

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1633**

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**Introduced by Assembly Member Ammiano**

February 10, 2014

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An act to ~~amend Section 6027 of~~ *add Section 6027.5 to* the Penal Code, relating to criminal law.

LEGISLATIVE COUNSEL'S DIGEST

AB 1633, as amended, Ammiano. The Board of State and Community Corrections.

Existing law establishes the Board of State and Community Corrections and sets forth its powers and duties, including, but not limited to, collecting and maintaining information about correctional policies, practices, capacities, and needs *within the adult and juvenile criminal justice system. Existing law prescribes various penalties for criminal offenses. Existing law generally regulates sentencing, including the consideration of mitigating factors and other criteria for purposes of sentencing.*

~~This bill would make a technical, nonsubstantive change.~~

*This bill would require the Board of State and Community Corrections to develop consistent data collection processes and perform analysis with regard to sentencing. The bill would require the board to establish a database for any sentencing-related data that is compiled by the board. The bill would require the board to recommend changes to the state's sentencing structure to the Governor and the Legislature. The bill would further require the board to publish a sentencing manual for guidance purposes. In implementing these provisions, the bill would require the board to consult with stakeholders and experts, as specified.*

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

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

1     SECTION 1. Section 6027.5 is added to the Penal Code, to  
2 read:  
3     6027.5. (a) The board shall do all of the following:  
4     (1) Develop consistent data collection processes and perform  
5 analysis with regard to sentencing to ensure that the state’s  
6 sentencing structure is based on sound, data-driven, and rational  
7 sentencing policy. The analysis shall include, but not be limited  
8 to, the following: whether and to what extent sentencing disparity  
9 among economic and social classes exists and, if so, the reasons  
10 for the disparity, the correctional costs associated with the  
11 disparity, whether or not state sentencing is comparable to  
12 sentences imposed by other states, if the length of that sentencing  
13 is appropriate, and the rate of rehabilitation based on that  
14 sentencing.  
15     (2) Establish a public database to serve as a clearinghouse for  
16 all sentencing-related data that is compiled by the board.  
17     (3) Issue recommended changes to the state’s sentencing  
18 structure with regard to the data and analysis collected pursuant  
19 to this section. The board shall submit its recommendations to the  
20 Governor and the Legislature with the annual report required  
21 pursuant to paragraph (11) of subdivision (b) of Section 6027.  
22     (4) Publish a sentencing manual to provide guidance to judges,  
23 prosecutors, the defense bar, and the public on how sentencing  
24 works.  
25     (b) In implementing subdivision (a), the board shall select and  
26 consult with the following stakeholders and experts:  
27     (1) A district attorney, selected after conferring with the  
28 California District Attorneys Association.  
29     (2) A public defender, selected after conferring with the  
30 California Public Defenders Association.  
31     (3) A county sheriff, selected after conferring with the California  
32 State Sheriffs’ Association.  
33     (4) A chief probation officer, selected after conferring with the  
34 Chief Probation Officers of California.

1 (5) A chief of police, selected after conferring with the California  
2 Police Chiefs Association.

3 (6) A member of the Board of Parole Hearings.

4 (7) The Chief Justice of the California Supreme Court, or his  
5 or her designee who shall be a justice on the Supreme Court or a  
6 court of appeals.

7 (8) Two trial court judges, selected after consulting with the  
8 California Judges Association.

9 (9) A representative from the Administrative Office of the Courts.

10 (10) Two professors of law, selected after conferring with the  
11 Senate Committee on Rules.

12 (11) A member of the State Senate, selected after conferring  
13 with the Senate Committee on Rules.

14 (12) Two academics with experience in criminal justice  
15 research, selected after conferring with the Speaker of the  
16 Assembly.

17 (13) A member of the State Assembly, selected after conferring  
18 with the Speaker of the Assembly.

19 (14) The Secretary of the Department of Corrections and  
20 Rehabilitation, or his or her designee.

21 (15) The Attorney General, or his or her designee.

22 (16) The State Public Defender, or his or her designee.

