

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN ASSEMBLY JUNE 23, 2014

AMENDED IN SENATE APRIL 7, 2014

**SENATE BILL**

**No. 1054**

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**Introduced by Senator Steinberg**

February 18, 2014

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An act to add Article 4 (commencing with Section 6045) to Chapter 5 of Title 7 of Part 3, amend Sections 6032, 6045, 6045.4, and 6045.8 of the Penal Code, relating to mentally ill criminal offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 1054, as amended, Steinberg. Mentally ill offender crime reduction grants.

(1) Existing law establishes, within the Board of State and Community Corrections, the California Juvenile Justice Data Working Group, as provided, and the working group is required, among other things, to recommend a plan for improving specified juvenile justice reporting requirements, including streamlining and consolidating requirements without sacrificing meaningful data collection. The working group is required to submit its recommendations to the board no later than December 31, 2014.

This bill would extend, to April 30, 2015, the date to submit recommendations.

(2) Existing law requires the board to administer 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 juvenile and adult offenders. The grants administered by the board are required to

*be divided between adult and juvenile mentally ill offender crime reduction grants in accordance with the funds appropriated for each type of grant.*

*This bill would clarify that the grants be divided equally between adult and juvenile mentally ill offender crime reduction grants.*

*(3) Existing law requires an application for a mentally ill offender crime reduction grant to describe a 4-year plan for programs, services, or strategies, and requires the board to award grants that provide funding for 4 years with the proviso that funding beyond the first year of the plan is contingent upon annual appropriations and the availability of funds to support mentally ill offender crime reduction grants beyond the first funding year.*

*This bill would delete that proviso and reduce the term of the award grants to funding for 3 years.*

*(4) Existing law requires the board to create an evaluation design for adult and juvenile mentally ill offender crime reduction grants that assesses the effectiveness of the program in reducing crime, adult and juvenile offender incarceration and placement levels, early releases due to jail overcrowding, and local criminal and juvenile justice costs. The board is required to annually submit a report to the Legislature based on the evaluation design, commencing October 1, 2015, with a final report due on December 31, 2019.*

*This bill would change the due date of the final report to December 31, 2018.*

~~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.~~

~~This bill would 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 swift, certain, and graduated responses to reduce crime and criminal justice costs related to mentally ill juvenile and adult offenders. The bill would require the board to establish minimum standards, funding schedules, and procedures for awarding grants.~~

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

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

1     **SECTION 1.** *Section 6032 of the Penal Code is amended to*  
2 *read:*

3     6032. (a) There is hereby established within the Board of State  
4 and Community Corrections the California Juvenile Justice Data  
5 Working Group. The purpose of the working group is to  
6 recommend options for coordinating and modernizing the juvenile  
7 justice data systems and reports that are developed and maintained  
8 by state and county agencies.

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

11     (A) The Department of Justice.

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

13     (C) The Division of Juvenile Justice within the Department of  
14 Corrections and Rehabilitation.

15     (D) The Chief Probation Officers of California.

16     (E) The Judicial Council.

17     (F) The California State Association of Counties.

18     (G) Any other representatives that are deemed appropriate by  
19 the board.

20     (2) Members of the working group shall include persons that  
21 have experience or expertise related to the California juvenile  
22 justice system or the design and implementation of juvenile justice  
23 data systems, or both.

24     (c) (1) The working group shall analyze the capacities and  
25 limitations of the data systems and networks used to collect and  
26 report state and local juvenile caseload and outcome data. The  
27 analysis shall include all of the following:

28     (A) A review of the relevant data systems, studies, or models  
29 from California and other states having elements worthy of  
30 replication in California.

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

37     (2) No later than January 1, 2016, the working group shall  
38 prepare and submit a report to the Legislature on the options for

1 improving interagency coordination, modernization, and upgrading  
2 of state and local juvenile justice data and information systems.  
3 The report shall include, but not be limited to, all of the following:

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

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

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

14 (3) The working group shall also recommend a plan for  
15 improving the current juvenile justice reporting requirements of  
16 Section 1961 of the Welfare and Institutions Code and Section  
17 30061 of the Government Code, including streamlining and  
18 consolidating current requirements without sacrificing meaningful  
19 data collection. The working group shall submit its  
20 recommendations to the Board of State and Community Corrections  
21 no later than ~~December 31, 2014~~. *April 30, 2015*.

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

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

28 *SEC. 2. Section 6045 of the Penal Code is amended to read:*

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

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

3 (1) “Board” means the Board of State and Community  
4 Corrections.

