

AMENDED IN ASSEMBLY APRIL 30, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1056

Introduced by Assembly Member Atkins

February 26, 2015

An act to add Article 5 (commencing with Section 6046) to Chapter 5 of Title 7 of Part 3 of the Penal Code, relating to recidivism reduction, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1056, as amended, Atkins. Second Chance Program.

(1) Existing law establishes the Board of State and Community Corrections as an entity independent of the Department of Corrections and Rehabilitation, and authorizes the board to carry out various powers and duties relating to providing advice and leadership on criminal justice issues.

This bill would require the board to ~~establish and implement~~ *administer* a *competitive grant* program that focuses on community-based solutions for reducing recidivism. The bill would establish minimum criteria for the *grant* program and would require the board to establish an Executive Steering Committee, composed of ~~11~~ *13* members, as specified, to ~~develop~~ *adopt* guidelines for the ~~administration of submission of proposals for the program.~~ *grant program, including threshold or scoring criteria, or both. Among other things, the bill would require those guidelines to prioritize proposals that advance principles of restorative justice while demonstrating a capacity to reduce recidivism, and that leverage certain other federal,*

state, and local funds or social investments. The bill would define recidivism, for the purposes of these provisions, as a conviction of a new felony or misdemeanor committed within ~~three~~ 3 years of release from custody or committed within ~~three~~ 3 years of placement on supervision for a previous criminal conviction.

(2) The Safe Neighborhoods and Schools Act establishes within the State Treasury the Safe Neighborhoods and Schools Fund to receive moneys transferred from the General Fund in an amount equal to the savings resulting from the implementation of the act, as specified. The act requires that 65% of the moneys in the Safe Neighborhoods and Schools Fund be allocated the Board of State and Community Corrections to administer a grant program to public agencies aimed at supporting specified types of programs, including diversion programs, for people in the criminal justice system with an emphasis on programs that reduce recidivism, as specified.

This bill would create the Second Chance Fund in the State Treasury for the purpose of funding the above-described recidivism reduction program. The bill would require the Board of State and Community Corrections to deposit the above-described moneys it receives from the Safe Neighborhoods and Schools Fund into the Second Chance Fund. The bill would also authorize the Second Chance Fund to receive moneys from any other federal, state, or local grant, or from any private donation. The bill would prohibit the board from using the moneys in the fund to supplant existing programs and from spending more than 5% per year of the total moneys in the fund for administrative purposes.

The bill would require the board to administer these provisions, and moneys in the fund would be continuously appropriated to the board for expenditure for these purposes. By creating a continuously appropriated fund, this bill would make an appropriation.

(3) The Safe Neighborhoods and Schools Act provides that its provisions may be amended by a statute, passed by a $\frac{2}{3}$ vote of each house of the Legislature and signed by the Governor, that is consistent with and furthers the intent of the act.

This bill would declare that its provisions further the intent of the Safe Neighborhoods and Schools Act.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

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

3 (a) California voters approved Proposition 47, known as the
4 Safe Neighborhoods and Schools Act of 2014. The measure was
5 enacted to ensure that prison spending is focused on violent and
6 serious offenses, to maximize alternatives for ~~non-violent~~
7 *nonviolent* and ~~non-serious nonserious~~ crime, and to invest the
8 resulting savings into prevention and support programs.

9 (b) Research has shown that people in the criminal justice system
10 disproportionately suffer from mental health issues and substance
11 use disorders. Nationally, over ~~half~~ *one-half* of all people in prisons
12 or jails have experienced a mental health issue within the last year,
13 and over ~~half~~ *one-half* of women and 44 percent of men in jail
14 have a drug or alcohol dependency.

15 (c) People in the criminal justice system and formerly
16 incarcerated individuals have difficulty securing housing and
17 employment following their incarceration. These challenges are
18 compounded for people living with mental health issues or
19 substance use disorders. *As a result, many formerly incarcerated*
20 *people, especially those with mental health issues or substance*
21 *abuse disorders experience homelessness. Experiencing*
22 *homelessness greatly increases the likelihood that a formerly*
23 *incarcerated person will recidivate.*

24 (d) Offering people in the criminal justice system and formerly
25 incarcerated individuals meaningful access to mental health
26 services, substance use treatment services, *housing*, housing-related
27 job assistance, job skills training, and other community-based
28 ~~wrap-around social~~ *supportive* services has been shown to decrease
29 the likelihood of future contact with law enforcement and the
30 criminal justice system.

31 (e) Prioritizing the state savings realized by the implementation
32 of the Safe Neighborhoods and Schools Act of 2014 for projects
33 that combine mental health services, substance use treatment
34 services, *housing*, housing-related job assistance, job skills training,
35 and other community-based ~~wrap-around social~~ *supportive* services
36 will help the state meaningfully reduce recidivism.

37 (f) By prioritizing projects that offer comprehensive
38 interventions, the Legislature intends for public agencies,

1 ~~non-profits~~, *nonprofits*, and other community-based providers of
2 services to people in the criminal justice system and formerly
3 incarcerated individuals to leverage additional federal, state, and
4 local funds for social investment resources.