23 SECTION 1. ~~Section 6027 of the Penal Code is amended to~~  
24 ~~read:~~

25 ~~6027. (a) The Board of State and Community Corrections shall~~  
26 ~~collect and maintain available information and data about state~~  
27 ~~and community correctional policies, practices, capacities, and~~  
28 ~~needs, including, but not limited to, prevention, intervention,~~  
29 ~~suppression, supervision, and incapacitation, as they relate to both~~  
30 ~~adult corrections, juvenile justice, and gang problems. The board~~  
31 ~~shall seek to collect and make publicly available up-to-date data~~  
32 ~~and information reflecting the impact of state and community~~  
33 ~~correctional, juvenile justice, and gang-related policies and~~  
34 ~~practices enacted in the state, as well as information and data~~  
35 ~~concerning promising and evidence-based practices from other~~  
36 ~~jurisdictions.~~

37 ~~(b) Consistent with subdivision (c) of Section 6024, the board~~  
38 ~~shall also:~~

- 1     ~~(1) Develop recommendations for the improvement of criminal~~  
2 ~~justice and delinquency and gang prevention activity throughout~~  
3 ~~the state.~~
- 4     ~~(2) Identify, promote, and provide technical assistance relating~~  
5 ~~to evidence-based programs, practices, and promising and~~  
6 ~~innovative projects consistent with the mission of the board.~~
- 7     ~~(3) Develop definitions of key terms, including, but not limited~~  
8 ~~to, “recidivism,” “average daily population,” “treatment program~~  
9 ~~completion rates,” and any other terms deemed relevant in order~~  
10 ~~to facilitate consistency in local data collection, evaluation, and~~  
11 ~~implementation of evidence-based practices, promising~~  
12 ~~evidence-based practices, and evidence-based programs. In~~  
13 ~~developing these definitions, the board shall consult with the~~  
14 ~~following stakeholders and experts:~~
- 15     ~~(A) A county supervisor or county administrative officer,~~  
16 ~~selected after conferring with the California State Association of~~  
17 ~~Counties.~~
- 18     ~~(B) A county sheriff, selected after conferring with the California~~  
19 ~~State Sheriffs’ Association.~~
- 20     ~~(C) A chief probation officer, selected after conferring with the~~  
21 ~~Chief Probation Officers of California.~~
- 22     ~~(D) A district attorney, selected after conferring with the~~  
23 ~~California District Attorney’s Association.~~
- 24     ~~(E) A public defender, selected after conferring with the~~  
25 ~~California Public Defenders Association.~~
- 26     ~~(F) The Secretary of the Department of Corrections and~~  
27 ~~Rehabilitation.~~
- 28     ~~(G) A representative from the Administrative Office of the~~  
29 ~~Courts.~~
- 30     ~~(H) A representative from a nonpartisan, nonprofit policy~~  
31 ~~institute with experience and involvement in research and data~~  
32 ~~relating to California’s criminal justice system.~~
- 33     ~~(I) A representative from a nonprofit agency providing~~  
34 ~~comprehensive reentry services.~~
- 35     ~~(4) Receive and disburse federal funds, and perform all~~  
36 ~~necessary and appropriate services in the performance of its duties~~  
37 ~~as established by federal acts.~~
- 38     ~~(5) Develop comprehensive, unified, and orderly procedures to~~  
39 ~~ensure that applications for grants are processed fairly, efficiently,~~  
40 ~~and in a manner consistent with the mission of the board.~~

