

AMENDED IN ASSEMBLY JUNE 16, 2014

AMENDED IN ASSEMBLY JUNE 13, 2014

AMENDED IN ASSEMBLY JUNE 12, 2014

SENATE BILL

No. 863

Introduced by Committee on Budget and Fiscal Review

January 9, 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. *15820.92, 15820.921, and 15820.924 of, and to add Chapter 3.131 (commencing with Section 15820.93) to Part 10b of Division 3 of Title 2 of, the Government Code, relating to correctional facilities, 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. ~~Public Safety. Correctional facilities: construction.~~

(1) 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 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.

(2) 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.

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

~~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.~~

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~~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.~~

Vote: majority. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: *yes-no*.

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

1 SECTION 1. Section 15820.92 of the Government Code is
2 amended to read:

3 15820.92. For purposes of this chapter, “participating county”
4 means any county, or regional consortium of counties, within the
5 state that has been certified to the State Public Works Board (the
6 board) by the Board of State and Community Corrections (BSCC)
7 as having satisfied all of the requirements set forth in Section
8 15820.925 for financing an adult local criminal justice facility
9 pursuant to this chapter. For purposes of this chapter, an adult local
10 criminal justice facility may include any custodial housing, reentry,
11 program, mental health, or treatment space necessary to manage
12 the adult offender population consistent with the legislative intent
13 described in Sections 17.5 and 3450 of the Penal Code under the
14 jurisdiction of the sheriff or county department of corrections, as
15 may be applicable, to be further defined by the BSCC in duly
16 adopted regulations.

17 (a) ~~The BSCC, BSCC or the Department of Corrections and~~
18 ~~Rehabilitation (CDCR),~~ a participating county, and the board are
19 authorized to acquire, design, and construct an adult local criminal
20 justice facility approved by the BSCC pursuant to Section
21 15820.925, or to acquire a site or sites owned by, or subject to a
22 lease or option to purchase held by, a participating county. For the
23 purposes of this chapter, acquisition shall include, but is not limited
24 to, acquisition of completed facilities through a build-to-suit

1 purchase. Facilities financed pursuant to this chapter may be
2 delivered through either a design-bid-build or a design-build
3 process. The ownership interest of a participating county in the
4 site or sites for an adult local criminal justice facility shall be
5 determined by the board to be adequate for purposes of its
6 financing in order to be eligible under this chapter.

7 (b) Notwithstanding Section 14951, the participating county
8 may assign an inspector during the construction of the adult local
9 criminal justice facility.

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

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

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

30 (f) For purposes of compliance with the California
31 Environmental Quality Act (Division 13 (commencing with Section
32 21000) of the Public Resources Code), ~~neither the board nor the~~
33 ~~BSCC shall be deemed board, BSCC and the CDCR, are not a~~
34 ~~lead or responsible agency and, but the participating county shall~~
35 ~~be is the lead agency.~~

36 *SEC. 2. Section 15820.921 of the Government Code is amended*
37 *to read:*

38 15820.921. Upon a participating county's receipt of responsive
39 construction bids or design-build proposals, or a participating
40 county's notification to the board of its intent to exercise a purchase

1 option, the board and the BSCC *or the CDCR* may borrow funds
 2 for project costs after the adult local criminal justice facility has
 3 been certified pursuant to Section 15820.92 from the Pooled Money
 4 Investment Account pursuant to Sections 16312 and 16313, or
 5 from any other appropriate source. In the event any of the revenue
 6 bonds, notes, or bond anticipation notes authorized by this chapter
 7 are not sold, the BSCC *or the CDCR* shall commit a sufficient
 8 amount of its support appropriation to repay any loans made for
 9 an approved adult local criminal justice facility.

10 *SEC. 3. Section 15820.924 of the Government Code is amended*
 11 *to read:*

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

24 *SEC. 4. Chapter 3.131 (commencing with Section 15820.93)*
 25 *is added to Part 10b of Division 3 of Title 2 of the Government*
 26 *Code, to read:*

27
 28 *CHAPTER 3.131. FINANCING OF LOCAL CRIMINAL JUSTICE*
 29 *FACILITIES*
 30

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

38 (b) (1) *For purposes of this chapter, an adult local criminal*
 39 *justice facility may include improved housing with an emphasis*
 40 *on expanding program and treatment space as necessary to*

1 *manage the adult offender population consistent with the legislative*
2 *intent described in Sections 17.5 and 3450 of the Penal Code under*
3 *the jurisdiction of the sheriff or county department of corrections,*
4 *as may be applicable, to be further defined by the BSCC in duly*
5 *adopted regulations.*

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

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

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

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

1 maintenance and staffing responsibilities for the term of the
2 financing.

3 (d) The agreement shall include a provision that the
4 participating county agrees to indemnify, defend, and hold
5 harmless the State of California for any and all claims and losses
6 arising out of the acquisition, design, and construction of the adult
7 local criminal justice facility. The agreement may also contain
8 additional terms and conditions that facilitate the financing by the
9 board.

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

13 (f) For purposes of compliance with the California
14 Environmental Quality Act (Division 13 (commencing with Section
15 21000) of the Public Resources Code), the board, BSCC, and the
16 CDCR are not a lead or responsible agency, the participating
17 county is the lead agency.

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

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

39 (b) Proceeds from the revenue bonds, notes, or bond anticipation
40 notes may be used to reimburse a participating county for the costs

1 of acquisition, design, and construction, including, without
2 limitation, renovation, for approved adult local criminal justice
3 facilities.

4 (c) Notwithstanding Section 13340, funds derived pursuant to
5 this section and Section 15820.931 are continuously appropriated
6 for purposes of this chapter.

7 15820.933. In support of this state financing, the Legislature
8 finds and declares all of the following:

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

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

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

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

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

1 (f) *This purpose represents valuable consideration in exchange*
2 *for this state action.*

3 15820.934. *With the consent of the board, the BSCC or the*
4 *CDCR and a participating county are authorized to enter into*
5 *leases or subleases, as lessor or lessee, for any property or*
6 *approved adult local criminal justice facility and are further*
7 *authorized to enter into contracts or other agreements for the use,*
8 *maintenance, and operation of the adult local criminal justice*
9 *facility in order to facilitate the financing authorized by this*
10 *chapter. In those leases, subleases, or other agreements, the*
11 *participating county shall agree to indemnify, defend, and hold*
12 *harmless the State of California for any and all claims and losses*
13 *accruing and resulting from or arising out of the participating*
14 *county's use and occupancy of the adult local criminal justice*
15 *facility.*

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

22 (1) *Final architectural plans and specifications have been*
23 *approved by the BSCC, and subsequent construction bids have*
24 *been received.*

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

29 (3) *The participating county has notified the board of its intent*
30 *to exercise an option to purchase the completed facility pursuant*
31 *to Section 15820.931.*

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

1 *design, construction, staffing, operation, repair, and maintenance*
2 *of the adult local criminal justice facility.*

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

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

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

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

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

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

25 *(6) Documentation evidencing compliance with the California*
26 *Environmental Quality Act (CEQA).*

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

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

36 *(b) The BSCC shall determine the funding and scoring criteria.*
37 *The BSCC may consider award history in Chapters 3.11 to 3.13,*
38 *inclusive, in its scoring of adult local criminal justice facilities*
39 *applications. The funding criteria shall include, as a mandatory*
40 *criterion, documentation of the percentage of pretrial inmates in*

1 the county jail from January 1, 2013, to December 31, 2013,
2 inclusive, and a description of the county's current
3 risk-assessment-based pretrial release program. Funding
4 preference shall also be given to counties that are most prepared
5 to proceed successfully with this financing in a timely manner. The
6 determination of preparedness to proceed shall include the
7 following:

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

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

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

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

34 SEC. 5. This act is a bill providing for appropriations related
35 to the Budget Bill within the meaning of subdivision (e) of Section
36 12 of Article IV of the California Constitution, has been identified
37 as related to the budget in the Budget Bill, and shall take effect
38 immediately.

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

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

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

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

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

18 ~~SEC. 2. Section 12803 of the Government Code is amended~~
19 ~~to read:~~

20 ~~12803. (a) The California Health and Human Services Agency~~
21 ~~consists of the following departments: Aging; Community Services~~
22 ~~and Development; Developmental Services; Health Care Services;~~
23 ~~Managed Health Care; Public Health; Rehabilitation; Social~~
24 ~~Services; and State Hospitals.~~

25 ~~(b) The agency also includes the Emergency Medical Services~~
26 ~~Authority, the Managed Risk Medical Insurance Board, the Office~~
27 ~~of Health Information Integrity, the Office of Patient Advocate,~~
28 ~~the Office of Statewide Health Planning and Development, the~~
29 ~~Office of Systems Integration, the Office of Law Enforcement~~
30 ~~Support, and the State Council on Developmental Disabilities.~~

31 ~~(c) The Department of Child Support Services is hereby created~~
32 ~~within the agency commencing January 1, 2000, and shall be the~~
33 ~~single organizational unit designated as the state's Title IV-D~~
34 ~~agency with the responsibility for administering the state plan and~~
35 ~~providing services relating to the establishment of paternity or the~~
36 ~~establishment, modification, or enforcement of child support~~
37 ~~obligations as required by Section 654 of Title 42 of the United~~
38 ~~States Code. State plan functions shall be performed by other~~
39 ~~agencies as required by law, by delegation of the department, or~~
40 ~~by cooperative agreements.~~

1 ~~SEC. 3. Section 15820.92 of the Government Code is amended~~
2 ~~to read:~~

3 ~~15820.92. For purposes of this chapter, “participating county”~~
4 ~~means any county, or regional consortium of counties, within the~~
5 ~~state that has been certified to the State Public Works Board (the~~
6 ~~board) by the Board of State and Community Corrections (BSCC)~~
7 ~~as having satisfied all of the requirements set forth in Section~~
8 ~~15820.925 for financing an adult local criminal justice facility~~
9 ~~pursuant to this chapter. For purposes of this chapter, an adult local~~
10 ~~criminal justice facility may include any custodial housing, reentry,~~
11 ~~program, mental health, or treatment space necessary to manage~~
12 ~~the adult offender population consistent with the legislative intent~~
13 ~~described in Sections 17.5 and 3450 of the Penal Code under the~~
14 ~~jurisdiction of the sheriff or county department of corrections, as~~
15 ~~may be applicable, to be further defined by the BSCC in duly~~
16 ~~adopted regulations.~~

17 ~~(a) The BSCC or the California Department of Corrections and~~
18 ~~Rehabilitation (CDCR), a participating county, and the board are~~
19 ~~authorized to acquire, design, and construct an adult local criminal~~
20 ~~justice facility approved by the BSCC pursuant to Section~~
21 ~~15820.925, or to acquire a site or sites owned by, or subject to a~~
22 ~~lease or option to purchase held by, a participating county. For the~~
23 ~~purposes of this chapter, acquisition shall include, but is not limited~~
24 ~~to, acquisition of completed facilities through a build-to-suit~~
25 ~~purchase. Facilities financed pursuant to this chapter may be~~
26 ~~delivered through either a design-bid-build or a design-build~~
27 ~~process. The ownership interest of a participating county in the~~
28 ~~site or sites for an adult local criminal justice facility shall be~~
29 ~~determined by the board to be adequate for purposes of its~~
30 ~~financing in order to be eligible under this chapter.~~

31 ~~(b) Notwithstanding Section 14951, the participating county~~
32 ~~may assign an inspector during the construction of the adult local~~
33 ~~criminal justice facility.~~

34 ~~(c) The BSCC or the CDCR, a participating county, and the~~
35 ~~board shall enter into an agreement for each adult local criminal~~
36 ~~justice facility that shall provide, at a minimum, performance~~
37 ~~expectations of the parties related to the acquisition, design, and~~
38 ~~construction, including, without limitation, renovation, of the adult~~
39 ~~local criminal justice facility; guidelines and criteria for use and~~
40 ~~application of the proceeds of revenue bonds, notes, or bond~~

1 anticipation notes issued by the board to pay for the cost of the
2 approved adult local criminal justice facility; and ongoing
3 maintenance and staffing responsibilities for the term of the
4 financing.

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

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

14 (f) For purposes of compliance with the California
15 Environmental Quality Act (Division 13 (commencing with Section
16 21000) of the Public Resources Code), neither the board, nor the
17 BSCC or the CDCR, shall be deemed a lead or responsible agency
18 and the participating county shall be the lead agency.

19 SEC. 4. Section 15820.921 of the Government Code is amended
20 to read:

21 15820.921. Upon a participating county's receipt of responsive
22 construction bids or design-build proposals, or a participating
23 county's notification to the board of its intent to exercise a purchase
24 option, the board and the BSCC or the CDCR may borrow funds
25 for project costs after the adult local criminal justice facility has
26 been certified pursuant to Section 15820.92 from the Pooled Money
27 Investment Account pursuant to Sections 16312 and 16313, or
28 from any other appropriate source. In the event any of the revenue
29 bonds, notes, or bond anticipation notes authorized by this chapter
30 are not sold, the BSCC or the CDCR shall commit a sufficient
31 amount of its support appropriation to repay any loans made for
32 an approved adult local criminal justice facility.

33 SEC. 5. Section 15820.924 of the Government Code is amended
34 to read:

35 15820.924. With the consent of the board, the BSCC or the
36 CDCR and a participating county are authorized to enter into leases
37 or subleases, as lessor or lessee, for any property or approved adult
38 local criminal justice facility and are further authorized to enter
39 into contracts or other agreements for the use, maintenance, and
40 operation of the adult local criminal justice facility in order to

1 facilitate the financing authorized by this chapter. In those leases,
 2 subleases, or other agreements, the participating county shall agree
 3 to indemnify, defend and hold harmless the State of California for
 4 any and all claims and losses accruing and resulting from or arising
 5 out of the participating county's use and occupancy of the adult
 6 local criminal justice facility.

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

10

11 ~~CHAPTER 3.131. FINANCING OF LOCAL CRIMINAL JUSTICE~~
 12 ~~FACILITIES~~

13

14 15820.93. (a) For purposes of this chapter, "participating
 15 county" means a county, city and county, or regional consortium
 16 of counties, within the state that has been certified to the State
 17 Public Works Board (board) by the Board of State and Community
 18 Corrections (BSCC) as having satisfied all of the requirements set
 19 forth in Section 15820.935 for financing an adult local criminal
 20 justice facility pursuant to this chapter.

21 (b) (1) For purposes of this chapter, an adult local criminal
 22 justice facility may include improved housing with an emphasis
 23 on expanding program and treatment space as necessary to manage
 24 the adult offender population consistent with the legislative intent
 25 described in Sections 17.5 and 3450 of the Penal Code under the
 26 jurisdiction of the sheriff or county department of corrections, as
 27 may be applicable, to be further defined by the BSCC in duly
 28 adopted regulations.

29 (2) For purposes of this chapter, an adult local criminal justice
 30 facility may also include custodial housing, reentry, program,
 31 mental health, or treatment space necessary to manage the adult
 32 offender population, consistent with the legislative intent described
 33 in Sections 17.5 and 3450 of the Penal Code, under the jurisdiction
 34 of the sheriff or county department of corrections, as may be
 35 applicable, to be further defined by the BSCC in duly adopted
 36 regulations.

37 15820.930. (a) The BSCC or the Department of Corrections
 38 and Rehabilitation (CDCR), a participating county, and the board
 39 are authorized to acquire, design, and construct an adult local
 40 criminal justice facility approved by the BSCC pursuant to Section

1 15820.935, or to acquire a site or sites owned by, or subject to a
2 lease or option to purchase held by, a participating county. For the
3 purposes of this chapter, acquisition shall include, but is not limited
4 to, acquisition of completed facilities through a build-to-suit
5 purchase. Facilities financed pursuant to this chapter may be
6 delivered through either a design-bid-build or a design-build
7 process. The ownership interest of a participating county in the
8 site or sites for an adult local criminal justice facility shall be
9 determined by the board to be adequate for purposes of its
10 financing in order to be eligible under this chapter.

11 (b) Notwithstanding Section 14951, the participating county
12 may assign an inspector during the construction of the adult local
13 criminal justice facility.

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

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

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

34 (f) For purposes of compliance with the California
35 Environmental Quality Act (Division 13 (commencing with Section
36 21000) of the Public Resources Code), neither the board nor the
37 BSCC or the CDCR shall be deemed a lead or responsible agency
38 and the participating county shall be the lead agency.

39 15820.931. Upon a participating county's receipt of responsive
40 construction bids or design-build proposals, or a participating

1 county's notification to the board of its intent to exercise a purchase
2 option, and after the adult local criminal justice facility has been
3 certified pursuant to Section 15820.93, the board and the BSCC
4 or the CDCR may borrow funds for project costs from the Pooled
5 Money Investment Account pursuant to Sections 16312 and 16313,
6 or from any other appropriate source. In the event any of the
7 revenue bonds, notes, or bond anticipation notes authorized by
8 this chapter are not sold, the BSCC or the CDCR shall commit a
9 sufficient amount of its support appropriation to repay any loans
10 made for an approved adult local criminal justice facility.

11 15820.932. (a) The board may issue up to five hundred million
12 dollars (\$500,000,000) in revenue bonds, notes, or bond
13 anticipation notes, pursuant to Chapter 5 (commencing with Section
14 15830) to finance the acquisition, design, and construction,
15 including, without limitation, renovation, and a reasonable
16 construction reserve, of approved adult local criminal justice
17 facilities described in Section 15820.930, and any additional
18 amount authorized under Section 15849.6 to pay for the cost of
19 financing.

20 (b) Proceeds from the revenue bonds, notes, or bond anticipation
21 notes may be used to reimburse a participating county for the costs
22 of acquisition, design, and construction, including, without
23 limitation, renovation, for approved adult local criminal justice
24 facilities.

25 (c) Notwithstanding Section 13340, funds derived pursuant to
26 this section and Section 15820.931 are continuously appropriated
27 for purposes of this chapter.

28 15820.933. In support of this state financing, the Legislature
29 finds and declares all of the following:

30 (a) California's current challenges in managing jail populations
31 follow decades of overerowed and aging jails, and piecemeal,
32 erratic, and incomplete responses to dealing with these problems.
33 Reversing course will require sustainable solutions that must
34 include sound planning and implementation, and must be grounded
35 in the principle that jail resources must be well-planned and
36 employed efficiently and effectively to prevent overcrowding and
37 promote public safety through the broader use of evidence-based
38 practices and policies in the criminal justice system.

39 (b) California needs a long-term, statewide strategy to effectively
40 manage its jail population and jail resources. Without an ongoing

1 analytical framework for taking into account factors such as
2 population growth, criminogenic needs of the current and future
3 jail populations, crime rates, custodial housing needs, and
4 additional changes to realignment or sentencing laws and practices,
5 California will continue to resort to reactive, fragmentary fixes to
6 its jail condition and capacity problems instead of being fully
7 prepared to develop an effective and sustainable system of local
8 custodial facilities.

9 (e) The county adult criminal justice system needs improved
10 housing with an emphasis on expanding program and treatment
11 space to manage the adult offender population under its jurisdiction.

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

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

19 (f) This purpose represents valuable consideration in exchange
20 for this state action:

21 15820.934. With the consent of the board, the BSCC or the
22 CDCR and a participating county are authorized to enter into leases
23 or subleases, as lessor or lessee, for any property or approved adult
24 local criminal justice facility and are further authorized to enter
25 into contracts or other agreements for the use, maintenance, and
26 operation of the adult local criminal justice facility in order to
27 facilitate the financing authorized by this chapter. In those leases,
28 subleases, or other agreements, the participating county shall agree
29 to indemnify, defend, and hold harmless the State of California
30 for any and all claims and losses accruing and resulting from or
31 arising out of the participating county's use and occupancy of the
32 adult local criminal justice facility.