5 (g) The Legislature intends to promote the use of restorative
6 justice principles in addressing recidivism.

7 SEC. 2. Article 5 (commencing with Section 6046) is added
8 to Chapter 5 of Title 7 of Part 3 of the Penal Code, to read:

9

10 Article 5. Second Chance Program

11

12 6046. (a) The purpose of this article is to build safer
13 communities by investing in community-based programs, services,
14 and initiatives for formerly incarcerated individuals in need of
15 mental health and substance use treatment services.

16 (b) The program established pursuant to this article shall be
17 restricted to supporting mental health treatment, substance use
18 treatment, and diversion programs for persons in the criminal
19 justice system, with an emphasis on programs that reduce
20 recidivism of persons convicted of less serious crimes, such as
21 those covered by the Safe Neighborhoods and Schools Act of 2014,
22 and those who have substance use and mental health problems.

23 (c) The Board of State and Community Corrections shall
24 administer a *grant* program established pursuant to this article.

25 6046.1. For the purposes of this article, the following
26 definitions shall apply:

27 (a) “Board” means the Board of State and Community
28 Corrections.

29 (b) “Committee” means an Executive Steering Committee of
30 the board.

31 (c) “Fund” means the Second Chance Fund established pursuant
32 to Section 6046.2.

33 (d) “Public agency” means a county, city, whether a general
34 law city or a chartered city, or city and county, the duly constituted
35 governing body of an Indian reservation or rancheria, a school
36 district, municipal corporation, district, political subdivision, or
37 any board, commission, or agency thereof, entities that are
38 legislative bodies of a local agency pursuant to subdivision (c) or
39 (d) of Section 54952 of the Government Code, a housing authority
40 organized pursuant to Part 2 (commencing with Section 34200)

1 of Division 24 of the Health and Safety Code, a state agency, public
2 district, or other political subdivision of the state, or any
3 instrumentality thereof, which is authorized to engage in or assist
4 in the development or operation of housing for persons and families
5 of low or moderate income.

6 ~~(d)~~

7 (e) “Recidivism” means a conviction of a new felony or
8 misdemeanor committed within three years of release from custody
9 or committed within three years of placement on supervision for
10 a previous criminal conviction.

11 6046.2. (a) The Second Chance Fund is hereby created in the
12 State Treasury. The board shall be responsible for administering
13 the fund. Moneys in the fund are hereby continuously appropriated
14 without regard to fiscal year for the purposes of this article.

15 (b) (1) The Board of State and Community Corrections shall
16 deposit the moneys disbursed to it pursuant to paragraph (3) of
17 subdivision (a) of Section 7599.2 of the Government Code into
18 the Second Chance Fund.

19 (2) The Second Chance Fund may receive moneys from any
20 other federal, state, or local grant, or from any private donation or
21 grant, for the purposes of this article.

22 ~~(e) The board shall not use moneys in the fund to supplant~~
23 ~~funding to existing programs, but may use moneys in the fund to~~
24 ~~expand the capacity of an existing program.~~

25 ~~(d)~~

26 (c) The board shall not spend more than 5 percent annually of
27 the moneys in the fund for administrative costs.

28 6046.3. (a) The board shall ~~establish and implement~~ *administer*
29 a *competitive grant* program to carry out the purposes of this article
30 that focuses on community-based solutions for reducing recidivism.
31 The *grant* program shall, at minimum, do all of the following:

32 (1) Restrict eligibility to ~~projects~~ *proposals* designed to serve
33 people who have been arrested, charged with, or convicted of
34 criminal offense and have a history of mental health or substance
35 use ~~problems~~ *disorders*.

36 (2) Restrict eligibility to ~~projects~~ *proposals* that offer mental
37 health services, substance use disorder treatment services,
38 misdemeanor diversion programs, or some combination thereof.

39 (3) ~~Prioritize projects~~ *Restrict eligibility to proposals that have*
40 *a public agency as one of the applicants.*

1 (b) The board shall create a committee to develop guidelines
2 for administration of the grant program, consistent with the
3 purposes of this article. The committee shall adopt guidelines for
4 the submission of proposals, including threshold or scoring
5 criteria, or both, that do all of the following:

6 (1) Prioritize proposals that advance principles of restorative
7 justice while demonstrating a capacity to reduce recidivism.

8 ~~(4)~~

9 (2) Prioritize ~~projects~~ proposals that leverage other federal,
10 state, and local funds or other social investments, including, but
11 not limited to, the following sources of funding:

12 (A) The Drug Medi-Cal Treatment Program (22 Cal. Code Regs.
13 51341.1, 51490.1, and 51516.1).

14 (B) The Mental Health Services Act, enacted by Proposition 63
15 at the November 2, 2004, general election, as amended.

16 (C) Funds provided for in connection with the implementation
17 of Chapter 15 of the Statutes of 2011.

18 (D) The Community Corrections Performance Incentives Act
19 (Stats. 2009, Ch. 608; Chapter 3 (commencing with Section 1228)
20 of Title 8 of Part 2).

