitoring, global positioning system devices, or other
7 supervising devices for the purpose of helping to verify a
8 participant's compliance with the rules and regulations of the
9 program. The devices shall not be used to eavesdrop or record any
10 conversation, except a conversation between the participant and
11 the person supervising the participant, in which case the recording
12 of the conversation is to be used solely for the purposes of voice
13 identification.

14 (f) (1) In order to implement alternative custody for the
15 population specified in subdivision (c), the sheriff or the county
16 director of corrections shall create, and the participant shall agree
17 to and fully participate in, an individualized treatment and
18 rehabilitation plan. When available and appropriate for the
19 individualized treatment and rehabilitation plan, the sheriff or the
20 county director of corrections shall prioritize the use of
21 evidence-based programs and services that will aid in the
22 participant's successful reentry into society while he or she takes
23 part in alternative custody. Case management services shall be
24 provided to support rehabilitation and to track the progress and
25 individualized treatment plan compliance of the inmate.

26 (2) For purposes of this section, "evidence-based practices"
27 means supervision policies, procedures, programs, and practices
28 demonstrated by scientific research to reduce recidivism among
29 individuals under probation, parole, or postrelease community
30 supervision.

31 (g) The sheriff or the county director of corrections shall
32 prescribe reasonable rules to govern the operation of the alternative
33 custody program. Each participant shall be informed in writing
34 that he or she is required to comply with the rules of the program,
35 including, but not limited to, the following rules:

36 (1) The participant shall remain within the interior premises of
37 his or her residence during the hours designated by the sheriff or
38 his or her designee or the county director of corrections or his or
39 her designee.

1 (2) The participant shall be subject to search and seizure by a
2 peace officer at any time of the day or night, with or without cause.
3 In addition, the participant shall admit any peace officer designated
4 by the sheriff or his or her designee or the county director of
5 corrections or his or her designee into the participant's residence
6 at any time for purposes of verifying the participant's compliance
7 with the conditions of his or her detention. Prior to participation
8 in the alternative custody program, each participant shall agree in
9 writing to these terms and conditions.

10 (3) The sheriff or his or her designee, or the county director of
11 corrections or his or her designee, may immediately retake the
12 participant into custody to serve the balance of his or her sentence
13 if an electronic monitoring or supervising device is unable for any
14 reason to properly perform its function at the designated place of
15 detention, if the participant fails to remain within the place of
16 detention as stipulated in the agreement, or if the participant for
17 any other reason no longer meets the criteria under this section.

18 (h) Whenever a peace officer supervising a participant has
19 reasonable suspicion to believe that the participant is not complying
20 with the rules or conditions of the program, or that a required
21 electronic monitoring device is unable to function properly in the
22 designated place of confinement, the peace officer may, under
23 general or specific authorization of the sheriff or his or her
24 designee, or the county director of corrections or his or her
25 designee, and without a warrant of arrest, retake the participant
26 into custody to complete the remainder of the original sentence.

27 (i) This section shall not be construed to require a sheriff or his
28 or her designee, or a county director of corrections or his or her
29 designee, to allow an inmate to participate in this program if it
30 appears from the record that the inmate has not satisfactorily
31 complied with reasonable rules and regulations while in custody.
32 An inmate shall be eligible for participation in an alternative
33 custody program only if the sheriff or his or her designee or the
34 county director of corrections or his or her designee concludes that
35 the inmate meets the criteria for program participation established
36 under this section and that the inmate's participation is consistent
37 with any reasonable rules prescribed by the sheriff or the county
38 director of corrections.

1 (1) The rules and administrative policies of the program shall
2 be written and shall be given or made available to each participant
3 upon assignment to the alternative custody program.

4 (2) The sheriff or his or her designee or the county director of
5 corrections or his or her designee shall have the sole discretion
6 concerning whether to permit program participation as an
7 alternative to custody in a county jail. A risk and needs assessment
8 shall be completed on each inmate to assist in the determination
9 of eligibility for participation and the type of alternative custody.

10 (j) (1) The sheriff or his or her designee or the county director
11 of corrections or his or her designee shall permit program
12 participants to seek and retain employment in the community,
13 attend psychological counseling sessions or educational or
14 vocational training classes, participate in life skills or parenting
15 training, utilize substance abuse treatment services, or seek
16 medical, mental health, and dental assistance based upon the
17 participant's individualized treatment and release plan.
18 Participation in other rehabilitative services and programs may be
19 approved by the case manager if it is specified as a requirement
20 of the inmate's individualized treatment and rehabilitative case
21 plan.

22 (2) Willful failure of the program participant to return to the
23 place of detention prior to the expiration of any period of time
24 during which he or she is authorized to be away from the place of
25 detention, unauthorized departures from the place of detention, or
26 tampering with or disabling, or attempting to tamper with or
27 disable, an electronic monitoring device is punishable pursuant to
28 Section 4532 and shall additionally subject the participant to a
29 return to custody pursuant to subdivisions (g) and (h). In addition,
30 participants may be subject to forfeiture of credits pursuant to the
31 provisions of Section 4019, or to discipline for violation of rules
32 established by the sheriff or the county director of corrections.

33 (k) (1) Notwithstanding any other law, the sheriff or his or her
34 designee or the county director of corrections or his or her designee
35 shall provide the information specified in paragraph (2) regarding
36 participants in an alternative custody program to the law
37 enforcement agencies of the jurisdiction in which persons
38 participating in an alternative custody program reside.

39 (2) The information required by paragraph (1) shall consist of
40 the following:

- 1 (A) The participant’s name, address, and date of birth.
- 2 (B) The offense committed by the participant.
- 3 (C) The period of time the participant will be subject to an
- 4 alternative custody program.

5 (3) The information received by a law enforcement agency
 6 pursuant to this subdivision may be used for the purpose of
 7 monitoring the impact of an alternative custody program on the
 8 community.

9 (l) It is the intent of the Legislature that the alternative custody
 10 programs established under this section maintain the highest public
 11 confidence, credibility, and public safety. In the furtherance of
 12 these standards, the sheriff or the county director of corrections
 13 may administer an alternative custody program pursuant to written
 14 contracts with appropriate public agencies or entities to provide
 15 specified program services. No public agency or entity entering
 16 into a contract may itself employ any person who is in an
 17 alternative custody program. The sheriff or the county director of
 18 corrections shall determine the recidivism rate of each participant
 19 in an alternative custody program.

20 (m) An inmate participating in this program shall voluntarily
 21 agree to all of the provisions of the program in writing, including
 22 that he or she may be returned to confinement at any time with or
 23 without cause, and shall not be charged fees or costs for the
 24 program.

25 (n) If a phrase, clause, sentence, or provision of this section or
 26 application thereof to a person or circumstance is held invalid, that
 27 invalidity shall not affect any other phrase, clause, sentence, or
 28 provision or application of this section, which can be given effect
 29 without the invalid phrase, clause, sentence, or provision or
 30 application and to this end the provisions of this section are
 31 declared to be severable.

32 SEC. 19. Section 1170.3 of the Penal Code, as amended by
 33 Section 9 of Chapter 508 of the Statutes of 2013, is amended to
 34 read:

35 1170.3. The Judicial Council shall seek to promote uniformity
 36 in sentencing under Section 1170 by:

37 (a) The adoption of rules providing criteria for the consideration
 38 of the trial judge at the time of sentencing regarding the court’s
 39 decision to:

- 40 (1) Grant or deny probation.

1 (2) Impose the lower, middle, or upper prison term.

2 (3) Impose concurrent or consecutive sentences.

3 (4) Determine whether or not to impose an enhancement where
4 that determination is permitted by law.

5 (5) Deny a period of mandatory supervision in the interests of
6 justice under paragraph (5) of subdivision (h) of Section 1170 or
7 determine the appropriate period and conditions of mandatory
8 supervision. The rules implementing this paragraph shall be
9 adopted no later than January 1, 2015.

10 (b) The adoption of rules standardizing the minimum content
11 and the sequential presentation of material in probation officer
12 reports submitted to the court regarding probation and mandatory
13 supervision under paragraph (5) of subdivision (h) of Section 1170.

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

17 SEC. 20. Section 1170.3 of the Penal Code, as amended by
18 Section 10 of Chapter 508 of the Statutes of 2013, is amended to
19 read:

20 1170.3. The Judicial Council shall seek to promote uniformity
21 in sentencing under Section 1170 by:

22 (a) The adoption of rules providing criteria for the consideration
23 of the trial judge at the time of sentencing regarding the court's
24 decision to:

25 (1) Grant or deny probation.

26 (2) Impose the lower or upper prison term.

27 (3) Impose concurrent or consecutive sentences.

28 (4) Determine whether or not to impose an enhancement where
29 that determination is permitted by law.

30 (5) Deny a period of mandatory supervision in the interests of
31 justice under paragraph (5) of subdivision (h) of Section 1170 or
32 determine the appropriate period and conditions of mandatory
33 supervision. The rules implementing this paragraph shall be
34 adopted no later than January 1, 2015.

35 (b) The adoption of rules standardizing the minimum content
36 and the sequential presentation of material in probation officer
37 reports submitted to the court regarding probation and mandatory
38 supervision under paragraph (5) of subdivision (h) of Section 1170.

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

40 SEC. 21. Section 1233.10 is added to the Penal Code, to read:

1 1233.10. (a) Upon agreement to accept funding from the
 2 Recidivism Reduction Fund, created in Section 1233.9, a county
 3 board of supervisors, in collaboration with the county’s Community
 4 Corrections Partnership, shall develop, administer, and collect and
 5 submit data to the Board of State and Community Corrections
 6 regarding a competitive grant program intended to fund community
 7 recidivism and crime reduction services, including, but not limited
 8 to, delinquency prevention, homelessness prevention, and reentry
 9 services. The funding shall be allocated to counties by the State
 10 Controller’s Office from Item 5227-101-3259 of Section 2.00 of
 11 the Budget Act of 2014–15 according to the following schedule:
 12

13	Alameda	\$250,000
14	Alpine	\$10,000
15	Amador	\$10,000
16	Butte	\$50,000
17	Calaveras	\$10,000
18	Colusa	\$10,000
19	Contra Costa	\$250,000
20	Del Norte	\$10,000
21	El Dorado	\$50,000
22	Fresno	\$250,000
23	Glenn	\$10,000
24	Humboldt	\$50,000
25	Imperial	\$50,000
26	Inyo	\$10,000
27	Kern	\$250,000
28	Kings	\$50,000
29	Lake	\$25,000
30	Lassen	\$10,000
31	Los Angeles	\$1,600,000
32	Madera	\$50,000
33	Marin	\$50,000
34	Mariposa	\$10,000
35	Mendocino	\$25,000
36	Merced	\$50,000
37	Modoc	\$10,000
38	Mono	\$10,000
39	Monterey	\$100,000
40	Napa	\$50,000

1	Nevada	\$25,000
2	Orange	\$500,000
3	Placer	\$50,000
4	Plumas	\$10,000
5	Riverside	\$500,000
6	Sacramento	\$250,000
7	San Benito	\$25,000
8	San Bernardino	\$500,000
9	San Diego	\$500,000
10	San Francisco	\$250,000
11	San Joaquin	\$250,000
12	San Luis Obispo	\$50,000
13	San Mateo	\$250,000
14	Santa Barbara	\$100,000
15	Santa Clara	\$500,000
16	Santa Cruz	\$50,000
17	Shasta	\$50,000
18	Sierra	\$10,000
19	Siskiyou	\$10,000
20	Solano	\$100,000
21	Sonoma	\$100,000
22	Stanislaus	\$100,000
23	Sutter	\$25,000
24	Tehama	\$25,000
25	Trinity	\$10,000
26	Tulare	\$100,000
27	Tuolumne	\$25,000
28	Ventura	\$250,000
29	Yolo	\$50,000
30	Yuba	\$25,000

31

32 (b) For purposes of this section, “community recidivism and
33 crime reduction service provider” means a nongovernmental entity
34 or a consortium or coalition of nongovernmental entities, that
35 provides community recidivism and crime reduction services, as
36 described in paragraph (2) of subdivision (c), to persons who have
37 been released from the state prison, a county jail, a juvenile
38 detention facility, who are under the supervision of a parole or
39 probation department, or any other person at risk of becoming
40 involved in criminal activities.

1 (c) (1) A community recidivism and crime reduction service
2 provider shall have a demonstrated history of providing services,
3 as described in paragraph (2), to the target population during the
4 five years immediately prior to the application for a grant awarded
5 pursuant to this section.

6 (2) A community recidivism and crime reduction service
7 provider shall provide services that are designed to enable persons
8 to whom the services are provided to refrain from engaging in
9 crime, reconnect with their family members, and contribute to their
10 communities. Community recidivism and crime reduction services
11 may include all of the following:

12 (A) Self-help groups.

13 (B) Individual or group assistance with basic life skills.

14 (C) Mentoring programs.

15 (D) Academic and educational services, including, but not
16 limited to, services to enable the recipient to earn his or her high
17 school diploma.

18 (E) Job training skills and employment.

19 (F) Truancy prevention programs.

20 (G) Literacy programs.

21 (H) Any other service that advances community recidivism and
22 crime reduction efforts, as identified by the county board of
23 supervisors and the Community Corrections Partnership.

24 (I) Individual or group assistance with referrals for any of the
25 following:

26 (i) Mental and physical health assessments.

27 (ii) Counseling services.

28 (iii) Education and vocational programs.

29 (iv) Employment opportunities.

30 (v) Alcohol and drug treatment.

31 (vi) Health, wellness, fitness, and nutrition programs and
32 services.

33 (vii) Personal finance and consumer skills programs and
34 services.

35 (viii) Other personal growth and development programs to
36 reduce recidivism.

37 (ix) Housing assistance.

38 (d) Pursuant to this section and upon agreement to accept
39 funding from the Recidivism Reduction Fund, the board of
40 supervisors, in collaboration with the county's Community

1 Corrections Partnership, shall grant funds allocated to the county,
2 as described in subdivision (a), to community recidivism and crime
3 reduction service providers based on the needs of their community.

4 (e) (1) The amount awarded to each community recidivism and
5 crime reduction service provider by a county shall be based on the
6 population of the county, as projected by the Department of
7 Finance, and shall not exceed the following:

8 (A) One hundred thousand dollars (\$100,000) in a county with
9 a population of over 4,000,000 people.

