

AMENDED IN ASSEMBLY MARCH 26, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1688**

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**Introduced by Assembly Member Conway**

February 13, 2014

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An act to add Part 3 (commencing with Section 4499.01) to Division 4.1 of the Welfare and Institutions Code, relating to developmental centers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1688, as amended, Conway. Developmental centers: crime.

Existing law requires, upon the filing of a claim for reimbursement, a city, county, or superior court to be reimbursed for reasonable and necessary costs connected with state prisons or prisoners in connection with certain circumstances, including with any crime committed in a prison, with any hearing on any return of a writ of habeas corpus prosecuted by or on behalf of a prisoner, or with any costs incurred by a coroner in connection with the death of a prisoner.

This bill would similarly require that, upon the filing of a claim for reimbursement, ~~a city, county, or superior court~~ *city or county* be reimbursed for reasonable and necessary costs ~~connected with developmental centers or residence of a developmental center in connection with specified circumstances, including with any crime committed at a developmental center, with any hearing on return of a writ of habeas corpus prosecuted by or on behalf of a resident, or with any costs incurred by a coroner in connection with the death of a resident.~~ *related to the investigation or prosecution of a crime committed by a developmental center employee against a developmental center resident.*

Existing law requires a developmental center to immediately, but no later than within 2 hours of the developmental center observing, obtaining knowledge of, or suspecting abuse, report certain incidents involving a resident to the local law enforcement agency having jurisdiction ~~over~~ *within* the city or county in which the developmental center is located. Existing law provides that this reporting requirement does not prevent a developmental center from reporting any other criminal act constituting a danger to the health or safety of the residents of the developmental center to the local law enforcement agency.

This bill would require a local law enforcement agency having jurisdiction over the city or county in which the developmental center is located to respond within 24 hours of receiving an allegation that a crime has occurred at the developmental center. By imposing new duties on local officials, this bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Part 3 (commencing with Section 4499.01) is  
2 added to Division 4.1 of the Welfare and Institutions Code, to read:

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4 PART 3. CRIME IN DEVELOPMENTAL CENTERS

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6 CHAPTER 1. REIMBURSEMENT OF LOCAL EXPENSES

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8 4499.01. *(a) A ~~city, county, or superior court~~ city or county*  
9 *shall be reimbursed for reasonable and necessary costs related to*  
10 *the ~~operation of developmental centers or residents of a~~*  
11 *developmental center in connection with any of the following:*  
12 *investigation or prosecution of a crime committed by a*  
13 *developmental center employee against a developmental center*  
14 *resident.*

- 1 ~~(a) Any crime committed at a developmental center, whether~~  
2 ~~by a resident, employee, or other person.~~
- 3 ~~(b) Any hearing on any return of a writ of habeas corpus~~  
4 ~~prosecuted by or on behalf of a resident.~~
- 5 ~~(c) Any trial or hearing on the question of the sanity of a~~  
6 ~~resident.~~
- 7 ~~(d) Any costs incurred by a coroner in connection with the death~~  
8 ~~of a resident.~~
- 9 ~~(e) Any costs incurred in transporting a resident within the host~~  
10 ~~county or as requested by the developmental center or incurred~~  
11 ~~for increased security while a resident is outside a developmental~~  
12 ~~center.~~
- 13 ~~(f)~~
- 14 ~~(b) No city, county, or other jurisdiction may file, and the state~~  
15 ~~may not reimburse, a claim pursuant to this section that is presented~~  
16 ~~to the department or to any other agency or department of the state~~  
17 ~~more than six months after the close of the month in which the~~  
18 ~~costs were incurred.~~
- 19 4499.05. Costs incurred by a city or county include all of the  
20 following:
- 21 (a) ~~Costs of law enforcement agencies in connection with any~~  
22 ~~a matter set forth described in Section 4499.01, including the~~  
23 ~~investigation or evaluation of any of those matters regardless of~~  
24 ~~whether a crime has in fact occurred, a hearing held, or an offense~~  
25 ~~prosecuted. 4499.01.~~
- 26 (b) ~~Costs of participation in any trial or hearing of any a matter~~  
27 ~~set forth described in Section 4499.01, including costs for the~~  
28 ~~preparation for the trial, pretrial hearing, actual trial or hearing,~~  
29 ~~expert witness fees, the costs of guarding or keeping the resident,~~  
30 ~~the transportation of the resident, the costs of appeal, and the~~  
31 ~~execution of the sentence. The cost of detention in a city or county~~  
32 ~~correctional facility shall include the same cost factors as are~~  
33 ~~utilized by the Department of Corrections and Rehabilitation in~~  
34 ~~determining the cost of prisoner care in state correctional facilities.~~  
35 ~~4499.01.~~
- 36 (c) ~~The costs of the prosecuting attorney in investigating,~~  
37 ~~evaluating, or prosecuting cases related to any matter set forth in~~  
38 ~~Section 4499.01, whether or not the prosecuting attorney decides~~  
39 ~~to commence legal action.~~

