

AMENDED IN ASSEMBLY JUNE 12, 2014

SENATE BILL

No. 863

Introduced by Committee on Budget and Fiscal Review

January 9, 2014

An act relating to the Budget Act of 2014. An act to amend Sections 12803, 15820.92, 15820.921, 15820.924, 30062, and 30070 of, to add Section 69927 to, and to add Chapter 3.131 (commencing with Section 15820.93) to Part 10b of Division 3 of Title 2 of, the Government Code, to add Section 1251.4 to the Health and Safety Code, to amend Sections 830.3, 830.38, 1026, 1170, 1170.3, 1233.15, 1233.6, 1233.61, 1370, 2694, 3060.7, 5006, 6141, 7050, 13821, and 13826.1 of, to add Sections 17.7, 667.2, 1170.06, 1233.10, 6032, and 6402 to, to add Article 2.4 (commencing with Section 3016) to Chapter 8 of Title 1 of Part 3 of, and to add Article 4 (commencing with Section 6045) to Chapter 5 of Title 7 of Part 3 of, the Penal Code, to amend Section 14306 of the Public Resources Code, and to amend Sections 1955, 1981, 1984, and 7228 of, to amend and repeal Section 17012.5 of, to amend, repeal, and add Sections 11251.3 and 18901.3 of, to add Section 7234 to, and to add and repeal Section 4023.5 of, the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor; to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 863, as amended, Committee on Budget and Fiscal Review.
~~Budget Act of 2014. Public Safety.~~

Existing law establishes the Department of Finance with general powers of supervision over all matters concerning the financial and business policies of the state. Existing law authorizes the Department of Corrections and Rehabilitation, a participating county, as defined,

and the State Public Works Board to enter into a construction agreement in order to acquire, design, and construct a local jail facility, as specified, using the proceeds of revenue bonds, notes, or bond anticipation notes issued by the State Public Works Board for that purpose.

This bill would require the Department of Finance, in consultation with the County of Los Angeles, to identify options for ways the state may assist in addressing the mental health and health infrastructure needs of the County of Los Angeles jail system and report its findings to the Joint Legislative Budget Committee on or before January 15, 2015.

Existing law authorizes the Board of State and Community Corrections, the State Public Works Board, and a participating county, as defined, to acquire, design, and construct an adult local criminal justice facility approved by the Board of State and Community Corrections, or to acquire a site or sites owned by, or subject to a lease option to purchase held by, a participating county. Existing law authorizes the State Public Works Board to issue up to \$500,000,000 in revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, and construction of approved adult local criminal justice facilities. The funds derived from those revenue bonds, notes, or bond anticipation notes are continuously appropriated for those purposes.

Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Existing law authorizes the Department of Corrections and Rehabilitation to design, construct, or renovate housing units, support buildings, and programming space in order to add capacity to facilities under its jurisdiction.

This bill would enact provisions similar to the provisions described above authorizing the Board of State and Community Corrections or the department, the State Public Works Board, and a participating county, as defined, to acquire, design, and construct an adult local criminal justice facility, as defined. The bill would authorize the State Public Works Board to issue up to \$500,000,000 in revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, and construction of approved adult local criminal justice facilities, and would continuously appropriate the funds for those purposes. The bill would establish procedures for approving and funding these projects.

Existing law establishes the California Health and Human Services Agency, which consists of specified departments and entities including,

among others, the State Department of Health Care Services, the State Department of Social Services, and the Office of Patient Advocate.

This bill would establish the Office of Law Enforcement Support within the agency.

Existing law provides that certain persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest, as specified. These specified peace officers are not authorized to carry firearms, except as provided. Existing law classifies certain police officers, sheriff deputies, and firefighters who have responsibility for the direct supervision of state peace officer/firefighter personnel as state peace officer/firefighter members under the Public Employees' Retirement System (PERS). Employees classified as safety members under PERS, including state peace officer/firefighter members, are generally entitled to higher benefits and subject to higher contribution rates than employees classified as miscellaneous or general members. Member contributions to PERS are deposited in the Public Employees' Retirement Fund, a continuously appropriated fund.

This bill would provide that the Chief, Deputy Chief, supervising investigators, and investigators of the Office of Protective Services of the State Department of State Hospitals and the Office of Investigations and Law Enforcement Support of the California Health and Human Services Agency are peace officers for purposes of the provision described above. The bill would make an appropriation by increasing the amount of employee contributions to the Public Employees' Retirement Fund.

Existing law authorizes the Board of State and Community Corrections (BSCC), a participating county, as defined, and the State Public Works Board to acquire, design, and construct an adult local criminal justice facility, as specified, and requires them to enter into an agreement for each facility that provides related performance expectations of the parties, guidelines and criteria for the use and application of the financing instruments used to pay for the facility, and ongoing maintenance and staffing responsibilities for the term of the financing. Existing law also authorizes the State Public Works Board and the BSCC to borrow funds from the Pooled Money Investment Account or from another appropriate source for project costs of an adult local criminal justice facility. Existing law authorizes the BSCC and a participating county, with the consent of the State Public Works

Board, to enter into leases, contracts, or other agreements for property use, maintenance, or operation of an adult local criminal justice facility.

This bill would also authorize the California Department of Corrections and Rehabilitation to participate in the financing program with participating counties and the State Public Works Board for the acquisition, design, and construction of adult local criminal justice facilities, to enter into the required agreements, to borrow funds, and to enter into leases, contracts, or other agreements for these purposes, as specified.

Existing law requires the establishment of a Supplemental Law Enforcement Services Account in each county to be allocated for jail construction, criminal prosecution, law enforcement grants, and for the implementation of a comprehensive multiagency juvenile justice plan. Existing law requires that moneys allocated from a Supplemental Law Enforcement Service Account to a recipient entity be used to supplement existing services and not to supplant any existing funding.

This bill would instead prohibit local agencies from using these moneys to supplant other funding for Public Safety Services, as defined.

Existing law requires specified funds to be allocated to county sheriff's departments from funds remaining in the Enhancing Law Enforcement Activities Subaccount in the Local Revenue Fund 2011, as specified. Existing law requires that funds allocated pursuant to these provisions be used to supplement rather than supplant existing law enforcement resources.

This bill would instead prohibit funds allocated pursuant to these provisions from being used by local agencies to supplant other funding for Public Safety Services, as defined.

Under existing law, the State Department of Public Health licenses and regulates health facilities, including general acute care hospitals and correctional treatment centers, including those operated by the Department of Corrections and Rehabilitation and those located on prison grounds.

This bill would require the State Department of Public Health, upon application of the Department of Corrections and Rehabilitation, to change the license category of a general acute care hospital licensed to the Department of Corrections and Rehabilitation, or any health facility located on prison grounds, to a correctional treatment center license.

Existing law, the Superior Court Security Act of 2012, generally requires the sheriff to be responsible for court security services pursuant

to a memorandum of understanding entered into with the superior court of the relevant county.

This bill would state the intent of the Legislature to establish a process and funding mechanism for sheriffs that overall incur increased trial court security costs as a result of court construction projects that had an occupancy date on or after October 9, 2011. The bill would allow counties that demonstrate increased trial court security costs to request funding from the Department of Finance. The bill would require this funding to be funded by the General Fund, subject to an annual appropriation by the Legislature.

Existing law sets forth various findings and declarations of the Legislature relating to crime, including the Legislature's reaffirmation of its commitment to reducing recidivism among criminal offenders and a declaration that California must reinvest its criminal justice resources to support community-based corrections programs and evidence-based practices that will achieve improved public safety returns on the state's substantial investment in its criminal justice system, as specified.

This bill would set forth legislative findings and declarations that strategies supporting reentering offenders through practices and programs have been demonstrated to significantly reduce recidivism among offenders in other states, that improving outcomes among offenders reentering the community after serving time in a correctional facility will promote public safety and reduce California's prison and jail populations, and that establishing a California reentry program that encompasses strategies known to reduce recidivism warrants a vigorous short-term startup in the 2014–15 fiscal year using readily available resources in the community, as specified.

Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Existing law establishes the Administrative Office of the Courts, which has various responsibilities and authority over state court matters granted by law and delegated by the Judicial Council. Existing law, as added by Proposition 8, adopted June 8, 1982, and amended by Proposition 21, adopted March 7, 2000, among other things, defines a serious felony. Existing law, as amended by Proposition 36, adopted November 6, 2012, commonly known as the Three Strikes Law, requires increased penalties for certain recidivist offenders in addition to any other enhancement or penalty that may apply, including individuals with current and prior convictions of a serious felony, as specified.

This bill would, subject to the availability of funding for and space in the programs and services, authorize the department to provide programs and services, including, but not limited to, transitional housing, mental health, and substance abuse treatment to an offender who is released pursuant to the provisions of Proposition 36, and who is not subject to parole or postrelease community supervision. The bill would require the department, in consultation with the Administrative Office of the Courts, to establish a referral process for those offenders to participate in or receive the types of programs and services described above that the department has existing contracts to provide. The bill would also require the Administrative Office of the Courts to inform courts of the availability of those programs and services.

Existing law designates various persons and peace officers, including officers of a state hospital under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services.

This bill would require, by July 1, 2015, the California Health and Human Services Agency to develop training protocols and policies and procedures for peace officers of a state hospital under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services. The bill, when appropriate, would require the training protocols and policies and procedures to be uniformly implemented in both state hospitals and developmental centers, and would require additional training protocols and policies and procedures shall be developed to address the unique characteristics of the residents in each type of facility. The bill would require the agency, in consultation with system stakeholders, to develop recommendations to further improve the quality and stability of law enforcement and investigative functions at both developmental centers and state hospitals in a meaningful and sustainable manner and to submit those recommendations to the budget committees and relevant policy committees of both houses of the Legislature no later than January 10, 2015.

Existing law authorizes a court, when sentencing a person to county jail for a felony, to commit the person to county jail for either the full term in custody, as specified, or to suspend the execution of a concluding portion of the term selected at the court's discretion. Under existing law, this period of suspended execution is supervised by the county probation officer and is known as mandatory supervision.

This bill would require, unless the court finds, in the interests of justice, that it is not appropriate in a particular case, that a period of

the concluding portion of a county jail term be served on mandatory supervision. The bill would make this change applicable prospectively to a person sentenced on or after January 1, 2015. The bill would require the Judicial Council to adopt rules of court to implement these provisions and related provisions of existing law no later than January 1, 2015. By increasing the duties of probation officers, the bill would impose a state-mandated local program.

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to offer a program under which eligible female inmates who have been committed to state prison may be allowed to participate in a voluntary alternative custody program in lieu of confinement in state prison. Existing law defines that alternative custody program to include confinement to a residential home, a residential drug or treatment program, or a transitional care facility that offers appropriate services. Existing law authorizes the department to enter into contracts with county agencies, not-for-profit organizations, for-profit organizations, and others in order to promote alternative custody placements. Existing law requires the department to use electronic monitoring, global positioning system devices, or other supervising devices for the purpose of helping to verify a participant's compliance with the rules and regulations of the program.

This bill would authorize a sheriff or a county director of corrections to implement a similar voluntary alternative custody program for male and female inmates who have been committed to a county jail for a determinate term of imprisonment for a felony or for a misdemeanor, except that the bill would define an alternative custody program operated by a sheriff or a county director of corrections to additionally include confinement to a mental health clinic or hospital that offers appropriate mental health services, and would authorize, but not require, the sheriff or the county director of corrections to use electronic monitoring, global positioning system devices, or other supervising devices. The bill would provide that the willful failure of the program participant to return to the place of detention prior to the expiration of any period of time during which he or she is authorized to be away from the place of detention, unauthorized departures from the place of detention, or tampering with or disabling, or attempting to tamper with or disable, an electronic monitoring device is punishable under a specified statute.

By creating a new crime, this bill would impose a state-mandated local program.

Existing law establishes the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, as specified. Existing law establishes the Recidivism Reduction Fund, to be used, upon appropriation by the Legislature, for activities designed to reduce the state's prison population, including, but not limited to, reducing recidivism.

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 the State Community Corrections Performance Incentives Fund, a continuously appropriated fund, to be used for specified purposes related to improving local probation supervision practices and capacities. Under existing law, if a county establishes a Community Corrections Performance Incentives Fund, the county is required to establish a local Community Corrections Partnership, as specified.

This bill would require a county board of supervisors, upon agreement to accept funding from the Recidivism Reduction Fund and in collaboration with the county's Community Corrections Partnership, to develop, administer, and collect and submit data to the Board of State and Community Corrections regarding a competitive grant program intended to fund community recidivism and crime reduction services, as specified. The bill would require the county board of supervisors to grant the funds allocated to the county under these provisions to community recidivism and crime reduction service providers based on the needs of their community. The bill would specify the grant amounts for which the counties and individual service providers would be eligible and would limit the total amount of grants awarded to a single community recidivism and crime reduction service provider by all counties pursuant to these provisions to \$100,000. The bill would authorize up to 5% of the grant to be withheld by the county to pay administrative costs. The bill would require funds allocated to a county that are not expended within 4 years to revert to the state General Fund and would require funds not encumbered with a community recidivism and crime reduction service provider within one year after the allocation of grant funding to revert to the state General Fund.

Existing law provides for a probation failure reduction incentive payment for each eligible county, and establishes 3 tiers for evaluating

counties for purposes of calculating that payment. Existing law also provides high performance grants to county probation departments for purposes of bolstering practices to reduce recidivism. Existing law provides for these incentive payments and grants to be paid from the State Community Corrections Performance Incentives Fund, as specified.

Existing law appropriates \$1,000,000 from the State Community Corrections Performance Incentives Fund to the judicial branch for the costs of implementing and administering those probation failure reduction incentive payments and high performance grants, as specified. Under existing law, those funds are available for encumbrance and expenditure until June 30, 2014.

This bill would, commencing July 1, 2014, and each fiscal year thereafter, continuously appropriate \$1,000,000 from the State Community Corrections Performance Incentives Fund to the Administrative Office of the Courts for the costs of implementing and administering those probation failure reduction incentive payments and high performance grants, as specified.

Existing law allocates any moneys remaining in the State Community Corrections Performance Incentives Fund, after the calculation and award determination of each county's tier payments or high performance grant payments, to county probation departments, as specified. Specifically, existing law requires that the award amount for any county whose tier payment or high performance grant totals less than \$200,000 be increased to no more than \$200,000, as specified. Existing law also requires that the award amount for any county that has a probation failure rate that is below the statewide average be adjusted so that these counties receive no less than \$200,000, as specified.

Existing law requires that any funds remaining after the allocations described above be evenly distributed to those counties that did not receive a tier payment or a high performance grant payment, as specified.

This bill would instead require that these remaining funds, up to \$200,000 per county, be evenly distributed to those counties that did not receive a tier payment or a higher performance grant payment, as specified, and would provide for the further distribution of any funds that remain.

Existing law establishes the State Department of State Hospitals for the administration of state hospitals and provides for the involuntary

confinement of certain individuals in those state hospitals, including defendants who have been found incompetent to stand trial and defendants found to be guilty of a crime, or who have plead not guilty by reason of insanity, and found to be insane at the time he or she committed the crime. Existing law provides that the court shall order that the mentally incompetent defendant be delivered by the sheriff to a state hospital, or to any other available public or private treatment facility, including a local county jail treatment facility, approved by the community program director that will promote the defendant's speedy restoration to mental competence, or placed on outpatient status.

This bill would include the community-based residential treatment system, as described, as a public or private treatment facility to which the above provisions apply, if the facility has a secured perimeter or a locked and controlled treatment facility.

Existing law requires the court to select the state hospital in accordance with the policies established by the State Department of State Hospitals when directing that the defendant be confined in a state hospital. Under existing law, prior to admission to the Napa State Hospital or the Metropolitan State Hospital, the State Department of State Hospitals is required to evaluate each patient committed pursuant to specified provisions of law, and a patient determined to be a high-security risk is required to be treated in the department's most secure facilities, as provided. Existing law requires a court to provide copies of specified documents, including, among others, the commitment order, to be taken with the defendant to the state hospital when the court orders that a defendant be confined in a state hospital or other public or private treatment facility.

This bill would repeal the provision requiring the court to select the state hospital in accordance with the policies established by the State Department of State Hospitals when directing that the defendant be confined in a state hospital. The bill would instead require, prior to admission to the State Department of State Hospitals, the department to evaluate each patient committed pursuant to specified provisions of law to determine the placement of the patient to the appropriate state hospital. The bill would also require a court that orders that a defendant be committed to the State Department of State Hospitals or other public or private treatment facility to provide copies of any medical records with the documents described above prior to the admission of the defendant to the department or other treatment facility where the defendant is to be committed. The bill would require the department to

utilize specified documents, including those described above and any medical records, to make the appropriate placement. The bill would make conforming changes.

The bill would also require the State Department of State Hospitals to establish a Patient Management Unit (PMU) to facilitate patient movement across all facilities under the department's jurisdiction and any psychiatric programs operated by the department pursuant to a memorandum of understanding with the Department of Corrections and Rehabilitation. The PMU's responsibilities would include, among others, oversight and centralized management of patient admissions. The bill would authorize the State Department of State Hospitals to adopt regulations, as specified, concerning policies and procedures to be implemented by the PMU, including, among others, policies and procedures for patient referral to the department.

Existing law, in placing a mentally incompetent defendant, requires the community program director to evaluate the appropriate placement for the defendant between a state hospital or a local county jail treatment facility. If a local county jail treatment facility is selected, existing law requires the State Department of State Hospitals to provide treatment at the county jail treatment facility and to reimburse the county jail treatment facility for the reasonable costs of the bed during the treatment.

This bill would require the State Department of State Hospitals to provide reimbursement to the community-based residential treatment system if a mentally incompetent defendant is placed in that facility.

Existing law requires the Department of Corrections and Rehabilitation to expand substance abuse treatment services in prisons to accommodate at least 4,000 additional inmates who have histories of substance abuse, as specified.

This bill would generally require a substance abuse treatment program funded by the department and offered in a facility under the jurisdiction of the department pursuant to the provision described above to include a peer counseling component, as defined, allowing prisoners to receive the necessary training within those facilities to become certified addiction counselors, including necessary course work and clinical hours. The bill would require the department to notify in writing the Assembly and Senate Committees on Budget and the relevant Assembly and Senate policy committees at the time the determination is made if the department determines that a peer counseling component

shall not be included as part of a substance abuse treatment program offered in a facility under the department's jurisdiction.

Existing law requires offenders convicted of certain felonies to be incarcerated in state prison. Existing law authorizes the Department of Corrections and Rehabilitation to contract for the establishment and operation of community correctional reentry centers to enhance the potential for successful paroles.

This bill would require the Secretary of the Department of Corrections and Rehabilitation to establish the Case Management Reentry Pilot Program for offenders, under the jurisdiction of the department, who have been sentenced to a term of imprisonment in state prison for purposes of assisting certain inmates in reentering society upon their release from prison. The bill would require the program to be established in at least 3 counties over a period of 3 years after enactment of the budget act of 2014, and would require case management social workers to assist offenders assigned to the program in managing basic needs, as specified. The program would provide specified case management services. The bill would require the department to contract for an evaluation of the program that will assess its effectiveness in reducing recidivism among offenders transitioning from prison into the community. The bill would require the department to submit a final report to the Legislature and the Governor of the findings from its evaluation of the program not later than 3 years after the establishment of the program. Implementation of the program would be contingent upon availability of funds, as specified.

Existing law requires a supervising parole agency to notify a person classified within the highest control or risk classification that he or she is required to report to his or her assigned parole officer or designated local agency within 2 days of release from prison to parole or postrelease community supervision. Existing law requires the supervising parole agency to report a parolee's failure to report within 24 hours.

Existing law requires that the department release an inmate who is subject to these provisions and was sentenced prior to June 27, 2012, one or 2 days before his or her scheduled release date if the inmate's release date falls on the day before a holiday or weekend. Existing law requires all other inmates to be released one or 2 days after their scheduled release date if the release date falls on the day before a holiday or weekend.

This bill would instead apply the one or 2-day early release requirement to an inmate who is subject to the above provisions and was sentenced prior to January 1, 1996.

Existing law establishes the Inmate Welfare Fund of the Department of Corrections and Rehabilitation in the State Treasury. Existing law provides that the moneys in the fund constitute a trust to be used for the benefit and welfare of inmates of prisons and institutions under the jurisdiction of the department. Existing law allows the funds to be used for the establishment of canteens, hobby shops, educational programs, hobby and recreational programs, inmate family visiting services, leisure-time activities, and assistance with obtaining photo identification from the Department of Motor Vehicles. Under existing law, moneys in the fund, as they relate to state prison camps, are continuously appropriated.

This bill would additionally authorize the use of fund moneys for innovative programming by not-for-profit organizations offering programs that have demonstrated success and focus on offender responsibility and restorative justice principles, thereby making an appropriation.

Existing law establishes the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, as they relate to both adult corrections, juvenile justice, and gang problems. Existing law requires the board to seek to collect and make publicly available data and information reflecting the impact of state and community corrections, juvenile justice, and gang-related policies and practices enacted in the state, and information regarding evidence-based practices from other jurisdictions.

This bill would establish the California Juvenile Justice Data Working Group within the Board of State and Community Corrections, consisting of members comprised of representatives from, among others, the Department of Justice and the Judicial Council. The bill would require the working group to analyze the capacities and limitations of data systems and networks used to collect and report state and local juvenile justice caseload and outcome data. The bill would require the working group, no later than January 1, 2016, to prepare and submit a report to the Legislature on the options for improving interagency coordination, modernization, and upgrading of state and local juvenile justice data and information systems, as specified. The bill would also require the

working group, no later than December 31, 2014, to recommend a plan for improving current juvenile justice reporting requirements.

This bill would also require the board to administer and award mentally ill offender crime reduction grants on a competitive basis to counties that expand or establish a continuum of timely and effective responses to reduce crime and criminal justice costs related to mentally ill offenders and require those grant funds to be used to support prevention, intervention, supervision, and incarceration-based services and strategies to reduce recidivism and improve outcomes for mentally ill juvenile adults and offenders. The bill would require the board to establish minimum requirements, funding criteria, and procedures for awarding grants and would require counties applying for grant funding to comply with certain requirements, including a requirement that the county establish a strategy committee to design the grant application. The bill would require the board to develop an evaluation design for grants that assesses the effectiveness of the program and to annually report to the Legislature based on that evaluation design.

Existing law establishes the California Rehabilitation Oversight Board in the Office of the Inspector General to regularly examine and report to the Legislature and the Governor on the various mental health, substance abuse, educational, and employment programs for inmates and parolees operated by the Department of Corrections and Rehabilitation. Existing law requires the board to meet at least quarterly, and to report to the Governor and the Legislature biannually, on March 15 and September 15.

This bill would instead require the board to meet twice annually, and to report to the Governor and the Legislature annually, on September 15.

Existing law requires that a regulation adopted by the Department of Corrections and Rehabilitation that may impact the visitation of inmates recognize and consider the value of visiting as a means to improve the safety of prisons for both staff and inmates.

This bill would require the Department of Corrections and Rehabilitation to develop policies related to the department's contraband interdiction efforts for individuals entering detention facilities under the jurisdiction of the department. The bill would require that these policies, among other requirements, apply to all individuals, use methods to ensure that profiling is not practiced, and establish a method that ensures that no one, except as specified, has advance notice of when a random search is scheduled.

Existing law appropriates \$300,000,000 from the General Fund for capital outlay to be allocated to renovate, improve, or expand infrastructure capacity at existing prison facilities. Existing law authorizes the funds to be used for specified additional purposes, including design and construction of improvements to dental facilities and medication distribution facilities at state prisons, as specified.

This bill would also authorize the use of these funds for the design and construction of projects in the Health Care Facility Improvement Program at state prison facilities, thereby making it an appropriation.

Existing law establishes in the State Treasury the Local Revenue Fund 2011, a continuously appropriated fund, and requires that moneys in the fund be allocated exclusively for public safety services, as defined. Existing law further establishes the Law Enforcement Services Account within that fund, and creates the Enhancing Law Enforcement Activities Subaccount within the Law Enforcement Services Account.

Existing law allocates moneys in the subaccount for county sheriffs' departments, and, among other things, various crime reduction programs, including the High Technology Theft Apprehension and Prosecution Program, among others.

This bill would revise the percentage of funds to be allocated for the High Technology Theft Apprehension and Prosecution Program from the Enhancing Law Enforcement Activities Subaccount.

Existing law establishes the Gang Violence Suppression Program in the Board of State and Community Corrections for financial and technical assistance to district attorneys' offices, local law enforcement agencies, county probation departments, school districts, county offices of education, and community-based organizations which are primarily engaged in the suppression of gang violence. Existing law prohibits funds made available pursuant to these provisions from being used to supplant local funds that would, in the absence of the Gang Violence Suppression Program, be made available to support the activities specified in these provisions establishing the program.

This bill would instead prohibit these funds from being used by local agencies to supplant other funding for Public Safety Services, as defined.

Existing law authorizes the Director of the California Conservation Corps, implementing the California Conservation Corps program, to recruit and employ corpsmembers and to adopt criteria for employment in the program.

This bill would instead authorize the director to recruit and enroll corpsmembers and to adopt criteria for selecting applicants for

enrollment, including individuals convicted of a crime described in the California Uniform Controlled Substances Act. The director would be required, when adopting this criteria, to take specified factors into account.

Existing law establishes the Youthful Offender Block Grant Program to enhance the capacity of county departments to provide appropriate rehabilitative and supervision services to youthful offenders. Existing law requires the Director of Finance to annually determine the total amount of the block grant and the allocation for each county, and to report those findings to the Controller who then makes an allocation to each county from the Youthful Offender Block Grant Special Account. Under existing law, 50% of the allocation amount for each county is based on the number of the county's juvenile felony court dispositions, according to the most recent data compiled by the Department of Justice.

This bill would instead require, for purposes of determining this allocation amount, the Department of Justice to provide to the Department of Finance the number of juvenile felony court dispositions for each county for the previous calendar year by July 10 of each year.

Existing law requires the establishment of a Juvenile Reentry Fund in each county to receive all amounts allocated to that county probation department to address local program needs for persons discharged from the custody of the Division of Juvenile Facilities. Existing law prohibits these funds from being used to supplant any existing funding by local agencies for existing services provided by that entity.

This bill would instead prohibit these funds from being used by local agencies to supplant other funding for Public Safety Services, as defined.

Existing law establishes the Juvenile Reentry Grant to provide for the local supervision of persons discharged from the custody of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities. Existing law requires that 5.519% of the funds allocated to the Juvenile Justice Subaccount from the Local Revenue Fund 2011 be deposited to the Juvenile Reentry Grant Special Account to be used to fund grants for these purposes and requires the amount allocated to each county probation department from the Juvenile Reentry Grant Special Account be distributed pursuant to specified criteria.

This bill would require the Department of Finance to use this criteria to determine each county's allocation as a percentage of the funds deposited in the Juvenile Reentry Grant Special Account and would provide that actual allocations provided to counties pursuant to the

criteria would vary under the bill based on the amount of funds deposited in the Juvenile Reentry Grant Special Account.

Existing law provides for state hospitals for the care, treatment, and education of mentally disordered persons, which are under the jurisdiction of the State Department of State Hospitals.

This bill would require the Secretary of California Health and Human Services to submit a report and recommendations to the fiscal and appropriate policy committees of the Legislature reviewing and evaluating best practices and strategies, including independent oversight, for effectively and sustainably addressing the employee discipline process, criminal and major incident investigations, and the use of force within state hospitals and psychiatric programs run by the State Department of State Hospitals. The bill would authorize the secretary to consult with the Department of the California Highway Patrol, the Department of Corrections and Rehabilitation, the Office of the Inspector General, and other resources in the development of the report and recommendations.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Under existing law, an individual is ineligible for aid if the individual has been convicted in state or federal court after December 31, 1997, of any offense classified as a felony and that has as an element the possession, use, or distribution of a controlled substance.

This bill would, beginning April 1, 2015, authorize CalWORKs benefits to be paid to an individual who is convicted as an adult in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance, as defined. If the person is on probation or parole and is ineligible for aid due to violating a condition of probation or parole or fleeing to avoid prosecution or custody and confinement, he or she would be ineligible for CalWORKs benefits until he or she is no longer in violation of probation or parole or a fleeing felon.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Under existing law, a person

convicted of specified drug offenses, including transporting, selling, furnishing, administering, giving away, possessing for sale, purchasing for purpose of sale, or manufacturing a controlled substance, is ineligible to receive CalFresh benefits. Existing law authorizes the payment of CalFresh benefits to other convicted drug felons who have participated in, or are on the waiting list for, a drug treatment program, or who can show other evidence that the illegal use of controlled substances has ceased.

This bill would, beginning April 1, 2015, authorize CalFresh benefits to be paid to an individual who is convicted as an adult in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance, as defined. If the person is on probation or parole and is ineligible for aid due to violating a condition of probation or fleeing to avoid prosecution or custody and confinement, he or she would be ineligible for CalFresh benefits until he or she is no longer in violation of probation or parole or a fleeing felon. By requiring local agencies to provide a higher level of service, this bill would impose a state-mandated local program.

Until January 1, 2016, the bill would, notwithstanding certain rulemaking provisions of the Administrative Procedure Act, authorize the department to implement and administer the provisions described above relating to CalWORKs and CalFresh by all-county letters or similar instructions. The bill would require those all-county letters or similar instructions to be developed in consultation with the Chief Probation Officers of California, the County Welfare Directors Association of California, and client advocates.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

By authorizing additional payments from a continuously appropriated fund, the bill would make an appropriation.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains

costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2014.~~

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

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

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) The state has provided counties with the opportunity to
4 receive lease revenue bond financing to improve local correctional
5 facilities.