33 15820.935. (a) The BSCC shall adhere to its duly adopted
34 regulations for the approval or disapproval of adult local criminal
35 justice facilities. The BSCC shall also consider cost-effectiveness
36 in determining approval or disapproval. No state moneys shall be
37 encumbered in contracts let by a participating county until one of
38 the following occur:

1 ~~(1) Final architectural plans and specifications have been~~
2 ~~approved by the BSCC, and subsequent construction bids have~~
3 ~~been received.~~

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

8 ~~(3) The participating county has notified the board of its intent~~
9 ~~to exercise an option to purchase the completed facility pursuant~~
10 ~~to Section 15820.931.~~

11 ~~(b) The review and approval of plans, specifications, or other~~
12 ~~documents by the BSCC are for the purpose of ensuring the proper~~
13 ~~administration of moneys and the determination of whether the~~
14 ~~adult local criminal justice facility specifications comply with law~~
15 ~~and regulation. The BSCC may require changes in construction~~
16 ~~materials to enhance safety and security if materials proposed at~~
17 ~~the time of final plans and specifications are not essential and~~
18 ~~customary as used statewide for facilities of the same security~~
19 ~~level. Participating counties are responsible for the acquisition,~~
20 ~~design, construction, staffing, operation, repair, and maintenance~~
21 ~~of the adult local criminal justice facility.~~

22 ~~(e) The BSCC shall establish minimum standards, funding~~
23 ~~schedules, and procedures, which shall take into consideration,~~
24 ~~but not be limited to, the following:~~

25 ~~(1) Certification by a participating county of control of the adult~~
26 ~~local criminal justice facility site through either fee simple~~
27 ~~ownership of the site or comparable long-term possession of the~~
28 ~~site, and right of access to the adult local criminal justice facility~~
29 ~~sufficient to ensure undisturbed use and possession.~~

30 ~~(2) Documentation of the need for improved adult local criminal~~
31 ~~justice facility housing with an emphasis on expanded program~~
32 ~~and treatment space.~~

33 ~~(3) A written adult local criminal justice facility proposal.~~

34 ~~(4) Submission of a staffing plan for the adult local criminal~~
35 ~~justice facility, including operational cost projections and~~
36 ~~documentation that the adult local criminal justice facility will be~~
37 ~~able to be safely staffed and operated within 90 days of completion,~~
38 ~~as may be applicable.~~

39 ~~(5) Submission of architectural drawings, which shall be~~
40 ~~approved by the BSCC for compliance with minimum adult~~

1 ~~detention facility standards and which shall also be approved by~~
2 ~~the State Fire Marshal for compliance with fire safety and life~~
3 ~~safety requirements.~~

4 ~~(6) Documentation evidencing compliance with the California~~
5 ~~Environmental Quality Act (CEQA).~~

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

8 ~~15820.936. (a) The participating county contribution for adult~~
9 ~~local criminal justice facilities financed under this chapter shall~~
10 ~~be a minimum of 10 percent of the total project costs. The BSCC~~
11 ~~may reduce contribution requirements for participating counties~~
12 ~~with a general population below 200,000 upon petition by a~~
13 ~~participating county to the BSCC requesting a lower level of~~
14 ~~contribution.~~

15 ~~(b) The BSCC shall determine the funding and scoring criteria.~~
16 ~~The BSCC may consider award history in Chapters 3.11 to 3.13,~~
17 ~~inclusive, in its scoring of adult local criminal justice facilities~~
18 ~~applications. The funding criteria shall include, as a mandatory~~
19 ~~criterion, documentation of the percentage of pretrial inmates in~~
20 ~~the county jail from January 1, 2013, to December 31, 2013,~~
21 ~~inclusive, and a description of the county's current~~
22 ~~risk-assessment-based pretrial release program. Funding preference~~
23 ~~shall also be given to counties that are most prepared to proceed~~
24 ~~successfully with this financing in a timely manner. The~~
25 ~~determination of preparedness to proceed shall include the~~
26 ~~following:~~

27 ~~(1) Counties providing a board of supervisors' resolution~~
28 ~~authorizing an adequate amount of available matching funds to~~
29 ~~satisfy the counties' contribution and approving the forms of the~~
30 ~~project documents deemed necessary, as identified by the board~~
31 ~~to the BSCC, to effectuate the financing authorized by this chapter,~~
32 ~~and authorizing the appropriate signatory or signatories to execute~~
33 ~~those documents at the appropriate times. The identified matching~~
34 ~~funds in the resolution shall be compatible with the state's lease~~
35 ~~revenue bond financing.~~

36 ~~(2) Counties providing documentation evidencing CEQA~~
37 ~~compliance has been completed. Documentation of CEQA~~
38 ~~compliance shall be either a final Notice of Determination or a~~
39 ~~final Notice of Exemption, as appropriate, and a letter from county~~
40 ~~counsel certifying the associated statute of limitations has expired~~

1 and either no challenges were filed or identifying any challenges
2 filed and explaining how they have been resolved in a manner that
3 allows the project to proceed as proposed.

4 (e) ~~Funding consideration shall be given to counties that are~~
5 ~~seeking to replace compacted, outdated, or unsafe housing capacity~~
6 ~~or are seeking to renovate existing or build new facilities that~~
7 ~~provide adequate space for the provision of treatment and~~
8 ~~rehabilitation services, including mental health treatment.~~

9 (d) ~~A participating county may replace existing housing~~
10 ~~capacity, realizing only a minimal increase of capacity, using this~~
11 ~~financing authority if the requesting county clearly documents an~~
12 ~~existing housing capacity deficiency.~~

13 ~~SEC. 7. Section 30062 of the Government Code is amended~~
14 ~~to read:~~

15 ~~30062. (a) Except as required by paragraphs (1), (2), and (4)~~
16 ~~of subdivision (b) of Section 30061, moneys allocated from a~~
17 ~~Supplemental Law Enforcement Services Account (SLESA) to a~~
18 ~~recipient entity shall be expended exclusively to provide front line~~
19 ~~law enforcement services. These moneys shall not be used by local~~
20 ~~agencies to supplant other funding for Public Safety Services, as~~
21 ~~defined in Section 36 of Article XIII of the California Constitution.~~
22 ~~Moneys allocated pursuant to paragraph (4) of subdivision (b) of~~
23 ~~Section 30061 shall not be used by local agencies to supplant other~~
24 ~~funding for Public Safety Services, as defined in Section 36 of~~
25 ~~Article XIII of the California Constitution.~~

26 ~~(b) In the Counties of Los Angeles, Orange, and San Diego~~
27 ~~only, the district attorney may, in consultation with city attorneys~~
28 ~~in the county, determine a prorated share of the moneys received~~
29 ~~by the district attorney pursuant to this section to be allocated to~~
30 ~~city attorneys in the county in each fiscal year to fund the~~
31 ~~prosecution by those city attorneys of misdemeanor violations of~~
32 ~~state law.~~

33 ~~(c) In no event shall any moneys allocated from the county's~~
34 ~~SLESA be expended by a recipient agency to fund any of the~~
35 ~~following:~~

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

38 ~~(2) The costs of any capital project or construction project~~
39 ~~funded from moneys allocated pursuant to paragraph (3) of~~

1 ~~subdivision (b) of Section 30061 that does not directly support~~
2 ~~front line law enforcement services.~~

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

6 ~~(d) For purposes of subdivision (c), both of the following shall~~
7 ~~apply:~~

8 ~~(1) A “recipient agency” or “recipient entity” is that entity that~~
9 ~~actually incurs the expenditures of SLESA funds allocated pursuant~~
10 ~~to paragraph (1), (2), (3), or (4) of subdivision (b) of Section 30061.~~

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

14 ~~(e) For purposes of this chapter, “front line law enforcement~~
15 ~~services” and “front line municipal police services” each include~~
16 ~~antigang, community crime prevention, and juvenile justice~~
17 ~~programs.~~

18 ~~SEC. 8. Section 30070 of the Government Code is amended~~
19 ~~to read:~~

20 ~~30070. (a) For the 2011–12 fiscal year, the program authorized~~
21 ~~by this chapter shall be funded from the Local Law Enforcement~~
22 ~~Services Account in the Local Revenue Fund 2011. The Controller~~
23 ~~shall, on a quarterly basis, beginning on October 1, 2011, allocate~~
24 ~~4.07 percent of the moneys annually deposited in the Local Law~~
25 ~~Enforcement Services Account. Commencing with the 2012–13~~
26 ~~fiscal year, the program authorized by this chapter shall be funded~~
27 ~~from the Enhancing Law Enforcement Activities Subaccount in~~
28 ~~the Local Revenue Fund 2011. Subsequent to the allocation~~
29 ~~described in subdivision (c) of Section 29552, the Controller shall~~
30 ~~allocate 4.06682787 percent of the remaining moneys annually~~
31 ~~deposited in the Enhancing Law Enforcement Activities~~
32 ~~Subaccount in the Local Revenue Fund 2011. Commencing with~~
33 ~~the 2013–14 fiscal year, subsequent to the allocation described in~~
34 ~~subdivision (d) of Section 29552, the Controller shall allocate~~
35 ~~4.06682787 percent of the remaining moneys annually deposited~~
36 ~~in the Enhancing Law Enforcement Activities Subaccount in the~~
37 ~~Local Revenue Fund 2011. Funds shall be allocated in monthly~~
38 ~~installments to county sheriffs’ departments to enhance law~~
39 ~~enforcement efforts in the counties specified in paragraphs (1) to~~
40 ~~(37), inclusive, according to the following schedule:~~

1	(1) Alpine County	2.7027%
2	(2) Amador County	2.7027%
3	(3) Butte County	2.7027%
4	(4) Calaveras County	2.7027%
5	(5) Colusa County	2.7027%
6	(6) Del Norte County	2.7027%
7	(7) El Dorado County	2.7027%
8	(8) Glenn County	2.7027%
9	(9) Humboldt County	2.7027%
10	(10) Imperial County	2.7027%
11	(11) Inyo County	2.7027%
12	(12) Kings County	2.7027%
13	(13) Lake County	2.7027%
14	(14) Lassen County	2.7027%
15	(15) Madera County	2.7027%
16	(16) Marin County	2.7027%
17	(17) Mariposa County	2.7027%
18	(18) Mendocino County	2.7027%
19	(19) Merced County	2.7027%
20	(20) Modoc County	2.7027%
21	(21) Mono County	2.7027%
22	(22) Napa County	2.7027%
23	(23) Nevada County	2.7027%
24	(24) Placer County	2.7027%
25	(25) Plumas County	2.7027%
26	(26) San Benito County	2.7027%
27	(27) San Luis Obispo County	2.7027%
28	(28) Santa Cruz County	2.7027%
29	(29) Shasta County	2.7027%
30	(30) Sierra County	2.7027%
31	(31) Siskiyou County	2.7027%
32	(32) Sutter County	2.7027%
33	(33) Tehama County	2.7027%
34	(34) Trinity County	2.7027%
35	(35) Tuolumne County	2.7027%
36	(36) Yolo County	2.7027%
37	(37) Yuba County	2.7027%

38
39 (b) Funds allocated pursuant to this section shall not be used by
40 local agencies to supplant other funding for Public Safety Services,

1 ~~as defined in Section 36 of Article XIII of the California~~
2 ~~Constitution:~~

3 ~~(e) The funds allocated pursuant to this section may not be used~~
4 ~~for any video surveillance or monitoring of the general public:~~

5 ~~SEC. 9. Section 69927 is added to the Government Code, to~~
6 ~~read:~~

7 ~~69927. It is the intent of the Legislature to establish a process~~
8 ~~and funding mechanism for sheriffs that overall incur increased~~
9 ~~trial court security costs as a result of court construction projects~~
10 ~~that had an occupancy date on or after October 9, 2011.~~

11 ~~(a) Funding for increased trial court security costs pursuant to~~
12 ~~this section shall be funded by the General Fund, subject to an~~
13 ~~annual appropriation by the Legislature.~~

14 ~~(b) Counties that demonstrate increased trial court security costs~~
15 ~~incurred by the sheriff as a result of court construction projects~~
16 ~~that had an occupancy date on or after October 9, 2011, may~~
17 ~~request funding pursuant to this section.~~

18 ~~(1) Requests shall be submitted to the Department of Finance,~~
19 ~~and shall include, but not be limited to, information described in~~
20 ~~subdivision (d):~~

21 ~~(e) Counties shall assess and identify key, quantifiable~~
22 ~~differences between the previous court facility or facilities and the~~
23 ~~new or replacement facility that impose a measurable and higher~~
24 ~~level of court security costs incurred by the sheriff.~~

25 ~~(d) In evaluating requests, the Department of Finance shall~~
26 ~~consider on a case-by-case basis relevant factors, including, but~~
27 ~~not limited to:~~

28 ~~(1) Changes in court security due to the consolidation of court~~
29 ~~facilities:~~

30 ~~(2) Changes in overall court security costs due to the~~
31 ~~consolidation of court facilities:~~

32 ~~(3) The square footage of the facility that is accessible to the~~
33 ~~public:~~

34 ~~(4) Other design considerations, such as multiple floors or the~~
35 ~~distance between entry points and courtrooms:~~

36 ~~(5) The number of courtrooms compared to previous courtrooms:~~

37 ~~(6) The case types and time spent on various case types being~~
38 ~~heard in the new facility as compared to the previous facility or~~
39 ~~facilities:~~

- 1 ~~(7) The addition of holding cells and the escorting of inmates~~
2 ~~within the court facility.~~
- 3 ~~(8) The number of public entrances and security screening~~
4 ~~stations.~~
- 5 ~~(9) The presence of a security monitor or control panel.~~
- 6 ~~(10) The presence, location, and expected utilization of jury~~
7 ~~assembly rooms and juries.~~
- 8 ~~(11) Historical court security staffing and the use of deputies~~
9 ~~or court attendants.~~
- 10 ~~(12) Personnel costs for sheriff deputies and court attendant~~
11 ~~staff within the county.~~
- 12 ~~(13) The population of the county.~~
- 13 ~~(e) In evaluating the number of courtrooms under paragraph (5)~~
14 ~~of subdivision (d), the addition of courtrooms for new judgeships~~
15 ~~that have not been both authorized and funded may be excluded.~~
- 16 ~~(f) The Director of Finance, in his or her discretion, may limit~~
17 ~~the amount of funding provided within the annual appropriation.~~
- 18 ~~(g) Funds authorized pursuant to this section shall be used~~
19 ~~exclusively to fund trial court security provided by county sheriffs.~~
20 ~~No general county administrative costs may be paid with the funds~~
21 ~~provided, including, but not limited to, the costs of administering~~
22 ~~the funds received pursuant to this section.~~
- 23 ~~(h) Requests received by the Department of Finance shall be~~
24 ~~evaluated as expeditiously as possible.~~
- 25 ~~(i) Requests approved by the Department of Finance shall be~~
26 ~~considered ongoing, subject to an annual appropriation by the~~
27 ~~Legislature. The appropriation shall be adjusted annually by a rate~~
28 ~~commensurate with the growth in the Trial Court Security Growth~~
29 ~~Subaccount in the prior fiscal year.~~
- 30 ~~SEC. 10. Section 1251.4 is added to the Health and Safety~~
31 ~~Code, to read:~~
- 32 ~~1251.4. (a) Notwithstanding any other law, upon application~~
33 ~~of the Department of Corrections and Rehabilitation, the~~
34 ~~department shall change the license category of a general acute~~
35 ~~care hospital licensed to the Department of Corrections and~~
36 ~~Rehabilitation to a correctional treatment center license. No~~
37 ~~licensing inspection is required for this change of license category.~~
- 38 ~~(b) Notwithstanding any other law, upon application of the~~
39 ~~Department of Corrections and Rehabilitation, the department shall~~
40 ~~change the license category of a general acute care hospital or any~~

1 other licensed health facility located on the grounds of a prison to
2 a correctional treatment center license regardless of the location
3 of the buildings included in those licenses. No licensing inspection
4 is required for this change of license category.

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

6 ~~17.7. The Legislature finds and declares the following:~~

7 ~~(a) Strategies supporting reentering offenders through practices~~
8 ~~and programs, such as standardized risk and needs assessments,~~
9 ~~transitional community housing, treatment, medical and mental~~
10 ~~health services, and employment, have been demonstrated to~~
11 ~~significantly reduce recidivism among offenders in other states.~~

12 ~~(b) Improving outcomes among offenders reentering the~~
13 ~~community after serving time in a correctional facility will promote~~
14 ~~public safety and will reduce California's prison and jail~~
15 ~~populations.~~

16 ~~(c) Establishing a California reentry program that encompasses~~
17 ~~strategies known to reduce recidivism warrants a vigorous~~
18 ~~short-term startup in the 2014-15 fiscal year using readily available~~
19 ~~resources in the community, and a comprehensive long-term~~
20 ~~development plan for future budget years designed to expand the~~
21 ~~availability, impact, and sustainability of these strategies as further~~
22 ~~community partnerships are identified and developed.~~

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

24 ~~667.2. (a) The Legislature finds and declares that assisting~~
25 ~~offenders released pursuant to Proposition 36, adopted at the~~
26 ~~November 6, 2012, statewide general election, with their transition~~
27 ~~back into communities will increase the offenders' likelihood of~~
28 ~~successful reintegration.~~

29 ~~(b) Subject to the availability of funding for and space in the~~
30 ~~programs and services, the Department of Corrections and~~
31 ~~Rehabilitation may provide programs and services, including, but~~
32 ~~not limited to, transitional housing, mental health, and substance~~
33 ~~abuse treatment to an offender who is released from the~~
34 ~~department's custody and satisfies both of the following conditions:~~

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

39 ~~(A) Section 667.~~

40 ~~(B) Section 667.1.~~

1 ~~(C) Section 1170.12.~~
2 ~~(D) Section 1170.125.~~
3 ~~(E) Section 1170.126.~~
4 ~~(2) The offender is not subject to either of the following:~~
5 ~~(A) Parole pursuant to Article 3 (commencing with Section~~
6 ~~3040) of Chapter 8 of Title 1 of Part 3.~~
7 ~~(B) Postrelease community supervision pursuant to Title 2.05~~
8 ~~(commencing with Section 3450) of Part 3.~~
9 ~~(e) (1) The Department of Corrections and Rehabilitation, in~~
10 ~~consultation with the Administrative Office of the Courts, shall~~
11 ~~establish a referral process for offenders described in subdivision~~
12 ~~(b) to participate in programs and receive services that the~~
13 ~~department has existing contracts to provide.~~
14 ~~(2) The Administrative Office of the Courts shall inform courts~~
15 ~~of the availability of the programs and services described in this~~
16 ~~section.~~
17 ~~SEC. 13. Section 830.3 of the Penal Code, as added by Section~~
18 ~~38 of Chapter 515 of the Statutes of 2013, is amended to read:~~
19 ~~830.3. The following persons are peace officers whose authority~~
20 ~~extends to any place in the state for the purpose of performing~~
21 ~~their primary duty or when making an arrest pursuant to Section~~
22 ~~836 as to any public offense with respect to which there is~~
23 ~~immediate danger to person or property, or of the escape of the~~
24 ~~perpetrator of that offense, or pursuant to Section 8597 or 8598 of~~
25 ~~the Government Code. These peace officers may carry firearms~~
26 ~~only if authorized and under those terms and conditions as specified~~
27 ~~by their employing agencies:~~
28 ~~(a) Persons employed by the Division of Investigation of the~~
29 ~~Department of Consumer Affairs and investigators of the Board~~
30 ~~of Dental Examiners, who are designated by the Director of~~
31 ~~Consumer Affairs, provided that the primary duty of these peace~~
32 ~~officers shall be the enforcement of the law as that duty is set forth~~
33 ~~in Section 160 of the Business and Professions Code.~~
34 ~~(b) Voluntary fire wardens designated by the Director of~~
35 ~~Forestry and Fire Protection pursuant to Section 4156 of the Public~~
36 ~~Resources Code, provided that the primary duty of these peace~~
37 ~~officers shall be the enforcement of the law as that duty is set forth~~
38 ~~in Section 4156 of that code.~~
39 ~~(c) Employees of the Department of Motor Vehicles designated~~
40 ~~in Section 1655 of the Vehicle Code, provided that the primary~~

1 duty of these peace officers shall be the enforcement of the law as
2 that duty is set forth in Section 1655 of that code.

3 ~~(d) Investigators of the California Horse Racing Board~~
4 ~~designated by the board, provided that the primary duty of these~~
5 ~~peace officers shall be the enforcement of Chapter 4 (commencing~~
6 ~~with Section 19400) of Division 8 of the Business and Professions~~
7 ~~Code and Chapter 10 (commencing with Section 330) of Title 9~~
8 ~~of Part 1.~~

9 ~~(e) The State Fire Marshal and assistant or deputy state fire~~
10 ~~marshals appointed pursuant to Section 13103 of the Health and~~
11 ~~Safety Code, provided that the primary duty of these peace officers~~
12 ~~shall be the enforcement of the law as that duty is set forth in~~
13 ~~Section 13104 of that code.~~

14 ~~(f) Inspectors of the food and drug section designated by the~~
15 ~~chief pursuant to subdivision (a) of Section 106500 of the Health~~
16 ~~and Safety Code, provided that the primary duty of these peace~~
17 ~~officers shall be the enforcement of the law as that duty is set forth~~
18 ~~in Section 106500 of that code.~~

19 ~~(g) All investigators of the Division of Labor Standards~~
20 ~~Enforcement designated by the Labor Commissioner, provided~~
21 ~~that the primary duty of these peace officers shall be the~~
22 ~~enforcement of the law as prescribed in Section 95 of the Labor~~
23 ~~Code.~~

24 ~~(h) All investigators of the State Departments of Health Care~~
25 ~~Services, Public Health, and Social Services, the Department of~~
26 ~~Toxic Substances Control, the Office of Statewide Health Planning~~
27 ~~and Development, and the Public Employees' Retirement System,~~
28 ~~provided that the primary duty of these peace officers shall be the~~
29 ~~enforcement of the law relating to the duties of his or her~~
30 ~~department or office. Notwithstanding any other law, investigators~~
31 ~~of the Public Employees' Retirement System shall not carry~~
32 ~~firearms.~~

33 ~~(i) The Chief of the Bureau of Fraudulent Claims of the~~
34 ~~Department of Insurance and those investigators designated by the~~
35 ~~chief, provided that the primary duty of those investigators shall~~
36 ~~be the enforcement of Section 550.~~

37 ~~(j) Employees of the Department of Housing and Community~~
38 ~~Development designated under Section 18023 of the Health and~~
39 ~~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 18023 of that code.

