

AMENDED IN ASSEMBLY SEPTEMBER 9, 2013

AMENDED IN ASSEMBLY SEPTEMBER 6, 2013

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY AUGUST 27, 2013

SENATE BILL

No. 105

Introduced by Senators ~~Knigh~~ and ~~Emmerson~~ Steinberg and Huff
(Principal coauthors: Assembly Members John A. Pérez and Conway)
(Coauthors: Senators Emmerson and Knight)

January 10, 2013

An act to ~~amend Section 15 of Chapter 42 of the Statutes of 2012,~~ to amend, repeal, and add Sections 19050.2 and 19050.8 of the Government Code, ~~and to amend, repeal, and add Sections 1233.1, 1233.3, 1233.4, 2910, 11191, and 13602 of,~~ to add Section 1233.9 to, and to add and repeal Sections 2915 and 6250.2 of, the Penal Code, and to amend Section 15 of Chapter 42 of the Statutes of 2012, relating to corrections, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 105, as amended, ~~Knigh~~ Steinberg. Corrections.

(1) Existing law requires the Department of Corrections and Rehabilitation to close the California Rehabilitation Center located in Norco, California, no later than either December 31, 2016, or 6 months after the construction of three Level II dorm facilities.

This bill would suspend this requirement pending a review by the Department of Finance and the Department of Corrections and Rehabilitation that determines the facility can be closed.

(2) The California Constitution establishes the civil service, to include every officer and employee of the state, except as provided, and requires permanent appointment and promotion in the civil service to be made under a general system based on merit ascertained by competitive examination.

Existing law requires the appointing power in all cases not exempted by the California Constitution to fill positions by appointment, including cases of transfers, reinstatements, promotions, and demotions, in strict accordance with specified provisions of law, and requires that appointments to vacant positions be made from employment lists.

Existing law, subject to the approval of the State Personnel Board, allows an appointing agency to enter into arrangements with personnel agencies in other jurisdictions for the purpose of exchanging services and effecting transfers of employees.

This bill would, until January 1, 2017, make the private California City Correctional Center in California City an agency or jurisdiction for the purpose of exchanging services pursuant to the above provision and all related rules.

(3) Existing law allows the State Personnel Board to prescribe rules governing the temporary assignment or loan of employees within an agency or between agencies not to exceed 2 years, or between jurisdictions not to exceed 4 years, for specified purposes.

This bill would, until January 1, 2017, make the private California City Correctional Center in California City an agency or jurisdiction for the purpose of the above provision and all related rules for a period not to exceed 2 years.

(4) Existing law allows the Secretary of the Department of Corrections and Rehabilitation to enter into an agreement with a city, county, or city and county, to permit transfer of prisoners in the custody of the secretary to a jail or other adult correctional facility. Under existing law, prisoners transferred to a local facility remain under the legal custody of the department. Existing law prohibits any agreement pursuant to these provisions unless the cost per inmate in the facility is no greater than the average costs of keeping an inmate in a comparable facility of the department.

This bill would, until January 1, 2017, for purposes of entering into agreements pursuant to the above provisions, waive any process, regulation, or requirement relating to entering into those agreements. The bill would, until January 1, 2017, delete the provision requiring that prisoners transferred to a local facility remain under the legal

custody of the department and would delete the requirement that no agreement be entered into unless the cost per inmate in the facility is no greater than the average costs of keeping an inmate in a comparable facility of the department. The bill would, until January 1, 2017, allow a transfer of prisoners to include inmates who have been sentenced to the department but remain housed in a county jail, and would specify that these prisoners shall be under the sole legal custody and jurisdiction of the sheriff or other official having jurisdiction over the facility and not under the legal custody and jurisdiction of the department.

The bill would also, until January 1, 2017, allow the secretary to enter into one or more agreements in the form of a lease or operating agreement with private entities to obtain secure housing capacity in the state or in another state, upon terms and conditions deemed necessary and appropriate to the secretary. The bill would, until January 1, 2017, waive any process, regulation, or requirement that relates to the procurement or implementation of those agreements, except as specified. The bill would make the provisions of the California Environmental Quality Act inapplicable to these provisions.

(5) Existing law allows the Secretary of the Department of Corrections and Rehabilitation to establish and operate community correctional centers.

This bill would, until January 1, 2017, allow the secretary to enter into agreements for the transfer of prisoners to community correctional centers, and to enter into contracts to provide housing, sustenance, and supervision for inmates placed in community correctional centers. The bill would, until January 1, 2017, waive any process, regulation, or requirement that relates to entering into those agreements.

(6) Existing law allows any court or other agency or officer of this state having power to commit or transfer an inmate to any institution for confinement to commit or transfer that inmate to any institution outside this state if this state has entered into a contract or contracts for the confinement of inmates in that institution and the inmate, if he or she was sentenced under California law, has executed written consent to the transfer.

This bill would, until January 1, 2017, allow the secretary to transfer an inmate to a facility in another state without the consent of the inmate.

(7) Existing law establishes the Commission on Correctional Peace Officer Standards and Training (CPOST) within the Department of Corrections and Rehabilitation and requires the CPOST to develop, approve, and monitor standards for the selection and training of state

correctional peace officers. Existing law allows for the use of training academies and centers, as specified.

This bill would, until January 1, 2017, allow the department to use a training academy established for the private California City Correctional Center.

(8) Existing law, the California Community Corrections Performance Incentives Act of 2009, authorizes each county to establish a Community Corrections Performance Incentives Fund, and authorizes the state to annually allocate moneys into a State Community Corrections Performance Incentives Fund to be used for specified purposes relating to improving local probation supervision practices and capacities, as specified. As part of the California Community Corrections Performance Incentives Act of 2009, existing law requires the Director of Finance to make certain calculations, including the cost to the state to incarcerate in prison and supervise on parole an offender who fails local supervision and is sent to prison. Existing law requires the Director of Finance to calculate a probation failure reduction incentive payment based on the estimated number of probationers successfully prevented from being incarcerated, multiplied by a specified percentage of the cost to the state to incarcerate in prison and supervise on parole a probationer who was sent to prison. Existing law requires the Department of Finance to calculate 5% of the total statewide estimated number of probationers successfully prevented from being incarcerated for counties that successfully reduce the number of adult felony probationers incarcerated multiplied by the costs to the state to incarcerate in prison and supervise on parole a probationer who was sent to prison to be used to provide high performance grants to county probation departments.

