

AMENDED IN SENATE JUNE 14, 2016

AMENDED IN SENATE JUNE 13, 2016

AMENDED IN ASSEMBLY APRIL 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1615

Introduced by ~~Committee on Budget (Assembly Members Ting (Chair), Travis Allen, Bigelow, Bloom, Bonta, Campos, Chávez, Chiu, Cooper, Gordon, Grove, Harper, Holden, Irwin, Kim, Lackey, McCarty, Melendez, Mullin, Nazarian, O'bernalte, O'Donnell, Patterson, Rodriguez, Thurmond, Wilk, and Williams)~~
Committee on Budget (Assembly Members Ting (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Holden, Irwin, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, and Williams)

January 7, 2016

An act to amend, repeal, and add Section 231 of the Code of Civil Procedure, to amend Sections 7522.57, 11555, 11556, 12838, 12838.4, 68502.5, and 68651 of, and to amend and repeal Sections 68085.1 and 70626 of, the Government Code, to amend Sections 320.6, 2910, 2915, 5075, 5075.1, 5075.6, 5076.1, 6025.1, 6250.2, 6258.1, 6402, 11191, 13501, 13601, 23690, and 28300 of, to add Sections 2694.5, 5027, and 6404 to, to add Chapter 2.92 (commencing with Section 1001.85) to Title 6 of Part 2 of, and to repeal Section 5032 of, the Penal Code, and to amend Sections 1716, 1719, 1720, 1723, 1725, 1766, 1767.3, and 7200.06 of, to amend the heading of Article 2.5 (commencing with Section 1716) of Chapter 1 of Division 2.5 of, and to add Sections 1718, 1721, 1722, 1724, 1728, and 5848.51 to, the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 1615, as amended, Committee on Budget. Public safety.

(1) Existing law, the Trial Jury Selection and Management Act, generally governs the selection of juries in criminal and civil cases. Under existing law, a criminal defendant is generally entitled to exercise 10 peremptory challenges during the jury selection process. When 2 or more defendants are jointly tried, existing law requires these challenges to be exercised jointly, but grants each defendant an additional 5 challenges to be exercised separately. If the offense for which a defendant is being tried is punishable by a maximum term of imprisonment of 90 days or less, existing law entitles the defendant to 6 peremptory challenges and grants each jointly tried defendant 4 additional challenges to be exercised separately.

This bill would instead, *commencing January 1, 2017, and until January 1, 2021*, grant a defendant 6 peremptory challenges in a criminal case if the offense charged is punishable with a maximum term of imprisonment of one year or less, and would reduce the number of peremptory challenges that may be exercised separately by a defendant who is jointly tried from 4 to 2 in cases in which the maximum term of imprisonment is one year or less. The bill would require the Judicial Council to conduct a study and, on or before January 1, 2020, submit a report to the Legislature on that reduction in the number of peremptory challenges, as specified.

(2) Existing law establishes the Department of Corrections and Rehabilitation, which consists of, among other divisions, the Board of Parole Hearings. The Board of Parole Hearings is comprised of 17 commissioners, appointed by the Governor, subject to confirmation by the Senate, for 3-year terms. Of those 17 commissioners, existing law requires 5 to be appointed and trained to hear only juvenile matters. Within 60 days of appointment and annually thereafter, existing law requires the commissioners and deputy commissioners to undergo a minimum of 40 hours of training in specified areas, including treatment and training programs provided to wards. Existing law requires the board to, among other things, conduct parole consideration hearings, parole rescission hearings, and parole progress hearings for adults and juveniles under the jurisdiction of the department and discharges of commitment, orders for discharge from the jurisdiction of the Division of Juvenile Facilities to the jurisdiction of the committing court, and disciplinary appeals with respect to wards in the custody of the Division

of Juvenile Facilities in the Department of Corrections and Rehabilitation.

This bill would establish the Board of Juvenile Hearings to assume the powers, duties, and responsibilities of the Board of Parole Hearings as it relates to hearings by the Board of Parole Hearings on juvenile matters and would also require the Board of Juvenile Hearings to conduct initial case reviews and annual reviews. The Board of Juvenile Hearings would be comprised of 3 commissioners, appointed by the Governor, subject to Senate confirmation, for 5-year terms. The bill would require the Governor to periodically designate the chair of the Board of Juvenile Hearings. The bill would authorize the Governor to appoint an executive officer of the board, subject to Senate confirmation, who would hold office at the pleasure of the Governor and would require the executive officer to exercise all duties and functions necessary to ensure that the responsibilities of the Board of Juvenile Hearings are successfully discharged. The bill would authorize the Governor to remove any member of the Board of Juvenile Hearings for misconduct, incompetency, or neglect of duty after a full hearing by the Board of State and Community Corrections.

The bill would authorize the Board of Juvenile Hearings to utilize board representatives to whom it may assign appropriate duties, including hearing cases and making decisions, as specified. The bill would require commissioners and board representatives to undergo, within 60 days of appointment and annually thereafter, a minimum of 40 hours of training, as described above, and would also require training in the areas of adolescent brain development, the principles of cognitive behavioral therapy, and evidence-based treatment and recidivism-reduction models.

The bill would delete references to the Juvenile Parole Board and would refer instead to the Board of Juvenile Hearings. The bill would delete other obsolete provisions and make other conforming changes to implement the creation of the Board of Juvenile Hearings.

(3) Existing law requires the Judicial Council to adopt a budget and allocate funding for the trial courts. Existing law requires the Judicial Council to set aside 2% of specified funds appropriated in the annual Budget Act and requires the funds to remain in the Trial Court Trust Fund to be allocated by the Judicial Council to trial courts for unforeseen emergencies, unanticipated expenses, or unavoidable funding shortfalls.

This bill would instead require the Judicial Council to hold a reserve of \$10,000,000 in the Trial Court Trust Fund to be available to trial

courts for emergencies. The bill would require any funding allocated to be replenished on an annual basis from the trial court base allocations. The bill would require the Judicial Council to establish a process for trial courts to apply for emergency funding.

(4) Existing law, the Sargent Shriver Civil Counsel Act, requires legal counsel to be appointed to represent low-income parties in civil matters involving critical issues affecting basic human needs in those courts selected by the Judicial Council, as specified. Existing law, subject to funding specifically provided for this purpose, requires the Judicial Council to develop one or more model pilot projects in selected courts to provide that representation of counsel in civil matters, as specified.

Existing law provides for the assessment of various fees and fines, including, among others, sanctions for violation of a court order. Existing law requires the superior court to deposit the fees and fines in a bank account with the Administrative Office of the Courts and specifies how those moneys are to be distributed, including, until January 1, 2017, to the Trial Court Trust Fund to be used by the Judicial Council to implement and administer the civil representation pilot program described above.

This bill would repeal the date restriction on this distribution, thereby extending that provision indefinitely.

(5) Existing law, until July 1, 2017, sets the fees at \$25 or \$30 for various court services, including, but not limited to, issuing a writ for the enforcement of an order or judgment and filing an application for renewal of judgment, respectively. Existing law requires, only through June 30, 2017, the Judicial Council to use \$10 of each fee collected for those services for the expenses of the Judicial Council in implementing and administering the civil representation pilot program described above. Existing law, commencing July 1, 2017, reduces each of the above fees by \$10.

This bill would require that the above fees remain set at \$25 and \$30, respectively. The bill would instead require the Judicial Council to use an amount equivalent to \$10 of each fee for expenses in administering the civil representation pilot program. The bill would make related findings and declarations.

This bill would also make technical, nonsubstantive changes.

(6) Existing law requires specified sports organizations, among other entities, to register with the Department of Justice prior to conducting a raffle. Existing law authorizes the department to require an annual

registration fee to cover the reasonable costs of this registration, which is deposited by the department into the General Fund.

This bill would create the Major League Sporting Event Raffle Fund, and deposit the registration fees into that fund instead of the General Fund. The bill would, under specified conditions, authorize a loan of \$1,005,000 from the General Fund to the Major League Sporting Event Raffle Fund for use by the department for specified enforcement activities.

(7) Existing law authorizes a county to establish a pretrial diversion program for defendants who have been charged with a misdemeanor offense and authorizes other diversion programs, including for defendants with cognitive developmental disabilities, defendants in nonviolent drug cases, and traffic violations.

This bill would establish the Law Enforcement Assisted Diversion (LEAD) pilot program, to be administered by the Board of State and Community Corrections, to improve public safety and reduce recidivism by increasing the availability and use of social service resources while reducing costs to law enforcement agencies and courts stemming from repeated incarceration. The bill would require the board to award grants, on a competitive basis, to up to 3 jurisdictions to establish LEAD programs and would require the board to establish minimum standards, funding schedules, and procedures for awarding grants. The bill would establish requirements for referral of people who may be arrested for, or who have a history of, low-level drug offenses or prostitution, as defined, to social services in lieu of prosecution. The bill would require the board to contract with a non-profit research entity, university, or college to evaluate the effectiveness of the LEAD program and submit a report of the findings to the Governor and the Legislature by January 1, 2020. The bill would appropriate \$15,000,000 from the General Fund for the LEAD pilot program and would authorize the board to spend up to \$550,000 of that amount for the contracts to evaluate the effectiveness of the LEAD program and to contract with experts in the implementation of LEAD in other jurisdictions, as specified.

(8) Existing law establishes the Division of Health Care Operations and the Division of Health Care Policy and Administration within the Department of Corrections and Rehabilitation under the Undersecretary of Health Care Services. Existing law requires these divisions to be headed by a director, who shall be appointed by the Governor. Existing law requires the department to expand substance abuse treatment

services in prisons to accommodate at least 4,000 additional inmates who have histories of substance abuse.

This bill would require the department to establish a 3-year pilot program to provide a medically assisted substance use disorder treatment model for the treatment of inmates, as specified. The bill would require the department to submit reports to the fiscal and appropriate policy committees of the Legislature, including specified information regarding the pilot program.

(9) Existing law allows the Secretary of the Department of Corrections and Rehabilitation to enter into an agreement with a city, county, or city and county, to permit transfer of prisoners in the custody of the secretary to a jail or other adult correctional facility. Under existing law, prisoners transferred to a local facility remain under the legal custody of the department. Existing law, until January 1, 2017, allows a transfer of prisoners to include inmates who have been sentenced to the department but remain housed in a county jail, and specifies that these prisoners shall be under the sole legal custody and jurisdiction of the sheriff or other official having jurisdiction over the facility and not under the legal custody and jurisdiction of the department. Existing law, until January 1, 2017, for purposes of entering into agreements pursuant to the above provisions, waives any process, regulation, or requirement relating to entering into those agreements.

This bill would extend those provisions until January 1, 2020.

(10) Existing law, until January 1, 2017, allows the secretary to enter into one or more agreements in the form of a lease or operating agreement with private entities to obtain secure housing capacity in the state or in another state, upon terms and conditions deemed necessary and appropriate to the secretary. Existing law, until January 1, 2017, waives any process, regulation, or requirement that relates to the procurement or implementation of those agreements, except as specified. Existing law, until January 1, 2017, makes the provisions of the California Environmental Quality Act inapplicable to these provisions.

This bill would extend those provisions until January 1, 2020.

(11) Existing law establishes the Board of State and Community Corrections to, among other things, administer the Second Chance Program to invest in community-based programs, services, and initiatives for formerly incarcerated individuals in need of mental health and substance use treatment services. Existing law prohibits specified officials from being financially interested in any contract made by them in their official capacity. Existing law states that members of a

committee created by the Board of State and Community Corrections have no financial interest in any contract made by the board, as specified, based upon the receipt of compensation for holding public office or public employment. Existing federal law, the Edward Byrne Memorial Justice Assistance Grant Program, provides federal criminal justice funding to state and local entities.

This bill would instead provide that, for the purpose of the prohibition on officials being financially interested in any contract made by them in their official capacity, members of a committee created by the board pursuant to the Second Chance Program or the federal Edward Byrne Memorial Justice Assistance Grant Program have no financial interest in any contract made by the board, as specified, based upon the receipt of compensation for holding public office or public employment.

(12) Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system.

This bill would, upon appropriation by the Legislature, require the department to award funding for a grant program to not-for-profit organizations to replicate their programs at institutions that are underserved by volunteer and not-for-profit organizations, as specified. The bill would require grant funding be provided to programs that have demonstrated success and focus on offender responsibility and restorative justice principles. The bill would require these programs to demonstrate that they will become self-sufficient or will be funded in the long term by donations or another source of ongoing funding.

(13) Existing law, until January 1, 2017, allows the secretary to enter into agreements for the transfer of prisoners to, or placement of prisoners in, community correctional centers and to enter into contracts to provide housing, sustenance, and supervision for inmates placed in community correctional centers. Existing law, until January 1, 2017, waives any process, regulation, or requirement that relates to entering into those agreements.

This bill would extend those provisions until January 1, 2020.

(14) Existing law allows any court or other agency or officer of this state having power to commit or transfer an inmate to any institution for confinement to commit or transfer that inmate to any institution outside this state if this state has entered into a contract or contracts for the confinement of inmates in that institution and the inmate, if he or she was sentenced under California law and has executed written consent to the transfer, except that existing law, until January 1, 2017, allows

the secretary to transfer the inmate to a facility in another state without the consent of the inmate.

This bill would extend the authority of the secretary to transfer an inmate to a facility in another state without the consent of the inmate until January 1, 2020.

(15) Existing law prohibits the transfer of an inmate to a community correctional reentry facility unless certain conditions have been met, including that the inmate has less than 120 days left to serve in a correctional facility.

This bill would instead condition the transfer of an inmate to a community correction reentry facility on the inmate having less than one year left to serve in a correctional facility.

(16) Existing law requires the department to work with the appropriate budget and policy committees of the Legislature and the Legislative Analyst's Office to establish appropriate oversight, evaluation, and accountability measures to be adopted as part of its "future of corrections plan." Existing law requires the plan to include periodic review by the Department of Finance's Office of State Audits and Evaluations.

This bill would repeal those provisions.

(17) Existing law requires the Department of Corrections and Rehabilitation to develop policies, as specified, related to the department's contraband interdiction efforts for individuals entering the department's detention facilities. Existing law requires the department to conduct an evaluation of the policy within 2 years of its implementation. Existing law requires this evaluation to include, among other information, the amount of contraband found in the prisons and the number of staff assaults that occurred in the prisons where the policy was implemented.

This bill would require that the evaluation additionally include the rates of drug use by inmates in the prisons where the policy was implemented. The bill would also require the department to provide an interim report detailing its evaluation of the policy to the Legislature by June 30, 2016, and a final report to the Legislature on April 30, 2017, as specified.

(18) Existing law requires the Department of Corrections and Rehabilitation, when amending regulations impacting visitation of inmates, to recognize and consider, among other things, the value of visiting as a means to improve the safety of prisons for both staff and inmates.

This bill would provide that inmates are not prohibited from family visits based solely on the fact that the inmate was sentenced to life without the possibility of parole or was sentenced to life and is without a parole date established by the Board of Parole Hearings.

(19) Existing law establishes the Commission on Correctional Peace Officer Standards and Training within the Department of Corrections and Rehabilitation and requires the commission to develop standards for the selection and training of state correctional peace officer apprentices.

This bill would require the commission, when developing, approving, and monitoring the standards for the training of state correctional peace officer apprentices, to consider including additional training in the areas of mental health and rehabilitation, as well as coursework on the theory and history of corrections.

(20) Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice, and requires the commission to adopt rules regarding the minimum occupational standards governing peace officers. Existing law requires the commission to select a chairperson and vice chairperson from among its members.

This bill would require the Governor to designate the chair of the commission from among the members of the commission. The bill would provide that the chair would serve at the pleasure of the Governor. The bill would require the commission to annually select a vice chair from among its members.

(21) Existing law authorizes the Department of Justice to require each dealer to charge each firearm purchaser or transferee a fee not to exceed \$1 for each firearm transaction for the purpose of supporting department program costs related to the Deadly Weapons Recodification Act of 2010.