10 (B) Fifty thousand dollars (\$50,000) in a county with a
11 population of 700,000 or more people but less than 4,000,000
12 people.

13 (C) Twenty five thousand dollars (\$25,000) in a county with a
14 population of 400,000 or more people but less than 700,000 people.

15 (D) Ten thousand dollars (\$10,000) in a county with a population
16 of less than 400,000 people.

17 (2) The total amount of grants awarded to a single community
18 recidivism and crime reduction service provider by all counties
19 pursuant to this section shall not exceed one hundred thousand
20 dollars (\$100,000).

21 (f) The board of supervisors, in collaboration with the county's
22 Community Corrections Partnership, shall establish minimum
23 requirements, funding criteria, and procedures for the counties to
24 award grants consistent with the criteria established in this section.

25 (g) A community recidivism and crime reduction service
26 provider that receives a grant under this section shall report to the
27 county board of supervisors or the Community Corrections
28 Partnership on the number of individuals served and the types of
29 services provided, consistent with paragraph (2) of subdivision
30 (c). The board of supervisors or the Community Corrections
31 Partnership shall report to the Board of State and Community
32 Corrections any information received under this subdivision from
33 grant recipients.

34 (h) Of the total amount granted to a county, up to 5 percent may
35 be withheld by the board of supervisors or the Community
36 Corrections Partnership for the payment of administrative costs.

37 (i) Any funds allocated to a county under this section shall be
38 available for expenditure for a period of four years and any
39 unexpended funds shall revert to the state General Fund at the end
40 of the four-year period. Any funds not encumbered with a

1 community recidivism and crime reduction service provider one
2 year after allocation of grant funds to counties shall immediately
3 revert to the state General Fund.

4 SEC. 22. Section 1233.15 of the Penal Code is amended to
5 read:

6 1233.15. The Director of Finance, in consultation with the
7 Administrative Office of the Courts, the Department of Corrections
8 and Rehabilitation, and the Chief Probation Officers of California,
9 shall develop a revised formula for the California Community
10 Corrections Performance Incentives Act of 2009 that takes into
11 consideration the significant changes to the eligibility of some
12 felony probationers for revocation to the state prison resulting from
13 the implementation of the 2011 Public Safety realignment, and
14 may also take into consideration the data calculated pursuant to
15 subdivisions (f) to (i), inclusive, of Section 1233.1. The revised
16 formula may include adjustments to the baseline failure rate for
17 each county. It is the intent of the Legislature that, commencing
18 with the 2015–16 fiscal year, probation departments receive
19 performance incentive funding pursuant to, and consistent with,
20 this chapter for their success at reducing postrelease community
21 supervision failure to prison rates and mandatory supervision
22 failure to prison rates.

23 SEC. 23. Section 1233.6 of the Penal Code is amended to read:

24 1233.6. (a) Probation failure reduction incentive payments
25 and high performance grants calculated for any calendar year shall
26 be provided to counties in the following fiscal year. The total
27 annual payment to each county shall be divided into four equal
28 quarterly payments.

29 (b) The Department of Finance shall include an estimate of the
30 total probation failure reduction incentive payments and high
31 performance grants to be provided to counties in the coming fiscal
32 year as part of the Governor’s proposed budget released no later
33 than January 10 of each year. This estimate shall be adjusted by
34 the Department of Finance, as necessary, to reflect the actual
35 calculations of probation failure reduction incentive payments and
36 high performance grants completed by the Director of Finance, in
37 consultation with the Department of Corrections and Rehabilitation,
38 the Joint Legislative Budget Committee, the Chief Probation
39 Officers of California, and the Administrative Office of the Courts.
40 This adjustment shall occur as part of standard budget revision

1 processes completed by the Department of Finance in April and
2 May of each year.

3 (c) There is hereby established, in the State Treasury, the State
4 Community Corrections Performance Incentives Fund, which is
5 continuously appropriated. Moneys appropriated for purposes of
6 providing probation failure reduction incentive payments and high
7 performance grants authorized in Sections 1230 to 1233.6,
8 inclusive, shall be transferred into this fund from the General Fund.
9 Any moneys transferred into this fund from the General Fund shall
10 be administered by the Administrative Office of the Courts and
11 the share calculated for each county probation department shall
12 be transferred to its Community Corrections Performance
13 Incentives Fund authorized in Section 1230.

14 (d) For each fiscal year, the Director of Finance shall determine
15 the total amount of the State Community Corrections Performance
16 Incentives Fund and the amount to be allocated to each county,
17 pursuant to this section and Sections 1230 to 1233.5, inclusive,
18 and shall report those amounts to the Controller. The Controller
19 shall make an allocation from the State Community Corrections
20 Performance Incentives Fund authorized in subdivision (c) to each
21 county in accordance with the amounts provided.

22 (e) Notwithstanding Section 13340 of the Government Code,
23 commencing July 1, 2014, and each fiscal year thereafter, the
24 amount of one million dollars (\$1,000,000) is hereby continuously
25 appropriated from the State Community Corrections Performance
26 Incentives Fund to the Administrative Office of the Courts for the
27 costs of implementing and administering this program, pursuant
28 to subdivision (c), and the 2011 realignment legislation addressing
29 public safety.

30 SEC. 24. Section 1233.61 of the Penal Code is amended to
31 read:

32 1233.61. Notwithstanding any other law, any moneys remaining
33 in the State Community Corrections Performance Incentives Fund,
34 after the calculation and award determination of each county's tier
35 payments or high performance grant payments pursuant to Sections
36 1233.3 and 1233.4, shall be distributed to county probation
37 departments as follows:

38 (a) The Department of Finance shall increase the award amount
39 for any county whose tier payment or high performance grant
40 payment, as calculated pursuant to Sections 1233.3 and 1233.4,

1 totals less than two hundred thousand dollars (\$200,000) to no
2 more than two hundred thousand dollars (\$200,000).

3 (b) The Department of Finance shall adjust the award amount
4 for any county that has a probation failure rate, as defined in
5 subdivision (c) of Section 1233.1, that is below the statewide
6 average, as defined in subdivision (b) of Section 1233.1, so that
7 these counties receive no less than two hundred thousand dollars
8 (\$200,000).

9 (c) The Department of Finance shall evenly distribute any
10 remaining funds, up to two hundred thousand dollars (\$200,000)
11 per county, to those counties that did not receive a tier payment
12 or a high performance grant payment, as calculated pursuant to
13 Sections 1233.3 and 1233.4.

14 (d) The distribution of any funds remaining after the distribution
15 made pursuant to subdivision (c) shall be determined by the
16 Department of Finance. The distribution may give preference to
17 high performing counties that did not receive funding pursuant to
18 Section 1233.4.

19 (e) At no time shall an award provided to a county through
20 subdivision (c) exceed the amount of a grant award provided to
21 counties that are eligible to receive increased award amounts
22 pursuant to subdivision (a) or (b).

23 (f) Any county receiving funding through subdivision (c) shall
24 submit a report to the Administrative Office of the Courts and the
25 Chief Probation Officers of California describing how it plans on
26 using the funds to enhance its ability to be successful under this
27 act. Commencing January 1, 2014, a county that fails to submit
28 this report by March 1 annually shall not receive funding pursuant
29 to subdivision (c) in the subsequent fiscal year.

30 (g) A county that fails to provide the information specified in
31 Section 1231 to the Administrative Office of the Courts shall not
32 be eligible for payment pursuant to this section.

33 SEC. 25. Section 1370 of the Penal Code is amended to read:
34 1370. (a) (1) (A) If the defendant is found mentally
35 competent, the criminal process shall resume, the trial on the
36 offense charged shall proceed, and judgment may be pronounced.

37 (B) If the defendant is found mentally incompetent, the trial or
38 judgment shall be suspended until the person becomes mentally
39 competent.

1 (i) In the meantime, the court shall order that the mentally
2 incompetent defendant be delivered by the sheriff to a state hospital
3 for the care and treatment of the mentally disordered, as directed
4 by the State Department of State Hospitals, or to any other available
5 public or private treatment facility, including a local county jail
6 treatment facility or the community-based residential treatment
7 system established pursuant to Article 1 (commencing with Section
8 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and
9 Institutions Code if the facility has a secured perimeter or a locked
10 and controlled treatment facility, approved by the community
11 program director that will promote the defendant's speedy
12 restoration to mental competence, or placed on outpatient status
13 as specified in Section 1600.

14 (ii) However, if the action against the defendant who has been
15 found mentally incompetent is on a complaint charging a felony
16 offense specified in Section 290, the prosecutor shall determine
17 whether the defendant previously has been found mentally
18 incompetent to stand trial pursuant to this chapter on a charge of
19 a Section 290 offense, or whether the defendant is currently the
20 subject of a pending Section 1368 proceeding arising out of a
21 charge of a Section 290 offense. If either determination is made,
22 the prosecutor shall so notify the court and defendant in writing.
23 After this notification, and opportunity for hearing, the court shall
24 order that the defendant be delivered by the sheriff to a state
25 hospital, as directed by the State Department of State Hospitals,
26 or other secure treatment facility for the care and treatment of the
27 mentally disordered unless the court makes specific findings on
28 the record that an alternative placement would provide more
29 appropriate treatment for the defendant and would not pose a
30 danger to the health and safety of others.

31 (iii) If the action against the defendant who has been found
32 mentally incompetent is on a complaint charging a felony offense
33 specified in Section 290 and the defendant has been denied bail
34 pursuant to subdivision (b) of Section 12 of Article I of the
35 California Constitution because the court has found, based upon
36 clear and convincing evidence, a substantial likelihood that the
37 person's release would result in great bodily harm to others, the
38 court shall order that the defendant be delivered by the sheriff to
39 a state hospital for the care and treatment of the mentally
40 disordered, as directed by the State Department of State Hospitals,

1 unless the court makes specific findings on the record that an
2 alternative placement would provide more appropriate treatment
3 for the defendant and would not pose a danger to the health and
4 safety of others.

5 (iv) The clerk of the court shall notify the Department of Justice
6 in writing of any finding of mental incompetence with respect to
7 a defendant who is subject to clause (ii) or (iii) for inclusion in his
8 or her state summary criminal history information.

9 (C) Upon the filing of a certificate of restoration to competence,
10 the court shall order that the defendant be returned to court in
11 accordance with Section 1372. The court shall transmit a copy of
12 its order to the community program director or a designee.

13 (D) A defendant charged with a violent felony may not be
14 delivered to a state hospital or treatment facility pursuant to this
15 subdivision unless the state hospital or treatment facility has a
16 secured perimeter or a locked and controlled treatment facility,
17 and the judge determines that the public safety will be protected.

18 (E) For purposes of this paragraph, “violent felony” means an
19 offense specified in subdivision (c) of Section 667.5.

20 (F) A defendant charged with a violent felony may be placed
21 on outpatient status, as specified in Section 1600, only if the court
22 finds that the placement will not pose a danger to the health or
23 safety of others. If the court places a defendant charged with a
24 violent felony on outpatient status, as specified in Section 1600,
25 the court must serve copies of the placement order on defense
26 counsel, the sheriff in the county where the defendant will be
27 placed and the district attorney for the county in which the violent
28 felony charges are pending against the defendant.

29 (2) Prior to making the order directing that the defendant be
30 committed to the State Department of State Hospitals or other
31 treatment facility or placed on outpatient status, the court shall
32 proceed as follows:

33 (A) The court shall order the community program director or a
34 designee to evaluate the defendant and to submit to the court within
35 15 judicial days of the order a written recommendation as to
36 whether the defendant should be required to undergo outpatient
37 treatment, or committed to the State Department of State Hospitals
38 or to any other treatment facility. No person shall be admitted to
39 a state hospital or other treatment facility or placed on outpatient
40 status under this section without having been evaluated by the

1 community program director or a designee. The community
2 program director or designee shall evaluate the appropriate
3 placement for the defendant between the State Department of State
4 Hospitals, a local county jail treatment facility, or the
5 community-based residential treatment system based upon
6 guidelines provided by the State Department of State Hospitals.
7 If a local county jail treatment facility is selected, the State
8 Department of State Hospitals shall provide treatment at the county
9 jail treatment facility and reimburse the county jail treatment
10 facility for the reasonable costs of the bed during the treatment. If
11 the community-based residential treatment system is selected, the
12 State Department of State Hospitals shall provide reimbursement
13 to the community-based residential treatment system for the cost
14 of treatment as negotiated with the State Department of State
15 Hospitals. The six-month limitation in Section 1369.1 shall not
16 apply to individuals deemed incompetent to stand trial who are
17 being treated to restore competency within a county jail treatment
18 facility pursuant to this section.

19 (B) The court shall hear and determine whether the defendant
20 lacks capacity to make decisions regarding the administration of
21 antipsychotic medication, and shall proceed as follows:

22 (i) The court shall hear and determine whether any of the
23 following is true:

24 (I) The defendant lacks capacity to make decisions regarding
25 antipsychotic medication, the defendant's mental disorder requires
26 medical treatment with antipsychotic medication, and, if the
27 defendant's mental disorder is not treated with antipsychotic
28 medication, it is probable that serious harm to the physical or
29 mental health of the patient will result. Probability of serious harm
30 to the physical or mental health of the defendant requires evidence
31 that the defendant is presently suffering adverse effects to his or
32 her physical or mental health, or the defendant has previously
33 suffered these effects as a result of a mental disorder and his or
34 her condition is substantially deteriorating. The fact that a
35 defendant has a diagnosis of a mental disorder does not alone
36 establish probability of serious harm to the physical or mental
37 health of the defendant.

38 (II) The defendant is a danger to others, in that the defendant
39 has inflicted, attempted to inflict, or made a serious threat of
40 inflicting substantial physical harm on another while in custody,

1 or the defendant had inflicted, attempted to inflict, or made a
2 serious threat of inflicting substantial physical harm on another
3 that resulted in his or her being taken into custody, and the
4 defendant presents, as a result of mental disorder or mental defect,
5 a demonstrated danger of inflicting substantial physical harm on
6 others. Demonstrated danger may be based on an assessment of
7 the defendant's present mental condition, including a consideration
8 of past behavior of the defendant within six years prior to the time
9 the defendant last attempted to inflict, inflicted, or threatened to
10 inflict substantial physical harm on another, and other relevant
11 evidence.