3 ~~(k) Investigators of the office of the Controller, provided that~~
4 ~~the primary duty of these investigators shall be the enforcement~~
5 ~~of the law relating to the duties of that office. Notwithstanding any~~
6 ~~other law, except as authorized by the Controller, the peace officers~~
7 ~~designated pursuant to this subdivision shall not carry firearms.~~

8 ~~(l) Investigators of the Department of Business Oversight~~
9 ~~designated by the Commissioner of Business Oversight, provided~~
10 ~~that the primary duty of these investigators shall be the enforcement~~
11 ~~of the provisions of law administered by the Department of~~
12 ~~Business Oversight. Notwithstanding any other law, the peace~~
13 ~~officers designated pursuant to this subdivision shall not carry~~
14 ~~firearms.~~

15 ~~(m) Persons employed by the Contractors' State License Board~~
16 ~~designated by the Director of Consumer Affairs pursuant to Section~~
17 ~~7011.5 of the Business and Professions Code, provided that the~~
18 ~~primary duty of these persons shall be the enforcement of the law~~
19 ~~as that duty is set forth in Section 7011.5, and in Chapter 9~~
20 ~~(commencing with Section 7000) of Division 3, of that code. The~~
21 ~~Director of Consumer Affairs may designate as peace officers not~~
22 ~~more than 12 persons who shall at the time of their designation be~~
23 ~~assigned to the special investigations unit of the board.~~
24 ~~Notwithstanding any other law, the persons designated pursuant~~
25 ~~to this subdivision shall not carry firearms.~~

26 ~~(n) The Chief and coordinators of the Law Enforcement Branch~~
27 ~~of the Office of Emergency Services.~~

28 ~~(o) Investigators of the office of the Secretary of State designated~~
29 ~~by the Secretary of State, provided that the primary duty of these~~
30 ~~peace officers shall be the enforcement of the law as prescribed~~
31 ~~in Chapter 3 (commencing with Section 8200) of Division 1 of~~
32 ~~Title 2 of, and Section 12172.5 of, the Government Code.~~
33 ~~Notwithstanding any other law, the peace officers designated~~
34 ~~pursuant to this subdivision shall not carry firearms.~~

35 ~~(p) The Deputy Director for Security designated by Section~~
36 ~~8880.38 of the Government Code, and all lottery security personnel~~
37 ~~assigned to the California State Lottery and designated by the~~
38 ~~director, provided that the primary duty of any of those peace~~
39 ~~officers shall be the enforcement of the laws related to assuring~~

1 the integrity, honesty, and fairness of the operation and
2 administration of the California State Lottery.

3 (q) Investigators employed by the Investigation Division of the
4 Employment Development Department designated by the director
5 of the department, provided that the primary duty of those peace
6 officers shall be the enforcement of the law as that duty is set forth
7 in Section 317 of the Unemployment Insurance Code.
8 Notwithstanding any other law, the peace officers designated
9 pursuant to this subdivision shall not carry firearms.

10 (r) The chief and assistant chief of museum security and safety
11 of the California Science Center, as designated by the executive
12 director pursuant to Section 4108 of the Food and Agricultural
13 Code, provided that the primary duty of those peace officers shall
14 be the enforcement of the law as that duty is set forth in Section
15 4108 of the Food and Agricultural Code.

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

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

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

30 (u) Investigators of the Department of Managed Health Care
31 designated by the Director of the Department of Managed Health
32 Care, provided that the primary duty of these investigators shall
33 be the enforcement of the provisions of laws administered by the
34 Director of the Department of Managed Health Care.
35 Notwithstanding any other law, the peace officers designated
36 pursuant to this subdivision shall not carry firearms.

37 (v) The Chief, Deputy Chief, supervising investigators, and
38 investigators of the Office of Protective Services of the State
39 Department of Developmental Services, the Office of Protective
40 Services of the State Department of State Hospitals, and the Office

1 of Law Enforcement Support of the California Health and Human
2 Services Agency, provided that the primary duty of each of those
3 persons shall be the enforcement of the law relating to the duties
4 of his or her department or office.

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

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

7 830.38. (a) The officers of a state hospital under the
8 jurisdiction of the State Department of State Hospitals or the State
9 Department of Developmental Services appointed pursuant to
10 Section 4313 or 4493 of the Welfare and Institutions Code, are
11 peace officers whose authority extends to any place in the state
12 for the purpose of performing their primary duty or when making
13 an arrest pursuant to Section 836 as to any public offense with
14 respect to which there is immediate danger to person or property,
15 or of the escape of the perpetrator of that offense, or pursuant to
16 Section 8597 or 8598 of the Government Code provided that the
17 primary duty of the peace officers shall be the enforcement of the
18 law as set forth in Sections 4311, 4313, 4491, and 4493 of the
19 Welfare and Institutions Code. Those peace officers may carry
20 firearms only if authorized and under terms and conditions
21 specified by their employing agency.

22 (b) By July 1, 2015, the California Health and Human Services
23 Agency shall develop training protocols and policies and
24 procedures for peace officers specified in subdivision (a). When
25 appropriate, training protocols and policies and procedures shall
26 be uniformly implemented in both state hospitals and
27 developmental centers. Additional training protocols and policies
28 and procedures shall be developed to address the unique
29 characteristics of the residents in each type of facility.

30 (c) In consultation with system stakeholders, the agency shall
31 develop recommendations to further improve the quality and
32 stability of law enforcement and investigative functions at both
33 developmental centers and state hospitals in a meaningful and
34 sustainable manner. These recommendations shall be submitted
35 to the budget committees and relevant policy committees of both
36 houses of the Legislature no later than January 10, 2015.

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

38 1026. (a) When a defendant pleads not guilty by reason of
39 insanity, and also joins with it another plea or pleas, the defendant
40 shall first be tried as if only such other plea or pleas had been

1 entered, and in that trial the defendant shall be conclusively
2 presumed to have been sane at the time the offense is alleged to
3 have been committed. If the jury shall find the defendant guilty,
4 or if the defendant pleads only not guilty by reason of insanity,
5 then the question whether the defendant was sane or insane at the
6 time the offense was committed shall be promptly tried, either
7 before the same jury or before a new jury in the discretion of the
8 court. In that trial, the jury shall return a verdict either that the
9 defendant was sane at the time the offense was committed or was
10 insane at the time the offense was committed. If the verdict or
11 finding is that the defendant was sane at the time the offense was
12 committed, the court shall sentence the defendant as provided by
13 law. If the verdict or finding be that the defendant was insane at
14 the time the offense was committed, the court, unless it shall appear
15 to the court that the sanity of the defendant has been recovered
16 fully, shall direct that the defendant be committed to the State
17 Department of State Hospitals for the care and treatment of the
18 mentally disordered or any other appropriate public or private
19 treatment facility approved by the community program director,
20 or the court may order the defendant placed on outpatient status
21 pursuant to Title 15 (commencing with Section 1600) of Part 2.

22 (b) Prior to making the order directing that the defendant be
23 committed to the State Department of State Hospitals or other
24 treatment facility or placed on outpatient status, the court shall
25 order the community program director or a designee to evaluate
26 the defendant and to submit to the court within 15 judicial days of
27 the order a written recommendation as to whether the defendant
28 should be placed on outpatient status or committed to the State
29 Department of State Hospitals or other treatment facility. No person
30 shall be admitted to a state hospital or other treatment facility or
31 placed on outpatient status under this section without having been
32 evaluated by the community program director or a designee. If,
33 however, it appears to the court that the sanity of the defendant
34 has been recovered fully, the defendant shall be remanded to the
35 custody of the sheriff until the issue of sanity shall have been
36 finally determined in the manner prescribed by law. A defendant
37 committed to a state hospital or other treatment facility or placed
38 on outpatient status pursuant to Title 15 (commencing with Section
39 1600) of Part 2 shall not be released from confinement, parole, or
40 outpatient status unless and until the court which committed the

1 person shall, after notice and hearing, find and determine that the
2 person's sanity has been restored. Nothing in this section shall
3 prevent the transfer of the patient from one state hospital to any
4 other state hospital by proper authority. Nothing in this section
5 shall prevent the transfer of the patient to a hospital in another
6 state in the manner provided in Section 4119 of the Welfare and
7 Institutions Code.

8 (e) ~~If the defendant is committed or transferred to the State
9 Department of State Hospitals pursuant to this section, the court
10 may, upon receiving the written recommendation of the medical
11 director of the state hospital and the community program director
12 that the defendant be transferred to a public or private treatment
13 facility approved by the community program director, order the
14 defendant transferred to that facility. If the defendant is committed
15 or transferred to a public or private treatment facility approved by
16 the community program director, the court may, upon receiving
17 the written recommendation of the community program director,
18 order the defendant transferred to the State Department of State
19 Hospitals or to another public or private treatment facility approved
20 by the community program director. Where either the defendant
21 or the prosecuting attorney chooses to contest either kind of order
22 of transfer, a petition may be filed in the court requesting a hearing
23 which shall be held if the court determines that sufficient grounds
24 exist. At that hearing, the prosecuting attorney or the defendant
25 may present evidence bearing on the order of transfer. The court
26 shall use the same procedures and standards of proof as used in
27 conducting probation revocation hearings pursuant to Section
28 1203.2.~~

29 (d) ~~Prior to making an order for transfer under this section, the
30 court shall notify the defendant, the attorney of record for the
31 defendant, the prosecuting attorney, and the community program
32 director or a designee.~~

33 (e) ~~When the court, after considering the placement
34 recommendation of the community program director required in
35 subdivision (b), orders that the defendant be committed to the State
36 Department of State Hospitals or other public or private treatment
37 facility, the court shall provide copies of the following documents
38 prior to the admission of the defendant to the State Department of
39 State Hospitals or other treatment facility where the defendant is
40 to be committed:~~

- 1 ~~(1) The commitment order, including a specification of the~~
2 ~~charges.~~
- 3 ~~(2) A computation or statement setting forth the maximum term~~
4 ~~of commitment in accordance with Section 1026.5.~~
- 5 ~~(3) A computation or statement setting forth the amount of credit~~
6 ~~for time served, if any, to be deducted from the maximum term of~~
7 ~~commitment.~~
- 8 ~~(4) State summary criminal history information.~~
- 9 ~~(5) Any arrest reports prepared by the police department or other~~
10 ~~law enforcement agency.~~
- 11 ~~(6) Any court-ordered psychiatric examination or evaluation~~
12 ~~reports.~~
- 13 ~~(7) The community program director's placement~~
14 ~~recommendation report.~~
- 15 ~~(8) Any medical records.~~
- 16 ~~(f) If the defendant is confined in a state hospital or other~~
17 ~~treatment facility as an inpatient, the medical director of the facility~~
18 ~~shall, at six-month intervals, submit a report in writing to the court~~
19 ~~and the community program director of the county of commitment,~~
20 ~~or a designee, setting forth the status and progress of the defendant.~~
21 ~~The court shall transmit copies of these reports to the prosecutor~~
22 ~~and defense counsel.~~
- 23 ~~(g) For purposes of this section and Sections 1026.1 to 1026.6,~~
24 ~~inclusive, "community program director" means the person,~~
25 ~~agency, or entity designated by the State Department of State~~
26 ~~Hospitals pursuant to Section 1605 of this code and Section 4360~~
27 ~~of the Welfare and Institutions Code.~~
- 28 ~~SEC. 16. Section 1170 of the Penal Code, as amended by~~
29 ~~Section 5 of Chapter 508 of the Statutes of 2013, is amended to~~
30 ~~read:~~
- 31 ~~1170. (a) (1) The Legislature finds and declares that the~~
32 ~~purpose of imprisonment for crime is punishment. This purpose~~
33 ~~is best served by terms proportionate to the seriousness of the~~
34 ~~offense with provision for uniformity in the sentences of offenders~~
35 ~~committing the same offense under similar circumstances. The~~
36 ~~Legislature further finds and declares that the elimination of~~
37 ~~disparity and the provision of uniformity of sentences can best be~~
38 ~~achieved by determinate sentences fixed by statute in proportion~~
39 ~~to the seriousness of the offense as determined by the Legislature~~
40 ~~to be imposed by the court with specified discretion.~~

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

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

1 sentence shall be deemed a separate prior prison term under Section
2 667.5, and a copy of the judgment and other necessary
3 documentation shall be forwarded to the secretary.

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

23 (c) ~~The court shall state the reasons for its sentence choice on
24 the record at the time of sentencing. The court shall also inform
25 the defendant that as part of the sentence after expiration of the
26 term he or she may be on parole for a period as provided in Section
27 3000.~~

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

1 ~~(2) (A) (i) When a defendant who was under 18 years of age~~
2 ~~at the time of the commission of the offense for which the~~
3 ~~defendant was sentenced to imprisonment for life without the~~
4 ~~possibility of parole has served at least 15 years of that sentence,~~
5 ~~the defendant may submit to the sentencing court a petition for~~
6 ~~recall and resentencing.~~

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

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

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) 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 ~~(C) If any of the information required in subparagraph (B) is~~
39 ~~missing from the petition, or if proof of service on the prosecuting~~
40 ~~agency is not provided, the court shall return the petition to the~~

1 ~~defendant and advise the defendant that the matter cannot be~~
2 ~~considered without the missing information.~~

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

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

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

18 ~~(i) The defendant was convicted pursuant to felony murder or~~
19 ~~aiding and abetting murder provisions of law.~~

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

24 ~~(iii) The defendant committed the offense with at least one adult~~
25 ~~codefendant.~~

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

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

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

1 ~~(vii) The defendant has maintained family ties or connections~~
2 ~~with others through letter writing, calls, or visits, or has eliminated~~
3 ~~contact with individuals outside of prison who are currently~~
4 ~~involved with crime.~~

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

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

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

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

30 ~~(J) This subdivision shall have retroactive application.~~

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

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

39 ~~(A) The prisoner is terminally ill with an incurable condition~~
40 ~~caused by an illness or disease that would produce death within~~

1 ~~six months, as determined by a physician employed by the~~
2 ~~department.~~

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

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

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

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

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

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

38 ~~(6) Notwithstanding any other provisions of this section, the~~
39 ~~prisoner or his or her family member or designee may~~
40 ~~independently request consideration for recall and resentencing~~

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

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

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

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

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

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

7 ~~(g) A sentence to state prison for a determinate term for which~~
8 ~~only one term is specified, is a sentence to state prison under this~~
9 ~~section.~~

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

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

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

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

34 ~~(5) (A) Unless the court finds that, in the interests of justice, it~~
35 ~~is not appropriate in a particular case, the court, when imposing a~~
36 ~~sentence pursuant to paragraph (1) or (2) of this subdivision, shall~~
37 ~~suspend execution of a concluding portion of the term for a period~~
38 ~~selected at the court's discretion.~~

39 ~~(B) The portion of a defendant's sentenced term that is~~
40 ~~suspended pursuant to this paragraph shall be known as mandatory~~

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

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

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

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

26 SEC. 17. Section 1170 of the Penal Code, as amended by
27 Section 6 of Chapter 508 of the Statutes of 2013, is amended to
28 read:

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

39 (2) Notwithstanding paragraph (1), the Legislature further finds
40 and declares that programs should be available for inmates,

1 including, but not limited to, educational programs, that are
2 designed to prepare nonviolent felony offenders for successful
3 reentry into the community. The Legislature encourages the
4 development of policies and programs designed to educate and
5 rehabilitate nonviolent felony offenders. In implementing this
6 section, the Department of Corrections and Rehabilitation is
7 encouraged to give priority enrollment in programs to promote
8 successful return to the community to an inmate with a short
9 remaining term of commitment and a release date that would allow
10 him or her adequate time to complete the program.

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

1 ~~667.5, and a copy of the judgment and other necessary~~
2 ~~documentation shall be forwarded to the secretary.~~

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

24 ~~(c) The court shall state the reasons for its sentence choice on~~
25 ~~the record at the time of sentencing. The court shall also inform~~
26 ~~the defendant that as part of the sentence after expiration of the~~
27 ~~term he or she may be on parole for a period as provided in Section~~
28 ~~3000.~~

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

1 ~~disparity of sentences and to promote uniformity of sentencing.~~
2 ~~Credit shall be given for time served.~~

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

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

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

26 ~~(i) The defendant was convicted pursuant to felony murder or~~
27 ~~aiding and abetting murder provisions of law.~~

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

32 ~~(iii) The defendant committed the offense with at least one adult~~
33 ~~codefendant.~~

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

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

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

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

18 ~~(F) The factors that the court may consider when determining~~
19 ~~whether to recall and resentence include, but are not limited to,~~
20 ~~the following:~~

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) Prior to the offense for which the sentence is being~~
30 ~~considered for recall, the defendant had insufficient adult support~~
31 ~~or supervision and had suffered from psychological or physical~~
32 ~~trauma, or significant stress.~~

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

37 ~~(vi) The defendant has performed acts that tend to indicate~~
38 ~~rehabilitation or the potential for rehabilitation, including, but not~~
39 ~~limited to, availing himself or herself of rehabilitative, educational,~~
40 ~~or vocational programs, if those programs have been available at~~

1 his or her classification level and facility, using self-study for
2 self-improvement, or showing evidence of remorse.

3 (vii) The defendant has maintained family ties or connections
4 with others through letter writing, calls, or visits, or has eliminated
5 contact with individuals outside of prison who are currently
6 involved with crime.

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

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

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

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

32 (J) This subdivision shall have retroactive application.

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

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

1 ~~(A) The prisoner is terminally ill with an incurable condition~~
2 ~~caused by an illness or disease that would produce death within~~
3 ~~six months, as determined by a physician employed by the~~
4 ~~department.~~

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

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

14 ~~The Board of Parole Hearings shall make findings pursuant to~~
15 ~~this subdivision before making a recommendation for resentence~~
16 ~~or recall to the court. This subdivision does not apply to a prisoner~~
17 ~~sentenced to death or a term of life without the possibility of parole.~~

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

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

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

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

20 ~~(7) Any recommendation for recall submitted to the court by~~
21 ~~the secretary or the Board of Parole Hearings shall include one or~~
22 ~~more medical evaluations, a postrelease plan, and findings pursuant~~
23 ~~to paragraph (2).~~

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

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

36 ~~(10) The secretary shall issue a directive to medical and~~
37 ~~correctional staff employed by the department that details the~~
38 ~~guidelines and procedures for initiating a recall and resentencing~~
39 ~~procedure. The directive shall clearly state that any prisoner who~~
40 ~~is given a prognosis of six months or less to live is eligible for~~

1 recall and resentencing consideration, and that recall and
2 resentencing procedures shall be initiated upon that prognosis.

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

9 (g) A sentence to state prison for a determinate term for which
10 only one term is specified, is a sentence to state prison under this
11 section.

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

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

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

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

36 (5) (A) Unless the court finds, in the interest of justice, that it
37 is not appropriate in a particular case, the court, when imposing a
38 sentence pursuant to paragraph (1) or (2) of this subdivision, shall
39 suspend execution of a concluding portion of the term for a period
40 selected at the court's discretion.

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

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

22 ~~(7) The sentencing changes made by the act that added this~~
 23 ~~subdivision shall be applied prospectively to any person sentenced~~
 24 ~~on or after January 1, 2015.~~

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

26 ~~SEC. 18. Section 1170.06 is added to the Penal Code, to read:~~

27 ~~1170.06. (a) Notwithstanding any other law, a sheriff or a~~
 28 ~~county director of corrections is authorized to offer a program~~
 29 ~~under which inmates as specified in subdivision (c), who are not~~
 30 ~~precluded by subdivision (d), and who have been committed to a~~
 31 ~~county jail may be allowed to participate in a voluntary alternative~~
 32 ~~custody program as defined in subdivision (b) in lieu of their~~
 33 ~~confinement in a county jail. Under this program, one day of~~
 34 ~~participation is in lieu of one day of incarceration in a county jail.~~
 35 ~~Participants in the program shall receive any sentence reduction~~
 36 ~~credits that they would have received had they served their sentence~~
 37 ~~in a county jail, and are subject to denial and loss of credit pursuant~~
 38 ~~to subdivision (d) of Section 4019. The sheriff or the county~~
 39 ~~director of corrections may enter into contracts with county~~

1 agencies, not-for-profit organizations, for-profit organizations, and
2 others in order to promote alternative custody placements.

