

AMENDED IN SENATE AUGUST 7, 2014

AMENDED IN ASSEMBLY APRIL 2, 2014

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1919

Introduced by Assembly Member V. Manuel Pérez

February 19, 2014

An act to add ~~Section 1210.17 to the Penal Code, relating to inmates. and repeal Chapter 13.9 (commencing with Section 8899.6) of Division 1 of Title 2 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1919, as amended, V. Manuel Pérez. ~~Inmates: assessment. California Immigrant Integration Task Force.~~

Existing law establishes various programs to assist immigrants living within the state, including, but not limited to, the Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants, the Immigrant Workforce Preparation Act, and the Naturalization Services Program.

This bill would, until January 1, 2017, establish the California Immigrant Integration Task Force to report, on or before November 4, 2016, recommendations to the Governor and the Legislature on, among other things, protocols and collaboration among governmental agencies, community organizations, educational institutions, and the private sector to assist in the integration of immigrants into California communities. The bill would require the task force to be composed of representatives of certain state entities, immigrant rights advocacy

groups, faith-based organizations, and various industries, including, but not limited to, labor, public safety, education, and healthcare, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law generally requires felons to be incarcerated in state prison or county jails and generally requires those inmates to be supervised by the Department of Corrections and Rehabilitation or county probation agencies upon release. Existing law authorizes a variety of programs for inmates who are on postrelease supervision, including parole, postrelease community supervision, and mandatory supervision.~~

~~This bill would encourage all actors in the criminal justice system to use an evidence-based risk and needs assessment, as defined, to help make determinations at all stages of the judicial process, as prescribed.~~

Vote: ~~majority~~^{2/3}. 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. *The Legislature hereby finds and declares all of*
- 2 *the following:*
- 3 (a) *California is home to more than 10 million immigrants,*
- 4 *which is one-fourth of the nation’s immigrant population. Roughly*
- 5 *1.5 million, or over 13 percent of, California children live with at*
- 6 *least one undocumented immigrant parent. Over 80 percent of*
- 7 *these children are citizens.*
- 8 (b) *Over 17 percent of undocumented heads of household are*
- 9 *homeowners.*
- 10 (c) *Eighteen percent of all small business owners in the United*
- 11 *States are immigrants, employing an estimated 4.7 million people*
- 12 *in 2007, and generating more than \$776 billion annually.*
- 13 (d) *The purchasing power of Latinos and Asians, many of whom*
- 14 *are immigrants, is projected to reach \$1.5 trillion and \$775 billion,*
- 15 *respectively, by 2015. The rise of immigration to the United States*
- 16 *since 1990 has increased, and will continue to increase, the*
- 17 *earnings of Americans who have some education beyond a high*
- 18 *school degree.*
- 19 (e) *Despite comprising 16 percent of the resident population*
- 20 *holding a bachelor’s degree or higher, immigrants represent 33*
- 21 *percent of engineers, 27 percent of mathematicians, statisticians,*

1 *and computer scientists, and 24 percent of physical scientists. In*
2 *2011, foreign-born inventors contributed to more than 75 percent*
3 *of patents issued to the top 10 patent-producing universities.*

4 *(f) The Children’s Health Insurance Program (CHIP),*
5 *Supplemental Nutrition Assistance Program (SNAP), Temporary*
6 *Assistance for Needy Families (TANF), and child-care subsidies*
7 *are all available to citizen children with undocumented parents.*
8 *Children who access these public services have been associated*
9 *with better cognitive skills and better health in the first years of*
10 *life.*

11 *(g) Children of undocumented parents face greater barriers to*
12 *accessing social services and programs and tend to have more*
13 *negative social, economic, and health outcomes. These children*
14 *often forgo social services and programs for which they are eligible*
15 *because they are afraid of revealing their parent’s status.*
16 *Additionally, undocumented parents may not enroll their eligible*
17 *children in public services and programs because of a lack of*
18 *information and linguistic barriers.*