6 (2) However, for the construction of certain county in-custody
7 mental health treatment and rehabilitation facilities, where the
8 state portion of construction would be minor, state lease revenue
9 financing may not be an appropriate mechanism.

10 (3) As the largest local correctional and justice system in the
11 nation, it is important to explore improvements to the county's
12 efforts to improve mental health treatment and maximize the efforts
13 to improve criminal justice outcomes and reduce recidivism.

14 (b) The Department of Finance, in consultation with the County
15 of Los Angeles, shall identify options for ways the state may assist
16 in addressing the mental health and health infrastructure needs
17 of the County of Los Angeles jail system, and to report its findings
18 to the Joint Legislative Budget Committee on or before January
19 15, 2015.

20 SEC. 2. Section 12803 of the Government Code is amended to
21 read:

22 12803. (a) The California Health and Human Services Agency
23 consists of the following departments: Aging; Community Services
24 and Development; Developmental Services; Health Care Services;
25 Managed Health Care; Public Health; Rehabilitation; Social
26 Services; and State Hospitals.

27 (b) The agency also includes the Emergency Medical Services
28 Authority, the Managed Risk Medical Insurance Board, the Office
29 of Health Information Integrity, the Office of Patient Advocate,

1 the Office of Statewide Health Planning and Development, the
2 Office of Systems Integration, *the Office of Law Enforcement*
3 *Support*, and the State Council on Developmental Disabilities.

4 (c) The Department of Child Support Services is hereby created
5 within the agency commencing January 1, 2000, and shall be the
6 single organizational unit designated as the state's Title IV-D
7 agency with the responsibility for administering the state plan and
8 providing services relating to the establishment of paternity or the
9 establishment, modification, or enforcement of child support
10 obligations as required by Section 654 of Title 42 of the United
11 States Code. State plan functions shall be performed by other
12 agencies as required by law, by delegation of the department, or
13 by cooperative agreements.

14 *SEC. 3. Section 15820.92 of the Government Code is amended*
15 *to read:*

16 15820.92. For purposes of this chapter, "participating county"
17 means any county, or regional consortium of counties, within the
18 state that has been certified to the State Public Works Board (the
19 board) by the Board of State and Community Corrections (BSCC)
20 as having satisfied all of the requirements set forth in Section
21 15820.925 for financing an adult local criminal justice facility
22 pursuant to this chapter. For purposes of this chapter, an adult local
23 criminal justice facility may include any custodial housing, reentry,
24 program, mental health, or treatment space necessary to manage
25 the adult offender population consistent with the legislative intent
26 described in Sections 17.5 and 3450 of the Penal Code under the
27 jurisdiction of the sheriff or county department of corrections, as
28 may be applicable, to be further defined by the BSCC in duly
29 adopted regulations.

30 (a) ~~The BSCC~~, *BSCC or the California Department of*
31 *Corrections and Rehabilitation (CDCR)*, a participating county,
32 and the board are authorized to acquire, design, and construct an
33 adult local criminal justice facility approved by the BSCC pursuant
34 to Section 15820.925, or to acquire a site or sites owned by, or
35 subject to a lease or option to purchase held by, a participating
36 county. For the purposes of this chapter, acquisition shall include,
37 but is not limited to, acquisition of completed facilities through a
38 build-to-suit purchase. Facilities financed pursuant to this chapter
39 may be delivered through either a design-bid-build or a
40 design-build process. The ownership interest of a participating

1 county in the site or sites for an adult local criminal justice facility
2 shall be determined by the board to be adequate for purposes of
3 its financing in order to be eligible under this chapter.

4 (b) Notwithstanding Section 14951, the participating county
5 may assign an inspector during the construction of the adult local
6 criminal justice facility.

7 (c) ~~The BSEC, BSCC or the CDCR~~, a participating county, and
8 the board shall enter into an agreement for each adult local criminal
9 justice facility that shall provide, at a minimum, performance
10 expectations of the parties related to the acquisition, design, and
11 construction, including, without limitation, renovation, of the adult
12 local criminal justice facility; guidelines and criteria for use and
13 application of the proceeds of revenue bonds, notes, or bond
14 anticipation notes issued by the board to pay for the cost of the
15 approved adult local criminal justice facility; and ongoing
16 maintenance and staffing responsibilities for the term of the
17 financing.

18 (d) The agreement shall include a provision that the participating
19 county agrees to indemnify, defend, and hold harmless the State
20 of California for any and all claims and losses arising out of the
21 acquisition, design, and construction of the adult local criminal
22 justice facility. The agreement may also contain additional terms
23 and conditions that facilitate the financing by the board.

24 (e) The scope and cost of the adult local criminal justice facilities
25 shall be subject to approval and administrative oversight by the
26 board.

27 (f) For purposes of compliance with the California
28 Environmental Quality Act (Division 13 (commencing with Section
29 21000) of the Public Resources Code), neither the ~~board nor the~~
30 ~~BSEC board, nor the BSCC or the CDCR~~, shall be deemed a lead
31 or responsible agency and the participating county shall be the
32 lead agency.

33 *SEC. 4. Section 15820.921 of the Government Code is amended*
34 *to read:*

35 15820.921. Upon a participating county's receipt of responsive
36 construction bids or design-build proposals, or a participating
37 county's notification to the board of its intent to exercise a purchase
38 option, the board and the *BSCC or the CDCR* may borrow funds
39 for project costs after the adult local criminal justice facility has
40 been certified pursuant to Section 15820.92 from the Pooled Money

1 Investment Account pursuant to Sections 16312 and 16313, or
 2 from any other appropriate source. In the event any of the revenue
 3 bonds, notes, or bond anticipation notes authorized by this chapter
 4 are not sold, the BSCC *or the CDCR* shall commit a sufficient
 5 amount of its support appropriation to repay any loans made for
 6 an approved adult local criminal justice facility.

7 *SEC. 5. Section 15820.924 of the Government Code is amended*
 8 *to read:*

9 15820.924. With the consent of the board, the BSCC *or the*
 10 *CDCR* and a participating county are authorized to enter into leases
 11 or subleases, as lessor or lessee, for any property or approved adult
 12 local criminal justice facility and are further authorized to enter
 13 into contracts or other agreements for the use, maintenance, and
 14 operation of the adult local criminal justice facility in order to
 15 facilitate the financing authorized by this chapter. In those leases,
 16 subleases, or other agreements, the participating county shall agree
 17 to indemnify, defend and hold harmless the State of California for
 18 any and all claims and losses accruing and resulting from or arising
 19 out of the participating county's use and occupancy of the adult
 20 local criminal justice facility.

21 *SEC. 6. Chapter 3.131 (commencing with Section 15820.93)*
 22 *is added to Part 10b of Division 3 of Title 2 of the Government*
 23 *Code, to read:*

24
 25 *CHAPTER 3.131. FINANCING OF LOCAL CRIMINAL JUSTICE*
 26 *FACILITIES*
 27

28 15820.93. (a) *For purposes of this chapter, "participating*
 29 *county" means a county, city and county, or regional consortium*
 30 *of counties, within the state that has been certified to the State*
 31 *Public Works Board (board) by the Board of State and Community*
 32 *Corrections (BSCC) as having satisfied all of the requirements set*
 33 *forth in Section 15820.935 for financing an adult local criminal*
 34 *justice facility pursuant to this chapter.*

35 (b) (1) *For purposes of this chapter, an adult local criminal*
 36 *justice facility may include improved housing with an emphasis*
 37 *on expanding program and treatment space as necessary to*
 38 *manage the adult offender population consistent with the legislative*
 39 *intent described in Sections 17.5 and 3450 of the Penal Code under*
 40 *the jurisdiction of the sheriff or county department of corrections,*

1 *as may be applicable, to be further defined by the BSCC in duly*
2 *adopted regulations.*

3 (2) *For purposes of this chapter, an adult local criminal justice*
4 *facility may also include custodial housing, reentry, program,*
5 *mental health, or treatment space necessary to manage the adult*
6 *offender population, consistent with the legislative intent described*
7 *in Sections 17.5 and 3450 of the Penal Code, under the jurisdiction*
8 *of the sheriff or county department of corrections, as may be*
9 *applicable, to be further defined by the BSCC in duly adopted*
10 *regulations.*

11 15820.930. (a) *The BSCC or the Department of Corrections*
12 *and Rehabilitation (CDCR), a participating county, and the board*
13 *are authorized to acquire, design, and construct an adult local*
14 *criminal justice facility approved by the BSCC pursuant to Section*
15 *15820.935, or to acquire a site or sites owned by, or subject to a*
16 *lease or option to purchase held by, a participating county. For*
17 *the purposes of this chapter, acquisition shall include, but is not*
18 *limited to, acquisition of completed facilities through a build-to-suit*
19 *purchase. Facilities financed pursuant to this chapter may be*
20 *delivered through either a design-bid-build or a design-build*
21 *process. The ownership interest of a participating county in the*
22 *site or sites for an adult local criminal justice facility shall be*
23 *determined by the board to be adequate for purposes of its*
24 *financing in order to be eligible under this chapter.*

25 (b) *Notwithstanding Section 14951, the participating county*
26 *may assign an inspector during the construction of the adult local*
27 *criminal justice facility.*

28 (c) *The BSCC or the CDCR, a participating county, and the*
29 *board shall enter into an agreement for each adult local criminal*
30 *justice facility that shall provide, at a minimum, performance*
31 *expectations of the parties related to the acquisition, design, and*
32 *construction, including, without limitation, renovation, of the adult*
33 *local criminal justice facility; guidelines and criteria for use and*
34 *application of the proceeds of revenue bonds, notes, or bond*
35 *anticipation notes issued by the board to pay for the cost of the*
36 *approved adult local criminal justice facility; and ongoing*
37 *maintenance and staffing responsibilities for the term of the*
38 *financing.*

39 (d) *The agreement shall include a provision that the*
40 *participating county agrees to indemnify, defend, and hold*

1 *harmless the State of California for any and all claims and losses*
2 *arising out of the acquisition, design, and construction of the adult*
3 *local criminal justice facility. The agreement may also contain*
4 *additional terms and conditions that facilitate the financing by the*
5 *board.*

6 *(e) The scope and cost of the adult local criminal justice*
7 *facilities shall be subject to approval and administrative oversight*
8 *by the board.*

9 *(f) For purposes of compliance with the California*
10 *Environmental Quality Act (Division 13 (commencing with Section*
11 *21000) of the Public Resources Code), neither the board nor the*
12 *BSCC or the CDCR shall be deemed a lead or responsible agency*
13 *and the participating county shall be the lead agency.*

14 *15820.931. Upon a participating county's receipt of responsive*
15 *construction bids or design-build proposals, or a participating*
16 *county's notification to the board of its intent to exercise a*
17 *purchase option, and after the adult local criminal justice facility*
18 *has been certified pursuant to Section 15820.93, the board and*
19 *the BSCC or the CDCR may borrow funds for project costs from*
20 *the Pooled Money Investment Account pursuant to Sections 16312*
21 *and 16313, or from any other appropriate source. In the event any*
22 *of the revenue bonds, notes, or bond anticipation notes authorized*
23 *by this chapter are not sold, the BSCC or the CDCR shall commit*
24 *a sufficient amount of its support appropriation to repay any loans*
25 *made for an approved adult local criminal justice facility.*

26 *15820.932. (a) The board may issue up to five hundred million*
27 *dollars (\$500,000,000) in revenue bonds, notes, or bond*
28 *anticipation notes, pursuant to Chapter 5 (commencing with*
29 *Section 15830) to finance the acquisition, design, and construction,*
30 *including, without limitation, renovation, and a reasonable*
31 *construction reserve, of approved adult local criminal justice*
32 *facilities described in Section 15820.930, and any additional*
33 *amount authorized under Section 15849.6 to pay for the cost of*
34 *financing.*

35 *(b) Proceeds from the revenue bonds, notes, or bond anticipation*
36 *notes may be used to reimburse a participating county for the costs*
37 *of acquisition, design, and construction, including, without*
38 *limitation, renovation, for approved adult local criminal justice*
39 *facilities.*

1 (c) Notwithstanding Section 13340, funds derived pursuant to
2 this section and Section 15820.931 are continuously appropriated
3 for purposes of this chapter.

4 15820.933. In support of this state financing, the Legislature
5 finds and declares all of the following:

6 (a) California's current challenges in managing jail populations
7 follow decades of overcrowded and aging jails, and piecemeal,
8 erratic, and incomplete responses to dealing with these problems.
9 Reversing course will require sustainable solutions that must
10 include sound planning and implementation, and must be grounded
11 in the principle that jail resources must be well-planned and
12 employed efficiently and effectively to prevent overcrowding and
13 promote public safety through the broader use of evidence-based
14 practices and policies in the criminal justice system.

15 (b) California needs a long-term, statewide strategy to effectively
16 manage its jail population and jail resources. Without an ongoing
17 analytical framework for taking into account factors such as
18 population growth, criminogenic needs of the current and future
19 jail populations, crime rates, custodial housing needs, and
20 additional changes to realignment or sentencing laws and
21 practices, California will continue to resort to reactive,
22 fragmentary fixes to its jail condition and capacity problems
23 instead of being fully prepared to develop an effective and
24 sustainable system of local custodial facilities.

25 (c) The county adult criminal justice system needs improved
26 housing with an emphasis on expanding program and treatment
27 space to manage the adult offender population under its
28 jurisdiction.

29 (d) Improved county adult criminal justice housing with an
30 emphasis on expanding program and treatment space will enhance
31 public safety throughout the state by providing increased access
32 to appropriate programs or treatment.

33 (e) By improving county adult criminal justice housing with an
34 emphasis on expanding program and treatment space, this
35 financing will serve a critical state purpose by promoting public
36 safety.

37 (f) This purpose represents valuable consideration in exchange
38 for this state action.

39 15820.934. With the consent of the board, the BSCC or the
40 CDCR and a participating county are authorized to enter into

1 leases or subleases, as lessor or lessee, for any property or
2 approved adult local criminal justice facility and are further
3 authorized to enter into contracts or other agreements for the use,
4 maintenance, and operation of the adult local criminal justice
5 facility in order to facilitate the financing authorized by this
6 chapter. In those leases, subleases, or other agreements, the
7 participating county shall agree to indemnify, defend, and hold
8 harmless the State of California for any and all claims and losses
9 accruing and resulting from or arising out of the participating
10 county's use and occupancy of the adult local criminal justice
11 facility.

12 15820.935. (a) The BSCC shall adhere to its duly adopted
13 regulations for the approval or disapproval of adult local criminal
14 justice facilities. The BSCC shall also consider cost-effectiveness
15 in determining approval or disapproval. No state moneys shall be
16 encumbered in contracts let by a participating county until one of
17 the following occur:

18 (1) Final architectural plans and specifications have been
19 approved by the BSCC, and subsequent construction bids have
20 been received.

21 (2) Documents prepared by a participating county pursuant to
22 paragraph (1) of subdivision (d) of Section 20133 of the Public
23 Contract Code have been approved by the BSCC, and subsequent
24 design-build proposals have been received pursuant to that section.

25 (3) The participating county has notified the board of its intent
26 to exercise an option to purchase the completed facility pursuant
27 to Section 15820.931.

28 (b) The review and approval of plans, specifications, or other
29 documents by the BSCC are for the purpose of ensuring the proper
30 administration of moneys and the determination of whether the
31 adult local criminal justice facility specifications comply with law
32 and regulation. The BSCC may require changes in construction
33 materials to enhance safety and security if materials proposed at
34 the time of final plans and specifications are not essential and
35 customary as used statewide for facilities of the same security
36 level. Participating counties are responsible for the acquisition,
37 design, construction, staffing, operation, repair, and maintenance
38 of the adult local criminal justice facility.

1 (c) *The BSCC shall establish minimum standards, funding*
2 *schedules, and procedures, which shall take into consideration,*
3 *but not be limited to, the following:*

4 (1) *Certification by a participating county of control of the adult*
5 *local criminal justice facility site through either fee simple*
6 *ownership of the site or comparable long-term possession of the*
7 *site, and right of access to the adult local criminal justice facility*
8 *sufficient to ensure undisturbed use and possession.*

9 (2) *Documentation of the need for improved adult local criminal*
10 *justice facility housing with an emphasis on expanded program*
11 *and treatment space.*

12 (3) *A written adult local criminal justice facility proposal.*

13 (4) *Submission of a staffing plan for the adult local criminal*
14 *justice facility, including operational cost projections and*
15 *documentation that the adult local criminal justice facility will be*
16 *able to be safely staffed and operated within 90 days of completion,*
17 *as may be applicable.*

18 (5) *Submission of architectural drawings, which shall be*
19 *approved by the BSCC for compliance with minimum adult*
20 *detention facility standards and which shall also be approved by*
21 *the State Fire Marshal for compliance with fire safety and life*
22 *safety requirements.*

23 (6) *Documentation evidencing compliance with the California*
24 *Environmental Quality Act (CEQA).*

25 (7) *Provisions intended to maintain the tax-exempt status of the*
26 *bonds, notes, or bond anticipation notes issued by the board.*

27 15820.936. (a) *The participating county contribution for adult*
28 *local criminal justice facilities financed under this chapter shall*
29 *be a minimum of 10 percent of the total project costs. The BSCC*
30 *may reduce contribution requirements for participating counties*
31 *with a general population below 200,000 upon petition by a*
32 *participating county to the BSCC requesting a lower level of*
33 *contribution.*

34 (b) *The BSCC shall determine the funding and scoring criteria.*
35 *The BSCC may consider award history in Chapters 3.11 to 3.13,*
36 *inclusive, in its scoring of adult local criminal justice facilities*
37 *applications. The funding criteria shall include, as a mandatory*
38 *criterion, documentation of the percentage of pretrial inmates in*
39 *the county jail from January 1, 2013, to December 31, 2013,*
40 *inclusive, and a description of the county's current*

1 risk-assessment-based pretrial release program. Funding
2 preference shall also be given to counties that are most prepared
3 to proceed successfully with this financing in a timely manner. The
4 determination of preparedness to proceed shall include the
5 following:

6 (1) Counties providing a board of supervisors' resolution
7 authorizing an adequate amount of available matching funds to
8 satisfy the counties' contribution and approving the forms of the
9 project documents deemed necessary, as identified by the board
10 to the BSCC, to effectuate the financing authorized by this chapter,
11 and authorizing the appropriate signatory or signatories to execute
12 those documents at the appropriate times. The identified matching
13 funds in the resolution shall be compatible with the state's lease
14 revenue bond financing.

15 (2) Counties providing documentation evidencing CEQA
16 compliance has been completed. Documentation of CEQA
17 compliance shall be either a final Notice of Determination or a
18 final Notice of Exemption, as appropriate, and a letter from county
19 counsel certifying the associated statute of limitations has expired
20 and either no challenges were filed or identifying any challenges
21 filed and explaining how they have been resolved in a manner that
22 allows the project to proceed as proposed.

23 (c) Funding consideration shall be given to counties that are
24 seeking to replace compacted, outdated, or unsafe housing capacity
25 or are seeking to renovate existing or build new facilities that
26 provide adequate space for the provision of treatment and
27 rehabilitation services, including mental health treatment.

28 (d) A participating county may replace existing housing
29 capacity, realizing only a minimal increase of capacity, using this
30 financing authority if the requesting county clearly documents an
31 existing housing capacity deficiency.

32 SEC. 7. Section 30062 of the Government Code is amended to
33 read:

34 30062. (a) Except as required by paragraphs (1), (2), and (4)
35 of subdivision (b) of Section 30061, moneys allocated from a
36 Supplemental Law Enforcement Services Account (SLESA) to a
37 recipient entity shall be expended exclusively to provide front line
38 law enforcement services. These moneys shall ~~supplement existing~~
39 ~~services, and shall not be used to supplant any existing funding~~
40 ~~for law enforcement services provided by that entity.~~ *not be used*

1 *by local agencies to supplant other funding for Public Safety*
2 *Services, as defined in Section 36 of Article XIII of the California*
3 *Constitution. Moneys allocated pursuant to paragraph (4) of*
4 *subdivision (b) of Section 30061 shall be used to supplement and*
5 *not supplant funding by local agencies for existing services. not*
6 *be used by local agencies to supplant other funding for Public*
7 *Safety Services, as defined in Section 36 of Article XIII of the*
8 *California Constitution.*

9 (b) In the Counties of Los Angeles, Orange, and San Diego
10 only, the district attorney may, in consultation with city attorneys
11 in the county, determine a prorated share of the moneys received
12 by the district attorney pursuant to this section to be allocated to
13 city attorneys in the county in each fiscal year to fund the
14 prosecution by those city attorneys of misdemeanor violations of
15 state law.

16 (c) In no event shall any moneys allocated from the county's
17 SLESA be expended by a recipient agency to fund any of the
18 following:

19 (1) Administrative overhead costs in excess of 0.5 percent of a
20 recipient entity's SLESA allocation for that year.

21 (2) The costs of any capital project or construction project
22 funded from moneys allocated pursuant to paragraph (3) of
23 subdivision (b) of Section 30061 that does not directly support
24 front line law enforcement services.

25 (3) The costs of any capital project or construction project
26 funded from moneys allocated pursuant to paragraph (4) of
27 subdivision (b) of Section 30061.

28 (d) For purposes of subdivision (c), both of the following shall
29 apply:

30 (1) A "recipient agency" or "recipient entity" is that entity that
31 actually incurs the expenditures of SLESA funds allocated pursuant
32 to paragraph (1), (2), (3), or (4) of subdivision (b) of Section 30061.

33 (2) Administrative overhead costs shall only be charged by the
34 recipient entity, as defined in paragraph (1), up to 0.5 percent of
35 its SLESA allocation.

36 (e) For purposes of this chapter, "front line law enforcement
37 services" and "front line municipal police services" each include
38 antigang, community crime prevention, and juvenile justice
39 programs.

1 SEC. 8. Section 30070 of the Government Code is amended to
2 read:

3 30070. (a) For the 2011–12 fiscal year, the program authorized
4 by this chapter shall be funded from the Local Law Enforcement
5 Services Account in the Local Revenue Fund 2011. The Controller
6 shall, on a quarterly basis, beginning on October 1, 2011, allocate
7 4.07 percent of the moneys annually deposited in the Local Law
8 Enforcement Services Account. Commencing with the 2012–13
9 fiscal year, the program authorized by this chapter shall be funded
10 from the Enhancing Law Enforcement Activities Subaccount in
11 the Local Revenue Fund 2011. Subsequent to the allocation
12 described in subdivision (c) of Section 29552, the Controller shall
13 allocate 4.06682787 percent of the remaining moneys annually
14 deposited in the Enhancing Law Enforcement Activities
15 Subaccount in the Local Revenue Fund 2011. Commencing with
16 the 2013–14 fiscal year, subsequent to the allocation described in
17 subdivision (d) of Section 29552, the Controller shall allocate
18 4.06682787 percent of the remaining moneys annually deposited
19 in the Enhancing Law Enforcement Activities Subaccount in the
20 Local Revenue Fund 2011. Funds shall be allocated in monthly
21 installments to county sheriffs’ departments to enhance law
22 enforcement efforts in the counties specified in paragraphs (1) to
23 (37), inclusive, according to the following schedule:

24		
25	(1) Alpine County	2.7027%
26	(2) Amador County	2.7027%
27	(3) Butte County	2.7027%
28	(4) Calaveras County	2.7027%
29	(5) Colusa County	2.7027%
30	(6) Del Norte County	2.7027%
31	(7) El Dorado County	2.7027%
32	(8) Glenn County	2.7027%
33	(9) Humboldt County	2.7027%
34	(10) Imperial County	2.7027%
35	(11) Inyo County	2.7027%
36	(12) Kings County	2.7027%
37	(13) Lake County	2.7027%
38	(14) Lassen County	2.7027%
39	(15) Madera County	2.7027%
40	(16) Marin County	2.7027%

1	(17) Mariposa County	2.7027%
2	(18) Mendocino County	2.7027%
3	(19) Merced County	2.7027%
4	(20) Modoc County	2.7027%
5	(21) Mono County	2.7027%
6	(22) Napa County	2.7027%
7	(23) Nevada County	2.7027%
8	(24) Placer County	2.7027%
9	(25) Plumas County	2.7027%
10	(26) San Benito County	2.7027%
11	(27) San Luis Obispo County	2.7027%
12	(28) Santa Cruz County	2.7027%
13	(29) Shasta County	2.7027%
14	(30) Sierra County	2.7027%
15	(31) Siskiyou County	2.7027%
16	(32) Sutter County	2.7027%
17	(33) Tehama County	2.7027%
18	(34) Trinity County	2.7027%
19	(35) Tuolumne County	2.7027%
20	(36) Yolo County	2.7027%
21	(37) Yuba County	2.7027%

22

23 (b) Funds allocated pursuant to this section shall ~~be used to~~
 24 ~~supplement rather than supplant existing law enforcement~~
 25 ~~resources; not be used by local agencies to supplant other funding~~
 26 *for Public Safety Services, as defined in Section 36 of Article XIII*
 27 *of the California Constitution.*

28 (c) The funds allocated pursuant to this section may not be used
 29 for any video surveillance or monitoring of the general public.

30 *SEC. 9. Section 69927 is added to the Government Code, to*
 31 *read:*

32 *69927. It is the intent of the Legislature to establish a process*
 33 *and funding mechanism for sheriffs that overall incur increased*
 34 *trial court security costs as a result of court construction projects*
 35 *that had an occupancy date on or after October 9, 2011.*

36 (a) *Funding for increased trial court security costs pursuant to*
 37 *this section shall be funded by the General Fund, subject to an*
 38 *annual appropriation by the Legislature.*

39 (b) *Counties that demonstrate increased trial court security*
 40 *costs incurred by the sheriff as a result of court construction*

1 *projects that had an occupancy date on or after October 9, 2011,*
2 *may request funding pursuant to this section.*

3 *(1) Requests shall be submitted to the Department of Finance,*
4 *and shall include, but not be limited to, information described in*
5 *subdivision (d).*

6 *(c) Counties shall assess and identify key, quantifiable*
7 *differences between the previous court facility or facilities and the*
8 *new or replacement facility that impose a measurable and higher*
9 *level of court security costs incurred by the sheriff.*

10 *(d) In evaluating requests, the Department of Finance shall*
11 *consider on a case-by-case basis relevant factors, including, but*
12 *not limited to:*

13 *(1) Changes in court security due to the consolidation of court*
14 *facilities.*

15 *(2) Changes in overall court security costs due to the*
16 *consolidation of court facilities.*

17 *(3) The square footage of the facility that is accessible to the*
18 *public.*

19 *(4) Other design considerations, such as multiple floors or the*
20 *distance between entry points and courtrooms.*

21 *(5) The number of courtrooms compared to previous*
22 *courtrooms.*

23 *(6) The case types and time spent on various case types being*
24 *heard in the new facility as compared to the previous facility or*
25 *facilities.*

26 *(7) The addition of holding cells and the escorting of inmates*
27 *within the court facility.*

28 *(8) The number of public entrances and security screening*
29 *stations.*

30 *(9) The presence of a security monitor or control panel.*

31 *(10) The presence, location, and expected utilization of jury*
32 *assembly rooms and juries.*

33 *(11) Historical court security staffing and the use of deputies*
34 *or court attendants.*

35 *(12) Personnel costs for sheriff deputies and court attendant*
36 *staff within the county.*

37 *(13) The population of the county.*

38 *(e) In evaluating the number of courtrooms under paragraph*
39 *(5) of subdivision (d), the addition of courtrooms for new*

1 *judgeships that have not been both authorized and funded may be*
2 *excluded.*

3 *(f) The Director of Finance, in his or her discretion, may limit*
4 *the amount of funding provided within the annual appropriation.*

5 *(g) Funds authorized pursuant to this section shall be used*
6 *exclusively to fund trial court security provided by county sheriffs.*
7 *No general county administrative costs may be paid with the funds*
8 *provided, including, but not limited to, the costs of administering*
9 *the funds received pursuant to this section.*

10 *(h) Requests received by the Department of Finance shall be*
11 *evaluated as expeditiously as possible.*

12 *(i) Requests approved by the Department of Finance shall be*
13 *considered ongoing, subject to an annual appropriation by the*
14 *Legislature. The appropriation shall be adjusted annually by a*
15 *rate commensurate with the growth in the Trial Court Security*
16 *Growth Subaccount in the prior fiscal year.*

17 *SEC. 10. Section 1251.4 is added to the Health and Safety*
18 *Code, to read:*

19 *1251.4. (a) Notwithstanding any other law, upon application*
20 *of the Department of Corrections and Rehabilitation, the*
21 *department shall change the license category of a general acute*
22 *care hospital licensed to the Department of Corrections and*
23 *Rehabilitation to a correctional treatment center license. No*
24 *licensing inspection is required for this change of license category.*

25 *(b) Notwithstanding any other law, upon application of the*
26 *Department of Corrections and Rehabilitation, the department*
27 *shall change the license category of a general acute care hospital*
28 *or any other licensed health facility located on the grounds of a*
29 *prison to a correctional treatment center license regardless of the*
30 *location of the buildings included in those licenses. No licensing*
31 *inspection is required for this change of license category.*

32 *SEC. 11. Section 17.7 is added to the Penal Code, to read:*

33 *17.7. The Legislature finds and declares the following:*

34 *(a) Strategies supporting reentering offenders through practices*
35 *and programs, such as standardized risk and needs assessments,*
36 *transitional community housing, treatment, medical and mental*
37 *health services, and employment, have been demonstrated to*
38 *significantly reduce recidivism among offenders in other states.*

39 *(b) Improving outcomes among offenders reentering the*
40 *community after serving time in a correctional facility will promote*

1 *public safety and will reduce California’s prison and jail*
2 *populations.*

3 *(c) Establishing a California reentry program that encompasses*
4 *strategies known to reduce recidivism warrants a vigorous*
5 *short-term startup in the 2014–15 fiscal year using readily*
6 *available resources in the community, and a comprehensive*
7 *long-term development plan for future budget years designed to*
8 *expand the availability, impact, and sustainability of these*
9 *strategies as further community partnerships are identified and*
10 *developed.*

11 *SEC. 12. Section 667.2 is added to the Penal Code, to read:*

12 *667.2. (a) The Legislature finds and declares that assisting*
13 *offenders released pursuant to Proposition 36, adopted at the*
14 *November 6, 2012, statewide general election, with their transition*
15 *back into communities will increase the offenders’ likelihood of*
16 *successful reintegration.*

17 *(b) Subject to the availability of funding for and space in the*
18 *programs and services, the Department of Corrections and*
19 *Rehabilitation may provide programs and services, including, but*
20 *not limited to, transitional housing, mental health, and substance*
21 *abuse treatment to an offender who is released from the*
22 *department’s custody and satisfies both of the following conditions:*

23 *(1) The offender is released pursuant to any of the following*
24 *provisions, as they were amended or added by Sections 2 to 6,*
25 *inclusive, of Proposition 36, as adopted at the November 6, 2012,*
26 *statewide general election:*

27 *(A) Section 667.*

28 *(B) Section 667.1.*

29 *(C) Section 1170.12.*

30 *(D) Section 1170.125.*

31 *(E) Section 1170.126.*

32 *(2) The offender is not subject to either of the following:*

33 *(A) Parole pursuant to Article 3 (commencing with Section*
34 *3040) of Chapter 8 of Title 1 of Part 3.*

35 *(B) Postrelease community supervision pursuant to Title 2.05*
36 *(commencing with Section 3450) of Part 3.*

37 *(c) (1) The Department of Corrections and Rehabilitation, in*
38 *consultation with the Administrative Office of the Courts, shall*
39 *establish a referral process for offenders described in subdivision*

1 *(b) to participate in programs and receive services that the*
2 *department has existing contracts to provide.*

3 *(2) The Administrative Office of the Courts shall inform courts*
4 *of the availability of the programs and services described in this*
5 *section.*

6 *SEC. 13. Section 830.3 of the Penal Code, as added by Section*
7 *38 of Chapter 515 of the Statutes of 2013, is amended to read:*

8 830.3. The following persons are peace officers whose authority
9 extends to any place in the state for the purpose of performing
10 their primary duty or when making an arrest pursuant to Section
11 836 as to any public offense with respect to which there is
12 immediate danger to person or property, or of the escape of the
13 perpetrator of that offense, or pursuant to Section 8597 or 8598 of
14 the Government Code. These peace officers may carry firearms
15 only if authorized and under those terms and conditions as specified
16 by their employing agencies:

17 (a) Persons employed by the Division of Investigation of the
18 Department of Consumer Affairs and investigators of the Board
19 of Dental Examiners, who are designated by the Director of
20 Consumer Affairs, provided that the primary duty of these peace
21 officers shall be the enforcement of the law as that duty is set forth
22 in Section 160 of the Business and Professions Code.