3 ~~(b) As used in this section, an alternative custody program shall~~
4 ~~include, but is not limited to, the following:~~

5 ~~(1) Confinement to a residential home during the hours~~
6 ~~designated by the sheriff or the county director of corrections.~~

7 ~~(2) Confinement to a residential drug or treatment program~~
8 ~~during the hours designated by the county sheriff or the county~~
9 ~~director of corrections.~~

10 ~~(3) Confinement to a transitional care facility that offers~~
11 ~~appropriate services.~~

12 ~~(4) Confinement to a mental health clinic or hospital that offers~~
13 ~~appropriate mental health services.~~

14 ~~(e) Except as provided by subdivision (d), inmates sentenced~~
15 ~~to a county jail for a determinate term of imprisonment pursuant~~
16 ~~to a misdemeanor or a felony pursuant to subdivision (h) of Section~~
17 ~~1170, and only those persons, are eligible to participate in the~~
18 ~~alternative custody program authorized by this section.~~

19 ~~(d) An inmate committed to a county jail who meets any of the~~
20 ~~following criteria is not eligible to participate in the alternative~~
21 ~~custody program:~~

22 ~~(1) The person was screened by the sheriff or the county director~~
23 ~~of corrections using a validated risk assessment tool and determined~~
24 ~~to pose a high risk to commit a violent offense.~~

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

29 ~~(3) The person has a current or prior conviction for an offense~~
30 ~~that requires the person to register as a sex offender as provided~~
31 ~~in Chapter 5.5. (commencing with Section 290) of Title 9 of Part~~
32 ~~4.~~

33 ~~(e) An alternative custody program may include the use of~~
34 ~~electronic monitoring, global positioning system devices, or other~~
35 ~~supervising devices for the purpose of helping to verify a~~
36 ~~participant's compliance with the rules and regulations of the~~
37 ~~program. The devices shall not be used to eavesdrop or record any~~
38 ~~conversation, except a conversation between the participant and~~
39 ~~the person supervising the participant, in which case the recording~~

1 of the conversation is to be used solely for the purposes of voice
2 identification.

3 (f) (1) In order to implement alternative custody for the
4 population specified in subdivision (c), the sheriff or the county
5 director of corrections shall create, and the participant shall agree
6 to and fully participate in, an individualized treatment and
7 rehabilitation plan. When available and appropriate for the
8 individualized treatment and rehabilitation plan, the sheriff or the
9 county director of corrections shall prioritize the use of
10 evidence-based programs and services that will aid in the
11 participant's successful reentry into society while he or she takes
12 part in alternative custody. Case management services shall be
13 provided to support rehabilitation and to track the progress and
14 individualized treatment plan compliance of the inmate.

15 (2) For purposes of this section, "evidence-based practices"
16 means supervision policies, procedures, programs, and practices
17 demonstrated by scientific research to reduce recidivism among
18 individuals under probation, parole, or postrelease community
19 supervision.

20 (g) The sheriff or the county director of corrections shall
21 prescribe reasonable rules to govern the operation of the alternative
22 custody program. Each participant shall be informed in writing
23 that he or she is required to comply with the rules of the program,
24 including, but not limited to, the following rules:

25 (1) The participant shall remain within the interior premises of
26 his or her residence during the hours designated by the sheriff or
27 his or her designee or the county director of corrections or his or
28 her designee.

29 (2) The participant shall be subject to search and seizure by a
30 peace officer at any time of the day or night, with or without cause.
31 In addition, the participant shall admit any peace officer designated
32 by the sheriff or his or her designee or the county director of
33 corrections or his or her designee into the participant's residence
34 at any time for purposes of verifying the participant's compliance
35 with the conditions of his or her detention. Prior to participation
36 in the alternative custody program, each participant shall agree in
37 writing to these terms and conditions.

38 (3) The sheriff or his or her designee, or the county director of
39 corrections or his or her designee, may immediately retake the
40 participant into custody to serve the balance of his or her sentence

1 if an electronic monitoring or supervising device is unable for any
2 reason to properly perform its function at the designated place of
3 detention, if the participant fails to remain within the place of
4 detention as stipulated in the agreement, or if the participant for
5 any other reason no longer meets the criteria under this section.

6 ~~(h) Whenever a peace officer supervising a participant has~~
7 ~~reasonable suspicion to believe that the participant is not complying~~
8 ~~with the rules or conditions of the program, or that a required~~
9 ~~electronic monitoring device is unable to function properly in the~~
10 ~~designated place of confinement, the peace officer may, under~~
11 ~~general or specific authorization of the sheriff or his or her~~
12 ~~designee, or the county director of corrections or his or her~~
13 ~~designee, and without a warrant of arrest, retake the participant~~
14 ~~into custody to complete the remainder of the original sentence.~~

15 ~~(i) This section shall not be construed to require a sheriff or his~~
16 ~~or her designee, or a county director of corrections or his or her~~
17 ~~designee, to allow an inmate to participate in this program if it~~
18 ~~appears from the record that the inmate has not satisfactorily~~
19 ~~complied with reasonable rules and regulations while in custody.~~
20 ~~An inmate shall be eligible for participation in an alternative~~
21 ~~custody program only if the sheriff or his or her designee or the~~
22 ~~county director of corrections or his or her designee concludes that~~
23 ~~the inmate meets the criteria for program participation established~~
24 ~~under this section and that the inmate's participation is consistent~~
25 ~~with any reasonable rules prescribed by the sheriff or the county~~
26 ~~director of corrections.~~

27 ~~(1) The rules and administrative policies of the program shall~~
28 ~~be written and shall be given or made available to each participant~~
29 ~~upon assignment to the alternative custody program.~~

30 ~~(2) The sheriff or his or her designee or the county director of~~
31 ~~corrections or his or her designee shall have the sole discretion~~
32 ~~concerning whether to permit program participation as an~~
33 ~~alternative to custody in a county jail. A risk and needs assessment~~
34 ~~shall be completed on each inmate to assist in the determination~~
35 ~~of eligibility for participation and the type of alternative custody.~~

36 ~~(j) (1) The sheriff or his or her designee or the county director~~
37 ~~of corrections or his or her designee shall permit program~~
38 ~~participants to seek and retain employment in the community,~~
39 ~~attend psychological counseling sessions or educational or~~
40 ~~vocational training classes, participate in life skills or parenting~~

1 training, utilize substance abuse treatment services, or seek
2 medical, mental health, and dental assistance based upon the
3 participant's individualized treatment and release plan.
4 Participation in other rehabilitative services and programs may be
5 approved by the case manager if it is specified as a requirement
6 of the inmate's individualized treatment and rehabilitative case
7 plan.

8 (2) Willful failure of the program participant to return to the
9 place of detention prior to the expiration of any period of time
10 during which he or she is authorized to be away from the place of
11 detention, unauthorized departures from the place of detention, or
12 tampering with or disabling, or attempting to tamper with or
13 disable, an electronic monitoring device is punishable pursuant to
14 Section 4532 and shall additionally subject the participant to a
15 return to custody pursuant to subdivisions (g) and (h). In addition,
16 participants may be subject to forfeiture of credits pursuant to the
17 provisions of Section 4019, or to discipline for violation of rules
18 established by the sheriff or the county director of corrections.

19 (k) (1) Notwithstanding any other law, the sheriff or his or her
20 designee or the county director of corrections or his or her designee
21 shall provide the information specified in paragraph (2) regarding
22 participants in an alternative custody program to the law
23 enforcement agencies of the jurisdiction in which persons
24 participating in an alternative custody program reside.

25 (2) The information required by paragraph (1) shall consist of
26 the following:

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

28 (B) The offense committed by the participant.

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

31 (3) The information received by a law enforcement agency
32 pursuant to this subdivision may be used for the purpose of
33 monitoring the impact of an alternative custody program on the
34 community.

35 (l) It is the intent of the Legislature that the alternative custody
36 programs established under this section maintain the highest public
37 confidence, credibility, and public safety. In the furtherance of
38 these standards, the sheriff or the county director of corrections
39 may administer an alternative custody program pursuant to written
40 contracts with appropriate public agencies or entities to provide

1 specified program services. No public agency or entity entering
2 into a contract may itself employ any person who is in an
3 alternative custody program. The sheriff or the county director of
4 corrections shall determine the recidivism rate of each participant
5 in an alternative custody program.

6 (m) ~~An inmate participating in this program shall voluntarily~~
7 ~~agree to all of the provisions of the program in writing, including~~
8 ~~that he or she may be returned to confinement at any time with or~~
9 ~~without cause, and shall not be charged fees or costs for the~~
10 ~~program.~~

11 (n) ~~If a phrase, clause, sentence, or provision of this section or~~
12 ~~application thereof to a person or circumstance is held invalid, that~~
13 ~~invalidity shall not affect any other phrase, clause, sentence, or~~
14 ~~provision or application of this section, which can be given effect~~
15 ~~without the invalid phrase, clause, sentence, or provision or~~
16 ~~application and to this end the provisions of this section are~~
17 ~~declared to be severable.~~

18 ~~SEC. 19. Section 1170.3 of the Penal Code, as amended by~~
19 ~~Section 9 of Chapter 508 of the Statutes of 2013, is amended to~~
20 ~~read:~~

21 ~~1170.3. The Judicial Council shall seek to promote uniformity~~
22 ~~in sentencing under Section 1170 by:~~

23 (a) ~~The adoption of rules providing criteria for the consideration~~
24 ~~of the trial judge at the time of sentencing regarding the court's~~
25 ~~decision to:~~

- 26 (1) ~~Grant or deny probation.~~
- 27 (2) ~~Impose the lower, middle, or upper prison term.~~
- 28 (3) ~~Impose concurrent or consecutive sentences.~~
- 29 (4) ~~Determine whether or not to impose an enhancement where~~
30 ~~that determination is permitted by law.~~
- 31 (5) ~~Deny a period of mandatory supervision in the interests of~~
32 ~~justice under paragraph (5) of subdivision (h) of Section 1170 or~~
33 ~~determine the appropriate period and conditions of mandatory~~
34 ~~supervision. The rules implementing this paragraph shall be~~
35 ~~adopted no later than January 1, 2015.~~

36 (b) ~~The adoption of rules standardizing the minimum content~~
37 ~~and the sequential presentation of material in probation officer~~
38 ~~reports submitted to the court regarding probation and mandatory~~
39 ~~supervision under paragraph (5) of subdivision (h) of Section 1170.~~

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

4 ~~SEC. 20. Section 1170.3 of the Penal Code, as amended by~~
5 ~~Section 10 of Chapter 508 of the Statutes of 2013, is amended to~~
6 ~~read:~~

7 ~~1170.3. The Judicial Council shall seek to promote uniformity~~
8 ~~in sentencing under Section 1170 by:~~

9 ~~(a) The adoption of rules providing criteria for the consideration~~
10 ~~of the trial judge at the time of sentencing regarding the court's~~
11 ~~decision to:~~

- 12 ~~(1) Grant or deny probation.~~
- 13 ~~(2) Impose the lower or upper prison term.~~
- 14 ~~(3) Impose concurrent or consecutive sentences.~~
- 15 ~~(4) Determine whether or not to impose an enhancement where~~
16 ~~that determination is permitted by law.~~
- 17 ~~(5) Deny a period of mandatory supervision in the interests of~~
18 ~~justice under paragraph (5) of subdivision (h) of Section 1170 or~~
19 ~~determine the appropriate period and conditions of mandatory~~
20 ~~supervision. The rules implementing this paragraph shall be~~
21 ~~adopted no later than January 1, 2015.~~

22 ~~(b) The adoption of rules standardizing the minimum content~~
23 ~~and the sequential presentation of material in probation officer~~
24 ~~reports submitted to the court regarding probation and mandatory~~
25 ~~supervision under paragraph (5) of subdivision (h) of Section 1170.~~

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

27 ~~SEC. 21. Section 1233.10 is added to the Penal Code, to read:~~

28 ~~1233.10. (a) Upon agreement to accept funding from the~~
29 ~~Recidivism Reduction Fund, created in Section 1233.9, a county~~
30 ~~board of supervisors, in collaboration with the county's Community~~
31 ~~Corrections Partnership, shall develop, administer, and collect and~~
32 ~~submit data to the Board of State and Community Corrections~~
33 ~~regarding a competitive grant program intended to fund community~~
34 ~~recidivism and crime reduction services, including, but not limited~~
35 ~~to, delinquency prevention, homelessness prevention, and reentry~~
36 ~~services. The funding shall be allocated to counties by the State~~
37 ~~Controller's Office from Item 5227-101-3259 of Section 2.00 of~~
38 ~~the Budget Act of 2014=15 according to the following schedule:~~

39		
40	Alameda	\$250,000

1	Alpine	\$10,000
2	Amador	\$10,000
3	Butte	\$50,000
4	Calaveras	\$10,000
5	Colusa	\$10,000
6	Contra-Costa	\$250,000
7	Del Norte	\$10,000
8	El Dorado	\$50,000
9	Fresno	\$250,000
10	Glenn	\$10,000
11	Humboldt	\$50,000
12	Imperial	\$50,000
13	Inyo	\$10,000
14	Kern	\$250,000
15	Kings	\$50,000
16	Lake	\$25,000
17	Lassen	\$10,000
18	Los Angeles	\$1,600,000
19	Madera	\$50,000
20	Marin	\$50,000
21	Mariposa	\$10,000
22	Mendocino	\$25,000
23	Merced	\$50,000
24	Modoc	\$10,000
25	Mono	\$10,000
26	Monterey	\$100,000
27	Napa	\$50,000
28	Nevada	\$25,000
29	Orange	\$500,000
30	Placer	\$50,000
31	Plumas	\$10,000
32	Riverside	\$500,000
33	Sacramento	\$250,000
34	San Benito	\$25,000
35	San Bernadino	\$500,000
36	San Diego	\$500,000
37	San Francisco	\$250,000
38	San Joaquin	\$250,000
39	San Luis Obispo	\$50,000
40	San Mateo	\$250,000

1	Santa Barbara	\$100,000
2	Santa Clara	\$500,000
3	Santa Cruz	\$50,000
4	Shasta	\$50,000
5	Sierra	\$10,000
6	Siskiyou	\$10,000
7	Solano	\$100,000
8	Sonoma	\$100,000
9	Stanislaus	\$100,000
10	Sutter	\$25,000
11	Tehama	\$25,000
12	Trinity	\$10,000
13	Tulare	\$100,000
14	Tuolumne	\$25,000
15	Ventura	\$250,000
16	Yolo	\$50,000
17	Yuba	\$25,000

18

19 ~~(b) For purposes of this section, “community recidivism and~~
20 ~~crime reduction service provider” means a nongovernmental entity~~
21 ~~or a consortium or coalition of nongovernmental entities, that~~
22 ~~provides community recidivism and crime reduction services, as~~
23 ~~described in paragraph (2) of subdivision (c), to persons who have~~
24 ~~been released from the state prison, a county jail, a juvenile~~
25 ~~detention facility, who are under the supervision of a parole or~~
26 ~~probation department, or any other person at risk of becoming~~
27 ~~involved in criminal activities.~~

28 ~~(c) (1) A community recidivism and crime reduction service~~
29 ~~provider shall have a demonstrated history of providing services,~~
30 ~~as described in paragraph (2), to the target population during the~~
31 ~~five years immediately prior to the application for a grant awarded~~
32 ~~pursuant to this section.~~

33 ~~(2) A community recidivism and crime reduction service~~
34 ~~provider shall provide services that are designed to enable persons~~
35 ~~to whom the services are provided to refrain from engaging in~~
36 ~~crime, reconnect with their family members, and contribute to their~~
37 ~~communities. Community recidivism and crime reduction services~~
38 ~~may include all of the following:~~

39 ~~(A) Self-help groups.~~

40 ~~(B) Individual or group assistance with basic life skills.~~

- 1 ~~(C) Mentoring programs.~~
2 ~~(D) Academic and educational services, including, but not~~
3 ~~limited to, services to enable the recipient to earn his or her high~~
4 ~~school diploma.~~
5 ~~(E) Job training skills and employment.~~
6 ~~(F) Truancy prevention programs.~~
7 ~~(G) Literacy programs.~~
8 ~~(H) Any other service that advances community recidivism and~~
9 ~~crime reduction efforts, as identified by the county board of~~
10 ~~supervisors and the Community Corrections Partnership.~~
11 ~~(I) Individual or group assistance with referrals for any of the~~
12 ~~following:~~
13 ~~(i) Mental and physical health assessments.~~
14 ~~(ii) Counseling services.~~
15 ~~(iii) Education and vocational programs.~~
16 ~~(iv) Employment opportunities.~~
17 ~~(v) Alcohol and drug treatment.~~
18 ~~(vi) Health, wellness, fitness, and nutrition programs and~~
19 ~~services.~~
20 ~~(vii) Personal finance and consumer skills programs and~~
21 ~~services.~~
22 ~~(viii) Other personal growth and development programs to~~
23 ~~reduce recidivism.~~
24 ~~(ix) Housing assistance.~~
25 ~~(d) Pursuant to this section and upon agreement to accept~~
26 ~~funding from the Recidivism Reduction Fund, the board of~~
27 ~~supervisors, in collaboration with the county's Community~~
28 ~~Corrections Partnership, shall grant funds allocated to the county,~~
29 ~~as described in subdivision (a), to community recidivism and crime~~
30 ~~reduction service providers based on the needs of their community.~~
31 ~~(e) (1) The amount awarded to each community recidivism and~~
32 ~~crime reduction service provider by a county shall be based on the~~
33 ~~population of the county, as projected by the Department of~~
34 ~~Finance, and shall not exceed the following:~~
35 ~~(A) One hundred thousand dollars (\$100,000) in a county with~~
36 ~~a population of over 4,000,000 people.~~
37 ~~(B) Fifty thousand dollars (\$50,000) in a county with a~~
38 ~~population of 700,000 or more people but less than 4,000,000~~
39 ~~people.~~

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

3 ~~(D) Ten thousand dollars (\$10,000) in a county with a population~~
4 ~~of less than 400,000 people.~~

5 ~~(2) The total amount of grants awarded to a single community~~
6 ~~recidivism and crime reduction service provider by all counties~~
7 ~~pursuant to this section shall not exceed one hundred thousand~~
8 ~~dollars (\$100,000).~~

9 ~~(f) The board of supervisors, in collaboration with the county's~~
10 ~~Community Corrections Partnership, shall establish minimum~~
11 ~~requirements, funding criteria, and procedures for the counties to~~
12 ~~award grants consistent with the criteria established in this section.~~

13 ~~(g) A community recidivism and crime reduction service~~
14 ~~provider that receives a grant under this section shall report to the~~
15 ~~county board of supervisors or the Community Corrections~~
16 ~~Partnership on the number of individuals served and the types of~~
17 ~~services provided, consistent with paragraph (2) of subdivision~~
18 ~~(e). The board of supervisors or the Community Corrections~~
19 ~~Partnership shall report to the Board of State and Community~~
20 ~~Corrections any information received under this subdivision from~~
21 ~~grant recipients.~~

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

25 ~~(i) Any funds allocated to a county under this section shall be~~
26 ~~available for expenditure for a period of four years and any~~
27 ~~unexpended funds shall revert to the state General Fund at the end~~
28 ~~of the four-year period. Any funds not encumbered with a~~
29 ~~community recidivism and crime reduction service provider one~~
30 ~~year after allocation of grant funds to counties shall immediately~~
31 ~~revert to the state General Fund.~~

32 ~~SEC. 22. Section 1233.15 of the Penal Code is amended to~~
33 ~~read:~~

34 ~~1233.15. The Director of Finance, in consultation with the~~
35 ~~Administrative Office of the Courts, the Department of Corrections~~
36 ~~and Rehabilitation, and the Chief Probation Officers of California,~~
37 ~~shall develop a revised formula for the California Community~~
38 ~~Corrections Performance Incentives Act of 2009 that takes into~~
39 ~~consideration the significant changes to the eligibility of some~~
40 ~~felony probationers for revocation to the state prison resulting from~~

1 the implementation of the 2011 Public Safety realignment, and
2 may also take into consideration the data calculated pursuant to
3 subdivisions (f) to (i), inclusive, of Section 1233.1. The revised
4 formula may include adjustments to the baseline failure rate for
5 each county. It is the intent of the Legislature that, commencing
6 with the 2015-16 fiscal year, probation departments receive
7 performance incentive funding pursuant to, and consistent with,
8 this chapter for their success at reducing postrelease community
9 supervision failure to prison rates and mandatory supervision
10 failure to prison rates.

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

12 1233.6.—(a) Probation failure reduction incentive payments
13 and high performance grants calculated for any calendar year shall
14 be provided to counties in the following fiscal year. The total
15 annual payment to each county shall be divided into four equal
16 quarterly payments.

17 (b) The Department of Finance shall include an estimate of the
18 total probation failure reduction incentive payments and high
19 performance grants to be provided to counties in the coming fiscal
20 year as part of the Governor's proposed budget released no later
21 than January 10 of each year. This estimate shall be adjusted by
22 the Department of Finance, as necessary, to reflect the actual
23 calculations of probation failure reduction incentive payments and
24 high performance grants completed by the Director of Finance, in
25 consultation with the Department of Corrections and Rehabilitation,
26 the Joint Legislative Budget Committee, the Chief Probation
27 Officers of California, and the Administrative Office of the Courts.
28 This adjustment shall occur as part of standard budget revision
29 processes completed by the Department of Finance in April and
30 May of each year.