This bill would authorize the Department of Justice to increase that fee at a rate not to exceed any increase in the California Consumer Price Index and not to exceed the reasonable cost of regulation to the department.

(22) Existing law establishes the Firearms Safety and Enforcement Special Fund and continuously appropriates the moneys in the fund to the Department of Justice for purposes relating to the regulation of firearms. Existing law also authorizes the department to require firearms dealers to charge each person who obtains a firearm a fee not to exceed

\$5 for each transaction. Revenues from this fee are deposited into the fund.

This bill would make the revenue deposited into that fund available for expenditure by the department upon appropriation by the Legislature. The bill would also authorize the department to increase the \$5 fee at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations, and not to exceed the reasonable cost of regulation to the department.

(23) The California Health Facilities Financing Authority Act authorizes the California Health Facilities Financing Authority (authority) to make loans from the continuously appropriated California Health Facilities Financing Authority Fund to participating health institutions for financing or refinancing the acquisition, construction, or remodeling of health facilities.

This bill would provide that funds appropriated by the Legislature to the authority for the purposes of the provisions of the bill be made available to selected counties, city and county, or counties acting jointly and used to establish a competitive grant program designed to promote diversion programs and services by increasing and expanding mental health treatment facilities, substance use disorder treatment facilities, and trauma-centered service facilities, including facilities providing services for sex trafficking victims, domestic violence victims, and victims of other violent crimes, in local communities, through the provision of infrastructure grants. The bill would require the authority to develop and to consider specified selection criteria for awarding grants, as prescribed. The bill would require the authority to provide prescribed reports to the fiscal and policy committees of the Legislature on April 1, 2018, and annually until April 1, 2020. The bill would authorize the authority to adopt emergency regulations to implement the grant program, as prescribed. The bill would prohibit funds awarded by the authority from being used to supplant existing financial and resource commitments of the grantee.

(24) Existing law establishes state hospitals for the care, treatment, and education of mentally disordered persons. These hospitals are under the jurisdiction of the State Department of State Hospitals, which is authorized by existing law to adopt regulations regarding the conduct and management of these facilities. Existing law requires that at least 20% of the 1,362 licensed beds at Napa State Hospital be available in any given fiscal year for use by counties for contracted services. Existing

law also restricts the placement of patients in the remaining beds, as specified.

This bill would delete these provisions pertaining to the placement of patients in beds at Napa State Hospital.

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

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

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

1 SECTION 1. Section 231 of the Code of Civil Procedure is
2 amended to read:

3 231. (a) In criminal cases, if the offense charged is punishable
4 with death, or with imprisonment in the state prison for life, the
5 defendant is entitled to 20 and the people to 20 peremptory
6 challenges. Except as provided in subdivision (b), in a trial for any
7 other offense, the defendant is entitled to 10 and the state to 10
8 peremptory challenges. When two or more defendants are jointly
9 tried, their challenges shall be exercised jointly, but each defendant
10 shall also be entitled to five additional challenges which may be
11 exercised separately, and the people shall also be entitled to
12 additional challenges equal to the number of all the additional
13 separate challenges allowed the defendants.

14 (b) If the offense charged is punishable with a maximum term
15 of imprisonment of ~~one year~~ 90 days or less, the defendant is
16 entitled to six and the state to six peremptory challenges. When
17 two or more defendants are jointly tried, their challenges shall be
18 exercised jointly, but each defendant shall also be entitled to ~~two~~
19 *four* additional challenges which may be exercised separately, and
20 the state shall also be entitled to additional challenges equal to the
21 number of all the additional separate challenges allowed the
22 defendants.

23 (c) In civil cases, each party shall be entitled to six peremptory
24 challenges. If there are more than two parties, the court shall, for
25 the purpose of allotting peremptory challenges, divide the parties
26 into two or more sides according to their respective interests in
27 the issues. Each side shall be entitled to eight peremptory
28 challenges. If there are several parties on a side, the court shall
29 divide the challenges among them as nearly equally as possible.

1 If there are more than two sides, the court shall grant such
2 additional peremptory challenges to a side as the interests of justice
3 may require, provided that the peremptory challenges of one side
4 shall not exceed the aggregate number of peremptory challenges
5 of all other sides. If any party on a side does not use his or her full
6 share of peremptory challenges, the unused challenges may be
7 used by the other party or parties on the same side.

8 (d) Peremptory challenges shall be taken or passed by the sides
9 alternately, commencing with the plaintiff or people, and each
10 party shall be entitled to have the panel full before exercising any
11 peremptory challenge. When each side passes consecutively, the
12 jury shall then be sworn, unless the court, for good cause, shall
13 otherwise order. The number of peremptory challenges remaining
14 with a side shall not be diminished by any passing of a peremptory
15 challenge.

16 (e) If all the parties on both sides pass consecutively, the jury
17 shall then be sworn, unless the court, for good cause, shall
18 otherwise order. The number of peremptory challenges remaining
19 with a side shall not be diminished by any passing of a peremptory
20 challenge.

21 ~~(f) The Judicial Council shall conduct a study, and on or before~~
22 ~~January 1, 2020, shall submit a report to the public safety~~
23 ~~committees of both houses of the Legislature on the reductions in~~
24 ~~peremptory challenges resulting from the enactment of the act that~~
25 ~~added this subdivision. The study shall include, but not be limited~~
26 ~~to, an examination of the number of peremptory challenges used~~
27 ~~by the defendant and the state in misdemeanor jury trials, a~~
28 ~~representative sample of the types of cases that go to jury trial,~~
29 ~~and the resulting cost savings to the courts. The report submitted~~
30 ~~pursuant to this subdivision shall be submitted in compliance with~~
31 ~~Section 9795 of the Government Code.~~

32 ~~(g)~~

33 (f) This section shall remain in effect only until January 1,
34 2021, 2017, and as of that date is repealed, unless a later enacted
35 statute, that is enacted before January 1, 2021, 2017, deletes or
36 extends that date.

37 SEC. 2. Section 231 is added to the Code of Civil Procedure,
38 to read:

39 231. (a) In criminal cases, if the offense charged is punishable
40 with death, or with imprisonment in the state prison for life, the

1 defendant is entitled to 20 and the people to 20 peremptory
2 challenges. Except as provided in subdivision (b), in a trial for
3 any other offense, the defendant is entitled to 10 and the state to
4 10 peremptory challenges. When two or more defendants are jointly
5 tried, their challenges shall be exercised jointly, but each defendant
6 shall also be entitled to five additional challenges which may be
7 exercised separately, and the people shall also be entitled to
8 additional challenges equal to the number of all the additional
9 separate challenges allowed the defendants.

10 (b) If the offense charged is punishable with a maximum term
11 of imprisonment of one year or less, the defendant is entitled to
12 six and the state to six peremptory challenges. When two or more
13 defendants are jointly tried, their challenges shall be exercised
14 jointly, but each defendant shall also be entitled to two additional
15 challenges which may be exercised separately, and the state shall
16 also be entitled to additional challenges equal to the number of
17 all the additional separate challenges allowed the defendants.

18 (c) In civil cases, each party shall be entitled to six peremptory
19 challenges. If there are more than two parties, the court shall, for
20 the purpose of allotting peremptory challenges, divide the parties
21 into two or more sides according to their respective interests in
22 the issues. Each side shall be entitled to eight peremptory
23 challenges. If there are several parties on a side, the court shall
24 divide the challenges among them as nearly equally as possible.
25 If there are more than two sides, the court shall grant such
26 additional peremptory challenges to a side as the interests of justice
27 may require, provided that the peremptory challenges of one side
28 shall not exceed the aggregate number of peremptory challenges
29 of all other sides. If any party on a side does not use his or her full
30 share of peremptory challenges, the unused challenges may be
31 used by the other party or parties on the same side.

32 (d) Peremptory challenges shall be taken or passed by the sides
33 alternately, commencing with the plaintiff or people, and each
34 party shall be entitled to have the panel full before exercising any
35 peremptory challenge. When each side passes consecutively, the
36 jury shall then be sworn, unless the court, for good cause, shall
37 otherwise order. The number of peremptory challenges remaining
38 with a side shall not be diminished by any passing of a peremptory
39 challenge.

1 (e) If all the parties on both sides pass consecutively, the jury
2 shall then be sworn, unless the court, for good cause, shall
3 otherwise order. The number of peremptory challenges remaining
4 with a side shall not be diminished by any passing of a peremptory
5 challenge.

6 (f) The Judicial Council shall conduct a study, and on or before
7 January 1, 2020, shall submit a report to the public safety
8 committees of both houses of the Legislature on the reductions in
9 peremptory challenges resulting from the enactment of the act that
10 added this subdivision. The study shall include, but not be limited
11 to, an examination of the number of peremptory challenges used
12 by the defendant and the state in misdemeanor jury trials, a
13 representative sample of the types of cases that go to jury trial,
14 and the resulting cost savings to the courts. The report submitted
15 pursuant to this subdivision shall be submitted in compliance with
16 Section 9795 of the Government Code.

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

18 (h) This section shall remain in effect only until January 1, 2021,
19 and as of that date is repealed, unless a later enacted statute, that
20 is enacted before January 1, 2021, deletes or extends that date.

21 ~~SEC. 2.~~

22 SEC. 3. Section 231 is added to the Code of Civil Procedure,
23 to read:

24 231. (a) In criminal cases, if the offense charged is punishable
25 with death, or with imprisonment in the state prison for life, the
26 defendant is entitled to 20 and the people to 20 peremptory
27 challenges. Except as provided in subdivision (b), in a trial for any
28 other offense, the defendant is entitled to 10 and the state to 10
29 peremptory challenges. When two or more defendants are jointly
30 tried, their challenges shall be exercised jointly, but each defendant
31 shall also be entitled to five additional challenges which may be
32 exercised separately, and the people shall also be entitled to
33 additional challenges equal to the number of all the additional
34 separate challenges allowed the defendants.

35 (b) If the offense charged is punishable with a maximum term
36 of imprisonment of 90 days or less, the defendant is entitled to six
37 and the state to six peremptory challenges. When two or more
38 defendants are jointly tried, their challenges shall be exercised
39 jointly, but each defendant shall also be entitled to four additional
40 challenges which may be exercised separately, and the state shall

1 also be entitled to additional challenges equal to the number of all
2 the additional separate challenges allowed the defendants.

3 (c) In civil cases, each party shall be entitled to six peremptory
4 challenges. If there are more than two parties, the court shall, for
5 the purpose of allotting peremptory challenges, divide the parties
6 into two or more sides according to their respective interests in
7 the issues. Each side shall be entitled to eight peremptory
8 challenges. If there are several parties on a side, the court shall
9 divide the challenges among them as nearly equally as possible.
10 If there are more than two sides, the court shall grant such
11 additional peremptory challenges to a side as the interests of justice
12 may require, provided that the peremptory challenges of one side
13 shall not exceed the aggregate number of peremptory challenges
14 of all other sides. If any party on a side does not use his or her full
15 share of peremptory challenges, the unused challenges may be
16 used by the other party or parties on the same side.

17 (d) Peremptory challenges shall be taken or passed by the sides
18 alternately, commencing with the plaintiff or ~~people~~; *people*, and
19 each party shall be entitled to have the panel full before exercising
20 any peremptory challenge. When each side passes consecutively,
21 the jury shall then be sworn, unless the court, for good cause, shall
22 otherwise order. The number of peremptory challenges remaining
23 with a side shall not be diminished by any passing of a peremptory
24 challenge.

25 (e) If all the parties on both sides pass consecutively, the jury
26 shall then be sworn, unless the court, for good cause, shall
27 otherwise order. The number of peremptory challenges remaining
28 with a side shall not be diminished by any passing of a peremptory
29 challenge.

30 (f) This section shall become operative on January 1, 2021.

31 ~~SEC. 3.~~

32 *SEC. 4.* Section 7522.57 of the Government Code is amended
33 to read:

34 7522.57. (a) This section shall apply to any retired person who
35 is receiving a pension benefit from a public retirement system and
36 is first appointed on or after January 1, 2013, to a salaried position
37 on a state board or commission. This section shall supersede any
38 other provision in conflict with this section.

39 (b) A person who is retired from a public retirement system
40 may serve without reinstatement from retirement or loss or

1 interruption of benefits provided that appointment is to a part-time
2 state board or commission. A retired person whose employment
3 without reinstatement is authorized by this subdivision shall acquire
4 no benefits, service credit, or retirement rights with respect to the
5 employment. Unless otherwise defined in statute, for the purpose
6 of this section, a part-time appointment shall mean an appointment
7 with a salary of no more than \$60,000 annually, which shall be
8 increased in any fiscal year in which a general salary increase is
9 provided for state employees. The amount of the increase provided
10 by this section shall be comparable to, but shall not exceed, the
11 percentage of the general salary increases provided for state
12 employees during that fiscal year.

13 (c) A person who is retired from the Public Employees'
14 Retirement System shall not serve on a full-time basis on a state
15 board or commission without reinstatement unless that person
16 serves as a nonsalaried member of the board or commission and
17 receives only per diem authorized to all members of the board or
18 commission. A person who serves as a nonsalaried member of a
19 board or commission shall not earn any service credit or benefits
20 in the Public Employees' Retirement System or make contributions
21 with respect to the service performed.

22 (d) A person retired from a public retirement system other than
23 the Public Employees' Retirement System who is appointed on a
24 full-time basis to a state board or commission shall choose one of
25 the following options:

26 (1) The person may serve as a nonsalaried member of the board
27 or commission and continue to receive his or her retirement
28 allowance, in addition to any per diem authorized to all members
29 of the board or commission. The person shall not earn service
30 credit or benefits in the Public Employees' Retirement System and
31 shall not make contributions with respect to the service performed.

32 (2) (A) The person may suspend his or her retirement allowance
33 or allowances and instate as a new member of the Public
34 Employees' Retirement System for the service performed on the
35 board or commission. The pensionable compensation earned
36 pursuant to this paragraph shall not be eligible for reciprocity with
37 any other retirement system or plan.

38 (B) Upon retiring for service after serving on the board or
39 commission, the appointee shall be entitled to reinstatement of any
40 suspended benefits, including employer provided retiree health

benefits, that he or she was entitled to at the time of being appointed to the board or commission.

(e) Notwithstanding subdivisions (c) and (d), a person who retires from a public employer may serve without reinstatement from retirement or loss or interruption of benefits provided by the retirement system upon appointment to a full-time state board pursuant to Section 5075 of the Penal Code or Section 1718 of the Welfare and Institutions Code.

~~SEC. 4.~~

SEC. 5. Section 11555 of the Government Code is amended to read:

11555. (a) Effective January 1, 1988, an annual salary of seventy-one thousand five hundred eighty-seven dollars (\$71,587) shall be paid to the following:

(1) Chairperson of the Board of Parole Hearings.

(2) Chairperson of the Occupational Safety and Health Appeals Board.

(3) Chairperson of the Board of Juvenile Hearings.

(b) The annual compensation provided by this section shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general salary increases provided for state employees during that fiscal year.

(c) Notwithstanding subdivision (b), any salary increase is subject to Section 19825.5.

~~SEC. 5.~~

SEC. 6. Section 11556 of the Government Code is amended to read:

11556. (a) Effective January 1, 1988, an annual salary of sixty-nine thousand seventy-six dollars (\$69,076) shall be paid to each of the following:

(1) Commissioner of the Board of Parole Hearings.

(2) Member of the Occupational Safety and Health Appeals Board.

(3) Commissioner of the Board of Juvenile Hearings.

(b) The annual compensation provided by this section shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the

1 percentage of the general salary increases provided for state
2 employees during that fiscal year.

3 (c) Notwithstanding subdivision (b), any salary increase is
4 subject to Section 19825.5.