This bill would, beginning July 1, 2014, remove the requirement that the Director of Finance calculate the cost to the state to incarcerate in prison and supervise on parole an offender who fails local supervision and is sent to prison, and would instead require the Director of Finance to calculate the cost to the state to incarcerate in a contract facility and supervise on parole an offender who fails local supervision and is sent to prison. The bill would require the probation failure reduction incentive payment to be based on the estimated number of probationers successfully prevented from being incarcerated multiplied by a percentage of the state's cost of housing an inmate in a contract facility, and to supervise on parole a probationer who was sent to prison. The bill would require the Department of Finance to calculate high

performance grants to county probation departments as 5% of the total statewide estimated number of probationers successfully prevented from being incarcerated multiplied by the state's cost of housing an inmate in a contract facility, and to supervise on parole a probationer who was sent to prison.

The bill would create the Recidivism Reduction Fund in the State Treasury to be available upon appropriation by the Legislature for activities designed to reduce the state's prison population, and would allow funds available in the Recidivism Reduction Fund to be transferred to the State Community Corrections Performance Incentives Fund.

(8)

(9) The bill would appropriate \$315,000,000 from the General Fund to the Department of Corrections and Rehabilitation for the purposes of this measure. *The bill would require the department to spend the funds only to the extent needed to avoid early release. The bill would require any amounts not encumbered by June 30, 2014 to be transferred to the Recidivism Reduction Fund, except as provided.* The bill would require the Secretary of the Department of Corrections and Rehabilitation to report no later than April 1, 2014, and again on April 1, 2015, to the Director of Finance and specified legislative committees detailing the number of inmates housed in leased beds and in contracted beds both inside and outside of the state pursuant to this measure.

The bill would require the ~~Administration~~ *administration* to assess the state prison system, including capacity needs, prison population levels, recidivism rates, and factors effecting crime levels, *and to develop recommendations on balanced solutions that are cost effective and protect public safety.* The bill would require the Department of Finance to *submit the administration's interim report to the Legislature regarding balanced solutions that are cost effective and protect public safety not later than April 1, 2014, and to submit the final report to the Legislature not later than January 10, 2015.*

(9)

(10) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

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

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

1 SECTION 1. The additional prison capacity *and change to*
 2 *reduce prison population* authorized by this ~~bill is an act~~ *are*
 3 ~~immediate measure~~ *measures* to avoid early release of inmates
 4 and allow the state to comply with the federal court order. ~~The~~
 5 ~~measure~~ *This act* will also provide time to develop additional
 6 thoughtful, balanced, and effective long-term solutions with input
 7 from the state's local government and justice partners who are still
 8 adjusting to the recent criminal justice reforms of realignment.
 9 The long-term changes will build upon the transition of lower level
 10 offenders to local jurisdiction, the construction of new prison health
 11 care facilities, and improvements to existing health care facilities
 12 throughout the prison system. The administration shall begin
 13 immediately, in consultation with stakeholders, including
 14 appropriate legislative committees, to assess the state prison
 15 system, including capacity needs, prison population levels,
 16 recidivism rates, and factors affecting crime levels, *and to develop*
 17 *recommendations on balanced solutions that are cost effective and*
 18 *protect public safety*. Not later than April 1, 2014, the Department
 19 of Finance shall submit the administration's interim report to the
 20 Legislature, and, not later than January 10, 2015, the Department
 21 of Finance shall ~~develop and submit the administration's final~~
 22 ~~report to the Legislature regarding balanced solutions that are cost~~
 23 ~~effective and protect public safety~~. *It is the intent of the Legislature*
 24 *to consider the reports along with the Legislature's independent*
 25 *findings during the annual budget process.*

26 SEC. 2. ~~Section 15 of Chapter 42 of the Statutes of 2012 is~~
 27 ~~amended to read:~~

28 ~~Sec. 15. (a) The Department of Corrections and Rehabilitation~~
 29 ~~shall remove all inmates from, cease operations of, and close the~~
 30 ~~California Rehabilitation Center located in Norco, California, no~~
 31 ~~later than either December 31, 2016, or six months after~~
 32 ~~construction of the three Level II dorm facilities authorized in~~
 33 ~~Section 14 of this act, whichever is earlier.~~

34 ~~(b) This requirement is hereby suspended pending a review by~~
 35 ~~the Department of Finance and the Department of Corrections and~~
 36 ~~Rehabilitation that determines the facility can be closed. Closure~~
 37 ~~of the facility shall not occur sooner than 30 days after notification~~
 38 ~~in writing to the Chair of the Joint Legislative Budget Committee.~~

1 ~~SEC. 3.~~

2 *SEC. 2.* Section 19050.2 of the Government Code is amended
3 to read:

4 19050.2. (a) Subject to the approval of the board, the
5 appointing authority may enter into arrangements with personnel
6 agencies in other jurisdictions for the purpose of exchanging
7 services and effecting transfers of employees.

8 (b) For purposes of this section, and all related rules, the
9 California City Correctional Center in California City is an agency
10 or jurisdiction for the duration of the two-year period described in
11 Section 19050.8.

12 (c) This section shall remain in effect only until January 1, 2017,
13 and as of that date is repealed, unless a later enacted statute, that
14 is enacted before January 1, 2017, deletes or extends that date.

15 ~~SEC. 4.~~

16 *SEC. 3.* Section 19050.2 is added to the Government Code, to
17 read:

18 19050.2. (a) Subject to the approval of the board, the
19 appointing authority may enter into arrangements with personnel
20 agencies in other jurisdictions for the purpose of exchanging
21 services and effecting transfers of employees.

22 (b) This section shall become operative on January 1, 2017.

23 ~~SEC. 5.~~

24 *SEC. 4.* Section 19050.8 of the Government Code is amended
25 to read:

26 19050.8. The board may prescribe rules governing the
27 temporary assignment or loan of employees within an agency or
28 between agencies for a period not to exceed two years or between
29 jurisdictions for a period not to exceed four years for any of the
30 following purposes:

31 (a) To provide training to employees.

32 (b) To enable an agency to obtain expertise needed to meet a
33 compelling program or management need.

34 (c) To facilitate the return of injured employees to work.

35 These temporary assignments or loans shall be deemed to be in
36 accord with this part limiting employees to duties consistent with
37 their class and may be used to meet minimum requirements for
38 promotional as well as open examinations. An employee
39 participating in that arrangement shall have the absolute right to
40 return to his or her former position. Any temporary assignment or

1 loan of an employee made for the purpose specified in subdivision
2 (b) shall be made only with the voluntary consent of the employee.

3 In addition, out-of-class experience obtained in a manner not
4 described in this section may be used to meet minimum
5 requirements for promotional as well as open examinations, only
6 if it was obtained by the employee in good faith and was properly
7 verified under standards prescribed by board rule.