31 (c) There is hereby established, in the State Treasury, the State
32 Community Corrections Performance Incentives Fund, which is
33 continuously appropriated. Moneys appropriated for purposes of
34 providing probation failure reduction incentive payments and high
35 performance grants authorized in Sections 1230 to 1233.6,
36 inclusive, shall be transferred into this fund from the General Fund.
37 Any moneys transferred into this fund from the General Fund shall
38 be administered by the Administrative Office of the Courts and
39 the share calculated for each county probation department shall

1 ~~be transferred to its Community Corrections Performance~~
2 ~~Incentives Fund authorized in Section 1230.~~

3 ~~(d) For each fiscal year, the Director of Finance shall determine~~
4 ~~the total amount of the State Community Corrections Performance~~
5 ~~Incentives Fund and the amount to be allocated to each county,~~
6 ~~pursuant to this section and Sections 1230 to 1233.5, inclusive,~~
7 ~~and shall report those amounts to the Controller. The Controller~~
8 ~~shall make an allocation from the State Community Corrections~~
9 ~~Performance Incentives Fund authorized in subdivision (c) to each~~
10 ~~county in accordance with the amounts provided.~~

11 ~~(e) Notwithstanding Section 13340 of the Government Code,~~
12 ~~commencing July 1, 2014, and each fiscal year thereafter, the~~
13 ~~amount of one million dollars (\$1,000,000) is hereby continuously~~
14 ~~appropriated from the State Community Corrections Performance~~
15 ~~Incentives Fund to the Administrative Office of the Courts for the~~
16 ~~costs of implementing and administering this program, pursuant~~
17 ~~to subdivision (c), and the 2011 realignment legislation addressing~~
18 ~~public safety.~~

19 ~~SEC. 24. Section 1233.61 of the Penal Code is amended to~~
20 ~~read:~~

21 ~~1233.61. Notwithstanding any other law, any moneys remaining~~
22 ~~in the State Community Corrections Performance Incentives Fund,~~
23 ~~after the calculation and award determination of each county's tier~~
24 ~~payments or high performance grant payments pursuant to Sections~~
25 ~~1233.3 and 1233.4, shall be distributed to county probation~~
26 ~~departments as follows:~~

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

32 ~~(b) The Department of Finance shall adjust the award amount~~
33 ~~for any county that has a probation failure rate, as defined in~~
34 ~~subdivision (e) of Section 1233.1, that is below the statewide~~
35 ~~average, as defined in subdivision (b) of Section 1233.1, so that~~
36 ~~these counties receive no less than two hundred thousand dollars~~
37 ~~(\$200,000).~~

38 ~~(c) The Department of Finance shall evenly distribute any~~
39 ~~remaining funds, up to two hundred thousand dollars (\$200,000)~~
40 ~~per county, to those counties that did not receive a tier payment~~

1 or a high performance grant payment, as calculated pursuant to
2 Sections 1233.3 and 1233.4.

3 (d) ~~The distribution of any funds remaining after the distribution~~
4 ~~made pursuant to subdivision (c) shall be determined by the~~
5 ~~Department of Finance. The distribution may give preference to~~
6 ~~high performing counties that did not receive funding pursuant to~~
7 ~~Section 1233.4.~~

8 (e) ~~At no time shall an award provided to a county through~~
9 ~~subdivision (c) exceed the amount of a grant award provided to~~
10 ~~counties that are eligible to receive increased award amounts~~
11 ~~pursuant to subdivision (a) or (b).~~

12 (f) ~~Any county receiving funding through subdivision (c) shall~~
13 ~~submit a report to the Administrative Office of the Courts and the~~
14 ~~Chief Probation Officers of California describing how it plans on~~
15 ~~using the funds to enhance its ability to be successful under this~~
16 ~~act. Commencing January 1, 2014, a county that fails to submit~~
17 ~~this report by March 1 annually shall not receive funding pursuant~~
18 ~~to subdivision (c) in the subsequent fiscal year.~~

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

22 SEC. 25. ~~Section 1370 of the Penal Code is amended to read:~~

23 1370. ~~(a) (1) (A) If the defendant is found mentally~~
24 ~~competent, the criminal process shall resume, the trial on the~~
25 ~~offense charged shall proceed, and judgment may be pronounced.~~

26 (B) ~~If the defendant is found mentally incompetent, the trial or~~
27 ~~judgment shall be suspended until the person becomes mentally~~
28 ~~competent.~~

29 (i) ~~In the meantime, the court shall order that the mentally~~
30 ~~incompetent defendant be delivered by the sheriff to a state hospital~~
31 ~~for the care and treatment of the mentally disordered, as directed~~
32 ~~by the State Department of State Hospitals, or to any other available~~
33 ~~public or private treatment facility, including a local county jail~~
34 ~~treatment facility or the community-based residential treatment~~
35 ~~system established pursuant to Article 1 (commencing with Section~~
36 ~~5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and~~
37 ~~Institutions Code if the facility has a secured perimeter or a locked~~
38 ~~and controlled treatment facility, approved by the community~~
39 ~~program director that will promote the defendant's speedy~~

1 restoration to mental competence, or placed on outpatient status
2 as specified in Section 1600.

3 (ii) ~~However, if the action against the defendant who has been~~
4 ~~found mentally incompetent is on a complaint charging a felony~~
5 ~~offense specified in Section 290, the prosecutor shall determine~~
6 ~~whether the defendant previously has been found mentally~~
7 ~~incompetent to stand trial pursuant to this chapter on a charge of~~
8 ~~a Section 290 offense, or whether the defendant is currently the~~
9 ~~subject of a pending Section 1368 proceeding arising out of a~~
10 ~~charge of a Section 290 offense. If either determination is made,~~
11 ~~the prosecutor shall so notify the court and defendant in writing.~~
12 ~~After this notification, and opportunity for hearing, the court shall~~
13 ~~order that the defendant be delivered by the sheriff to a state~~
14 ~~hospital, as directed by the State Department of State Hospitals,~~
15 ~~or other secure treatment facility for the care and treatment of the~~
16 ~~mentally disordered unless the court makes specific findings on~~
17 ~~the record that an alternative placement would provide more~~
18 ~~appropriate treatment for the defendant and would not pose a~~
19 ~~danger to the health and safety of others.~~

20 (iii) ~~If the action against the defendant who has been found~~
21 ~~mentally incompetent is on a complaint charging a felony offense~~
22 ~~specified in Section 290 and the defendant has been denied bail~~
23 ~~pursuant to subdivision (b) of Section 12 of Article I of the~~
24 ~~California Constitution because the court has found, based upon~~
25 ~~clear and convincing evidence, a substantial likelihood that the~~
26 ~~person's release would result in great bodily harm to others, the~~
27 ~~court shall order that the defendant be delivered by the sheriff to~~
28 ~~a state hospital for the care and treatment of the mentally~~
29 ~~disordered, as directed by the State Department of State Hospitals,~~
30 ~~unless the court makes specific findings on the record that an~~
31 ~~alternative placement would provide more appropriate treatment~~
32 ~~for the defendant and would not pose a danger to the health and~~
33 ~~safety of others.~~

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

38 (C) ~~Upon the filing of a certificate of restoration to competence,~~
39 ~~the court shall order that the defendant be returned to court in~~

1 accordance with Section 1372. The court shall transmit a copy of
2 its order to the community program director or a designee.

3 ~~(D) A defendant charged with a violent felony may not be
4 delivered to a state hospital or treatment facility pursuant to this
5 subdivision unless the state hospital or treatment facility has a
6 secured perimeter or a locked and controlled treatment facility,
7 and the judge determines that the public safety will be protected.~~

8 ~~(E) For purposes of this paragraph, “violent felony” means an
9 offense specified in subdivision (c) of Section 667.5.~~

10 ~~(F) A defendant charged with a violent felony may be placed
11 on outpatient status, as specified in Section 1600, only if the court
12 finds that the placement will not pose a danger to the health or
13 safety of others. If the court places a defendant charged with a
14 violent felony on outpatient status, as specified in Section 1600,
15 the court must serve copies of the placement order on defense
16 counsel, the sheriff in the county where the defendant will be
17 placed and the district attorney for the county in which the violent
18 felony charges are pending against the defendant.~~

19 ~~(2) Prior to making the order directing that the defendant be
20 committed to the State Department of State Hospitals or other
21 treatment facility or placed on outpatient status, the court shall
22 proceed as follows:~~

23 ~~(A) The court shall order the community program director or a
24 designee to evaluate the defendant and to submit to the court within
25 15 judicial days of the order a written recommendation as to
26 whether the defendant should be required to undergo outpatient
27 treatment, or committed to the State Department of State Hospitals
28 or to any other treatment facility. No person shall be admitted to
29 a state hospital or other treatment facility or placed on outpatient
30 status under this section without having been evaluated by the
31 community program director or a designee. The community
32 program director or designee shall evaluate the appropriate
33 placement for the defendant between the State Department of State
34 Hospitals, a local county jail treatment facility, or the
35 community-based residential treatment system based upon
36 guidelines provided by the State Department of State Hospitals.
37 If a local county jail treatment facility is selected, the State
38 Department of State Hospitals shall provide treatment at the county
39 jail treatment facility and reimburse the county jail treatment
40 facility for the reasonable costs of the bed during the treatment. If~~

1 the community-based residential treatment system is selected, the
2 State Department of State Hospitals shall provide reimbursement
3 to the community-based residential treatment system for the cost
4 of treatment as negotiated with the State Department of State
5 Hospitals. The six-month limitation in Section 1369.1 shall not
6 apply to individuals deemed incompetent to stand trial who are
7 being treated to restore competency within a county jail treatment
8 facility pursuant to this section.

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

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

14 (I) The defendant lacks capacity to make decisions regarding
15 antipsychotic medication, the defendant's mental disorder requires
16 medical treatment with antipsychotic medication, and, if the
17 defendant's mental disorder is not treated with antipsychotic
18 medication, it is probable that serious harm to the physical or
19 mental health of the patient will result. Probability of serious harm
20 to the physical or mental health of the defendant requires evidence
21 that the defendant is presently suffering adverse effects to his or
22 her physical or mental health, or the defendant has previously
23 suffered these effects as a result of a mental disorder and his or
24 her condition is substantially deteriorating. The fact that a
25 defendant has a diagnosis of a mental disorder does not alone
26 establish probability of serious harm to the physical or mental
27 health of the defendant.

28 (II) The defendant is a danger to others, in that the defendant
29 has inflicted, attempted to inflict, or made a serious threat of
30 inflicting substantial physical harm on another while in custody,
31 or the defendant had inflicted, attempted to inflict, or made a
32 serious threat of inflicting substantial physical harm on another
33 that resulted in his or her being taken into custody, and the
34 defendant presents, as a result of mental disorder or mental defect,
35 a demonstrated danger of inflicting substantial physical harm on
36 others. Demonstrated danger may be based on an assessment of
37 the defendant's present mental condition, including a consideration
38 of past behavior of the defendant within six years prior to the time
39 the defendant last attempted to inflict, inflicted, or threatened to

1 inflict substantial physical harm on another, and other relevant
2 evidence.

3 (III) The people have charged the defendant with a serious crime
4 against the person or property, involuntary administration of
5 antipsychotic medication is substantially likely to render the
6 defendant competent to stand trial, the medication is unlikely to
7 have side effects that interfere with the defendant's ability to
8 understand the nature of the criminal proceedings or to assist
9 counsel in the conduct of a defense in a reasonable manner, less
10 intrusive treatments are unlikely to have substantially the same
11 results, and antipsychotic medication is in the patient's best medical
12 interest in light of his or her medical condition.

13 (ii) If the court finds any of the conditions described in clause
14 (i) to be true, the court shall issue an order authorizing the treatment
15 facility to involuntarily administer antipsychotic medication to the
16 defendant when and as prescribed by the defendant's treating
17 psychiatrist. The court shall not order involuntary administration
18 of psychotropic medication under subclause (III) of clause (i)
19 unless the court has first found that the defendant does not meet
20 the criteria for involuntary administration of psychotropic
21 medication under subclause (I) of clause (i) and does not meet the
22 criteria under subclause (II) of clause (i).

23 (iii) In all cases, the treating hospital, facility, or program may
24 administer medically appropriate antipsychotic medication
25 prescribed by a psychiatrist in an emergency as described in
26 subdivision (m) of Section 5008 of the Welfare and Institutions
27 Code.

28 (iv) If the court has determined that the defendant has the
29 capacity to make decisions regarding antipsychotic medication,
30 and if the defendant, with advice of his or her counsel, consents,
31 the court order of commitment shall include confirmation that
32 antipsychotic medication may be given to the defendant as
33 prescribed by a treating psychiatrist pursuant to the defendant's
34 consent. The commitment order shall also indicate that, if the
35 defendant withdraws consent for antipsychotic medication, after
36 the treating psychiatrist complies with the provisions of
37 subparagraph (C), the defendant shall be returned to court for a
38 hearing in accordance with subparagraphs (C) and (D) regarding
39 whether antipsychotic medication shall be administered
40 involuntarily.

1 ~~(v) If the court has determined that the defendant has the~~
2 ~~capacity to make decisions regarding antipsychotic medication~~
3 ~~and if the defendant, with advice from his or her counsel, does not~~
4 ~~consent, the court order for commitment shall indicate that, after~~
5 ~~the treating psychiatrist complies with the provisions of~~
6 ~~subparagraph (C), the defendant shall be returned to court for a~~
7 ~~hearing in accordance with subparagraphs (C) and (D) regarding~~
8 ~~whether antipsychotic medication shall be administered~~
9 ~~involuntarily.~~

10 ~~(vi) Any report made pursuant to paragraph (1) of subdivision~~
11 ~~(b) shall include a description of any antipsychotic medication~~
12 ~~administered to the defendant and its effects and side effects,~~
13 ~~including effects on the defendant's appearance or behavior that~~
14 ~~would affect the defendant's ability to understand the nature of~~
15 ~~the criminal proceedings or to assist counsel in the conduct of a~~
16 ~~defense in a reasonable manner. During the time the defendant is~~
17 ~~confined in a state hospital or other treatment facility or placed on~~
18 ~~outpatient status, either the defendant or the people may request~~
19 ~~that the court review any order made pursuant to this subdivision.~~
20 ~~The defendant, to the same extent enjoyed by other patients in the~~
21 ~~state hospital or other treatment facility, shall have the right to~~
22 ~~contact the patients' rights advocate regarding his or her rights~~
23 ~~under this section.~~

24 ~~(C) If the defendant consented to antipsychotic medication as~~
25 ~~described in clause (iv) of subparagraph (B), but subsequently~~
26 ~~withdraws his or her consent, or, if involuntary antipsychotic~~
27 ~~medication was not ordered pursuant to clause (v) of subparagraph~~
28 ~~(B), and the treating psychiatrist determines that antipsychotic~~
29 ~~medication has become medically necessary and appropriate, the~~
30 ~~treating psychiatrist shall make efforts to obtain informed consent~~
31 ~~from the defendant for antipsychotic medication. If informed~~
32 ~~consent is not obtained from the defendant, and the treating~~
33 ~~psychiatrist is of the opinion that the defendant lacks capacity to~~
34 ~~make decisions regarding antipsychotic medication based on the~~
35 ~~conditions described in subclause (I) or (H) of clause (i) of~~
36 ~~subparagraph (B), the treating psychiatrist shall certify whether~~
37 ~~the lack of capacity and any applicable conditions described above~~
38 ~~exist. That certification shall contain an assessment of the current~~
39 ~~mental status of the defendant and the opinion of the treating~~

1 psychiatrist that involuntary antipsychotic medication has become
2 medically necessary and appropriate.

3 ~~(D) (i) If the treating psychiatrist certifies that antipsychotic~~
4 ~~medication has become medically necessary and appropriate~~
5 ~~pursuant to subparagraph (C), antipsychotic medication may be~~
6 ~~administered to the defendant for not more than 21 days, provided,~~
7 ~~however, that, within 72 hours of the certification, the defendant~~
8 ~~is provided a medication review hearing before an administrative~~
9 ~~law judge to be conducted at the facility where the defendant is~~
10 ~~receiving treatment. The treating psychiatrist shall present the case~~
11 ~~for the certification for involuntary treatment and the defendant~~
12 ~~shall be represented by an attorney or a patients' rights advocate.~~
13 ~~The attorney or patients' rights advocate shall be appointed to meet~~
14 ~~with the defendant no later than one day prior to the medication~~
15 ~~review hearing to review the defendant's rights at the medication~~
16 ~~review hearing, discuss the process, answer questions or concerns~~
17 ~~regarding involuntary medication or the hearing, assist the~~
18 ~~defendant in preparing for the hearing and advocating for his or~~
19 ~~her interests at the hearing, review the panel's final determination~~
20 ~~following the hearing, advise the defendant of his or her right to~~
21 ~~judicial review of the panel's decision, and provide the defendant~~
22 ~~with referral information for legal advice on the subject. The~~
23 ~~defendant shall also have the following rights with respect to the~~
24 ~~medication review hearing:~~

25 ~~(I) To being given timely access to the defendant's records.~~

26 ~~(II) To be present at the hearing, unless the defendant waives~~
27 ~~that right.~~

28 ~~(III) To present evidence at the hearing.~~

29 ~~(IV) To question persons presenting evidence supporting~~
30 ~~involuntary medication.~~

31 ~~(V) To make reasonable requests for attendance of witnesses~~
32 ~~on the defendant's behalf.~~

33 ~~(VI) To a hearing conducted in an impartial and informal~~
34 ~~manner.~~

35 ~~(ii) If the administrative law judge determines that the defendant~~
36 ~~either meets the criteria specified in subclause (I) of clause (i) of~~
37 ~~subparagraph (B), or meets the criteria specified in subclause (II)~~
38 ~~of clause (i) of subparagraph (B), then antipsychotic medication~~
39 ~~may continue to be administered to the defendant for the 21-day~~
40 ~~certification period. Concurrently with the treating psychiatrist's~~

1 ~~certification, the treating psychiatrist shall file a copy of the~~
2 ~~certification and a petition with the court for issuance of an order~~
3 ~~to administer antipsychotic medication beyond the 21-day~~
4 ~~certification period. For purposes of this subparagraph, the treating~~
5 ~~psychiatrist shall not be required to pay or deposit any fee for the~~
6 ~~filing of the petition or other document or paper related to the~~
7 ~~petition.~~

8 ~~(iii) If the administrative law judge disagrees with the~~
9 ~~certification, medication may not be administered involuntarily~~
10 ~~until the court determines that antipsychotic medication should be~~
11 ~~administered pursuant to this section.~~

12 ~~(iv) The court shall provide notice to the prosecuting attorney~~
13 ~~and to the attorney representing the defendant, and shall hold a~~
14 ~~hearing, no later than 18 days from the date of the certification, to~~
15 ~~determine whether antipsychotic medication should be ordered~~
16 ~~beyond the certification period.~~

17 ~~(v) If, as a result of the hearing, the court determines that~~
18 ~~antipsychotic medication should be administered beyond the~~
19 ~~certification period, the court shall issue an order authorizing the~~
20 ~~administration of that medication.~~

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

25 ~~(3) When the court orders that the defendant be committed to~~
26 ~~the State Department of State Hospitals or other public or private~~
27 ~~treatment facility, the court shall provide copies of the following~~
28 ~~documents prior to the admission of the defendant to the State~~
29 ~~Department of State Hospitals or other treatment facility where~~
30 ~~the defendant is to be committed:~~

31 ~~(A) The commitment order, including a specification of the~~
32 ~~charges.~~

33 ~~(B) A computation or statement setting forth the maximum term~~
34 ~~of commitment in accordance with subdivision (e).~~

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

38 ~~(D) State summary criminal history information.~~

39 ~~(E) Any arrest reports prepared by the police department or~~
40 ~~other law enforcement agency.~~

1 ~~(F) Any court-ordered psychiatric examination or evaluation~~
2 ~~reports.~~

3 ~~(G) The community program director's placement~~
4 ~~recommendation report.~~

5 ~~(H) Records of any finding of mental incompetence pursuant~~
6 ~~to this chapter arising out of a complaint charging a felony offense~~
7 ~~specified in Section 290 or any pending Section 1368 proceeding~~
8 ~~arising out of a charge of a Section 290 offense.~~

9 ~~(I) Any medical records.~~

10 ~~(4) When the defendant is committed to a treatment facility~~
11 ~~pursuant to clause (i) of subparagraph (B) of paragraph (1) or the~~
12 ~~court makes the findings specified in clause (ii) or (iii) of~~
13 ~~subparagraph (B) of paragraph (1) to assign the defendant to a~~
14 ~~treatment facility other than a state hospital or other secure~~
15 ~~treatment facility, the court shall order that notice be given to the~~
16 ~~appropriate law enforcement agency or agencies having local~~
17 ~~jurisdiction at the site of the placement facility of any finding of~~
18 ~~mental incompetence pursuant to this chapter arising out of a~~
19 ~~charge of a Section 290 offense.~~

20 ~~(5) When directing that the defendant be confined in a state~~
21 ~~hospital pursuant to this subdivision, the court shall commit the~~
22 ~~patient to the State Department of State Hospitals.~~

23 ~~(6) (A) If the defendant is committed or transferred to the State~~
24 ~~Department of State Hospitals pursuant to this section, the court~~
25 ~~may, upon receiving the written recommendation of the medical~~
26 ~~director of the state hospital and the community program director~~
27 ~~that the defendant be transferred to a public or private treatment~~
28 ~~facility approved by the community program director, order the~~
29 ~~defendant transferred to that facility. If the defendant is committed~~
30 ~~or transferred to a public or private treatment facility approved by~~
31 ~~the community program director, the court may, upon receiving~~
32 ~~the written recommendation of the community program director,~~
33 ~~transfer the defendant to the State Department of State Hospitals~~
34 ~~or to another public or private treatment facility approved by the~~
35 ~~community program director. In the event of dismissal of the~~
36 ~~criminal charges before the defendant recovers competence, the~~
37 ~~person shall be subject to the applicable provisions of the~~
38 ~~Lanterman-Petris-Short Act (Part 1 (commencing with Section~~
39 ~~5000) of Division 5 of the Welfare and Institutions Code). If either~~
40 ~~the defendant or the prosecutor chooses to contest either kind of~~

1 order of transfer, a petition may be filed in the court for a hearing,
2 which shall be held if the court determines that sufficient grounds
3 exist. At the hearing, the prosecuting attorney or the defendant
4 may present evidence bearing on the order of transfer. The court
5 shall use the same standards as are used in conducting probation
6 revocation hearings pursuant to Section 1203.2.

