

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2526

Introduced by Assembly Member Gonzalez

February 21, 2014

An act to amend ~~Section~~ *Sections 1230 and 1230.1* of the Penal Code, relating to probation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2526, as amended, Gonzalez. ~~Criminal recidivism: Community Corrections Performance Incentives Fund. Community corrections program.~~

Existing law authorizes each county to establish a Community Corrections Performance Incentives Fund to receive state moneys to implement a community corrections program consisting of a system of felony probation supervision services to, among other things, manage and reduce offender risk while under felony probation supervision and upon reentry from jail into the community. Existing law requires a community corrections program to be implemented by probation and advised by a local Community Corrections Partnership, consisting of specified members, including, but not limited to, the sheriff and a chief of police. Existing law requires a Community Corrections Partnership to recommend a local plan to the county board of supervisors for the implementation of public safety realignment.

This bill would also require a rank-and-file deputy sheriff or a rank-and-file police officer and a rank-and-file probation officer or a deputy probation officer, to be appointed by a local labor organization, to the membership of a Community Corrections Partnership. The bill would require the vote of the rank-and-file deputy sheriff or

rank-and-file police officer and a rank-and-file probation officer or deputy probation officer on the local plan.

~~Existing law authorizes each county to establish a Community Corrections Performance Incentives Fund (CCPIF) and authorizes the state to annually allocate money into the State Corrections Performance Incentives Fund to be used for specified purposes relating to improving local probation supervision practices and capacities.~~

~~This bill would make technical, nonsubstantive changes to these provisions:~~

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

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

1 SECTION 1. Section 1230 of the Penal Code is amended to
2 read:

3 1230. (a) Each county is hereby authorized to establish in the
4 county treasury a Community Corrections Performance Incentives
5 Fund (CCPIF), to receive all amounts allocated to that county for
6 purposes of implementing this chapter.

7 (b) Notwithstanding any other law, in a fiscal year for which a
8 county receives moneys to be expended for the implementation of
9 this chapter, the moneys, including interest, shall be made available
10 to the CPO of that county, within 30 days of the deposit of those
11 moneys into the fund, for the implementation of the community
12 corrections program authorized by this chapter.

13 (1) The community corrections program shall be developed and
14 implemented by probation and advised by a local Community
15 Corrections Partnership.

16 (2) The local Community Corrections Partnership shall be
17 chaired by the CPO and comprised of the following membership:

18 (A) The presiding judge of the superior court, or his or her
19 designee.

20 (B) A county supervisor, the chief administrative officer for the
21 county, or a designee of the board of supervisors.

22 (C) The district attorney.

23 (D) The public defender.

24 (E) The sheriff.

25 (F) *A rank-and-file deputy sheriff or a rank-and-file police*
26 *officer, appointed by the local labor organization.*

- 1 ~~(F)~~
- 2 (G) A chief of police.
- 3 (H) *A rank-and-file probation officer or a deputy probation*
- 4 *officer, appointed by the local labor organization.*
- 5 ~~(G)~~
- 6 (I) The head of the county department of social services.
- 7 ~~(H)~~
- 8 (J) The head of the county department of mental health.
- 9 ~~(I)~~
- 10 (K) The head of the county department of employment.
- 11 ~~(J)~~
- 12 (L) The head of the county alcohol and substance abuse
- 13 programs.
- 14 ~~(K)~~
- 15 (M) The head of the county office of education.
- 16 ~~(L)~~
- 17 (N) A representative from a community-based organization with
- 18 experience in successfully providing rehabilitative services to
- 19 persons who have been convicted of a criminal offense.
- 20 ~~(M)~~
- 21 (O) An individual who represents the interests of victims.
- 22 (3) Funds allocated to probation pursuant to this act shall be
- 23 used to provide supervision and rehabilitative services for adult
- 24 felony offenders subject to local supervision, and shall be spent
- 25 on evidence-based community corrections practices and programs,
- 26 as defined in subdivision (d) of Section 1229, which may include,
- 27 but are not limited to, the following:
- 28 (A) Implementing and expanding evidence-based risk and needs
- 29 assessments.
- 30 (B) Implementing and expanding intermediate sanctions that
- 31 include, but are not limited to, electronic monitoring, mandatory
- 32 community service, home detention, day reporting, restorative
- 33 justice programs, work furlough programs, and incarceration in
- 34 county jail for up to 90 days.
- 35 (C) Providing more intensive local supervision.
- 36 (D) Expanding the availability of evidence-based rehabilitation
- 37 programs, including, but not limited to, drug and alcohol treatment,
- 38 mental health treatment, anger management, cognitive behavior
- 39 programs, and job training and employment services.

1 (E) Evaluating the effectiveness of rehabilitation and supervision
2 programs and ensuring program fidelity.

3 (4) Notwithstanding any other law, the CPO shall have discretion
4 to spend funds on any of the above practices and programs
5 consistent with this act but, at a minimum, shall devote at least 5
6 percent of all funding received to evaluate the effectiveness of
7 those programs and practices implemented with the funds provided
8 pursuant to this chapter. A CPO may petition the Administrative
9 Office of the Courts to have this restriction waived, and the
10 Administrative Office of the Courts shall have the authority to
11 grant that petition, if the CPO can demonstrate that the department
12 is already devoting sufficient funds to the evaluation of these
13 programs and practices.

14 (5) Each probation department receiving funds under this chapter
15 shall maintain a complete and accurate accounting of all funds
16 received pursuant to this chapter.

17 *SEC. 2. Section 1230.1 of the Penal Code is amended to read:*

18 1230.1. (a) Each county local Community Corrections
19 Partnership established pursuant to subdivision (b) of Section 1230
20 shall recommend a local plan to the county board of supervisors
21 for the implementation of the 2011 public safety realignment.

22 (b) The plan shall be voted on by an executive committee of
23 each county's Community Corrections Partnership consisting of
24 the chief probation officer of the county as chair, a chief of police,
25 the sheriff, *a rank-and file deputy sheriff or rank-and-file police*
26 *officer*, ~~the District Attorney, the Public Defender~~ *district attorney,*
27 *the public defender*, the presiding judge of the superior court, or
28 his or her designee, *a rank-and-file probation officer or a deputy*
29 *probation officer*, and one department representative listed in either
30 subparagraph ~~(G), (H), or (J)~~ *(I), (J), or (L)* of paragraph (2) of
31 subdivision (b) of Section 1230, as designated by the county board
32 of supervisors for purposes related to the development and
33 presentation of the plan.

34 (c) The plan shall be deemed accepted by the county board of
35 supervisors unless the board rejects the plan by a vote of four-fifths
36 of the board, in which case the plan goes back to the Community
37 Corrections Partnership for further consideration.

38 (d) Consistent with local needs and resources, the plan may
39 include recommendations to maximize the effective investment
40 of criminal justice resources in evidence-based correctional

1 sanctions and programs, including, but not limited to, day reporting
2 centers, drug courts, residential multiservice centers, mental health
3 treatment programs, electronic and GPS monitoring programs,
4 victim restitution programs, counseling programs, community
5 service programs, educational programs, and work training
6 programs.

O