8 For purposes of this section, a temporary assignment or loan
9 between educational agencies or jurisdictions shall be extended
10 for up to two additional years upon a finding by the Superintendent
11 of Public Instruction or the Chancellor of the California
12 Community Colleges, and with the approval of the Executive
13 Officer of the State Personnel Board, that the extension is necessary
14 in order to substantially complete work on an educational
15 improvement project. However, the temporary assignment of any
16 local educator who is performing the duties of a nonrepresented
17 classification while on loan to a state educational agency may be
18 extended for as many successive two year intervals as necessary
19 by the Superintendent of Public Instruction or the Chancellor of
20 the California Community Colleges with the concurrence of the
21 educational agency or jurisdiction. Public and private colleges and
22 universities shall be considered educational agencies or
23 jurisdictions within the meaning of this section.

24 A temporary assignment within an agency or between agencies
25 may be extended by the board for up to two additional years in
26 order for an employee to complete an apprenticeship program.

27 (d) For the duration of a temporary assignment or loan not to
28 exceed two years, for the purposes of this section and all related
29 rules, the California City Correctional Center in California City,
30 which provides services equivalent to the core governmental
31 function of incarcerating inmates, shall be considered an agency
32 or jurisdiction.

33 (e) This section shall remain in effect only until January 1, 2017,
34 and as of that date is repealed, unless a later enacted statute, that
35 is enacted before January 1, 2017, deletes or extends that date.

36 ~~SEC. 6.~~

37 *SEC. 5.* Section 19050.8 is added to the Government Code, to
38 read:

39 19050.8. The board may prescribe rules governing the
40 temporary assignment or loan of employees within an agency or

1 between agencies for a period not to exceed two years or between
2 jurisdictions for a period not to exceed four years for any of the
3 following purposes:

- 4 (a) To provide training to employees.
- 5 (b) To enable an agency to obtain expertise needed to meet a
6 compelling program or management need.
- 7 (c) To facilitate the return of injured employees to work.

8 These temporary assignments or loans shall be deemed to be in
9 accord with this part limiting employees to duties consistent with
10 their class and may be used to meet minimum requirements for
11 promotional as well as open examinations. An employee
12 participating in that arrangement shall have the absolute right to
13 return to his or her former position. Any temporary assignment or
14 loan of an employee made for the purpose specified in subdivision
15 (b) shall be made only with the voluntary consent of the employee.

16 In addition, out-of-class experience obtained in a manner not
17 described in this section may be used to meet minimum
18 requirements for promotional as well as open examinations, only
19 if it was obtained by the employee in good faith and was properly
20 verified under standards prescribed by board rule.

21 For purposes of this section, a temporary assignment or loan
22 between educational agencies or jurisdictions shall be extended
23 for up to two additional years upon a finding by the Superintendent
24 of Public Instruction or the Chancellor of the California
25 Community Colleges, and with the approval of the Executive
26 Officer of the State Personnel Board, that the extension is necessary
27 in order to substantially complete work on an educational
28 improvement project. However, the temporary assignment of any
29 local educator who is performing the duties of a nonrepresented
30 classification while on loan to a state educational agency may be
31 extended for as many successive two year intervals as necessary
32 by the Superintendent of Public Instruction or the Chancellor of
33 the California Community Colleges with the concurrence of the
34 educational agency or jurisdiction. Public and private colleges and
35 universities shall be considered educational agencies or
36 jurisdictions within the meaning of this section.

37 A temporary assignment within an agency or between agencies
38 may be extended by the board for up to two additional years in
39 order for an employee to complete an apprenticeship program.

40 (d) This section shall become operative on January 1, 2017.

1 *SEC. 6. Section 1233.1 of the Penal Code is amended to read:*

2 1233.1. After the conclusion of each calendar year following
3 the enactment of this section, the Director of Finance, in
4 consultation with the Department of Corrections and Rehabilitation,
5 the Joint Legislative Budget Committee, the Chief Probation
6 Officers of California, and the Administrative Office of the Courts,
7 shall calculate the following for that calendar year:

8 (a) The cost to the state to incarcerate in prison and supervise
9 on parole an offender who fails local supervision and is sent to
10 prison. This calculation shall take into consideration factors,
11 including, but not limited to, the average length of stay in prison
12 and on parole for offenders subject to local supervision, as well
13 as the associated parole revocation rates, and revocation costs.

14 (b) (1) The statewide probation failure rate. The statewide
15 probation failure rate shall be calculated as the total number of
16 adult felony probationers statewide sent to prison in the previous
17 year as a percentage of the average statewide adult felony probation
18 population for that year.

19 (2) The statewide probation failure rate for the 2012 calendar
20 year shall be calculated as the total number of adult felony
21 probationers statewide sent to prison, or to jail pursuant to
22 paragraph (5) of subdivision (h) of Section 1170, as a percentage
23 of the average statewide adult felony probation population for that
24 year.

25 (c) (1) A probation failure rate for each county. Each county's
26 probation failure rate shall be calculated as the number of adult
27 felony probationers sent to prison from that county in the previous
28 year as a percentage of the county's average adult felony probation
29 population for that year.

30 (2) The probation failure rate for each county for the 2012
31 calendar year shall be calculated as the total number of adult felony
32 probationers sent to prison, or to jail pursuant to paragraph (5) of
33 subdivision (h) of Section 1170, from that county as a percentage
34 of the county's average adult felony probation population for that
35 year.

36 (d) An estimate of the number of adult felony probationers each
37 county successfully prevented from being incarcerated. For each
38 county, this estimate shall be calculated based on the reduction in
39 the county's probation failure rate as calculated annually pursuant
40 to subdivision (c) of this section and the county's baseline

1 probation failure rate as calculated pursuant to Section 1233. In
2 making this estimate, the Director of Finance, in consultation with
3 the Department of Corrections and Rehabilitation, the Joint
4 Legislative Budget Committee, the Chief Probation Officers of
5 California, and the Administrative Office of the Courts, shall adjust
6 the calculations to account for changes in each county's adult
7 felony probation caseload in the most recent completed calendar
8 year as compared to the county's adult felony probation population
9 during the period 2006 to 2008, inclusive.

10 (e) (1) In calculating probation failure rates for the state and
11 individual counties, the number of adult felony probationers sent
12 to prison shall include those adult felony probationers sent to state
13 prison for a revocation of probation, as well as adult felony
14 probationers sent to state prison for a conviction of a new felony
15 offense. The calculation shall also include adult felony probationers
16 who are sent to prison for conviction of a new crime and who
17 simultaneously have their probation terms terminated.

18 (2) In calculating probation failure rates for the state and
19 individual counties for the 2012 calendar year, the number of adult
20 felony probationers sent to prison, or to jail pursuant to paragraph
21 (5) of subdivision (h) of Section 1170, shall include those adult
22 felony probationers sent to prison, or to jail pursuant to paragraph
23 (5) of subdivision (h) of Section 1170, for a revocation of
24 probation, as well as adult felony probationers sent to prison, or
25 to jail pursuant to paragraph (5) of subdivision (h) of Section 1170,
26 for a conviction of a new felony offense. The calculation shall also
27 include adult felony probationers who are sent to prison, or to jail
28 pursuant to paragraph (5) of subdivision (h) of Section 1170, for
29 a conviction of a new crime and who simultaneously have their
30 probation terms terminated.