5 ~~SEC. 6.~~

6 *SEC. 7.* Section 12838 of the Government Code is amended
7 to read:

8 12838. (a) There is hereby created in state government the
9 Department of Corrections and Rehabilitation, to be headed by a
10 secretary, who shall be appointed by the Governor, subject to
11 Senate confirmation, and shall serve at the pleasure of the
12 Governor. The Department of Corrections and Rehabilitation shall
13 consist of Adult Operations, Adult Programs, Health Care Services,
14 Juvenile Justice, the Board of Parole Hearings, the Board of
15 Juvenile Hearings, the State Commission on Juvenile Justice, the
16 Prison Industry Authority, and the Prison Industry Board.

17 (b) The Governor, upon recommendation of the secretary, may
18 appoint three undersecretaries of the Department of Corrections
19 and Rehabilitation, subject to Senate confirmation. The
20 undersecretaries shall hold office at the pleasure of the Governor.
21 One undersecretary shall oversee administration and offender
22 services, one undersecretary shall oversee health care services,
23 and one undersecretary shall oversee operations for the department.

24 (c) The Governor, upon recommendation of the secretary, shall
25 appoint a Chief for the Office of Victim Services, and a Chief for
26 the Office of Correctional Safety, both of whom shall serve at the
27 pleasure of the Governor.

28 ~~SEC. 7.~~

29 *SEC. 8.* Section 12838.4 of the Government Code is amended
30 to read:

31 12838.4. The Board of Parole Hearings is hereby created. The
32 Board of Parole Hearings shall be comprised of 14 commissioners,
33 who shall be appointed by the Governor, subject to Senate
34 confirmation, for three-year terms. The Board of Parole Hearings
35 hereby succeeds to, and is vested with, all the powers, duties,
36 responsibilities, obligations, liabilities, and jurisdiction of the
37 following entities, which shall no longer exist: Board of Prison
38 Terms, Narcotic Addict Evaluation Authority, and Youthful
39 Offender Parole Board. For purposes of this article, the above
40 entities shall be known as "predecessor entities."

~~SEC. 8.~~

SEC. 9. Section 68502.5 of the Government Code is amended to read:

68502.5. (a) The Judicial Council may, as part of its trial court budget process, seek input from groups and individuals as it deems appropriate, including, but not limited to, advisory committees and the Administrative Director of the Courts. The trial court budget process may include, but is not limited to, the following:

(1) The receipt of budget requests from the trial courts.

(2) The review of the trial courts' budget requests and evaluate them against performance criteria established by the Judicial Council by which a court's performance, level of coordination, and efficiency can be measured.

(3) The annual adoption of the projected cost in the subsequent fiscal year of court operations as defined in Section 77003 for each trial court. This estimation shall serve as a basis for recommended court budgets, which shall be developed for comparison purposes and to delineate funding responsibilities.

(4) The annual approval of a schedule for the allocation of moneys to individual courts and an overall trial court budget for forwarding to the Governor for inclusion in the Governor's proposed State Budget. The schedule shall be based on the performance criteria established pursuant to paragraph (2), on a minimum standard established by the Judicial Council for the operation and staffing of all trial court operations, and on any other factors as determined by the Judicial Council. This minimum standard shall be modeled on court operations using all reasonable and available measures to increase court efficiency. The schedule of allocations shall assure that all trial courts receive funding for the minimum operating and staffing standards before funding operating and staffing requests above the minimum standards, and shall include incentives and rewards for any trial court's implementation of efficiencies and cost saving measures.

(5) The reallocation of funds during the course of the fiscal year to ensure equal access to the trial courts by the public, to improve trial court operations, and to meet trial court emergencies. Neither the state nor the counties shall have any obligation to replace moneys appropriated for trial courts and reallocated pursuant to this paragraph.

1 (6) The allocation of funds in the State Trial Court Improvement
2 and Modernization Fund to ensure equal access to trial courts by
3 the public, to improve trial court operations, and to meet trial court
4 emergencies, as expressly authorized by statute.

5 (7) Upon approval of the trial courts' budget by the Legislature,
6 the preparation during the course of the fiscal year of allocation
7 schedules for payments to the trial courts, consistent with Section
8 68085, which shall be submitted to the Controller's office at least
9 15 days before the due date of any allocation.

10 (8) The establishment of rules regarding a court's authority to
11 transfer trial court funding moneys from one functional category
12 to another in order to address needs in any functional category.

13 (9) At the request of the presiding judge of a trial court, an
14 independent review of the funding level of the court to determine
15 whether it is adequate to enable the court to discharge its statutory
16 and constitutional responsibilities.

17 (10) From time to time, a review of the level of fees charged
18 by the courts for various services and prepare recommended
19 adjustments for forwarding to the Legislature.

20 (11) Provisions set forth in rules adopted pursuant to Section
21 77206.

22 (b) Courts and counties shall establish procedures to allow for
23 the sharing of information as it relates to approved budget proposals
24 and expenditures that impact the respective court and county
25 budgets. The procedures shall include, upon the request of a court
26 or county, that a respective court or county shall provide the
27 requesting court or county a copy of its approved budget and, to
28 the extent possible, approved program expenditure component
29 information and a description of budget changes that are anticipated
30 to have an impact on the requesting court or county. The Judicial
31 Council shall provide to the Legislature on December 31, 2001,
32 and yearly thereafter, budget expenditure data at the program
33 component level for each court.

34 (c) (1) The Judicial Council shall retain the ultimate
35 responsibility to adopt a budget and allocate funding for the trial
36 courts and perform the other activities listed in subdivision (a) that
37 best assure their ability to carry out their functions, promote
38 implementation of statewide policies, and promote the immediate
39 implementation of efficiencies and cost saving measures in court
40 operations, in order to guarantee equal access to the courts.

1 (2) (A) When setting the allocations for trial courts, the Judicial
2 Council shall set a preliminary allocation in July of each fiscal
3 year. The preliminary allocation shall include an estimate of
4 available trial court reserves as of June 30 of the prior fiscal year
5 and each court's preliminary allocation shall be offset by the
6 amount of reserves in excess of the amount authorized to be carried
7 over pursuant to subdivision (b) of Section 77203. In January of
8 each fiscal year, after review of available trial court reserves as of
9 June 30 of the prior fiscal year, the Judicial Council shall finalize
10 allocations to trial courts and each court's finalized allocation shall
11 be offset by the amount of reserves in excess of the amount
12 authorized to be carried over pursuant to subdivision (b) of Section
13 77203.

14 (B) The Judicial Council shall hold a reserve of ten million
15 dollars (\$10,000,000) in the Trial Court Trust Fund to be available
16 to trial courts for emergencies. The funding shall be administered
17 by the Judicial Council, and any funding allocated shall be
18 replenished on an annual basis from the trial court base allocations.
19 The Judicial Council shall establish a process for trial courts to
20 apply for emergency funding.

21 (C) The Judicial Council shall, no later than October 1 of each
22 year, report to the Legislature, pursuant to Section 9795, and to
23 the Department of Finance all requests and allocations made
24 pursuant to subparagraph (B) for the preceding year.

25 ~~SEC. 9.~~

26 *SEC. 10.* Section 68085.1 of the Government Code, as amended
27 by Section 22 of Chapter 913 of the Statutes of 2014, is amended
28 to read:

29 68085.1. (a) This section applies to all fees and fines that are
30 collected on or after January 1, 2006, under all of the following:

31 (1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,
32 704.750, 708.160, 724.100, 1134, 1161.2, 1218, and 1993.2 of,
33 subdivision (g) of Section 411.20 and subdivisions (c) and (g) of
34 Section 411.21 of, subdivision (b) of Section 631 of, and Chapter
35 5.5 (commencing with Section 116.110) of Title 1 of Part 1 of, the
36 Code of Civil Procedure.

37 (2) Section 3112 of the Family Code.

38 (3) Section 31622 of the Food and Agricultural Code.

(4) Subdivision (d) of Section 6103.5, Sections 68086 and 68086.1, subdivision (d) of Section 68511.3, Sections 68926.1 and 69953.5, and Chapter 5.8 (commencing with Section 70600).

(5) Section 103470 of the Health and Safety Code.

(6) Subdivisions (b) and (c) of Section 166 and Section 1214.1 of the Penal Code.

(7) Sections 1835, 1851.5, 2343, 7660, and 13201 of the Probate Code.

(8) Sections 14607.6 and 16373 of the Vehicle Code.

(9) Section 71386 of this code, Sections 304, 7851.5, and 9002 of the Family Code, and Section 1513.1 of the Probate Code, if the reimbursement is for expenses incurred by the court.

(10) Section 3153 of the Family Code, if the amount is paid to the court for the cost of counsel appointed by the court to represent a child.

(b) On and after January 1, 2006, each superior court shall deposit all fees and fines listed in subdivision (a), as soon as practicable after collection and on a regular basis, into a bank account established for this purpose by the Administrative Office of the Courts. Upon direction of the Administrative Office of the Courts, the county shall deposit civil assessments under Section 1214.1 of the Penal Code and any other money it collects under the sections listed in subdivision (a) as soon as practicable after collection and on a regular basis into the bank account established for this purpose and specified by the Administrative Office of the Courts. The deposits shall be made as required by rules adopted by, and financial policies and procedures authorized by, the Judicial Council under subdivision (a) of Section 77206. Within 15 days after the end of the month in which the fees and fines are collected, each court, and each county that collects any fines or fees under subdivision (a), shall provide the Administrative Office of the Courts with a report of the fees by categories as specified by the Administrative Office of the Courts. The Administrative Office of the Courts and any court may agree upon a time period greater than 15 days, but in no case more than 30 days after the end of the month in which the fees and fines are collected. The fees and fines listed in subdivision (a) shall be distributed as provided in this section.

(c) (1) Within 45 calendar days after the end of the month in which the fees and fines listed in subdivision (a) are collected, the

1 Administrative Office of the Courts shall make the following
2 distributions:

3 (A) To the small claims advisory services, as described in
4 subdivision (f) of Section 116.230 of the Code of Civil Procedure.

5 (B) To dispute resolution programs, as described in subdivision
6 (b) of Section 68085.3 and subdivision (b) of Section 68085.4.

7 (C) To the county law library funds, as described in Sections
8 116.230 and 116.760 of the Code of Civil Procedure, subdivision
9 (b) of Section 68085.3, subdivision (b) of Section 68085.4, and
10 Section 70621 of this code, and Section 14607.6 of the Vehicle
11 Code.

12 (D) To the courthouse construction funds in the Counties of
13 Riverside, San Bernardino, and San Francisco, as described in
14 Sections 70622, 70624, and 70625.

15 (E) Commencing July 1, 2011, to the Trial Court Trust Fund,
16 as described in subdivision (e) of Section 70626, to be used by the
17 Judicial Council to implement and administer the civil
18 representation pilot program under Section 68651.

19 (2) If any distribution under this subdivision is delinquent, the
20 Administrative Office of the Courts shall add a penalty to the
21 distribution as specified in subdivision (i).

22 (d) Within 45 calendar days after the end of the month in which
23 the fees and fines listed in subdivision (a) are collected, the
24 amounts remaining after the distributions in subdivision (c) shall
25 be transmitted to the State Treasury for deposit in the Trial Court
26 Trust Fund and other funds as required by law. This remittance
27 shall be accompanied by a remittance advice identifying the
28 collection month and the appropriate account in the Trial Court
29 Trust Fund or other fund to which it is to be deposited. Upon the
30 receipt of any delinquent payment required under this subdivision,
31 the Controller shall calculate a penalty as provided under
32 subdivision (i).

33 (e) From the money transmitted to the State Treasury under
34 subdivision (d), the Controller shall make deposits as follows:

35 (1) Into the State Court Facilities Construction Fund, the Judges'
36 Retirement Fund, and the Equal Access Fund, as described in
37 subdivision (c) of Section 68085.3 and subdivision (c) of Section
38 68085.4.

(2) Into the Health Statistics Special Fund, as described in subdivision (b) of Section 70670 of this code and Section 103730 of the Health and Safety Code.

(3) Into the Family Law Trust Fund, as described in Section 70674.

(4) Into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5, as described in Sections 68085.3, 68085.4, and 70657.5, and subdivision (e) of Section 70617.

(5) The remainder of the money shall be deposited into the Trial Court Trust Fund.

(f) The amounts collected by each superior court under Section 116.232, subdivision (g) of Section 411.20, and subdivision (g) of Section 411.21 of the Code of Civil Procedure, Sections 304, 3112, 3153, 7851.5, and 9002 of the Family Code, subdivision (d) of Section 6103.5, subdivision (d) of Section 68511.3 and Sections 68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386 of this code, and Sections 1513.1, 1835, 1851.5, and 2343 of the Probate Code shall be added to the monthly apportionment for that court under subdivision (a) of Section 68085.

(g) If any of the fees provided in subdivision (a) are partially waived by court order or otherwise reduced, and the fee is to be divided between the Trial Court Trust Fund and any other fund or account, the amount of the reduction shall be deducted from the amount to be distributed to each fund in the same proportion as the amount of each distribution bears to the total amount of the fee. If the fee is paid by installment payments, the amount distributed to each fund or account from each installment shall bear the same proportion to the installment payment as the full distribution to that fund or account does to the full fee. If a court collects a fee that was incurred before January 1, 2006, under a provision that was the predecessor to one of the paragraphs contained in subdivision (a), the fee may be deposited as if it were collected under the paragraph of subdivision (a) that corresponds to the predecessor of that paragraph and distributed in prorated amounts to each fund or account to which the fee in subdivision (a) must be distributed.

(h) Except as provided in Sections 470.5 and 6322.1 of the Business and Professions Code, and Sections 70622, 70624, and 70625 of this code, an agency shall not take action to change the

1 amounts allocated to any of the funds described in subdivision (c),
2 (d), or (e).

3 (i) The amount of the penalty on any delinquent payment under
4 subdivision (c) or (d) shall be calculated by multiplying the amount
5 of the delinquent payment at a daily rate equivalent to 1 ½ percent
6 per month for the number of days the payment is delinquent. The
7 penalty shall be paid from the Trial Court Trust Fund. Penalties
8 on delinquent payments under subdivision (d) shall be calculated
9 only on the amounts to be distributed to the Trial Court Trust Fund
10 and the State Court Facilities Construction Fund, and each penalty
11 shall be distributed proportionately to the funds to which the
12 delinquent payment was to be distributed.

13 (j) If a delinquent payment under subdivision (c) or (d) results
14 from a delinquency by a superior court under subdivision (b), the
15 court shall reimburse the Trial Court Trust Fund for the amount
16 of the penalty. Notwithstanding Section 77009, any penalty on a
17 delinquent payment that a court is required to reimburse pursuant
18 to this section shall be paid from the court operations fund for that
19 court. The penalty shall be paid by the court to the Trial Court
20 Trust Fund no later than 45 days after the end of the month in
21 which the penalty was calculated. If the penalty is not paid within
22 the specified time, the Administrative Office of the Courts may
23 reduce the amount of a subsequent monthly allocation to the court
24 by the amount of the penalty on the delinquent payment.

25 (k) If a delinquent payment under subdivision (c) or (d) results
26 from a delinquency by a county in transmitting fees and fines listed
27 in subdivision (a) to the bank account established for this purpose,
28 as described in subdivision (b), the county shall reimburse the Trial
29 Court Trust Fund for the amount of the penalty. The penalty shall
30 be paid by the county to the Trial Court Trust Fund no later than
31 45 days after the end of the month in which the penalty was
32 calculated.

33 ~~SEC. 10.~~

34 *SEC. 11.* Section 68085.1 of the Government Code, as amended
35 by Section 19 of Chapter 41 of the Statutes of 2012, is repealed.

36 ~~SEC. 11.~~

37 *SEC. 12.* Section 68651 of the Government Code is amended
38 to read:

39 68651. (a) Legal counsel shall be appointed to represent
40 low-income parties in civil matters involving critical issues

1 affecting basic human needs in those specified courts selected by
2 the Judicial Council as provided in this section.

