

ASSEMBLY BILL

No. 2373

Introduced by Assembly Member Roger Hernández

February 21, 2014

An act to amend Section 1203.74 of the Penal Code, relating to probation officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2373, as introduced, Roger Hernández. Probation officers: funding.

Existing law requires a probation officer to notify the presiding judge of the superior court and the board of supervisors of the county, or city and county, upon a determination that, in the probation officer's opinion, staff and financial resources available to him or her are insufficient to meet his or her statutory or court ordered responsibilities. Under existing law, that notification is required to be in writing, to explain which of those responsibilities cannot be met, and to explain what resources are necessary to properly discharge those responsibilities.

This bill would require a county, or city and county, upon receipt of the notification described above, to provide the probation officer with the resources he or she has identified as necessary in that notification to properly discharge those responsibilities. By creating new duties for local government, the 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. Section 1203.74 of the Penal Code is amended
2 to read:

3 1203.74. (a) Upon a determination that, in his or her opinion,
4 staff and financial resources available to him or her are insufficient
5 to meet his or her statutory or court ordered responsibilities, the
6 probation officer shall immediately notify the presiding judge of
7 the superior court and the board of supervisors of the county, or
8 city and county, in writing. The notification shall explain which
9 responsibilities cannot be met and what resources are necessary
10 in order that statutory or court ordered responsibilities can be
11 properly discharged.

12 (b) *Upon receipt of the notification described in subdivision*
13 *(a), the county, or city and county, shall provide the probation*
14 *officer with the resources the probation officer has identified as*
15 *necessary to properly discharge his or her statutory or court*
16 *ordered responsibilities.*

17 SEC. 2. If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.