23 (b) Voluntary fire wardens designated by the Director of
24 Forestry and Fire Protection pursuant to Section 4156 of the Public
25 Resources Code, provided that the primary duty of these peace
26 officers shall be the enforcement of the law as that duty is set forth
27 in Section 4156 of that code.

28 (c) Employees of the Department of Motor Vehicles designated
29 in Section 1655 of the Vehicle Code, provided that the primary
30 duty of these peace officers shall be the enforcement of the law as
31 that duty is set forth in Section 1655 of that code.

32 (d) Investigators of the California Horse Racing Board
33 designated by the board, provided that the primary duty of these
34 peace officers shall be the enforcement of Chapter 4 (commencing
35 with Section 19400) of Division 8 of the Business and Professions
36 Code and Chapter 10 (commencing with Section 330) of Title 9
37 of Part 1 of this code. *I.*

38 (e) The State Fire Marshal and assistant or deputy state fire
39 marshals appointed pursuant to Section 13103 of the Health and
40 Safety Code, provided that the primary duty of these peace officers

1 shall be the enforcement of the law as that duty is set forth in
2 Section 13104 of that code.

3 (f) Inspectors of the food and drug section designated by the
4 chief pursuant to subdivision (a) of Section 106500 of the Health
5 and Safety Code, provided that the primary duty of these peace
6 officers shall be the enforcement of the law as that duty is set forth
7 in Section 106500 of that code.

8 (g) All investigators of the Division of Labor Standards
9 Enforcement designated by the Labor Commissioner, provided
10 that the primary duty of these peace officers shall be the
11 enforcement of the law as prescribed in Section 95 of the Labor
12 Code.

13 (h) All investigators of the State Departments of Health Care
14 Services, Public Health, *and* Social Services, ~~Mental Health, and~~
15 ~~Alcohol and Drug Programs~~, the Department of Toxic Substances
16 Control, the Office of Statewide Health Planning and Development,
17 and the Public Employees' Retirement System, provided that the
18 primary duty of these peace officers shall be the enforcement of
19 the law relating to the duties of his or her department or office.
20 Notwithstanding any other ~~provision of~~ law, investigators of the
21 Public Employees' Retirement System shall not carry firearms.

22 (i) The Chief of the Bureau of Fraudulent Claims of the
23 Department of Insurance and those investigators designated by the
24 chief, provided that the primary duty of those investigators shall
25 be the enforcement of Section 550.

26 (j) Employees of the Department of Housing and Community
27 Development designated under Section 18023 of the Health and
28 Safety Code, provided that the primary duty of these peace officers
29 shall be the enforcement of the law as that duty is set forth in
30 Section 18023 of that code.

31 (k) Investigators of the office of the Controller, provided that
32 the primary duty of these investigators shall be the enforcement
33 of the law relating to the duties of that office. Notwithstanding any
34 other law, except as authorized by the Controller, the peace officers
35 designated pursuant to this subdivision shall not carry firearms.

36 (l) Investigators of the Department of Business Oversight
37 designated by the Commissioner of Business Oversight, provided
38 that the primary duty of these investigators shall be the enforcement
39 of the provisions of law administered by the Department of
40 Business Oversight. Notwithstanding any other ~~provision of~~ law,

1 the peace officers designated pursuant to this subdivision shall not
2 carry firearms.

3 (m) Persons employed by the ~~Contractors~~ *Contractors'* State
4 License Board designated by the Director of Consumer Affairs
5 pursuant to Section 7011.5 of the Business and Professions Code,
6 provided that the primary duty of these persons shall be the
7 enforcement of the law as that duty is set forth in Section 7011.5,
8 and in Chapter 9 (commencing with Section 7000) of Division 3,
9 of that code. The Director of Consumer Affairs may designate as
10 peace officers not more than 12 persons who shall at the time of
11 their designation be assigned to the special investigations unit of
12 the board. Notwithstanding any other ~~provision~~ of law, the persons
13 designated pursuant to this subdivision shall not carry firearms.

14 (n) The Chief and coordinators of the Law Enforcement Branch
15 of the Office of Emergency Services.

16 (o) Investigators of the office of the Secretary of State designated
17 by the Secretary of State, provided that the primary duty of these
18 peace officers shall be the enforcement of the law as prescribed
19 in Chapter 3 (commencing with Section 8200) of Division 1 of
20 Title 2 of, and Section 12172.5 of, the Government Code.
21 Notwithstanding any other ~~provision~~ of law, the peace officers
22 designated pursuant to this subdivision shall not carry firearms.

23 (p) The Deputy Director for Security designated by Section
24 8880.38 of the Government Code, and all lottery security personnel
25 assigned to the California State Lottery and designated by the
26 director, provided that the primary duty of any of those peace
27 officers shall be the enforcement of the laws related to assuring
28 the integrity, honesty, and fairness of the operation and
29 administration of the California State Lottery.

30 (q) Investigators employed by the Investigation Division of the
31 Employment Development Department designated by the director
32 of the department, provided that the primary duty of those peace
33 officers shall be the enforcement of the law as that duty is set forth
34 in Section 317 of the Unemployment Insurance Code.

35 Notwithstanding any other ~~provision~~ of law, the peace officers
36 designated pursuant to this subdivision shall not carry firearms.

37 (r) The chief and assistant chief of museum security and safety
38 of the California Science Center, as designated by the executive
39 director pursuant to Section 4108 of the Food and Agricultural
40 Code, provided that the primary duty of those peace officers shall

1 be the enforcement of the law as that duty is set forth in Section
2 4108 of the Food and Agricultural Code.

3 (s) Employees of the Franchise Tax Board designated by the
4 board, provided that the primary duty of these peace officers shall
5 be the enforcement of the law as set forth in Chapter 9
6 (commencing with Section 19701) of Part 10.2 of Division 2 of
7 the Revenue and Taxation Code.

8 (t) (1) Notwithstanding any other provision of this section, a
9 peace officer authorized by this section shall not be authorized to
10 carry firearms by his or her employing agency until that agency
11 has adopted a policy on the use of deadly force by those peace
12 officers, and until those peace officers have been instructed in the
13 employing agency's policy on the use of deadly force.

14 ~~Every~~

15 (2) ~~Every~~ peace officer authorized pursuant to this section to
16 carry firearms by his or her employing agency shall qualify in the
17 use of the firearms at least every six months.

18 (u) Investigators of the Department of Managed Health Care
19 designated by the Director of the Department of Managed Health
20 Care, provided that the primary duty of these investigators shall
21 be the enforcement of the provisions of laws administered by the
22 Director of the Department of Managed Health Care.
23 Notwithstanding any other ~~provision~~ of law, the peace officers
24 designated pursuant to this subdivision shall not carry firearms.

25 (v) The Chief, Deputy Chief, supervising investigators, and
26 investigators of the Office of Protective Services of the State
27 Department of Developmental Services, *the Office of Protective*
28 *Services of the State Department of State Hospitals, and the Office*
29 *of Law Enforcement Support of the California Health and Human*
30 *Services Agency*, provided that the primary duty of each of those
31 persons shall be the enforcement of the law relating to the duties
32 of his or her department or office.

33 (w) This section shall become operative July 1, 2014.

34 *SEC. 14. Section 830.38 of the Penal Code is amended to read:*

35 830.38. (a) The officers of a state hospital under the
36 jurisdiction of the State Department of State Hospitals or the State
37 Department of Developmental Services appointed pursuant to
38 Section 4313 or 4493 of the Welfare and Institutions Code, are
39 peace officers whose authority extends to any place in the state
40 for the purpose of performing their primary duty or when making

1 an arrest pursuant to Section 836 as to any public offense with
2 respect to which there is immediate danger to person or property,
3 or of the escape of the perpetrator of that offense, or pursuant to
4 Section 8597 or 8598 of the Government Code provided that the
5 primary duty of the peace officers shall be the enforcement of the
6 law as set forth in Sections 4311, 4313, 4491, and 4493 of the
7 Welfare and Institutions Code. Those peace officers may carry
8 firearms only if authorized and under terms and conditions
9 specified by their employing agency.

10 *(b) By July 1, 2015, the California Health and Human Services*
11 *Agency shall develop training protocols and policies and*
12 *procedures for peace officers specified in subdivision (a). When*
13 *appropriate, training protocols and policies and procedures shall*
14 *be uniformly implemented in both state hospitals and*
15 *developmental centers. Additional training protocols and policies*
16 *and procedures shall be developed to address the unique*
17 *characteristics of the residents in each type of facility.*

18 *(c) In consultation with system stakeholders, the agency shall*
19 *develop recommendations to further improve the quality and*
20 *stability of law enforcement and investigative functions at both*
21 *developmental centers and state hospitals in a meaningful and*
22 *sustainable manner. These recommendations shall be submitted*
23 *to the budget committees and relevant policy committees of both*
24 *houses of the Legislature no later than January 10, 2015.*

25 *SEC. 15. Section 1026 of the Penal Code is amended to read:*

26 1026. (a) When a defendant pleads not guilty by reason of
27 insanity, and also joins with it another plea or pleas, the defendant
28 shall first be tried as if only such other plea or pleas had been
29 entered, and in that trial the defendant shall be conclusively
30 presumed to have been sane at the time the offense is alleged to
31 have been committed. If the jury shall find the defendant guilty,
32 or if the defendant pleads only not guilty by reason of insanity,
33 then the question whether the defendant was sane or insane at the
34 time the offense was committed shall be promptly tried, either
35 before the same jury or before a new jury in the discretion of the
36 court. In that trial, the jury shall return a verdict either that the
37 defendant was sane at the time the offense was committed or was
38 insane at the time the offense was committed. If the verdict or
39 finding is that the defendant was sane at the time the offense was
40 committed, the court shall sentence the defendant as provided by

1 law. If the verdict or finding be that the defendant was insane at
2 the time the offense was committed, the court, unless it shall appear
3 to the court that the sanity of the defendant has been recovered
4 fully, shall direct that the defendant be ~~confined in a state hospital~~
5 *committed to the State Department of State Hospitals* for the care
6 and treatment of the mentally disordered or any other appropriate
7 public or private treatment facility approved by the community
8 program director, or the court may order the defendant placed on
9 outpatient status pursuant to Title 15 (commencing with Section
10 1600) of Part 2.

11 (b) Prior to making the order directing that the defendant be
12 ~~confined in a state hospital~~ *committed to the State Department of*
13 *State Hospitals* or other treatment facility or placed on outpatient
14 status, the court shall order the community program director or a
15 designee to evaluate the defendant and to submit to the court within
16 15 judicial days of the order a written recommendation as to
17 whether the defendant should be placed on outpatient status or
18 ~~confined in a state hospital~~ *committed to the State Department of*
19 *State Hospitals* or other treatment facility. No person shall be
20 admitted to a state hospital or other treatment facility or placed on
21 outpatient status under this section without having been evaluated
22 by the community program director or a designee. If, however, it
23 appears to the court that the sanity of the defendant has been
24 recovered fully, the defendant shall be remanded to the custody
25 of the sheriff until the issue of sanity shall have been finally
26 determined in the manner prescribed by law. A defendant
27 committed to a state hospital or other treatment facility or placed
28 on outpatient status pursuant to Title 15 (commencing with Section
29 1600) of Part 2 shall not be released from confinement, parole, or
30 outpatient status unless and until the court which committed the
31 person shall, after notice and hearing, find and determine that the
32 person's sanity has been restored. Nothing in this section shall
33 prevent the transfer of the patient from one state hospital to any
34 other state hospital by proper authority. Nothing in this section
35 shall prevent the transfer of the patient to a hospital in another
36 state in the manner provided in Section 4119 of the Welfare and
37 Institutions Code.

38 (c) If the defendant is committed or transferred to ~~a state hospital~~
39 *the State Department of State Hospitals* pursuant to this section,
40 the court may, upon receiving the written recommendation of the

1 medical director of the state hospital and the community program
2 director that the defendant be transferred to a public or private
3 treatment facility approved by the community program director,
4 order the defendant transferred to that facility. If the defendant is
5 committed or transferred to a public or private treatment facility
6 approved by the community program director, the court may, upon
7 receiving the written recommendation of the community program
8 director, order the defendant transferred to ~~a state hospital~~ *the State*
9 *Department of State Hospitals* or to another public or private
10 treatment facility approved by the community program director.
11 Where either the defendant or the prosecuting attorney chooses to
12 contest either kind of order of transfer, a petition may be filed in
13 the court requesting a hearing which shall be held if the court
14 determines that sufficient grounds exist. At that hearing, the
15 prosecuting attorney or the defendant may present evidence bearing
16 on the order of transfer. The court shall use the same procedures
17 and standards of proof as used in conducting probation revocation
18 hearings pursuant to Section 1203.2.

19 (d) Prior to making an order for transfer under this section, the
20 court shall notify the defendant, the attorney of record for the
21 defendant, the prosecuting attorney, and the community program
22 director or a designee.

23 (e) When the court, after considering the placement
24 recommendation of the community program director required in
25 subdivision (b), orders that the defendant be ~~confined in a state~~
26 ~~hospital~~ *committed to the State Department of State Hospitals* or
27 other public or private treatment facility, the court shall provide
28 copies of the following documents ~~which shall be taken with prior~~
29 *to the admission of* the defendant to the ~~state hospital~~ *State*
30 *Department of State Hospitals* or other treatment facility where
31 the defendant is to be ~~confined~~ *committed*:

32 (1) The commitment order, including a specification of the
33 charges.

34 (2) A computation or statement setting forth the maximum term
35 of commitment in accordance with Section 1026.5.

36 (3) A computation or statement setting forth the amount of credit
37 for time served, if any, to be deducted from the maximum term of
38 commitment.

39 (4) State summary criminal history information.

1 (5) Any arrest reports prepared by the police department or other
2 law enforcement agency.

3 (6) Any court-ordered psychiatric examination or evaluation
4 reports.

5 (7) The community program director’s placement
6 recommendation report.

7 (8) *Any medical records.*

8 (f) If the defendant is confined in a state hospital or other
9 treatment facility as an inpatient, the medical director of the facility
10 shall, at six-month intervals, submit a report in writing to the court
11 and the community program director of the county of commitment,
12 or a designee, setting forth the status and progress of the defendant.
13 The court shall transmit copies of these reports to the prosecutor
14 and defense counsel.

15 ~~(g) When directing that the defendant be confined in a state
16 hospital pursuant to subdivision (a), the court shall select the state
17 hospital in accordance with the policies established by the State
18 Department of State Hospitals.~~

19 ~~(h)~~

20 (g) For purposes of this section and Sections 1026.1 to 1026.6,
21 inclusive, “community program director” means the person,
22 agency, or entity designated by the State Department of State
23 Hospitals pursuant to Section 1605 of this code and Section ~~5709.8~~
24 4360 of the Welfare and Institutions Code.

25 *SEC. 16. Section 1170 of the Penal Code, as amended by*
26 *Section 5 of Chapter 508 of the Statutes of 2013, is amended to*
27 *read:*

28 1170. (a) (1) The Legislature finds and declares that the
29 purpose of imprisonment for crime is punishment. This purpose
30 is best served by terms proportionate to the seriousness of the
31 offense with provision for uniformity in the sentences of offenders
32 committing the same offense under similar circumstances. The
33 Legislature further finds and declares that the elimination of
34 disparity and the provision of uniformity of sentences can best be
35 achieved by determinate sentences fixed by statute in proportion
36 to the seriousness of the offense as determined by the Legislature
37 to be imposed by the court with specified discretion.

38 (2) Notwithstanding paragraph (1), the Legislature further finds
39 and declares that programs should be available for inmates,
40 including, but not limited to, educational programs, that are

1 designed to prepare nonviolent felony offenders for successful
2 reentry into the community. The Legislature encourages the
3 development of policies and programs designed to educate and
4 rehabilitate nonviolent felony offenders. In implementing this
5 section, the Department of Corrections and Rehabilitation is
6 encouraged to give priority enrollment in programs to promote
7 successful return to the community to an inmate with a short
8 remaining term of commitment and a release date that would allow
9 him or her adequate time to complete the program.

10 (3) In any case in which the punishment prescribed by statute
11 for a person convicted of a public offense is a term of imprisonment
12 in the state prison of any specification of three time periods, the
13 court shall sentence the defendant to one of the terms of
14 imprisonment specified unless the convicted person is given any
15 other disposition provided by law, including a fine, jail, probation,
16 or the suspension of imposition or execution of sentence or is
17 sentenced pursuant to subdivision (b) of Section 1168 because he
18 or she had committed his or her crime prior to July 1, 1977. In
19 sentencing the convicted person, the court shall apply the
20 sentencing rules of the Judicial Council. The court, unless it
21 determines that there are circumstances in mitigation of the
22 punishment prescribed, shall also impose any other term that it is
23 required by law to impose as an additional term. Nothing in this
24 article shall affect any provision of law that imposes the death
25 penalty, that authorizes or restricts the granting of probation or
26 suspending the execution or imposition of sentence, or expressly
27 provides for imprisonment in the state prison for life, except as
28 provided in paragraph (2) of subdivision (d). In any case in which
29 the amount of preimprisonment credit under Section 2900.5 or any
30 other provision of law is equal to or exceeds any sentence imposed
31 pursuant to this chapter, the entire sentence shall be deemed to
32 have been served and the defendant shall not be actually delivered
33 to the custody of the secretary. The court shall advise the defendant
34 that he or she shall serve a period of parole and order the defendant
35 to report to the parole office closest to the defendant's last legal
36 residence, unless the in-custody credits equal the total sentence,
37 including both confinement time and the period of parole. The
38 sentence shall be deemed a separate prior prison term under Section
39 667.5, and a copy of the judgment and other necessary
40 documentation shall be forwarded to the secretary.

1 (b) When a judgment of imprisonment is to be imposed and the
2 statute specifies three possible terms, the choice of the appropriate
3 term shall rest within the sound discretion of the court. At least
4 four days prior to the time set for imposition of judgment, either
5 party or the victim, or the family of the victim if the victim is
6 deceased, may submit a statement in aggravation or mitigation. In
7 determining the appropriate term, the court may consider the record
8 in the case, the probation officer's report, other reports, including
9 reports received pursuant to Section 1203.03, and statements in
10 aggravation or mitigation submitted by the prosecution, the
11 defendant, or the victim, or the family of the victim if the victim
12 is deceased, and any further evidence introduced at the sentencing
13 hearing. The court shall select the term which, in the court's
14 discretion, best serves the interests of justice. The court shall set
15 forth on the record the reasons for imposing the term selected and
16 the court may not impose an upper term by using the fact of any
17 enhancement upon which sentence is imposed under any provision
18 of law. A term of imprisonment shall not be specified if imposition
19 of sentence is suspended.

20 (c) The court shall state the reasons for its sentence choice on
21 the record at the time of sentencing. The court shall also inform
22 the defendant that as part of the sentence after expiration of the
23 term he or she may be on parole for a period as provided in Section
24 3000.

25 (d) (1) When a defendant subject to this section or subdivision
26 (b) of Section 1168 has been sentenced to be imprisoned in the
27 state prison and has been committed to the custody of the secretary,
28 the court may, within 120 days of the date of commitment on its
29 own motion, or at any time upon the recommendation of the
30 secretary or the Board of Parole Hearings, recall the sentence and
31 commitment previously ordered and resentence the defendant in
32 the same manner as if he or she had not previously been sentenced,
33 provided the new sentence, if any, is no greater than the initial
34 sentence. The court resentencing under this subdivision shall apply
35 the sentencing rules of the Judicial Council so as to eliminate
36 disparity of sentences and to promote uniformity of sentencing.
37 Credit shall be given for time served.

38 (2) (A) (i) When a defendant who was under 18 years of age
39 at the time of the commission of the offense for which the
40 defendant was sentenced to imprisonment for life without the

1 possibility of parole has served at least 15 years of that sentence,
2 the defendant may submit to the sentencing court a petition for
3 recall and resentencing.

4 (ii) Notwithstanding clause (i), this paragraph shall not apply
5 to defendants sentenced to life without parole for an offense where
6 the defendant tortured, as described in Section 206, his or her
7 victim or the victim was a public safety official, including any law
8 enforcement personnel mentioned in Chapter 4.5 (commencing
9 with Section 830) of Title 3, or any firefighter as described in
10 Section 245.1, as well as any other officer in any segment of law
11 enforcement who is employed by the federal government, the state,
12 or any of its political subdivisions.

13 (B) The defendant shall file the original petition with the
14 sentencing court. A copy of the petition shall be served on the
15 agency that prosecuted the case. The petition shall include the
16 defendant's statement that he or she was under 18 years of age at
17 the time of the crime and was sentenced to life in prison without
18 the possibility of parole, the defendant's statement describing his
19 or her remorse and work towards rehabilitation, and the defendant's
20 statement that one of the following is true:

21 (i) The defendant was convicted pursuant to felony murder or
22 aiding and abetting murder provisions of law.

23 (ii) The defendant does not have juvenile felony adjudications
24 for assault or other felony crimes with a significant potential for
25 personal harm to victims prior to the offense for which the sentence
26 is being considered for recall.

27 (iii) The defendant committed the offense with at least one adult
28 codefendant.

29 (iv) The defendant has performed acts that tend to indicate
30 rehabilitation or the potential for rehabilitation, including, but not
31 limited to, availing himself or herself of rehabilitative, educational,
32 or vocational programs, if those programs have been available at
33 his or her classification level and facility, using self-study for
34 self-improvement, or showing evidence of remorse.

35 (C) If any of the information required in subparagraph (B) is
36 missing from the petition, or if proof of service on the prosecuting
37 agency is not provided, the court shall return the petition to the
38 defendant and advise the defendant that the matter cannot be
39 considered without the missing information.

1 (D) A reply to the petition, if any, shall be filed with the court
2 within 60 days of the date on which the prosecuting agency was
3 served with the petition, unless a continuance is granted for good
4 cause.

5 (E) If the court finds by a preponderance of the evidence that
6 the statements in the petition are true, the court shall hold a hearing
7 to consider whether to recall the sentence and commitment
8 previously ordered and to resentence the defendant in the same
9 manner as if the defendant had not previously been sentenced,
10 provided that the new sentence, if any, is not greater than the initial
11 sentence. Victims, or victim family members if the victim is
12 deceased, shall retain the rights to participate in the hearing.

13 (F) The factors that the court may consider when determining
14 whether to recall and resentence include, but are not limited to,
15 the following:

16 (i) The defendant was convicted pursuant to felony murder or
17 aiding and abetting murder provisions of law.

18 (ii) The defendant does not have juvenile felony adjudications
19 for assault or other felony crimes with a significant potential for
20 personal harm to victims prior to the offense for which the sentence
21 is being considered for recall.

22 (iii) The defendant committed the offense with at least one adult
23 codefendant.

24 (iv) Prior to the offense for which the sentence is being
25 considered for recall, the defendant had insufficient adult support
26 or supervision and had suffered from psychological or physical
27 trauma, or significant stress.

28 (v) The defendant suffers from cognitive limitations due to
29 mental illness, developmental disabilities, or other factors that did
30 not constitute a defense, but influenced the defendant's
31 involvement in the offense.

32 (vi) The defendant has performed acts that tend to indicate
33 rehabilitation or the potential for rehabilitation, including, but not
34 limited to, availing himself or herself of rehabilitative, educational,
35 or vocational programs, if those programs have been available at
36 his or her classification level and facility, using self-study for
37 self-improvement, or showing evidence of remorse.

38 (vii) The defendant has maintained family ties or connections
39 with others through letter writing, calls, or visits, or has eliminated

1 contact with individuals outside of prison who are currently
2 involved with crime.

3 (viii) The defendant has had no disciplinary actions for violent
4 activities in the last five years in which the defendant was
5 determined to be the aggressor.

6 (G) The court shall have the discretion to recall the sentence
7 and commitment previously ordered and to resentence the
8 defendant in the same manner as if the defendant had not
9 previously been sentenced, provided that the new sentence, if any,
10 is not greater than the initial sentence. The discretion of the court
11 shall be exercised in consideration of the criteria in subparagraph
12 (B). Victims, or victim family members if the victim is deceased,
13 shall be notified of the resentencing hearing and shall retain their
14 rights to participate in the hearing.

15 (H) If the sentence is not recalled, the defendant may submit
16 another petition for recall and resentencing to the sentencing court
17 when the defendant has been committed to the custody of the
18 department for at least 20 years. If recall and resentencing is not
19 granted under that petition, the defendant may file another petition
20 after having served 24 years. The final petition may be submitted,
21 and the response to that petition shall be determined, during the
22 25th year of the defendant's sentence.

23 (I) In addition to the criteria in subparagraph (F), the court may
24 consider any other criteria that the court deems relevant to its
25 decision, so long as the court identifies them on the record,
26 provides a statement of reasons for adopting them, and states why
27 the defendant does or does not satisfy the criteria.

28 (J) This subdivision shall have retroactive application.

29 (e) (1) Notwithstanding any other law and consistent with
30 paragraph (1) of subdivision (a), if the secretary or the Board of
31 Parole Hearings or both determine that a prisoner satisfies the
32 criteria set forth in paragraph (2), the secretary or the board may
33 recommend to the court that the prisoner's sentence be recalled.

34 (2) The court shall have the discretion to resentence or recall if
35 the court finds that the facts described in subparagraphs (A) and
36 (B) or subparagraphs (B) and (C) exist:

37 (A) The prisoner is terminally ill with an incurable condition
38 caused by an illness or disease that would produce death within
39 six months, as determined by a physician employed by the
40 department.

1 (B) The conditions under which the prisoner would be released
2 or receive treatment do not pose a threat to public safety.

3 (C) The prisoner is permanently medically incapacitated with
4 a medical condition that renders him or her permanently unable
5 to perform activities of basic daily living, and results in the prisoner
6 requiring 24-hour total care, including, but not limited to, coma,
7 persistent vegetative state, brain death, ventilator-dependency, loss
8 of control of muscular or neurological function, and that
9 incapacitation did not exist at the time of the original sentencing.

10 The Board of Parole Hearings shall make findings pursuant to
11 this subdivision before making a recommendation for resentencing
12 or recall to the court. This subdivision does not apply to a prisoner
13 sentenced to death or a term of life without the possibility of parole.

14 (3) Within 10 days of receipt of a positive recommendation by
15 the secretary or the board, the court shall hold a hearing to consider
16 whether the prisoner's sentence should be recalled.