3 (b) (1) Subject to funding specifically provided for this purpose
4 pursuant to subdivision (e) of Section 70626, the Judicial Council
5 shall develop one or more model pilot projects in selected courts
6 pursuant to a competitive grant process and a request for proposals.
7 Projects authorized under this section shall provide representation
8 of counsel for low-income persons who require legal services in
9 civil matters involving housing-related matters, domestic violence
10 and civil harassment restraining orders, probate conservatorships,
11 guardianships of the person, elder abuse, or actions by a parent to
12 obtain sole legal or physical custody of a child, as well as providing
13 court procedures, personnel, training, and case management and
14 administration methods that reflect best practices to ensure
15 unrepresented parties in those cases have meaningful access to
16 justice, and to gather information on the outcomes associated with
17 providing these services, to guard against the involuntary waiver
18 of those rights or their disposition by default. These pilot projects
19 should be designed to address the substantial inequities in timely
20 and effective access to justice that often give rise to an undue risk
21 of erroneous decision because of the nature and complexity of the
22 law and the proceeding or disparities between the parties in
23 education, sophistication, language proficiency, legal
24 representation, access to self-help, and alternative dispute
25 resolution services. In order to ensure that the scarce funds
26 available for the program are used to serve the most critical cases
27 and the parties least able to access the courts without
28 representation, eligibility for representation shall be limited to
29 clients whose household income falls at or below 200 percent of
30 the federal poverty level. Projects shall impose asset limitations
31 consistent with their existing practices in order to ensure optimal
32 use of funds.

33 (2) (A) In light of the significant percentage of parties who are
34 unrepresented in family law matters, proposals to provide counsel
35 in child custody cases should be considered among the highest
36 priorities for funding, particularly when one side is represented
37 and the other is not.

38 (B) Up to 20 percent of available funds shall be directed to
39 projects regarding civil matters involving actions by a parent to

1 obtain sole legal or physical custody of a child. This subparagraph
2 shall not apply to distributions made pursuant to paragraph (3).

3 (3) For the 2012–13 fiscal year, and each subsequent fiscal year,
4 any amounts collected pursuant to subdivision (e) of Section 70626
5 in excess of the total amount transferred to the Trial Court Trust
6 Fund in the 2011–12 fiscal year pursuant to subparagraph (E) of
7 paragraph (1) of subdivision (c) of Section 68085.1 and subdivision
8 (e) of Section 70626 shall be distributed by the Judicial Council
9 without regard to subparagraph (B) of paragraph (2). Those
10 amounts may be distributed by the Judicial Council as set forth in
11 this subdivision. If the funds are to be distributed to new projects,
12 the Judicial Council shall distribute those amounts pursuant to the
13 process set forth in this subdivision.

14 (4) Each project shall be a partnership between the court, a
15 qualified legal services project, as defined by subdivision (a) of
16 Section 6213 of the Business and Professions Code, that shall serve
17 as the lead agency for case assessment and direction, and other
18 legal services providers in the community who are able to provide
19 the services for the project. The lead legal services agency shall
20 be the central point of contact for receipt of referrals to the project
21 and to make determinations of eligibility based on uniform criteria.
22 The lead legal services agency shall be responsible for providing
23 representation to the clients or referring the matter to one of the
24 organization or individual providers with whom the lead legal
25 services agency contracts to provide the service. Funds received
26 by a qualified legal services project shall not qualify as
27 expenditures for the purposes of the distribution of funds pursuant
28 to Section 6216 of the Business and Professions Code. To the
29 extent practical, the lead legal services agency shall identify and
30 make use of pro bono services in order to maximize available
31 services efficiently and economically. Recognizing that not all
32 indigent parties can be afforded representation, even when they
33 have meritorious cases, the court partner shall, as a corollary to
34 the services provided by the lead legal services agency, be
35 responsible for providing procedures, personnel, training, and case
36 management and administration practices that reflect best practices
37 to ensure unrepresented parties meaningful access to justice and
38 to guard against the involuntary waiver of rights, as well as to
39 encourage fair and expeditious voluntary dispute resolution,
40 consistent with principles of judicial neutrality.

(5) The participating projects shall be selected by a committee appointed by the Judicial Council with representation from key stakeholder groups, including judicial officers, legal services providers, and others, as appropriate. The committee shall assess the applicants' capacity for success, innovation, and efficiency, including, but not limited to, the likelihood that the project would deliver quality representation in an effective manner that would meet critical needs in the community and address the needs of the court with regard to access to justice and calendar management, and the unique local unmet needs for representation in the community. Projects approved pursuant to this section shall initially be authorized for a three-year period, commencing July 1, 2011, subject to renewal for a period to be determined by the Judicial Council, in consultation with the participating project in light of the project's capacity and success. After the initial three-year period, the Judicial Council shall distribute any future funds available as the result of the termination or nonrenewal of a project pursuant to the process set forth in this subdivision. Projects shall be selected on the basis of whether in the cases proposed for service the persons to be assisted are likely to be opposed by a party who is represented by counsel. The Judicial Council shall also consider the following factors in selecting the projects:

(A) The likelihood that representation in the proposed case type tends to affect whether a party prevails or otherwise obtains a significantly more favorable outcome in a matter in which they would otherwise frequently have judgment entered against them or suffer the deprivation of the basic human need at issue.

(B) The likelihood of reducing the risk of erroneous decision.

(C) The nature and severity of potential consequences for the unrepresented party regarding the basic human need at stake if representation is not provided.

(D) Whether the provision of legal services may eliminate or reduce the potential need for and cost of public social services regarding the basic human need at stake for the client and others in the client's household.

(E) The unmet need for legal services in the geographic area to be served.

(F) The availability and effectiveness of other types of court services, such as self-help.

(6) Each applicant shall do all of the following:

1 (A) Identify the nature of the partnership between the court, the
2 lead legal services agency, and the other agencies or other providers
3 that would work within the project.

4 (B) Describe the referral protocols to be used, the criteria that
5 would be employed in case assessment, why those cases were
6 selected, the manner to address conflicts without violating any
7 attorney-client privilege when adverse parties are seeking
8 representation through the project, and the means for serving
9 potential clients who need assistance with English.

10 (C) Describe how the project would be administered, including
11 how the data collection requirements would be met without causing
12 an undue burden on the courts, clients, or the providers, the
13 particular objectives of the project, strategies to evaluate their
14 success in meeting those objectives, and the means by which the
15 project would serve the particular needs of the community, such
16 as by providing representation to limited-English-speaking clients.

17 (7) To ensure the most effective use of the funding available,
18 the lead legal services agency shall serve as a hub for all referrals,
19 and the point at which decisions are made about which referrals
20 will be served and by whom. Referrals shall emanate from the
21 court, as well as from the other agencies providing services through
22 the program, and shall be directed to the lead legal services agency
23 for review. That agency, or another agency or attorney in the event
24 of conflict, shall collect the information necessary to assess whether
25 the case should be served. In performing that case assessment, the
26 agency shall determine the relative need for representation of the
27 litigant, including all of the following:

28 (A) Case complexity.

29 (B) Whether the other party is represented.

30 (C) The adversarial nature of the proceeding.

31 (D) The availability and effectiveness of other types of services,
32 such as self-help, in light of the potential client and the nature of
33 the case.

34 (E) Language issues.

35 (F) Disability access issues.

36 (G) Literacy issues.

37 (H) The merits of the case.

38 (I) The nature and severity of potential consequences for the
39 potential client if representation is not provided.

1 (J) Whether the provision of legal services may eliminate or
2 reduce the need for, and cost of, public social services for the
3 potential client and others in the potential client's household.

4 (8) If both parties to a dispute are financially eligible for
5 representation, each proposal shall ensure that representation for
6 both sides is evaluated. In these and other cases in which conflict
7 issues arise, the lead legal services agency shall have referral
8 protocols with other agencies and providers, such as a private
9 attorney panel, to address those conflicts.

10 (9) Each pilot project shall be responsible for keeping records
11 on the referrals accepted and those not accepted for representation,
12 and the reasons for each, in a manner that does not violate
13 privileged communications between the agency and the prospective
14 client. Each pilot project shall be provided with standardized data
15 collection tools, and required to track case information for each
16 referral to allow the evaluation to measure the number of cases
17 served, the level of service required, and the outcomes for the
18 clients in each case. In addition to this information on the effect
19 of the representation on the clients, data shall be collected regarding
20 the outcomes for the trial courts.

21 (10) A local advisory committee shall be formed for each pilot
22 project, to include representatives of the bench and court
23 administration, the lead legal services agency, and the other
24 agencies or providers that are part of the local project team. The
25 role of the advisory committee is to facilitate the administration
26 of the local pilot project, and to ensure that the project is fulfilling
27 its objectives. In addition, the committee shall resolve any issues
28 that arise during the course of the pilot project, including issues
29 concerning case eligibility, and recommend changes in project
30 administration in response to implementation challenges. The
31 committee shall meet at least monthly for the first six months of
32 the project, and no less than quarterly for the duration of the pilot
33 period. Each authorized pilot project shall catalog changes to the
34 program made during the three-year period based on its experiences
35 with best practices in serving the eligible population.

36 (c) The Judicial Council shall conduct a study to demonstrate
37 the effectiveness and continued need for the pilot program
38 established pursuant to this section and shall report its findings
39 and recommendations to the Governor and the Legislature on or
40 before January 31, 2016. The study shall report on the percentage

1 of funding by case type and shall include data on the impact of
2 counsel on equal access to justice and the effect on court
3 administration and efficiency, and enhanced coordination between
4 courts and other government service providers and community
5 resources. This report shall describe the benefits of providing
6 representation to those who were previously not represented, both
7 for the clients and the courts, as well as strategies and
8 recommendations for maximizing the benefit of that representation
9 in the future. The report shall describe and include data, if
10 available, on the impact of the pilot program on families and
11 children. The report also shall include an assessment of the
12 continuing unmet needs and, if available, data regarding those
13 unmet needs.

14 (d) This section shall not be construed to negate, alter, or limit
15 any right to counsel in a criminal or civil action or proceeding
16 otherwise provided by state or federal law.

17 ~~SEC. 12.~~

18 *SEC. 13.* Section 70626 of the Government Code, as amended
19 by Section 45 of Chapter 41 of the Statutes of 2012, is amended
20 to read:

21 70626. (a) The fee for each of the following services is
22 twenty-five dollars (\$25). Subject to subdivision (e), amounts
23 collected shall be distributed to the Trial Court Trust Fund under
24 Section 68085.1.

25 (1) Issuing a writ of attachment, a writ of mandate, a writ of
26 execution, a writ of sale, a writ of possession, a writ of prohibition,
27 or any other writ for the enforcement of any order or judgment.

28 (2) Issuing an abstract of judgment.

29 (3) Issuing a certificate of satisfaction of judgment under Section
30 724.100 of the Code of Civil Procedure.

31 (4) Certifying a copy of any paper, record, or proceeding on file
32 in the office of the clerk of any court.

33 (5) Taking an affidavit, except in criminal cases or adoption
34 proceedings.

35 (6) Acknowledgment of any deed or other instrument, including
36 the certificate.

37 (7) Recording or registering any license or certificate, or issuing
38 any certificate in connection with a license, required by law, for
39 which a charge is not otherwise prescribed.

1 (8) Issuing any certificate for which the fee is not otherwise
2 fixed.

3 (b) The fee for each of the following services is thirty dollars
4 (\$30). Subject to subdivision (e), amounts collected shall be
5 distributed to the Trial Court Trust Fund under Section 68085.1.

6 (1) Issuing an order of sale.

7 (2) Receiving and filing an abstract of judgment rendered by a
8 judge of another court and subsequent services based on it, unless
9 the abstract of judgment is filed under Section 704.750 or 708.160
10 of the Code of Civil Procedure.

11 (3) Filing a confession of judgment under Section 1134 of the
12 Code of Civil Procedure.

13 (4) Filing an application for renewal of judgment under Section
14 683.150 of the Code of Civil Procedure.

15 (5) Issuing a commission to take a deposition in another state
16 or place under Section 2026.010 of the Code of Civil Procedure,
17 or issuing a subpoena under Section 2029.300 to take a deposition
18 in this state for purposes of a proceeding pending in another
19 jurisdiction.

20 (6) Filing and entering an award under the Workers'
21 Compensation Law (Division 4 (commencing with Section 3200)
22 of the Labor Code).

23 (7) Filing an affidavit of publication of notice of dissolution of
24 partnership.

25 (8) Filing an appeal of a determination whether a dog is
26 potentially dangerous or vicious under Section 31622 of the Food
27 and Agricultural Code.

28 (9) Filing an affidavit under Section 13200 of the Probate Code,
29 together with the issuance of one certified copy of the affidavit
30 under Section 13202 of the Probate Code.

31 (10) Filing and indexing all papers for which a charge is not
32 elsewhere provided, other than papers filed in actions or special
33 proceedings, official bonds, or certificates of appointment.

34 (c) The fee for filing a first petition under Section 2029.600 or
35 2029.620 of the Code of Civil Procedure, if the petitioner is not a
36 party to the out-of-state case, is eighty dollars (\$80). Amounts
37 collected shall be distributed to the Trial Court Trust Fund pursuant
38 to Section 68085.1.

1 (d) The fee for delivering a will to the clerk of the superior court
2 in which the estate of a decedent may be administered, as required
3 by Section 8200 of the Probate Code, is fifty dollars (\$50).

4 (e) An amount equivalent to ten dollars (\$10) of each fee
5 collected pursuant to subdivisions (a) and (b) shall be used by the
6 Judicial Council for the expenses of the Judicial Council in
7 implementing and administering the civil representation pilot
8 program under Section 68651.

9 ~~SEC. 13.~~

10 *SEC. 14.* Section 70626 of the Government Code, as amended
11 by Section 46 of Chapter 41 of the Statutes of 2012, is repealed.

12 ~~SEC. 14.~~

13 *SEC. 15.* The Legislature hereby finds and declares all of the
14 following:

15 (a) The courts provide various and diverse services to the public
16 that are necessary for the protection of the fundamental liberties
17 of our society.

18 (b) Court services are heavily subsidized by the General Fund.
19 If the total cost were passed on to the user, it would result in
20 prohibitively expensive fees for even minor transactions.

21 (c) Traditionally, funding for many court-administered programs
22 has been linked to the filing and processing of court documents.

23 (d) The linking of filing fees and the allocation of amounts
24 equivalent to specified percentages of those fees to various
25 programs provides an accounting mechanism, as a way to estimate
26 how much funding a program will receive and to direct that
27 funding, and is not intended to be indicative of the actual
28 distribution of the specific fees or the cost of the actual services
29 provided, for which General Fund moneys are largely used.

30 ~~SEC. 15.~~

31 *SEC. 16.* Section 320.6 of the Penal Code is amended to read:
32 320.6. (a) Notwithstanding Section 320.5, this section shall
33 apply to an eligible organization, as defined in subdivision (c).

34 (b) A raffle conducted by an eligible organization, as defined
35 in subdivision (c), for the purpose of directly supporting beneficial
36 or charitable purposes or financially supporting another private,
37 nonprofit eligible organization, as defined in subdivision (c) of
38 Section 320.5, that performs beneficial or charitable purposes may
39 be conducted in accordance with this section.

(c) For purposes of this section, “eligible organization” means a private, nonprofit organization established by, or affiliated with, a team from the Major League Baseball, National Hockey League, National Basketball Association, National Football League, Women’s National Basketball Association, or Major League Soccer, or a private, nonprofit organization established by the Professional Golfers’ Association of America, Ladies Professional Golf Association, or National Association for Stock Car Auto Racing that has been qualified to conduct business in California for at least one year before conducting a raffle, is qualified for an exemption under Section 501(c)(3) of the Internal Revenue Code, and is exempt from taxation pursuant to Section 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, 23701t, or 23701w of the Revenue and Taxation Code.