1 ~~(d) Costs incurred by the public defender or court-appointed~~  
2 ~~attorney with respect to any matter set forth in Section 4499.01.~~

3 ~~(e)~~

4 ~~(c) Any costs incurred for providing training in the investigation~~  
5 ~~or prosecution associated with any a matter set forth described in~~  
6 ~~Section 4499.01.~~

7 ~~(f)~~

8 ~~(d) Any other costs reasonably incurred by a city or county in~~  
9 ~~connection with any a matter set forth described in Section~~  
10 ~~4499.01.~~

11 ~~4499.10. Costs incurred by a superior court include all of the~~  
12 ~~following:~~

13 ~~(a) Costs of any trial or hearing of any matter set forth in Section~~  
14 ~~4499.01, including costs for the preparation of the trial, pretrial~~  
15 ~~hearing, and the actual trial or hearing.~~

16 ~~(b) Any other costs reasonably incurred by a superior court in~~  
17 ~~connection with any matter set forth in Section 4499.01.~~

18 4499.15. As used in this chapter, reasonable and necessary  
19 costs shall be based upon all operating costs, including the cost of  
20 elected officials, except superior court judges, while serving in  
21 line functions and including all administrative costs associated  
22 with providing the necessary services and securing reimbursement  
23 for those costs. Administrative costs include a proportional  
24 allowance for overhead determined in accordance with current  
25 accounting practices.

26 4499.20. (a) A city or county shall designate an officer or  
27 agency to prepare a statement of costs that shall be reimbursed  
28 under this chapter.

29 (b) The statement shall be sent to the Controller for approval.  
30 ~~The statement may not include any costs that are incurred by a~~  
31 ~~superior court, as described in Section 4499.10.~~ The Controller  
32 shall reimburse the city or county within 60 days after receipt of  
33 the statement or provide a written statement as to the reason for  
34 not making reimbursement at that time. If sufficient funds are not  
35 available, the Controller shall request the Director of Finance to  
36 include any amounts necessary to satisfy the claims in a request  
37 for a deficiency appropriation.

38 ~~4499.25. A superior court shall prepare a statement of costs~~  
39 ~~that shall be reimbursed under this chapter. The state may not~~  
40 ~~include any costs that are incurred by a city or county, as described~~

1 ~~in Section 4499.05. The statement shall be sent to the~~  
2 ~~Administrative Office of the Courts for approval and~~  
3 ~~reimbursement.~~

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5 CHAPTER 2. RESPONSE OF LOCAL LAW ENFORCEMENT

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7 4499.50. A local law enforcement agency having jurisdiction  
8 ~~over~~ *within* the city or county in which the developmental center  
9 is located shall respond within 24 hours of receiving an allegation  
10 that a crime has occurred at the developmental center.

11 SEC. 2. If the Commission on State Mandates determines that  
12 this act contains costs mandated by the state, reimbursement to  
13 local agencies and school districts for those costs shall be made  
14 pursuant to Part 7 (commencing with Section 17500) of Division  
15 4 of Title 2 of the Government Code.

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