17 (4) Any physician employed by the department who determines
18 that a prisoner has six months or less to live shall notify the chief
19 medical officer of the prognosis. If the chief medical officer
20 concurs with the prognosis, he or she shall notify the warden.
21 Within 48 hours of receiving notification, the warden or the
22 warden's representative shall notify the prisoner of the recall and
23 resentencing procedures, and shall arrange for the prisoner to
24 designate a family member or other outside agent to be notified
25 as to the prisoner's medical condition and prognosis, and as to the
26 recall and resentencing procedures. If the inmate is deemed
27 mentally unfit, the warden or the warden's representative shall
28 contact the inmate's emergency contact and provide the information
29 described in paragraph (2).

30 (5) The warden or the warden's representative shall provide the
31 prisoner and his or her family member, agent, or emergency
32 contact, as described in paragraph (4), updated information
33 throughout the recall and resentencing process with regard to the
34 prisoner's medical condition and the status of the prisoner's recall
35 and resentencing proceedings.

36 (6) Notwithstanding any other provisions of this section, the
37 prisoner or his or her family member or designee may
38 independently request consideration for recall and resentencing
39 by contacting the chief medical officer at the prison or the
40 secretary. Upon receipt of the request, the chief medical officer

1 and the warden or the warden's representative shall follow the
2 procedures described in paragraph (4). If the secretary determines
3 that the prisoner satisfies the criteria set forth in paragraph (2), the
4 secretary or board may recommend to the court that the prisoner's
5 sentence be recalled. The secretary shall submit a recommendation
6 for release within 30 days in the case of inmates sentenced to
7 determinate terms and, in the case of inmates sentenced to
8 indeterminate terms, the secretary shall make a recommendation
9 to the Board of Parole Hearings with respect to the inmates who
10 have applied under this section. The board shall consider this
11 information and make an independent judgment pursuant to
12 paragraph (2) and make findings related thereto before rejecting
13 the request or making a recommendation to the court. This action
14 shall be taken at the next lawfully noticed board meeting.

15 (7) Any recommendation for recall submitted to the court by
16 the secretary or the Board of Parole Hearings shall include one or
17 more medical evaluations, a postrelease plan, and findings pursuant
18 to paragraph (2).

19 (8) If possible, the matter shall be heard before the same judge
20 of the court who sentenced the prisoner.

21 (9) If the court grants the recall and resentencing application,
22 the prisoner shall be released by the department within 48 hours
23 of receipt of the court's order, unless a longer time period is agreed
24 to by the inmate. At the time of release, the warden or the warden's
25 representative shall ensure that the prisoner has each of the
26 following in his or her possession: a discharge medical summary,
27 full medical records, state identification, parole medications, and
28 all property belonging to the prisoner. After discharge, any
29 additional records shall be sent to the prisoner's forwarding
30 address.

31 (10) The secretary shall issue a directive to medical and
32 correctional staff employed by the department that details the
33 guidelines and procedures for initiating a recall and resentencing
34 procedure. The directive shall clearly state that any prisoner who
35 is given a prognosis of six months or less to live is eligible for
36 recall and resentencing consideration, and that recall and
37 resentencing procedures shall be initiated upon that prognosis.

38 (f) Notwithstanding any other provision of this section, for
39 purposes of paragraph (3) of subdivision (h), any allegation that
40 a defendant is eligible for state prison due to a prior or current

1 conviction, sentence enhancement, or because he or she is required
2 to register as a sex offender shall not be subject to dismissal
3 pursuant to Section 1385.

4 (g) A sentence to state prison for a determinate term for which
5 only one term is specified, is a sentence to state prison under this
6 section.

7 (h) (1) Except as provided in paragraph (3), a felony punishable
8 pursuant to this subdivision where the term is not specified in the
9 underlying offense shall be punishable by a term of imprisonment
10 in a county jail for 16 months, or two or three years.

11 (2) Except as provided in paragraph (3), a felony punishable
12 pursuant to this subdivision shall be punishable by imprisonment
13 in a county jail for the term described in the underlying offense.

14 (3) Notwithstanding paragraphs (1) and (2), where the defendant
15 (A) has a prior or current felony conviction for a serious felony
16 described in subdivision (c) of Section 1192.7 or a prior or current
17 conviction for a violent felony described in subdivision (c) of
18 Section 667.5, (B) has a prior felony conviction in another
19 jurisdiction for an offense that has all the elements of a serious
20 felony described in subdivision (c) of Section 1192.7 or a violent
21 felony described in subdivision (c) of Section 667.5, (C) is required
22 to register as a sex offender pursuant to Chapter 5.5 (commencing
23 with Section 290) of Title 9 of Part 1, or (D) is convicted of a crime
24 and as part of the sentence an enhancement pursuant to Section
25 186.11 is imposed, an executed sentence for a felony punishable
26 pursuant to this subdivision shall be served in state prison.

27 (4) Nothing in this subdivision shall be construed to prevent
28 other dispositions authorized by law, including pretrial diversion,
29 deferred entry of judgment, or an order granting probation pursuant
30 to Section 1203.1.

31 (5) ~~The (A) Unless the court finds that, in the interests of justice,~~
32 ~~it is not appropriate in a particular case, the court, when imposing~~
33 ~~a sentence pursuant to paragraph (1) or (2) of this subdivision,~~
34 ~~may commit the defendant to county jail as follows: shall suspend~~
35 ~~execution of a concluding portion of the term for a period selected~~
36 ~~at the court's discretion.~~

37 ~~(A) For a full term in custody as determined in accordance with~~
38 ~~the applicable sentencing law.~~

39 ~~(B) (i) For a term as determined in accordance with the~~
40 ~~applicable sentencing law, but suspend execution of a concluding~~

1 portion of the term selected in the court’s discretion, during which
2 time

3 (B) *The portion of a defendant’s sentenced term that is*
4 *suspended pursuant to this paragraph shall be known as mandatory*
5 *supervision, and shall begin upon release from custody. During*
6 *the period of mandatory supervision, the defendant shall be*
7 supervised by the county probation officer in accordance with the
8 terms, conditions, and procedures generally applicable to persons
9 placed on probation, for the remaining unserved portion of the
10 sentence imposed by the court. The period of supervision shall be
11 mandatory, and may not be earlier terminated except by court
12 order. Any proceeding to revoke or modify mandatory supervision
13 under this subparagraph shall be conducted pursuant to either
14 subdivisions (a) and (b) of Section 1203.2 or Section 1203.3.
15 During the period when the defendant is under such supervision,
16 unless in actual custody related to the sentence imposed by the
17 court, the defendant shall be entitled to only actual time credit
18 against the term of imprisonment imposed by the court. Any time
19 period which is suspended because a person has absconded shall
20 not be credited toward the period of supervision.

21 ~~(ii) The portion of a defendant’s sentenced term pursuant to this~~
22 ~~subparagraph shall be known as mandatory supervision.~~

23 (6) The sentencing changes made by the act that added this
24 subdivision shall be applied prospectively to any person sentenced
25 on or after October 1, 2011, until December 31, 2014.

26 (7) *The sentencing changes made by the act that added this*
27 *paragraph shall be applied prospectively to any person sentenced*
28 *on or after January 1, 2015.*

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

32 *SEC. 17. Section 1170 of the Penal Code, as amended by*
33 *Section 6 of Chapter 508 of the Statutes of 2013, is amended to*
34 *read:*

35 1170. (a) (1) The Legislature finds and declares that the
36 purpose of imprisonment for crime is punishment. This purpose
37 is best served by terms proportionate to the seriousness of the
38 offense with provision for uniformity in the sentences of offenders
39 committing the same offense under similar circumstances. The
40 Legislature further finds and declares that the elimination of

1 disparity and the provision of uniformity of sentences can best be
2 achieved by determinate sentences fixed by statute in proportion
3 to the seriousness of the offense as determined by the Legislature
4 to be imposed by the court with specified discretion.

5 (2) Notwithstanding paragraph (1), the Legislature further finds
6 and declares that programs should be available for inmates,
7 including, but not limited to, educational programs, that are
8 designed to prepare nonviolent felony offenders for successful
9 reentry into the community. The Legislature encourages the
10 development of policies and programs designed to educate and
11 rehabilitate nonviolent felony offenders. In implementing this
12 section, the Department of Corrections and Rehabilitation is
13 encouraged to give priority enrollment in programs to promote
14 successful return to the community to an inmate with a short
15 remaining term of commitment and a release date that would allow
16 him or her adequate time to complete the program.

17 (3) In any case in which the punishment prescribed by statute
18 for a person convicted of a public offense is a term of imprisonment
19 in the state prison of any specification of three time periods, the
20 court shall sentence the defendant to one of the terms of
21 imprisonment specified unless the convicted person is given any
22 other disposition provided by law, including a fine, jail, probation,
23 or the suspension of imposition or execution of sentence or is
24 sentenced pursuant to subdivision (b) of Section 1168 because he
25 or she had committed his or her crime prior to July 1, 1977. In
26 sentencing the convicted person, the court shall apply the
27 sentencing rules of the Judicial Council. The court, unless it
28 determines that there are circumstances in mitigation of the
29 punishment prescribed, shall also impose any other term that it is
30 required by law to impose as an additional term. Nothing in this
31 article shall affect any provision of law that imposes the death
32 penalty, that authorizes or restricts the granting of probation or
33 suspending the execution or imposition of sentence, or expressly
34 provides for imprisonment in the state prison for life, except as
35 provided in paragraph (2) of subdivision (d). In any case in which
36 the amount of preimprisonment credit under Section 2900.5 or any
37 other provision of law is equal to or exceeds any sentence imposed
38 pursuant to this chapter, the entire sentence shall be deemed to
39 have been served and the defendant shall not be actually delivered
40 to the custody of the secretary. The court shall advise the defendant

1 that he or she shall serve a period of parole and order the defendant
2 to report to the parole office closest to the defendant's last legal
3 residence, unless the in-custody credits equal the total sentence,
4 including both confinement time and the period of parole. The
5 sentence shall be deemed a separate prior prison term under Section
6 667.5, and a copy of the judgment and other necessary
7 documentation shall be forwarded to the secretary.

8 (b) When a judgment of imprisonment is to be imposed and the
9 statute specifies three possible terms, the court shall order
10 imposition of the middle term, unless there are circumstances in
11 aggravation or mitigation of the crime. At least four days prior to
12 the time set for imposition of judgment, either party or the victim,
13 or the family of the victim if the victim is deceased, may submit
14 a statement in aggravation or mitigation to dispute facts in the
15 record or the probation officer's report, or to present additional
16 facts. In determining whether there are circumstances that justify
17 imposition of the upper or lower term, the court may consider the
18 record in the case, the probation officer's report, other reports,
19 including reports received pursuant to Section 1203.03, and
20 statements in aggravation or mitigation submitted by the
21 prosecution, the defendant, or the victim, or the family of the victim
22 if the victim is deceased, and any further evidence introduced at
23 the sentencing hearing. The court shall set forth on the record the
24 facts and reasons for imposing the upper or lower term. The court
25 may not impose an upper term by using the fact of any
26 enhancement upon which sentence is imposed under any provision
27 of law. A term of imprisonment shall not be specified if imposition
28 of sentence is suspended.

29 (c) The court shall state the reasons for its sentence choice on
30 the record at the time of sentencing. The court shall also inform
31 the defendant that as part of the sentence after expiration of the
32 term he or she may be on parole for a period as provided in Section
33 3000.

34 (d) (1) When a defendant subject to this section or subdivision
35 (b) of Section 1168 has been sentenced to be imprisoned in the
36 state prison and has been committed to the custody of the secretary,
37 the court may, within 120 days of the date of commitment on its
38 own motion, or at any time upon the recommendation of the
39 secretary or the Board of Parole Hearings, recall the sentence and
40 commitment previously ordered and resentence the defendant in

1 the same manner as if he or she had not previously been sentenced,
2 provided the new sentence, if any, is no greater than the initial
3 sentence. The court resentencing under this subdivision shall apply
4 the sentencing rules of the Judicial Council so as to eliminate
5 disparity of sentences and to promote uniformity of sentencing.
6 Credit shall be given for time served.

7 (2) (A) (i) When a defendant who was under 18 years of age
8 at the time of the commission of the offense for which the
9 defendant was sentenced to imprisonment for life without the
10 possibility of parole has served at least 15 years of that sentence,
11 the defendant may submit to the sentencing court a petition for
12 recall and resentencing.

13 (ii) Notwithstanding clause (i), this paragraph shall not apply
14 to defendants sentenced to life without parole for an offense where
15 the defendant tortured, as described in Section 206, his or her
16 victim or the victim was a public safety official, including any law
17 enforcement personnel mentioned in Chapter 4.5 (commencing
18 with Section 830) of Title 3, or any firefighter as described in
19 Section 245.1, as well as any other officer in any segment of law
20 enforcement who is employed by the federal government, the state,
21 or any of its political subdivisions.

22 (B) The defendant shall file the original petition with the
23 sentencing court. A copy of the petition shall be served on the
24 agency that prosecuted the case. The petition shall include the
25 defendant's statement that he or she was under 18 years of age at
26 the time of the crime and was sentenced to life in prison without
27 the possibility of parole, the defendant's statement describing his
28 or her remorse and work towards rehabilitation, and the defendant's
29 statement that one of the following is true:

30 (i) The defendant was convicted pursuant to felony murder or
31 aiding and abetting murder provisions of law.

32 (ii) The defendant does not have juvenile felony adjudications
33 for assault or other felony crimes with a significant potential for
34 personal harm to victims prior to the offense for which the sentence
35 is being considered for recall.

36 (iii) The defendant committed the offense with at least one adult
37 codefendant.

38 (iv) The defendant has performed acts that tend to indicate
39 rehabilitation or the potential for rehabilitation, including, but not
40 limited to, availing himself or herself of rehabilitative, educational,

1 or vocational programs, if those programs have been available at
2 his or her classification level and facility, using self-study for
3 self-improvement, or showing evidence of remorse.

4 (C) If any of the information required in subparagraph (B) is
5 missing from the petition, or if proof of service on the prosecuting
6 agency is not provided, the court shall return the petition to the
7 defendant and advise the defendant that the matter cannot be
8 considered without the missing information.

9 (D) A reply to the petition, if any, shall be filed with the court
10 within 60 days of the date on which the prosecuting agency was
11 served with the petition, unless a continuance is granted for good
12 cause.

13 (E) If the court finds by a preponderance of the evidence that
14 the statements in the petition are true, the court shall hold a hearing
15 to consider whether to recall the sentence and commitment
16 previously ordered and to resentence the defendant in the same
17 manner as if the defendant had not previously been sentenced,
18 provided that the new sentence, if any, is not greater than the initial
19 sentence. Victims, or victim family members if the victim is
20 deceased, shall retain the rights to participate in the hearing.

21 (F) The factors that the court may consider when determining
22 whether to recall and resentence include, but are not limited to,
23 the following:

24 (i) The defendant was convicted pursuant to felony murder or
25 aiding and abetting murder provisions of law.

26 (ii) The defendant does not have juvenile felony adjudications
27 for assault or other felony crimes with a significant potential for
28 personal harm to victims prior to the offense for which the sentence
29 is being considered for recall.

30 (iii) The defendant committed the offense with at least one adult
31 codefendant.

32 (iv) Prior to the offense for which the sentence is being
33 considered for recall, the defendant had insufficient adult support
34 or supervision and had suffered from psychological or physical
35 trauma, or significant stress.

36 (v) The defendant suffers from cognitive limitations due to
37 mental illness, developmental disabilities, or other factors that did
38 not constitute a defense, but influenced the defendant's
39 involvement in the offense.

1 (vi) The defendant has performed acts that tend to indicate
2 rehabilitation or the potential for rehabilitation, including, but not
3 limited to, availing himself or herself of rehabilitative, educational,
4 or vocational programs, if those programs have been available at
5 his or her classification level and facility, using self-study for
6 self-improvement, or showing evidence of remorse.

7 (vii) The defendant has maintained family ties or connections
8 with others through letter writing, calls, or visits, or has eliminated
9 contact with individuals outside of prison who are currently
10 involved with crime.

11 (viii) The defendant has had no disciplinary actions for violent
12 activities in the last five years in which the defendant was
13 determined to be the aggressor.

14 (G) The court shall have the discretion to recall the sentence
15 and commitment previously ordered and to resentence the
16 defendant in the same manner as if the defendant had not
17 previously been sentenced, provided that the new sentence, if any,
18 is not greater than the initial sentence. The discretion of the court
19 shall be exercised in consideration of the criteria in subparagraph
20 (B). Victims, or victim family members if the victim is deceased,
21 shall be notified of the resentencing hearing and shall retain their
22 rights to participate in the hearing.

23 (H) If the sentence is not recalled, the defendant may submit
24 another petition for recall and resentencing to the sentencing court
25 when the defendant has been committed to the custody of the
26 department for at least 20 years. If recall and resentencing is not
27 granted under that petition, the defendant may file another petition
28 after having served 24 years. The final petition may be submitted,
29 and the response to that petition shall be determined, during the
30 25th year of the defendant's sentence.

31 (I) In addition to the criteria in subparagraph (F), the court may
32 consider any other criteria that the court deems relevant to its
33 decision, so long as the court identifies them on the record,
34 provides a statement of reasons for adopting them, and states why
35 the defendant does or does not satisfy the criteria.

36 (J) This subdivision shall have retroactive application.

37 (e) (1) Notwithstanding any other law and consistent with
38 paragraph (1) of subdivision (a), if the secretary or the Board of
39 Parole Hearings or both determine that a prisoner satisfies the

1 criteria set forth in paragraph (2), the secretary or the board may
2 recommend to the court that the prisoner's sentence be recalled.

3 (2) The court shall have the discretion to resentence or recall if
4 the court finds that the facts described in subparagraphs (A) and
5 (B) or subparagraphs (B) and (C) exist:

6 (A) The prisoner is terminally ill with an incurable condition
7 caused by an illness or disease that would produce death within
8 six months, as determined by a physician employed by the
9 department.

10 (B) The conditions under which the prisoner would be released
11 or receive treatment do not pose a threat to public safety.

12 (C) The prisoner is permanently medically incapacitated with
13 a medical condition that renders him or her permanently unable
14 to perform activities of basic daily living, and results in the prisoner
15 requiring 24-hour total care, including, but not limited to, coma,
16 persistent vegetative state, brain death, ventilator-dependency, loss
17 of control of muscular or neurological function, and that
18 incapacitation did not exist at the time of the original sentencing.

19 The Board of Parole Hearings shall make findings pursuant to
20 this subdivision before making a recommendation for resentence
21 or recall to the court. This subdivision does not apply to a prisoner
22 sentenced to death or a term of life without the possibility of parole.

23 (3) Within 10 days of receipt of a positive recommendation by
24 the secretary or the board, the court shall hold a hearing to consider
25 whether the prisoner's sentence should be recalled.

26 (4) Any physician employed by the department who determines
27 that a prisoner has six months or less to live shall notify the chief
28 medical officer of the prognosis. If the chief medical officer
29 concurs with the prognosis, he or she shall notify the warden.
30 Within 48 hours of receiving notification, the warden or the
31 warden's representative shall notify the prisoner of the recall and
32 resentencing procedures, and shall arrange for the prisoner to
33 designate a family member or other outside agent to be notified
34 as to the prisoner's medical condition and prognosis, and as to the
35 recall and resentencing procedures. If the inmate is deemed
36 mentally unfit, the warden or the warden's representative shall
37 contact the inmate's emergency contact and provide the information
38 described in paragraph (2).

39 (5) The warden or the warden's representative shall provide the
40 prisoner and his or her family member, agent, or emergency

1 contact, as described in paragraph (4), updated information
2 throughout the recall and resentencing process with regard to the
3 prisoner's medical condition and the status of the prisoner's recall
4 and resentencing proceedings.

5 (6) Notwithstanding any other provisions of this section, the
6 prisoner or his or her family member or designee may
7 independently request consideration for recall and resentencing
8 by contacting the chief medical officer at the prison or the
9 secretary. Upon receipt of the request, the chief medical officer
10 and the warden or the warden's representative shall follow the
11 procedures described in paragraph (4). If the secretary determines
12 that the prisoner satisfies the criteria set forth in paragraph (2), the
13 secretary or board may recommend to the court that the prisoner's
14 sentence be recalled. The secretary shall submit a recommendation
15 for release within 30 days in the case of inmates sentenced to
16 determinate terms and, in the case of inmates sentenced to
17 indeterminate terms, the secretary shall make a recommendation
18 to the Board of Parole Hearings with respect to the inmates who
19 have applied under this section. The board shall consider this
20 information and make an independent judgment pursuant to
21 paragraph (2) and make findings related thereto before rejecting
22 the request or making a recommendation to the court. This action
23 shall be taken at the next lawfully noticed board meeting.

24 (7) Any recommendation for recall submitted to the court by
25 the secretary or the Board of Parole Hearings shall include one or
26 more medical evaluations, a postrelease plan, and findings pursuant
27 to paragraph (2).

28 (8) If possible, the matter shall be heard before the same judge
29 of the court who sentenced the prisoner.

30 (9) If the court grants the recall and resentencing application,
31 the prisoner shall be released by the department within 48 hours
32 of receipt of the court's order, unless a longer time period is agreed
33 to by the inmate. At the time of release, the warden or the warden's
34 representative shall ensure that the prisoner has each of the
35 following in his or her possession: a discharge medical summary,
36 full medical records, state identification, parole medications, and
37 all property belonging to the prisoner. After discharge, any
38 additional records shall be sent to the prisoner's forwarding
39 address.

1 (10) The secretary shall issue a directive to medical and
2 correctional staff employed by the department that details the
3 guidelines and procedures for initiating a recall and resentencing
4 procedure. The directive shall clearly state that any prisoner who
5 is given a prognosis of six months or less to live is eligible for
6 recall and resentencing consideration, and that recall and
7 resentencing procedures shall be initiated upon that prognosis.

8 (f) Notwithstanding any other provision of this section, for
9 purposes of paragraph (3) of subdivision (h), any allegation that
10 a defendant is eligible for state prison due to a prior or current
11 conviction, sentence enhancement, or because he or she is required
12 to register as a sex offender shall not be subject to dismissal
13 pursuant to Section 1385.

14 (g) A sentence to state prison for a determinate term for which
15 only one term is specified, is a sentence to state prison under this
16 section.

17 (h) (1) Except as provided in paragraph (3), a felony punishable
18 pursuant to this subdivision where the term is not specified in the
19 underlying offense shall be punishable by a term of imprisonment
20 in a county jail for 16 months, or two or three years.

21 (2) Except as provided in paragraph (3), a felony punishable
22 pursuant to this subdivision shall be punishable by imprisonment
23 in a county jail for the term described in the underlying offense.

24 (3) Notwithstanding paragraphs (1) and (2), where the defendant
25 (A) has a prior or current felony conviction for a serious felony
26 described in subdivision (c) of Section 1192.7 or a prior or current
27 conviction for a violent felony described in subdivision (c) of
28 Section 667.5, (B) has a prior felony conviction in another
29 jurisdiction for an offense that has all the elements of a serious
30 felony described in subdivision (c) of Section 1192.7 or a violent
31 felony described in subdivision (c) of Section 667.5, (C) is required
32 to register as a sex offender pursuant to Chapter 5.5 (commencing
33 with Section 290) of Title 9 of Part 1, or (D) is convicted of a crime
34 and as part of the sentence an enhancement pursuant to Section
35 186.11 is imposed, an executed sentence for a felony punishable
36 pursuant to this subdivision shall be served in state prison.

37 (4) Nothing in this subdivision shall be construed to prevent
38 other dispositions authorized by law, including pretrial diversion,
39 deferred entry of judgment, or an order granting probation pursuant
40 to Section 1203.1.

1 ~~The~~(A) *Unless the court finds, in the interest of justice, that*
 2 *it is not appropriate in a particular case, the court, when imposing*
 3 *a sentence pursuant to paragraph (1) or (2) of this subdivision,*
 4 ~~may commit the defendant to county jail as follows:~~ *shall suspend*
 5 *execution of a concluding portion of the term for a period selected*
 6 *at the court's discretion.*

7 ~~(A) For a full term in custody as determined in accordance with~~
 8 ~~the applicable sentencing law.~~

9 ~~(B) (i) For a term as determined in accordance with the~~
 10 ~~applicable sentencing law, but suspend execution of a concluding~~
 11 ~~portion of the term selected in the court's discretion, during which~~
 12 ~~time~~

13 (B) *The portion of a defendant's sentenced term that is*
 14 *suspended pursuant to this paragraph shall be known as mandatory*
 15 *supervision, and shall begin upon release from custody. During*
 16 *the period of mandatory supervision, the defendant shall be*
 17 *supervised by the county probation officer in accordance with the*
 18 *terms, conditions, and procedures generally applicable to persons*
 19 *placed on probation, for the remaining unserved portion of the*
 20 *sentence imposed by the court. The period of supervision shall be*
 21 *mandatory, and may not be earlier terminated except by court*
 22 *order. Any proceeding to revoke or modify mandatory supervision*
 23 *under this subparagraph shall be conducted pursuant to either*
 24 *subdivisions (a) and (b) of Section 1203.2 or Section 1203.3.*
 25 *During the period when the defendant is under such supervision,*
 26 *unless in actual custody related to the sentence imposed by the*
 27 *court, the defendant shall be entitled to only actual time credit*
 28 *against the term of imprisonment imposed by the court. Any time*
 29 *period which is suspended because a person has absconded shall*
 30 *not be credited toward the period of supervision.*

31 ~~(ii) The portion of a defendant's sentenced term during which~~
 32 ~~time he or she is supervised by the county probation officer~~
 33 ~~pursuant to this subparagraph shall be known as mandatory~~
 34 ~~supervision, and shall begin upon release from custody.~~

35 (6) *The sentencing changes made by the act that added this*
 36 *subdivision shall be applied prospectively to any person sentenced*
 37 *on or after October 1, 2011, until December 31, 2014.*

38 (7) *The sentencing changes made by the act that added this*
 39 *subdivision shall be applied prospectively to any person sentenced*
 40 *on or after January 1, 2015.*

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

2 *SEC. 18. Section 1170.06 is added to the Penal Code, to read:*

3 *1170.06. (a) Notwithstanding any other law, a sheriff or a*
4 *county director of corrections is authorized to offer a program*
5 *under which inmates as specified in subdivision (c), who are not*
6 *precluded by subdivision (d), and who have been committed to a*
7 *county jail may be allowed to participate in a voluntary alternative*
8 *custody program as defined in subdivision (b) in lieu of their*
9 *confinement in a county jail. Under this program, one day of*
10 *participation is in lieu of one day of incarceration in a county jail.*
11 *Participants in the program shall receive any sentence reduction*
12 *credits that they would have received had they served their sentence*
13 *in a county jail, and are subject to denial and loss of credit*
14 *pursuant to subdivision (d) of Section 4019. The sheriff or the*
15 *county director of corrections may enter into contracts with county*
16 *agencies, not-for-profit organizations, for-profit organizations,*
17 *and others in order to promote alternative custody placements.*

18 *(b) As used in this section, an alternative custody program shall*
19 *include, but is not limited to, the following:*

20 *(1) Confinement to a residential home during the hours*
21 *designated by the sheriff or the county director of corrections.*

22 *(2) Confinement to a residential drug or treatment program*
23 *during the hours designated by the county sheriff or the county*
24 *director of corrections.*

25 *(3) Confinement to a transitional care facility that offers*
26 *appropriate services.*

27 *(4) Confinement to a mental health clinic or hospital that offers*
28 *appropriate mental health services.*

29 *(c) Except as provided by subdivision (d), inmates sentenced to*
30 *a county jail for a determinate term of imprisonment pursuant to*
31 *a misdemeanor or a felony pursuant to subdivision (h) of Section*
32 *1170, and only those persons, are eligible to participate in the*
33 *alternative custody program authorized by this section.*

34 *(d) An inmate committed to a county jail who meets any of the*
35 *following criteria is not eligible to participate in the alternative*
36 *custody program:*

37 *(1) The person was screened by the sheriff or the county director*
38 *of corrections using a validated risk assessment tool and*
39 *determined to pose a high risk to commit a violent offense.*

1 (2) *The person has a history, within the last 10 years, of escape*
2 *from a facility while under juvenile or adult custody, including,*
3 *but not limited to, any detention facility, camp, jail, or state prison*
4 *facility.*

5 (3) *The person has a current or prior conviction for an offense*
6 *that requires the person to register as a sex offender as provided*
7 *in Chapter 5.5. (commencing with Section 290) of Title 9 of Part*
8 *1.*

9 (e) *An alternative custody program may include the use of*
10 *electronic monitoring, global positioning system devices, or other*
11 *supervising devices for the purpose of helping to verify a*
12 *participant's compliance with the rules and regulations of the*
13 *program. The devices shall not be used to eavesdrop or record*
14 *any conversation, except a conversation between the participant*
15 *and the person supervising the participant, in which case the*
16 *recording of the conversation is to be used solely for the purposes*
17 *of voice identification.*

18 (f) (1) *In order to implement alternative custody for the*
19 *population specified in subdivision (c), the sheriff or the county*
20 *director of corrections shall create, and the participant shall agree*
21 *to and fully participate in, an individualized treatment and*
22 *rehabilitation plan. When available and appropriate for the*
23 *individualized treatment and rehabilitation plan, the sheriff or the*
24 *county director of corrections shall prioritize the use of*
25 *evidence-based programs and services that will aid in the*
26 *participant's successful reentry into society while he or she takes*
27 *part in alternative custody. Case management services shall be*
28 *provided to support rehabilitation and to track the progress and*
29 *individualized treatment plan compliance of the inmate.*

30 (2) *For purposes of this section, "evidence-based practices"*
31 *means supervision policies, procedures, programs, and practices*
32 *demonstrated by scientific research to reduce recidivism among*
33 *individuals under probation, parole, or postrelease community*
34 *supervision.*