(d) For purposes of this section, “raffle” means a scheme for the distribution of prizes by chance among persons who have paid money for paper tickets that provide the opportunity to win these prizes, in which all of the following are true:

(1) Each ticket sold contains a unique and matching identifier.

(2) (A) Winners of the prizes are determined by a manual draw from tickets described in paragraph (1) that have been sold for entry in the manual draw.

(B) An electronic device may be used to sell tickets. The ticket receipt issued by the electronic device to the purchaser may include more than one unique and matching identifier, representative of and matched to the number of tickets purchased in a single transaction.

(C) A random number generator is not used for the manual draw or to sell tickets.

(D) The prize paid to the winner is comprised of one-half or 50 percent of the gross receipts generated from the sale of raffle tickets for a raffle.

(3) The manual draw is conducted in California under the supervision of a natural person who meets all of the following requirements:

(A) The person is 18 years of age or older.

(B) The person is affiliated with the eligible organization conducting the raffle.

(C) The person is registered with the Department of Justice pursuant to paragraph (4) of subdivision (o).

1 (4) (A) Fifty percent of the gross receipts generated from the
2 sale of raffle tickets for any given manual draw are used by the
3 eligible organization conducting the raffle to benefit or provide
4 support for beneficial or charitable purposes, or used to benefit
5 another private, nonprofit organization, provided that an
6 organization receiving these funds is itself an eligible organization
7 as defined in subdivision (c) of Section 320.5. As used in this
8 section, “beneficial purposes” excludes purposes that are intended
9 to benefit officers, directors, or members, as defined by Section
10 5056 of the Corporations Code, of the eligible organization. Funds
11 raised by raffles conducted pursuant to this section shall not be
12 used to fund any beneficial, charitable, or other purpose outside
13 of California. This section does not preclude an eligible
14 organization from using funds from sources other than the sale of
15 raffle tickets to pay for the administration or other costs of
16 conducting a raffle.

17 (B) An employee of an eligible organization who is a direct
18 seller of raffle tickets shall not be treated as an employee for
19 purposes of workers’ compensation under Section 3351 of the
20 Labor Code if the following conditions are satisfied:

21 (i) Substantially all of the remuneration, whether or not paid in
22 cash, for the performance of the service of selling raffle tickets is
23 directly related to sales rather than to the number of hours worked.

24 (ii) The services performed by the person are performed pursuant
25 to a written contract between the seller and the eligible organization
26 and the contract provides that the person will not be treated as an
27 employee with respect to the selling of raffle tickets for workers’
28 compensation purposes.

29 (C) For purposes of this section, an employee selling raffle
30 tickets shall be deemed to be a direct seller as described in Section
31 650 of the Unemployment Insurance Code as long as he or she
32 meets the requirements of that section.

33 (e) A person who receives compensation in connection with the
34 operation of the raffle shall be an employee of the eligible
35 organization that is conducting the raffle, and in no event may
36 compensation be paid from revenues required to be dedicated to
37 beneficial or charitable purposes.

38 (f) A raffle ticket shall not be sold in exchange for Bitcoin or
39 any other cryptocurrency.

(g) A raffle otherwise permitted under this section shall not be conducted by means of, or otherwise utilize, any gaming machine that meets the definition of slot machine contained in Section 330a, 330b, or 330.1.

(h) (1) A raffle otherwise permitted under this section shall not be conducted, nor may tickets for a raffle be sold, within an operating satellite wagering facility or racetrack inclosure licensed pursuant to the Horse Racing Law (Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code) or within a gambling establishment licensed pursuant to the Gambling Control Act (Chapter 5 (commencing with Section 19800) of Division 8 of the Business and Professions Code).

(2) A raffle shall not be operated or conducted in any manner over the Internet, nor may raffle tickets be sold, traded, or redeemed over the Internet. For purposes of this paragraph, an eligible organization shall not be deemed to operate or conduct a raffle over the Internet, or sell raffle tickets over the Internet, if the eligible organization advertises its raffle on the Internet or permits others to do so. Information that may be conveyed on an Internet Web site pursuant to this paragraph includes, but is not limited to, all of the following:

(A) Lists, descriptions, photographs, or videos of the raffle prizes.

(B) Lists of the prize winners.

(C) The rules of the raffle.

(D) Frequently asked questions and their answers.

(E) Raffle entry forms, which may be downloaded from the Internet Web site for manual completion by raffle ticket purchasers, but shall not be submitted to the eligible organization through the Internet.

(F) Raffle contact information, including the eligible organization's name, address, telephone number, facsimile number, or email address.

(i) An individual, corporation, partnership, or other legal entity shall not hold a financial interest in the conduct of a raffle, except the eligible organization that is itself authorized to conduct that raffle, and any private, nonprofit, eligible organizations receiving financial support from that charitable organization pursuant to subdivisions (b) and (d).

1 (j) (1) An eligible organization may conduct a major league
2 sports raffle only at a home game.

3 (2) An eligible organization shall not conduct more than one
4 major league sports raffle per home game.

5 (k) An employee shall not sell raffle tickets in any seating area
6 designated as a family section.

7 (l) An eligible organization shall disclose to all ticket purchasers
8 the designated private, nonprofit, eligible organization for which
9 the raffle is being conducted.

10 (m) An eligible organization that conducts a raffle to financially
11 support another private, nonprofit eligible organization, as defined
12 in subdivision (c) of Section 320.5, shall distribute all proceeds
13 not paid out to the winners of the prizes to the private, nonprofit
14 organization within 15 days of conducting the raffle, in accordance
15 with this section.

16 (n) Any raffle prize remaining unclaimed by a winner at the end
17 of the season for a team with an affiliated eligible organization
18 that conducted a raffle to financially support another private,
19 nonprofit eligible organization, as defined in subdivision (c) of
20 Section 320.5, shall be donated within 30 days from the end of the
21 season by the eligible organization to the designated private,
22 nonprofit organization for which the raffle was conducted.

23 (o) (1) (A) An eligible organization shall not conduct a raffle
24 authorized under this section, unless it has a valid registration
25 issued by the Department of Justice. The department shall furnish
26 a registration form via the Internet or upon request to eligible
27 nonprofit organizations. The department shall, by regulation, collect
28 only the information necessary to carry out the provisions of this
29 section on this form. This information shall include, but is not
30 limited to, the following:

31 (i) The name and address of the eligible organization.

32 (ii) The federal tax identification number, the corporate number
33 issued by the Secretary of State, the organization number issued
34 by the Franchise Tax Board, or the California charitable trust
35 identification number of the eligible organization.

36 (iii) The name and title of a responsible fiduciary of the
37 organization.

38 (B) (i) The department may require an eligible organization to
39 pay a minimum annual registration fee of five thousand dollars

1 (\$5,000) to cover the reasonable costs of the department to
2 administer and enforce this section.

3 (ii) An eligible organization shall pay, in addition to the annual
4 registration application fee, one hundred dollars (\$100) for every
5 individual raffle conducted at an eligible location to cover the
6 reasonable costs of the department to administer and enforce this
7 section. This fee shall be submitted in conjunction with the annual
8 registration form.

9 (2) (A) A manufacturer or distributor of raffle-related products
10 or services shall not conduct business with an eligible organization
11 for purposes of conducting a raffle pursuant to this section unless
12 the manufacturer or distributor has a valid annual registration
13 issued by the department.

14 (B) The department may require a manufacturer or distributor
15 of raffle-related products or services to pay a minimum annual
16 registration fee of five thousand dollars (\$5,000) to cover the
17 reasonable costs of the department to administer and enforce this
18 section.

19 (3) An eligible organization shall register the equipment used
20 in the sale and distribution of raffle tickets, and shall have the
21 equipment tested by an independent gaming testing lab.

22 (4) (A) A person affiliated with an eligible organization who
23 conducts the manual draw shall annually register with the
24 department.

25 (B) The department may require a person affiliated with an
26 eligible organization who conducts the manual draw to pay a
27 minimum annual registration fee of ten dollars (\$10) to cover the
28 reasonable costs of the department to administer and enforce this
29 section.

30 (5) (A) The department may, by regulation, adjust the annual
31 registration fees described in this section as needed to ensure that
32 revenues will fully offset, but not exceed, the reasonable costs
33 incurred by the department pursuant to this section. The fees shall
34 be deposited by the department into the Major League Sporting
35 Event Raffle Fund, which is hereby created in the State Treasury.

36 (B) A loan is hereby authorized from the General Fund to the
37 Major League Sporting Event Raffle Fund on or after July 1, 2016,
38 in an amount of up to one million five thousand dollars
39 (\$1,005,000) to address department workload related to the initial
40 implementation activities relating to this section by the

1 department's Indian and Gaming Law Section. The terms and
2 conditions of the loan shall first be approved by the Department
3 of Finance pursuant to appropriate fiscal standards. The loan shall
4 be subject to all of the following conditions:

5 (i) Of the total amount loaned, no more than three hundred
6 thirty-five thousand dollars (\$335,000) shall be provided annually
7 to the department.

8 (ii) The loan shall be repaid to the General Fund as soon as there
9 is sufficient money in the Major League Sporting Event Raffle
10 Fund to repay the loan, but no later than December 31, 2018.

11 (iii) Interest on the loan shall be paid from the Major League
12 Sporting Event Raffle Fund at the rate accruing to moneys in the
13 Pooled Money Investment Account.

14 (6) The department shall receive moneys for the costs incurred
15 pursuant to this section subject to an appropriation by the
16 Legislature.

17 (7) The department shall adopt, on or before June 1, 2016,
18 regulations necessary to effectuate this section, including
19 emergency regulations, pursuant to the Administrative Procedure
20 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
21 Division 3 of Title 2 of the Government Code).

22 (8) The department shall maintain an automated database of all
23 registrants.

24 (9) A local law enforcement agency shall notify the department
25 of any arrests or investigation that may result in an administrative
26 or criminal action against a registrant.

27 (10) The department may investigate all suspected violations
28 of this section or any regulation adopted pursuant to this section,
29 or any activity that the registrant has engaged in that is not in the
30 best interests of the public's health, safety, or general welfare as
31 it pertains to charitable raffles.

32 (11) The department may audit the records and other documents
33 of a registrant to ensure compliance with this section, and may
34 charge a registrant the direct costs associated with an audit
35 conducted pursuant to this paragraph.

36 (12) (A) Once registered, an eligible organization shall file
37 annually thereafter with the department a report that includes all
38 of the following information for each of the eligible organization's
39 last three fiscal years:

40 (i) The aggregate gross receipts from the operation of raffles.

- 1 (ii) The aggregate direct costs incurred by the eligible
2 organization from the operation of raffles.
- 3 (iii) The charitable or beneficial purposes for which proceeds
4 of the raffles were used.
- 5 (iv) The aggregate distributions of proceeds from the operation
6 of raffles made to directly support beneficial or charitable purposes,
7 other than beneficial or charitable purposes undertaken by the
8 eligible organization, or eligible recipient organizations, under
9 subdivision (c) of Section 320.5.
- 10 (v) The aggregate distributions of proceeds from the operation
11 of raffles made to raffle winners.
- 12 (vi) The aggregate distributions of proceeds from the operation
13 of raffles made to any other organizations, or for any other
14 purposes, other than those included in clauses (ii), (iv), and (v).
- 15 (vii) A schedule of distributions of proceeds from the operation
16 of raffles, by individual raffle, made to eligible recipient
17 organizations under subdivision (c) of Section 320.5 that are not
18 affiliated with the eligible organization.
- 19 (viii) A schedule of distributions of proceeds from the operation
20 of raffles, by individual raffle, made to eligible recipient
21 organizations under subdivision (c) of Section 320.5 that are
22 affiliated with the eligible organization.
- 23 (ix) A schedule of distributions of proceeds from the operation
24 of raffles, by individual raffle, made to any other organization not
25 included under clause (vii) or (viii), or for beneficial or charitable
26 purposes undertaken by the eligible organization.
- 27 (x) The aggregate gross receipts from activities other than the
28 operation of raffles.
- 29 (xi) The aggregate costs incurred by the eligible organization
30 from activities other than the operation of raffles.
- 31 (xii) The aggregate distributions of funds other than proceeds
32 from the operation of raffles made to directly support beneficial
33 or charitable purposes or eligible recipient organizations under
34 subdivision (c) of Section 320.5.
- 35 (xiii) The aggregate distributions of funds other than proceeds
36 from the operation of raffles for purposes other than those listed
37 in clauses (xi) and (xii).
- 38 (xiv) A schedule of distributions of funds other than proceeds
39 from the operation of raffles made to eligible recipient

1 organizations under subdivision (c) of Section 320.5 that are not
2 affiliated with the eligible organization.

3 (xv) A schedule of distributions of funds other than proceeds
4 from the operation of raffles made to any other organization not
5 included under clause (xiv), or for beneficial or charitable purposes
6 undertaken by the eligible organization.

7 (B) Failure to submit the annual report to the department as
8 required in this paragraph shall be grounds for denial of an annual
9 registration.

10 (C) The department shall make the reports required by this
11 paragraph available to the public via the online search portal of
12 the Attorney General's Registry of Charitable Trusts maintained
13 pursuant to Section 12584 of the Government Code.

14 (13) The department shall annually furnish to registrants a form
15 to collect this information.

16 (p) The department may take legal action against a registrant if
17 it determines that the registrant has violated this section or a
18 regulation adopted pursuant to this section, or that the registrant
19 has engaged in any conduct that is not in the best interests of the
20 public's health, safety, or general welfare. An action taken pursuant
21 to this subdivision does not prohibit the commencement of an
22 administrative or criminal action by the Attorney General, a district
23 attorney, city attorney, or county counsel.

24 (q) An action and hearing conducted to deny, revoke, or suspend
25 a registry, or other administrative action taken against a registrant,
26 shall be conducted pursuant to the Administrative Procedure Act
27 (Chapters 4.5 (commencing with Section 11400) and 5
28 (commencing with Section 11500) of Part 1 of Division 3 of Title
29 2 of the Government Code). The department may seek civil
30 remedies, including imposing fines, for violations of this section,
31 and may seek recovery of the costs incurred in investigating or
32 prosecuting an action against a registrant or applicant in accordance
33 with those procedures specified in Section 125.3 of the Business
34 and Professions Code. A proceeding conducted under this
35 subdivision is subject to judicial review pursuant to Section 1094.5
36 of the Code of Civil Procedure. A violation of this section shall
37 not constitute a crime.

38 (r) This section shall remain in effect only until December 31,
39 2018, and as of that date is repealed, unless a later enacted statute,

1 that is enacted before December 31, 2018, deletes or extends that
2 date.

3 ~~SEC. 16.~~

4 *SEC. 17.* Chapter 2.92 (commencing with Section 1001.85) is
5 added to Title 6 of Part 2 of the Penal Code, to read:

6
7 CHAPTER 2.92. LAW ENFORCEMENT ASSISTED DIVERSION
8 (LEAD) PILOT PROGRAM
9

10 1001.85. (a) The Law Enforcement Assisted Diversion (LEAD)
11 pilot program is hereby established. The purpose of the LEAD
12 program is to improve public safety and reduce recidivism by
13 increasing the availability and use of social service resources while
14 reducing costs to law enforcement agencies and courts stemming
15 from repeated incarceration.

16 (b) LEAD pilot programs shall be consistent with the following
17 principles, implemented to address and reflect the priorities of the
18 community in which the program exists:

19 (1) Providing intensive case management services and an
20 individually tailored intervention plan that acts as a blueprint for
21 assisting LEAD participants.

22 (2) Prioritizing temporary and permanent housing that includes
23 individualized supportive services, without preconditions of drug
24 or alcohol treatment or abstinence from drugs or alcohol.

25 (3) Employing human and social service resources in
26 coordination with law enforcement in a manner that improves
27 individual outcomes and community safety, and promotes
28 community wellness.

29 (4) Participation in LEAD services shall be voluntary throughout
30 the duration of the program and shall not require abstinence from
31 drug or alcohol use as a condition of continued participation.