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

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

11 *SEC. 3. Section 6045.4 of the Penal Code is amended to read:*

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

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

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

31 *SEC. 4. Section 6045.8 of the Penal Code is amended to read:*

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

1 benefitting from, mentally ill offender crime reduction grant  
2 programs or services.

3 (b) Commencing on October 1, 2015, and annually thereafter,  
4 the board shall submit a report to the Legislature based on the  
5 evaluation design, with a final report due on ~~December 31, 2019.~~  
6 *December 31, 2018.*

7 (c) The reports submitted pursuant to this section shall be  
8 submitted in compliance with Section 9795 of the Government  
9 Code.

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

12 ~~SECTION 1. The Legislature hereby finds and declares all of~~  
13 ~~the following:~~

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

18 ~~(b) While California’s youth crime rates are down overall in~~  
19 ~~California, our courts and juvenile justice facilities are brimming~~  
20 ~~with children and youth with a broad range of mental health~~  
21 ~~disorders and unmet treatment needs.~~

22 ~~(c) In a 2005 “gap survey” of California probation chiefs, paving~~  
23 ~~the way for the subsequent realignment of the Department of~~  
24 ~~Corrections and Rehabilitation, Division of Juvenile Justice~~  
25 ~~population to local control, the chiefs identified juvenile mental~~  
26 ~~health cases as the most significant problem and service gap they~~  
27 ~~facied. In a later study, Chief Probation Officers of California~~  
28 ~~documented long stays and high costs related to the detention of~~  
29 ~~juveniles with mental health problems. State and national studies~~  
30 ~~confirm, again and again, extremely high rates of mental health~~  
31 ~~disorders among incarcerated youth, with prevalence exceeding~~  
32 ~~70 percent of juveniles in custody. Data from the Board of State~~  
33 ~~and Community Corrections in 2013 documents the fact that nearly~~  
34 ~~half of the daily 8,200 juveniles in custody or on electronic~~  
35 ~~monitoring in California have “open mental health cases.”~~

36 ~~(d) When the mental health needs of young offenders are~~  
37 ~~ignored, these youth enter a high-risk zone of becoming chronic~~  
38 ~~adult offenders, committing further crimes, and filling up our~~  
39 ~~already crowded prisons and jails. This comes at a cost in public~~  
40 ~~safety, a cost to the probation, court, and corrections agencies who~~

1 must then deal expensively with the problem on a long-term basis  
2 at the deep end of our jail and prison systems, and a cost to the  
3 taxpayers.

4 (e) ~~We know that early intervention in these youth mental health  
5 cases is a key to success. The mentally ill offender crime reduction  
6 grant program investment on the juvenile justice side is an  
7 investment in crime prevention. The juvenile justice share of the  
8 mentally ill offender crime reduction grants will support local  
9 investment in proven best practices, including early diagnoses,  
10 family and community-based treatment models, specialized mental  
11 health courts, and other collaborative models of intervention that  
12 have proven to be successful. The goal, overall, is to break the link  
13 between mental illness and crime as soon as possible, using  
14 state-of-the-art assessment and intervention strategies. Early  
15 recognition and treatment in these cases is also critical to our goal  
16 of preventing the escalation of youth mental health disorders into  
17 tragedies like the Sandy Hook Elementary School shooting that  
18 occurred in 2012.~~

19 (f) ~~Modern science tells us that children are developmentally  
20 different from adults. This finding has been embedded in decisions  
21 of the United States Supreme Court in recent years, placing limits  
22 on the death penalty and other punishments imposed on children.  
23 In the foster care sector, important cases like the Katie A. litigation  
24 recognize the need for more effective strategies and collaborative  
25 efforts to address the mental health needs of children without  
26 homes of their own.~~

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

34 (h) ~~Research indicates that a continuum of responses for  
35 mentally ill offenders that includes prevention, intervention, and  
36 incarceration can reduce crime, jail overcrowding, and criminal  
37 justice costs.~~

38 (i) ~~Therefore, it is the intent of the Legislature that grants be  
39 provided to counties that develop and implement a comprehensive,  
40 cost-effective plan to reduce the rate of crime and offenses~~

1 committed by persons with serious mental illness and reduce jail  
2 overcrowding and local criminal justice costs related to mentally  
3 ill offenders.