35 (g) *The sheriff or the county director of corrections shall*
36 *prescribe reasonable rules to govern the operation of the*
37 *alternative custody program. Each participant shall be informed*
38 *in writing that he or she is required to comply with the rules of*
39 *the program, including, but not limited to, the following rules:*

1 (1) *The participant shall remain within the interior premises of*
2 *his or her residence during the hours designated by the sheriff or*
3 *his or her designee or the county director of corrections or his or*
4 *her designee.*

5 (2) *The participant shall be subject to search and seizure by a*
6 *peace officer at any time of the day or night, with or without cause.*
7 *In addition, the participant shall admit any peace officer designated*
8 *by the sheriff or his or her designee or the county director of*
9 *corrections or his or her designee into the participant's residence*
10 *at any time for purposes of verifying the participant's compliance*
11 *with the conditions of his or her detention. Prior to participation*
12 *in the alternative custody program, each participant shall agree*
13 *in writing to these terms and conditions.*

14 (3) *The sheriff or his or her designee, or the county director of*
15 *corrections or his or her designee, may immediately retake the*
16 *participant into custody to serve the balance of his or her sentence*
17 *if an electronic monitoring or supervising device is unable for any*
18 *reason to properly perform its function at the designated place of*
19 *detention, if the participant fails to remain within the place of*
20 *detention as stipulated in the agreement, or if the participant for*
21 *any other reason no longer meets the criteria under this section.*

22 (h) *Whenever a peace officer supervising a participant has*
23 *reasonable suspicion to believe that the participant is not*
24 *complying with the rules or conditions of the program, or that a*
25 *required electronic monitoring device is unable to function*
26 *properly in the designated place of confinement, the peace officer*
27 *may, under general or specific authorization of the sheriff or his*
28 *or her designee, or the county director of corrections or his or her*
29 *designee, and without a warrant of arrest, retake the participant*
30 *into custody to complete the remainder of the original sentence.*

31 (i) *This section shall not be construed to require a sheriff or his*
32 *or her designee, or a county director of corrections or his or her*
33 *designee, to allow an inmate to participate in this program if it*
34 *appears from the record that the inmate has not satisfactorily*
35 *complied with reasonable rules and regulations while in custody.*
36 *An inmate shall be eligible for participation in an alternative*
37 *custody program only if the sheriff or his or her designee or the*
38 *county director of corrections or his or her designee concludes*
39 *that the inmate meets the criteria for program participation*
40 *established under this section and that the inmate's participation*

1 *is consistent with any reasonable rules prescribed by the sheriff*
2 *or the county director of corrections.*

3 *(1) The rules and administrative policies of the program shall*
4 *be written and shall be given or made available to each participant*
5 *upon assignment to the alternative custody program.*

6 *(2) The sheriff or his or her designee or the county director of*
7 *corrections or his or her designee shall have the sole discretion*
8 *concerning whether to permit program participation as an*
9 *alternative to custody in a county jail. A risk and needs assessment*
10 *shall be completed on each inmate to assist in the determination*
11 *of eligibility for participation and the type of alternative custody.*

12 *(j) (1) The sheriff or his or her designee or the county director*
13 *of corrections or his or her designee shall permit program*
14 *participants to seek and retain employment in the community,*
15 *attend psychological counseling sessions or educational or*
16 *vocational training classes, participate in life skills or parenting*
17 *training, utilize substance abuse treatment services, or seek*
18 *medical, mental health, and dental assistance based upon the*
19 *participant's individualized treatment and release plan.*
20 *Participation in other rehabilitative services and programs may*
21 *be approved by the case manager if it is specified as a requirement*
22 *of the inmate's individualized treatment and rehabilitative case*
23 *plan.*

24 *(2) Willful failure of the program participant to return to the*
25 *place of detention prior to the expiration of any period of time*
26 *during which he or she is authorized to be away from the place of*
27 *detention, unauthorized departures from the place of detention,*
28 *or tampering with or disabling, or attempting to tamper with or*
29 *disable, an electronic monitoring device is punishable pursuant*
30 *to Section 4532 and shall additionally subject the participant to*
31 *a return to custody pursuant to subdivisions (g) and (h). In*
32 *addition, participants may be subject to forfeiture of credits*
33 *pursuant to the provisions of Section 4019, or to discipline for*
34 *violation of rules established by the sheriff or the county director*
35 *of corrections.*

36 *(k) (1) Notwithstanding any other law, the sheriff or his or her*
37 *designee or the county director of corrections or his or her*
38 *designee shall provide the information specified in paragraph (2)*
39 *regarding participants in an alternative custody program to the*

1 law enforcement agencies of the jurisdiction in which persons
2 participating in an alternative custody program reside.

3 (2) The information required by paragraph (1) shall consist of
4 the following:

5 (A) The participant's name, address, and date of birth.

6 (B) The offense committed by the participant.

7 (C) The period of time the participant will be subject to an
8 alternative custody program.

9 (3) The information received by a law enforcement agency
10 pursuant to this subdivision may be used for the purpose of
11 monitoring the impact of an alternative custody program on the
12 community.

13 (l) It is the intent of the Legislature that the alternative custody
14 programs established under this section maintain the highest public
15 confidence, credibility, and public safety. In the furtherance of
16 these standards, the sheriff or the county director of corrections
17 may administer an alternative custody program pursuant to written
18 contracts with appropriate public agencies or entities to provide
19 specified program services. No public agency or entity entering
20 into a contract may itself employ any person who is in an
21 alternative custody program. The sheriff or the county director of
22 corrections shall determine the recidivism rate of each participant
23 in an alternative custody program.

24 (m) An inmate participating in this program shall voluntarily
25 agree to all of the provisions of the program in writing, including
26 that he or she may be returned to confinement at any time with or
27 without cause, and shall not be charged fees or costs for the
28 program.

29 (n) If a phrase, clause, sentence, or provision of this section or
30 application thereof to a person or circumstance is held invalid,
31 that invalidity shall not affect any other phrase, clause, sentence,
32 or provision or application of this section, which can be given
33 effect without the invalid phrase, clause, sentence, or provision or
34 application and to this end the provisions of this section are
35 declared to be severable.

36 SEC. 19. Section 1170.3 of the Penal Code, as amended by
37 Section 9 of Chapter 508 of the Statutes of 2013, is amended to
38 read:

39 1170.3. The Judicial Council shall seek to promote uniformity
40 in sentencing under Section 1170 by:

1 (a) The adoption of rules providing criteria for the consideration
2 of the trial judge at the time of sentencing regarding the court's
3 decision to:

4 (1) Grant or deny probation.

5 (2) Impose the lower, middle, or upper prison term.

6 (3) Impose concurrent or consecutive sentences.

7 (4) Determine whether or not to impose an enhancement where
8 that determination is permitted by law.

9 (5) *Deny a period of mandatory supervision in the interests of*
10 *justice under paragraph (5) of subdivision (h) of Section 1170 or*
11 *determine the appropriate period and conditions of mandatory*
12 *supervision. The rules implementing this paragraph shall be*
13 *adopted no later than January 1, 2015.*

14 (b) The adoption of rules standardizing the minimum content
15 and the sequential presentation of material in probation officer
16 reports submitted to the ~~court~~. *court regarding probation and*
17 *mandatory supervision under paragraph (5) of subdivision (h) of*
18 *Section 1170.*

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

22 *SEC. 20. Section 1170.3 of the Penal Code, as amended by*
23 *Section 10 of Chapter 508 of the Statutes of 2013, is amended to*
24 *read:*

25 1170.3. The Judicial Council shall seek to promote uniformity
26 in sentencing under Section 1170 by:

27 (a) The adoption of rules providing criteria for the consideration
28 of the trial judge at the time of sentencing regarding the court's
29 decision to:

30 (1) Grant or deny probation.

31 (2) Impose the lower or upper prison term.

32 (3) Impose concurrent or consecutive sentences.

33 (4) Determine whether or not to impose an enhancement where
34 that determination is permitted by law.

35 (5) *Deny a period of mandatory supervision in the interests of*
36 *justice under paragraph (5) of subdivision (h) of Section 1170 or*
37 *determine the appropriate period and conditions of mandatory*
38 *supervision. The rules implementing this paragraph shall be*
39 *adopted no later than January 1, 2015.*

1 (b) The adoption of rules standardizing the minimum content
 2 and the sequential presentation of material in probation officer
 3 reports submitted to the ~~court~~. *court regarding probation and*
 4 *mandatory supervision under paragraph (5) of subdivision (h) of*
 5 *Section 1170.*

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

7 *SEC. 21. Section 1233.10 is added to the Penal Code, to read:*

8 *1233.10. (a) Upon agreement to accept funding from the*
 9 *Recidivism Reduction Fund, created in Section 1233.9, a county*
 10 *board of supervisors, in collaboration with the county’s Community*
 11 *Corrections Partnership, shall develop, administer, and collect*
 12 *and submit data to the Board of State and Community Corrections*
 13 *regarding a competitive grant program intended to fund community*
 14 *recidivism and crime reduction services, including, but not limited*
 15 *to, delinquency prevention, homelessness prevention, and reentry*
 16 *services. The funding shall be allocated to counties by the State*
 17 *Controller’s Office from Item 5227-101-3259 of Section 2.00 of*
 18 *the Budget Act of 2014–15 according to the following schedule:*

19		
20	<i>Alameda</i>	<i>\$250,000</i>
21	<i>Alpine</i>	<i>\$10,000</i>
22	<i>Amador</i>	<i>\$10,000</i>
23	<i>Butte</i>	<i>\$50,000</i>
24	<i>Calaveras</i>	<i>\$10,000</i>
25	<i>Colusa</i>	<i>\$10,000</i>
26	<i>Contra Costa</i>	<i>\$250,000</i>
27	<i>Del Norte</i>	<i>\$10,000</i>
28	<i>El Dorado</i>	<i>\$50,000</i>
29	<i>Fresno</i>	<i>\$250,000</i>
30	<i>Glenn</i>	<i>\$10,000</i>
31	<i>Humboldt</i>	<i>\$50,000</i>
32	<i>Imperial</i>	<i>\$50,000</i>
33	<i>Inyo</i>	<i>\$10,000</i>
34	<i>Kern</i>	<i>\$250,000</i>
35	<i>Kings</i>	<i>\$50,000</i>
36	<i>Lake</i>	<i>\$25,000</i>
37	<i>Lassen</i>	<i>\$10,000</i>
38	<i>Los Angeles</i>	<i>\$1,600,000</i>
39	<i>Madera</i>	<i>\$50,000</i>
40	<i>Marin</i>	<i>\$50,000</i>

1	<i>Mariposa</i>	\$10,000
2	<i>Mendocino</i>	\$25,000
3	<i>Merced</i>	\$50,000
4	<i>Modoc</i>	\$10,000
5	<i>Mono</i>	\$10,000
6	<i>Monterey</i>	\$100,000
7	<i>Napa</i>	\$50,000
8	<i>Nevada</i>	\$25,000
9	<i>Orange</i>	\$500,000
10	<i>Placer</i>	\$50,000
11	<i>Plumas</i>	\$10,000
12	<i>Riverside</i>	\$500,000
13	<i>Sacramento</i>	\$250,000
14	<i>San Benito</i>	\$25,000
15	<i>San Bernadino</i>	\$500,000
16	<i>San Diego</i>	\$500,000
17	<i>San Francisco</i>	\$250,000
18	<i>San Joaquin</i>	\$250,000
19	<i>San Luis Obispo</i>	\$50,000
20	<i>San Mateo</i>	\$250,000
21	<i>Santa Barbara</i>	\$100,000
22	<i>Santa Clara</i>	\$500,000
23	<i>Santa Cruz</i>	\$50,000
24	<i>Shasta</i>	\$50,000
25	<i>Sierra</i>	\$10,000
26	<i>Siskiyou</i>	\$10,000
27	<i>Solano</i>	\$100,000
28	<i>Sonoma</i>	\$100,000
29	<i>Stanislaus</i>	\$100,000
30	<i>Sutter</i>	\$25,000
31	<i>Tehama</i>	\$25,000
32	<i>Trinity</i>	\$10,000
33	<i>Tulare</i>	\$100,000
34	<i>Tuolumne</i>	\$25,000
35	<i>Ventura</i>	\$250,000
36	<i>Yolo</i>	\$50,000
37	<i>Yuba</i>	\$25,000

38

39 *(b) For purposes of this section, “community recidivism and*
 40 *crime reduction service provider” means a nongovernmental entity*

1 *or a consortium or coalition of nongovernmental entities, that*
2 *provides community recidivism and crime reduction services, as*
3 *described in paragraph (2) of subdivision (c), to persons who have*
4 *been released from the state prison, a county jail, a juvenile*
5 *detention facility, who are under the supervision of a parole or*
6 *probation department, or any other person at risk of becoming*
7 *involved in criminal activities.*

8 *(c) (1) A community recidivism and crime reduction service*
9 *provider shall have a demonstrated history of providing services,*
10 *as described in paragraph (2), to the target population during the*
11 *five years immediately prior to the application for a grant awarded*
12 *pursuant to this section.*

13 *(2) A community recidivism and crime reduction service*
14 *provider shall provide services that are designed to enable persons*
15 *to whom the services are provided to refrain from engaging in*
16 *crime, reconnect with their family members, and contribute to*
17 *their communities. Community recidivism and crime reduction*
18 *services may include all of the following:*

19 *(A) Self-help groups.*

20 *(B) Individual or group assistance with basic life skills.*

21 *(C) Mentoring programs.*

22 *(D) Academic and educational services, including, but not*
23 *limited to, services to enable the recipient to earn his or her high*
24 *school diploma.*

25 *(E) Job training skills and employment.*

26 *(F) Truancy prevention programs.*

27 *(G) Literacy programs.*

28 *(H) Any other service that advances community recidivism and*
29 *crime reduction efforts, as identified by the county board of*
30 *supervisors and the Community Corrections Partnership.*

31 *(I) Individual or group assistance with referrals for any of the*
32 *following:*

33 *(i) Mental and physical health assessments.*

34 *(ii) Counseling services.*

35 *(iii) Education and vocational programs.*

36 *(iv) Employment opportunities.*

37 *(v) Alcohol and drug treatment.*

38 *(vi) Health, wellness, fitness, and nutrition programs and*
39 *services.*

1 (vii) *Personal finance and consumer skills programs and*
2 *services.*

3 (viii) *Other personal growth and development programs to*
4 *reduce recidivism.*

5 (ix) *Housing assistance.*

6 (d) *Pursuant to this section and upon agreement to accept*
7 *funding from the Recidivism Reduction Fund, the board of*
8 *supervisors, in collaboration with the county's Community*
9 *Corrections Partnership, shall grant funds allocated to the county,*
10 *as described in subdivision (a), to community recidivism and crime*
11 *reduction service providers based on the needs of their community.*

12 (e) (1) *The amount awarded to each community recidivism and*
13 *crime reduction service provider by a county shall be based on*
14 *the population of the county, as projected by the Department of*
15 *Finance, and shall not exceed the following:*

16 (A) *One hundred thousand dollars (\$100,000) in a county with*
17 *a population of over 4,000,000 people.*

18 (B) *Fifty thousand dollars (\$50,000) in a county with a*
19 *population of 700,000 or more people but less than 4,000,000*
20 *people.*

21 (C) *Twenty five thousand dollars (\$25,000) in a county with a*
22 *population of 400,000 or more people but less than 700,000 people.*

23 (D) *Ten thousand dollars (\$10,000) in a county with a*
24 *population of less than 400,000 people.*

25 (2) *The total amount of grants awarded to a single community*
26 *recidivism and crime reduction service provider by all counties*
27 *pursuant to this section shall not exceed one hundred thousand*
28 *dollars (\$100,000).*

29 (f) *The board of supervisors, in collaboration with the county's*
30 *Community Corrections Partnership, shall establish minimum*
31 *requirements, funding criteria, and procedures for the counties to*
32 *award grants consistent with the criteria established in this section.*

33 (g) *A community recidivism and crime reduction service*
34 *provider that receives a grant under this section shall report to*
35 *the county board of supervisors or the Community Corrections*
36 *Partnership on the number of individuals served and the types of*
37 *services provided, consistent with paragraph (2) of subdivision*
38 *(c). The board of supervisors or the Community Corrections*
39 *Partnership shall report to the Board of State and Community*

1 *Corrections any information received under this subdivision from*
2 *grant recipients.*

3 *(h) Of the total amount granted to a county, up to 5 percent may*
4 *be withheld by the board of supervisors or the Community*
5 *Corrections Partnership for the payment of administrative costs.*

6 *(i) Any funds allocated to a county under this section shall be*
7 *available for expenditure for a period of four years and any*
8 *unexpended funds shall revert to the state General Fund at the*
9 *end of the four-year period. Any funds not encumbered with a*
10 *community recidivism and crime reduction service provider one*
11 *year after allocation of grant funds to counties shall immediately*
12 *revert to the state General Fund.*

13 *SEC. 22. Section 1233.15 of the Penal Code is amended to*
14 *read:*

15 1233.15. The Director of Finance, in consultation with the
16 Administrative Office of the Courts, the Department of Corrections
17 and Rehabilitation, and the Chief Probation Officers of California,
18 shall develop a revised formula for the California Community
19 Corrections Performance Incentives Act of 2009 that takes into
20 consideration the significant changes to the eligibility of some
21 felony probationers for revocation to the state prison resulting from
22 the implementation of the 2011 Public Safety realignment, and
23 may also take into consideration the data calculated pursuant to
24 subdivisions (f) to (i), inclusive, of Section 1233.1. The revised
25 formula may include adjustments to the baseline failure rate for
26 each county. *It is the intent of the Legislature that, commencing*
27 *with the 2015–16 fiscal year, probation departments receive*
28 *performance incentive funding pursuant to, and consistent with,*
29 *this chapter for their success at reducing postrelease community*
30 *supervision failure to prison rates and mandatory supervision*
31 *failure to prison rates.*

32 *SEC. 23. Section 1233.6 of the Penal Code is amended to read:*

33 1233.6. (a) Probation failure reduction incentive payments
34 and high performance grants calculated for any calendar year shall
35 be provided to counties in the following fiscal year. The total
36 annual payment to each county shall be divided into four equal
37 quarterly payments.

38 (b) The Department of Finance shall include an estimate of the
39 total probation failure reduction incentive payments and high
40 performance grants to be provided to counties in the coming fiscal

1 year as part of the Governor's proposed budget released no later
2 than January 10 of each year. This estimate shall be adjusted by
3 the Department of Finance, as necessary, to reflect the actual
4 calculations of probation failure reduction incentive payments and
5 high performance grants completed by the Director of Finance, in
6 consultation with the Department of Corrections and Rehabilitation,
7 the Joint Legislative Budget Committee, the Chief Probation
8 Officers of California, and the Administrative Office of the Courts.
9 This adjustment shall occur as part of standard budget revision
10 processes completed by the Department of Finance in April and
11 May of each year.

12 (c) There is hereby established, in the State Treasury, the State
13 Community Corrections Performance Incentives Fund, which is
14 continuously appropriated. Moneys appropriated for purposes of
15 providing probation failure reduction incentive payments and high
16 performance grants authorized in Sections 1230 to 1233.6,
17 inclusive, shall be transferred into this fund from the General Fund.
18 Any moneys transferred into this fund from the General Fund shall
19 be administered by the Administrative Office of the Courts and
20 the share calculated for each county probation department shall
21 be transferred to its Community Corrections Performance
22 Incentives Fund authorized in Section 1230.

23 (d) For each fiscal year, the Director of Finance shall determine
24 the total amount of the State Community Corrections Performance
25 Incentives Fund and the amount to be allocated to each county,
26 pursuant to this section and Sections 1230 to 1233.5, inclusive,
27 and shall report those amounts to the Controller. The Controller
28 shall make an allocation from the State Community Corrections
29 Performance Incentives Fund authorized in subdivision (c) to each
30 county in accordance with the amounts provided.

31 (e) ~~The Notwithstanding Section 13340 of the Government Code,~~
32 ~~commencing July 1, 2014, and each fiscal year thereafter, the~~
33 ~~amount of one million dollars (\$1,000,000) is hereby continuously~~
34 ~~appropriated from the State Community Corrections Performance~~
35 ~~Incentive Incentives Fund to the judicial branch Administrative~~
36 ~~Office of the Courts for the costs of implementing and~~
37 ~~administering this program, pursuant to subdivision (c), and the~~
38 ~~2011 realignment legislation addressing public safety. These funds~~
39 ~~shall be available for encumbrance and expenditure until June 30,~~
40 ~~2014.~~

1 *SEC. 24. Section 1233.61 of the Penal Code is amended to*
2 *read:*

3 1233.61. Notwithstanding any other law, any moneys remaining
4 in the State Community Corrections Performance Incentives Fund,
5 after the calculation and award determination of each county's tier
6 payments or high performance grant payments pursuant to Sections
7 1233.3 and 1233.4, shall be distributed to county probation
8 departments as follows:

9 (a) The Department of Finance shall increase the award amount
10 for any county whose tier payment or high performance grant
11 payment, as calculated pursuant to Sections 1233.3 and 1233.4,
12 totals less than two hundred thousand dollars (\$200,000) to no
13 more than two hundred thousand dollars (\$200,000).

14 (b) The Department of Finance shall adjust the award amount
15 for any county that has a probation failure rate, as defined in
16 subdivision (c) of Section 1233.1, that is below the statewide
17 average, as defined in subdivision (b) of Section 1233.1, so that
18 these counties receive no less than two hundred thousand dollars
19 (\$200,000).

20 (c) The Department of Finance shall evenly distribute any
21 remaining ~~funds~~ funds, up to two hundred thousand dollars
22 (\$200,000) per county, to those counties that did not receive a tier
23 payment or a high performance grant payment, as calculated
24 pursuant to Sections 1233.3 and 1233.4.

25 (d) *The distribution of any funds remaining after the distribution*
26 *made pursuant to subdivision (c) shall be determined by the*
27 *Department of Finance. The distribution may give preference to*
28 *high performing counties that did not receive funding pursuant to*
29 *Section 1233.4.*

30 ~~(d)~~

31 (e) At no time shall an award provided to a county through
32 subdivision (c) exceed the amount of a grant award provided to
33 counties that are eligible to receive increased award amounts
34 pursuant to subdivision (a) or (b).

35 ~~(e)~~

36 (f) Any county receiving funding through subdivision (c) shall
37 submit a report to the Administrative Office of the Courts and the
38 Chief Probation Officers of California describing how it plans on
39 using the funds to enhance its ability to be successful under this
40 act. Commencing January 1, 2014, a county that fails to submit

1 this report by March 1 annually shall not receive funding pursuant
2 to subdivision (c) in the subsequent fiscal year.

3 (f)

4 (g) A county that fails to provide the information specified in
5 Section 1231 to the Administrative Office of the Courts shall not
6 be eligible for payment pursuant to this section.

7 *SEC. 25. Section 1370 of the Penal Code is amended to read:*

8 1370. (a) (1) (A) If the defendant is found mentally
9 competent, the criminal process shall resume, the trial on the
10 offense charged shall proceed, and judgment may be pronounced.

11 (B) If the defendant is found mentally incompetent, the trial or
12 judgment shall be suspended until the person becomes mentally
13 competent.

14 (i) In the meantime, the court shall order that the mentally
15 incompetent defendant be delivered by the sheriff to a state hospital
16 for the care and treatment of the mentally disordered, *as directed*
17 *by the State Department of State Hospitals*, or to any other available
18 public or private treatment facility, including a local county jail
19 treatment facility *or the community-based residential treatment*
20 *system established pursuant to Article 1 (commencing with Section*
21 *5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and*
22 *Institutions Code if the facility has a secured perimeter or a locked*
23 *and controlled treatment facility*, approved by the community
24 program director that will promote the defendant's speedy
25 restoration to mental competence, or placed on outpatient status
26 as specified in Section 1600.

27 (ii) However, if the action against the defendant who has been
28 found mentally incompetent is on a complaint charging a felony
29 offense specified in Section 290, the prosecutor shall determine
30 whether the defendant previously has been found mentally
31 incompetent to stand trial pursuant to this chapter on a charge of
32 a Section 290 offense, or whether the defendant is currently the
33 subject of a pending Section 1368 proceeding arising out of a
34 charge of a Section 290 offense. If either determination is made,
35 the prosecutor shall so notify the court and defendant in writing.
36 After this notification, and opportunity for hearing, the court shall
37 order that the defendant be delivered by the sheriff to a state
38 ~~hospital~~ *hospital, as directed by the State Department of State*
39 *Hospitals*, or other secure treatment facility for the care and
40 treatment of the mentally disordered unless the court makes specific

1 findings on the record that an alternative placement would provide
2 more appropriate treatment for the defendant and would not pose
3 a danger to the health and safety of others.

4 (iii) If the action against the defendant who has been found
5 mentally incompetent is on a complaint charging a felony offense
6 specified in Section 290 and the defendant has been denied bail
7 pursuant to subdivision (b) of Section 12 of Article I of the
8 California Constitution because the court has found, based upon
9 clear and convincing evidence, a substantial likelihood that the
10 person's release would result in great bodily harm to others, the
11 court shall order that the defendant be delivered by the sheriff to
12 a state hospital for the care and treatment of the ~~mentally-disordered~~
13 *disordered, as directed by the State Department of State Hospitals,*
14 unless the court makes specific findings on the record that an
15 alternative placement would provide more appropriate treatment
16 for the defendant and would not pose a danger to the health and
17 safety of others.

18 (iv) The clerk of the court shall notify the Department of Justice
19 in writing of any finding of mental incompetence with respect to
20 a defendant who is subject to clause (ii) or (iii) for inclusion in his
21 or her state summary criminal history information.

22 (C) Upon the filing of a certificate of restoration to competence,
23 the court shall order that the defendant be returned to court in
24 accordance with Section 1372. The court shall transmit a copy of
25 its order to the community program director or a designee.

26 (D) A defendant charged with a violent felony may not be
27 delivered to a state hospital or treatment facility pursuant to this
28 subdivision unless the state hospital or treatment facility has a
29 secured perimeter or a locked and controlled treatment facility,
30 and the judge determines that the public safety will be protected.

31 (E) For purposes of this paragraph, "violent felony" means an
32 offense specified in subdivision (c) of Section 667.5.

33 (F) A defendant charged with a violent felony may be placed
34 on outpatient status, as specified in Section 1600, only if the court
35 finds that the placement will not pose a danger to the health or
36 safety of others. If the court places a defendant charged with a
37 violent felony on outpatient status, as specified in Section 1600,
38 the court must serve copies of the placement order on defense
39 counsel, the sheriff in the county where the defendant will be

1 placed and the district attorney for the county in which the violent
2 felony charges are pending against the defendant.

3 (2) Prior to making the order directing that the defendant be
4 ~~confined in a state hospital~~ *committed to the State Department of*
5 *State Hospitals* or other treatment facility or placed on outpatient
6 status, the court shall proceed as follows:

7 (A) The court shall order the community program director or a
8 designee to evaluate the defendant and to submit to the court within
9 15 judicial days of the order a written recommendation as to
10 whether the defendant should be required to undergo outpatient
11 treatment, or committed to ~~a state hospital~~ *the State Department*
12 *of State Hospitals* or to any other treatment facility. No person
13 shall be admitted to a state hospital or other treatment facility or
14 placed on outpatient status under this section without having been
15 evaluated by the community program director or a designee. The
16 community program director or designee shall evaluate the
17 appropriate placement for the defendant between ~~a state hospital~~
18 ~~or the State Department of State Hospitals~~, a local county jail
19 treatment facility, *or the community-based residential treatment*
20 *system* based upon guidelines provided by the State Department
21 of State Hospitals. If a local county jail treatment facility is
22 selected, the State Department of State Hospitals shall provide
23 treatment at the county jail treatment facility and reimburse the
24 county jail treatment facility for the reasonable costs of the bed
25 during the treatment. *If the community-based residential treatment*
26 *system is selected, the State Department of State Hospitals shall*
27 *provide reimbursement to the community-based residential*
28 *treatment system for the cost of treatment as negotiated with the*
29 *State Department of State Hospitals.* The six-month limitation in
30 Section 1369.1 shall not apply to individuals deemed incompetent
31 to stand trial who are being treated to restore competency within
32 a county jail treatment facility pursuant to this section.

33 (B) The court shall hear and determine whether the defendant
34 lacks capacity to make decisions regarding the administration of
35 antipsychotic medication, and shall proceed as follows:

36 (i) The court shall hear and determine whether any of the
37 following is true:

38 (I) The defendant lacks capacity to make decisions regarding
39 antipsychotic medication, the defendant's mental disorder requires
40 medical treatment with antipsychotic medication, and, if the

1 defendant's mental disorder is not treated with antipsychotic
2 medication, it is probable that serious harm to the physical or
3 mental health of the patient will result. Probability of serious harm
4 to the physical or mental health of the defendant requires evidence
5 that the defendant is presently suffering adverse effects to his or
6 her physical or mental health, or the defendant has previously
7 suffered these effects as a result of a mental disorder and his or
8 her condition is substantially deteriorating. The fact that a
9 defendant has a diagnosis of a mental disorder does not alone
10 establish probability of serious harm to the physical or mental
11 health of the defendant.

12 (II) The defendant is a danger to others, in that the defendant
13 has inflicted, attempted to inflict, or made a serious threat of
14 inflicting substantial physical harm on another while in custody,
15 or the defendant had inflicted, attempted to inflict, or made a
16 serious threat of inflicting substantial physical harm on another
17 that resulted in his or her being taken into custody, and the
18 defendant presents, as a result of mental disorder or mental defect,
19 a demonstrated danger of inflicting substantial physical harm on
20 others. Demonstrated danger may be based on an assessment of
21 the defendant's present mental condition, including a consideration
22 of past behavior of the defendant within six years prior to the time
23 the defendant last attempted to inflict, inflicted, or threatened to
24 inflict substantial physical harm on another, and other relevant
25 evidence.