31 (f) The statewide mandatory supervision failure to prison rate.
32 The statewide mandatory supervision failure to prison rate shall
33 be calculated as the total number of offenders supervised under
34 mandatory supervision statewide sent to prison in the previous
35 year as a percentage of the average statewide mandatory
36 supervision population for that year.

37 (g) A mandatory supervision failure to prison rate for each
38 county. Each county's mandatory supervision failure to prison rate
39 shall be calculated as the number of offenders supervised under
40 mandatory supervision sent to prison from that county in the

1 previous year as a percentage of the county's average mandatory
2 supervision population for that year.

3 (h) The statewide postrelease community supervision failure to
4 prison rate. The statewide postrelease community supervision
5 failure to prison rate shall be calculated as the total number of
6 offenders supervised under postrelease community supervision
7 statewide sent to prison in the previous year as a percentage of the
8 average statewide postrelease community supervision population
9 for that year.

10 (i) A postrelease community supervision failure to prison rate
11 for each county. Each county's postrelease community supervision
12 failure to prison rate shall be calculated as the number of offenders
13 supervised under postrelease community supervision sent to prison
14 from that county in the previous year as a percentage of the
15 county's average postrelease community supervision population
16 for that year.

17 (j) *This section shall remain in effect only until July 1, 2014,*
18 *and as of that date is repealed, unless a later enacted statute, that*
19 *is enacted before July 1, 2014, deletes or extends that date.*

20 SEC. 7. Section 1233.1 is added to the Penal Code, to read:

21 1233.1. *After the conclusion of each calendar year, the Director*
22 *of Finance, in consultation with the Department of Corrections*
23 *and Rehabilitation, the Joint Legislative Budget Committee, the*
24 *Chief Probation Officers of California, and the Administrative*
25 *Office of the Courts, shall calculate the following for that calendar*
26 *year:*

27 (a) *The cost to the state to incarcerate in a contract facility and*
28 *supervise on parole an offender who fails local supervision and*
29 *is sent to prison. This calculation shall take into consideration*
30 *factors, including, but not limited to, the average length of stay in*
31 *prison for offenders subject to local supervision and the average*
32 *length of parole for offenders who failed local supervision and*
33 *were sent to prison.*

34 (b) *Beginning with the 2013 calendar year, the statewide*
35 *probation failure rate shall be calculated as the total number of*
36 *adult felony probationers statewide sent to prison, or to jail*
37 *pursuant to paragraph (5) of subdivision (h) of Section 1170, as*
38 *a percentage of the average statewide adult felony probation*
39 *population for that year.*

1 (c) Beginning with the 2013 calendar year, the probation failure
2 rate for each county shall be calculated as the total number of
3 adult felony probationers sent to prison, or to jail pursuant to
4 paragraph (5) of subdivision (h) of Section 1170, from that county,
5 as a percentage of the county's average adult felony probation
6 population for that year.

7 (d) An estimate of the number of adult felony probationers each
8 county successfully prevented from being incarcerated. For each
9 county, this estimate shall be calculated based on the reduction
10 in the county's probation failure rate as calculated annually
11 pursuant to subdivision (c) and the county's baseline probation
12 failure rate as calculated pursuant to Section 1233. In making this
13 estimate, the Director of Finance, in consultation with the
14 Department of Corrections and Rehabilitation, the Joint Legislative
15 Budget Committee, the Chief Probation Officers of California,
16 and the Administrative Office of the Courts, shall adjust the
17 calculations to account for changes in each county's adult felony
18 probation caseload in the most recent completed calendar year
19 as compared to the county's adult felony probation population
20 during the 2006 to 2008, inclusive, calendar period.

21 (e) Beginning with the 2013 calendar year, in calculating
22 probation failure rates for the state and individual counties, the
23 number of adult felony probationers sent to prison, or to jail
24 pursuant to paragraph (5) of subdivision (h) of Section 1170, shall
25 include those adult felony probationers sent to prison, or to jail
26 pursuant to paragraph (5) of subdivision (h) of Section 1170, for
27 a revocation of probation, as well as adult felony probationers
28 sent to prison, or to jail pursuant to paragraph (5) of subdivision
29 (h) of Section 1170, for a conviction of a new felony offense. The
30 calculation shall also include adult felony probationers who are
31 sent to prison, or to jail pursuant to paragraph (5) of subdivision
32 (h) of Section 1170, for a conviction of a new crime and who
33 simultaneously have their probation terms terminated.

34 (f) The statewide mandatory supervision failure to prison rate.
35 The statewide mandatory supervision failure to prison rate shall
36 be calculated as the total number of offenders supervised under
37 mandatory supervision pursuant to subparagraph (B) of paragraph
38 (5) of subdivision (h) of Section 1170, statewide, sent to prison in
39 the previous calendar year as a percentage of the average
40 statewide mandatory supervision population for that year.

1 (g) A mandatory supervision failure to prison rate for each
2 county. Each county's mandatory supervision failure to prison
3 rate shall be calculated as the number of offenders supervised
4 under mandatory supervision pursuant to subparagraph (B) of
5 paragraph (5) of subdivision (h) of Section 1170 sent to prison
6 from that county in the previous calendar year as a percentage of
7 the county's average mandatory supervision population for that
8 year.

9 (h) The statewide postrelease community supervision failure to
10 prison rate. The statewide postrelease community supervision
11 failure to prison rate shall be calculated as the total number of
12 offenders supervised under postrelease community supervision
13 pursuant to Title 2.05 (commencing with Section 3450) of Part 3,
14 statewide, sent to prison in the previous calendar year as a
15 percentage of the average statewide postrelease community
16 supervision population for that year.

17 (i) A postrelease community supervision failure to prison rate
18 for each county. Each county's postrelease community supervision
19 failure to prison rate shall be calculated as the number of offenders
20 supervised under postrelease community supervision pursuant to
21 Title 2.05 (commencing with Section 3450) of Part 3 sent to prison
22 from that county in the previous calendar year as a percentage of
23 the county's average postrelease community supervision population
24 for that year.

25 (j) This section shall become operative on July 1, 2014.