7 Prior to making an order for transfer under this section, the court
8 shall notify the defendant, the attorney of record for the defendant,
9 the prosecuting attorney, and the community program director or
10 a designee.

11 ~~(B) If the defendant is initially committed to the State~~
12 ~~Department of State Hospitals or secure treatment facility pursuant~~
13 ~~to clause (ii) or (iii) of subparagraph (B) of paragraph (1) and is~~
14 ~~subsequently transferred to any other facility, copies of the~~
15 ~~documents specified in paragraph (3) shall be taken with the~~
16 ~~defendant to each subsequent facility to which the defendant is~~
17 ~~transferred. The transferring facility shall also notify the appropriate~~
18 ~~law enforcement agency or agencies having local jurisdiction at~~
19 ~~the site of the new facility that the defendant is a person subject~~
20 ~~to clause (ii) or (iii) of subparagraph (B) of paragraph (1).~~

21 ~~(7) An order by the court authorizing involuntary medication~~
22 ~~of the defendant shall be valid for no more than one year. The~~
23 ~~court shall review the order six months after the order was made~~
24 ~~to determine if the grounds for the authorization remain. In the~~
25 ~~review, the court shall consider the reports of the treating~~
26 ~~psychiatrist or psychiatrists and the defendant's patients' rights~~
27 ~~advocate or attorney. The court may require testimony from the~~
28 ~~treating psychiatrist or psychiatrists and the patients' rights~~
29 ~~advocate or attorney, if necessary. The court may continue the~~
30 ~~order authorizing involuntary medication for up to another six~~
31 ~~months, or vacate the order, or make any other appropriate order.~~

32 ~~(b) (1) Within 90 days of a commitment made pursuant to~~
33 ~~subdivision (a), the medical director of the state hospital or other~~
34 ~~treatment facility to which the defendant is confined shall make a~~
35 ~~written report to the court and the community program director~~
36 ~~for the county or region of commitment, or a designee, concerning~~
37 ~~the defendant's progress toward recovery of mental competence.~~
38 ~~If the defendant is on outpatient status, the outpatient treatment~~
39 ~~staff shall make a written report to the community program director~~
40 ~~concerning the defendant's progress toward recovery of mental~~

1 competence. Within 90 days of placement on outpatient status, the
2 community program director shall report to the court on this matter.
3 ~~If the defendant has not recovered mental competence, but the~~
4 ~~report discloses a substantial likelihood that the defendant will~~
5 ~~regain mental competence in the foreseeable future, the defendant~~
6 ~~shall remain in the state hospital or other treatment facility or on~~
7 ~~outpatient status. Thereafter, at six-month intervals or until the~~
8 ~~defendant becomes mentally competent, if the defendant is~~
9 ~~confined in a treatment facility, the medical director of the hospital~~
10 ~~or person in charge of the facility shall report in writing to the~~
11 ~~court and the community program director or a designee regarding~~
12 ~~the defendant's progress toward recovery of mental competence.~~
13 ~~If the defendant is on outpatient status, after the initial 90-day~~
14 ~~report, the outpatient treatment staff shall report to the community~~
15 ~~program director on the defendant's progress toward recovery,~~
16 ~~and the community program director shall report to the court on~~
17 ~~this matter at six-month intervals. A copy of these reports shall be~~
18 ~~provided to the prosecutor and defense counsel by the court. If the~~
19 ~~report indicates that there is no substantial likelihood that the~~
20 ~~defendant will regain mental competence in the foreseeable future,~~
21 ~~the committing court shall order the defendant to be returned to~~
22 ~~the court for proceedings pursuant to paragraph (2) of subdivision~~
23 ~~(e). The court shall transmit a copy of its order to the community~~
24 ~~program director or a designee.~~

25 (2) ~~If the court has issued an order authorizing the treating~~
26 ~~facility to involuntarily administer antipsychotic medication to the~~
27 ~~defendant, the reports made at six-month intervals concerning the~~
28 ~~defendant's progress toward regaining competency shall also~~
29 ~~consider the issue of involuntary medication. Each report shall~~
30 ~~include, but is not limited to, all the following:~~

31 (A) ~~Whether or not the defendant has the capacity to make~~
32 ~~decisions concerning antipsychotic medication.~~

33 (B) ~~If the defendant lacks capacity to make decisions concerning~~
34 ~~antipsychotic medication, whether the defendant risks serious harm~~
35 ~~to his or her physical or mental health if not treated with~~
36 ~~antipsychotic medication.~~

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

39 (D) ~~Whether the defendant has a mental illness for which~~
40 ~~medications are the only effective treatment.~~

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

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

5 ~~(G) How quickly the medication is likely to bring the defendant~~
6 ~~to competency.~~

7 ~~(H) Whether the treatment plan includes methods other than~~
8 ~~medication to restore the defendant to competency.~~

9 ~~(I) A statement, if applicable, that no medication is likely to~~
10 ~~restore the defendant to competency.~~

11 ~~(3) After reviewing the reports, the court shall determine whether~~
12 ~~or not grounds for the order authorizing involuntary administration~~
13 ~~of antipsychotic medication still exist and shall do one of the~~
14 ~~following:~~

15 ~~(A) If the original grounds for involuntary medication still exist,~~
16 ~~the order authorizing the treating facility to involuntarily administer~~
17 ~~antipsychotic medication to the defendant shall remain in effect.~~

18 ~~(B) If the original grounds for involuntary medication no longer~~
19 ~~exist, and there is no other basis for involuntary administration of~~
20 ~~antipsychotic medication, the order for the involuntary~~
21 ~~administration of antipsychotic medication shall be vacated.~~

22 ~~(C) If the original grounds for involuntary medication no longer~~
23 ~~exist, and the report states that there is another basis for involuntary~~
24 ~~administration of antipsychotic medication, the court shall set a~~
25 ~~hearing within 21 days to determine whether the order for the~~
26 ~~involuntary administration of antipsychotic medication shall be~~
27 ~~vacated or whether a new order for the involuntary administration~~
28 ~~of antipsychotic medication shall be issued. The hearing shall~~
29 ~~proceed as set forth in subparagraph (B) of paragraph (2) of~~
30 ~~subdivision (a).~~

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

37 ~~(5) If it is determined by the court that no treatment for the~~
38 ~~defendant's mental impairment is being conducted, the defendant~~
39 ~~shall be returned to the committing court. The court shall transmit~~

1 a copy of its order to the community program director or a
2 designee.

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

11 (e) (1) At the end of three years from the date of commitment
12 or a period of commitment equal to the maximum term of
13 imprisonment provided by law for the most serious offense charged
14 in the information, indictment, or misdemeanor complaint,
15 whichever is shorter, a defendant who has not recovered mental
16 competence shall be returned to the committing court. The court
17 shall notify the community program director or a designee of the
18 return and of any resulting court orders.

19 (2) Whenever any defendant is returned to the court pursuant
20 to paragraph (1) or (4) of subdivision (b) or paragraph (1) of this
21 subdivision and it appears to the court that the defendant is gravely
22 disabled, as defined in subparagraph (B) of paragraph (1) of
23 subdivision (h) of Section 5008 of the Welfare and Institutions
24 Code, the court shall order the conservatorship investigator of the
25 county of commitment of the defendant to initiate conservatorship
26 proceedings for the defendant pursuant to Chapter 3 (commencing
27 with Section 5350) of Part 1 of Division 5 of the Welfare and
28 Institutions Code. Any hearings required in the conservatorship
29 proceedings shall be held in the superior court in the county that
30 ordered the commitment. The court shall transmit a copy of the
31 order directing initiation of conservatorship proceedings to the
32 community program director or a designee, the sheriff and the
33 district attorney of the county in which criminal charges are
34 pending, and the defendant's counsel of record. The court shall
35 notify the community program director or a designee, the sheriff
36 and district attorney of the county in which criminal charges are
37 pending, and the defendant's counsel of record of the outcome of
38 the conservatorship proceedings.

39 (3) If a change in placement is proposed for a defendant who
40 is committed pursuant to subparagraph (B) of paragraph (1) of

1 subdivision (h) of Section 5008 of the Welfare and Institutions
2 Code, the court shall provide notice and an opportunity to be heard
3 with respect to the proposed placement of the defendant to the
4 sheriff and the district attorney of the county in which criminal
5 charges are pending.

6 (4) ~~If the defendant is confined in a treatment facility, a copy
7 of any report to the committing court regarding the defendant's
8 progress toward recovery of mental competence shall be provided
9 by the committing court to the prosecutor and to the defense
10 counsel.~~

11 (d) ~~The criminal action remains subject to dismissal pursuant
12 to Section 1385. If the criminal action is dismissed, the court shall
13 transmit a copy of the order of dismissal to the community program
14 director or a designee.~~

15 (e) ~~If the criminal charge against the defendant is dismissed,
16 the defendant shall be released from any commitment ordered
17 under this section, but without prejudice to the initiation of any
18 proceedings that may be appropriate under the
19 Lanterman-Petris-Short Act, Part 1 (commencing with Section
20 5000) of Division 5 of the Welfare and Institutions Code.~~

21 (f) ~~As used in this chapter, "community program director" means
22 the person, agency, or entity designated by the State Department
23 of State Hospitals pursuant to Section 1605 of this code and Section
24 4360 of the Welfare and Institutions Code.~~

25 (g) ~~For the purpose of this section, "secure treatment facility"
26 shall not include, except for state mental hospitals, state
27 developmental centers, and correctional treatment facilities, any
28 facility licensed pursuant to Chapter 2 (commencing with Section
29 1250) of, Chapter 3 (commencing with Section 1500) of, or Chapter
30 3.2 (commencing with Section 1569) of, Division 2 of the Health
31 and Safety Code, or any community board and care facility.~~

32 (h) ~~Nothing in this section shall preclude a defendant from filing
33 a petition for habeas corpus to challenge the continuing validity
34 of an order authorizing a treatment facility or outpatient program
35 to involuntarily administer antipsychotic medication to a person
36 being treated as incompetent to stand trial.~~

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

38 2694. (a) The Department of Corrections and Rehabilitation
39 shall expand substance abuse treatment services in prisons to
40 accommodate at least 4,000 additional inmates who have histories

1 of substance abuse. In determining the prisons in which these
2 additional treatment services will be located, the department may
3 consider efficiency and efficacy of treatment, availability of staff
4 resources, availability of physical space, and availability of
5 additional resources in surrounding communities to supplement
6 the treatment. In addition, the department shall expand followup
7 treatment services in the community in order to ensure that
8 offenders who participate in substance abuse treatment while
9 incarcerated in prison shall receive necessary followup treatment
10 while on parole.

11 (b) (1) Notwithstanding any other law, unless there is a security
12 or safety reason not to do so, a substance abuse treatment program
13 funded by the Department of Corrections and Rehabilitation and
14 offered in a facility under the jurisdiction of the department
15 pursuant to this section shall include a peer counseling component
16 allowing prisoners to receive the necessary training within those
17 facilities to become certified addiction counselors, including
18 necessary course work and clinical hours.

19 (2) If the department determines that a peer counseling
20 component shall not be included as part of a substance abuse
21 treatment program offered in a facility under the department's
22 jurisdiction, the department shall notify in writing on January 10,
23 2015, and January 10, 2016, the Assembly and Senate Committees
24 on Budget and the relevant Assembly and Senate policy committees
25 at the time the determination is made. The report shall include the
26 reason for the determination and a description of the substance
27 abuse treatment program being provided.

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

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

34

35 Article 2.4. Case Management Reentry Pilot Program

36

37 3016. (a) The Secretary of the Department of Corrections and
38 Rehabilitation shall establish the Case Management Reentry Pilot
39 Program for offenders under the jurisdiction of the department
40 who have been sentenced to a term of imprisonment under Section

1 1170 and are likely to benefit from a case management reentry
2 strategy designed to address homelessness, joblessness, mental
3 disorders, and developmental disabilities among offenders
4 transitioning from prison into the community. The purpose of the
5 pilot program is to implement promising and evidence-based
6 practices and strategies that promote improved public safety
7 outcomes for offenders reentering society after serving a term in
8 state prison and while released to parole.

9 (b) The program shall be initiated in at least three counties over
10 three years, supported by department employees focusing primarily
11 on case management services for eligible parolees selected for the
12 pilot program. Department employees shall be experienced or
13 trained to work as social workers with a parole population.
14 Selection of a parolee for participation in the pilot program does
15 not guarantee the availability of services.

16 (c) Case management social workers shall assist offenders on
17 parole who are assigned to the program in managing basic needs,
18 including housing, job training and placement, medical and mental
19 health care, and any additional programming or responsibilities
20 attendant to the terms of the offender's reentry requirements. Case
21 management social workers also shall work closely with offenders
22 to prepare, monitor, revise, and fulfill individualized offender
23 reentry plans consistent with this section during the term of the
24 program.

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

28 (e) Case management services shall be prioritized for offenders
29 identified as potentially benefiting from assistance with the
30 following:

31 (1) Food, including the immediate need and long-term planning
32 for obtaining food.

33 (2) Clothing, including the immediate need to obtain appropriate
34 clothing.

35 (3) Shelter, including obtaining housing consistent with the
36 goals of the most independent, least restrictive and potentially
37 durable housing in the local community and that are feasible for
38 the circumstances of each reentering offender.

39 (4) Benefits, including, but not limited to, the California Work
40 Opportunity and Responsibility to Kids program, general

- 1 assistance, benefits administered by the federal Social Security
2 Administration, Medi-Cal, and veterans benefits.
- 3 ~~(5) Health services, including assisting parolee clients with~~
4 ~~accessing community mental health, medical, and dental treatment.~~
- 5 ~~(6) Substance abuse services, including assisting parolee clients~~
6 ~~with obtaining community substance abuse treatment or related~~
7 ~~12-step program information and locations.~~
- 8 ~~(7) Income, including developing and implementing a feasible~~
9 ~~plan to obtain an income and employment reflecting the highest~~
10 ~~level of work appropriate for a reentering offender's abilities and~~
11 ~~experience.~~
- 12 ~~(8) Identification cards, including assisting reentering offenders~~
13 ~~with obtaining state identification cards.~~
- 14 ~~(9) Life skills, including assisting with the development of skills~~
15 ~~concerning money management, job interviewing, resume writing,~~
16 ~~and activities of daily living.~~
- 17 ~~(10) Activities, including working with reentering offenders in~~
18 ~~choosing and engaging in suitable and productive activities.~~
- 19 ~~(11) Support systems, including working with reentering~~
20 ~~offenders on developing a support system, which may consist of~~
21 ~~prosocial friends, family, and community groups and activities,~~
22 ~~such as religious activities, recovery groups, and other social~~
23 ~~events.~~
- 24 ~~(12) Academic and vocational programs, including assisting~~
25 ~~reentering offenders in developing and implementing a realistic~~
26 ~~plan to achieve an academic education, or vocational training, or~~
27 ~~both.~~
- 28 ~~(13) Discharge planning, including developing postparole plans~~
29 ~~to sustain parolees' achievements and goals to insure long-term~~
30 ~~community success.~~
- 31 ~~(f) The department shall contract for an evaluation of the pilot~~
32 ~~program that will assess its effectiveness in reducing recidivism~~
33 ~~among offenders transitioning from prison into the community.~~
- 34 ~~(g) The department shall submit a final report of the findings~~
35 ~~from its evaluation of the pilot program to the Legislature and the~~
36 ~~Governor no later than three years after the enactment of Assembly~~
37 ~~Bill 1457 or Senate Bill 851 of the 2013–14 Regular Session. The~~
38 ~~report shall be submitted in compliance with Section 9795 of the~~
39 ~~Government Code.~~

1 (h) Implementation of this article is contingent on the availability
2 of funds and the pilot program may be limited in scope or duration
3 based on the availability of funds.

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

5 3060.7. (a) (1) Notwithstanding any other law, the supervising
6 parole agency shall notify any person released on parole or
7 postrelease community supervision pursuant to Title 2.05
8 (commencing with Section 3450) of Part 3 who has been classified
9 by the Department of Corrections and Rehabilitation as included
10 within the highest control or risk classification that he or she shall
11 be required to report to his or her assigned parole officer or
12 designated local supervising agency within two days of release
13 from the state prison.

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

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

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

30 (d) With regard to any inmate subject to this section, the
31 Department of Corrections and Rehabilitation shall release an
32 inmate sentenced prior to January 1, 1996, one or two days before
33 his or her scheduled release date if the inmate's release date falls
34 on the day before a holiday or weekend.

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

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

1 5006. ~~(a) (1) All moneys now held for the benefit of inmates~~
2 ~~currently housed in Department of Corrections and Rehabilitation~~
3 ~~facilities including those known as the Inmate Canteen Fund of~~
4 ~~the California Institution for Men; the Inmate Welfare Fund of the~~
5 ~~California Institution for Women; the Trust Contingent Fund of~~
6 ~~the California State Prison at Folsom; the S.P.L. Commissary,~~
7 ~~Canteen Account, Hobby Association, Camp Account, Library~~
8 ~~Fund, News Agency of the California State Prison at San Quentin,~~
9 ~~the Prisoners' Fund; and the Prisoners' Employment Fund, shall~~
10 ~~be deposited in the Inmate Welfare Fund of the Department of~~
11 ~~Corrections and Rehabilitation, in the State Treasury, which is~~
12 ~~hereby created. The money in the fund shall be used solely for the~~
13 ~~benefit and welfare of inmates of prisons and institutions under~~
14 ~~the jurisdiction of the Department of Corrections and~~
15 ~~Rehabilitation, including the following:~~

16 ~~(A) The establishment, maintenance, employment of personnel~~
17 ~~for, and purchase of items for sale to inmates at canteens~~
18 ~~maintained at the state institutions.~~

19 ~~(B) The establishment, maintenance, employment of personnel,~~
20 ~~and necessary expenses in connection with the operation of the~~
21 ~~hobby shops at institutions under the jurisdiction of the department.~~

22 ~~(C) Educational programs, hobby and recreational programs,~~
23 ~~which may include physical education activities and hobby craft~~
24 ~~classes, inmate family visiting services, leisure-time activities, and~~
25 ~~assistance with obtaining photo identification from the Department~~
26 ~~of Motor Vehicles.~~

27 ~~(D) Funding for innovative programming by not-for-profit~~
28 ~~organizations offering programs that have demonstrated success~~
29 ~~and focus on offender responsibility and restorative justice~~
30 ~~principles. All funding used for this purpose shall go directly to~~
31 ~~the not-for-profit organizations and shall not be used for department~~
32 ~~staff or administration of the programming.~~

33 ~~(2) The warden of each institution, in collaboration with at least~~
34 ~~two representatives from local or state advocacy groups for inmates~~
35 ~~and two members of either the men's or women's advisory council~~
36 ~~or similar group within each institution, shall meet at least~~
37 ~~biannually to determine how the money in the fund shall be used~~
38 ~~to benefit the inmates of the respective institution. It is the intent~~
39 ~~of the Legislature that the funds only be expended on services~~

1 other than those that the department is required to provide to
2 inmates:

3 (b) There shall be deposited in the Inmate Welfare Fund all net
4 proceeds from the operation of canteens and hobby shops and any
5 moneys that may be assigned to the state prison by prisoners for
6 deposit in the fund. The moneys in the fund shall constitute a trust
7 held by the Secretary of the Department of Corrections and
8 Rehabilitation for the benefit and welfare, as herein defined, of all
9 of the inmates of institutions and prisons under the jurisdiction of
10 the department.