26 (III) The people have charged the defendant with a serious crime
27 against the person or property, involuntary administration of
28 antipsychotic medication is substantially likely to render the
29 defendant competent to stand trial, the medication is unlikely to
30 have side effects that interfere with the defendant's ability to
31 understand the nature of the criminal proceedings or to assist
32 counsel in the conduct of a defense in a reasonable manner, less
33 intrusive treatments are unlikely to have substantially the same
34 results, and antipsychotic medication is in the patient's best medical
35 interest in light of his or her medical condition.

36 (ii) If the court finds any of the conditions described in clause
37 (i) to be true, the court shall issue an order authorizing the treatment
38 facility to involuntarily administer antipsychotic medication to the
39 defendant when and as prescribed by the defendant's treating
40 psychiatrist. The court shall not order involuntary administration

1 of psychotropic medication under subclause (III) of clause (i)
2 unless the court has first found that the defendant does not meet
3 the criteria for involuntary administration of psychotropic
4 medication under subclause (I) of clause (i) and does not meet the
5 criteria under subclause (II) of clause (i).

6 (iii) In all cases, the treating hospital, facility, or program may
7 administer medically appropriate antipsychotic medication
8 prescribed by a psychiatrist in an emergency as described in
9 subdivision (m) of Section 5008 of the Welfare and Institutions
10 Code.

11 (iv) If the court has determined that the defendant has the
12 capacity to make decisions regarding antipsychotic medication,
13 and if the defendant, with advice of his or her counsel, consents,
14 the court order of commitment shall include confirmation that
15 antipsychotic medication may be given to the defendant as
16 prescribed by a treating psychiatrist pursuant to the defendant's
17 consent. The commitment order shall also indicate that, if the
18 defendant withdraws consent for antipsychotic medication, after
19 the treating psychiatrist complies with the provisions of
20 subparagraph (C), the defendant shall be returned to court for a
21 hearing in accordance with subparagraphs (C) and (D) regarding
22 whether antipsychotic medication shall be administered
23 involuntarily.

24 (v) If the court has determined that the defendant has the
25 capacity to make decisions regarding antipsychotic medication
26 and if the defendant, with advice from his or her counsel, does not
27 consent, the court order for commitment shall indicate that, after
28 the treating psychiatrist complies with the provisions of
29 subparagraph (C), the defendant shall be returned to court for a
30 hearing in accordance with subparagraphs (C) and (D) regarding
31 whether antipsychotic medication shall be administered
32 involuntarily.

33 (vi) Any report made pursuant to paragraph (1) of subdivision
34 (b) shall include a description of any antipsychotic medication
35 administered to the defendant and its effects and side effects,
36 including effects on the defendant's appearance or behavior that
37 would affect the defendant's ability to understand the nature of
38 the criminal proceedings or to assist counsel in the conduct of a
39 defense in a reasonable manner. During the time the defendant is
40 confined in a state hospital or other treatment facility or placed on

1 outpatient status, either the defendant or the people may request
2 that the court review any order made pursuant to this subdivision.
3 The defendant, to the same extent enjoyed by other patients in the
4 state hospital or other treatment facility, shall have the right to
5 contact the patients' rights advocate regarding his or her rights
6 under this section.

7 (C) If the defendant consented to antipsychotic medication as
8 described in clause (iv) of subparagraph (B), but subsequently
9 withdraws his or her consent, or, if involuntary antipsychotic
10 medication was not ordered pursuant to clause (v) of subparagraph
11 (B), and the treating psychiatrist determines that antipsychotic
12 medication has become medically necessary and appropriate, the
13 treating psychiatrist shall make efforts to obtain informed consent
14 from the defendant for antipsychotic medication. If informed
15 consent is not obtained from the defendant, and the treating
16 psychiatrist is of the opinion that the defendant lacks capacity to
17 make decisions regarding antipsychotic medication based on the
18 conditions described in subclause (I) or (II) of clause (i) of
19 subparagraph (B), the treating psychiatrist shall certify whether
20 the lack of capacity and any applicable conditions described above
21 exist. That certification shall contain an assessment of the current
22 mental status of the defendant and the opinion of the treating
23 psychiatrist that involuntary antipsychotic medication has become
24 medically necessary and appropriate.

25 (D) (i) If the treating psychiatrist certifies that antipsychotic
26 medication has become medically necessary and appropriate
27 pursuant to subparagraph (C), antipsychotic medication may be
28 administered to the defendant for not more than 21 days, provided,
29 however, that, within 72 hours of the certification, the defendant
30 is provided a medication review hearing before an administrative
31 law judge to be conducted at the facility where the defendant is
32 receiving treatment. The treating psychiatrist shall present the case
33 for the certification for involuntary treatment and the defendant
34 shall be represented by an attorney or a patients' rights advocate.
35 The attorney or patients' rights advocate shall be appointed to meet
36 with the defendant no later than one day prior to the medication
37 review hearing to review the defendant's rights at the medication
38 review hearing, discuss the process, answer questions or concerns
39 regarding involuntary medication or the hearing, assist the
40 defendant in preparing for the hearing and advocating for his or

1 her interests at the hearing, review the panel’s final determination
2 following the hearing, advise the defendant of his or her right to
3 judicial review of the panel’s decision, and provide the defendant
4 with referral information for legal advice on the subject. The
5 defendant shall also have the following rights with respect to the
6 medication review hearing:

7 (I) To being given timely access to the defendant’s records.

8 (II) To be present at the hearing, unless the defendant waives
9 that right.

10 (III) To present evidence at the hearing.

11 (IV) To question persons presenting evidence supporting
12 involuntary medication.

13 (V) To make reasonable requests for attendance of witnesses
14 on the defendant’s behalf.

15 (VI) To a hearing conducted in an impartial and informal
16 manner.

17 (ii) If the administrative law judge determines that the defendant
18 either meets the criteria specified in subclause (I) of clause (i) of
19 subparagraph (B), or meets the criteria specified in subclause (II)
20 of clause (i) of subparagraph (B), then antipsychotic medication
21 may continue to be administered to the defendant for the 21-day
22 certification period. Concurrently with the treating psychiatrist’s
23 certification, the treating psychiatrist shall file a copy of the
24 certification and a petition with the court for issuance of an order
25 to administer antipsychotic medication beyond the 21-day
26 certification period. For purposes of this subparagraph, the treating
27 psychiatrist shall not be required to pay or deposit any fee for the
28 filing of the petition or other document or paper related to the
29 petition.

30 (iii) If the administrative law judge disagrees with the
31 certification, medication may not be administered involuntarily
32 until the court determines that antipsychotic medication should be
33 administered pursuant to this section.

34 (iv) The court shall provide notice to the prosecuting attorney
35 and to the attorney representing the defendant, and shall hold a
36 hearing, no later than 18 days from the date of the certification, to
37 determine whether antipsychotic medication should be ordered
38 beyond the certification period.

39 (v) If, as a result of the hearing, the court determines that
40 antipsychotic medication should be administered beyond the

1 certification period, the court shall issue an order authorizing the
2 administration of that medication.

3 (vi) The court shall render its decision on the petition and issue
4 its order no later than three calendar days after the hearing and, in
5 any event, no later than the expiration of the 21-day certification
6 period.

7 (3) When the court orders that the defendant be ~~confined in a~~
8 ~~state hospital~~ *committed to the State Department of State Hospitals*
9 or other public or private treatment facility, the court shall provide
10 copies of the following documents ~~which shall be taken with prior~~
11 ~~to the admission of~~ the defendant to the ~~state hospital~~ *State*
12 *Department of State Hospitals* or other treatment facility where
13 the defendant is to be ~~confined~~: *committed*:

14 (A) The commitment order, including a specification of the
15 charges.

16 (B) A computation or statement setting forth the maximum term
17 of commitment in accordance with subdivision (c).

18 (C) A computation or statement setting forth the amount of
19 credit for time served, if any, to be deducted from the maximum
20 term of commitment.

21 (D) State summary criminal history information.

22 (E) Any arrest reports prepared by the police department or
23 other law enforcement agency.

24 (F) Any court-ordered psychiatric examination or evaluation
25 reports.

26 (G) The community program director's placement
27 recommendation report.

28 (H) Records of any finding of mental incompetence pursuant
29 to this chapter arising out of a complaint charging a felony offense
30 specified in Section 290 or any pending Section 1368 proceeding
31 arising out of a charge of a Section 290 offense.

32 (I) *Any medical records.*

33 (4) When the defendant is committed to a treatment facility
34 pursuant to clause (i) of subparagraph (B) of paragraph (1) or the
35 court makes the findings specified in clause (ii) or (iii) of
36 subparagraph (B) of paragraph (1) to assign the defendant to a
37 treatment facility other than a state hospital or other secure
38 treatment facility, the court shall order that notice be given to the
39 appropriate law enforcement agency or agencies having local
40 jurisdiction at the site of the placement facility of any finding of

1 mental incompetence pursuant to this chapter arising out of a
2 charge of a Section 290 offense.

3 (5) When directing that the defendant be confined in a state
4 hospital pursuant to this subdivision, the court shall ~~select the~~
5 ~~hospital in accordance with the policies established by~~ *commit the*
6 *patient to* the State Department of State Hospitals.

7 (6) (A) If the defendant is committed or transferred to ~~a state~~
8 ~~hospital~~ *the State Department of State Hospitals* pursuant to this
9 section, the court may, upon receiving the written recommendation
10 of the medical director of the state hospital and the community
11 program director that the defendant be transferred to a public or
12 private treatment facility approved by the community program
13 director, order the defendant transferred to that facility. If the
14 defendant is committed or transferred to a public or private
15 treatment facility approved by the community program director,
16 the court may, upon receiving the written recommendation of the
17 community program director, transfer the defendant to ~~a state~~
18 ~~hospital~~ *the State Department of State Hospitals* or to another
19 public or private treatment facility approved by the community
20 program director. In the event of dismissal of the criminal charges
21 before the defendant recovers competence, the person shall be
22 subject to the applicable provisions of the Lanterman-Petris-Short
23 Act (Part 1 (commencing with Section 5000) of Division 5 of the
24 Welfare and Institutions Code). ~~Where~~ *If* either the defendant or
25 the prosecutor chooses to contest either kind of order of transfer,
26 a petition may be filed in the court for a hearing, which shall be
27 held if the court determines that sufficient grounds exist. At the
28 hearing, the prosecuting attorney or the defendant may present
29 evidence bearing on the order of transfer. The court shall use the
30 same standards as are used in conducting probation revocation
31 hearings pursuant to Section 1203.2.

32 Prior to making an order for transfer under this section, the court
33 shall notify the defendant, the attorney of record for the defendant,
34 the prosecuting attorney, and the community program director or
35 a designee.

36 (B) If the defendant is initially committed to ~~a state hospital~~ *the*
37 *State Department of State Hospitals* or secure treatment facility
38 pursuant to clause (ii) or (iii) of subparagraph (B) of paragraph (1)
39 and is subsequently transferred to any other facility, copies of the
40 documents specified in paragraph (3) shall be taken with the

1 defendant to each subsequent facility to which the defendant is
2 transferred. The transferring facility shall also notify the appropriate
3 law enforcement agency or agencies having local jurisdiction at
4 the site of the new facility that the defendant is a person subject
5 to clause (ii) or (iii) of subparagraph (B) of paragraph (1).

6 (7) An order by the court authorizing involuntary medication
7 of the defendant shall be valid for no more than one year. The
8 court shall review the order six months after the order was made
9 to determine if the grounds for the authorization remain. In the
10 review, the court shall consider the reports of the treating
11 psychiatrist or psychiatrists and the defendant's patients' rights
12 advocate or attorney. The court may require testimony from the
13 treating psychiatrist or psychiatrists and the patients' rights
14 advocate or attorney, if necessary. The court may continue the
15 order authorizing involuntary medication for up to another six
16 months, or vacate the order, or make any other appropriate order.

17 (b) (1) Within 90 days of a commitment made pursuant to
18 subdivision (a), the medical director of the state hospital or other
19 treatment facility to which the defendant is confined shall make a
20 written report to the court and the community program director
21 for the county or region of commitment, or a designee, concerning
22 the defendant's progress toward recovery of mental competence.
23 ~~Where~~ *If* the defendant is on outpatient status, the outpatient
24 treatment staff shall make a written report to the community
25 program director concerning the defendant's progress toward
26 recovery of mental competence. Within 90 days of placement on
27 outpatient status, the community program director shall report to
28 the court on this matter. If the defendant has not recovered mental
29 competence, but the report discloses a substantial likelihood that
30 the defendant will regain mental competence in the foreseeable
31 future, the defendant shall remain in the state hospital or other
32 treatment facility or on outpatient status. Thereafter, at six-month
33 intervals or until the defendant becomes mentally competent, ~~where~~
34 *if* the defendant is confined in a treatment facility, the medical
35 director of the hospital or person in charge of the facility shall
36 report in writing to the court and the community program director
37 or a designee regarding the defendant's progress toward recovery
38 of mental competence. ~~Where~~ *If* the defendant is on outpatient
39 status, after the initial 90-day report, the outpatient treatment staff
40 shall report to the community program director on the defendant's

1 progress toward recovery, and the community program director
2 shall report to the court on this matter at six-month intervals. A
3 copy of these reports shall be provided to the prosecutor and
4 defense counsel by the court. If the report indicates that there is
5 no substantial likelihood that the defendant will regain mental
6 competence in the foreseeable future, the committing court shall
7 order the defendant to be returned to the court for proceedings
8 pursuant to paragraph (2) of subdivision (c). The court shall
9 transmit a copy of its order to the community program director or
10 a designee.

11 (2) ~~Where~~*If* the court has issued an order authorizing the
12 treating facility to involuntarily administer antipsychotic
13 medication to the defendant, the reports made at six-month intervals
14 concerning the defendant's progress toward regaining competency
15 shall also consider the issue of involuntary medication. Each report
16 shall include, but is not limited to, all the following:

17 (A) Whether or not the defendant has the capacity to make
18 decisions concerning antipsychotic medication.

19 (B) If the defendant lacks capacity to make decisions concerning
20 antipsychotic medication, whether the defendant risks serious harm
21 to his or her physical or mental health if not treated with
22 antipsychotic medication.

23 (C) Whether or not the defendant presents a danger to others if
24 he or she is not treated with antipsychotic medication.

25 (D) Whether the defendant has a mental illness for which
26 medications are the only effective treatment.

27 (E) Whether there are any side effects from the medication
28 currently being experienced by the defendant that would interfere
29 with the defendant's ability to collaborate with counsel.

30 (F) Whether there are any effective alternatives to medication.

31 (G) How quickly the medication is likely to bring the defendant
32 to competency.

33 (H) Whether the treatment plan includes methods other than
34 medication to restore the defendant to competency.

35 (I) A statement, if applicable, that no medication is likely to
36 restore the defendant to competency.

37 (3) After reviewing the reports, the court shall determine whether
38 or not grounds for the order authorizing involuntary administration
39 of antipsychotic medication still exist and shall do one of the
40 following:

1 (A) If the original grounds for involuntary medication still exist,
2 the order authorizing the treating facility to involuntarily administer
3 antipsychotic medication to the defendant shall remain in effect.

4 (B) If the original grounds for involuntary medication no longer
5 exist, and there is no other basis for involuntary administration of
6 antipsychotic medication, the order for the involuntary
7 administration of antipsychotic medication shall be vacated.

8 (C) If the original grounds for involuntary medication no longer
9 exist, and the report states that there is another basis for involuntary
10 administration of antipsychotic medication, the court shall set a
11 hearing within 21 days to determine whether the order for the
12 involuntary administration of antipsychotic medication shall be
13 vacated or whether a new order for the involuntary administration
14 of antipsychotic medication shall be issued. The hearing shall
15 proceed as set forth in subparagraph (B) of paragraph (2) of
16 subdivision (a).

17 (4) Any defendant who has been committed or has been on
18 outpatient status for 18 months and is still hospitalized or on
19 outpatient status shall be returned to the committing court where
20 a hearing shall be held pursuant to the procedures set forth in
21 Section 1369. The court shall transmit a copy of its order to the
22 community program director or a designee.

23 (5) If it is determined by the court that no treatment for the
24 defendant's mental impairment is being conducted, the defendant
25 shall be returned to the committing court. The court shall transmit
26 a copy of its order to the community program director or a
27 designee.

28 (6) At each review by the court specified in this subdivision,
29 the court shall determine if the security level of housing and
30 treatment is appropriate and may make an order in accordance
31 with its determination. If the court determines that the defendant
32 shall continue to be treated in the state hospital or on an outpatient
33 basis, the court shall determine issues concerning administration
34 of antipsychotic medication, as set forth in subparagraph (B) of
35 paragraph (2) of subdivision (a).

36 (c) (1) At the end of three years from the date of commitment
37 or a period of commitment equal to the maximum term of
38 imprisonment provided by law for the most serious offense charged
39 in the information, indictment, or misdemeanor complaint,
40 whichever is shorter, a defendant who has not recovered mental

1 competence shall be returned to the committing court. The court
2 shall notify the community program director or a designee of the
3 return and of any resulting court orders.

4 (2) Whenever any defendant is returned to the court pursuant
5 to paragraph (1) or (4) of subdivision (b) or paragraph (1) of this
6 subdivision and it appears to the court that the defendant is gravely
7 disabled, as defined in subparagraph (B) of paragraph (1) of
8 subdivision (h) of Section 5008 of the Welfare and Institutions
9 Code, the court shall order the conservatorship investigator of the
10 county of commitment of the defendant to initiate conservatorship
11 proceedings for the defendant pursuant to Chapter 3 (commencing
12 with Section 5350) of Part 1 of Division 5 of the Welfare and
13 Institutions Code. Any hearings required in the conservatorship
14 proceedings shall be held in the superior court in the county that
15 ordered the commitment. The court shall transmit a copy of the
16 order directing initiation of conservatorship proceedings to the
17 community program director or a designee, the sheriff and the
18 district attorney of the county in which criminal charges are
19 pending, and the defendant's counsel of record. The court shall
20 notify the community program director or a designee, the sheriff
21 and district attorney of the county in which criminal charges are
22 pending, and the defendant's counsel of record of the outcome of
23 the conservatorship proceedings.

24 (3) If a change in placement is proposed for a defendant who
25 is committed pursuant to subparagraph (B) of paragraph (1) of
26 subdivision (h) of Section 5008 of the Welfare and Institutions
27 Code, the court shall provide notice and an opportunity to be heard
28 with respect to the proposed placement of the defendant to the
29 sheriff and the district attorney of the county in which criminal
30 charges are pending.

31 (4) ~~Where~~ *If* the defendant is confined in a treatment facility, a
32 copy of any report to the committing court regarding the
33 defendant's progress toward recovery of mental competence shall
34 be provided by the committing court to the prosecutor and to the
35 defense counsel.

36 (d) The criminal action remains subject to dismissal pursuant
37 to Section 1385. If the criminal action is dismissed, the court shall
38 transmit a copy of the order of dismissal to the community program
39 director or a designee.

1 (e) If the criminal charge against the defendant is dismissed,
2 the defendant shall be released from any commitment ordered
3 under this section, but without prejudice to the initiation of any
4 proceedings that may be appropriate under the
5 Lanterman-Petris-Short Act, Part 1 (commencing with Section
6 5000) of Division 5 of the Welfare and Institutions Code.

7 (f) As used in this chapter, “community program director” means
8 the person, agency, or entity designated by the State Department
9 of State Hospitals pursuant to Section 1605 of this code and Section
10 4360 of the Welfare and Institutions Code.

11 (g) For the purpose of this section, “secure treatment facility”
12 shall not include, except for state mental hospitals, state
13 developmental centers, and correctional treatment facilities, any
14 facility licensed pursuant to Chapter 2 (commencing with Section
15 1250) of, Chapter 3 (commencing with Section 1500) of, or Chapter
16 3.2 (commencing with Section 1569) of, Division 2 of the Health
17 and Safety Code, or any community board and care facility.

18 (h) Nothing in this section shall preclude a defendant from filing
19 a petition for habeas corpus to challenge the continuing validity
20 of an order authorizing a treatment facility or outpatient program
21 to involuntarily administer antipsychotic medication to a person
22 being treated as incompetent to stand trial.

23 ~~(i) This section shall become operative on July 1, 2012.~~

24 *SEC. 26. Section 2694 of the Penal Code is amended to read:*

25 2694. (a) The Department of Corrections and Rehabilitation
26 shall expand substance abuse treatment services in prisons to
27 accommodate at least 4,000 additional inmates who have histories
28 of substance abuse. In determining the prisons in which these
29 additional treatment services will be located, the department may
30 consider efficiency and efficacy of treatment, availability of staff
31 resources, availability of physical space, and availability of
32 additional resources in surrounding communities to supplement
33 the treatment. In addition, the department shall expand followup
34 treatment services in the community in order to ensure that
35 offenders who participate in substance abuse treatment while
36 incarcerated in prison shall receive necessary followup treatment
37 while on parole.

38 (b) (1) *Notwithstanding any other law, unless there is a security*
39 *or safety reason not to do so, a substance abuse treatment program*
40 *funded by the Department of Corrections and Rehabilitation and*

1 offered in a facility under the jurisdiction of the department
2 pursuant to this section shall include a peer counseling component
3 allowing prisoners to receive the necessary training within those
4 facilities to become certified addiction counselors, including
5 necessary course work and clinical hours.

6 (2) If the department determines that a peer counseling
7 component shall not be included as part of a substance abuse
8 treatment program offered in a facility under the department's
9 jurisdiction, the department shall notify in writing on January 10,
10 2015, and January 10, 2016, the Assembly and Senate Committees
11 on Budget and the relevant Assembly and Senate policy committees
12 at the time the determination is made. The report shall include the
13 reason for the determination and a description of the substance
14 abuse treatment program being provided.

15 (3) For purposes of this section, "peer counseling" means
16 counseling offered by a person sharing similar life experiences
17 who provides advice and assistance to another individual with the
18 intended outcome of overcoming addiction-related challenges.

19 SEC. 27. Article 2.4 (commencing with Section 3016) is added
20 to Chapter 8 of Title 1 of Part 3 of the Penal Code, to read:

21

22 Article 2.4. Case Management Reentry Pilot Program

23

24 3016. (a) The Secretary of the Department of Corrections and
25 Rehabilitation shall establish the Case Management Reentry Pilot
26 Program for offenders under the jurisdiction of the department
27 who have been sentenced to a term of imprisonment under Section
28 1170 and are likely to benefit from a case management reentry
29 strategy designed to address homelessness, joblessness, mental
30 disorders, and developmental disabilities among offenders
31 transitioning from prison into the community. The purpose of the
32 pilot program is to implement promising and evidence-based
33 practices and strategies that promote improved public safety
34 outcomes for offenders reentering society after serving a term in
35 state prison and while released to parole.

36 (b) The program shall be initiated in at least three counties over
37 three years, supported by department employees focusing primarily
38 on case management services for eligible parolees selected for the
39 pilot program. Department employees shall be experienced or
40 trained to work as social workers with a parole population.

1 *Selection of a parolee for participation in the pilot program does*
2 *not guarantee the availability of services.*

3 *(c) Case management social workers shall assist offenders on*
4 *parole who are assigned to the program in managing basic needs,*
5 *including housing, job training and placement, medical and mental*
6 *health care, and any additional programming or responsibilities*
7 *attendant to the terms of the offender's reentry requirements. Case*
8 *management social workers also shall work closely with offenders*
9 *to prepare, monitor, revise, and fulfill individualized offender*
10 *reentry plans consistent with this section during the term of the*
11 *program.*

12 *(d) Individualized offender reentry plans shall focus on*
13 *connecting offenders to services for which the offender is eligible*
14 *under existing federal, state, and local rules.*

15 *(e) Case management services shall be prioritized for offenders*
16 *identified as potentially benefiting from assistance with the*
17 *following:*

18 *(1) Food, including the immediate need and long-term planning*
19 *for obtaining food.*

20 *(2) Clothing, including the immediate need to obtain appropriate*
21 *clothing.*

22 *(3) Shelter, including obtaining housing consistent with the*
23 *goals of the most independent, least restrictive and potentially*
24 *durable housing in the local community and that are feasible for*
25 *the circumstances of each reentering offender.*

26 *(4) Benefits, including, but not limited to, the California Work*
27 *Opportunity and Responsibility to Kids program, general*
28 *assistance, benefits administered by the federal Social Security*
29 *Administration, Medi-Cal, and veterans benefits.*

30 *(5) Health services, including assisting parolee clients with*
31 *accessing community mental health, medical, and dental treatment.*

32 *(6) Substance abuse services, including assisting parolee clients*
33 *with obtaining community substance abuse treatment or related*
34 *12-step program information and locations.*

35 *(7) Income, including developing and implementing a feasible*
36 *plan to obtain an income and employment reflecting the highest*
37 *level of work appropriate for a reentering offender's abilities and*
38 *experience.*

39 *(8) Identification cards, including assisting reentering offenders*
40 *with obtaining state identification cards.*

1 (9) *Life skills, including assisting with the development of skills*
2 *concerning money management, job interviewing, resume writing,*
3 *and activities of daily living.*

4 (10) *Activities, including working with reentering offenders in*
5 *choosing and engaging in suitable and productive activities.*

6 (11) *Support systems, including working with reentering*
7 *offenders on developing a support system, which may consist of*
8 *prosocial friends, family, and community groups and activities,*
9 *such as religious activities, recovery groups, and other social*
10 *events.*

11 (12) *Academic and vocational programs, including assisting*
12 *reentering offenders in developing and implementing a realistic*
13 *plan to achieve an academic education, or vocational training, or*
14 *both.*

15 (13) *Discharge planning, including developing postparole plans*
16 *to sustain parolees' achievements and goals to insure long-term*
17 *community success.*

18 (f) *The department shall contract for an evaluation of the pilot*
19 *program that will assess its effectiveness in reducing recidivism*
20 *among offenders transitioning from prison into the community.*

21 (g) *The department shall submit a final report of the findings*
22 *from its evaluation of the pilot program to the Legislature and the*
23 *Governor no later than three years after the enactment of Assembly*
24 *Bill 1457 or Senate Bill 851 of the 2013–14 Regular Session. The*
25 *report shall be submitted in compliance with Section 9795 of the*
26 *Government Code.*

27 (h) *Implementation of this article is contingent on the*
28 *availability of funds and the pilot program may be limited in scope*
29 *or duration based on the availability of funds.*

30 SEC. 28. *Section 3060.7 of the Penal Code is amended to read:*

31 3060.7. (a) (1) *Notwithstanding any other law, the supervising*
32 *parole agency shall notify any person released on parole or*
33 *postrelease community supervision pursuant to Title 2.05*
34 *(commencing with Section 3450) of Part 3 who has been classified*
35 *by the Department of Corrections and Rehabilitation as included*
36 *within the highest control or risk classification that he or she shall*
37 *be required to report to his or her assigned parole officer or*
38 *designated local supervising agency within two days of release*
39 *from the state prison.*

1 (2) This section shall not prohibit the supervising parole agency
2 or local supervising agency from requiring any person released on
3 parole or postrelease community supervision to report to his or
4 her assigned parole officer within a time period that is less than
5 two days from the time of release.

6 (b) The supervising parole agency, within 24 hours of a parolee's
7 failure to report as required by this section, shall issue a written
8 order suspending the parole of that parolee, pending a hearing
9 before the Board of Parole Hearings or the court, as applicable,
10 and shall request that a warrant be issued for the parolee's arrest
11 pursuant to subdivision (c) of Section 3000.08.

12 (c) Upon the issuance of an arrest warrant for a parolee who
13 has been classified within the highest control or risk classification,
14 the assigned parole officer shall continue to carry the parolee on
15 his or her regular caseload and shall continue to search for the
16 parolee's whereabouts.

17 (d) With regard to any inmate subject to this section, the
18 Department of Corrections and Rehabilitation shall release an
19 inmate sentenced prior to ~~June 27, 2012~~, *January 1, 1996*, one or
20 two days before his or her scheduled release date if the inmate's
21 release date falls on the day before a holiday or weekend.

22 (e) With regard to any inmate subject to this section, the
23 Department of Corrections and Rehabilitation shall release an
24 inmate one or two days after his or her scheduled release date if
25 the release date falls on the day before a holiday or weekend.

26 ~~(f) This section shall become operative on July 1, 2013.~~

27 *SEC. 29. Section 5006 of the Penal Code is amended to read:*

28 5006. (a) (1) All moneys now held for the benefit of inmates
29 currently housed in Department of Corrections and Rehabilitation
30 facilities including those known as the Inmate Canteen Fund of
31 the California Institution for Men; the Inmate Welfare Fund of the
32 California Institution for Women; the Trust Contingent Fund of
33 the California State Prison at Folsom; the S.P.L. Commissary,
34 Canteen Account, Hobby Association, Camp Account, Library
35 Fund, News Agency of the California State Prison at San Quentin,
36 the Prisoners' Fund; and the Prisoners' Employment Fund, shall
37 be deposited in the Inmate Welfare Fund of the Department of
38 Corrections and Rehabilitation, in the State Treasury, which is
39 hereby created. The money in the fund shall be used solely for the
40 benefit and welfare of inmates of prisons and institutions under

1 the jurisdiction of the Department of Corrections and
2 Rehabilitation, including the following:

3 (A) The establishment, maintenance, employment of personnel
4 for, and purchase of items for sale to inmates at canteens
5 maintained at the state institutions.