32 1001.86. (a) The LEAD program shall be administered by the
33 Board of State and Community Corrections.

34 (b) The board shall award grants, on a competitive basis, to up
35 to three jurisdictions as authorized by this chapter. The board shall
36 establish minimum standards, funding schedules, and procedures
37 for awarding grants, which shall take into consideration, but not
38 be limited to, all of the following:

39 (1) Information from the applicant demonstrating a clear
40 understanding of the program's purpose and the applicant's

1 willingness and ability to implement the LEAD program as
2 described in this chapter.

3 (2) Key local partners who would be committed to, and involved
4 in, the development and successful implementation of a LEAD
5 program, including, but not limited to, balanced representation
6 from law enforcement agencies, prosecutorial agencies, public
7 defenders and defense counsel, public health and social services
8 agencies, case management service providers, and any other entities
9 identified by the applicant as integral to the successful
10 implementation of a LEAD program in the jurisdiction.

11 (3) The jurisdiction's capacity and commitment to coordinate
12 social services, law enforcement efforts, and justice system
13 decisionmaking processes, and to work to ensure that the
14 discretionary decisions made by each participant in the
15 administration of the program operates in a manner consistent with
16 the purposes of this chapter.

17 (c) Successful grant applicants shall collect and maintain data
18 pertaining to the effectiveness of the program as indicated by the
19 board in the request for proposals.

20 1001.87. (a) LEAD programs funded pursuant to this chapter
21 shall consist of a strategy of effective intervention for eligible
22 participants consistent with the following gateways to services:

23 (1) Prebooking referral. As an alternative to arrest, a law
24 enforcement officer may take or refer a person for whom the officer
25 has probable cause for arrest for any of the offenses in subdivision
26 (b) to a case manager to be screened for immediate crisis services
27 and to schedule a complete assessment intake interview.
28 Participation in LEAD diversion shall be voluntary, and the person
29 may decline to participate in the program at any time. Criminal
30 charges based on the conduct for which a person is diverted to
31 LEAD shall not be filed, provided that the person finishes the
32 complete assessment intake interview within a period set by the
33 local jurisdictional partners, but not to exceed 30 days after the
34 referral.

35 (2) Social contact referral. A law enforcement officer may refer
36 an individual to LEAD whom he or she believes is at high risk of
37 arrest in the future for any of the crimes specified in subdivision
38 (b), provided that the individual meets the criteria specified in this
39 paragraph and expresses interest in voluntarily participating in the
40 program. LEAD may accept these referrals if the program has

1 capacity after responding to prebooking diversion referrals
2 described in paragraph (1). All social contact referrals to LEAD
3 shall meet the following criteria:

4 (A) Verification by law enforcement that the individual has had
5 prior involvement with low-level drug activity or prostitution.
6 Verification shall consist of any of the following:

7 (i) Criminal history records, including, but not limited to, prior
8 police reports, arrests, jail bookings, criminal charges, or
9 convictions indicating that he or she was engaged in low-level
10 drug or prostitution activity.

11 (ii) Law enforcement has directly observed the individual's
12 low-level drug or prostitution activity on prior occasions.

13 (iii) Law enforcement has a reliable basis of information to
14 believe that the individual is engaged in low-level drug or
15 prostitution activity, including, but not limited to, information
16 provided by another first responder, a professional, or a credible
17 community member.

18 (B) The individual's prior involvement with low-level drug or
19 prostitution activity occurred within the LEAD pilot program area.

20 (C) The individual's prior involvement with low-level drug or
21 prostitution activity occurred within 24 months of the date of
22 referral.

23 (D) The individual does not have a pending case in drug court
24 or mental health court.

25 (E) The individual is not prohibited, by means of an existing
26 no-contact order, temporary restraining order, or antiharassment
27 order, from making contact with a current LEAD participant.

28 (b) The following offenses are eligible for either prebooking
29 diversion, social contact referral, or both:

30 (1) Possession for sale or transfer of a controlled substance or
31 other prohibited substance where the circumstances indicate that
32 the sale or transfer is intended to provide a subsistence living or
33 to allow the person to obtain or afford drugs for his or her own
34 consumption.

35 (2) Sale or transfer of a controlled substance or other prohibited
36 substance where the circumstances indicate that the sale or transfer
37 is intended to provide a subsistence living or to allow the person
38 to obtain or afford drugs for his or her own consumption.

39 (3) Possession of a controlled substance or other prohibited
40 substance.

1 (4) Being under the influence of a controlled substance or other
2 prohibited substance.

3 (5) Being under the influence of alcohol and a controlled
4 substance or other prohibited substance.

5 (6) Prostitution pursuant to subdivision (b) of Section 647.

6 1001.88. (a) Services provided pursuant to this chapter may
7 include, but are not limited to, case management, housing, medical
8 care, mental health care, treatment for alcohol or substance use
9 disorders, nutritional counseling and treatment, psychological
10 counseling, employment, employment training and education, civil
11 legal services, and system navigation. Grant funding may be used
12 to support any of the following:

13 (1) Project management and community engagement.

14 (2) Temporary services and treatment necessary to stabilize a
15 participant's condition, including necessary housing.

16 (3) Outreach and direct service costs for services described in
17 this section.

18 (4) Civil legal services for LEAD participants.

19 (5) Dedicated prosecutorial resources, including for coordinating
20 any nondiverted criminal cases of LEAD participants.

21 (6) Dedicated law enforcement resources, including for overtime
22 required for participation in operational meetings and training.

23 (7) Training and technical assistance from experts in the
24 implementation of LEAD in other jurisdictions.

25 (8) Collecting and maintaining the data necessary for program
26 evaluation.

27 (b) (1) The board shall contract with a nonprofit research entity,
28 university, or college to evaluate the effectiveness of the LEAD
29 program. The evaluation design shall include measures to assess
30 the cost-benefit outcomes of LEAD programs compared to booking
31 and prosecution, and may include evaluation elements such as
32 comparing outcomes for LEAD participants to similarly situated
33 offenders who are arrested and booked, the number of jail
34 bookings, total number of jail days, the prison incarceration rate,
35 subsequent felony and misdemeanor arrests or convictions, and
36 costs to the criminal justice and court systems. Savings will be
37 compared to costs of LEAD participation. By January 1, 2020, a
38 report of the findings shall be submitted to the Governor and the
39 Legislature pursuant to Section 9795 of the Government Code.

(2) The requirement for submitting a report pursuant to this subdivision is inoperative on January 1, 2024, pursuant to Section 10231.5 of the Government Code.

(c) The board may contract with experts in the implementation of LEAD in other jurisdictions for the purpose of providing technical assistance to participating jurisdictions.

(d) The sum of fifteen million dollars (\$15,000,000) is hereby appropriated from the General Fund for the LEAD pilot program authorized in this chapter. The board may spend up to five hundred fifty thousand dollars (\$550,000) of the amount appropriated in this subdivision for the contracts authorized in subdivisions (b) and (c).

~~SEC. 17.~~

SEC. 18. Section 2694.5 is added to the Penal Code, to read:

2694.5. (a) The Department of Corrections and Rehabilitation, under the oversight of the Undersecretary of Health Care Services, shall establish a three-year pilot program at one or more institutions that will provide a medically assisted substance use disorder treatment model for treatment of inmates with a history of substance use problems. The program shall offer a continuum of evidenced-based care that is designed to meet the needs of the persons being served and that is appropriate for a correctional setting. In establishing the program, the department shall consider all of the following:

(1) Access to services during an inmate's enrollment in the pilot program.

(2) Access to subacute detoxification and medical detoxification, as necessary.

(3) Comprehensive pretreatment and posttreatment assessments.

(4) Ongoing evaluation of an inmate's program needs and progress at least every 90 days, and appropriate adjustment of treatment based on that evaluation.

(5) Services provided by professionals for whom substance use disorder treatment is within the scope of their practice.

(6) Referrals for medically assisted care and prescription of medication-assisted treatment.

(7) Provision of behavioral health services, including the capacity to treat cooccurring mental illness.

1 (8) Access to medication-assisted treatment throughout the
2 period of incarceration up to and including immediately prior to
3 release.

4 (9) Linkages to community-based treatment upon parole.

5 (b) (1) The department shall report to the fiscal and appropriate
6 policy committees of the Legislature on March 1, 2017, and each
7 March 1 thereafter during the tenure of the pilot project. The report
8 shall include all of the following elements:

9 (A) The planned inmate capacity of the program.

10 (B) The number of persons enrolled in the program.

11 (C) The number of persons who leave the treatment program
12 against medical advice and the number of persons who are
13 discharged from the program prior to achieving their treatment
14 goals.

15 (D) The percentage of participants with negative urine
16 toxicology screens for illicit substances during treatment and
17 post-treatment while incarcerated.

18 (E) The number of persons who are successfully linked to
19 postrelease treatment.

20 (2) (A) The requirement for submitting a report imposed under
21 this subdivision is inoperative on March 1, 2025, pursuant to
22 Section 10231.5 of the Government Code.

23 (B) A report to be submitted pursuant to this subdivision shall
24 be submitted in compliance with Section 9795 of the Government
25 Code.

26 ~~SEC. 18:~~

27 *SEC. 19.* Section 2910 of the Penal Code, as amended by
28 Section 13 of Chapter 310 of the Statutes of 2013, is amended to
29 read:

30 2910. (a) The Secretary of the Department of Corrections and
31 Rehabilitation may enter into an agreement with a city, county, or
32 city and county to permit transfer of prisoners in the custody of
33 the secretary to a jail or other adult correctional facility of the city,
34 county, or city and county, if the sheriff or corresponding official
35 having jurisdiction over the facility has consented thereto. The
36 agreement shall provide for contributions to the city, county, or
37 city and county toward payment of costs incurred with reference
38 to such transferred prisoners.

39 (b) For purposes of this section, a transfer of prisoners under
40 subdivision (a) may include inmates who have been sentenced to

1 the department but remain housed in a county jail. These prisoners
2 shall be under the sole legal custody and jurisdiction of the sheriff
3 or corresponding official having jurisdiction over the facility and
4 shall not be under the legal custody or jurisdiction of the
5 Department of Corrections and Rehabilitation.

6 (c) Notwithstanding any other law, for purposes of entering into
7 agreements under subdivision (a), any process, regulation,
8 requirement, including any state governmental reviews or
9 approvals, or third-party approval that is required under, or
10 implemented pursuant to, any statute that relates to entering into
11 those agreements is hereby waived.

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

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

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

22 (g) The secretary, with the approval of the Department of
23 General Services, may enter into an agreement to lease state
24 property for a period not in excess of 20 years to be used as the
25 site for a facility operated by a city, county, or city and county
26 authorized by this section.

27 (h) This section shall remain in effect only until January 1, 2020,
28 and as of that date is repealed, unless a later enacted statute, that
29 is enacted before January 1, 2020, deletes or extends that date.

30 ~~SEC. 19.~~

31 *SEC. 20.* Section 2910 of the Penal Code, as added by Section
32 14 of Chapter 310 of the Statutes of 2013, is amended to read:

33 2910. (a) The Secretary of the Department of Corrections and
34 Rehabilitation may enter into an agreement with a city, county, or
35 city and county to permit transfer of prisoners in the custody of
36 the secretary to a jail or other adult correctional facility of the city,
37 county, or city and county, if the sheriff or corresponding official
38 having jurisdiction over the facility has consented thereto. The
39 agreement shall provide for contributions to the city, county, or

1 city and county toward payment of costs incurred with reference
2 to such transferred prisoners.

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

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

10 (d) Prisoners transferred to such facilities are subject to the rules
11 and regulations of the facility in which they are confined, but
12 remain under the legal custody of the Department of Corrections
13 and Rehabilitation and shall be subject at any time, pursuant to the
14 rules and regulations of the secretary, to be detained in the county
15 jail upon the exercise of a state parole or correctional officer's
16 peace officer powers, as specified in Section 830.5, with the
17 consent of the sheriff or corresponding official having jurisdiction
18 over the facility.

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

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

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

31 (h) This section shall become operative on January 1, 2020.

32 ~~SEC. 20.~~

33 *SEC. 21.* Section 2915 of the Penal Code is amended to read:

34 2915. (a) The Secretary of the Department of Corrections and
35 Rehabilitation may enter into one or more agreements to obtain
36 secure housing capacity within the state. These agreements may
37 be entered into with private entities and may be in the form of a
38 lease or an operating agreement. The secretary may procure and
39 enter these agreements on terms and conditions he or she deems
40 necessary and appropriate. Notwithstanding any other law, any

1 process, regulation, requirement, including any state governmental
2 reviews or approvals, or third-party approval that is required under
3 statutes that relate to the procurement and implementation of those
4 agreements is hereby waived, however, no agreement shall contain
5 terms, either directly or indirectly, that involve the repayment of
6 any debt issuance or other financing and, consistent with state law,
7 shall provide that payment of that agreement is subject to
8 appropriation.

9 (b) The Secretary of the Department of Corrections and
10 Rehabilitation may enter into one or more agreements to obtain
11 secure housing capacity in another state. These agreements may
12 be entered into with private entities and may be in the form of an
13 operating agreement or other contract. The secretary may procure
14 and enter these agreements on terms and conditions he or she
15 deems necessary and appropriate. Notwithstanding any other law,
16 any process, regulation, requirement, including any state
17 governmental reviews or approvals, or third-party approval that
18 is required under statutes that relate to the procurement and
19 implementation of those agreements is hereby waived, however,
20 no agreement shall contain terms, either directly or indirectly, that
21 involve the repayment of any debt issuance or other financing and,
22 consistent with state law, shall provide that payment of that
23 agreement is subject to appropriation. This subdivision does not
24 authorize the department to operate a facility out of state.

25 (c) The provisions of Division 13 (commencing with Section
26 21000) of the Public Resources Code do not apply to this section.

27 (d) This section shall remain in effect only until January 1, 2020,
28 and as of that date is repealed, unless a later enacted statute, that
29 is enacted before January 1, 2020, deletes or extends that date.

30 ~~SEC. 21.~~

31 *SEC. 22.* Section 5027 is added to the Penal Code, to read:

32 5027. (a) Upon appropriation by the Legislature in the annual
33 Budget Act, the Department of Corrections and Rehabilitation
34 shall award funding for an innovative grant program to
35 not-for-profit organizations to replicate their programs at
36 institutions that the Director of the Division of Rehabilitative
37 Programs has determined are underserved by volunteer and
38 not-for-profit organizations. The director shall develop a formula
39 for identifying target institutions based upon factors including, but
40 not limited to, number of volunteers, number of inmates, number

1 of volunteer-based programs, and the size of waiting lists for
2 inmates wanting to participate in programs.

3 (b) Grant funding shall be provided to not-for-profit
4 organizations wishing to expand programs that they are currently
5 providing in other California state prisons that have demonstrated
6 success and focus on offender responsibility and restorative justice
7 principles. The grants shall be awarded for a three-year period and
8 are designed to be one time in nature. The grants shall go to
9 programs that demonstrate that they will become self-sufficient
10 or will be funded in the long term by donations or another source
11 of ongoing funding. All funding shall go directly to the
12 not-for-profit organizations and shall not be used for custody staff
13 or administration of the grant. Any unspent funds shall revert to
14 the fund source authorized for this purpose at the end of three
15 years.

16 (c) On or before January 1 of each year, the department shall
17 report to the budget committees and public safety committees in
18 both houses of the Legislature on the following information from
19 the previous fiscal year's grants:

- 20 (1) The number of grants provided.
- 21 (2) The institutions receiving grants.
- 22 (3) A description of each program and level of funding provided,
23 organized by institution.
- 24 (4) The start date of each program.
- 25 (5) Any feedback from inmates participating in the programs
26 on the value of the programs.
- 27 (6) Any feedback from the program providers on their
28 experience with each institution.
- 29 (7) The number of participants participating in each program.
- 30 (8) The number of participants completing each program.
- 31 (9) Waiting lists, if any, for each program.