26 SEC. 8. Section 1233.3 of the Penal Code is amended to read:

27 1233.3. Annually, the Director of Finance, in consultation with
28 the Department of Corrections and Rehabilitation, the Joint
29 Legislative Budget Committee, the Chief Probation Officers of
30 California, and the Administrative Office of the Courts, shall
31 calculate a probation failure reduction incentive payment for each
32 eligible county, pursuant to Section 1233.2, for the most recently
33 completed calendar year, as follows:

34 (a) For a county identified as being in Tier 1, as defined in
35 subdivision (a) of Section 1233.2, its probation failure reduction
36 incentive payment shall equal the estimated number of probationers
37 successfully prevented from being incarcerated, as defined by
38 subdivision (d) of Section 1233.1, multiplied by 45 percent of the
39 costs to the state to incarcerate in prison and supervise on parole

1 a probationer who was sent to prison, as defined in subdivision (a)
2 of Section 1233.1.

3 (b) For a county identified as being in Tier 2, as defined in
4 subdivision (b) of Section 1233.2, its probation failure reduction
5 incentive payment shall equal the estimated number of probationers
6 successfully prevented from being incarcerated, as defined by
7 subdivision (d) of Section 1233.1, multiplied by 40 percent of the
8 costs to the state to incarcerate in prison and supervise on parole
9 a probationer who was sent to prison, as defined in subdivision (a)
10 of Section 1233.1.

11 (c) For a county identified as being in Tier 3, as defined in
12 subdivision (c) of Section 1233.2, its probation failure reduction
13 incentive payment shall equal the estimated number of probationers
14 successfully prevented from being incarcerated, as defined by
15 subdivision (d) of Section 1233.1, multiplied by 30 percent of the
16 costs to the state to incarcerate in prison and supervise on parole
17 a probationer who was sent to prison, as defined in subdivision (a)
18 of Section 1233.1.

19 (d) A county that fails to provide information specified in
20 Section 1231 to the Administrative Office of the Courts shall not
21 be eligible for a probation failure reduction incentive payment.

22 (e) *This section shall remain in effect only until July 1, 2014,*
23 *and as of that date is repealed, unless a later enacted statute, that*
24 *is enacted before July 1, 2014, deletes or extends that date.*

25 SEC. 9. Section 1233.3 is added to the Penal Code, to read:

26 1233.3. *Annually, the Director of Finance, in consultation with*
27 *the Department of Corrections and Rehabilitation, the Joint*
28 *Legislative Budget Committee, the Chief Probation Officers of*
29 *California, and the Administrative Office of the Courts, shall*
30 *calculate a probation failure reduction incentive payment for each*
31 *eligible county, pursuant to Section 1233.2, for the most recently*
32 *completed calendar year, as follows:*

33 (a) *For a county identified as being in Tier 1, as defined in*
34 *subdivision (a) of Section 1233.2, its probation failure reduction*
35 *incentive payment shall equal the estimated number of probationers*
36 *successfully prevented from being incarcerated, as defined by*
37 *subdivision (d) of Section 1233.1, multiplied by 45 percent of the*
38 *state's cost of housing an inmate in a contract facility, and to*
39 *supervise on parole a probationer who was sent to prison, as*
40 *defined in subdivision (a) of Section 1233.1.*

1 (b) For a county identified as being in Tier 2, as defined in
2 subdivision (b) of Section 1233.2, its probation failure reduction
3 incentive payment shall equal the estimated number of probationers
4 successfully prevented from being incarcerated, as defined by
5 subdivision (d) of Section 1233.1, multiplied by 40 percent of the
6 state's cost of housing an inmate in a contract facility, and to
7 supervise on parole a probationer who was sent to prison, as
8 defined in subdivision (a) of Section 1233.1.

9 (c) For a county identified as being in Tier 3, as defined in
10 subdivision (c) of Section 1233.2, its probation failure reduction
11 incentive payment shall equal the estimated number of probationers
12 successfully prevented from being incarcerated, as defined by
13 subdivision (d) of Section 1233.1, multiplied by 30 percent of the
14 state's cost of housing an inmate in a contract facility, and to
15 supervise on parole a probationer who was sent to prison, as
16 defined in subdivision (a) of Section 1233.1.

17 (d) A county that fails to provide information specified in Section
18 1231 to the Administrative Office of the Courts is not eligible for
19 a probation failure reduction incentive payment.

20 (e) This section shall become operative on July 1, 2014.

21 SEC. 10. Section 1233.4 of the Penal Code is amended to read:
22 1233.4. (a) It is the intent of the Legislature for counties
23 demonstrating high success rates with adult felony probationers
24 to have access to performance-based funding as provided for in
25 this section.

26 (b) On an annual basis, the Department of Finance, in
27 consultation with the Department of Corrections and Rehabilitation,
28 the Joint Legislative Budget Committee, the Chief Probation
29 Officers of California, and the Administrative Office of the Courts,
30 shall calculate 5 percent of the total statewide estimated number
31 of probationers successfully prevented from being incarcerated
32 for counties that successfully reduce the number of adult felony
33 probationers incarcerated multiplied by the costs to the state to
34 incarcerate in prison and supervise on parole a probationer who
35 was sent to prison, as defined in subdivision (a) of Section 1233.1.

36 (c) The amount estimated pursuant to subdivision (b) shall be
37 used to provide high performance grants to county probation
38 departments for the purpose of bolstering evidence-based probation
39 practices designed to reduce recidivism among adult felony
40 probationers.

1 (d) County probation departments eligible for these high
2 performance grants shall be those with adult probation failure rates
3 more than 50 percent below the statewide average in the most
4 recently completed calendar year.

5 (e) A county probation department that qualifies for a probation
6 failure reduction incentive payment, as provided in Section 1233.3,
7 and a high performance grant payment in the same year shall
8 choose to receive either the probation failure incentive payment
9 or the high performance grant payment. The CPO of a county that
10 qualifies for both a high performance grant and a probation failure
11 reduction incentive payment shall indicate to the Administrative
12 Office of the Courts, by a date designated by the Administrative
13 Office of the Courts, whether the CPO chooses to receive the high
14 performance grant or probation failure reduction payment.

15 (f) The grants provided for in this section shall be administered
16 by the Administrative Office of the Courts. The Administrative
17 Office of the Courts shall seek to ensure that all qualifying
18 probation departments that submit qualifying applications receive
19 a proportionate share of the grant funding available based on the
20 population of adults ages 18 to 25, inclusive, in each of the counties
21 qualifying for the grants.

22 (g) A county that fails to provide the information specified in
23 Section 1231 to the Administrative Office of the Courts shall not
24 be eligible for a high performance grant payment.