12 (III) The people have charged the defendant with a serious crime
13 against the person or property, involuntary administration of
14 antipsychotic medication is substantially likely to render the
15 defendant competent to stand trial, the medication is unlikely to
16 have side effects that interfere with the defendant's ability to
17 understand the nature of the criminal proceedings or to assist
18 counsel in the conduct of a defense in a reasonable manner, less
19 intrusive treatments are unlikely to have substantially the same
20 results, and antipsychotic medication is in the patient's best medical
21 interest in light of his or her medical condition.

22 (ii) If the court finds any of the conditions described in clause
23 (i) to be true, the court shall issue an order authorizing the treatment
24 facility to involuntarily administer antipsychotic medication to the
25 defendant when and as prescribed by the defendant's treating
26 psychiatrist. The court shall not order involuntary administration
27 of psychotropic medication under subclause (III) of clause (i)
28 unless the court has first found that the defendant does not meet
29 the criteria for involuntary administration of psychotropic
30 medication under subclause (I) of clause (i) and does not meet the
31 criteria under subclause (II) of clause (i).

32 (iii) In all cases, the treating hospital, facility, or program may
33 administer medically appropriate antipsychotic medication
34 prescribed by a psychiatrist in an emergency as described in
35 subdivision (m) of Section 5008 of the Welfare and Institutions
36 Code.

37 (iv) If the court has determined that the defendant has the
38 capacity to make decisions regarding antipsychotic medication,
39 and if the defendant, with advice of his or her counsel, consents,
40 the court order of commitment shall include confirmation that

1 antipsychotic medication may be given to the defendant as
2 prescribed by a treating psychiatrist pursuant to the defendant's
3 consent. The commitment order shall also indicate that, if the
4 defendant withdraws consent for antipsychotic medication, after
5 the treating psychiatrist complies with the provisions of
6 subparagraph (C), the defendant shall be returned to court for a
7 hearing in accordance with subparagraphs (C) and (D) regarding
8 whether antipsychotic medication shall be administered
9 involuntarily.

10 (v) If the court has determined that the defendant has the
11 capacity to make decisions regarding antipsychotic medication
12 and if the defendant, with advice from his or her counsel, does not
13 consent, the court order for commitment shall indicate that, after
14 the treating psychiatrist complies with the provisions of
15 subparagraph (C), the defendant shall be returned to court for a
16 hearing in accordance with subparagraphs (C) and (D) regarding
17 whether antipsychotic medication shall be administered
18 involuntarily.

19 (vi) Any report made pursuant to paragraph (1) of subdivision
20 (b) shall include a description of any antipsychotic medication
21 administered to the defendant and its effects and side effects,
22 including effects on the defendant's appearance or behavior that
23 would affect the defendant's ability to understand the nature of
24 the criminal proceedings or to assist counsel in the conduct of a
25 defense in a reasonable manner. During the time the defendant is
26 confined in a state hospital or other treatment facility or placed on
27 outpatient status, either the defendant or the people may request
28 that the court review any order made pursuant to this subdivision.
29 The defendant, to the same extent enjoyed by other patients in the
30 state hospital or other treatment facility, shall have the right to
31 contact the patients' rights advocate regarding his or her rights
32 under this section.

33 (C) If the defendant consented to antipsychotic medication as
34 described in clause (iv) of subparagraph (B), but subsequently
35 withdraws his or her consent, or, if involuntary antipsychotic
36 medication was not ordered pursuant to clause (v) of subparagraph
37 (B), and the treating psychiatrist determines that antipsychotic
38 medication has become medically necessary and appropriate, the
39 treating psychiatrist shall make efforts to obtain informed consent
40 from the defendant for antipsychotic medication. If informed

1 consent is not obtained from the defendant, and the treating
2 psychiatrist is of the opinion that the defendant lacks capacity to
3 make decisions regarding antipsychotic medication based on the
4 conditions described in subclause (I) or (II) of clause (i) of
5 subparagraph (B), the treating psychiatrist shall certify whether
6 the lack of capacity and any applicable conditions described above
7 exist. That certification shall contain an assessment of the current
8 mental status of the defendant and the opinion of the treating
9 psychiatrist that involuntary antipsychotic medication has become
10 medically necessary and appropriate.

11 (D) (i) If the treating psychiatrist certifies that antipsychotic
12 medication has become medically necessary and appropriate
13 pursuant to subparagraph (C), antipsychotic medication may be
14 administered to the defendant for not more than 21 days, provided,
15 however, that, within 72 hours of the certification, the defendant
16 is provided a medication review hearing before an administrative
17 law judge to be conducted at the facility where the defendant is
18 receiving treatment. The treating psychiatrist shall present the case
19 for the certification for involuntary treatment and the defendant
20 shall be represented by an attorney or a patients' rights advocate.
21 The attorney or patients' rights advocate shall be appointed to meet
22 with the defendant no later than one day prior to the medication
23 review hearing to review the defendant's rights at the medication
24 review hearing, discuss the process, answer questions or concerns
25 regarding involuntary medication or the hearing, assist the
26 defendant in preparing for the hearing and advocating for his or
27 her interests at the hearing, review the panel's final determination
28 following the hearing, advise the defendant of his or her right to
29 judicial review of the panel's decision, and provide the defendant
30 with referral information for legal advice on the subject. The
31 defendant shall also have the following rights with respect to the
32 medication review hearing:

33 (I) To being given timely access to the defendant's records.

34 (II) To be present at the hearing, unless the defendant waives
35 that right.

36 (III) To present evidence at the hearing.

37 (IV) To question persons presenting evidence supporting
38 involuntary medication.

39 (V) To make reasonable requests for attendance of witnesses
40 on the defendant's behalf.

1 (VI) To a hearing conducted in an impartial and informal
2 manner.

3 (ii) If the administrative law judge determines that the defendant
4 either meets the criteria specified in subclause (I) of clause (i) of
5 subparagraph (B), or meets the criteria specified in subclause (II)
6 of clause (i) of subparagraph (B), then antipsychotic medication
7 may continue to be administered to the defendant for the 21-day
8 certification period. Concurrently with the treating psychiatrist's
9 certification, the treating psychiatrist shall file a copy of the
10 certification and a petition with the court for issuance of an order
11 to administer antipsychotic medication beyond the 21-day
12 certification period. For purposes of this subparagraph, the treating
13 psychiatrist shall not be required to pay or deposit any fee for the
14 filing of the petition or other document or paper related to the
15 petition.

16 (iii) If the administrative law judge disagrees with the
17 certification, medication may not be administered involuntarily
18 until the court determines that antipsychotic medication should be
19 administered pursuant to this section.

20 (iv) The court shall provide notice to the prosecuting attorney
21 and to the attorney representing the defendant, and shall hold a
22 hearing, no later than 18 days from the date of the certification, to
23 determine whether antipsychotic medication should be ordered
24 beyond the certification period.

25 (v) If, as a result of the hearing, the court determines that
26 antipsychotic medication should be administered beyond the
27 certification period, the court shall issue an order authorizing the
28 administration of that medication.

29 (vi) The court shall render its decision on the petition and issue
30 its order no later than three calendar days after the hearing and, in
31 any event, no later than the expiration of the 21-day certification
32 period.

33 (3) When the court orders that the defendant be committed to
34 the State Department of State Hospitals or other public or private
35 treatment facility, the court shall provide copies of the following
36 documents prior to the admission of the defendant to the State
37 Department of State Hospitals or other treatment facility where
38 the defendant is to be committed:

39 (A) The commitment order, including a specification of the
40 charges.

1 (B) A computation or statement setting forth the maximum term
2 of commitment in accordance with subdivision (c).

3 (C) A computation or statement setting forth the amount of
4 credit for time served, if any, to be deducted from the maximum
5 term of commitment.

6 (D) State summary criminal history information.

7 (E) Any arrest reports prepared by the police department or
8 other law enforcement agency.

9 (F) Any court-ordered psychiatric examination or evaluation
10 reports.

11 (G) The community program director's placement
12 recommendation report.

13 (H) Records of any finding of mental incompetence pursuant
14 to this chapter arising out of a complaint charging a felony offense
15 specified in Section 290 or any pending Section 1368 proceeding
16 arising out of a charge of a Section 290 offense.

17 (I) Any medical records.

18 (4) When the defendant is committed to a treatment facility
19 pursuant to clause (i) of subparagraph (B) of paragraph (1) or the
20 court makes the findings specified in clause (ii) or (iii) of
21 subparagraph (B) of paragraph (1) to assign the defendant to a
22 treatment facility other than a state hospital or other secure
23 treatment facility, the court shall order that notice be given to the
24 appropriate law enforcement agency or agencies having local
25 jurisdiction at the site of the placement facility of any finding of
26 mental incompetence pursuant to this chapter arising out of a
27 charge of a Section 290 offense.

28 (5) When directing that the defendant be confined in a state
29 hospital pursuant to this subdivision, the court shall commit the
30 patient to the State Department of State Hospitals.

31 (6) (A) If the defendant is committed or transferred to the State
32 Department of State Hospitals pursuant to this section, the court
33 may, upon receiving the written recommendation of the medical
34 director of the state hospital and the community program director
35 that the defendant be transferred to a public or private treatment
36 facility approved by the community program director, order the
37 defendant transferred to that facility. If the defendant is committed
38 or transferred to a public or private treatment facility approved by
39 the community program director, the court may, upon receiving
40 the written recommendation of the community program director,

1 transfer the defendant to the State Department of State Hospitals
2 or to another public or private treatment facility approved by the
3 community program director. In the event of dismissal of the
4 criminal charges before the defendant recovers competence, the
5 person shall be subject to the applicable provisions of the
6 Lanterman-Petris-Short Act (Part 1 (commencing with Section
7 5000) of Division 5 of the Welfare and Institutions Code). If either
8 the defendant or the prosecutor chooses to contest either kind of
9 order of transfer, a petition may be filed in the court for a hearing,
10 which shall be held if the court determines that sufficient grounds
11 exist. At the hearing, the prosecuting attorney or the defendant
12 may present evidence bearing on the order of transfer. The court
13 shall use the same standards as are used in conducting probation
14 revocation hearings pursuant to Section 1203.2.

15 Prior to making an order for transfer under this section, the court
16 shall notify the defendant, the attorney of record for the defendant,
17 the prosecuting attorney, and the community program director or
18 a designee.

19 (B) If the defendant is initially committed to the State
20 Department of State Hospitals or secure treatment facility pursuant
21 to clause (ii) or (iii) of subparagraph (B) of paragraph (1) and is
22 subsequently transferred to any other facility, copies of the
23 documents specified in paragraph (3) shall be taken with the
24 defendant to each subsequent facility to which the defendant is
25 transferred. The transferring facility shall also notify the appropriate
26 law enforcement agency or agencies having local jurisdiction at
27 the site of the new facility that the defendant is a person subject
28 to clause (ii) or (iii) of subparagraph (B) of paragraph (1).

29 (7) An order by the court authorizing involuntary medication
30 of the defendant shall be valid for no more than one year. The
31 court shall review the order six months after the order was made
32 to determine if the grounds for the authorization remain. In the
33 review, the court shall consider the reports of the treating
34 psychiatrist or psychiatrists and the defendant's patients' rights
35 advocate or attorney. The court may require testimony from the
36 treating psychiatrist or psychiatrists and the patients' rights
37 advocate or attorney, if necessary. The court may continue the
38 order authorizing involuntary medication for up to another six
39 months, or vacate the order, or make any other appropriate order.

1 (b) (1) Within 90 days of a commitment made pursuant to
2 subdivision (a), the medical director of the state hospital or other
3 treatment facility to which the defendant is confined shall make a
4 written report to the court and the community program director
5 for the county or region of commitment, or a designee, concerning
6 the defendant's progress toward recovery of mental competence.
7 If the defendant is on outpatient status, the outpatient treatment
8 staff shall make a written report to the community program director
9 concerning the defendant's progress toward recovery of mental
10 competence. Within 90 days of placement on outpatient status, the
11 community program director shall report to the court on this matter.
12 If the defendant has not recovered mental competence, but the
13 report discloses a substantial likelihood that the defendant will
14 regain mental competence in the foreseeable future, the defendant
15 shall remain in the state hospital or other treatment facility or on
16 outpatient status. Thereafter, at six-month intervals or until the
17 defendant becomes mentally competent, if the defendant is
18 confined in a treatment facility, the medical director of the hospital
19 or person in charge of the facility shall report in writing to the
20 court and the community program director or a designee regarding
21 the defendant's progress toward recovery of mental competence.
22 If the defendant is on outpatient status, after the initial 90-day
23 report, the outpatient treatment staff shall report to the community
24 program director on the defendant's progress toward recovery,
25 and the community program director shall report to the court on
26 this matter at six-month intervals. A copy of these reports shall be
27 provided to the prosecutor and defense counsel by the court. If the
28 report indicates that there is no substantial likelihood that the
29 defendant will regain mental competence in the foreseeable future,
30 the committing court shall order the defendant to be returned to
31 the court for proceedings pursuant to paragraph (2) of subdivision
32 (c). The court shall transmit a copy of its order to the community
33 program director or a designee.

34 (2) If the court has issued an order authorizing the treating
35 facility to involuntarily administer antipsychotic medication to the
36 defendant, the reports made at six-month intervals concerning the
37 defendant's progress toward regaining competency shall also
38 consider the issue of involuntary medication. Each report shall
39 include, but is not limited to, all the following:

1 (A) Whether or not the defendant has the capacity to make
2 decisions concerning antipsychotic medication.

3 (B) If the defendant lacks capacity to make decisions concerning
4 antipsychotic medication, whether the defendant risks serious harm
5 to his or her physical or mental health if not treated with
6 antipsychotic medication.

7 (C) Whether or not the defendant presents a danger to others if
8 he or she is not treated with antipsychotic medication.

9 (D) Whether the defendant has a mental illness for which
10 medications are the only effective treatment.

11 (E) Whether there are any side effects from the medication
12 currently being experienced by the defendant that would interfere
13 with the defendant's ability to collaborate with counsel.

14 (F) Whether there are any effective alternatives to medication.

15 (G) How quickly the medication is likely to bring the defendant
16 to competency.

17 (H) Whether the treatment plan includes methods other than
18 medication to restore the defendant to competency.

19 (I) A statement, if applicable, that no medication is likely to
20 restore the defendant to competency.

21 (3) After reviewing the reports, the court shall determine whether
22 or not grounds for the order authorizing involuntary administration
23 of antipsychotic medication still exist and shall do one of the
24 following:

25 (A) If the original grounds for involuntary medication still exist,
26 the order authorizing the treating facility to involuntarily administer
27 antipsychotic medication to the defendant shall remain in effect.