19 *(h) In response to the protracted policy debate on federal*
20 *immigration reform, states and local governments have*
21 *implemented policy reforms within their own jurisdictions. For*
22 *example, many city councils have passed “sanctuary city”*
23 *resolutions which restrict the use of municipal moneys and*
24 *resources for cooperation with the enforcement of federal*
25 *immigration laws. Some state and local governments have also*
26 *established immigrant integration offices. For example, the County*
27 *of Santa Clara has an Immigrant Relations and Integration*
28 *Services office and the County of Los Angeles has a cross-sector*
29 *Council on Immigrant Integration. Additionally, two states, Illinois*
30 *and New York, established offices for immigrant integration.*

31 *(i) All California residents would benefit from the establishment*
32 *of the California Immigrant Integration Task Force composed of*
33 *representatives from government, business, labor, public safety,*
34 *education, community organizations, and immigrant rights*
35 *advocacy groups to combine their expertise to report on how these*
36 *various sectors can better coordinate their efforts to integrate*
37 *immigrants into our communities through improved access to*
38 *available services, resources, and opportunities.*

39 *SEC. 2. Chapter 13.9 (commencing with Section 8899.6) is*
40 *added to Division 1 of Title 2 of the Government Code, to read:*

CHAPTER 13.9. CALIFORNIA IMMIGRANT INTEGRATION TASK FORCE

8899.6. (a) (1) The California Immigrant Integration Task Force is hereby established in state government.

(2) For purposes of this chapter, "task force" shall refer to California Immigrant Integration Task Force.

(b) On or before June 1, 2015, the Governor shall appoint to the task force representatives from all of the following:

(1) State entities that regulate sectors of the California economy that use a significant immigrant workforce or that administer programs that serve California's immigrant population.

(2) State entities that perform record clearance requests for federal naturalization processes.

(3) State entities that consult with the United States Department of Homeland Security and the United States Department of Justice in determining the legal roles and responsibilities of federal and state agencies in implementing immigration laws and policies.

(4) Businesses that are owned by, employ, or serve immigrants.

(5) Labor organizations that serve and represent immigrant workers.

(6) Public safety entities, including, but not limited to, emergency services and law enforcement.

(7) Education institutions, including, but not limited to, school districts, community colleges, colleges, and universities.

(8) Health care organizations, including, but not limited to, hospitals, clinics, and insurance agencies that serve immigrant populations.

(9) Faith-based organizations that include immigrant populations.

(10) Immigrant rights advocacy groups.

(11) Any additional stakeholder groups that the Governor identifies as relevant to the purposes of this chapter.

(c) Members of the task force shall not be compensated, but shall be reimbursed for necessary expenses to attend meetings.

(d) The Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3) and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) shall apply to the task force.

1 (e) (1) On or before July 1, 2015, the task force shall convene
2 its first meeting.

3 (2) Members of the task force shall select a chair at the first
4 meeting.

5 (f) The task force shall transmit the report required by Section
6 8899.7 to the Legislature in compliance with Section 9795.

7 8899.7. (a) On or before November 4, 2016, the task force
8 shall transmit a report on how to better integrate immigrants into
9 California communities and economy to the Governor and
10 Legislature that includes all of the following:

11 (1) Recommendations on how state and local governmental
12 entities can collaborate with the federal government to improve
13 border security, reduce and eliminate drug trafficking and human
14 smuggling along the California-Mexico border, and pursue drug
15 cartels with ties to California-based gangs.

16 (2) Evaluation of the potential to minimize the flow of
17 undocumented Latin American workers to California by stimulating
18 economic development in their countries of origin through the
19 establishment of public-private partnerships between state entities
20 and Latin America-based companies and financing strategies
21 between the North American Development Bank and the California
22 Infrastructure and Economic Development Bank.

23 (3) Identification of advocacy strategies to expand the Deferred
24 Action for Childhood Arrivals (DACA) program to include workers
25 in California industries experiencing a labor shortage,
26 undocumented parents of children enrolled in DACA, and other
27 groups of undocumented individuals in California that the task
28 force recommends.