25 (h) *This section shall remain in effect only until July 1, 2014,*
26 *and as of that date is repealed, unless a later enacted statute, that*
27 *is enacted before July 1, 2014, deletes or extends that date.*

28 *SEC. 11. Section 1233.4 is added to the Penal Code, to read:*

29 *1233.4. (a) It is the intent of the Legislature for counties*
30 *demonstrating high success rates with adult felony probationers*
31 *to have access to performance-based funding as provided for in*
32 *this section.*

33 *(b) On an annual basis, the Department of Finance, in*
34 *consultation with the Department of Corrections and*
35 *Rehabilitation, the Joint Legislative Budget Committee, the Chief*
36 *Probation Officers of California, and the Administrative Office of*
37 *the Courts, shall calculate 5 percent of the total statewide estimated*
38 *number of probationers successfully prevented from being*
39 *incarcerated for counties that successfully reduce the number of*
40 *adult felony probationers incarcerated multiplied by the state's*

1 *cost of housing an inmate in a contract facility, and to supervise*
2 *on parole a probationer who was sent to prison, as defined in*
3 *subdivision (a) of Section 1233.1.*

4 *(c) The amount estimated pursuant to subdivision (b) shall be*
5 *used to provide high performance grants to county probation*
6 *departments for the purpose of bolstering evidence-based probation*
7 *practices designed to reduce recidivism among adult felony*
8 *probationers.*

9 *(d) County probation departments eligible for these high*
10 *performance grants shall be those with adult probation failure*
11 *rates more than 50 percent below the statewide average in the*
12 *most recently completed calendar year.*

13 *(e) A county probation department that qualifies for a probation*
14 *failure reduction incentive payment, as provided in Section 1233.3,*
15 *and a high performance grant payment in the same year shall*
16 *choose to receive either the probation failure incentive payment*
17 *or the high performance grant payment. The Chief Probation*
18 *Officer of a county that qualifies for both a high performance grant*
19 *and a probation failure reduction incentive payment shall indicate*
20 *to the Administrative Office of the Courts, by a date designated*
21 *by the Administrative Office of the Courts, whether the Chief*
22 *Probation Officer chooses to receive the high performance grant*
23 *or probation failure reduction payment.*

24 *(f) The grants provided for in this section shall be administered*
25 *by the Administrative Office of the Courts. The Administrative*
26 *Office of the Courts shall seek to ensure that all qualifying*
27 *probation departments that submit qualifying applications receive*
28 *a proportionate share of the grant funding available based on the*
29 *population of adults 18 to 25 years of age, inclusive, in each of*
30 *the counties qualifying for the grants.*

31 *(g) A county that fails to provide the information specified in*
32 *Section 1231 to the Administrative Office of the Courts is not*
33 *eligible for a high performance grant payment.*

34 *(h) This section shall become operative on July 1, 2014.*

35 *SEC. 12. Section 1233.9 is added to the Penal Code, to read:*

36 *1233.9. There is hereby created in the State Treasury the*
37 *Recidivism Reduction Fund for moneys to be available upon*
38 *appropriation by the Legislature, for activities designed to reduce*
39 *the state's prison population, including, but not limited to, reducing*
40 *recidivism. Funds available in the Recidivism Reduction Fund*

1 *may be transferred to the State Community Corrections*
2 *Performance Incentives Fund.*

3 ~~SEC. 7.~~

4 *SEC. 13.* Section 2910 of the Penal Code is amended to read:

5 2910. (a) The Secretary of the Department of Corrections and
6 Rehabilitation may enter into an agreement with a city, county, or
7 city and county to permit transfer of prisoners in the custody of
8 the secretary to a jail or other adult correctional facility of the city,
9 county, or city and county, if the sheriff or corresponding official
10 having jurisdiction over the facility has consented thereto. The
11 agreement shall provide for contributions to the city, county, or
12 city and county toward payment of costs incurred with reference
13 to such transferred prisoners.

14 (b) For purposes of this section, a transfer of prisoners under
15 subdivision (a) may include inmates who have been sentenced to
16 the department but remain housed in a county jail. These prisoners
17 shall be under the sole legal custody and jurisdiction of the sheriff
18 or corresponding official having jurisdiction over the facility and
19 shall not be under the legal custody or jurisdiction of the
20 Department of Corrections and Rehabilitation.

21 (c) Notwithstanding any other law, for purposes of entering into
22 agreements under subdivision (a), any process, regulation,
23 requirement, including any state governmental reviews or
24 approvals, or third-party approval that is required under, or
25 implemented pursuant to, any statute that relates to entering into
26 those agreements is hereby waived.

27 (d) When an agreement entered into pursuant to subdivision (a)
28 or (c) is in effect with respect to a particular local facility, the
29 secretary may transfer prisoners whose terms of imprisonment
30 have been fixed and parole violators to the facility.

31 (e) Prisoners so transferred to a local facility may, with notice
32 to the secretary, participate in programs of the facility, including,
33 but not limited to, work furlough rehabilitation programs.

34 (f) The secretary, to the extent possible, shall select city, county,
35 or city and county facilities in areas where medical, food, and other
36 support services are available from nearby existing prison facilities.

37 (g) The secretary, with the approval of the Department of
38 General Services, may enter into an agreement to lease state
39 property for a period not in excess of 20 years to be used as the

1 site for a facility operated by a city, county, or city and county
2 authorized by this section.

3 (h) This section shall remain in effect only until January 1, 2017,
4 and as of that date is repealed, unless a later enacted statute, that
5 is enacted before January 1, 2017, deletes or extends that date.

6 ~~SEC. 8.~~

7 *SEC. 14.* Section 2910 is added to the Penal Code, to read:

8 2910. (a) The Secretary of the Department of Corrections and
9 Rehabilitation may enter into an agreement with a city, county, or
10 city and county to permit transfer of prisoners in the custody of
11 the secretary to a jail or other adult correctional facility of the city,
12 county, or city and county, if the sheriff or corresponding official
13 having jurisdiction over the facility has consented thereto. The
14 agreement shall provide for contributions to the city, county, or
15 city and county toward payment of costs incurred with reference
16 to such transferred prisoners.

17 (b) When an agreement entered into pursuant to subdivision (a)
18 is in effect with respect to a particular local facility, the secretary
19 may transfer prisoners whose terms of imprisonment have been
20 fixed and parole violators to the facility.

21 (c) Prisoners so transferred to a local facility may, with approval
22 of the secretary, participate in programs of the facility, including,
23 but not limited to, work furlough rehabilitation programs.

24 (d) Prisoners transferred to such facilities are subject to the rules
25 and regulations of the facility in which they are confined, but
26 remain under the legal custody of the Department of Corrections
27 and Rehabilitation and shall be subject at any time, pursuant to the
28 rules and regulations of the secretary, to be detained in the county
29 jail upon the exercise of a state parole or correctional officer's
30 peace officer powers, as specified in Section 830.5, with the
31 consent of the sheriff or corresponding official having jurisdiction
32 over the facility.

33 (e) The secretary, to the extent possible, shall select city, county,
34 or city and county facilities in areas where medical, food, and other
35 support services are available from nearby existing prison facilities.