28 (B) If the original grounds for involuntary medication no longer
29 exist, and there is no other basis for involuntary administration of
30 antipsychotic medication, the order for the involuntary
31 administration of antipsychotic medication shall be vacated.

32 (C) If the original grounds for involuntary medication no longer
33 exist, and the report states that there is another basis for involuntary
34 administration of antipsychotic medication, the court shall set a
35 hearing within 21 days to determine whether the order for the
36 involuntary administration of antipsychotic medication shall be
37 vacated or whether a new order for the involuntary administration
38 of antipsychotic medication shall be issued. The hearing shall
39 proceed as set forth in subparagraph (B) of paragraph (2) of
40 subdivision (a).

1 (4) Any defendant who has been committed or has been on
2 outpatient status for 18 months and is still hospitalized or on
3 outpatient status shall be returned to the committing court where
4 a hearing shall be held pursuant to the procedures set forth in
5 Section 1369. The court shall transmit a copy of its order to the
6 community program director or a designee.

7 (5) If it is determined by the court that no treatment for the
8 defendant's mental impairment is being conducted, the defendant
9 shall be returned to the committing court. The court shall transmit
10 a copy of its order to the community program director or a
11 designee.

12 (6) At each review by the court specified in this subdivision,
13 the court shall determine if the security level of housing and
14 treatment is appropriate and may make an order in accordance
15 with its determination. If the court determines that the defendant
16 shall continue to be treated in the state hospital or on an outpatient
17 basis, the court shall determine issues concerning administration
18 of antipsychotic medication, as set forth in subparagraph (B) of
19 paragraph (2) of subdivision (a).

20 (c) (1) At the end of three years from the date of commitment
21 or a period of commitment equal to the maximum term of
22 imprisonment provided by law for the most serious offense charged
23 in the information, indictment, or misdemeanor complaint,
24 whichever is shorter, a defendant who has not recovered mental
25 competence shall be returned to the committing court. The court
26 shall notify the community program director or a designee of the
27 return and of any resulting court orders.

28 (2) Whenever any defendant is returned to the court pursuant
29 to paragraph (1) or (4) of subdivision (b) or paragraph (1) of this
30 subdivision and it appears to the court that the defendant is gravely
31 disabled, as defined in subparagraph (B) of paragraph (1) of
32 subdivision (h) of Section 5008 of the Welfare and Institutions
33 Code, the court shall order the conservatorship investigator of the
34 county of commitment of the defendant to initiate conservatorship
35 proceedings for the defendant pursuant to Chapter 3 (commencing
36 with Section 5350) of Part 1 of Division 5 of the Welfare and
37 Institutions Code. Any hearings required in the conservatorship
38 proceedings shall be held in the superior court in the county that
39 ordered the commitment. The court shall transmit a copy of the
40 order directing initiation of conservatorship proceedings to the

1 community program director or a designee, the sheriff and the
2 district attorney of the county in which criminal charges are
3 pending, and the defendant’s counsel of record. The court shall
4 notify the community program director or a designee, the sheriff
5 and district attorney of the county in which criminal charges are
6 pending, and the defendant’s counsel of record of the outcome of
7 the conservatorship proceedings.

8 (3) If a change in placement is proposed for a defendant who
9 is committed pursuant to subparagraph (B) of paragraph (1) of
10 subdivision (h) of Section 5008 of the Welfare and Institutions
11 Code, the court shall provide notice and an opportunity to be heard
12 with respect to the proposed placement of the defendant to the
13 sheriff and the district attorney of the county in which criminal
14 charges are pending.

15 (4) If the defendant is confined in a treatment facility, a copy
16 of any report to the committing court regarding the defendant’s
17 progress toward recovery of mental competence shall be provided
18 by the committing court to the prosecutor and to the defense
19 counsel.

20 (d) The criminal action remains subject to dismissal pursuant
21 to Section 1385. If the criminal action is dismissed, the court shall
22 transmit a copy of the order of dismissal to the community program
23 director or a designee.

24 (e) If the criminal charge against the defendant is dismissed,
25 the defendant shall be released from any commitment ordered
26 under this section, but without prejudice to the initiation of any
27 proceedings that may be appropriate under the
28 Lanterman-Petris-Short Act, Part 1 (commencing with Section
29 5000) of Division 5 of the Welfare and Institutions Code.

30 (f) As used in this chapter, “community program director” means
31 the person, agency, or entity designated by the State Department
32 of State Hospitals pursuant to Section 1605 of this code and Section
33 4360 of the Welfare and Institutions Code.

34 (g) For the purpose of this section, “secure treatment facility”
35 shall not include, except for state mental hospitals, state
36 developmental centers, and correctional treatment facilities, any
37 facility licensed pursuant to Chapter 2 (commencing with Section
38 1250) of, Chapter 3 (commencing with Section 1500) of, or Chapter
39 3.2 (commencing with Section 1569) of, Division 2 of the Health
40 and Safety Code, or any community board and care facility.

1 (h) Nothing in this section shall preclude a defendant from filing
2 a petition for habeas corpus to challenge the continuing validity
3 of an order authorizing a treatment facility or outpatient program
4 to involuntarily administer antipsychotic medication to a person
5 being treated as incompetent to stand trial.

6 SEC. 26. Section 2694 of the Penal Code is amended to read:

7 2694. (a) The Department of Corrections and Rehabilitation
8 shall expand substance abuse treatment services in prisons to
9 accommodate at least 4,000 additional inmates who have histories
10 of substance abuse. In determining the prisons in which these
11 additional treatment services will be located, the department may
12 consider efficiency and efficacy of treatment, availability of staff
13 resources, availability of physical space, and availability of
14 additional resources in surrounding communities to supplement
15 the treatment. In addition, the department shall expand followup
16 treatment services in the community in order to ensure that
17 offenders who participate in substance abuse treatment while
18 incarcerated in prison shall receive necessary followup treatment
19 while on parole.

20 (b) (1) Notwithstanding any other law, unless there is a security
21 or safety reason not to do so, a substance abuse treatment program
22 funded by the Department of Corrections and Rehabilitation and
23 offered in a facility under the jurisdiction of the department
24 pursuant to this section shall include a peer counseling component
25 allowing prisoners to receive the necessary training within those
26 facilities to become certified addiction counselors, including
27 necessary course work and clinical hours.

28 (2) If the department determines that a peer counseling
29 component shall not be included as part of a substance abuse
30 treatment program offered in a facility under the department's
31 jurisdiction, the department shall notify in writing on January 10,
32 2015, and January 10, 2016, the Assembly and Senate Committees
33 on Budget and the relevant Assembly and Senate policy committees
34 at the time the determination is made. The report shall include the
35 reason for the determination and a description of the substance
36 abuse treatment program being provided.

37 (3) For purposes of this section, "peer counseling" means
38 counseling offered by a person sharing similar life experiences
39 who provides advice and assistance to another individual with the
40 intended outcome of overcoming addiction-related challenges.

1 SEC. 27. Article 2.4 (commencing with Section 3016) is added
2 to Chapter 8 of Title 1 of Part 3 of the Penal Code, to read:

3
4 Article 2.4. Case Management Reentry Pilot Program
5

6 3016. (a) The Secretary of the Department of Corrections and
7 Rehabilitation shall establish the Case Management Reentry Pilot
8 Program for offenders under the jurisdiction of the department
9 who have been sentenced to a term of imprisonment under Section
10 1170 and are likely to benefit from a case management reentry
11 strategy designed to address homelessness, joblessness, mental
12 disorders, and developmental disabilities among offenders
13 transitioning from prison into the community. The purpose of the
14 pilot program is to implement promising and evidence-based
15 practices and strategies that promote improved public safety
16 outcomes for offenders reentering society after serving a term in
17 state prison and while released to parole.

18 (b) The program shall be initiated in at least three counties over
19 three years, supported by department employees focusing primarily
20 on case management services for eligible parolees selected for the
21 pilot program. Department employees shall be experienced or
22 trained to work as social workers with a parole population.
23 Selection of a parolee for participation in the pilot program does
24 not guarantee the availability of services.

25 (c) Case management social workers shall assist offenders on
26 parole who are assigned to the program in managing basic needs,
27 including housing, job training and placement, medical and mental
28 health care, and any additional programming or responsibilities
29 attendant to the terms of the offender's reentry requirements. Case
30 management social workers also shall work closely with offenders
31 to prepare, monitor, revise, and fulfill individualized offender
32 reentry plans consistent with this section during the term of the
33 program.

34 (d) Individualized offender reentry plans shall focus on
35 connecting offenders to services for which the offender is eligible
36 under existing federal, state, and local rules.

37 (e) Case management services shall be prioritized for offenders
38 identified as potentially benefiting from assistance with the
39 following:

- 1 (1) Food, including the immediate need and long-term planning
2 for obtaining food.
- 3 (2) Clothing, including the immediate need to obtain appropriate
4 clothing.
- 5 (3) Shelter, including obtaining housing consistent with the
6 goals of the most independent, least restrictive and potentially
7 durable housing in the local community and that are feasible for
8 the circumstances of each reentering offender.
- 9 (4) Benefits, including, but not limited to, the California Work
10 Opportunity and Responsibility to Kids program, general
11 assistance, benefits administered by the federal Social Security
12 Administration, Medi-Cal, and veterans benefits.
- 13 (5) Health services, including assisting parolee clients with
14 accessing community mental health, medical, and dental treatment.
- 15 (6) Substance abuse services, including assisting parolee clients
16 with obtaining community substance abuse treatment or related
17 12-step program information and locations.
- 18 (7) Income, including developing and implementing a feasible
19 plan to obtain an income and employment reflecting the highest
20 level of work appropriate for a reentering offender's abilities and
21 experience.
- 22 (8) Identification cards, including assisting reentering offenders
23 with obtaining state identification cards.
- 24 (9) Life skills, including assisting with the development of skills
25 concerning money management, job interviewing, resume writing,
26 and activities of daily living.
- 27 (10) Activities, including working with reentering offenders in
28 choosing and engaging in suitable and productive activities.
- 29 (11) Support systems, including working with reentering
30 offenders on developing a support system, which may consist of
31 prosocial friends, family, and community groups and activities,
32 such as religious activities, recovery groups, and other social
33 events.
- 34 (12) Academic and vocational programs, including assisting
35 reentering offenders in developing and implementing a realistic
36 plan to achieve an academic education, or vocational training, or
37 both.
- 38 (13) Discharge planning, including developing postparole plans
39 to sustain parolees' achievements and goals to insure long-term
40 community success.

1 (f) The department shall contract for an evaluation of the pilot
2 program that will assess its effectiveness in reducing recidivism
3 among offenders transitioning from prison into the community.

4 (g) The department shall submit a final report of the findings
5 from its evaluation of the pilot program to the Legislature and the
6 Governor no later than three years after the enactment of Assembly
7 Bill 1457 or Senate Bill 851 of the 2013–14 Regular Session. The
8 report shall be submitted in compliance with Section 9795 of the
9 Government Code.

10 (h) Implementation of this article is contingent on the availability
11 of funds and the pilot program may be limited in scope or duration
12 based on the availability of funds.

13 SEC. 28. Section 3060.7 of the Penal Code is amended to read:

14 3060.7. (a) (1) Notwithstanding any other law, the supervising
15 parole agency shall notify any person released on parole or
16 postrelease community supervision pursuant to Title 2.05
17 (commencing with Section 3450) of Part 3 who has been classified
18 by the Department of Corrections and Rehabilitation as included
19 within the highest control or risk classification that he or she shall
20 be required to report to his or her assigned parole officer or
21 designated local supervising agency within two days of release
22 from the state prison.

23 (2) This section shall not prohibit the supervising parole agency
24 or local supervising agency from requiring any person released on
25 parole or postrelease community supervision to report to his or
26 her assigned parole officer within a time period that is less than
27 two days from the time of release.

28 (b) The supervising parole agency, within 24 hours of a parolee's
29 failure to report as required by this section, shall issue a written
30 order suspending the parole of that parolee, pending a hearing
31 before the Board of Parole Hearings or the court, as applicable,
32 and shall request that a warrant be issued for the parolee's arrest
33 pursuant to subdivision (c) of Section 3000.08.

34 (c) Upon the issuance of an arrest warrant for a parolee who
35 has been classified within the highest control or risk classification,
36 the assigned parole officer shall continue to carry the parolee on
37 his or her regular caseload and shall continue to search for the
38 parolee's whereabouts.

39 (d) With regard to any inmate subject to this section, the
40 Department of Corrections and Rehabilitation shall release an

1 inmate sentenced prior to January 1, 1996, one or two days before
2 his or her scheduled release date if the inmate's release date falls
3 on the day before a holiday or weekend.

4 (e) With regard to any inmate subject to this section, the
5 Department of Corrections and Rehabilitation shall release an
6 inmate one or two days after his or her scheduled release date if
7 the release date falls on the day before a holiday or weekend.

8 SEC. 29. Section 5006 of the Penal Code is amended to read:

9 5006. (a) (1) All moneys now held for the benefit of inmates
10 currently housed in Department of Corrections and Rehabilitation
11 facilities including those known as the Inmate Canteen Fund of
12 the California Institution for Men; the Inmate Welfare Fund of the
13 California Institution for Women; the Trust Contingent Fund of
14 the California State Prison at Folsom; the S.P.L. Commissary,
15 Canteen Account, Hobby Association, Camp Account, Library
16 Fund, News Agency of the California State Prison at San Quentin,
17 the Prisoners' Fund; and the Prisoners' Employment Fund, shall
18 be deposited in the Inmate Welfare Fund of the Department of
19 Corrections and Rehabilitation, in the State Treasury, which is
20 hereby created. The money in the fund shall be used solely for the
21 benefit and welfare of inmates of prisons and institutions under
22 the jurisdiction of the Department of Corrections and
23 Rehabilitation, including the following:

24 (A) The establishment, maintenance, employment of personnel
25 for, and purchase of items for sale to inmates at canteens
26 maintained at the state institutions.

27 (B) The establishment, maintenance, employment of personnel,
28 and necessary expenses in connection with the operation of the
29 hobby shops at institutions under the jurisdiction of the department.

30 (C) Educational programs, hobby and recreational programs,
31 which may include physical education activities and hobby craft
32 classes, inmate family visiting services, leisure-time activities, and
33 assistance with obtaining photo identification from the Department
34 of Motor Vehicles.