- 1     ~~(6) Identify delinquency and gang intervention and prevention~~  
2 ~~grants that have the same or similar program purpose, are allocated~~  
3 ~~to the same entities, serve the same target populations, and have~~  
4 ~~the same desired outcomes for the purpose of consolidating grant~~  
5 ~~funds and programs and moving toward a unified single~~  
6 ~~delinquency intervention and prevention grant application process~~  
7 ~~in adherence with all applicable federal guidelines and mandates.~~  
8     ~~(7) Cooperate with and render technical assistance to the~~  
9 ~~Legislature, state agencies, units of general local government,~~  
10 ~~combinations of those units, or other public or private agencies,~~  
11 ~~organizations, or institutions in matters relating to criminal justice~~  
12 ~~and delinquency prevention.~~  
13     ~~(8) Develop incentives for units of local government to develop~~  
14 ~~comprehensive regional partnerships whereby adjacent jurisdictions~~  
15 ~~pool grant funds in order to deliver services to a broader target~~  
16 ~~population and maximize the impact of state funds at the local~~  
17 ~~level.~~  
18     ~~(9) Conduct evaluation studies of the programs and activities~~  
19 ~~assisted by the federal acts.~~  
20     ~~(10) Identify and evaluate state, local, and federal gang and~~  
21 ~~youth violence suppression, intervention, and prevention programs~~  
22 ~~and strategies, along with funding for those efforts. The board shall~~  
23 ~~assess and make recommendations for the coordination of the~~  
24 ~~state's programs, strategies, and funding that address gang and~~  
25 ~~youth violence in a manner that maximizes the effectiveness and~~  
26 ~~coordination of those programs, strategies, and resources. By~~  
27 ~~January 1, 2014, the board shall develop funding allocation policies~~  
28 ~~to ensure that within three years no less than 70 percent of funding~~  
29 ~~for gang and youth violence suppression, intervention, and~~  
30 ~~prevention programs and strategies is used in programs that utilize~~  
31 ~~promising and proven evidence-based principles and practices.~~  
32 ~~The board shall communicate with local agencies and programs~~  
33 ~~in an effort to promote the best evidence-based principles and~~  
34 ~~practices for addressing gang and youth violence through~~  
35 ~~suppression, intervention, and prevention.~~  
36     ~~(11) The board shall collect from each county the plan submitted~~  
37 ~~pursuant to Section 1230.1 within two months of adoption by the~~  
38 ~~county boards of supervisors. Commencing January 1, 2013, and~~  
39 ~~annually thereafter, the board shall collect and analyze available~~  
40 ~~data regarding the implementation of the local plans and other~~

1 ~~outcome-based measures, as defined by the board in consultation~~  
2 ~~with the Administrative Office of the Courts, the Chief Probation~~  
3 ~~Officers of California, and the California State Sheriffs'~~  
4 ~~Association. By July 1, 2013, and annually thereafter, the board~~  
5 ~~shall provide to the Governor and the Legislature a report on the~~  
6 ~~implementation of the plans described above.~~

7 ~~(12) Commencing on and after July 1, 2012, the board, in~~  
8 ~~consultation with the Administrative Office of the Courts, the~~  
9 ~~California State Association of Counties, the California State~~  
10 ~~Sheriffs' Association, and the Chief Probation Officers of~~  
11 ~~California, shall support the development and implementation of~~  
12 ~~first phase baseline and ongoing data collection instruments to~~  
13 ~~reflect the local impact of Chapter 15 of the Statutes of 2011,~~  
14 ~~specifically related to dispositions for felony offenders and~~  
15 ~~postrelease community supervision. The board shall make any~~  
16 ~~data collected pursuant to this paragraph available on the board's~~  
17 ~~Internet Web site. It is the intent of the Legislature that the board~~  
18 ~~promote collaboration and the reduction of duplication of data~~  
19 ~~collection and reporting efforts where possible.~~

20 ~~(e) The board may do either of the following:~~

21 ~~(1) Collect, evaluate, publish, and disseminate statistics and~~  
22 ~~other information on the condition and progress of criminal justice~~  
23 ~~in the state.~~

24 ~~(2) Perform other functions and duties as required by federal~~  
25 ~~acts, rules, regulations, or guidelines in acting as the administrative~~  
26 ~~office of the state planning agency for distribution of federal grants.~~

27 ~~(d) Nothing in this chapter shall be construed to include, in the~~  
28 ~~provisions set forth in this section, funds already designated to the~~  
29 ~~Local Revenue Fund 2011 pursuant to Section 30025 of the~~  
30 ~~Government Code.~~