32 ~~SEC. 22.~~

33 *SEC. 23.* Section 5032 of the Penal Code is repealed.

34 ~~SEC. 23.~~

35 *SEC. 24.* Section 5075 of the Penal Code is amended to read:

36 5075. (a) Commencing July 1, 2005, there is hereby created
37 the Board of Parole Hearings. As of July 1, 2005, any reference
38 to the Board of Prison Terms in this or any other code refers to the
39 Board of Parole Hearings. As of that date, the Board of Prison
40 Terms is abolished.

(b) The Governor shall appoint 14 commissioners, subject to Senate confirmation, pursuant to this section. These commissioners shall be appointed and trained to hear only adult matters. The terms of the commissioners shall expire as follows: eight on July 1, 2007, and nine on July 1, 2008. Successor commissioners shall hold office for terms of three years, each term to commence on the expiration date of the predecessor. Any appointment to a vacancy that occurs for any reason other than expiration of the term shall be for the remainder of the unexpired term. Commissioners are eligible for reappointment. The selection of persons and their appointment by the Governor and confirmation by the Senate shall reflect as nearly as possible a cross section of the racial, sexual, economic, and geographic features of the population of the state.

(c) The chair of the board shall be designated by the Governor periodically. The Governor may appoint an executive officer of the board, subject to Senate confirmation, who shall hold office at the pleasure of the Governor. The executive officer shall be the administrative head of the board and shall exercise all duties and functions necessary to insure that the responsibilities of the board are successfully discharged. The secretary shall be the appointing authority for all civil service positions of employment with the board.

(d) Each commissioner shall participate in hearings on each workday, except when it is necessary for a commissioner to attend training, en banc hearings or full board meetings, or other administrative business requiring the participation of the commissioner. For purposes of this subdivision, these hearings shall include parole consideration hearings, parole rescission hearings, and parole progress hearings.

~~SEC. 24.~~

SEC. 25. Section 5075.1 of the Penal Code is amended to read:
5075.1. The Board of Parole Hearings shall do all of the following:

(a) Conduct parole consideration hearings, parole rescission hearings, and parole progress hearings for adults under the jurisdiction of the department.

(b) Conduct mentally disordered offender hearings.

(c) Conduct sexually violent predator hearings.

1 (d) Review inmates' requests for reconsideration of denial of
2 good-time credit and setting of parole length or conditions, pursuant
3 to Section 5077.

4 (e) Determine revocation of parole for adult offenders under
5 the jurisdiction of the Division of Adult Parole Operations, pursuant
6 to Section 5077.

7 (f) Conduct studies pursuant to Section 3150 of the Welfare and
8 Institutions Code.

9 (g) Investigate and report on all applications for reprieves,
10 pardons, and commutation of sentence, as provided in Title 6
11 (commencing with Section 4800) of Part 3.

12 (h) Exercise other powers and duties as prescribed by law.

13 (i) Effective January 1, 2007, all commissioners appointed and
14 trained to hear juvenile parole matters, together with their duties
15 prescribed by law as functions of the Board of Parole Hearings
16 concerning wards under the jurisdiction of the Department of
17 Corrections and Rehabilitation, are transferred to the Director of
18 the Division of Juvenile Justice. All applicable regulations in effect
19 at the time of transfer shall be deemed to apply to those
20 commissioners until new regulations are adopted.

21 ~~SEC. 25.~~

22 *SEC. 26.* Section 5075.6 of the Penal Code is amended to read:

23 5075.6. (a) Commissioners and deputy commissioners hearing
24 matters concerning adults under the jurisdiction of the Department
25 of Corrections and Rehabilitation shall have a broad background
26 in criminal justice and an ability for appraisal of adult offenders,
27 the crimes for which those persons are committed, and the
28 evaluation of an individual's progress toward reformation. Insofar
29 as practicable, commissioners and deputy commissioners shall
30 have a varied interest in adult correction work, public safety, and
31 shall have experience or education in the fields of corrections,
32 sociology, law, law enforcement, medicine, mental health, or
33 education.

34 (b) All commissioners and deputy commissioners who conduct
35 hearings for the purpose of considering the parole suitability of
36 inmates, the setting of a parole release date for inmates, or the
37 revocation of parole for adult parolees, shall, within 60 days of
38 appointment and annually thereafter undergo a minimum of 40
39 hours of training in the following areas:

1 (1) Treatment and training programs provided to inmates at
2 Department of Corrections and Rehabilitation institutions,
3 including, but not limited to, educational, vocational, mental health,
4 medical, substance abuse, psychotherapeutic counseling, and sex
5 offender treatment programs.

6 (2) Parole services.

7 (3) Commissioner duties and responsibilities.

8 (4) Knowledge of laws and regulations applicable to conducting
9 parole hearings, including the rights of victims, witnesses, and
10 inmates.

11 ~~SEC. 26.~~

12 *SEC. 27.* Section 5076.1 of the Penal Code is amended to read:

13 5076.1. (a) The board shall meet at each of the state prisons
14 and facilities under the jurisdiction of the Division of Adult
15 Institutions. Meetings shall be held at whatever times may be
16 necessary for a full and complete study of the cases of all inmates
17 whose matters are considered. Other times and places of meeting
18 may also be designated by the board. Each commissioner of the
19 board shall receive his or her actual necessary traveling expenses
20 incurred in the performance of his or her official duties. Where
21 the board performs its functions by meeting en banc in either public
22 or executive sessions to decide matters of general policy, at least
23 seven members shall be present, and no action shall be valid unless
24 it is concurred in by a majority vote of those present.

25 (b) The board may use deputy commissioners to whom it may
26 assign appropriate duties, including hearing cases and making
27 decisions. Those decisions shall be made in accordance with
28 policies approved by a majority of the total membership of the
29 board.

30 (c) The board may meet and transact business in panels. Each
31 panel shall consist of two or more persons, subject to subdivision
32 (d) of Section 3041. No action shall be valid unless concurred in
33 by a majority vote of the persons present. In the event of a tie vote,
34 the matter shall be referred to a randomly selected committee,
35 comprised of a majority of the commissioners specifically
36 appointed to hear adult parole matters and who are holding office
37 at the time.

38 (d) Consideration of parole release for persons sentenced to life
39 imprisonment pursuant to subdivision (b) of Section 1168 shall
40 be heard by a panel of two or more commissioners or deputy

1 commissioners, of which only one may be a deputy commissioner.
2 A recommendation for recall of a sentence under subdivisions (d)
3 and (e) of Section 1170 shall be made by a panel, a majority of
4 whose commissioners are commissioners of the Board of Parole
5 Hearings.

6 ~~SEC. 27.~~

7 *SEC. 28.* Section 6025.1 of the Penal Code is amended to read:

8 6025.1. (a) Members of the board, with the exception of the
9 Chair of the Board of State and Community Corrections, shall
10 receive no compensation, but shall be reimbursed for their actual
11 and necessary travel expenses incurred in the performance of their
12 duties. For purposes of compensation, attendance at meetings of
13 the board shall be deemed performance by a member of the duties
14 of his or her state or local governmental employment.

15 (b) For the purposes of Section 1090 of the Government Code,
16 members of a committee created by the board pursuant to Section
17 6046.3 or a committee created with the primary purpose of
18 administering grant funding from the Edward Byrne Memorial
19 Justice Assistance Grant Program (42 U.S.C. Sec. 3751(a)),
20 including a member of the board in his or her capacity as a member
21 of a committee created by the board, have no financial interest in
22 any contract made by the board, including a grant or bond financing
23 transaction, based upon the receipt of compensation for holding
24 public office or public employment.

25 (c) The Chair of the Board of State and Community Corrections
26 shall serve full time. The Department of Human Resources shall
27 fix the compensation of the Chair of the Board of State and
28 Community Corrections.

29 (d) The amendments to this section by the act that added this
30 subdivision are effective for grant awards made by the board on
31 or after July 1, 2016.

32 ~~SEC. 28.~~

33 *SEC. 29.* Section 6250.2 of the Penal Code is amended to read:

34 6250.2. (a) The Secretary of the Department of Corrections
35 and Rehabilitation may enter into agreements for the transfer of
36 prisoners to, or placement of prisoners in, community correctional
37 centers. The secretary may enter into contracts to provide housing,
38 sustenance, and supervision for inmates placed in community
39 correctional centers.

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

(c) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

~~SEC. 29.~~

SEC. 30. Section 6258.1 of the Penal Code is amended to read:
6258.1. An inmate shall not be transferred to a community correctional reentry facility unless all of the following conditions are met:

(a) The inmate applies for a transfer to a community correctional reentry facility.

(b) The inmate is not currently serving a sentence for conviction of any offense described in subdivision (c) of Section 667.5.

(c) The inmate has less than one year left to serve in a correctional facility.

(d) The inmate has not been convicted previously of an escape pursuant to Section 4532 of the Penal Code.

(e) The department determines that the inmate would benefit from the transfer.

~~SEC. 30.~~

SEC. 31. Section 6402 of the Penal Code is amended to read:
6402. The Department of Corrections and Rehabilitation (CDCR) shall develop policies related to the department's contraband interdiction efforts for individuals entering CDCR detention facilities. When developed, these policies shall include, but not be limited to, the following specifications:

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

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

(c) Establishment of unpredictable, random search efforts and methods that ensures that no one, except department employees

1 specifically designated to conduct the random search, shall have
2 advance notice of when a random search is scheduled.

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

6 (e) All visitors attempting to enter a CDCR detention facility
7 who refuse to be searched by a passive alert dog shall be informed
8 of options, including, but not limited to, the availability of a
9 noncontact visit.

10 (f) All individuals attempting to enter a CDCR detention facility,
11 who have a positive alert for contraband by an electronic drug
12 detection device, a passive alert dog, or other technology, shall be
13 informed of further potential search or visitation options.

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

18 (h) Establishment of specific requirements for additional search
19 options when multiple positive alerts occur on an individual
20 employee within a specified timeframe.

21 (i) In determining which additional search options to offer
22 visitors and staff, CDCR shall consider the use of full-body
23 scanners.

24 (j) CDCR shall conduct an evaluation of a policy described in
25 this section and provide an interim report to the Legislature by
26 June 30, 2016, and a final report to the Legislature on April 30,
27 2017. This evaluation shall include, but not be limited to, the
28 impact of the policy on:

29 (1) The amount of contraband, including drugs and cellular
30 phones, found in the prisons where the policy was implemented.

31 (2) The number of staff assaults that occurred in the prisons
32 where the policy was implemented.

33 (3) The number of serious rules violation reports issued in
34 prisons where the policy was implemented, including any reduction
35 in offender violence.

36 (4) The rates of drug use by inmates in the prisons where the
37 policy was implemented.

38 (k) (1) The requirement for submitting a report imposed under
39 subdivision (j) is inoperative on June 30, 2020, pursuant to Section
40 10231.5 of the Government Code.

(2) The reports to be submitted pursuant to subdivision (j) shall be submitted in compliance with Section 9795 of the Government Code.

~~SEC. 31.~~

SEC. 32. Section 6404 is added to the Penal Code, to read:

6404. Inmates shall not be prohibited from family visits based solely on the fact that the inmate was sentenced to life without the possibility of parole or was sentenced to life and is without a parole date established by the Board of Parole Hearings.

~~SEC. 32.~~

SEC. 33. Section 11191 of the Penal Code, as amended by Section 17 of Chapter 310 of the Statutes of 2013, is amended to read:

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

(b) An inmate sentenced under California law shall not be committed or transferred to an institution outside of this state, unless he or she has executed a written consent to the transfer. The inmate shall have the right to a private consultation with an attorney of his choice, or with a public defender if the inmate cannot afford counsel, concerning his rights and obligations under this section, and shall be informed of those rights prior to executing the written consent. At any time more than five years after the transfer, the inmate shall be entitled to revoke his consent and to transfer to an institution in this state. In such cases, the transfer shall occur within the next 30 days.

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

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

1 (e) This section shall remain in effect only until January 1, 2020,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2020, deletes or extends that date.

4 ~~SEC. 33.~~

5 *SEC. 34.* Section 11191 of the Penal Code, as added by Section
6 18 of Chapter 310 of the Statutes of 2013, is amended to read:

7 11191. (a) Any court or other agency or officer of this state
8 having power to commit or transfer an inmate, as defined in Article
9 II(d) of the Interstate Corrections Compact or of the Western
10 Interstate Corrections Compact, to any institution for confinement
11 may commit or transfer that inmate to any institution within or
12 outside of this state if this state has entered into a contract or
13 contracts for the confinement of inmates in that institution pursuant
14 to Article III of the Interstate Corrections Compact or of the
15 Western Interstate Corrections Compact.

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

27 (c) This section shall become operative on January 1, 2020.

28 ~~SEC. 34.~~

29 *SEC. 35.* Section 13501 of the Penal Code is amended to read:

30 13501. The Governor shall designate the chair of the
31 commission from among the members of the commission. The
32 person designated as the chair shall serve at the pleasure of the
33 Governor. The commission shall annually select a vice chair from
34 among its members. A majority of the members of the commission
35 shall constitute a quorum.

36 ~~SEC. 35.~~

37 *SEC. 36.* Section 13601 of the Penal Code is amended to read:

38 13601. (a) (1) The CPOST shall develop, approve, and
39 monitor standards for the selection and training of state correctional
40 peace officer apprentices.

(2) Any standard for selection established under this subdivision shall be subject to approval by the Department of Human Resources. Using the psychological and screening standards approved by the Department of Human Resources, the Department of Human Resources or the Department of Corrections and Rehabilitation shall ensure that, prior to training, each applicant who has otherwise qualified in all physical and other testing requirements to be a peace officer the Department of Corrections and Rehabilitation, is determined to be free from emotional or mental conditions that might adversely affect the exercise of his or her duties and powers as a peace officer pursuant to the standards developed by CPOST.

(3) When developing, approving, and monitoring the standards for training of state correctional peace officer apprentices, the CPOST shall consider including additional training in the areas of mental health and rehabilitation, as well as coursework on the theory and history of corrections.

(b) The CPOST may approve standards for a course in the carrying and use of firearms for correctional peace officers that is different from that prescribed pursuant to Section 832. The standards shall take into consideration the different circumstances presented within the institutional setting from that presented to other law enforcement agencies outside the correctional setting.

(c) Notwithstanding Section 3078 of the Labor Code, the length of the probationary period for correctional peace officer apprentices shall be determined by the CPOST subject to approval by the State Personnel Board, pursuant to Section 19170 of the Government Code.

(d) The CPOST shall develop, approve, and monitor standards for advanced rank-and-file and supervisory state correctional peace officer and training programs for the Department of Corrections and Rehabilitation. When a correctional peace officer is promoted within the department, he or she shall be provided with and be required to complete these secondary training experiences.

(e) The CPOST shall develop, approve, and monitor standards for the training of state correctional peace officers in the department in the handling of stress associated with their duties.

(f) Toward the accomplishment of the objectives of this section, the CPOST may confer with, and may avail itself of the assistance

1 and recommendations of, other state and local agencies, boards,
2 or commissions.

3 (g) Notwithstanding the authority of the CPOST, the department
4 shall design and deliver training programs, shall conduct validation
5 studies, and shall provide program support. The CPOST shall
6 monitor program compliance by the department.

7 (h) The CPOST may disapprove any training courses created
8 by the department pursuant to the standards developed by CPOST
9 if it determines that the courses do not meet the prescribed
10 standards. Training may continue with existing curriculum pending
11 resolution.

12 (i) The CPOST shall annually submit an estimate of costs to
13 conduct those inquiries and audits as may be necessary to determine
14 whether the department and each of its institutions and parole
15 regions are adhering to the standards developed by the CPOST,
16 and shall conduct those inquiries and audits consistent with the
17 annual Budget Act.