35 (D) Funding for innovative programming by not-for-profit
36 organizations offering programs that have demonstrated success
37 and focus on offender responsibility and restorative justice
38 principles. All funding used for this purpose shall go directly to
39 the not-for-profit organizations and shall not be used for department
40 staff or administration of the programming.

1 (2) The warden of each institution, in collaboration with at least
2 two representatives from local or state advocacy groups for inmates
3 and two members of either the men's or women's advisory council
4 or similar group within each institution, shall meet at least
5 biannually to determine how the money in the fund shall be used
6 to benefit the inmates of the respective institution. It is the intent
7 of the Legislature that the funds only be expended on services
8 other than those that the department is required to provide to
9 inmates.

10 (b) There shall be deposited in the Inmate Welfare Fund all net
11 proceeds from the operation of canteens and hobby shops and any
12 moneys that may be assigned to the state prison by prisoners for
13 deposit in the fund. The moneys in the fund shall constitute a trust
14 held by the Secretary of the Department of Corrections and
15 Rehabilitation for the benefit and welfare, as herein defined, of all
16 of the inmates of institutions and prisons under the jurisdiction of
17 the department.

18 (c) The Department of Finance shall conduct a biennial audit
19 of the Inmate Welfare Fund to include an audit report which shall
20 summarize expenditures from the fund by major categories. At the
21 end of each intervening fiscal year, a statement of operations shall
22 be prepared that shall contain the same information as would be
23 provided in the biennial audit. At least one copy of any statement
24 of operations or audit report shall be placed in each library
25 maintained by the Department of Corrections and Rehabilitation
26 and shall be available there to any inmate.

27 SEC. 30. Section 6032 is added to the Penal Code, to read:

28 6032. (a) There is hereby established within the Board of State
29 and Community Corrections the California Juvenile Justice Data
30 Working Group. The purpose of the working group is to
31 recommend options for coordinating and modernizing the juvenile
32 justice data systems and reports that are developed and maintained
33 by state and county agencies.

34 (b) (1) The working group shall include representatives from
35 each of the following:

36 (A) The Department of Justice.

37 (B) The Board of State and Community Corrections.

38 (C) The Division of Juvenile Justice within the Department of
39 Corrections and Rehabilitation.

40 (D) The Chief Probation Officers of California.

- 1 (E) The Judicial Council.
- 2 (F) The California State Association of Counties.
- 3 (G) Any other representatives that are deemed appropriate by
- 4 the board.

5 (2) Members of the working group shall include persons that
 6 have experience or expertise related to the California juvenile
 7 justice system or the design and implementation of juvenile justice
 8 data systems, or both.

9 (c) (1) The working group shall analyze the capacities and
 10 limitations of the data systems and networks used to collect and
 11 report state and local juvenile caseload and outcome data. The
 12 analysis shall include all of the following:

13 (A) A review of the relevant data systems, studies, or models
 14 from California and other states having elements worthy of
 15 replication in California.

16 (B) Identify changes or upgrades to improve the capacity and
 17 utility of juvenile justice caseload and outcome data in California,
 18 including changes to support the gathering of juvenile justice
 19 outcome and recidivism information, and changes to improve
 20 performance outcome measurements for state-local juvenile justice
 21 grant programs.

22 (2) No later than January 1, 2016, the working group shall
 23 prepare and submit a report to the Legislature on the options for
 24 improving interagency coordination, modernization, and upgrading
 25 of state and local juvenile justice data and information systems.
 26 The report shall include, but not be limited to, all of the following:

27 (A) The additional collection and reporting responsibilities for
 28 agencies, departments, or providers that would be affected.

29 (B) Recommendations for the creation of a Web-based statewide
 30 clearinghouse or information center that would make relevant
 31 juvenile justice information on operations, caseloads, dispositions,
 32 and outcomes available in a user-friendly, query-based format for
 33 stakeholders and members of the public.

34 (C) An assessment of the feasibility of implementing the
 35 responsibilities identified in subparagraph (A) and the
 36 recommendations developed pursuant to subparagraph (B).

37 (3) The working group shall also recommend a plan for
 38 improving the current juvenile justice reporting requirements of
 39 Section 1961 of the Welfare and Institutions Code and Section
 40 30061 of the Government Code, including streamlining and

1 consolidating current requirements without sacrificing meaningful
2 data collection. The working group shall submit its
3 recommendations to the Board of State and Community Corrections
4 no later than December 31, 2014.

5 (d) (1) The requirement for submitting a report imposed under
6 subdivision (c) is inoperative on January 1, 2016, pursuant to
7 Section 10231.5 of the Government Code.

8 (2) A report submitted to the Legislature pursuant to subdivision
9 (c) shall be submitted in compliance with Section 9795 of the
10 Government Code.

11 SEC. 31. The Legislature hereby finds and declares all of the
12 following with respect to ~~Section 29~~ *Section 32* of this act:

13 (a) A share of the restored mentally ill offender crime reduction
14 grants, with the enactment of this act, will be dedicated to
15 improving mental health outcomes for children in the juvenile
16 justice system.

17 (b) While California's youth crime rates are down overall in
18 California, our courts and juvenile justice facilities are brimming
19 with children and youth with a broad range of mental health
20 disorders and unmet treatment needs.

21 (c) In a 2005 "gap survey" of California probation chiefs, paving
22 the way for the subsequent realignment of the Department of
23 Corrections and Rehabilitation, Division of Juvenile Justice
24 population to local control, the chiefs identified juvenile mental
25 health cases as the most significant problem and service gap they
26 faced. In a later study, Chief Probation Officers of California
27 documented long stays and high costs related to the detention of
28 juveniles with mental health problems. State and national studies
29 confirm, again and again, extremely high rates of mental health
30 disorders among incarcerated youth, with prevalence exceeding
31 70 percent of juveniles in custody. Data from the Board of State
32 and Community Corrections in 2013 documents the fact that nearly
33 one-half of the daily 8,200 juveniles in custody or on electronic
34 monitoring in California have "open mental health cases."

35 (d) When the mental health needs of young offenders are
36 ignored, these youth enter a high-risk zone of becoming chronic
37 adult offenders, committing further crimes, and filling up our
38 already crowded prisons and jails. This comes at a cost in public
39 safety, a cost to the probation, court, and corrections agencies who
40 must then deal expensively with the problem on a long-term basis

1 at the deep end of our jail and prison systems, and a cost to the
2 taxpayers.

3 (e) We know that early intervention in these youth mental health
4 cases is a key to success. The mentally ill offender crime reduction
5 grant program investment on the juvenile justice side is an
6 investment in crime prevention. The juvenile justice share of the
7 mentally ill offender crime reduction grants will support local
8 investment in proven best practices, including early diagnoses,
9 family and community-based treatment models, specialized mental
10 health courts, and other collaborative models of intervention that
11 have proven to be successful. The goal, overall, is to break the link
12 between mental illness and crime as soon as possible using
13 state-of-the-art assessment and intervention strategies. Early
14 recognition and treatment in these cases is also critical to our goal
15 of preventing the escalation of youth mental health disorders into
16 tragedies like the University of California, Santa Barbara, shooting
17 that occurred in 2014.

18 (f) Modern science tells us that children are developmentally
19 different from adults. This finding has been embedded in decisions
20 of the United States Supreme Court in recent years, placing limits
21 on the death penalty and other punishments imposed on children.

22 (g) The good news is that science and evidence-based studies
23 point the way to interventions that can stop the cycle of mental
24 illness and crime early in these young lives. The new mentally ill
25 offender crime reduction grants will prioritize funding for local
26 assessments and interventions that promise to produce better youth
27 outcomes, to lower youth recidivism rates, and to reduce system
28 workloads and costs that result from failing to address the problem.

29 (h) Research indicates that a continuum of responses for
30 mentally ill offenders that includes prevention, intervention, and
31 incarceration can reduce crime, jail overcrowding, and criminal
32 justice costs.

33 (i) Therefore, it is the intent of the Legislature that grants be
34 provided to counties that develop and implement a comprehensive,
35 cost-effective plan to reduce the rate of crime and offenses
36 committed by persons with serious mental illness and to reduce
37 jail overcrowding and local criminal justice costs related to
38 mentally ill offenders.

39 SEC. 32. Article 4 (commencing with Section 6045) is added
40 to Chapter 5 of Title 7 of Part 3 of the Penal Code, to read:

1 Article 4. Mentally Ill Offender Crime Reduction Grants

2
3 6045. (a) The Board of State and Community Corrections shall
4 administer mentally ill offender crime reduction grants on a
5 competitive basis to counties that expand or establish a continuum
6 of timely and effective responses to reduce crime and criminal
7 justice costs related to mentally ill offenders. The grants
8 administered under this article by the board shall be divided
9 between adult and juvenile mentally ill offender crime reduction
10 grants in accordance with the funds appropriated for each type of
11 grant. The grants shall support prevention, intervention,
12 supervision, and incarceration-based services and strategies to
13 reduce recidivism and to improve outcomes for mentally ill juvenile
14 and adult offenders.

15 (b) For purposes of this article, the following terms shall have
16 the following meanings:

17 (1) “Board” means the Board of State and Community
18 Corrections.

19 (2) “Mentally ill adult offenders” means persons described in
20 subdivisions (b) and (c) of Section 5600.3 of the Welfare and
21 Institutions Code.

22 (3) “Mentally ill juvenile offenders” means persons described
23 in subdivision (a) of Section 5600.3 of the Welfare and Institutions
24 Code.

25 6045.2. (a) A county shall be eligible to apply for either an
26 adult mentally ill offender grant or a juvenile mentally ill offender
27 grant or both in accordance with all other provisions of this article.
28 The board shall provide a separate and competitive grant
29 application and award process for each of the adult and juvenile
30 mentally ill offender crime reduction grant categories. The board
31 shall endeavor to assist counties that apply for grants in both
32 categories in meeting any grant submission requirements that may
33 overlap between the two categories of grants.

34 (b) (1) A county that applies for an adult mentally ill offender
35 grant shall establish a strategy committee to design the grant
36 application that includes, at a minimum, the sheriff or director of
37 the county department of corrections in a county where the sheriff
38 does not administer the county jail system, who shall chair the
39 committee, and representatives from other local law enforcement
40 agencies, the chief probation officer, the county mental health

1 director, a superior court judge, a former offender who is or has
2 been a client of a mental health treatment facility, and
3 representatives from organizations that can provide or have
4 provided treatment or stabilization services for mentally ill
5 offenders, including treatment, housing, income or job support,
6 and caretaking.

7 (2) A county that applies for a juvenile mentally ill offender
8 grant shall establish a strategy committee that includes, at a
9 minimum, the chief probation officer who shall chair the
10 committee, representatives from local law enforcement agencies,
11 the county mental health director, a superior court judge, a client
12 or former offender who has received juvenile mental health
13 services, and representatives from organizations that can provide
14 or have provided treatment or support services for mentally ill
15 juvenile offenders, including therapy, education, employment,
16 housing, and caretaking services.

17 (3) A county that applies for both types of grants may convene
18 a combined strategy committee that includes the sheriff or jail
19 administrator and the chief probation officer as cochairs of the
20 committee, as well as representation from the other agencies,
21 departments, and disciplines designated in paragraphs (1) and (2)
22 for both types of committees.

23 (c) The strategy committee shall develop and describe in its
24 grant application a comprehensive county plan for providing a
25 cost-effective continuum of responses and services for mentally
26 ill adult offenders or mentally ill juvenile offenders, including
27 prevention, intervention, and incarceration-based services, as
28 appropriate. The plan shall describe how the responses and services
29 included in the plan have been proven to be or are designed to be
30 effective in addressing the mental health needs of the target
31 offender population, while also reducing recidivism and custody
32 levels for mentally ill offenders in adult or juvenile detention or
33 correctional facilities. Strategies for prevention, intervention, and
34 incarceration-based services in the plan shall include, but not be
35 limited to, all of the following:

36 (1) Mental health and substance abuse treatment for mentally
37 ill adult offenders or mentally ill juvenile offenders who are
38 presently placed, incarcerated, or housed in a local adult or juvenile
39 detention or correctional facility or who are under supervision by

1 the probation department after having been released from a state
2 or local adult or juvenile detention or correctional facility.

3 (2) Prerelease, reentry, continuing, and community-based
4 services designed to provide long-term stability for juvenile or
5 adult offenders outside of the facilities of the adult or juvenile
6 justice systems, including services to support a stable source of
7 income, a safe and decent residence, and a conservator or caretaker,
8 as needed in appropriate cases.

9 (3) For mentally ill juvenile offender applications, one or more
10 of the following strategies that has proven to be effective or has
11 evidence-based support for effectiveness in the remediation of
12 mental health disorders and the reduction of offending: short-term
13 and family-based therapies, collaborative interagency service
14 agreements, specialized court-based assessment and disposition
15 tracks or programs, or other specialized mental health treatment
16 and intervention models for juvenile offenders that are proven or
17 promising from an evidence-based perspective.

18 (d) The plan as included in the grant application shall include
19 the identification of specific outcome and performance measures
20 and for annual reporting on grant performance and outcomes to
21 the board that will allow the board to evaluate, at a minimum, the
22 effectiveness of the strategies supported by the grant in reducing
23 crime, incarceration, and criminal justice costs related to mentally
24 ill offenders. The board shall, in the grant application process,
25 provide guidance to counties on the performance measures and
26 reporting criteria to be addressed in the application.

27 6045.4. (a) The application submitted by a county shall
28 describe a four-year plan for the programs, services, or strategies
29 to be provided under the grant. The board shall award grants that
30 provide funding for four years with the proviso that funding beyond
31 the first year of the plan is contingent upon annual appropriations
32 and the availability of funds to support mentally ill offender crime
33 reduction grants beyond the first funding year. Funding shall be
34 used to supplement, rather than supplant, funding for existing
35 programs. Funds may be used to fund specialized alternative
36 custody programs that offer appropriate mental health treatment
37 and services.

38 (b) A grant shall not be awarded unless the applicant makes
39 available resources in accordance with the instructions of the board
40 in an amount equal to at least 25 percent of the amount of the grant.

1 Resources may include in-kind contributions from participating
2 agencies.

3 (c) In awarding grants, priority or preference shall be given to
4 those grant applications that include documented match funding
5 that exceeds 25 percent of the total grant amount.