21 (E) The tax credits established pursuant to Sections 12209,
22 17053.57, and 23657 of the Revenue and Taxation Code.

23 (F) The federal Department of Housing and Urban Development
24 funds, such as the Emergency Solutions Grant program (42 U.S.C.
25 Sec. 11371 et seq.).

26 (G) The federal Department of Veterans Affairs Supportive
27 Services for Veteran Families program (38 U.S.C. Sec. 2044).

28 (H) Social Innovation Funds established by the Corporation for
29 National and Community Service pursuant to Section 12653k of
30 Title 42 of the United States Code.

31 (I) The Edward Byrne Memorial Justice Assistance Grant
32 Program (42 U.S.C. Sec. 3750 et seq.).

33 ~~(5) Ensure program guidelines and terms provide threshold or~~
34 ~~scoring criteria, or both, that strongly prioritize project applications~~
35 ~~that ensure provision of the following:~~

36 (3) Prioritize proposals that provide for all of the following:

37 (A) Mental health services, substance use disorder treatment
38 services, misdemeanor diversion programs, or some combination
39 thereof.

1 (B) Housing-related assistance that utilizes evidence-based
2 models, including, but not limited to, those recommended by the
3 federal Department of Housing and Urban Development.
4 Housing-related assistance may include, but is not limited to, the
5 following:

6 (i) Financial assistance, including security deposits, utility
7 payments, moving-cost assistance, and up to 24 months of rental
8 assistance.

9 (ii) Housing stabilization assistance, including case management,
10 relocation assistance, outreach and engagement, landlord
11 recruitment, housing navigation and placement, and credit repair.

12 (C) Other community-based ~~wrap-around services, including,~~
13 ~~but not limited to,~~ *supportive services, such as* job skills training,
14 case management, and civil legal services.

15 ~~(6) Promote proposals that place an emphasis on servicing~~
16 ~~persons arrested for, charged with, or convicted of a less serious~~
17 ~~offense, but with minimal restrictions related to their prior criminal~~
18 ~~history.~~

19 ~~(7) Promote public and private partnerships.~~

20 ~~(8) Promote proposals that include community-based~~
21 ~~philanthropic and non-profit organizations.~~

22 ~~(9) Promote interagency~~

23 (4) *Prioritize proposals that leverage existing contracts,*
24 *partnerships, memoranda of understanding, or other formal*
25 *relationships to provide one or more of the services prioritized in*
26 *paragraph (3).*

27 (5) *Prioritize proposals put forth by a public agency in*
28 *partnership with a philanthropic or nonprofit organization.*

29 (6) *Prioritize proposals that promote interagency and regional*
30 *collaborations.*

31 ~~(10)~~

32 (7) ~~Consider geographic diversity.~~ *ways to promote services*
33 *for people with offenses identical or similar to those addressed by*
34 *the Safe Neighborhoods and Schools Act of 2014, without*
35 *precluding assistance to a person with other offenses in his or her*
36 *criminal history.*

37 (8) *Consider geographic diversity.*

38 (9) *Consider appropriate limits for administrative costs and*
39 *overhead.*

40 (10) *Consider proposals that provide services to juveniles.*

- 1 (11) Permit proposals to expand the capacity of an existing
2 program and prohibit proposals from using the fund to supplant
3 funding for an existing program.
- 4 ~~(b)~~
- 5 (c) ~~The board shall establish a committee to assist in developing~~
6 ~~guidelines for administration of the program established pursuant~~
7 ~~to subdivision (a) consistent with this article. The committee shall~~
8 consist of ~~11~~ 13 members and shall be composed as follows:
- 9 (1) A formerly incarcerated individual who has received or is
10 receiving mental health or substance use disorder treatment.
- 11 (2) A family member of a current or formerly incarcerated
12 individual.
- 13 ~~(2)~~
- 14 (3) A mental health ~~expert.~~ *expert, appointed by the Senate*
15 *Committee on Rules.*
- 16 ~~(3)~~
- 17 (4) A substance use disorders ~~expert.~~ *expert, appointed by the*
18 *Speaker of the Assembly.*
- 19 ~~(4)~~
- 20 (5) A housing programs expert.
- 21 ~~(5) A homelessness prevention expert.~~
- 22 (6) *An expert on homelessness.*
- 23 ~~(6)~~
- 24 (7) Two community-based ~~social~~ *supportive* service providers
25 with experience in providing services to formerly incarcerated
26 individuals and reducing recidivism.
- 27 ~~(7) A public safety expert.~~
- 28 (8) *A community supervision expert.*
- 29 ~~(8)~~
- 30 (9) An academic expert with a history of research and expertise
31 on the best practices for reducing recidivism.
- 32 ~~(9)~~
- 33 (10) A member of the board.
- 34 (11) *A public agency administrator.*
- 35 ~~(10)~~
- 36 (12) An additional expert, to be selected by the board.

1 SEC. 3. The Legislature finds and declares that this act furthers
2 the intent of the Safe Neighborhoods and Schools Act enacted by
3 Proposition 47 at the November 4, 2014, general election.

O