36 (f) The secretary, with the approval of the Department of
37 General Services, may enter into an agreement to lease state
38 property for a period not in excess of 20 years to be used as the
39 site for a facility operated by a city, county, or city and county
40 authorized by this section.

1 (g) An agreement shall not be entered into under this section
2 unless the cost per inmate in the facility is no greater than the
3 average costs of keeping an inmate in a comparable facility of the
4 department, as determined by the secretary.

5 (h) This section shall become operative on January 1, 2017.

6 ~~SEC. 9.~~

7 *SEC. 15.* Section 2915 is added to the Penal Code, to read:

8 2915. (a) The Secretary of the Department of Corrections and
9 Rehabilitation may enter into one or more agreements to obtain
10 secure housing capacity within the state. These agreements may
11 be entered into with private entities and may be in the form of a
12 lease or an operating agreement. The secretary may procure and
13 enter these agreements on terms and conditions he or she deems
14 necessary and appropriate. Notwithstanding any other law, any
15 process, regulation, requirement, including any state governmental
16 reviews or approvals, or third-party approval that is required under
17 statutes that relate to the procurement and implementation of those
18 agreements is hereby waived, however, no agreement shall contain
19 terms, either directly or indirectly, that involve the repayment of
20 any debt issuance or other financing and, consistent with state law,
21 shall provide that payment of that agreement is subject to
22 appropriation.

23 (b) The Secretary of the Department of Corrections and
24 Rehabilitation may enter into one or more agreements to obtain
25 secure housing capacity in another state. These agreements may
26 be entered into with private entities and may be in the form of an
27 operating agreement or other contract. The secretary may procure
28 and enter these agreements on terms and conditions he or she
29 deems necessary and appropriate. Notwithstanding any other law,
30 any process, regulation, requirement, including any state
31 governmental reviews or approvals, or third-party approval that
32 is required under statutes that relate to the procurement and
33 implementation of those agreements is hereby waived, however,
34 no agreement shall contain terms, either directly or indirectly, that
35 involve the repayment of any debt issuance or other financing and,
36 consistent with state law, shall provide that payment of that
37 agreement is subject to appropriation. This subdivision does not
38 authorize the department to operate a facility out of state.

39 (c) The provisions of Division 13 (commencing with Section
40 21000) of the Public Resources Code do not apply to this section.

1 (d) This section shall remain in effect only until January 1, 2017,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2017, deletes or extends that date.

4 ~~SEC. 10.~~

5 *SEC. 16.* Section 6250.2 is added to the Penal Code, to read:

6 6250.2. (a) The Secretary of the Department of Corrections
7 and Rehabilitation may enter into agreements for the transfer of
8 prisoners to, or placement of prisoners in, community correctional
9 centers. The secretary may enter into contracts to provide housing,
10 sustenance, and supervision for inmates placed in community
11 correctional centers.

12 (b) Notwithstanding any other law, for the purposes of entering
13 into agreements under subdivision (a), any process, regulation,
14 requirement, including any state government reviews or approvals,
15 or third-party approval that is required under, or implemented
16 pursuant to, any statute that relates to entering into those
17 agreements is hereby waived.

18 (c) This section shall remain in effect only until January 1, 2017,
19 and as of that date is repealed, unless a later enacted statute, that
20 is enacted before January 1, 2017, deletes or extends that date.

21 ~~SEC. 11.~~

22 *SEC. 17.* Section 11191 of the Penal Code is amended to read:

23 11191. (a) Any court or other agency or officer of this state
24 having power to commit or transfer an inmate, as defined in Article
25 II(d) of the Interstate Corrections Compact or of the Western
26 Interstate Corrections Compact, to any institution for confinement
27 may commit or transfer that inmate to any institution within or
28 without this state if this state has entered into a contract or contracts
29 for the confinement of inmates in that institution pursuant to Article
30 III of the Interstate Corrections Compact or of the Western
31 Interstate Corrections Compact.

32 (b) An inmate sentenced under California law shall not be
33 committed or transferred to an institution outside of this state,
34 unless he or she has executed a written consent to the transfer. The
35 inmate shall have the right to a private consultation with an attorney
36 of his choice, or with a public defender if the inmate cannot afford
37 counsel, concerning his rights and obligations under this section,
38 and shall be informed of those rights prior to executing the written
39 consent. At any time more than five years after the transfer, the
40 inmate shall be entitled to revoke his consent and to transfer to an

1 institution in this state. In such cases, the transfer shall occur within
2 the next 30 days.

3 (c) Notwithstanding the requirements in this section or Section
4 11194, the secretary may transfer an inmate to a facility in another
5 state without the consent of the inmate.

6 (d) Inmates who volunteer by submitting a request to transfer
7 and are otherwise eligible shall receive first priority under this
8 section.

9 (e) This section shall remain in effect only until January 1, 2017,
10 and as of that date is repealed, unless a later enacted statute, that
11 is enacted before January 1, 2017, deletes or extends that date.

12 ~~SEC. 12.~~

13 *SEC. 18.* Section 11191 is added to the Penal Code, to read:

14 11191. (a) Any court or other agency or officer of this state
15 having power to commit or transfer an inmate, as defined in Article
16 II(d) of the Interstate Corrections Compact or of the Western
17 Interstate Corrections Compact, to any institution for confinement
18 may commit or transfer that inmate to any institution within or
19 outside of this state if this state has entered into a contract or
20 contracts for the confinement of inmates in that institution pursuant
21 to Article III of the Interstate Corrections Compact or of the
22 Western Interstate Corrections Compact.

23 (b) No inmate sentenced under California law may be committed
24 or transferred to an institution outside of this state, unless he or
25 she has executed a written consent to the transfer. The inmate shall
26 have the right to a private consultation with an attorney of his
27 choice, or with a public defender if the inmate cannot afford
28 counsel, concerning his rights and obligations under this section,
29 and shall be informed of those rights prior to executing the written
30 consent. At any time more than five years after the transfer, the
31 inmate shall be entitled to revoke his consent and to transfer to an
32 institution in this state. In such cases, the transfer shall occur within
33 the next 30 days.

34 (c) This section shall become operative on January 1, 2017.

35 ~~SEC. 13.~~

36 *SEC. 19.* Section 13602 of the Penal Code is amended to read:

37 13602. (a) The Department of Corrections and Rehabilitation
38 may use the training academy at Galt or the training center in
39 Stockton. The academy at Galt shall be known as the Richard A.
40 McGee Academy. The training divisions, in using the funds, shall

1 endeavor to minimize costs of administration so that a maximum
2 amount of the funds will be used for providing training and support
3 to correctional peace officers while being trained by the
4 department.

5 (b) Notwithstanding subdivision (a), and pursuant to Section
6 13602.1, the Department of Corrections and Rehabilitation may
7 use a training academy established for the California City
8 Correctional Center. This academy, in using the funds, shall
9 endeavor to minimize costs of administration so that a maximum
10 amount of the funds will be used for providing training and support
11 to correctional employees who are being trained by the department.