6 6045.6. The board shall establish minimum requirements,
7 funding criteria, and procedures for awarding grants, which shall
8 take into consideration, but not be limited to, all of the following:

9 (a) The probable or potential impact of the grant on reducing
10 the number or percent of mentally ill adult offenders or mentally
11 ill juvenile offenders who are incarcerated or detained in local
12 adult or juvenile correctional facilities and, as relevant for juvenile
13 offenders, in probation out-of-home placements.

14 (b) Demonstrated ability to administer the program, including
15 any past experience in the administration of a prior mentally ill
16 offender crime reduction grant.

17 (c) Demonstrated ability to develop effective responses and to
18 provide effective treatment and stability for mentally ill adult
19 offenders or mentally ill juvenile offenders.

20 (d) Demonstrated ability to provide for interagency collaboration
21 to ensure the effective coordination and delivery of the strategies,
22 programs, or services described in the application.

23 (e) Likelihood that the program will continue to operate after
24 state grant funding ends, including the applicant's demonstrated
25 history of maximizing federal, state, local, and private funding
26 sources to address the needs of the grant service population.

27 6045.8. (a) The board shall create an evaluation design for
28 adult and juvenile mentally ill offender crime reduction grants that
29 assesses the effectiveness of the program in reducing crime, adult
30 and juvenile offender incarceration and placement levels, early
31 releases due to jail overcrowding, and local criminal and juvenile
32 justice costs. The evaluation design may include outcome measures
33 related to the service levels, treatment modes, and stability
34 measures for juvenile and adult offenders participating in, or
35 benefitting from, mentally ill offender crime reduction grant
36 programs or services.

37 (b) Commencing on October 1, 2015, and annually thereafter,
38 the board shall submit a report to the Legislature based on the
39 evaluation design, with a final report due on December 31, 2019.

1 (c) The reports submitted pursuant to this section shall be
2 submitted in compliance with Section 9795 of the Government
3 Code.

4 (d) Pursuant to Section 10231.5 of the Government Code, this
5 section shall be repealed as of January 1, 2024.

6 6045.9. The board may use up to 5 percent of the funds
7 appropriated for purposes of this article to administer this program,
8 including technical assistance to counties and the development of
9 the evaluation component.

10 SEC. 33. Section 6141 of the Penal Code is amended to read:

11 6141. The California Rehabilitation Oversight Board shall meet
12 at least twice annually, and shall regularly examine the various
13 mental health, substance abuse, educational, and employment
14 programs for inmates and parolees operated by the Department of
15 Corrections and Rehabilitation. The board shall report to the
16 Governor and the Legislature annually, on September 15, and may
17 submit other reports during the year if it finds they are necessary.
18 The reports shall include, but are not limited to, findings on the
19 effectiveness of treatment efforts, rehabilitation needs of offenders,
20 gaps in rehabilitation services in the department, and levels of
21 offender participation and success in the programs. The board shall
22 also make recommendations to the Governor and Legislature with
23 respect to modifications, additions, and eliminations of
24 rehabilitation and treatment programs. In performing its duties,
25 the board shall use the work products developed for the department
26 as a result of the provisions of the 2006 Budget Act, including
27 Provision 18 of Item 5225-001-0001.

28 SEC. 34. Section 6402 is added to the Penal Code, to read:

29 6402. The Department of Corrections and Rehabilitation
30 (CDCR) shall develop policies related to the department's
31 contraband interdiction efforts for individuals entering CDCR
32 detention facilities. When developed, these policies shall include,
33 but not be limited to, the following specifications:

34 (a) Application to all individuals, including visitors, all
35 department staff, including executive staff, volunteers, and contract
36 employees.

37 (b) Use of methods to ensure that profiling is not practiced
38 during random searches or searches of all individuals entering the
39 prison at that time.

1 (c) Establishment of unpredictable, random search efforts and
2 methods that ensures that no one, except department employees
3 specifically designated to conduct the random search, shall have
4 advance notice of when a random search is scheduled.

5 (d) All visitors attempting to enter a CDCR detention facility
6 shall be informed that they may refuse to be searched by a passive
7 alert dog.

8 (e) All visitors attempting to enter a CDCR detention facility
9 who refuse to be searched by a passive alert dog shall be informed
10 of options, including, but not limited to, voluntarily aborting their
11 attempt to enter the detention facility.

12 (f) All individuals attempting to enter a CDCR detention facility,
13 who have a positive alert for contraband by an electronic drug
14 detection device, a passive alert dog, or other technology, shall be
15 informed of options, including, but not limited to, an unclothed
16 body search.

17 (g) Establishment of a method by which an individual may
18 demonstrate an authorized health-related use of a controlled
19 substance when a positive alert is noted by an electronic drug
20 detection device, a passive alert dog, or other technology.

21 (h) Establishment of specific requirements for additional search
22 options when multiple positive alerts occur on an individual
23 employee within a specified timeframe.

24 SEC. 35. Section 7050 of the Penal Code is amended to read:

25 7050. (a) (1) Section 28 of Chapter 7 of the Statutes of 2007
26 contains an appropriation of three hundred million dollars
27 (\$300,000,000) for capital outlay to be allocated to renovate,
28 improve, or expand infrastructure capacity at existing prison
29 facilities. The funds appropriated by that section may be used for
30 land acquisition, environmental services, architectural
31 programming, engineering assessments, schematic design,
32 preliminary plans, working drawings, and construction.

33 (2) These funds may also be used to address deficiencies related
34 to utility systems owned by local government entities and serving
35 state prison facilities subject to the provisions of Section 54999
36 of the Government Code. The department shall report on any funds
37 to be expended for this purpose to the Joint Legislative Budget
38 Committee. If the committee fails to take any action with respect
39 to each notification within 20 days after submittal, this inaction
40 shall be deemed to be approval for purposes of this section.

1 (3) These funds may also be used for the design and construction
2 of improvements to dental facilities at state prison facilities.

3 (4) These funds may also be used for the design and construction
4 of improvements to medication distribution facilities at state prison
5 facilities.

6 (5) These funds may also be used for the design and construction
7 of projects in the Health Care Facility Improvement Program at
8 state prison facilities.

9 (6) This subdivision authorizes the scope and cost of a single
10 capital outlay project for purposes of calculating augmentations
11 pursuant to Section 13332.11 or 13332.19.

12 (b) The scope and costs of the projects described in subdivision
13 (a) of this section shall be subject to approval and administrative
14 oversight by the State Public Works Board, including
15 augmentations, pursuant to Section 13332.11 or 13332.19 of the
16 Government Code. The availability of an augmentation for each
17 individual project allocation shall be based on the total applicable
18 capital outlay appropriation contained in Section 28 of Chapter 7
19 of the Statutes of 2007 and is not limited to 20 percent of the
20 individual project allocation. These requirements shall be applied
21 separately to each institution. All of the necessary infrastructure
22 improvements at each institution may be treated as one project
23 such that there would be one infrastructure improvement project
24 at each institution. The scope and cost of each infrastructure
25 improvement project shall be established by the board individually.
26 The amount of the total appropriation in Section 28 of Chapter 7
27 of the Statutes of 2007 that is necessary for each infrastructure
28 improvement project shall be allocated by institution. The
29 appropriation may be allocated based on current estimates. These
30 initial allocations may be adjusted commensurate to changes that
31 occur during the progression of the projects. As allocations are
32 made or adjusted, the anticipated deficit or savings shall be
33 continuously tracked and reported. Once the total appropriation
34 has been allocated, any augmentation necessary to fund an
35 anticipated deficit shall be based on the total appropriation and
36 allocated to each project as necessary. Concurrent with the request
37 to the board to establish each project authorized pursuant to this
38 section, the Department of Corrections and Rehabilitation shall
39 report the associated scope, cost, and schedule information to the
40 Joint Legislative Budget Committee.

1 (c) The projects authorized pursuant to this section shall be part
2 of the Department of Corrections and Rehabilitation's master plan,
3 as defined in Section 7000.

4 (d) The reporting requirements set forth in Sections 7000 to
5 7003.5, inclusive, shall apply separately to each project authorized
6 pursuant to this section.

7 SEC. 36. Section 13821 of the Penal Code is amended to read:

8 13821. (a) For the 2011–12 fiscal year, the Controller shall
9 allocate 9 percent of the amount deposited in the Local Law
10 Enforcement Services Account in the Local Revenue Fund 2011
11 to the Office of Emergency Services. The Controller shall allocate
12 these funds on a quarterly basis beginning on October 1. These
13 funds shall be allocated by the Controller pursuant to a schedule
14 provided by the Office of Emergency Services which shall be
15 developed according to the office's existing programmatic
16 guidelines and the following percentages:

17 (1) The California Multi-Jurisdictional Methamphetamine
18 Enforcement Teams shall receive 47.52 percent in the 2011–12
19 fiscal year.

20 (2) The Multi-Agency Gang Enforcement Consortium shall
21 receive 0.2 percent in the 2011–12 fiscal year.

22 (3) The Sexual Assault Felony Enforcement Teams, authorized
23 by Section 13887, shall receive 12.48 percent in the 2011–12 fiscal
24 year.

25 (4) The High Technology Theft Apprehension and Prosecution
26 Program, authorized by Section 13848.2, shall receive 26.83
27 percent in the 2011–12 fiscal year.

28 (5) The Gang Violence Suppression Program authorized by
29 Section 13826.1, shall receive 3.91 percent in the 2011–12 fiscal
30 year.

31 (6) The Central Valley and Central Coast Rural Crime
32 Prevention Programs, authorized by Sections 14170 and 14180,
33 shall receive 9.06 percent in the 2011–12 fiscal year.

34 (b) For the 2011–12 fiscal year, the Office of Emergency
35 Services may be reimbursed up to five hundred eleven thousand
36 dollars (\$511,000) from the funds allocated in subdivision (a) for
37 program administrative costs.

38 (c) Commencing with the 2012–13 fiscal year, subsequent to
39 the allocation described in subdivision (c) of Section 29552 of the
40 Government Code, and commencing with the 2013–14 fiscal year,

1 subsequent to the allocation described in subdivision (d) of Section
2 29552 of the Government Code, the Controller shall allocate
3 8.99758189 percent of the remaining amount deposited in the
4 Enhancing Law Enforcement Activities Subaccount in the Local
5 Revenue Fund 2011 and shall distribute the moneys as follows:

6 (1) Commencing with the 2012–13 fiscal year, the California
7 Multi-Jurisdictional Methamphetamine Enforcement Teams shall
8 receive 47.52015636 percent and shall be allocated by the
9 Controller according to the following schedule:

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Alameda County	1.7109%
Alpine County	0.6327%
Amador County	0.6327%
Butte County	1.6666%
Calaveras County	0.8435%
Colusa County	0.1623%
Contra Costa County	1.3163%
Del Norte County	0.2167%
El Dorado County	1.3716%
Fresno County	5.3775%
Glenn County	0.2130%
Humboldt County	1.0198%
Imperial County	2.5510%
Inyo County	0.6327%
Kern County	5.6938%
Kings County	0.9701%
Lake County	0.6604%
Lassen County	0.2643%
Los Angeles County	5.3239%
Madera County	0.9701%
Marin County	0.6292%
Mariposa County	0.6327%
Mendocino County	0.6846%
Merced County	1.8136%
Modoc County	0.0734%
Mono County	0.6327%
Monterey County	0.9018%
Napa County	0.6803%
Nevada County	0.7482%

1	Orange County	1.5661%
2	Placer County	2.6395%
3	Plumas County	0.1516%
4	Riverside County	5.6395%
5	Sacramento County	10.0169%
6	San Benito County	0.8404%
7	San Bernardino County	8.9364%
8	San Diego County	2.5510%
9	San Francisco County	1.0034%
10	San Joaquin County	4.6394%
11	San Luis Obispo County	1.3483%
12	San Mateo County	1.1224%
13	Santa Barbara County	1.3483%
14	Santa Clara County	2.0612%
15	Santa Cruz County	0.8333%
16	Shasta County	1.3426%
17	Sierra County	0.0245%
18	Siskiyou County	0.3401%
19	Solano County	1.8979%
20	Sonoma County	1.1610%
21	Stanislaus County	3.6272%
22	Sutter County	0.7177%
23	Tehama County	0.4808%
24	Trinity County	0.1044%
25	Tulare County	2.5306%
26	Tuolumne County	0.6327%
27	Ventura County	1.3483%
28	Yolo County	1.5215%
29	Yuba County	0.5466%

31
32 (2) Commencing with the 2013–14 fiscal year, the California
33 Multi-Jurisdictional Methamphetamine Enforcement Teams shall
34 receive 47.52015636 percent and shall be allocated in monthly
35 installments by the Controller according to the following schedule:

36		
37	Alameda County	1.7109%
38	Alpine County	0.6327%
39	Amador County	0.6327%
40	Butte County	1.6666%

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Calaveras County	0.8435%
Colusa County	0.1623%
Contra Costa County	1.3163%
Del Norte County	0.2167%
El Dorado County	1.3716%
Fresno County	5.3775%
Glenn County	0.2130%
Humboldt County	1.0198%
Imperial County	2.5510%
Inyo County	0.6327%
Kern County	5.6938%
Kings County	0.9701%
Lake County	0.6604%
Lassen County	0.2643%
Los Angeles County	5.3239%
Madera County	0.9701%
Marin County	0.6292%
Mariposa County	0.6327%
Mendocino County	0.6846%
Merced County	1.8136%
Modoc County	0.0734%
Mono County	0.6327%
Monterey County	0.9018%
Napa County	0.6803%
Nevada County	0.7482%
Orange County	1.5661%
Placer County	2.6395%
Plumas County	0.1516%
Riverside County	5.6395%
Sacramento County	10.0169%
San Benito County	0.8404%
San Bernardino County	8.9364%
San Diego County	2.5510%
San Francisco County	1.0034%
San Joaquin County	4.6394%
San Luis Obispo County	1.3483%
San Mateo County	1.1224%
Santa Barbara County	1.3483%

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Santa Clara County	2.0612%
Santa Cruz County	0.8333%
Shasta County	1.3426%
Sierra County	0.0245%
Siskiyou County	0.3401%
Solano County	1.8979%
Sonoma County	1.1610%
Stanislaus County	3.6272%
Sutter County	0.7177%
Tehama County	0.4808%
Trinity County	0.1044%
Tulare County	2.5306%
Tuolumne County	0.6327%
Ventura County	1.3483%
Yolo County	1.5215%
Yuba County	0.5466%

(3) Commencing with the 2012–13 fiscal year, the Multi-Agency Gang Enforcement Consortium shall receive 0.19545566 percent and shall be allocated by the Controller to Fresno County.