11 (c) The Department of Finance shall conduct a biennial audit
12 of the Inmate Welfare Fund to include an audit report which shall
13 summarize expenditures from the fund by major categories. At the
14 end of each intervening fiscal year, a statement of operations shall
15 be prepared that shall contain the same information as would be
16 provided in the biennial audit. At least one copy of any statement
17 of operations or audit report shall be placed in each library
18 maintained by the Department of Corrections and Rehabilitation
19 and shall be available there to any inmate.

20 SEC. 30.— Section 6032 is added to the Penal Code, to read:

21 6032. (a) There is hereby established within the Board of State
22 and Community Corrections the California Juvenile Justice Data
23 Working Group. The purpose of the working group is to
24 recommend options for coordinating and modernizing the juvenile
25 justice data systems and reports that are developed and maintained
26 by state and county agencies:

27 (b) (1) The working group shall include representatives from
28 each of the following:

29 (A) The Department of Justice.

30 (B) The Board of State and Community Corrections.

31 (C) The Division of Juvenile Justice within the Department of
32 Corrections and Rehabilitation.

33 (D) The Chief Probation Officers of California.

34 (E) The Judicial Council.

35 (F) The California State Association of Counties.

36 (G) Any other representatives that are deemed appropriate by
37 the board.

38 (2) Members of the working group shall include persons that
39 have experience or expertise related to the California juvenile

1 justice system or the design and implementation of juvenile justice
2 data systems, or both.

3 ~~(e) (1) The working group shall analyze the capacities and~~
4 ~~limitations of the data systems and networks used to collect and~~
5 ~~report state and local juvenile caseload and outcome data. The~~
6 ~~analysis shall include all of the following:~~

7 ~~(A) A review of the relevant data systems, studies, or models~~
8 ~~from California and other states having elements worthy of~~
9 ~~replication in California.~~

10 ~~(B) Identify changes or upgrades to improve the capacity and~~
11 ~~utility of juvenile justice caseload and outcome data in California,~~
12 ~~including changes to support the gathering of juvenile justice~~
13 ~~outcome and recidivism information, and changes to improve~~
14 ~~performance outcome measurements for state-local juvenile justice~~
15 ~~grant programs.~~

16 ~~(2) No later than January 1, 2016, the working group shall~~
17 ~~prepare and submit a report to the Legislature on the options for~~
18 ~~improving interagency coordination, modernization, and upgrading~~
19 ~~of state and local juvenile justice data and information systems.~~
20 ~~The report shall include, but not be limited to, all of the following:~~

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

23 ~~(B) Recommendations for the creation of a Web-based statewide~~
24 ~~clearinghouse or information center that would make relevant~~
25 ~~juvenile justice information on operations, caseloads, dispositions,~~
26 ~~and outcomes available in a user-friendly, query-based format for~~
27 ~~stakeholders and members of the public.~~

28 ~~(C) An assessment of the feasibility of implementing the~~
29 ~~responsibilities identified in subparagraph (A) and the~~
30 ~~recommendations developed pursuant to subparagraph (B).~~

31 ~~(3) The working group shall also recommend a plan for~~
32 ~~improving the current juvenile justice reporting requirements of~~
33 ~~Section 1961 of the Welfare and Institutions Code and Section~~
34 ~~30061 of the Government Code, including streamlining and~~
35 ~~consolidating current requirements without sacrificing meaningful~~
36 ~~data collection. The working group shall submit its~~
37 ~~recommendations to the Board of State and Community Corrections~~
38 ~~no later than December 31, 2014.~~

1 ~~(d) (1) The requirement for submitting a report imposed under~~
2 ~~subdivision (e) is inoperative on January 1, 2016, pursuant to~~
3 ~~Section 10231.5 of the Government Code.~~

4 ~~(2) A report submitted to the Legislature pursuant to subdivision~~
5 ~~(e) shall be submitted in compliance with Section 9795 of the~~
6 ~~Government Code.~~

7 ~~SEC. 31. The Legislature hereby finds and declares all of the~~
8 ~~following with respect to Section 32 of this act:~~

9 ~~(a) A share of the restored mentally ill offender crime reduction~~
10 ~~grants, with the enactment of this act, will be dedicated to~~
11 ~~improving mental health outcomes for children in the juvenile~~
12 ~~justice system.~~

13 ~~(b) While California's youth crime rates are down overall in~~
14 ~~California, our courts and juvenile justice facilities are brimming~~
15 ~~with children and youth with a broad range of mental health~~
16 ~~disorders and unmet treatment needs.~~

17 ~~(c) In a 2005 "gap survey" of California probation chiefs, paving~~
18 ~~the way for the subsequent realignment of the Department of~~
19 ~~Corrections and Rehabilitation, Division of Juvenile Justice~~
20 ~~population to local control, the chiefs identified juvenile mental~~
21 ~~health cases as the most significant problem and service gap they~~
22 ~~faced. In a later study, Chief Probation Officers of California~~
23 ~~documented long stays and high costs related to the detention of~~
24 ~~juveniles with mental health problems. State and national studies~~
25 ~~confirm, again and again, extremely high rates of mental health~~
26 ~~disorders among incarcerated youth, with prevalence exceeding~~
27 ~~70 percent of juveniles in custody. Data from the Board of State~~
28 ~~and Community Corrections in 2013 documents the fact that nearly~~
29 ~~one-half of the daily 8,200 juveniles in custody or on electronic~~
30 ~~monitoring in California have "open mental health cases."~~

31 ~~(d) When the mental health needs of young offenders are~~
32 ~~ignored, these youth enter a high-risk zone of becoming chronic~~
33 ~~adult offenders, committing further crimes, and filling up our~~
34 ~~already crowded prisons and jails. This comes at a cost in public~~
35 ~~safety, a cost to the probation, court, and corrections agencies who~~
36 ~~must then deal expensively with the problem on a long-term basis~~
37 ~~at the deep end of our jail and prison systems, and a cost to the~~
38 ~~taxpayers.~~

39 ~~(e) We know that early intervention in these youth mental health~~
40 ~~cases is a key to success. The mentally ill offender crime reduction~~

1 grant program investment on the juvenile justice side is an
2 investment in crime prevention. The juvenile justice share of the
3 mentally ill offender crime reduction grants will support local
4 investment in proven best practices, including early diagnoses,
5 family and community-based treatment models, specialized mental
6 health courts, and other collaborative models of intervention that
7 have proven to be successful. The goal, overall, is to break the link
8 between mental illness and crime as soon as possible using
9 state-of-the-art assessment and intervention strategies. Early
10 recognition and treatment in these cases is also critical to our goal
11 of preventing the escalation of youth mental health disorders into
12 tragedies like the University of California, Santa Barbara, shooting
13 that occurred in 2014.

14 (f) Modern science tells us that children are developmentally
15 different from adults. This finding has been embedded in decisions
16 of the United States Supreme Court in recent years, placing limits
17 on the death penalty and other punishments imposed on children.

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

25 (h) Research indicates that a continuum of responses for
26 mentally ill offenders that includes prevention, intervention, and
27 incarceration can reduce crime, jail overcrowding, and criminal
28 justice costs.

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

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

1 Article 4. Mentally Ill Offender Crime Reduction Grants

2
3 ~~6045. (a) The Board of State and Community Corrections shall~~
4 ~~administer mentally ill offender crime reduction grants on a~~
5 ~~competitive basis to counties that expand or establish a continuum~~
6 ~~of timely and effective responses to reduce crime and criminal~~
7 ~~justice costs related to mentally ill offenders. The grants~~
8 ~~administered under this article by the board shall be divided~~
9 ~~between adult and juvenile mentally ill offender crime reduction~~
10 ~~grants in accordance with the funds appropriated for each type of~~
11 ~~grant. The grants shall support prevention, intervention,~~
12 ~~supervision, and incarceration-based services and strategies to~~
13 ~~reduce recidivism and to improve outcomes for mentally ill juvenile~~
14 ~~and adult offenders.~~

15 ~~(b) For purposes of this article, the following terms shall have~~
16 ~~the following meanings:~~

17 ~~(1) “Board” means the Board of State and Community~~
18 ~~Corrections.~~

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

22 ~~(3) “Mentally ill juvenile offenders” means persons described~~
23 ~~in subdivision (a) of Section 5600.3 of the Welfare and Institutions~~
24 ~~Code.~~

25 ~~6045.2. (a) A county shall be eligible to apply for either an~~
26 ~~adult mentally ill offender grant or a juvenile mentally ill offender~~
27 ~~grant or both in accordance with all other provisions of this article.~~
28 ~~The board shall provide a separate and competitive grant~~
29 ~~application and award process for each of the adult and juvenile~~
30 ~~mentally ill offender crime reduction grant categories. The board~~
31 ~~shall endeavor to assist counties that apply for grants in both~~
32 ~~categories in meeting any grant submission requirements that may~~
33 ~~overlap between the two categories of grants.~~

34 ~~(b) (1) A county that applies for an adult mentally ill offender~~
35 ~~grant shall establish a strategy committee to design the grant~~
36 ~~application that includes, at a minimum, the sheriff or director of~~
37 ~~the county department of corrections in a county where the sheriff~~
38 ~~does not administer the county jail system, who shall chair the~~
39 ~~committee, and representatives from other local law enforcement~~
40 ~~agencies, the chief probation officer, the county mental health~~

1 director, a superior court judge, a former offender who is or has
2 been a client of a mental health treatment facility, and
3 representatives from organizations that can provide or have
4 provided treatment or stabilization services for mentally ill
5 offenders, including treatment, housing, income or job support,
6 and caretaking.

7 (2) A county that applies for a juvenile mentally ill offender
8 grant shall establish a strategy committee that includes, at a
9 minimum, the chief probation officer who shall chair the
10 committee, representatives from local law enforcement agencies,
11 the county mental health director, a superior court judge, a client
12 or former offender who has received juvenile mental health
13 services, and representatives from organizations that can provide
14 or have provided treatment or support services for mentally ill
15 juvenile offenders, including therapy, education, employment,
16 housing, and caretaking services.

17 (3) A county that applies for both types of grants may convene
18 a combined strategy committee that includes the sheriff or jail
19 administrator and the chief probation officer as cochairs of the
20 committee, as well as representation from the other agencies,
21 departments, and disciplines designated in paragraphs (1) and (2)
22 for both types of committees.

23 (e) The strategy committee shall develop and describe in its
24 grant application a comprehensive county plan for providing a
25 cost-effective continuum of responses and services for mentally
26 ill adult offenders or mentally ill juvenile offenders, including
27 prevention, intervention, and incarceration-based services, as
28 appropriate. The plan shall describe how the responses and services
29 included in the plan have been proven to be or are designed to be
30 effective in addressing the mental health needs of the target
31 offender population, while also reducing recidivism and custody
32 levels for mentally ill offenders in adult or juvenile detention or
33 correctional facilities. Strategies for prevention, intervention, and
34 incarceration-based services in the plan shall include, but not be
35 limited to, all of the following:

36 (1) Mental health and substance abuse treatment for mentally
37 ill adult offenders or mentally ill juvenile offenders who are
38 presently placed, incarcerated, or housed in a local adult or juvenile
39 detention or correctional facility or who are under supervision by

1 the probation department after having been released from a state
2 or local adult or juvenile detention or correctional facility.

3 (2) Prerelease, reentry, continuing, and community-based
4 services designed to provide long-term stability for juvenile or
5 adult offenders outside of the facilities of the adult or juvenile
6 justice systems, including services to support a stable source of
7 income, a safe and decent residence, and a conservator or caretaker,
8 as needed in appropriate cases.

9 (3) For mentally ill juvenile offender applications, one or more
10 of the following strategies that has proven to be effective or has
11 evidence-based support for effectiveness in the remediation of
12 mental health disorders and the reduction of offending: short-term
13 and family-based therapies, collaborative interagency service
14 agreements, specialized court-based assessment and disposition
15 tracks or programs, or other specialized mental health treatment
16 and intervention models for juvenile offenders that are proven or
17 promising from an evidence-based perspective.

18 (d) The plan as included in the grant application shall include
19 the identification of specific outcome and performance measures
20 and for annual reporting on grant performance and outcomes to
21 the board that will allow the board to evaluate, at a minimum, the
22 effectiveness of the strategies supported by the grant in reducing
23 crime, incarceration, and criminal justice costs related to mentally
24 ill offenders. The board shall, in the grant application process,
25 provide guidance to counties on the performance measures and
26 reporting criteria to be addressed in the application.

27 6045.4. (a) The application submitted by a county shall
28 describe a four-year plan for the programs, services, or strategies
29 to be provided under the grant. The board shall award grants that
30 provide funding for four years with the proviso that funding beyond
31 the first year of the plan is contingent upon annual appropriations
32 and the availability of funds to support mentally ill offender crime
33 reduction grants beyond the first funding year. Funding shall be
34 used to supplement, rather than supplant, funding for existing
35 programs. Funds may be used to fund specialized alternative
36 custody programs that offer appropriate mental health treatment
37 and services.

38 (b) A grant shall not be awarded unless the applicant makes
39 available resources in accordance with the instructions of the board
40 in an amount equal to at least 25 percent of the amount of the grant.

1 Resources may include in-kind contributions from participating
2 agencies:

3 (e) In awarding grants, priority or preference shall be given to
4 those grant applications that include documented match funding
5 that exceeds 25 percent of the total grant amount.

6 ~~6045.6.~~ The board shall establish minimum requirements,
7 funding criteria, and procedures for awarding grants, which shall
8 take into consideration, but not be limited to, all of the following:

9 (a) The probable or potential impact of the grant on reducing
10 the number or percent of mentally ill adult offenders or mentally
11 ill juvenile offenders who are incarcerated or detained in local
12 adult or juvenile correctional facilities and, as relevant for juvenile
13 offenders, in probation out-of-home placements.

14 (b) Demonstrated ability to administer the program, including
15 any past experience in the administration of a prior mentally ill
16 offender crime reduction grant.

17 (c) Demonstrated ability to develop effective responses and to
18 provide effective treatment and stability for mentally ill adult
19 offenders or mentally ill juvenile offenders.

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

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

27 ~~6045.8.~~ (a) The board shall create an evaluation design for
28 adult and juvenile mentally ill offender crime reduction grants that
29 assesses the effectiveness of the program in reducing crime, adult
30 and juvenile offender incarceration and placement levels, early
31 releases due to jail overcrowding, and local criminal and juvenile
32 justice costs. The evaluation design may include outcome measures
33 related to the service levels, treatment modes, and stability
34 measures for juvenile and adult offenders participating in, or
35 benefitting from, mentally ill offender crime reduction grant
36 programs or services.

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

1 ~~(e) The reports submitted pursuant to this section shall be~~
2 ~~submitted in compliance with Section 9795 of the Government~~
3 ~~Code.~~

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

6 ~~6045.9. The board may use up to 5 percent of the funds~~
7 ~~appropriated for purposes of this article to administer this program,~~
8 ~~including technical assistance to counties and the development of~~
9 ~~the evaluation component.~~

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

11 ~~6141. The California Rehabilitation Oversight Board shall meet~~
12 ~~at least twice annually, and shall regularly examine the various~~
13 ~~mental health, substance abuse, educational, and employment~~
14 ~~programs for inmates and parolees operated by the Department of~~
15 ~~Corrections and Rehabilitation. The board shall report to the~~
16 ~~Governor and the Legislature annually, on September 15, and may~~
17 ~~submit other reports during the year if it finds they are necessary.~~
18 ~~The reports shall include, but are not limited to, findings on the~~
19 ~~effectiveness of treatment efforts, rehabilitation needs of offenders,~~
20 ~~gaps in rehabilitation services in the department, and levels of~~
21 ~~offender participation and success in the programs. The board shall~~
22 ~~also make recommendations to the Governor and Legislature with~~
23 ~~respect to modifications, additions, and eliminations of~~
24 ~~rehabilitation and treatment programs. In performing its duties,~~
25 ~~the board shall use the work products developed for the department~~
26 ~~as a result of the provisions of the 2006 Budget Act, including~~
27 ~~Provision 18 of Item 5225-001-0001.~~

28 SEC. 34. ~~Section 6402 is added to the Penal Code, to read:~~

29 ~~6402. The Department of Corrections and Rehabilitation~~
30 ~~(CDCR) shall develop policies related to the department's~~
31 ~~contraband interdiction efforts for individuals entering CDCR~~
32 ~~detention facilities. When developed, these policies shall include,~~
33 ~~but not be limited to, the following specifications:~~

34 ~~(a) Application to all individuals, including visitors, all~~
35 ~~department staff, including executive staff, volunteers, and contract~~
36 ~~employees.~~

37 ~~(b) Use of methods to ensure that profiling is not practiced~~
38 ~~during random searches or searches of all individuals entering the~~
39 ~~prison at that time.~~

1 ~~(e) Establishment of unpredictable, random search efforts and~~
2 ~~methods that ensures that no one, except department employees~~
3 ~~specifically designated to conduct the random search, shall have~~
4 ~~advance notice of when a random search is scheduled.~~

5 ~~(d) All visitors attempting to enter a CDCR detention facility~~
6 ~~shall be informed that they may refuse to be searched by a passive~~
7 ~~alert dog.~~

8 ~~(e) All visitors attempting to enter a CDCR detention facility~~
9 ~~who refuse to be searched by a passive alert dog shall be informed~~
10 ~~of options, including, but not limited to, voluntarily aborting their~~
11 ~~attempt to enter the detention facility.~~

12 ~~(f) All individuals attempting to enter a CDCR detention facility,~~
13 ~~who have a positive alert for contraband by an electronic drug~~
14 ~~detection device, a passive alert dog, or other technology, shall be~~
15 ~~informed of options, including, but not limited to, an unclothed~~
16 ~~body search.~~

17 ~~(g) Establishment of a method by which an individual may~~
18 ~~demonstrate an authorized health-related use of a controlled~~
19 ~~substance when a positive alert is noted by an electronic drug~~
20 ~~detection device, a passive alert dog, or other technology.~~

21 ~~(h) Establishment of specific requirements for additional search~~
22 ~~options when multiple positive alerts occur on an individual~~
23 ~~employee within a specified timeframe.~~

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

25 ~~7050. (a) (1) Section 28 of Chapter 7 of the Statutes of 2007~~
26 ~~contains an appropriation of three hundred million dollars~~
27 ~~(\$300,000,000) for capital outlay to be allocated to renovate,~~
28 ~~improve, or expand infrastructure capacity at existing prison~~
29 ~~facilities. The funds appropriated by that section may be used for~~
30 ~~land acquisition, environmental services, architectural~~
31 ~~programming, engineering assessments, schematic design,~~
32 ~~preliminary plans, working drawings, and construction.~~

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

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

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

6 ~~(5) These funds may also be used for the design and construction~~
7 ~~of projects in the Health Care Facility Improvement Program at~~
8 ~~state prison facilities.~~

9 ~~(6) This subdivision authorizes the scope and cost of a single~~
10 ~~capital outlay project for purposes of calculating augmentations~~
11 ~~pursuant to Section 13332.11 or 13332.19.~~

12 ~~(b) The scope and costs of the projects described in subdivision~~
13 ~~(a) of this section shall be subject to approval and administrative~~
14 ~~oversight by the State Public Works Board, including~~
15 ~~augmentations, pursuant to Section 13332.11 or 13332.19 of the~~
16 ~~Government Code. The availability of an augmentation for each~~
17 ~~individual project allocation shall be based on the total applicable~~
18 ~~capital outlay appropriation contained in Section 28 of Chapter 7~~
19 ~~of the Statutes of 2007 and is not limited to 20 percent of the~~
20 ~~individual project allocation. These requirements shall be applied~~
21 ~~separately to each institution. All of the necessary infrastructure~~
22 ~~improvements at each institution may be treated as one project~~
23 ~~such that there would be one infrastructure improvement project~~
24 ~~at each institution. The scope and cost of each infrastructure~~
25 ~~improvement project shall be established by the board individually.~~
26 ~~The amount of the total appropriation in Section 28 of Chapter 7~~
27 ~~of the Statutes of 2007 that is necessary for each infrastructure~~
28 ~~improvement project shall be allocated by institution. The~~
29 ~~appropriation may be allocated based on current estimates. These~~
30 ~~initial allocations may be adjusted commensurate to changes that~~
31 ~~occur during the progression of the projects. As allocations are~~
32 ~~made or adjusted, the anticipated deficit or savings shall be~~
33 ~~continuously tracked and reported. Once the total appropriation~~
34 ~~has been allocated, any augmentation necessary to fund an~~
35 ~~anticipated deficit shall be based on the total appropriation and~~
36 ~~allocated to each project as necessary. Concurrent with the request~~
37 ~~to the board to establish each project authorized pursuant to this~~
38 ~~section, the Department of Corrections and Rehabilitation shall~~
39 ~~report the associated scope, cost, and schedule information to the~~
40 ~~Joint Legislative Budget Committee.~~