6 (B) The establishment, maintenance, employment of personnel,
7 and necessary expenses in connection with the operation of the
8 hobby shops at institutions under the jurisdiction of the department.

9 (C) Educational programs, hobby and recreational programs,
10 which may include physical education activities and hobby craft
11 classes, inmate family visiting services, leisure-time activities, and
12 assistance with obtaining photo identification from the Department
13 of Motor Vehicles.

14 (D) *Funding for innovative programming by not-for-profit*
15 *organizations offering programs that have demonstrated success*
16 *and focus on offender responsibility and restorative justice*
17 *principles. All funding used for this purpose shall go directly to*
18 *the not-for-profit organizations and shall not be used for*
19 *department staff or administration of the programming.*

20 (2) The warden of each institution, in collaboration with at least
21 two representatives from local or state advocacy groups for inmates
22 and two members of either the men's or women's advisory council
23 or similar group within each institution, shall meet at least
24 biannually to determine how the money in the fund shall be used
25 to benefit the inmates of the respective institution. It is the intent
26 of the Legislature that the funds only be expended on services
27 other than those that the department is required to provide to
28 inmates.

29 (b) There shall be deposited in the Inmate Welfare Fund all net
30 proceeds from the operation of canteens and hobby shops and any
31 moneys that may be assigned to the state prison by prisoners for
32 deposit in the fund. The moneys in the fund shall constitute a trust
33 held by the Secretary of the Department of Corrections and
34 Rehabilitation for the benefit and welfare, as herein defined, of all
35 of the inmates of institutions and prisons under the jurisdiction of
36 the department.

37 (c) The Department of Finance shall conduct a biennial audit
38 of the Inmate Welfare Fund to include an audit report which shall
39 summarize expenditures from the fund by major categories. At the
40 end of each intervening fiscal year, a statement of operations shall

1 be prepared that shall contain the same information as would be
2 provided in the biennial audit. At least one copy of any statement
3 of operations or audit report shall be placed in each library
4 maintained by the Department of Corrections and Rehabilitation
5 and shall be available there to any inmate.

6 *SEC. 30. Section 6032 is added to the Penal Code, to read:*

7 *6032. (a) There is hereby established within the Board of State*
8 *and Community Corrections the California Juvenile Justice Data*
9 *Working Group. The purpose of the working group is to*
10 *recommend options for coordinating and modernizing the juvenile*
11 *justice data systems and reports that are developed and maintained*
12 *by state and county agencies.*

13 *(b) (1) The working group shall include representatives from*
14 *each of the following:*

15 *(A) The Department of Justice.*

16 *(B) The Board of State and Community Corrections.*

17 *(C) The Division of Juvenile Justice within the Department of*
18 *Corrections and Rehabilitation.*

19 *(D) The Chief Probation Officers of California.*

20 *(E) The Judicial Council.*

21 *(F) The California State Association of Counties.*

22 *(G) Any other representatives that are deemed appropriate by*
23 *the board.*

24 *(2) Members of the working group shall include persons that*
25 *have experience or expertise related to the California juvenile*
26 *justice system or the design and implementation of juvenile justice*
27 *data systems, or both.*

28 *(c) (1) The working group shall analyze the capacities and*
29 *limitations of the data systems and networks used to collect and*
30 *report state and local juvenile caseload and outcome data. The*
31 *analysis shall include all of the following:*

32 *(A) A review of the relevant data systems, studies, or models*
33 *from California and other states having elements worthy of*
34 *replication in California.*

35 *(B) Identify changes or upgrades to improve the capacity and*
36 *utility of juvenile justice caseload and outcome data in California,*
37 *including changes to support the gathering of juvenile justice*
38 *outcome and recidivism information, and changes to improve*
39 *performance outcome measurements for state-local juvenile justice*
40 *grant programs.*

1 (2) No later than January 1, 2016, the working group shall
2 prepare and submit a report to the Legislature on the options for
3 improving interagency coordination, modernization, and upgrading
4 of state and local juvenile justice data and information systems.

5 The report shall include, but not be limited to, all of the following:

6 (A) The additional collection and reporting responsibilities for
7 agencies, departments, or providers that would be affected.

8 (B) Recommendations for the creation of a Web-based statewide
9 clearinghouse or information center that would make relevant
10 juvenile justice information on operations, caseloads, dispositions,
11 and outcomes available in a user-friendly, query-based format for
12 stakeholders and members of the public.

13 (C) An assessment of the feasibility of implementing the
14 responsibilities identified in subparagraph (A) and the
15 recommendations developed pursuant to subparagraph (B).

16 (3) The working group shall also recommend a plan for
17 improving the current juvenile justice reporting requirements of
18 Section 1961 of the Welfare and Institutions Code and Section
19 30061 of the Government Code, including streamlining and
20 consolidating current requirements without sacrificing meaningful
21 data collection. The working group shall submit its
22 recommendations to the Board of State and Community Corrections
23 no later than December 31, 2014.

24 (d) (1) The requirement for submitting a report imposed under
25 subdivision (c) is inoperative on January 1, 2016, pursuant to
26 Section 10231.5 of the Government Code.

27 (2) A report submitted to the Legislature pursuant to subdivision
28 (c) shall be submitted in compliance with Section 9795 of the
29 Government Code.

30 SEC. 31. The Legislature hereby finds and declares all of the
31 following with respect to Section 29 of this act:

32 (a) A share of the restored mentally ill offender crime reduction
33 grants, with the enactment of this act, will be dedicated to
34 improving mental health outcomes for children in the juvenile
35 justice system.

36 (b) While California's youth crime rates are down overall in
37 California, our courts and juvenile justice facilities are brimming
38 with children and youth with a broad range of mental health
39 disorders and unmet treatment needs.

1 (c) In a 2005 “gap survey” of California probation chiefs,
2 paving the way for the subsequent realignment of the Department
3 of Corrections and Rehabilitation, Division of Juvenile Justice
4 population to local control, the chiefs identified juvenile mental
5 health cases as the most significant problem and service gap they
6 faced. In a later study, Chief Probation Officers of California
7 documented long stays and high costs related to the detention of
8 juveniles with mental health problems. State and national studies
9 confirm, again and again, extremely high rates of mental health
10 disorders among incarcerated youth, with prevalence exceeding
11 70 percent of juveniles in custody. Data from the Board of State
12 and Community Corrections in 2013 documents the fact that nearly
13 one-half of the daily 8,200 juveniles in custody or on electronic
14 monitoring in California have “open mental health cases.”

15 (d) When the mental health needs of young offenders are
16 ignored, these youth enter a high-risk zone of becoming chronic
17 adult offenders, committing further crimes, and filling up our
18 already crowded prisons and jails. This comes at a cost in public
19 safety, a cost to the probation, court, and corrections agencies
20 who must then deal expensively with the problem on a long-term
21 basis at the deep end of our jail and prison systems, and a cost to
22 the taxpayers.

23 (e) We know that early intervention in these youth mental health
24 cases is a key to success. The mentally ill offender crime reduction
25 grant program investment on the juvenile justice side is an
26 investment in crime prevention. The juvenile justice share of the
27 mentally ill offender crime reduction grants will support local
28 investment in proven best practices, including early diagnoses,
29 family and community-based treatment models, specialized mental
30 health courts, and other collaborative models of intervention that
31 have proven to be successful. The goal, overall, is to break the link
32 between mental illness and crime as soon as possible using
33 state-of-the-art assessment and intervention strategies. Early
34 recognition and treatment in these cases is also critical to our goal
35 of preventing the escalation of youth mental health disorders into
36 tragedies like the University of California, Santa Barbara, shooting
37 that occurred in 2014.

38 (f) Modern science tells us that children are developmentally
39 different from adults. This finding has been embedded in decisions

1 of the United States Supreme Court in recent years, placing limits
2 on the death penalty and other punishments imposed on children.

3 (g) The good news is that science and evidence-based studies
4 point the way to interventions that can stop the cycle of mental
5 illness and crime early in these young lives. The new mentally ill
6 offender crime reduction grants will prioritize funding for local
7 assessments and interventions that promise to produce better youth
8 outcomes, to lower youth recidivism rates, and to reduce system
9 workloads and costs that result from failing to address the problem.

10 (h) Research indicates that a continuum of responses for
11 mentally ill offenders that includes prevention, intervention, and
12 incarceration can reduce crime, jail overcrowding, and criminal
13 justice costs.

14 (i) Therefore, it is the intent of the Legislature that grants be
15 provided to counties that develop and implement a comprehensive,
16 cost-effective plan to reduce the rate of crime and offenses
17 committed by persons with serious mental illness and to reduce
18 jail overcrowding and local criminal justice costs related to
19 mentally ill offenders.

20 SEC. 32. Article 4 (commencing with Section 6045) is added
21 to Chapter 5 of Title 7 of Part 3 of the Penal Code, to read:

22

23 Article 4. Mentally Ill Offender Crime Reduction Grants

24

25 6045. (a) The Board of State and Community Corrections
26 shall administer mentally ill offender crime reduction grants on
27 a competitive basis to counties that expand or establish a
28 continuum of timely and effective responses to reduce crime and
29 criminal justice costs related to mentally ill offenders. The grants
30 administered under this article by the board shall be divided
31 between adult and juvenile mentally ill offender crime reduction
32 grants in accordance with the funds appropriated for each type of
33 grant. The grants shall support prevention, intervention,
34 supervision, and incarceration-based services and strategies to
35 reduce recidivism and to improve outcomes for mentally ill juvenile
36 and adult offenders.

37 (b) For purposes of this article, the following terms shall have
38 the following meanings:

39 (1) "Board" means the Board of State and Community
40 Corrections.

1 (2) “Mentally ill adult offenders” means persons described in
2 subdivisions (b) and (c) of Section 5600.3 of the Welfare and
3 Institutions Code.

4 (3) “Mentally ill juvenile offenders” means persons described
5 in subdivision (a) of Section 5600.3 of the Welfare and Institutions
6 Code.

7 6045.2. (a) A county shall be eligible to apply for either an
8 adult mentally ill offender grant or a juvenile mentally ill offender
9 grant or both in accordance with all other provisions of this article.
10 The board shall provide a separate and competitive grant
11 application and award process for each of the adult and juvenile
12 mentally ill offender crime reduction grant categories. The board
13 shall endeavor to assist counties that apply for grants in both
14 categories in meeting any grant submission requirements that may
15 overlap between the two categories of grants.

16 (b) (1) A county that applies for an adult mentally ill offender
17 grant shall establish a strategy committee to design the grant
18 application that includes, at a minimum, the sheriff or director of
19 the county department of corrections in a county where the sheriff
20 does not administer the county jail system, who shall chair the
21 committee, and representatives from other local law enforcement
22 agencies, the chief probation officer, the county mental health
23 director, a superior court judge, a former offender who is or has
24 been a client of a mental health treatment facility, and
25 representatives from organizations that can provide or have
26 provided treatment or stabilization services for mentally ill
27 offenders, including treatment, housing, income or job support,
28 and caretaking.

29 (2) A county that applies for a juvenile mentally ill offender
30 grant shall establish a strategy committee that includes, at a
31 minimum, the chief probation officer who shall chair the committee,
32 representatives from local law enforcement agencies, the county
33 mental health director, a superior court judge, a client or former
34 offender who has received juvenile mental health services, and
35 representatives from organizations that can provide or have
36 provided treatment or support services for mentally ill juvenile
37 offenders, including therapy, education, employment, housing, and
38 caretaking services.

39 (3) A county that applies for both types of grants may convene
40 a combined strategy committee that includes the sheriff or jail

1 administrator and the chief probation officer as cochairs of the
2 committee, as well as representation from the other agencies,
3 departments, and disciplines designated in paragraphs (1) and (2)
4 for both types of committees.

5 (c) The strategy committee shall develop and describe in its
6 grant application a comprehensive county plan for providing a
7 cost-effective continuum of responses and services for mentally ill
8 adult offenders or mentally ill juvenile offenders, including
9 prevention, intervention, and incarceration-based services, as
10 appropriate. The plan shall describe how the responses and
11 services included in the plan have been proven to be or are
12 designed to be effective in addressing the mental health needs of
13 the target offender population, while also reducing recidivism and
14 custody levels for mentally ill offenders in adult or juvenile
15 detention or correctional facilities. Strategies for prevention,
16 intervention, and incarceration-based services in the plan shall
17 include, but not be limited to, all of the following:

18 (1) Mental health and substance abuse treatment for mentally
19 ill adult offenders or mentally ill juvenile offenders who are
20 presently placed, incarcerated, or housed in a local adult or
21 juvenile detention or correctional facility or who are under
22 supervision by the probation department after having been released
23 from a state or local adult or juvenile detention or correctional
24 facility.

25 (2) Prerelease, reentry, continuing, and community-based
26 services designed to provide long-term stability for juvenile or
27 adult offenders outside of the facilities of the adult or juvenile
28 justice systems, including services to support a stable source of
29 income, a safe and decent residence, and a conservator or
30 caretaker, as needed in appropriate cases.

31 (3) For mentally ill juvenile offender applications, one or more
32 of the following strategies that has proven to be effective or has
33 evidence-based support for effectiveness in the remediation of
34 mental health disorders and the reduction of offending: short-term
35 and family-based therapies, collaborative interagency service
36 agreements, specialized court-based assessment and disposition
37 tracks or programs, or other specialized mental health treatment
38 and intervention models for juvenile offenders that are proven or
39 promising from an evidence-based perspective.

1 (d) *The plan as included in the grant application shall include*
2 *the identification of specific outcome and performance measures*
3 *and for annual reporting on grant performance and outcomes to*
4 *the board that will allow the board to evaluate, at a minimum, the*
5 *effectiveness of the strategies supported by the grant in reducing*
6 *crime, incarceration, and criminal justice costs related to mentally*
7 *ill offenders. The board shall, in the grant application process,*
8 *provide guidance to counties on the performance measures and*
9 *reporting criteria to be addressed in the application.*

10 6045.4. (a) *The application submitted by a county shall*
11 *describe a four-year plan for the programs, services, or strategies*
12 *to be provided under the grant. The board shall award grants that*
13 *provide funding for four years with the proviso that funding beyond*
14 *the first year of the plan is contingent upon annual appropriations*
15 *and the availability of funds to support mentally ill offender crime*
16 *reduction grants beyond the first funding year. Funding shall be*
17 *used to supplement, rather than supplant, funding for existing*
18 *programs. Funds may be used to fund specialized alternative*
19 *custody programs that offer appropriate mental health treatment*
20 *and services.*

21 (b) *A grant shall not be awarded unless the applicant makes*
22 *available resources in accordance with the instructions of the*
23 *board in an amount equal to at least 25 percent of the amount of*
24 *the grant. Resources may include in-kind contributions from*
25 *participating agencies.*

26 (c) *In awarding grants, priority or preference shall be given to*
27 *those grant applications that include documented match funding*
28 *that exceeds 25 percent of the total grant amount.*

29 6045.6. *The board shall establish minimum requirements,*
30 *funding criteria, and procedures for awarding grants, which shall*
31 *take into consideration, but not be limited to, all of the following:*

32 (a) *The probable or potential impact of the grant on reducing*
33 *the number or percent of mentally ill adult offenders or mentally*
34 *ill juvenile offenders who are incarcerated or detained in local*
35 *adult or juvenile correctional facilities and, as relevant for juvenile*
36 *offenders, in probation out-of-home placements.*

37 (b) *Demonstrated ability to administer the program, including*
38 *any past experience in the administration of a prior mentally ill*
39 *offender crime reduction grant.*

1 (c) Demonstrated ability to develop effective responses and to
2 provide effective treatment and stability for mentally ill adult
3 offenders or mentally ill juvenile offenders.

4 (d) Demonstrated ability to provide for interagency
5 collaboration to ensure the effective coordination and delivery of
6 the strategies, programs, or services described in the application.

7 (e) Likelihood that the program will continue to operate after
8 state grant funding ends, including the applicant's demonstrated
9 history of maximizing federal, state, local, and private funding
10 sources to address the needs of the grant service population.

11 6045.8. (a) The board shall create an evaluation design for
12 adult and juvenile mentally ill offender crime reduction grants
13 that assesses the effectiveness of the program in reducing crime,
14 adult and juvenile offender incarceration and placement levels,
15 early releases due to jail overcrowding, and local criminal and
16 juvenile justice costs. The evaluation design may include outcome
17 measures related to the service levels, treatment modes, and
18 stability measures for juvenile and adult offenders participating
19 in, or benefitting from, mentally ill offender crime reduction grant
20 programs or services.

21 (b) Commencing on October 1, 2015, and annually thereafter,
22 the board shall submit a report to the Legislature based on the
23 evaluation design, with a final report due on December 31, 2019.

24 (c) The reports submitted pursuant to this section shall be
25 submitted in compliance with Section 9795 of the Government
26 Code.

27 (d) Pursuant to Section 10231.5 of the Government Code, this
28 section shall be repealed as of January 1, 2024.

29 6045.9. The board may use up to 5 percent of the funds
30 appropriated for purposes of this article to administer this
31 program, including technical assistance to counties and the
32 development of the evaluation component.

33 SEC. 33. Section 6141 of the Penal Code is amended to read:

34 6141. The California Rehabilitation Oversight Board shall meet
35 at least ~~quarterly~~, *twice annually*, and shall regularly examine the
36 various mental health, substance abuse, educational, and
37 employment programs for inmates and parolees operated by the
38 Department of Corrections and Rehabilitation. The board shall
39 report to the Governor and the Legislature ~~biannually~~, *annually*,
40 on ~~March 15 and~~ September 15, and may submit other reports

1 during the year if it finds they are necessary. The reports shall
2 include, but are not limited to, findings on the effectiveness of
3 treatment efforts, rehabilitation needs of offenders, gaps in
4 rehabilitation services in the department, and levels of offender
5 participation and success in the programs. The board shall also
6 make recommendations to the Governor and Legislature with
7 respect to modifications, additions, and eliminations of
8 rehabilitation and treatment programs. In performing its duties,
9 the board shall use the work products developed for the department
10 as a result of the provisions of the 2006 Budget Act, including
11 Provision 18 of Item 5225-001-0001.

12 *SEC. 34. Section 6402 is added to the Penal Code, to read:*

13 *6402. The Department of Corrections and Rehabilitation*
14 *(CDCR) shall develop policies related to the department's*
15 *contraband interdiction efforts for individuals entering CDCR*
16 *detention facilities. When developed, these policies shall include,*
17 *but not be limited to, the following specifications:*

18 *(a) Application to all individuals, including visitors, all*
19 *department staff, including executive staff, volunteers, and contract*
20 *employees.*

21 *(b) Use of methods to ensure that profiling is not practiced*
22 *during random searches or searches of all individuals entering*
23 *the prison at that time.*

24 *(c) Establishment of unpredictable, random search efforts and*
25 *methods that ensures that no one, except department employees*
26 *specifically designated to conduct the random search, shall have*
27 *advance notice of when a random search is scheduled.*

28 *(d) All visitors attempting to enter a CDCR detention facility*
29 *shall be informed that they may refuse to be searched by a passive*
30 *alert dog.*

31 *(e) All visitors attempting to enter a CDCR detention facility*
32 *who refuse to be searched by a passive alert dog shall be informed*
33 *of options, including, but not limited to, voluntarily aborting their*
34 *attempt to enter the detention facility.*

35 *(f) All individuals attempting to enter a CDCR detention facility,*
36 *who have a positive alert for contraband by an electronic drug*
37 *detection device, a passive alert dog, or other technology, shall*
38 *be informed of options, including, but not limited to, an unclothed*
39 *body search.*

1 (g) *Establishment of a method by which an individual may*
2 *demonstrate an authorized health-related use of a controlled*
3 *substance when a positive alert is noted by an electronic drug*
4 *detection device, a passive alert dog, or other technology.*

5 (h) *Establishment of specific requirements for additional search*
6 *options when multiple positive alerts occur on an individual*
7 *employee within a specified timeframe.*

8 SEC. 35. Section 7050 of the Penal Code is amended to read:

9 7050. (a) (1) Section 28 of Chapter 7 of the Statutes of 2007
10 contains an appropriation of three hundred million dollars
11 (\$300,000,000) for capital outlay to be allocated to renovate,
12 improve, or expand infrastructure capacity at existing prison
13 facilities. The funds appropriated by that section may be used for
14 land acquisition, environmental services, architectural
15 programming, engineering assessments, schematic design,
16 preliminary plans, working drawings, and construction.

17 (2) These funds may also be used to address deficiencies related
18 to utility systems owned by local government entities and serving
19 state prison facilities subject to the provisions of Section 54999
20 of the Government Code. The department shall report on any funds
21 to be expended for this purpose to the Joint Legislative Budget
22 Committee. If the committee fails to take any action with respect
23 to each notification within 20 days after submittal, this inaction
24 shall be deemed to be approval for purposes of this section.

25 (3) These funds may also be used for the design and construction
26 of improvements to dental facilities at state prison facilities.

27 (4) These funds may also be used for the design and construction
28 of improvements to medication distribution facilities at state prison
29 facilities.

30 (5) *These funds may also be used for the design and construction*
31 *of projects in the Health Care Facility Improvement Program at*
32 *state prison facilities.*

33 ~~(5)~~

34 (6) This subdivision authorizes the scope and cost of a single
35 capital outlay project for purposes of calculating augmentations
36 pursuant to Section 13332.11 or 13332.19.

37 (b) The scope and costs of the projects described in subdivision
38 (a) of this section shall be subject to approval and administrative
39 oversight by the State Public Works Board, including
40 augmentations, pursuant to Section 13332.11 or 13332.19 of the

1 Government Code. The availability of an augmentation for each
2 individual project allocation shall be based on the total applicable
3 capital outlay appropriation contained in Section 28 of Chapter 7
4 of the Statutes of 2007 and is not limited to 20 percent of the
5 individual project allocation. These requirements shall be applied
6 separately to each institution. All of the necessary infrastructure
7 improvements at each institution may be treated as one project
8 such that there would be one infrastructure improvement project
9 at each institution. The scope and cost of each infrastructure
10 improvement project shall be established by the board individually.
11 The amount of the total appropriation in Section 28 of Chapter 7
12 of the Statutes of 2007 that is necessary for each infrastructure
13 improvement project shall be allocated by institution. The
14 appropriation may be allocated based on current estimates. These
15 initial allocations may be adjusted commensurate to changes that
16 occur during the progression of the projects. As allocations are
17 made or adjusted, the anticipated deficit or savings shall be
18 continuously tracked and reported. Once the total appropriation
19 has been allocated, any augmentation necessary to fund an
20 anticipated deficit shall be based on the total appropriation and
21 allocated to each project as necessary. Concurrent with the request
22 to the board to establish each project authorized pursuant to this
23 section, the Department of Corrections and Rehabilitation shall
24 report the associated scope, cost, and schedule information to the
25 Joint Legislative Budget Committee.

26 (c) The projects authorized pursuant to this section shall be part
27 of the Department of Corrections and Rehabilitation’s master plan,
28 as defined in Section 7000.

29 (d) The reporting requirements set forth in Sections 7000 to
30 7003.5, inclusive, shall apply separately to each project authorized
31 pursuant to this section.

32 *SEC. 36. Section 13821 of the Penal Code is amended to read:*

33 13821. (a) For the 2011–12 fiscal year, the Controller shall
34 allocate 9 percent of the amount deposited in the Local Law
35 Enforcement Services Account in the Local Revenue Fund 2011
36 to the ~~California Emergency Management Agency~~. *Office of*
37 *Emergency Services*. The Controller shall allocate these funds on
38 a quarterly basis beginning on October 1. These funds shall be
39 allocated by the Controller pursuant to a schedule provided by the
40 ~~California Emergency Management Agency~~ *Office of Emergency*

1 *Services* which shall be developed according to the ~~agency's~~
2 *office's* existing programmatic guidelines and the following
3 percentages:

4 (1) The California Multi-Jurisdictional Methamphetamine
5 Enforcement Teams shall receive 47.52 percent in the 2011–12
6 fiscal year.

7 (2) The Multi-Agency Gang Enforcement Consortium shall
8 receive 0.2 percent in the 2011–12 fiscal year.

9 (3) The Sexual Assault Felony Enforcement Teams, authorized
10 by Section 13887, shall receive 12.48 percent in the 2011–12 fiscal
11 year.

12 (4) The High Technology Theft Apprehension and Prosecution
13 Program, authorized by Section 13848.2, shall receive 26.83
14 percent in the 2011–12 fiscal year.

15 (5) The Gang Violence Suppression Program authorized by
16 Section 13826.1, shall receive 3.91 percent in the 2011–12 fiscal
17 year.

18 (6) The Central Valley and Central Coast Rural Crime
19 Prevention Programs, authorized by Sections 14170 and 14180,
20 shall receive 9.06 percent in the 2011–12 fiscal year.

21 (b) For the 2011–12 fiscal year, the ~~California Emergency~~
22 ~~Management Agency Office of Emergency Services~~ may be
23 reimbursed up to five hundred eleven thousand dollars (\$511,000)
24 from the funds allocated in subdivision (a) for program
25 administrative costs.

26 (c) Commencing with the 2012–13 fiscal year, subsequent to
27 the allocation described in subdivision (c) of Section 29552 of the
28 Government Code, and commencing with the 2013–14 fiscal year,
29 subsequent to the allocation described in subdivision (d) of Section
30 29552 of the Government Code, the Controller shall allocate
31 8.99758189 percent of the remaining amount deposited in the
32 Enhancing Law Enforcement Activities Subaccount in the Local
33 Revenue Fund 2011 and shall distribute the moneys as follows:

34 (1) Commencing with the 2012–13 fiscal year, the California
35 Multi-Jurisdictional Methamphetamine Enforcement Teams shall
36 receive 47.52015636 percent and shall be allocated by the
37 Controller according to the following schedule:

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Alameda County	1.7109%
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Alpine County	0.6327%
Amador County	0.6327%
Butte County	1.6666%
Calaveras County	0.8435%
Colusa County	0.1623%
Contra Costa County	1.3163%
Del Norte County	0.2167%
El Dorado County	1.3716%
Fresno County	5.3775%
Glenn County	0.2130%
Humboldt County	1.0198%
Imperial County	2.5510%
Inyo County	0.6327%
Kern County	5.6938%
Kings County	0.9701%
Lake County	0.6604%
Lassen County	0.2643%
Los Angeles County	5.3239%
Madera County	0.9701%
Marin County	0.6292%
Mariposa County	0.6327%
Mendocino County	0.6846%
Merced County	1.8136%
Modoc County	0.0734%
Mono County	0.6327%
Monterey County	0.9018%
Napa County	0.6803%
Nevada County	0.7482%
Orange County	1.5661%
Placer County	2.6395%
Plumas County	0.1516%
Riverside County	5.6395%
Sacramento County	10.0169%
San Benito County	0.8404%
San Bernardino County	8.9364%
San Diego County	2.5510%
San Francisco County	1.0034%
San Joaquin County	4.6394%

1	San Luis Obispo County	1.3483%
2	San Mateo County	1.1224%
3	Santa Barbara County	1.3483%
4	Santa Clara County	2.0612%
5	Santa Cruz County	0.8333%
6	Shasta County	1.3426%
7	Sierra County	0.0245%
8	Siskiyou County	0.3401%
9	Solano County	1.8979%
10	Sonoma County	1.1610%
11	Stanislaus County	3.6272%
12	Sutter County	0.7177%
13	Tehama County	0.4808%
14	Trinity County	0.1044%
15	Tulare County	2.5306%
16	Tuolumne County	0.6327%
17	Ventura County	1.3483%
18	Yolo County	1.5215%
19	Yuba County	0.5466%

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22 (2) Commencing with the 2013–14 fiscal year, the California
23 Multi-Jurisdictional Methamphetamine Enforcement Teams shall
24 receive 47.52015636 percent and shall be allocated in monthly
25 installments by the Controller according to the following schedule:

26	Alameda County	1.7109%
27	Alpine County	0.6327%
28	Amador County	0.6327%
29	Butte County	1.6666%
30	Calaveras County	0.8435%
31	Colusa County	0.1623%
32	Contra Costa County	1.3163%
33	Del Norte County	0.2167%
34	El Dorado County	1.3716%
35	Fresno County	5.3775%
36	Glenn County	0.2130%
37	Humboldt County	1.0198%
38	Imperial County	2.5510%
39	Inyo County	0.6327%
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Kern County	5.6938%
Kings County	0.9701%
Lake County	0.6604%
Lassen County	0.2643%
Los Angeles County	5.3239%
Madera County	0.9701%
Marin County	0.6292%
Mariposa County	0.6327%
Mendocino County	0.6846%
Merced County	1.8136%
Modoc County	0.0734%
Mono County	0.6327%
Monterey County	0.9018%
Napa County	0.6803%
Nevada County	0.7482%
Orange County	1.5661%
Placer County	2.6395%
Plumas County	0.1516%
Riverside County	5.6395%
Sacramento County	10.0169%
San Benito County	0.8404%
San Bernardino County	8.9364%
San Diego County	2.5510%
San Francisco County	1.0034%
San Joaquin County	4.6394%
San Luis Obispo County	1.3483%
San Mateo County	1.1224%
Santa Barbara County	1.3483%
Santa Clara County	2.0612%
Santa Cruz County	0.8333%
Shasta County	1.3426%
Sierra County	0.0245%
Siskiyou County	0.3401%
Solano County	1.8979%
Sonoma County	1.1610%
Stanislaus County	3.6272%
Sutter County	0.7177%
Tehama County	0.4808%

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Trinity County	0.1044%
Tulare County	2.5306%
Tuolumne County	0.6327%
Ventura County	1.3483%
Yolo County	1.5215%
Yuba County	0.5466%

(3) Commencing with the 2012–13 fiscal year, the Multi-Agency Gang Enforcement Consortium shall receive 0.19545566 percent and shall be allocated by the Controller to Fresno County.