(4) Commencing with the 2013–14 fiscal year, the Multi-Agency Gang Enforcement Consortium shall receive 0.19545566 percent and shall be allocated in monthly installments by the Controller to Fresno County.

(5) Commencing with the 2012–13 fiscal year, the Sexual Assault Felony Enforcement Teams, authorized by Section 13887, shall receive 12.48473003 percent and shall be allocated by the Controller according to the following schedule:

Los Angeles County	21.0294%
Riverside County	12.8778%
Sacramento County	14.0198%
San Luis Obispo County	12.0168%
Santa Clara County	17.0238%
Shasta County	12.0168%
Tulare County	11.0156%

(6) Commencing with the 2013–14 fiscal year, the Sexual Assault Felony Enforcement Teams, authorized by Section 13887,

1 shall receive 12.48473003 percent and shall be allocated by the
2 Controller in monthly installments according to the following
3 schedule:

Los Angeles County	21.0294%
Riverside County	12.8778%
Sacramento County	14.0198%
San Luis Obispo County	12.0168%
Santa Clara County	17.0238%
Shasta County	12.0168%
Tulare County	11.0156%

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13 (7) Commencing with the 2012–13 fiscal year, the High
14 Technology Theft Apprehension and Prosecution Program,
15 authorized by Section 13848.2, shall receive 26.82628878 percent
16 and shall be allocated by the Controller according to the following
17 schedule:

Los Angeles County	18.25%
Marin County	18.25%
Marin County, for use by the Department of Justice in implementing subdivision (b) of Section 13848.4	7.00%
Marin County, for use by the California District Attorneys Association in implementing subdivision (b) of Section 13848.4	1.75%
Sacramento County	18.25%
San Diego County	18.25%
Santa Clara County	18.25%

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31 (8) Commencing with the 2013–14 fiscal year, the High
32 Technology Theft Apprehension and Prosecution Program,
33 authorized by Section 13848.2, shall receive 26.82628878 percent
34 and shall be allocated by the Controller in monthly installments
35 according to the following schedule:

Los Angeles County	18.25%
Marin County	18.25%
Marin County, for use by the Department of Justice in implementing subdivision (b) of Section 13848.4	7.00%

1	Marin County, for use by the California District	1.75%
2	Attorneys Association in implementing subdivision	
3	(b) of Section 13848.4	
4	Sacramento County	18.25%
5	San Diego County	18.25%
6	Santa Clara County	18.25%

7
8 (9) Commencing with the 2012–13 fiscal year, the Gang
9 Violence Suppression Program, authorized by Section 13826.1,
10 shall receive 3.90911312 percent and shall be allocated by the
11 Controller according to the following schedule:
12

13	Alameda County	9.6775%
14	Los Angeles County	22.5808%
15	Monterey County	9.6775%
16	Napa County	17.7417%
17	City of Oxnard	17.7417%
18	City of Sacramento	22.5808%

19
20 (10) Commencing with the 2013–14 fiscal year, the Gang
21 Violence Suppression Program, authorized by Section 13826.1,
22 shall receive 3.90911312 percent and shall be allocated by the
23 Controller in monthly installments according to the following
24 schedule:
25

26	Alameda County	9.6775%
27	Los Angeles County	22.5808%
28	Monterey County	9.6775%
29	Napa County	17.7417%
30	City of Oxnard	17.7417%
31	City of Sacramento	22.5808%

32
33 (11) Commencing with the 2012–13 fiscal year, the Central
34 Valley and Central Coast Rural Crime Prevention Programs,
35 authorized by Sections 14170 and 14180, shall receive 9.06425605
36 percent and shall be allocated by the Controller according to the
37 following schedule:
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39	Fresno County	18.5588%
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Kern County	13.7173%
Kings County	6.8587%
Madera County	4.4380%
Merced County	6.8587%
Monterey County	7.2411%
San Benito County	4.8273%
San Joaquin County	6.8587%
San Luis Obispo County	2.1723%
Santa Barbara County	3.6206%
Santa Cruz County	1.4482%
Stanislaus County	6.8587%
Tulare County	16.5415%

(12) Commencing with the 2013–14 fiscal year, the Central Valley and Central Coast Rural Crime Prevention Programs, authorized by Sections 14170 and 14180, shall receive 9.06425605 percent and shall be allocated by the Controller in monthly installments according to the following schedule:

Fresno County	18.5588%
Kern County	13.7173%
Kings County	6.8587%
Madera County	4.4380%
Merced County	6.8587%
Monterey County	7.2411%
San Benito County	4.8273%
San Joaquin County	6.8587%
San Luis Obispo County	2.1723%
Santa Barbara County	3.6206%
Santa Cruz County	1.4482%
Stanislaus County	6.8587%
Tulare County	16.5415%

(d) For any of the programs described in this section, funding will be distributed by local agencies as would otherwise have occurred pursuant to Section 1 of Chapter 13 of the Statutes of 2011, First Extraordinary Session.

SEC. 37. Section 13826.1 of the Penal Code is amended to read:

1 13826.1. (a) There is hereby established in the Board of State
 2 and Community Corrections, the Gang Violence Suppression
 3 Program, a program of financial and technical assistance for district
 4 attorneys’ offices, local law enforcement agencies, county
 5 probation departments, school districts, county offices of education,
 6 or any consortium thereof, and community-based organizations
 7 which are primarily engaged in the suppression of gang violence.

8 (b) Funds made available pursuant to this chapter are intended
 9 to ensure the highest quality provision of services and to reduce
 10 unnecessary duplication. Funds disbursed under this chapter shall
 11 not be used by local agencies to supplant other funding for Public
 12 Safety Services, as defined in Section 36 of Article XIII of the
 13 California Constitution. Funds awarded under this program as local
 14 assistance grants shall not be subject to review as specified in
 15 Section 10295 of the Public Contract Code.

16 SEC. 38. Section 14306 of the Public Resources Code is
 17 amended to read:

18 14306. To implement this division, the director may do all of
 19 the following:

20 (a) Recruit and enroll corpsmembers and special corpsmembers.

21 (b) Adopt criteria for selecting applicants for enrollment in the
 22 corps’ program, including criteria for individuals convicted of a
 23 crime described in the California Uniform Controlled Substances
 24 Act (Division 10 (commencing with Section 11000) of the Health
 25 and Safety Code). The director shall take into account, when
 26 adopting this criteria, the health, safety, and welfare of the public
 27 and the corps’ program participants and staff.

28 (c) Execute contracts containing the terms and conditions that
 29 are deemed necessary and desirable for the enrollment of
 30 corpsmembers.

31 (d) Authorize utilization of the corps for emergency projects
 32 occasioned by natural disasters, fire prevention and suppression,
 33 rescue of lost or injured persons, and any other activity or project
 34 necessary or desirable to carry out the purposes of this division.

35 (e) Apply for and accept grants or contributions of funds from
 36 any public or private source.

37 (f) Purchase, rent, or otherwise acquire or obtain necessary
 38 property, supplies, instruments, tools, equipment, and
 39 conveniences.

1 (g) Execute contracts for furnishing the services of the corps to
2 any federal, state, or local public agency; any local or statewide
3 private organization concerned with the objectives of the corps'
4 program, as specified in Sections 14000 and 14300; and any person,
5 firm, partnership, or corporation concerned with these objectives.

6 (h) Procure insurance.

7 (i) Be reimbursed by the federal government, any state or local
8 public agency, or any private organization for actual expenses
9 incurred by the corps for any project undertaken for any such entity
10 pursuant to subdivision (d) or (g) or pursuant to Section 14307.

11 (j) To the extent permitted by Article VII of the California
12 Constitution, execute contracts with any person, natural or
13 corporate, for the purpose of implementing the objectives of the
14 corps, as specified in Sections 14000 and 14300.

15 (k) Utilize any services, material, or property of any agency of
16 the state, and may make agreements with any agency of the state
17 or take other actions that are reasonable and necessary.

18 (l) Contract with public or private nonprofit entities to provide
19 services for the corps.

20 (m) Contract with the University of California, the California
21 State University, the community college districts, and private
22 institutions for the creation of special admission and tuition credit
23 programs for corpsmembers.

24 SEC. 39. Section 1955 of the Welfare and Institutions Code is
25 amended to read:

26 1955. (a) The allocation amount for each county from the
27 Youthful Offender Block Grant Fund for offenders subject to
28 Sections 733, 1766, and 1767.35 shall be allocated in four equal
29 installments, to be paid in September, December, March, and June
30 of each fiscal year, until June 30, 2013. Commencing with the
31 2013–14 fiscal year, the allocation amount for each county from
32 the Youthful Offender Block Grant Special Account established
33 in paragraph (2) of subdivision (c) of Section 30025 of the
34 Government Code for offenders subject to Sections 733, 1766,
35 and 1767.35 shall be allocated in monthly installments. In each
36 fiscal year, the allocation amount shall be determined as follows:

37 (1) Fifty percent based on the number of the county's juvenile
38 felony court dispositions, calculated as a percentage of the state
39 total. By July 10 of each year, the Department of Justice shall

1 provide to the Department of Finance the number of juvenile felony
2 court dispositions for each county for the previous calendar year.

3 (2) Fifty percent based on the county's population of minors
4 from 10 to 17 years of age, inclusive, according to the most recent
5 data published by the Department of Finance, calculated as a
6 percentage of the state total.

7 (b) Each county shall receive a minimum block grant allocation
8 of fifty-eight thousand five hundred dollars (\$58,500) for the
9 2007–08 fiscal year, and a minimum block grant allocation of one
10 hundred seventeen thousand dollars (\$117,000) for each fiscal year
11 thereafter.

12 (c) Commencing with the 2008–09 fiscal year, allocations shall
13 be available to counties that have met the requirements of Section
14 1961.

15 SEC. 40. Section 1981 of the Welfare and Institutions Code is
16 amended to read:

17 1981. (a) There is hereby established a Juvenile Reentry Fund.
18 Moneys allocated for local supervision of persons discharged from
19 the custody of the Division of Juvenile Facilities authorized in
20 Sections 1983 and 1984 shall be deposited into this fund from the
21 General Fund. Any moneys deposited into this fund shall be
22 administered by the Controller and the share calculated for each
23 county probation department shall be transferred to its Juvenile
24 Reentry Fund authorized in subdivision (b).

25 (b) Each county is hereby authorized to establish in each county
26 treasury a Juvenile Reentry Fund to receive all amounts allocated
27 to that county probation department for purposes of implementing
28 this chapter.

29 (c) Allocations from the Juvenile Reentry Fund shall be
30 expended exclusively to address local program needs for persons
31 discharged from the custody of the Division of Juvenile Facilities.
32 County probation departments, in expending the Juvenile Reentry
33 Grant allocation, shall provide evidence-based supervision and
34 detention practices and rehabilitative services to persons who are
35 subject to the jurisdiction of the juvenile court who were committed
36 to and discharged from the Department of Corrections and
37 Rehabilitation, Division of Juvenile Facilities. "Evidence-based"
38 refers to supervision and detention policies, procedures, programs,
39 and practices demonstrated by scientific research to reduce

1 recidivism among individuals on probation or under postrelease
2 supervision.

3 (d) Funds allocated pursuant to subdivision (c) shall not be used
4 by local agencies to supplant other funding for Public Safety
5 Services, as defined in Section 36 of Article XIII of the California
6 Constitution.

7 (e) The funding provided under this chapter is intended to
8 provide payment in full for all local government costs of the
9 supervision, programming, education, incarceration or any other
10 cost resulting from persons discharged from custody or held in
11 local facilities pursuant to the provisions of this act.

12 SEC. 41. Section 1984 of the Welfare and Institutions Code is
13 amended to read:

14 1984. (a) The amount allocated to each county probation
15 department from the Juvenile Reentry Grant shall be distributed
16 in two equal payments to be paid on October 30 and May 30 of
17 each fiscal year, until June 30, 2013. Commencing with the
18 2013–14 fiscal year, the amount allocated to each county probation
19 department from the Juvenile Reentry Grant Special Account
20 established in paragraph (2) of subdivision (c) of Section 30025
21 of the Government Code shall be allocated in monthly installments.
22 In each fiscal year the amount allocated to each county probation
23 department from the Juvenile Reentry Grant Special Account shall
24 be distributed pursuant to the criteria set forth in subdivisions (b)
25 to (h), inclusive, of this section.

26 (b) Consistent with Section 1766, funds shall be allocated in
27 the amount of fifteen thousand dollars (\$15,000) on an average
28 daily population basis per ward discharged to the jurisdiction of
29 the court and ordered by the court to be supervised by local county
30 probation for monitoring and services during the previous fiscal
31 year based on the actual number of discharged wards supervised
32 at the local level. For each discharged ward, this funding shall be
33 provided for 24 months.

34 (c) Consistent with Sections 208.5 and 1767.35, funds shall be
35 allocated in the amount of one hundred fifteen thousand dollars
36 (\$115,000) on an average daily population basis per discharged
37 ward transferred to a local juvenile facility for violating a condition
38 of court-ordered supervision during the previous fiscal year based
39 on the actual number of discharged wards housed in a local juvenile
40 detention facility or court-ordered placement facility where the

1 costs of the housing is not reimbursable to the county through Title
2 IV-E of the federal Social Security Act, or Medi-Cal. For each
3 discharged ward, this funding shall be provided for the actual
4 number of months the ward is housed in a facility up to 12 months.
5 This funding shall not be provided for wards housed in a jail under
6 any circumstances.

7 (d) Consistent with Section 731.1, funds shall be allocated in
8 the amount of fifteen thousand dollars (\$15,000) on an average
9 daily population basis per parolee recalled by the county of
10 commitment for monitoring and services during the previous fiscal
11 year based on the actual number of parolees recalled. For each
12 recalled parolee, this funding shall be provided for the remaining
13 duration of the term of state supervision, not to exceed 24 months.

14 (e) Consistent with Section 1766, funds shall be allocated in the
15 amount of fifteen thousand dollars (\$15,000) on an average daily
16 population basis per discharged ward transferred to the county of
17 commitment for monitoring and services during the previous fiscal
18 year based on the actual number of wards transferred. For each
19 ward transferred on and after July 1, 2014, this funding shall be
20 provided for the remaining duration of the term of juvenile court
21 jurisdiction, not to exceed 24 months.