1 ~~(e) The projects authorized pursuant to this section shall be part~~
2 ~~of the Department of Corrections and Rehabilitation's master plan,~~
3 ~~as defined in Section 7000.~~

4 ~~(d) The reporting requirements set forth in Sections 7000 to~~
5 ~~7003.5, inclusive, shall apply separately to each project authorized~~
6 ~~pursuant to this section.~~

7 ~~SEC. 36. Section 13821 of the Penal Code is amended to read:~~

8 ~~13821. (a) For the 2011-12 fiscal year, the Controller shall~~
9 ~~allocate 9 percent of the amount deposited in the Local Law~~
10 ~~Enforcement Services Account in the Local Revenue Fund 2011~~
11 ~~to the Office of Emergency Services. The Controller shall allocate~~
12 ~~these funds on a quarterly basis beginning on October 1. These~~
13 ~~funds shall be allocated by the Controller pursuant to a schedule~~
14 ~~provided by the Office of Emergency Services which shall be~~
15 ~~developed according to the office's existing programmatic~~
16 ~~guidelines and the following percentages:~~

17 ~~(1) The California Multi-Jurisdictional Methamphetamine~~
18 ~~Enforcement Teams shall receive 47.52 percent in the 2011-12~~
19 ~~fiscal year.~~

20 ~~(2) The Multi-Agency Gang Enforcement Consortium shall~~
21 ~~receive 0.2 percent in the 2011-12 fiscal year.~~

22 ~~(3) The Sexual Assault Felony Enforcement Teams, authorized~~
23 ~~by Section 13887, shall receive 12.48 percent in the 2011-12 fiscal~~
24 ~~year.~~

25 ~~(4) The High Technology Theft Apprehension and Prosecution~~
26 ~~Program, authorized by Section 13848.2, shall receive 26.83~~
27 ~~percent in the 2011-12 fiscal year.~~

28 ~~(5) The Gang Violence Suppression Program authorized by~~
29 ~~Section 13826.1, shall receive 3.91 percent in the 2011-12 fiscal~~
30 ~~year.~~

31 ~~(6) The Central Valley and Central Coast Rural Crime~~
32 ~~Prevention Programs, authorized by Sections 14170 and 14180,~~
33 ~~shall receive 9.06 percent in the 2011-12 fiscal year.~~

34 ~~(b) For the 2011-12 fiscal year, the Office of Emergency~~
35 ~~Services may be reimbursed up to five hundred eleven thousand~~
36 ~~dollars (\$511,000) from the funds allocated in subdivision (a) for~~
37 ~~program administrative costs.~~

38 ~~(c) Commencing with the 2012-13 fiscal year, subsequent to~~
39 ~~the allocation described in subdivision (c) of Section 29552 of the~~
40 ~~Government Code, and commencing with the 2013-14 fiscal year,~~

1 subsequent to the allocation described in subdivision (d) of Section
2 29552 of the Government Code, the Controller shall allocate
3 8.99758189 percent of the remaining amount deposited in the
4 Enhancing Law Enforcement Activities Subaccount in the Local
5 Revenue Fund 2011 and shall distribute the moneys as follows:

6 (1) Commencing with the 2012-13 fiscal year, the California
7 Multi-Jurisdictional Methamphetamine Enforcement Teams shall
8 receive 47.52015636 percent and shall be allocated by the
9 Controller according to the following schedule:

Alameda County	1.7109%
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%

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

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

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Alameda County	1.7109%
Alpine County	0.6327%
Amador County	0.6327%
Butte County	1.6666%

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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%
San Luis Obispo County	1.3483%
San Mateo County	1.1224%
Santa Barbara County	1.3483%

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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%
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,~~

1 shall receive ~~12.48473003~~ percent and shall be allocated by the
2 Controller in monthly installments according to the following
3 schedule:

4		
5	Los Angeles County	21.0294%
6	Riverside County	12.8778%
7	Sacramento County	14.0198%
8	San Luis Obispo County	12.0168%
9	Santa Clara County	17.0238%
10	Shasta County	12.0168%
11	Tulare County	11.0156%
12		

13 (7) Commencing with the 2012-13 fiscal year, the High
14 Technology Theft Apprehension and Prosecution Program,
15 authorized by Section 13848.2, shall receive ~~26.82628878~~ percent
16 and shall be allocated by the Controller according to the following
17 schedule:

18		
19	Los Angeles County	18.25%
20	Marin County	18.25%
21	Marin County, for use by the Department of Justice in 22 implementing subdivision (b) of Section 13848.4	7.00%
23	Marin County, for use by the California District 24 Attorneys Association in implementing subdivision 25 (b) of Section 13848.4	1.75%
26	Sacramento County	18.25%
27	San Diego County	18.25%
28	Santa Clara County	18.25%
29		

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

35		
36	Los Angeles County	18.25%
37	Marin County	18.25%
38	Marin County, for use by the Department of Justice in 39 implementing subdivision (b) of Section 13848.4	7.00%

1	Marin County, for use by the California District	1.75%
2	Attorneys Association in implementing subdivision	
3	(b) of Section 13848.4	
4	Sacramento County	18.25%
5	San Diego County	18.25%
6	Santa Clara County	18.25%

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8 (9) ~~Commencing with the 2012–13 fiscal year, the Gang~~
9 ~~Violence Suppression Program, authorized by Section 13826.1,~~
10 ~~shall receive 3.90911312 percent and shall be allocated by the~~
11 ~~Controller according to the following schedule:~~

12	Alameda County	9.6775%
13	Los Angeles County	22.5808%
14	Monterey County	9.6775%
15	Napa County	17.7417%
16	City of Oxnard	17.7417%
17	City of Sacramento	22.5808%

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20 (10) ~~Commencing with the 2013–14 fiscal year, the Gang~~
21 ~~Violence Suppression Program, authorized by Section 13826.1,~~
22 ~~shall receive 3.90911312 percent and shall be allocated by the~~
23 ~~Controller in monthly installments according to the following~~
24 ~~schedule:~~

25	Alameda County	9.6775%
26	Los Angeles County	22.5808%
27	Monterey County	9.6775%
28	Napa County	17.7417%
29	City of Oxnard	17.7417%
30	City of Sacramento	22.5808%

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33 (11) ~~Commencing with the 2012–13 fiscal year, the Central~~
34 ~~Valley and Central Coast Rural Crime Prevention Programs,~~
35 ~~authorized by Sections 14170 and 14180, shall receive 9.06425605~~
36 ~~percent and shall be allocated by the Controller according to the~~
37 ~~following schedule:~~

38	Fresno County	18.5588%
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Kern County	13.7173%
Kings County	6.8587%
Madera County	4.4380%
Mereed 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%
Mereed 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:~~

1 ~~13826.1. (a) There is hereby established in the Board of State~~
2 ~~and Community Corrections, the Gang Violence Suppression~~
3 ~~Program, a program of financial and technical assistance for district~~
4 ~~attorneys' offices, local law enforcement agencies, county~~
5 ~~probation departments, school districts, county offices of education,~~
6 ~~or any consortium thereof, and community-based organizations~~
7 ~~which are primarily engaged in the suppression of gang violence.~~

8 ~~(b) Funds made available pursuant to this chapter are intended~~
9 ~~to ensure the highest quality provision of services and to reduce~~
10 ~~unnecessary duplication. Funds disbursed under this chapter shall~~
11 ~~not be used by local agencies to supplant other funding for Public~~
12 ~~Safety Services, as defined in Section 36 of Article XIII of the~~
13 ~~California Constitution. Funds awarded under this program as local~~
14 ~~assistance grants shall not be subject to review as specified in~~
15 ~~Section 10295 of the Public Contract Code.~~

16 ~~SEC. 38. Section 14306 of the Public Resources Code is~~
17 ~~amended to read:~~

18 ~~14306. To implement this division, the director may do all of~~
19 ~~the following:~~

20 ~~(a) Recruit and enroll corpsmembers and special corpsmembers.~~

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

28 ~~(c) Execute contracts containing the terms and conditions that~~
29 ~~are deemed necessary and desirable for the enrollment of~~
30 ~~corpsmembers.~~

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

35 ~~(e) Apply for and accept grants or contributions of funds from~~
36 ~~any public or private source.~~

37 ~~(f) Purchase, rent, or otherwise acquire or obtain necessary~~
38 ~~property, supplies, instruments, tools, equipment, and~~
39 ~~conveniences.~~

1 ~~(g) Execute contracts for furnishing the services of the corps to~~
2 ~~any federal, state, or local public agency; any local or statewide~~
3 ~~private organization concerned with the objectives of the corps'~~
4 ~~program, as specified in Sections 14000 and 14300; and any person,~~
5 ~~firm, partnership, or corporation concerned with these objectives:~~

6 ~~(h) Procure insurance.~~

7 ~~(i) Be reimbursed by the federal government, any state or local~~
8 ~~public agency, or any private organization for actual expenses~~
9 ~~incurred by the corps for any project undertaken for any such entity~~
10 ~~pursuant to subdivision (d) or (g) or pursuant to Section 14307.~~

11 ~~(j) To the extent permitted by Article VII of the California~~
12 ~~Constitution, execute contracts with any person, natural or~~
13 ~~corporate, for the purpose of implementing the objectives of the~~
14 ~~corps, as specified in Sections 14000 and 14300.~~

15 ~~(k) Utilize any services, material, or property of any agency of~~
16 ~~the state, and may make agreements with any agency of the state~~
17 ~~or take other actions that are reasonable and necessary.~~

18 ~~(l) Contract with public or private nonprofit entities to provide~~
19 ~~services for the corps.~~

20 ~~(m) Contract with the University of California, the California~~
21 ~~State University, the community college districts, and private~~
22 ~~institutions for the creation of special admission and tuition credit~~
23 ~~programs for corpsmembers.~~

24 ~~SEC. 39.— Section 1955 of the Welfare and Institutions Code is~~
25 ~~amended to read:~~

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

37 ~~(1) Fifty percent based on the number of the county's juvenile~~
38 ~~felony court dispositions, calculated as a percentage of the state~~
39 ~~total. By July 10 of each year, the Department of Justice shall~~

1 provide to the Department of Finance the number of juvenile felony
2 court dispositions for each county for the previous calendar year.

3 ~~(2) Fifty percent based on the county's population of minors~~
4 ~~from 10 to 17 years of age, inclusive, according to the most recent~~
5 ~~data published by the Department of Finance, calculated as a~~
6 ~~percentage of the state total.~~

7 ~~(b) Each county shall receive a minimum block grant allocation~~
8 ~~of fifty-eight thousand five hundred dollars (\$58,500) for the~~
9 ~~2007-08 fiscal year, and a minimum block grant allocation of one~~
10 ~~hundred seventeen thousand dollars (\$117,000) for each fiscal year~~
11 ~~thereafter.~~

12 ~~(c) Commencing with the 2008-09 fiscal year, allocations shall~~
13 ~~be available to counties that have met the requirements of Section~~
14 ~~1961.~~

15 ~~SEC. 40. Section 1981 of the Welfare and Institutions Code is~~
16 ~~amended to read:~~

17 ~~1981. (a) There is hereby established a Juvenile Reentry Fund.~~
18 ~~Moneys allocated for local supervision of persons discharged from~~
19 ~~the custody of the Division of Juvenile Facilities authorized in~~
20 ~~Sections 1983 and 1984 shall be deposited into this fund from the~~
21 ~~General Fund. Any moneys deposited into this fund shall be~~
22 ~~administered by the Controller and the share calculated for each~~
23 ~~county probation department shall be transferred to its Juvenile~~
24 ~~Reentry Fund authorized in subdivision (b).~~

25 ~~(b) Each county is hereby authorized to establish in each county~~
26 ~~treasury a Juvenile Reentry Fund to receive all amounts allocated~~
27 ~~to that county probation department for purposes of implementing~~
28 ~~this chapter.~~

29 ~~(c) Allocations from the Juvenile Reentry Fund shall be~~
30 ~~expended exclusively to address local program needs for persons~~
31 ~~discharged from the custody of the Division of Juvenile Facilities.~~
32 ~~County probation departments, in expending the Juvenile Reentry~~
33 ~~Grant allocation, shall provide evidence-based supervision and~~
34 ~~detention practices and rehabilitative services to persons who are~~
35 ~~subject to the jurisdiction of the juvenile court who were committed~~
36 ~~to and discharged from the Department of Corrections and~~
37 ~~Rehabilitation, Division of Juvenile Facilities. "Evidence-based"~~
38 ~~refers to supervision and detention policies, procedures, programs,~~
39 ~~and practices demonstrated by scientific research to reduce~~

1 recidivism among individuals on probation or under postrelease
2 supervision:

3 ~~(d) Funds allocated pursuant to subdivision (c) shall not be used~~
4 ~~by local agencies to supplant other funding for Public Safety~~
5 ~~Services, as defined in Section 36 of Article XIII of the California~~
6 ~~Constitution.~~

7 ~~(e) The funding provided under this chapter is intended to~~
8 ~~provide payment in full for all local government costs of the~~
9 ~~supervision, programming, education, incarceration or any other~~
10 ~~cost resulting from persons discharged from custody or held in~~
11 ~~local facilities pursuant to the provisions of this act.~~

12 ~~SEC. 41. Section 1984 of the Welfare and Institutions Code is~~
13 ~~amended to read:~~

14 ~~1984. (a) The amount allocated to each county probation~~
15 ~~department from the Juvenile Reentry Grant shall be distributed~~
16 ~~in two equal payments to be paid on October 30 and May 30 of~~
17 ~~each fiscal year, until June 30, 2013. Commencing with the~~
18 ~~2013-14 fiscal year, the amount allocated to each county probation~~
19 ~~department from the Juvenile Reentry Grant Special Account~~
20 ~~established in paragraph (2) of subdivision (c) of Section 30025~~
21 ~~of the Government Code shall be allocated in monthly installments.~~
22 ~~In each fiscal year the amount allocated to each county probation~~
23 ~~department from the Juvenile Reentry Grant Special Account shall~~
24 ~~be distributed pursuant to the criteria set forth in subdivisions (b)~~
25 ~~to (h), inclusive, of this section.~~

26 ~~(b) Consistent with Section 1766, funds shall be allocated in~~
27 ~~the amount of fifteen thousand dollars (\$15,000) on an average~~
28 ~~daily population basis per ward discharged to the jurisdiction of~~
29 ~~the court and ordered by the court to be supervised by local county~~
30 ~~probation for monitoring and services during the previous fiscal~~
31 ~~year based on the actual number of discharged wards supervised~~
32 ~~at the local level. For each discharged ward, this funding shall be~~
33 ~~provided for 24 months.~~

34 ~~(c) Consistent with Sections 208.5 and 1767.35, funds shall be~~
35 ~~allocated in the amount of one hundred fifteen thousand dollars~~
36 ~~(\$115,000) on an average daily population basis per discharged~~
37 ~~ward transferred to a local juvenile facility for violating a condition~~
38 ~~of court-ordered supervision during the previous fiscal year based~~
39 ~~on the actual number of discharged wards housed in a local juvenile~~
40 ~~detention facility or court-ordered placement facility where the~~

1 costs of the housing is not reimbursable to the county through Title
2 IV-E of the federal Social Security Act, or Medi-Cal. For each
3 discharged ward, this funding shall be provided for the actual
4 number of months the ward is housed in a facility up to 12 months.
5 This funding shall not be provided for wards housed in a jail under
6 any circumstances.

7 (d) Consistent with Section 731.1, funds shall be allocated in
8 the amount of fifteen thousand dollars (\$15,000) on an average
9 daily population basis per parolee recalled by the county of
10 commitment for monitoring and services during the previous fiscal
11 year based on the actual number of parolees recalled. For each
12 recalled parolee, this funding shall be provided for the remaining
13 duration of the term of state supervision, not to exceed 24 months.

14 (e) Consistent with Section 1766, funds shall be allocated in the
15 amount of fifteen thousand dollars (\$15,000) on an average daily
16 population basis per discharged ward transferred to the county of
17 commitment for monitoring and services during the previous fiscal
18 year based on the actual number of wards transferred. For each
19 ward transferred on and after July 1, 2014, this funding shall be
20 provided for the remaining duration of the term of juvenile court
21 jurisdiction, not to exceed 24 months.

22 (f) Consistent with Sections 208.5 and 1767.35, no additional
23 funding, beyond the initial fifteen thousand dollars (\$15,000)
24 provided pursuant to subdivision (b) shall be allocated to counties
25 for discharged wards who are housed in county jail or in any other
26 county correctional facility for violating a condition of
27 court-ordered supervision during the previous fiscal year.

28 (g) Consistent with Sections 208.5 and 1767.35, no additional
29 funding, beyond the initial fifteen thousand dollars (\$15,000)
30 provided pursuant to subdivision (b) shall be allocated to counties
31 for discharged wards who are housed in a state juvenile facility
32 for violating a condition of court-ordered supervision during the
33 previous fiscal year.

34 (h) In each fiscal year, consistent with subdivision (b) of Section
35 30029.11 of the Government Code, the Department of Finance
36 shall use the criteria outlined in subdivisions (b) to (g), inclusive,
37 to determine each county's allocation as a percentage of the funds
38 deposited in the Juvenile Reentry Grant Special Account. Actual
39 allocations provided to counties pursuant to subdivisions (b) to
40 (g), inclusive, shall vary based on the amount of funds deposited

1 in the Juvenile Reentry Grant Special Account pursuant to
2 subdivision (b) of Section 30028.1 of the Government Code.

3 SEC. 42. Section 4023.5 is added to the Welfare and
4 Institutions Code, to read:

5 4023.5. (a) The Secretary of California Health and Human
6 Services shall, no later than January 10, 2015, provide to the fiscal
7 and appropriate policy committees of the Legislature a report,
8 together with specific and detailed recommendations, reviewing
9 and evaluating best practices and strategies, including independent
10 oversight, for effectively and sustainably addressing the employee
11 discipline process, criminal and major incident investigations, and
12 the use of force within state hospitals and psychiatric programs
13 run by the State Department of State Hospitals. The secretary may
14 consult with the Department of the California Highway Patrol, the
15 Department of Corrections and Rehabilitation, the Office of the
16 Inspector General, and any other resource identified by the
17 secretary as valuable to the analysis. It is the intent of the
18 Legislature that the report and recommendations reflect a critical
19 and pragmatic analysis of the department's current practices and
20 policies, and include meaningful recommendations describing how
21 current practices and policies should be revised and reformed to
22 assure safety and accountability in the state hospital system.

23 (b) Pursuant to Section 10231.5 of the Government Code, this
24 section is repealed on January 1, 2019.

25 SEC. 43. Section 7228 of the Welfare and Institutions Code is
26 amended to read:

27 7228. Prior to admission, the State Department of State
28 Hospitals shall evaluate each patient committed pursuant to Section
29 1026 or 1370 of the Penal Code to determine the placement of the
30 patient to the appropriate state hospital. The State Department of
31 State Hospitals shall utilize the documents provided pursuant to
32 subdivision (e) of Section 1026 of the Penal Code and paragraph
33 (2) of subdivision (b) of Section 1370 of the Penal Code to make
34 the appropriate placement. A patient determined to be a high
35 security risk shall be treated in the department's most secure
36 facilities pursuant to Section 7230. A Penal Code patient not
37 needing this level of security shall be treated as near to the patient's
38 community as possible if an appropriate treatment program is
39 available.

1 ~~SEC. 44. Section 7234 is added to the Welfare and Institutions~~
2 ~~Code, to read:~~

3 ~~7234. (a) (1) A Patient Management Unit (PMU) shall be~~
4 ~~established within the State Department of State Hospitals to~~
5 ~~facilitate patient movement across all facilities under its jurisdiction~~
6 ~~and any psychiatric programs operated by the State Department~~
7 ~~of State Hospitals pursuant to a memorandum of understanding~~
8 ~~with the Department of Corrections and Rehabilitation.~~

9 ~~(2) The PMU's responsibilities shall include, but not be limited~~
10 ~~to, oversight and centralized management of patient admissions,~~
11 ~~and collection of data for reports and patient population 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 a~~
19 ~~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~~
33 ~~the 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 (e) 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 (e) 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 the
10 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 obtained
15 using existing county human services agency protocols to
16 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 (e) ~~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 in
24 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 the
27 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
34 determine 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 45 to 50, 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 to
8 Section 6 of Article XIII B of the California Constitution for certain
9 costs that may be incurred by a local agency or school district
10 because, in that regard, this act creates a new crime or infraction,
11 eliminates a crime or infraction, or changes the penalty for a crime
12 or infraction, within the meaning of Section 17556 of the
13 Government Code, or changes the definition of a crime within the
14 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.