12 (c) Each new cadet who attends an academy shall complete the
13 course of training, pursuant to standards approved by the CPOST
14 before he or she may be assigned to a post or job as a peace officer.
15 Every newly appointed first-line or second-line supervisor in the
16 Department of Corrections and Rehabilitation shall complete the
17 course of training, pursuant to standards approved by the CPOST
18 for that position.

19 (d) The Department of Corrections and Rehabilitation shall
20 make every effort to provide training prior to commencement of
21 supervisory duties. If this training is not completed within six
22 months of appointment to that position, any first-line or second-line
23 supervisor shall not perform supervisory duties until the training
24 is completed.

25 (e) This section shall remain in effect only until January 1, 2017,
26 and as of that date is repealed, unless a later enacted statute, that
27 is enacted before January 1, 2017, deletes or extends that date.

28 ~~SEC. 14.~~

29 *SEC. 20.* Section 13602 is added to the Penal Code, to read:

30 13602. (a) The Department of Corrections and Rehabilitation
31 may use the training academy at Galt or the training center in
32 Stockton. The academy at Galt shall be known as the Richard A.
33 McGee Academy. The training divisions, in using the funds, shall
34 endeavor to minimize costs of administration so that a maximum
35 amount of the funds will be used for providing training and support
36 to correctional peace officers while being trained by the
37 department.

38 (b) Each new cadet who attends an academy shall complete the
39 course of training, pursuant to standards approved by the CPOST,
40 before he or she may be assigned to a post or job as a peace officer.

1 Every newly appointed first-line or second-line supervisor in the
2 Department of Corrections and Rehabilitation shall complete the
3 course of training, pursuant to standards approved by the CPOST
4 for that position.

5 (c) The Department of Corrections and Rehabilitation shall
6 make every effort to provide training prior to commencement of
7 supervisory duties. If this training is not completed within six
8 months of appointment to that position, any first-line or second-line
9 supervisor shall not perform supervisory duties until the training
10 is completed.

11 (d) This section shall become operative January 1, 2017.

12 *SEC. 21. Section 15 of Chapter 42 of the Statutes of 2012 is*
13 *amended to read:*

14 *SEC. 15. (a) The Department of Corrections and*
15 *Rehabilitation shall remove all inmates from, cease operations of,*
16 *and close the California Rehabilitation Center located in Norco,*
17 *California, no later than either December 31, 2016, or six months*
18 *after construction of the three Level II dorm facilities authorized*
19 *in Section 14 of this act, whichever is earlier.*

20 *(b) The requirement in subdivision (a) is hereby suspended*
21 *pending a review by the Department of Finance and the*
22 *Department of Corrections and Rehabilitation that determines the*
23 *facility can be closed. Closure of the facility shall not occur sooner*
24 *than 30 days after notification in writing to the Chair of the Joint*
25 *Legislative Budget Committee.*

26 ~~SEC. 15.~~

27 *SEC. 22. (a) There is hereby appropriated from the General*
28 *Fund the amount of three hundred fifteen million dollars*
29 *(\$315,000,000) to the Department of Corrections and Rehabilitation*
30 *for purposes of implementing this act.*

31 *The amount appropriated is based on federal court orders in the*
32 *Three Judge Court proceedings (2:90-cv-00520 LKK JFM P,*
33 *C01-1351 TEH) requiring that the department achieve a population*
34 *of 137.5 percent of design capacity no later than December 31,*
35 *2013. If the department no longer needs to meet this percentage*
36 *or is not required to meet this percentage within the 2013–14 fiscal*
37 *year, then the department shall reduce its use of this appropriation*
38 *accordingly. The department shall spend these funds on immediate*
39 *capacity to meet the federal court orders issued in the Three Judge*
40 *Court proceedings (2:90-cv-00520 LKK JFM P, C01-1351 TEH)*

1 *only to the extent needed to avoid early release. Except as provided*
2 *by subdivision (c), any amounts which are not encumbered by June*
3 *30, 2014, are to be transferred to the Recidivism Reduction Fund.*

4 *(b) To the extent the Three Judge Court referenced in*
5 *subdivision (a) issues an order or orders subsequent to the*
6 *enactment of this act, which eliminates the need to obtain the full*
7 *amount of capacity authorized by this act, or adjusts the date by*
8 *which that capacity is required, the Department of Finance shall*
9 *report on the activities and prepare and submit a fiscal estimate*
10 *necessary to meet the revised order or orders, to the Joint*
11 *Legislative Budget Committee and appropriate fiscal committees,*
12 *within 15 days of the issuance of the new order or orders.*

13 *(c) To the extent the fiscal estimate necessary to meet the revised*
14 *order or orders issued in the Three Judge Court proceedings*
15 *(2:90-cv-00520 LKK JFM P, C01-1351 TEH) is less than the three*
16 *hundred fifteen million dollars (\$315,000,000) appropriated in*
17 *this section then, within 45 days of the order or orders, the Director*
18 *of Finance shall direct the Controller to transfer the first*
19 *seventy-five million dollars (\$75,000,000) of those savings, as*
20 *determined in subdivision (b) to the Recidivism Reduction Fund.*
21 *Any additional savings shall be allocated as follows: 50 percent*
22 *shall revert to the General Fund and 50 percent shall be*
23 *transferred to the Recidivism Reduction Fund.*

24 ~~(b)~~

25 *(d) (1) Not later than April 1, 2014, and again not later than*
26 *April 1, 2015, the Secretary of the Department of Corrections and*
27 *Rehabilitation shall submit a report to the Director of Finance and*
28 *the chairpersons and vice chairpersons of the committees in both*
29 *houses of the Legislature that consider the state budget, and to the*
30 *Assembly Committee on Public Safety and the Senate Committee*
31 *on Public Safety, detailing the number of inmates housed in leased*
32 *beds and in contracted beds both within and outside of the state*
33 *pursuant to the provisions of this act. The report shall provide the*
34 *specific number of inmates moved to each facility and shall identify*
35 *all costs associated with housing these inmates.*

36 *(2) The requirement for submitting a report imposed under this*
37 *subdivision is inoperative on January 1, 2017, pursuant to Section*
38 *10231.5 of the Government Code.*

1 (3) A report to be submitted pursuant to this subdivision shall
2 be submitted in compliance with Section 9795 of the Government
3 Code.

4 ~~SEC. 16.~~

5 *SEC. 23.* This act is a bill providing for appropriations related
6 to the Budget Bill within the meaning of subdivision (e) of Section
7 12 of Article IV of the California Constitution, has been identified
8 as related to the budget in the Budget Bill, and shall take effect
9 immediately.

O