29 (4) Recommendations on how the state can assist the federal
30 government decrease the backlog of legal immigration visas for
31 families and businesses and increase the issuance of professional
32 visas.

33 (5) Review of E-Verify and other immigration enforcement
34 programs.

35 (6) Evaluation of collaborative efforts undertaken by
36 community-based organizations, higher education institutions,
37 and professional associations to increase employment and
38 professional development opportunities for legal immigrants
39 residing within California.

1 (7) *Assessment of programs that encourage English language*
2 *acquisition, civic participation, and naturalization.*

3 (8) *Analysis of how faith-based organizations, community*
4 *groups, and schools assist in integrating both documented and*
5 *undocumented immigrants into California communities.*

6 (9) *Recommendations on how the state can collaborate with*
7 *academic and research institutions to generate studies highlighting*
8 *the economic and social contributions of immigrants.*

9 8899.8. *This chapter shall remain in effect only until January*
10 *1, 2017, and as of that date is repealed.*

11 SEC. 3. *This act is an urgency statute necessary for the*
12 *immediate preservation of the public peace, health, or safety within*
13 *the meaning of Article IV of the Constitution and shall go into*
14 *immediate effect. The facts constituting the necessity are:*

15 *In order to address the recent influx of tens of thousands of*
16 *immigrant children from Central America to the United States, it*
17 *is necessary that this act take effect immediately.*

18 SECTION 1. ~~Section 1210.17 is added to the Penal Code,~~
19 ~~immediately following Section 1210.16, to read:~~

20 ~~1210.17.—(a) The Legislature finds and declares all of the~~
21 ~~following:~~

22 ~~(1) According to research by the Washington State Institute for~~
23 ~~Public Policy, combining supervision based on the risk level of an~~
24 ~~individual in the criminal justice system with evidence-based~~
25 ~~programming to address the specific needs of that individual yields~~
26 ~~the greatest reduction in recidivism rates.~~

27 ~~(2) According to a 2010 study, entitled “The Role of Offender~~
28 ~~Risk Assessment: A Policy Maker Guide,” the mismatch of higher~~
29 ~~supervision and inappropriate services can actually increase the~~
30 ~~recidivism rate of a low-risk individual, thereby decreasing public~~
31 ~~safety and wasting valuable funding.~~

32 ~~(3) Evidence-based risk and needs assessments are an important~~
33 ~~tool that can provide decisionmakers with data to help predict an~~
34 ~~individual’s likelihood of committing a crime and engaging in~~
35 ~~harmful behavior, such as substance abuse, and can help determine~~
36 ~~which interventions or services will have the most impact on the~~
37 ~~individual.~~

38 ~~(4) Evidence-based risk and needs assessments can be used at~~
39 ~~many different times in the criminal justice process, including in~~
40 ~~determining who should be detained while awaiting trial, on~~

1 ~~probation, before release from incarceration, and while on~~
2 ~~postrelease supervision, such as parole, postrelease community~~
3 ~~supervision, or mandatory supervision.~~

4 ~~(b) For purposes of this section, “risk and needs assessment”~~
5 ~~means a set of measures and questions that are used to measure~~
6 ~~the risk of an individual to commit another offense, miss future~~
7 ~~court appearances or other appointments, engage in substance~~
8 ~~abuse, and determine what unmet needs the individual has.~~

9 ~~(c) All actors in the criminal justice system, including police~~
10 ~~officers, probation officers, sheriffs deputies, and other law~~
11 ~~enforcement personnel, are encouraged to use an evidence-based~~
12 ~~risk and needs assessment to help make determinations at all stages~~
13 ~~of the judicial process, including in making the determination of~~
14 ~~who should be detained while awaiting trial, and determining~~
15 ~~supervision level and service referrals while on probation, before~~
16 ~~release from incarceration, and while on postrelease supervision,~~
17 ~~such as parole, postrelease community supervision, or mandatory~~
18 ~~supervision.~~