(4) Commencing with the 2013–14 fiscal year, the Multi-Agency Gang Enforcement Consortium shall receive 0.19545566 percent and shall be allocated in monthly installments by the Controller to Fresno County.

(5) Commencing with the 2012–13 fiscal year, the Sexual Assault Felony Enforcement Teams, authorized by Section 13887, shall receive 12.48473003 percent and shall be allocated by the Controller according to the following schedule:

Los Angeles County	21.0294%
Riverside County	12.8778%
Sacramento County	14.0198%
San Luis Obispo County	12.0168%
Santa Clara County	17.0238%
Shasta County	12.0168%
Tulare County	11.0156%

(6) Commencing with the 2013–14 fiscal year, the Sexual Assault Felony Enforcement Teams, authorized by Section 13887, shall receive 12.48473003 percent and shall be allocated by the Controller in monthly installments according to the following schedule:

Los Angeles County	21.0294%
Riverside County	12.8778%
Sacramento County	14.0198%
San Luis Obispo County	12.0168%
Santa Clara County	17.0238%
Shasta County	12.0168%

Tulare County	11.0156%
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(7) Commencing with the 2012–13 fiscal year, the High Technology Theft Apprehension and Prosecution Program, authorized by Section 13848.2, shall receive ~~26.82628879~~ 26.82628878 percent and shall be allocated by the Controller according to the following schedule:

Los Angeles County	18.25%
Marin County	18.25%
Marin County, for use by the Department of Justice in implementing subdivision (b) of Section 13848.4	7.00%
Marin County, for use by the California District Attorneys Association in implementing subdivision (b) of Section 13848.4	1.75%
Sacramento County	18.25%
San Diego County	18.25%
Santa Clara County	18.25%

(8) Commencing with the 2013–14 fiscal year, the High Technology Theft Apprehension and Prosecution Program, authorized by Section 13848.2, shall receive ~~26.82628879~~ 26.82628878 percent and shall be allocated by the Controller in monthly installments according to the following schedule:

Los Angeles County	18.25%
Marin County	18.25%
Marin County, for use by the Department of Justice in implementing subdivision (b) of Section 13848.4	7.00%
Marin County, for use by the California District Attorneys Association in implementing subdivision (b) of Section 13848.4	1.75%
Sacramento County	18.25%
San Diego County	18.25%
Santa Clara County	18.25%

(9) Commencing with the 2012–13 fiscal year, the Gang Violence Suppression Program, authorized by Section 13826.1,

1 shall receive 3.90911312 percent and shall be allocated by the
2 Controller according to the following schedule:

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Alameda County	9.6775%
Los Angeles County	22.5808%
Monterey County	9.6775%
Napa County	17.7417%
City of Oxnard	17.7417%
City of Sacramento	22.5808%

11 (10) Commencing with the 2013–14 fiscal year, the Gang
12 Violence Suppression Program, authorized by Section 13826.1,
13 shall receive 3.90911312 percent and shall be allocated by the
14 Controller in monthly installments according to the following
15 schedule:

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Alameda County	9.6775%
Los Angeles County	22.5808%
Monterey County	9.6775%
Napa County	17.7417%
City of Oxnard	17.7417%
City of Sacramento	22.5808%

24 (11) Commencing with the 2012–13 fiscal year, the Central
25 Valley and Central Coast Rural Crime Prevention Programs,
26 authorized by Sections 14170 and 14180, shall receive 9.06425605
27 percent and shall be allocated by the Controller according to the
28 following schedule:

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Fresno County	18.5588%
Kern County	13.7173%
Kings County	6.8587%
Madera County	4.4380%
Merced County	6.8587%
Monterey County	7.2411%
San Benito County	4.8273%
San Joaquin County	6.8587%
San Luis Obispo County	2.1723%
Santa Barbara County	3.6206%

Santa Cruz County	1.4482%
Stanislaus County	6.8587%
Tulare County	16.5415%

(12) Commencing with the 2013–14 fiscal year, the Central Valley and Central Coast Rural Crime Prevention Programs, authorized by Sections 14170 and 14180, shall receive 9.06425605 percent and shall be allocated by the Controller in monthly installments according to the following schedule:

Fresno County	18.5588%
Kern County	13.7173%
Kings County	6.8587%
Madera County	4.4380%
Merced County	6.8587%
Monterey County	7.2411%
San Benito County	4.8273%
San Joaquin County	6.8587%
San Luis Obispo County	2.1723%
Santa Barbara County	3.6206%
Santa Cruz County	1.4482%
Stanislaus County	6.8587%
Tulare County	16.5415%

(d) For any of the programs described in this section, funding will be distributed by local agencies as would otherwise have occurred pursuant to Section 1 of Chapter 13 of the Statutes of 2011, First Extraordinary Session.

SEC. 37. Section 13826.1 of the Penal Code is amended to read:

13826.1. (a) There is hereby established in the Board of State and Community Corrections, the Gang Violence Suppression Program, a program of financial and technical assistance for district attorneys’ offices, local law enforcement agencies, county probation departments, school districts, county offices of education, or any consortium thereof, and community-based organizations which are primarily engaged in the suppression of gang violence.

(b) Funds made available pursuant to this chapter are intended to ensure the highest quality provision of services and to reduce

1 unnecessary duplication. Funds disbursed under this chapter shall
2 not supplant local funds that would, in the absence of the Gang
3 Violence Suppression Program, be made available to support the
4 activities set forth in this chapter. *be used by local agencies to*
5 *supplant other funding for Public Safety Services, as defined in*
6 *Section 36 of Article XIII of the California Constitution.* Funds
7 awarded under this program as local assistance grants shall not be
8 subject to review as specified in Section 10295 of the Public
9 Contract Code.

10 *SEC. 38. Section 14306 of the Public Resources Code is*
11 *amended to read:*

12 14306. To implement ~~the provisions of~~ this division, the
13 director may do all of the following:

14 (a) Recruit and ~~employ~~ *enroll* corpsmembers and special
15 corpsmembers.

16 (b) Adopt criteria for selecting applicants for ~~employment~~
17 *enrollment in the corps' program. program, including criteria for*
18 *individuals convicted of a crime described in the California*
19 *Uniform Controlled Substances Act (Division 10 (commencing*
20 *with Section 11000) of the Health and Safety Code). The director*
21 *shall take into account, when adopting this criteria, the health,*
22 *safety, and welfare of the public and the corps' program*
23 *participants and staff.*

24 (c) Execute contracts containing ~~such~~ *the* terms and conditions
25 *as that* are deemed necessary and desirable for the ~~employment~~
26 *enrollment* of corpsmembers.

27 (d) Authorize utilization of the corps for emergency projects
28 occasioned by natural disasters, fire prevention and suppression,
29 rescue of lost or injured persons, and any other activity or project
30 necessary or desirable to carry out the purposes of this division.

31 (e) Apply for and accept grants or contributions of funds from
32 any public or private source.

33 (f) Purchase, rent, or otherwise acquire or obtain necessary
34 property, supplies, instruments, tools, equipment, and
35 conveniences.

36 (g) Execute contracts for furnishing the services of the corps to
37 any federal, state, or local public agency; any local or statewide
38 private organization concerned with the objectives of the corps'
39 program, as specified in Sections 14000 and 14300; and any person,
40 firm, partnership, or corporation concerned with these objectives.

1 (h) Procure insurance.

2 (i) Be reimbursed by the federal government, any state or local
3 public agency, or any private organization for actual expenses
4 incurred by the corps for any project undertaken for any such entity
5 pursuant to subdivision (d) or (g) or pursuant to Section 14307.

6 (j) To the extent permitted by Article VII of the California
7 Constitution, execute contracts with any person, natural or
8 corporate, for the purpose of implementing the objectives of the
9 corps, as specified in Sections 14000 and 14300.

10 (k) Utilize any services, material, or property of any agency of
11 the state, and may make ~~such~~ agreements with any agency of the
12 state or take ~~such~~ other actions *as that* are reasonable and necessary.

13 (l) Contract with public or private nonprofit entities to provide
14 services for the corps.

15 (m) Contract with the University of California, the California
16 State University, the community college districts, and private
17 institutions for the creation of special admission and tuition credit
18 programs for corpsmembers.

19 *SEC. 39. Section 1955 of the Welfare and Institutions Code is*
20 *amended to read:*

21 1955. (a) The allocation amount for each county from the
22 Youthful Offender Block Grant Fund for offenders subject to
23 Sections 733, 1766, and 1767.35 shall be allocated in four equal
24 installments, to be paid in September, December, March, and June
25 of each fiscal year, until June 30, 2013. Commencing with the
26 2013–14 fiscal year, the allocation amount for each county from
27 the Youthful Offender Block Grant Special Account established
28 in paragraph (2) of subdivision (c) of Section 30025 of the
29 Government Code for offenders subject to Sections 733, 1766,
30 and 1767.35 shall be allocated in monthly installments. In each
31 fiscal year, the allocation amount shall be determined as follows:

32 (1) Fifty percent based on the number of the county’s juvenile
33 felony court dispositions, ~~according to the most recent data~~
34 ~~compiled by the Department of Justice~~, calculated as a percentage
35 of the state total. *By July 10 of each year, the Department of Justice*
36 *shall provide to the Department of Finance the number of juvenile*
37 *felony court dispositions for each county for the previous calendar*
38 *year.*

39 (2) Fifty percent based on the county’s population of minors
40 from 10 to 17 years of age, inclusive, according to the most recent

1 data published by the Department of Finance, calculated as a
2 percentage of the state total.

3 (b) Each county shall receive a minimum block grant allocation
4 of fifty-eight thousand five hundred dollars (\$58,500) for the
5 2007–08 fiscal year, and a minimum block grant allocation of one
6 hundred seventeen thousand dollars (\$117,000) for each fiscal year
7 thereafter.

8 (c) Commencing with the 2008–09 fiscal year, allocations shall
9 be available to counties that have met the requirements of Section
10 1961.

11 *SEC. 40. Section 1981 of the Welfare and Institutions Code is*
12 *amended to read:*

13 1981. (a) There is hereby established a Juvenile Reentry Fund.
14 Moneys allocated for local supervision of persons discharged from
15 the custody of the Division of Juvenile Facilities authorized in
16 Sections 1983 and 1984 shall be deposited into this fund from the
17 General Fund. Any moneys deposited into this fund shall be
18 administered by the Controller and the share calculated for each
19 county probation department shall be transferred to its Juvenile
20 Reentry Fund authorized in subdivision (b).

21 (b) Each county is hereby authorized to establish in each county
22 treasury a Juvenile Reentry Fund to receive all amounts allocated
23 to that county probation department for purposes of implementing
24 this chapter.

25 (c) Allocations from the Juvenile Reentry Fund shall be
26 expended exclusively to address local program needs for persons
27 discharged from the custody of the Division of Juvenile Facilities.
28 County probation departments, in expending the Juvenile Reentry
29 Grant allocation, shall provide evidence-based supervision and
30 detention practices and rehabilitative services to persons who are
31 subject to the jurisdiction of the juvenile court who were committed
32 to and discharged from the Department of Corrections and
33 Rehabilitation, Division of Juvenile Facilities. “Evidence-based”
34 refers to supervision and detention policies, procedures, programs,
35 and practices demonstrated by scientific research to reduce
36 recidivism among individuals on probation or under postrelease
37 supervision.

38 (d) Funds allocated pursuant to subdivision (c) shall ~~supplement~~
39 ~~existing services and shall not be used to supplant any existing~~
40 ~~funding by local agencies for existing services provided by that~~

1 ~~entity~~. *not be used by local agencies to supplant other funding for*
2 *Public Safety Services, as defined in Section 36 of Article XIII of*
3 *the California Constitution.*

4 (e) The funding provided under this chapter is intended to
5 provide payment in full for all local government costs of the
6 supervision, programming, education, incarceration or any other
7 cost resulting from persons discharged from custody or held in
8 local facilities pursuant to the provisions of this act.

9 *SEC. 41. Section 1984 of the Welfare and Institutions Code is*
10 *amended to read:*

11 1984. (a) The amount allocated to each county probation
12 department from the Juvenile Reentry Grant shall be distributed
13 in two equal payments to be paid on October 30 and May 30 of
14 each fiscal year, until June 30, 2013. Commencing with the
15 2013–14 fiscal year, the amount allocated to each county probation
16 department from the Juvenile Reentry Grant Special Account
17 established in paragraph (2) of subdivision (c) of Section 30025
18 of the Government Code shall be allocated in monthly installments.
19 In each fiscal year the amount allocated to each county probation
20 department from the Juvenile Reentry Grant Special Account shall
21 be distributed pursuant to the criteria set forth in subdivisions (b)
22 to ~~(g)~~, (h), inclusive, of this section.

23 (b) Consistent with ~~Sections 1766 and 1766.01~~, *Section 1766*,
24 funds shall be allocated in the amount of fifteen thousand dollars
25 (\$15,000) on an average daily population basis per ward discharged
26 to the jurisdiction of the court and ordered by the court to be
27 supervised by local county probation for monitoring and services
28 during the previous fiscal year based on the actual number of
29 discharged wards supervised at the local level. For each discharged
30 ward, this funding shall be provided for 24 months.

31 (c) Consistent with ~~Sections 208.5, 1767.35, and 1767.36~~, *208.5*
32 *and 1767.35*, funds shall be allocated in the amount of one hundred
33 fifteen thousand dollars (\$115,000) on an average daily population
34 basis per discharged ward transferred to a local juvenile facility
35 for violating a condition of court-ordered supervision during the
36 previous fiscal year based on the actual number of discharged
37 wards housed in a local juvenile detention facility or court-ordered
38 placement facility where the costs of the housing is not
39 reimbursable to the county through Title IV-E of the federal Social
40 Security Act, or Medi-Cal. For each discharged ward, this funding

1 shall be provided for the actual number of months the ward is
2 housed in a facility up to 12 months. This funding shall not be
3 provided for wards housed in a jail under any circumstances.

4 (d) Consistent with Section 731.1, funds shall be allocated in
5 the amount of fifteen thousand dollars (\$15,000) on an average
6 daily population basis per parolee recalled by the county of
7 commitment for monitoring and services during the previous fiscal
8 year based on the actual number of parolees recalled. For each
9 recalled parolee, this funding shall be provided for the remaining
10 duration of the term of state supervision, not to exceed 24 months.

11 (e) Consistent with ~~Sections 1766 and 1766.01~~, *Section 1766*,
12 funds shall be allocated in the amount of fifteen thousand dollars
13 (\$15,000) on an average daily population basis per discharged
14 ward transferred to the county of commitment for monitoring and
15 services during the previous fiscal year based on the actual number
16 of wards transferred. For each ward transferred on and after July
17 1, 2014, this funding shall be provided for the remaining duration
18 of the term of juvenile court jurisdiction, not to exceed 24 months.

19 (f) Consistent with ~~Sections 208.5, 1767.35, and 1767.36~~, *208.5*
20 *and 1767.35*, no additional funding, beyond the initial fifteen
21 thousand dollars (\$15,000) provided pursuant to subdivision (b)
22 shall be allocated to counties for discharged wards who are housed
23 in county jail or in any other county correctional facility for
24 violating a condition of court-ordered supervision during the
25 previous fiscal year.

26 (g) Consistent with ~~Sections 208.5, 1767.35, and 1767.36~~, *208.5*
27 *and 1767.35*, no additional funding, beyond the initial fifteen
28 thousand dollars (\$15,000) provided pursuant to subdivision (b)
29 shall be allocated to counties for discharged wards who are housed
30 in a state juvenile facility for violating a condition of court-ordered
31 supervision during the previous fiscal year.

32 (h) *In each fiscal year, consistent with subdivision (b) of Section*
33 *30029.11 of the Government Code, the Department of Finance*
34 *shall use the criteria outlined in subdivisions (b) to (g), inclusive,*
35 *to determine each county's allocation as a percentage of the funds*
36 *deposited in the Juvenile Reentry Grant Special Account. Actual*
37 *allocations provided to counties pursuant to subdivisions (b) to*
38 *(g), inclusive, shall vary based on the amount of funds deposited*
39 *in the Juvenile Reentry Grant Special Account pursuant to*
40 *subdivision (b) of Section 30028.1 of the Government Code.*

1 SEC. 42. Section 4023.5 is added to the Welfare and Institutions
2 Code, to read:

3 4023.5. (a) The Secretary of California Health and Human
4 Services shall, no later than January 10, 2015, provide to the fiscal
5 and appropriate policy committees of the Legislature a report,
6 together with specific and detailed recommendations, reviewing
7 and evaluating best practices and strategies, including independent
8 oversight, for effectively and sustainably addressing the employee
9 discipline process, criminal and major incident investigations,
10 and the use of force within state hospitals and psychiatric programs
11 run by the State Department of State Hospitals. The secretary may
12 consult with the Department of the California Highway Patrol,
13 the Department of Corrections and Rehabilitation, the Office of
14 the Inspector General, and any other resource identified by the
15 secretary as valuable to the analysis. It is the intent of the
16 Legislature that the report and recommendations reflect a critical
17 and pragmatic analysis of the department's current practices and
18 policies, and include meaningful recommendations describing how
19 current practices and policies should be revised and reformed to
20 assure safety and accountability in the state hospital system.

21 (b) Pursuant to Section 10231.5 of the Government Code, this
22 section is repealed on January 1, 2019.

23 SEC. 43. Section 7228 of the Welfare and Institutions Code is
24 amended to read:

25 ~~7228. Prior to admission to the Napa State Hospital or the~~
26 ~~Metropolitan State Hospital, admission, the State Department of~~
27 State Hospitals shall evaluate each patient committed pursuant to
28 Section 1026 or 1370 of the Penal Code. Code to determine the
29 placement of the patient to the appropriate state hospital. The
30 State Department of State Hospitals shall utilize the documents
31 provided pursuant to subdivision (e) of Section 1026 of the Penal
32 Code and paragraph (2) of subdivision (b) of Section 1370 of the
33 Penal Code to make the appropriate placement. A patient
34 determined to be a high security risk shall be treated in the
35 department's most secure facilities. facilities pursuant to Section
36 7230. A Penal Code patient not needing this level of security shall
37 be treated as near to the patient's community as possible if an
38 appropriate treatment program is available.

39 SEC. 44. Section 7234 is added to the Welfare and Institutions
40 Code, to read:

1 7234. (a) (1) A Patient Management Unit (PMU) shall be
2 established within the State Department of State Hospitals to
3 facilitate patient movement across all facilities under its
4 jurisdiction and any psychiatric programs operated by the State
5 Department of State Hospitals pursuant to a memorandum of
6 understanding with the Department of Corrections and
7 Rehabilitation.

8 (2) The PMU's responsibilities shall include, but not be limited
9 to, oversight and centralized management of patient admissions,
10 and collection of data for reports and patient population
11 projections.

12 (b) The State Department of State Hospitals shall adopt
13 regulations, consistent with this article, concerning policies and
14 procedures to be implemented by the PMU, including, but not
15 limited to, both of the following:

16 (1) Policies and procedures for patient referral to the State
17 Department of State Hospitals.

18 (2) Screening criteria that ensures that patients are placed in
19 a state hospital or psychiatric program closest to their county of
20 residence in the absence of a compelling reason to place the patient
21 in another facility. Compelling reasons may include, but not be
22 limited to, the patient's specialized psychiatric, medical, or safety
23 needs, and the availability of beds for his or her commitment type.

24 (c) The Director of State Hospitals may adopt emergency
25 regulations in accordance with the Administrative Procedures Act
26 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
27 Division 3 of Title 2 of the Government Code) to implement this
28 section. The adoption of an emergency regulation under this
29 paragraph is deemed to address an emergency, for purposes of
30 Sections 11346.1 and 11349.6 of the Government Code, and the
31 Director of State Hospitals is hereby exempted for this purpose
32 from the requirements of subdivision (b) of Section 11346.1 of the
33 Government Code.

34 SEC. 45. Section 11251.3 of the Welfare and Institutions Code,
35 as added by Section 1 of Chapter 283 of the Statutes of 1997, is
36 amended to read:

37 11251.3. (a) An individual shall be ineligible for aid under
38 this chapter if the individual has been convicted in state or federal
39 court after December 31, 1997, including any plea of guilty or
40 nolo contendere, of any offense classified as a felony and that has

1 as an element of the possession, use, or distribution of a controlled
2 substance, defined in Section 102(6) of the Controlled Substance
3 Act (21 U.S.C. Sec. 802(6)).

4 (b) For a family receiving aid under this chapter that includes
5 an individual who is ineligible pursuant to subdivision (a), a county
6 shall issue vouchers or vendor payments for at least rent and
7 utilities payments.

8 (c) *This section shall become inoperative on April 1, 2015, and,*
9 *as of January 1, 2016, is repealed, unless a later enacted statute,*
10 *that becomes operative on or before January 1, 2016, deletes or*
11 *extends the dates on which it becomes inoperative and is repealed.*

12 SEC. 46. *Section 11251.3 of the Welfare and Institutions Code,*
13 *as added by Section 1 of Chapter 284 of the Statutes of 1997, is*
14 *amended to read:*

15 11251.3. (a) An individual shall be ineligible for aid under
16 this chapter if the individual has been convicted in state or federal
17 court after December 31, 1997, including any plea of guilty or
18 nolo contendere, of a felony that has as an element the possession,
19 use, or distribution of a controlled substance, defined in Section
20 102(6) of the Controlled Substances Act (21 U.S.C. Sec. 802(6))
21 or Division 10 (commencing with Section 11000) of the Health
22 and Safety Code.

23 (b) For a family receiving aid under this chapter that includes
24 an individual who is ineligible pursuant to subdivision (a), a county
25 shall issue vouchers or vendor payments for at least rent and
26 utilities payments.

27 (c) *This section shall become inoperative on April 1, 2015, and,*
28 *as of January 1, 2016, is repealed, unless a later enacted statute,*
29 *that becomes operative on or before January 1, 2016, deletes or*
30 *extends the dates on which it becomes inoperative and is repealed.*

31 SEC. 47. *Section 11251.3 is added to the Welfare and*
32 *Institutions Code, to read:*

33 11251.3. (a) *Subject to the limitations of subdivision (b),*
34 *pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.*
35 *Sec. 862a(d)(1)(A)), California opts out of the provisions of Section*
36 *115(a)(1) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(1)). An*
37 *individual convicted as an adult in state or federal court after*
38 *December 31, 1997, including any plea of nolo contendere, of any*
39 *offense classified as a felony that has as an element the possession,*
40 *use, or distribution of a controlled substance, as defined in Section*

1 102(6) of the federal Controlled Substances Act (21 U.S.C. Sec.
2 802(6)) or Division 10 (commencing with Section 11000) of the
3 Health and Safety Code, shall be eligible to receive CalWORKs
4 benefits under this section.

5 (b) As a condition of eligibility for CalWORKs pursuant to
6 subdivision (a), an applicant or recipient described in subdivision
7 (a) who is on probation or parole shall comply with the terms of
8 the probation or parole, including participation in a
9 government-recognized drug treatment program, if required. If
10 the county human services agency receives verification that the
11 individual is ineligible pursuant to subdivision (a) of Section
12 11486.5, the individual shall be ineligible for CalWORKs benefits
13 under this section until he or she is no longer in violation of
14 probation or parole or a fleeing felon. Verification shall be
15 obtained using existing county human services agency protocols
16 to determine eligibility.

17 (c) This section shall become operative on April 1, 2015.

18 SEC. 48. Section 17012.5 of the Welfare and Institutions Code
19 is amended to read:

20 17012.5. (a) An individual ineligible for aid under Chapter 2
21 (commencing with Section 11200) of Part 3 pursuant to Section
22 11251.3, who is a member of an assistance unit receiving aid under
23 that chapter, shall also be ineligible for non-health-care benefits
24 under this part.

25 (b) This section shall become inoperative on April 1, 2015, and,
26 as of January 1, 2016, is repealed, unless a later enacted statute,
27 that becomes operative on or before January 1, 2016, deletes or
28 extends the dates on which it becomes inoperative and is repealed.

29 SEC. 49. Section 18901.3 of the Welfare and Institutions Code
30 is amended to read:

31 18901.3. (a) Subject to the limitations of subdivision (b),
32 pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.
33 Sec. 862a(d)(1)(A)), California opts out of the provisions of Section
34 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(2)). A
35 convicted drug felon shall be eligible to receive CalFresh benefits
36 under this section.

37 (b) Subdivision (a) does not apply to a person who has been
38 convicted of unlawfully transporting, importing into this state,
39 selling, furnishing, administering, giving away, possessing for
40 sale, purchasing for purposes of sale, manufacturing a controlled

1 substance, possessing precursors with the intent to manufacture a
2 controlled substance, or cultivating, harvesting, or processing
3 marijuana or any part thereof pursuant to Section 11358 of the
4 Health and Safety Code.

5 (c) Subdivision (a) does not apply to a person who has been
6 convicted of unlawfully soliciting, inducing, encouraging, or
7 intimidating a minor to participate in any activity listed in
8 subdivision (b).

9 (d) As a condition of eligibility to receive CalFresh benefits
10 pursuant to subdivision (a), an applicant convicted of a felony drug
11 offense that is not excluded under subdivision (b) or (c) shall be
12 required to provide proof of one of the following subsequent to
13 the most recent drug-related conviction:

14 (1) Completion of a government-recognized drug treatment
15 program.

16 (2) Participation in a government-recognized drug treatment
17 program.

18 (3) Enrollment in a government-recognized drug treatment
19 program.

20 (4) Placement on a waiting list for a government-recognized
21 drug treatment program.

22 (5) Other evidence that the illegal use of controlled substances
23 has ceased, as established by State Department of Social Services
24 regulations.

25 (e) Notwithstanding the Administrative Procedure Act (Chapter
26 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
27 Title 2 of the Government Code), the department may implement
28 this section through an all-county letter or similar instructions from
29 the director no later than January 1, 2005.

30 (f) The department shall adopt regulations as otherwise
31 necessary to implement this section no later than July 1, 2005.
32 Emergency regulations adopted for implementation of this section
33 may be adopted by the director in accordance with the
34 Administrative Procedure Act. The adoption of emergency
35 regulations shall be deemed to be an emergency and necessary for
36 immediate preservation of the public peace, health and safety, or
37 general welfare. The emergency regulations shall be exempt from
38 review by the Office of Administrative Law. The emergency
39 regulations authorized by this section shall be submitted to the

1 Office of Administrative Law for filing with the Secretary of State
2 and shall remain in effect for no more than 180 days.

3 *(g) This section shall become inoperative on April 1, 2015, and,*
4 *as of January 1, 2016, is repealed, unless a later enacted statute,*
5 *that becomes operative on or before January 1, 2016, deletes or*
6 *extends the dates on which it becomes inoperative and is repealed.*

7 SEC. 50. Section 18901.3 is added to the Welfare and
8 Institutions Code, to read:

9 18901.3. *(a) Subject to the limitations of subdivision (b),*
10 *pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C.*
11 *Sec. 862a(d)(1)(A)), California opts out of the provisions of Section*
12 *115(a)(2) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(2)). An*
13 *individual convicted as an adult in state or federal court after*
14 *December 31, 1997, including any plea of guilty or nolo*
15 *contendere, of any offense classified as a felony that has as an*
16 *element the possession, use, or distribution of a controlled*
17 *substance, as defined in Section 102(6) of the federal Controlled*
18 *Substances Act (21 U.S.C. Sec. 802(6)) or Division 10*
19 *(commencing with Section 11000) of the Health and Safety Code,*
20 *shall be eligible to receive CalFresh benefits as provided for under*
21 *this section.*

22 *(b) As a condition of eligibility to receive CalFresh benefits*
23 *pursuant to subdivision (a), an applicant or recipient described*
24 *in subdivision (a) who is on probation or parole shall comply with*
25 *the terms of the probation or parole, including participation in a*
26 *government-recognized drug treatment program, if required. If*
27 *the county human services agency receives verification that the*
28 *individual is in violation of probation or parole or that the*
29 *individual is a fleeing felon pursuant to federal law, the individual*
30 *shall be ineligible for CalFresh benefits under this section until*
31 *the person is no longer in violation of probation or parole or a*
32 *fleeing felon pursuant to federal law. Verification shall be obtained*
33 *using existing county human services agency protocols to determine*
34 *eligibility.*

35 *(c) This section shall become operative on April 1, 2015.*

36 SEC. 51. Notwithstanding the rulemaking provisions of the
37 Administrative Procedure Act (Chapter 3.5 (commencing with
38 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
39 Code), until January 1, 2016, the department may implement and
40 administer Sections 40 to 46, inclusive, of this act by all-county

1 letters or similar instructions. The all-county letters or similar
2 instructions shall be developed in consultation with the Chief
3 Probation Officers of California, the County Welfare Directors
4 Association of California, and client advocates. The department
5 shall adopt regulations implementing Sections 40 to 46, inclusive,
6 of this act by January 1, 2016.

7 SEC. 52. No reimbursement is required by this act pursuant
8 to Section 6 of Article XIII B of the California Constitution for
9 certain costs that may be incurred by a local agency or school
10 district because, in that regard, this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

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

21 SEC. 53. This act is a bill providing for appropriations related
22 to the Budget Bill within the meaning of subdivision (e) of Section
23 12 of Article IV of the California Constitution, has been identified
24 as related to the budget in the Budget Bill, and shall take effect
25 immediately.

26 SECTION 1. ~~It is the intent of the Legislature to enact statutory~~
27 ~~changes relating to the Budget Act of 2014.~~