22 (f) Consistent with Sections 208.5 and 1767.35, no additional
23 funding, beyond the initial fifteen thousand dollars (\$15,000)
24 provided pursuant to subdivision (b) shall be allocated to counties
25 for discharged wards who are housed in county jail or in any other
26 county correctional facility for violating a condition of
27 court-ordered supervision during the previous fiscal year.

28 (g) Consistent with Sections 208.5 and 1767.35, no additional
29 funding, beyond the initial fifteen thousand dollars (\$15,000)
30 provided pursuant to subdivision (b) shall be allocated to counties
31 for discharged wards who are housed in a state juvenile facility
32 for violating a condition of court-ordered supervision during the
33 previous fiscal year.

34 (h) In each fiscal year, consistent with subdivision (b) of Section
35 30029.11 of the Government Code, the Department of Finance
36 shall use the criteria outlined in subdivisions (b) to (g), inclusive,
37 to determine each county's allocation as a percentage of the funds
38 deposited in the Juvenile Reentry Grant Special Account. Actual
39 allocations provided to counties pursuant to subdivisions (b) to
40 (g), inclusive, shall vary based on the amount of funds deposited

1 in the Juvenile Reentry Grant Special Account pursuant to
2 subdivision (b) of Section 30028.1 of the Government Code.

3 SEC. 42. Section 4023.5 is added to the Welfare and
4 Institutions Code, to read:

5 4023.5. (a) The Secretary of California Health and Human
6 Services shall, no later than January 10, 2015, provide to the fiscal
7 and appropriate policy committees of the Legislature a report,
8 together with specific and detailed recommendations, reviewing
9 and evaluating best practices and strategies, including independent
10 oversight, for effectively and sustainably addressing the employee
11 discipline process, criminal and major incident investigations, and
12 the use of force within state hospitals and psychiatric programs
13 run by the State Department of State Hospitals. The secretary may
14 consult with the Department of the California Highway Patrol, the
15 Department of Corrections and Rehabilitation, the Office of the
16 Inspector General, and any other resource identified by the
17 secretary as valuable to the analysis. It is the intent of the
18 Legislature that the report and recommendations reflect a critical
19 and pragmatic analysis of the department's current practices and
20 policies, and include meaningful recommendations describing how
21 current practices and policies should be revised and reformed to
22 assure safety and accountability in the state hospital system.

23 (b) Pursuant to Section 10231.5 of the Government Code, this
24 section is repealed on January 1, 2019.

25 SEC. 43. Section 7228 of the Welfare and Institutions Code is
26 amended to read:

27 7228. Prior to admission, the State Department of State
28 Hospitals shall evaluate each patient committed pursuant to Section
29 1026 or 1370 of the Penal Code to determine the placement of the
30 patient to the appropriate state hospital. The State Department of
31 State Hospitals shall utilize the documents provided pursuant to
32 subdivision (e) of Section 1026 of the Penal Code and paragraph
33 (2) of subdivision (b) of Section 1370 of the Penal Code to make
34 the appropriate placement. A patient determined to be a high
35 security risk shall be treated in the department's most secure
36 facilities pursuant to Section 7230. A Penal Code patient not
37 needing this level of security shall be treated as near to the patient's
38 community as possible if an appropriate treatment program is
39 available.

1 SEC. 44. Section 7234 is added to the Welfare and Institutions
2 Code, to read:

3 7234. (a) (1) A Patient Management Unit (PMU) shall be
4 established within the State Department of State Hospitals to
5 facilitate patient movement across all facilities under its jurisdiction
6 and any psychiatric programs operated by the State Department
7 of State Hospitals pursuant to a memorandum of understanding
8 with the Department of Corrections and Rehabilitation.

9 (2) The PMU’s responsibilities shall include, but not be limited
10 to, oversight and centralized management of patient admissions,
11 and collection of data for reports and patient population projections.

12 (b) The State Department of State Hospitals shall adopt
13 regulations, consistent with this article, concerning policies and
14 procedures to be implemented by the PMU, including, but not
15 limited to, both of the following:

16 (1) Policies and procedures for patient referral to the State
17 Department of State Hospitals.

18 (2) Screening criteria that ensures that patients are placed in a
19 state hospital or psychiatric program closest to their county of
20 residence in the absence of a compelling reason to place the patient
21 in another facility. Compelling reasons may include, but not be
22 limited to, the patient’s specialized psychiatric, medical, or safety
23 needs, and the availability of beds for his or her commitment type.

24 (c) The Director of State Hospitals may adopt emergency
25 regulations in accordance with the Administrative Procedures Act
26 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
27 Division 3 of Title 2 of the Government Code) to implement this
28 section. The adoption of an emergency regulation under this
29 paragraph is deemed to address an emergency, for purposes of
30 Sections 11346.1 and 11349.6 of the Government Code, and the
31 Director of State Hospitals is hereby exempted for this purpose
32 from the requirements of subdivision (b) of Section 11346.1 of
33 the Government Code.

34 SEC. 45. Section 11251.3 of the Welfare and Institutions Code,
35 as added by Section 1 of Chapter 283 of the Statutes of 1997, is
36 amended to read:

37 11251.3. (a) An individual shall be ineligible for aid under
38 this chapter if the individual has been convicted in state or federal
39 court after December 31, 1997, including any plea of guilty or
40 nolo contendere, of any offense classified as a felony and that has

1 as an element of the possession, use, or distribution of a controlled
2 substance, defined in Section 102(6) of the Controlled Substance
3 Act (21 U.S.C. Sec. 802(6)).

4 (b) For a family receiving aid under this chapter that includes
5 an individual who is ineligible pursuant to subdivision (a), a county
6 shall issue vouchers or vendor payments for at least rent and
7 utilities payments.

8 (c) This section shall become inoperative on April 1, 2015, and,
9 as of January 1, 2016, is repealed, unless a later enacted statute,
10 that becomes operative on or before January 1, 2016, deletes or
11 extends the dates on which it becomes inoperative and is repealed.

12 SEC. 46. Section 11251.3 of the Welfare and Institutions Code,
13 as added by Section 1 of Chapter 284 of the Statutes of 1997, is
14 amended to read:

15 11251.3. (a) An individual shall be ineligible for aid under
16 this chapter if the individual has been convicted in state or federal
17 court after December 31, 1997, including any plea of guilty or
18 nolo contendere, of a felony that has as an element the possession,
19 use, or distribution of a controlled substance, defined in Section
20 102(6) of the Controlled Substances Act (21 U.S.C. Sec. 802(6))
21 or Division 10 (commencing with Section 11000) of the Health
22 and Safety Code.

23 (b) For a family receiving aid under this chapter that includes
24 an individual who is ineligible pursuant to subdivision (a), a county
25 shall issue vouchers or vendor payments for at least rent and
26 utilities payments.

27 (c) This section shall become inoperative on April 1, 2015, and,
28 as of January 1, 2016, is repealed, unless a later enacted statute,
29 that becomes operative on or before January 1, 2016, deletes or
30 extends the dates on which it becomes inoperative and is repealed.

31 SEC. 47. Section 11251.3 is added to the Welfare and
32 Institutions Code, to read:

33 11251.3. (a) Subject to the limitations of subdivision (b),
34 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.
35 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section
36 115(a)(1) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(1)). An
37 individual convicted as an adult in state or federal court after
38 December 31, 1997, including any plea of nolo contendere, of any
39 offense classified as a felony that has as an element the possession,
40 use, or distribution of a controlled substance, as defined in Section

1 102(6) of the federal Controlled Substances Act (21 U.S.C. Sec.
2 802(6)) or Division 10 (commencing with Section 11000) of the
3 Health and Safety Code, shall be eligible to receive CalWORKs
4 benefits under this section.

5 (b) As a condition of eligibility for CalWORKs pursuant to
6 subdivision (a), an applicant or recipient described in subdivision
7 (a) who is on probation or parole shall comply with the terms of
8 the probation or parole, including participation in a
9 government-recognized drug treatment program, if required. If the
10 county human services agency receives verification that the
11 individual is ineligible pursuant to subdivision (a) of Section
12 11486.5, the individual shall be ineligible for CalWORKs benefits
13 under this section until he or she is no longer in violation of
14 probation or parole or a fleeing felon. Verification shall be obtained
15 using existing county human services agency protocols to
16 determine eligibility.

17 (c) This section shall become operative on April 1, 2015.

18 SEC. 48. Section 17012.5 of the Welfare and Institutions Code
19 is amended to read:

20 17012.5. (a) An individual ineligible for aid under Chapter 2
21 (commencing with Section 11200) of Part 3 pursuant to Section
22 11251.3, who is a member of an assistance unit receiving aid under
23 that chapter, shall also be ineligible for non-health-care benefits
24 under this part.

25 (b) This section shall become inoperative on April 1, 2015, and,
26 as of January 1, 2016, is repealed, unless a later enacted statute,
27 that becomes operative on or before January 1, 2016, deletes or
28 extends the dates on which it becomes inoperative and is repealed.

29 SEC. 49. Section 18901.3 of the Welfare and Institutions Code
30 is amended to read:

31 18901.3. (a) Subject to the limitations of subdivision (b),
32 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.
33 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section
34 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(2)). A
35 convicted drug felon shall be eligible to receive CalFresh benefits
36 under this section.

37 (b) Subdivision (a) does not apply to a person who has been
38 convicted of unlawfully transporting, importing into this state,
39 selling, furnishing, administering, giving away, possessing for
40 sale, purchasing for purposes of sale, manufacturing a controlled

1 substance, possessing precursors with the intent to manufacture a
2 controlled substance, or cultivating, harvesting, or processing
3 marijuana or any part thereof pursuant to Section 11358 of the
4 Health and Safety Code.

5 (c) Subdivision (a) does not apply to a person who has been
6 convicted of unlawfully soliciting, inducing, encouraging, or
7 intimidating a minor to participate in any activity listed in
8 subdivision (b).

9 (d) As a condition of eligibility to receive CalFresh benefits
10 pursuant to subdivision (a), an applicant convicted of a felony drug
11 offense that is not excluded under subdivision (b) or (c) shall be
12 required to provide proof of one of the following subsequent to
13 the most recent drug-related conviction:

14 (1) Completion of a government-recognized drug treatment
15 program.

16 (2) Participation in a government-recognized drug treatment
17 program.

18 (3) Enrollment in a government-recognized drug treatment
19 program.

20 (4) Placement on a waiting list for a government-recognized
21 drug treatment program.

22 (5) Other evidence that the illegal use of controlled substances
23 has ceased, as established by State Department of Social Services
24 regulations.

25 (e) Notwithstanding the Administrative Procedure Act (Chapter
26 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
27 Title 2 of the Government Code), the department may implement
28 this section through an all-county letter or similar instructions from
29 the director no later than January 1, 2005.

30 (f) The department shall adopt regulations as otherwise
31 necessary to implement this section no later than July 1, 2005.
32 Emergency regulations adopted for implementation of this section
33 may be adopted by the director in accordance with the
34 Administrative Procedure Act. The adoption of emergency
35 regulations shall be deemed to be an emergency and necessary for
36 immediate preservation of the public peace, health and safety, or
37 general welfare. The emergency regulations shall be exempt from
38 review by the Office of Administrative Law. The emergency
39 regulations authorized by this section shall be submitted to the

1 Office of Administrative Law for filing with the Secretary of State
2 and shall remain in effect for no more than 180 days.

3 (g) This section shall become inoperative on April 1, 2015, and,
4 as of January 1, 2016, is repealed, unless a later enacted statute,
5 that becomes operative on or before January 1, 2016, deletes or
6 extends the dates on which it becomes inoperative and is repealed.

7 SEC. 50. Section 18901.3 is added to the Welfare and
8 Institutions Code, to read:

9 18901.3. (a) Subject to the limitations of subdivision (b),
10 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.
11 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section
12 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(2)). An
13 individual convicted as an adult in state or federal court after
14 December 31, 1997, including any plea of guilty or nolo
15 contendere, of any offense classified as a felony that has as an
16 element the possession, use, or distribution of a controlled
17 substance, as defined in Section 102(6) of the federal Controlled
18 Substances Act (21 U.S.C. Sec. 802(6)) or Division 10
19 (commencing with Section 11000) of the Health and Safety Code,
20 shall be eligible to receive CalFresh benefits as provided for under
21 this section.

22 (b) As a condition of eligibility to receive CalFresh benefits
23 pursuant to subdivision (a), an applicant or recipient described in
24 subdivision (a) who is on probation or parole shall comply with
25 the terms of the probation or parole, including participation in a
26 government-recognized drug treatment program, if required. If the
27 county human services agency receives verification that the
28 individual is in violation of probation or parole or that the
29 individual is a fleeing felon pursuant to federal law, the individual
30 shall be ineligible for CalFresh benefits under this section until
31 the person is no longer in violation of probation or parole or a
32 fleeing felon pursuant to federal law. Verification shall be obtained
33 using existing county human services agency protocols to
34 determine eligibility.

35 (c) This section shall become operative on April 1, 2015.

36 SEC. 51. Notwithstanding the rulemaking provisions of the
37 Administrative Procedure Act (Chapter 3.5 (commencing with
38 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
39 Code), until January 1, 2016, the department may implement and
40 administer ~~Sections 40 to 46~~, *Sections 45 to 50*, inclusive, of this

1 act by all-county letters or similar instructions. The all-county
2 letters or similar instructions shall be developed in consultation
3 with the Chief Probation Officers of California, the County Welfare
4 Directors Association of California, and client advocates. The
5 department shall adopt regulations implementing Sections 40 to
6 46, inclusive, of this act by January 1, 2016.

7 SEC. 52. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution for certain
9 costs that may be incurred by a local agency or school district
10 because, in that regard, this act creates a new crime or infraction,
11 eliminates a crime or infraction, or changes the penalty for a crime
12 or infraction, within the meaning of Section 17556 of the
13 Government Code, or changes the definition of a crime within the
14 meaning of Section 6 of Article XIII B of the California
15 Constitution.

16 However, if the Commission on State Mandates determines that
17 this act contains other costs mandated by the state, reimbursement
18 to local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.

21 SEC. 53. This act is a bill providing for appropriations related
22 to the Budget Bill within the meaning of subdivision (e) of Section
23 12 of Article IV of the California Constitution, has been identified
24 as related to the budget in the Budget Bill, and shall take effect
25 immediately.