4 SEC. 2. ~~Article 4 (commencing with Section 6045) is added~~  
5 ~~to Chapter 5 of Title 7 of Part 3 of the Penal Code, to read:~~

6  
7 ~~Article 4. Mentally Ill Offender Crime Reduction Grants~~  
8

9 ~~6045. The Board of State and Community Corrections shall~~  
10 ~~administer and award mentally ill offender crime reduction grants~~  
11 ~~on a competitive basis to counties that expand or establish a~~  
12 ~~continuum of swift, certain, and graduated responses to reduce~~  
13 ~~crime and criminal justice costs related to mentally ill offenders,~~  
14 ~~as defined in subdivision (a), paragraph (1) of subdivision (b), and~~  
15 ~~subdivision (c) of Section 5600.3 of the Welfare and Institutions~~  
16 ~~Code.~~

17 ~~6045.2. (a) To be eligible for a grant, a county shall establish~~  
18 ~~a strategy committee that shall include, at a minimum, the sheriff~~  
19 ~~or director of the county department of corrections in a county in~~  
20 ~~which the sheriff is not in charge of administering the county jail~~  
21 ~~system, who shall chair the committee, representatives from other~~  
22 ~~local law enforcement agencies, the chief probation officer, the~~  
23 ~~county mental health director, a superior court judge, a former~~  
24 ~~client of a mental health treatment facility, and representatives~~  
25 ~~from organizations that can provide, or have provided, treatment~~  
26 ~~or stability, including income, housing, and caretaking, for persons~~  
27 ~~with mental illnesses.~~

28 ~~(b) The committee shall develop a comprehensive plan for~~  
29 ~~providing a cost-effective continuum of graduated responses,~~  
30 ~~including prevention, intervention, and incarceration, for mentally~~  
31 ~~ill offenders. Strategies for prevention and intervention shall~~  
32 ~~include, but are not limited to, both of the following:~~

33 ~~(1) Mental health or substance abuse treatment for mentally ill~~  
34 ~~offenders who have been released from law enforcement custody.~~

35 ~~(2) The establishment of long-term stability for mentally ill~~  
36 ~~offenders who have been released from law enforcement custody,~~  
37 ~~including a stable source of income, a safe and decent residence,~~  
38 ~~and a conservator or caretaker.~~

39 ~~(c) The plan shall include the identification of specific outcome~~  
40 ~~and performance measures and a plan for annual reporting that~~

1 will allow the Board of State and Community Corrections to  
2 evaluate, at a minimum, the effectiveness of the strategies in  
3 reducing crime and offenses committed by mentally ill offenders  
4 and the criminal justice costs related to mentally ill offenders.

5 6045.4. The Board of State and Community Corrections shall  
6 award grants that provide funding for four years. Funding shall be  
7 used to supplement, rather than supplant, funding for existing  
8 programs. The funds may be used to fund specialized alternative  
9 custody programs that offer appropriate mental health treatment  
10 and services. A grant shall not be awarded unless the applicant  
11 makes available resources in an amount equal to at least 25 percent  
12 of the amount of the grant. Resources may include in-kind  
13 contributions from participating agencies. In awarding grants,  
14 priority shall be given to those proposals that include additional  
15 funding that exceeds 25 percent of the amount of the grant.

16 6045.6. The Board of State and Community Corrections shall  
17 establish minimum standards, funding schedules, and procedures  
18 for awarding grants, which shall take into consideration, but not  
19 be limited to, all of the following:

20 (a) Percentage of the jail population with severe mental illness.

21 (b) Demonstrated ability to administer the program.

22 (c) Demonstrated ability to develop effective responses to  
23 provide treatment and stability for persons with severe mental  
24 illness.

25 (d) Demonstrated history of maximizing federal, state, local,  
26 and private funding sources.

27 (e) Likelihood that the program will continue to operate after  
28 state grant funding ends.

29 6045.8. (a) The Board of State and Community Corrections  
30 shall create an evaluation design for mentally ill offender crime  
31 reduction grants that will assess the effectiveness of the program  
32 in reducing crime, the number of early releases due to jail  
33 overcrowding, and local criminal justice costs.

34 (b) Commencing on June 30, 2015, and annually thereafter, the  
35 board shall submit a report to the Legislature based on the  
36 evaluation design, with a final report due on December 31, 2019.

37 (c) The reports submitted pursuant to this section shall be  
38 submitted in compliance with Section 9795 of the Government  
39 Code.

1     ~~(d) Pursuant to Section 10231.5 of the Government Code, this~~  
2     ~~section is repealed as of January 1, 2024.~~

O