18 (j) The CPOST shall establish and implement procedures for
19 reviewing and issuing decisions concerning complaints or
20 recommendations from interested parties regarding the CPOST
21 rules, regulations, standards, or decisions.

22 ~~SEC. 36.~~

23 *SEC. 37.* Section 23690 of the Penal Code is amended to read:

24 23690. (a) (1) The Department of Justice may require each
25 dealer to charge each firearm purchaser or transferee a fee not to
26 exceed one dollar (\$1) for each firearm transaction, except that
27 the Department of Justice may increase the fee at a rate not to
28 exceed any increase in the California Consumer Price Index, as
29 compiled and reported by the Department of Industrial Relations,
30 and not to exceed the reasonable cost of regulation to the
31 Department of Justice.

32 (2) The fee shall be for the purpose of supporting department
33 program costs related to this act, including the establishment,
34 maintenance, and upgrading of related database systems and public
35 rosters.

36 (b) (1) There is hereby created within the General Fund the
37 Firearm Safety Account.

38 (2) Revenue from the fee imposed by subdivision (a) shall be
39 deposited into the Firearm Safety Account and shall be available

1 for expenditure by the Department of Justice upon appropriation
2 by the Legislature.

3 (3) Expenditures from the Firearm Safety Account shall be
4 limited to program expenditures as defined by subdivision (a).

5 ~~SEC. 37.~~

6 *SEC. 38.* Section 28300 of the Penal Code is amended to read:

7 28300. (a) The Firearms Safety and Enforcement Special Fund
8 is hereby established in the State Treasury and shall be
9 administered by the Department of Justice.

10 (b) The Department of Justice may require firearms dealers to
11 charge each person who obtains a firearm a fee not to exceed five
12 dollars (\$5) for each transaction, except that the fee may be
13 increased at a rate not to exceed any increase in the California
14 Consumer Price Index as compiled and reported by the Department
15 of Industrial Relations, and not to exceed the reasonable cost of
16 regulation to the department. Revenues from this fee shall be
17 deposited in the Firearms Safety and Enforcement Special Fund.

18 (c) Revenue deposited into the Firearms Safety and Enforcement
19 Special Fund shall be available for expenditure by the Department
20 of Justice upon appropriation by the Legislature for the purpose
21 of implementing and enforcing the provisions of Article 2
22 (commencing with Section 31610) of Chapter 4 of Division 10,
23 enforcing Section 830.95, Title 2 (commencing with Section
24 12001) of Part 4, Sections 16000 to 16960, inclusive, Sections
25 16970 to 17230, inclusive, Sections 17240 to 21390, inclusive,
26 and Sections 21590 to 34370, inclusive, and for the establishment,
27 maintenance, and upgrading of equipment and services necessary
28 for firearms dealers to comply with Article 2 (commencing with
29 Section 28150).

30 ~~SEC. 38.~~

31 *SEC. 39.* The heading of Article 2.5 (commencing with Section
32 1716) of Chapter 1 of Division 2.5 of the Welfare and Institutions
33 Code is amended to read:

34

35 Article 2.5. Board of Juvenile Hearings

36

37 ~~SEC. 39.~~

38 *SEC. 40.* Section 1716 of the Welfare and Institutions Code is
39 amended to read:

1 1716. Commencing July 1, 2016, any reference to the Youth
2 Authority Board refers to the Board of Juvenile Hearings.

3 ~~SEC. 40.~~

4 *SEC. 41.* Section 1718 is added to the Welfare and Institutions
5 Code, to read:

6 1718. (a) The Governor shall appoint three commissioners,
7 subject to Senate confirmation, to the Board of Juvenile Hearings.
8 These commissioners shall be appointed and trained to hear only
9 juvenile matters. The term of appointment for each commissioner
10 shall be five years, and each term shall commence on the expiration
11 of the predecessor. Each commissioner currently serving on the
12 Board of Parole Hearings to hear only juvenile matters shall
13 continue to serve as a commissioner of the Board of Juvenile
14 Hearings until his or her current term expires. The Governor shall
15 stagger the remaining vacancies as follows: one commissioner
16 term to expire on July 1, 2018, and one commissioner term to
17 expire on July 1, 2019. Any appointment to a vacancy that occurs
18 for any reason other than expiration of the term shall be for the
19 remainder of the unexpired term. Commissioners are eligible for
20 reappointment. The selection of persons and their appointment by
21 the Governor and confirmation by the Senate shall reflect as nearly
22 as possible a cross section of the racial, sexual, economic, and
23 geographic features of the population of the state.

24 (b) The chair of the Board of Juvenile Hearings shall be
25 designated by the Governor periodically. The Governor may
26 appoint an executive officer of the board, subject to Senate
27 confirmation, who shall hold office at the pleasure of the Governor.
28 The executive officer shall be the administrative head of the board
29 and shall exercise all duties and functions necessary to ensure that
30 the responsibilities of the board are successfully discharged. The
31 director of the Division of Juvenile Facilities shall be the hiring
32 authority for all civil service positions of employment with the
33 board.

34 (c) Each commissioner shall participate in hearings, including
35 discharge consideration hearings, initial case reviews, and annual
36 reviews.

37 ~~SEC. 41.~~

38 *SEC. 42.* Section 1719 of the Welfare and Institutions Code is
39 amended to read:

1 1719. (a) The following powers and duties shall be exercised
2 and performed by the Board of Juvenile Hearings: discharges of
3 commitment, orders for discharge from the jurisdiction of the
4 Division of Juvenile Facilities to the jurisdiction of the committing
5 court, initial case reviews, and annual reviews.

6 (b) Any ward may appeal a decision by the Board of Juvenile
7 Hearings to deny discharge to a panel comprised of at least two
8 commissioners.

9 (c) The following powers and duties shall be exercised and
10 performed by the Division of Juvenile Facilities: return of persons
11 to the court of commitment for redispotion by the court or a
12 reentry disposition, determination of offense category, setting of
13 discharge consideration dates, developing and updating
14 individualized treatment plans, institution placements, furlough
15 placements, return of nonresident persons to the jurisdiction of the
16 state of legal residence, disciplinary decisionmaking, and referrals
17 pursuant to Section 1800.

18 (d) The department shall promulgate policies and regulations
19 implementing a departmentwide system of graduated sanctions
20 for addressing ward disciplinary matters. The disciplinary
21 decisionmaking system shall be employed as the disciplinary
22 system in facilities under the jurisdiction of the Division of Juvenile
23 Facilities, and shall provide a framework for handling disciplinary
24 matters in a manner that is consistent, timely, proportionate, and
25 ensures the due process rights of wards. The department shall
26 develop and implement a system of graduated sanctions that
27 distinguishes between minor, intermediate, and serious misconduct.
28 The department may not extend a ward's discharge consideration
29 date. The department also may promulgate regulations to establish
30 a process for granting wards who have successfully responded to
31 disciplinary sanctions a reduction of any time acquired for
32 disciplinary matters.

33 ~~SEC. 42.~~

34 *SEC. 43.* Section 1720 of the Welfare and Institutions Code is
35 amended to read:

36 1720. (a) The case of each ward shall be reviewed by the Board
37 of Juvenile Hearings within 45 days of arrival at the department,
38 and at other times as is necessary to meet the powers or duties of
39 the board.

1 (b) The Board of Juvenile Hearings shall periodically review
2 the case of each ward. These reviews shall be made as frequently
3 as the Board of Juvenile Hearings considers desirable and shall be
4 made with respect to each ward at intervals not exceeding one
5 year.

6 (c) The ward shall be entitled to notice if his or her annual
7 review is delayed beyond one year after the previous annual review
8 hearing. The ward shall be informed of the reason for the delay
9 and of the date the review hearing is to be held.

10 (d) Failure of the board to review the case of a ward within 15
11 months of a previous review shall not of itself entitle the ward to
12 discharge from the control of the division but shall entitle him or
13 her to petition the superior court of the county from which he or
14 she was committed for an order of discharge, and the court shall
15 discharge him or her unless the court is satisfied as to the need for
16 further control.

17 (e) Reviews conducted by the board pursuant to this section
18 shall be written and shall include, but not be limited to, the
19 following: verification of the treatment or program goals and orders
20 for the ward to ensure the ward is receiving treatment and
21 programming that is narrowly tailored to address the correctional
22 treatment needs of the ward and is being provided in a timely
23 manner that is designed to meet the discharge consideration date
24 set for the ward; an assessment of the ward's adjustment and
25 responsiveness to treatment, programming, and custody; a review
26 of the ward's disciplinary history and response to disciplinary
27 sanctions; and a review of any additional information relevant to
28 the ward's progress.

29 (f) The division shall provide copies of the reviews prepared
30 pursuant to this section to the court and the probation department
31 of the committing county.

32 ~~SEC. 43.~~

33 *SEC. 44.* Section 1721 is added to the Welfare and Institutions
34 Code, to read:

35 1721. (a) The Board of Juvenile Hearings shall meet at each
36 of the facilities under the jurisdiction of the Division of Juvenile
37 Facilities. Meetings shall be held at whatever times may be
38 necessary for a full and complete study of the cases of all wards
39 whose matters are considered. Other times and places of meeting
40 may also be designated by the board, including, but not limited to,

1 prisons or state facilities housing wards under the jurisdiction of
2 the Division of Juvenile Facilities. Each commissioner of the board
3 shall receive his or her actual necessary traveling expenses incurred
4 in the performance of his or her official duties. If the board
5 performs its functions by meeting en banc in either public or
6 executive sessions to decide matters of general policy, no action
7 shall be valid unless it is concurred in by a majority vote of those
8 present.

9 (b) The Board of Juvenile Hearings may utilize board
10 representatives to whom it may assign appropriate duties, including
11 hearing cases and making decisions. Those decisions shall be made
12 in accordance with policies approved by a majority of the total
13 membership of the board. When determining whether
14 commissioners or board representatives shall hear matters pursuant
15 to subdivision (a) of Section 1719, or any other matter submitted
16 to the board involving wards under the jurisdiction of the Division
17 of Juvenile Facilities, the chair shall take into account the degree
18 of complexity of the issues presented by the case.

19 (c) The board shall exercise the powers and duties specified in
20 subdivision (a) of Section 1719 in accordance with rules and
21 regulations adopted by the board. The board may conduct discharge
22 hearings in panels. Each panel shall consist of two or more persons,
23 at least one of whom shall be a commissioner. No panel action
24 shall be valid unless concurred in by a majority vote of the persons
25 present; in the event of a tie vote, the matter shall be referred to
26 and heard by the board en banc.

27 ~~SEC. 44.~~

28 *SEC. 45.* Section 1722 is added to the Welfare and Institutions
29 Code, to read:

30 1722. (a) Any rules and regulations, including any resolutions
31 and policy statements, promulgated by the Board of Juvenile
32 Hearings shall be promulgated and filed pursuant to Chapter 3.5
33 (commencing with Section 11340) of Part 1 of Division 3 of Title
34 2 of the Government Code, and shall, to the extent practical, be
35 stated in language that is easily understood by the general public.

36 (b) The Board of Juvenile Hearings shall maintain, publish, and
37 make available to the general public a compendium of its rules
38 and regulations, including any resolutions and policy statements,
39 promulgated pursuant to this section.

1 (c) Notwithstanding subdivisions (a) and (b), the chairperson
2 may specify an effective date that is any time more than 30 days
3 after the rule or regulation is filed with the Secretary of State.
4 However, no less than 20 days prior to that effective date, copies
5 of the rule or regulation shall be posted in conspicuous places
6 throughout each institution and shall be mailed to all persons or
7 organizations who request them.

8 ~~SEC. 45.~~

9 *SEC. 46.* Section 1723 of the Welfare and Institutions Code is
10 amended to read:

11 1723. (a) The powers and duties of the board described in
12 subdivision (a) of Section 1719 shall be exercised and performed
13 by the board or its designee, as authorized by this article.

14 (b) All other powers conferred to the board concerning wards
15 under the jurisdiction of the division may be exercised through
16 subordinates or delegated to the division under rules established
17 by the board. Any person subjected to an order of those
18 subordinates or of the division pursuant to that delegation may
19 petition the board for review. The board may review those orders
20 under appropriate rules and regulations.

21 (c) All board designees shall be subject to the training required
22 pursuant to Section 1724.

23 ~~SEC. 46.~~

24 *SEC. 47.* Section 1724 is added to the Welfare and Institutions
25 Code, to read:

26 1724. (a) Commissioners and board representatives hearing
27 matters pursuant to subdivision (a) of Section 1719 or any other
28 matter involving wards under the jurisdiction of the Division of
29 Juvenile Facilities shall have a broad background in, and ability
30 to perform or understand, appraisal of youthful offenders and
31 delinquents, the circumstances of delinquency for which those
32 persons are committed, and the evaluation of an individual's
33 progress toward reformation. Insofar as practicable, commissioners
34 and board representatives selected to hear these matters also shall
35 have a varied and sympathetic interest in juvenile justice and shall
36 have experience or education in the fields of juvenile justice,
37 sociology, law, law enforcement, mental health, medicine, drug
38 treatment, or education.

39 (b) Within 60 days of appointment and annually thereafter,
40 commissioners and board representatives described in subdivision

1 (a) shall undergo a minimum of 40 hours of training in the
2 following areas:

3 (1) Adolescent brain development, the principles of cognitive
4 behavioral therapy, and evidence-based treatment and
5 recidivism-reduction models.

6 (2) Treatment and training programs provided to wards at the
7 Division of Juvenile Facilities, including, but not limited to,
8 educational, vocational, mental health, medical, substance abuse,
9 psychotherapeutic counseling, and sex offender treatment
10 programs.

11 (3) Current national research on effective interventions with
12 juvenile offenders and how they compare to division program and
13 treatment services.

14 (4) Commissioner duties and responsibilities.

15 (5) Knowledge of laws and regulations applicable to conducting
16 initial case reviews, annual reviews, and discharge hearings,
17 including the rights of victims, witnesses, and wards.

18 (6) Factors influencing ward lengths of stay and ward recidivism
19 rates and their relationship to one another.

20 ~~SEC. 47.~~

21 *SEC. 48.* Section 1725 of the Welfare and Institutions Code is
22 amended to read:

23 1725. (a) Commencing July 1, 2016, the Board of Juvenile
24 Hearings shall succeed, and shall exercise and perform all powers
25 and duties previously granted to, exercised by, and imposed upon
26 the Youthful Offender Parole Board and Youth Authority Board,
27 as authorized by this article. The Youthful Offender Parole Board
28 and Youth Authority Board are abolished.

29 (b) Commencing January 1, 2007, all commissioners appointed
30 and trained to hear juvenile parole matters, together with their
31 duties prescribed by law as functions of the Board of Parole
32 Hearings concerning wards under the jurisdiction of the Department
33 of Corrections and Rehabilitation, are transferred to the Director
34 of the Division of Juvenile Justice.

35 ~~SEC. 48.~~

36 *SEC. 49.* Section 1728 is added to the Welfare and Institutions
37 Code, to read:

38 1728. The Governor may remove any member of the Board of
39 Juvenile Hearings for misconduct, incompetency, or neglect of

1 duty after a full hearing by the Board of State and Community
2 Corrections.

3 ~~SEC. 49.~~

4 *SEC. 50.* Section 1766 of the Welfare and Institutions Code is
5 amended to read:

6 1766. (a) Subject to Sections 733 and 1767.35, and subdivision
7 (b) of this section, if a person has been committed to the
8 Department of Corrections and Rehabilitation, Division of Juvenile
9 Facilities, the Board of Juvenile Hearings, according to
10 standardized review and appeal procedures established by the
11 board in policy and regulation and subject to the powers and duties
12 enumerated in subdivision (a) of Section 1719, may do any of the
13 following:

14 (1) Set a date on which the ward shall be discharged from the
15 jurisdiction of the Division of Juvenile Facilities and permitted his
16 or her liberty under supervision of probation and subject to the
17 jurisdiction of the committing court pursuant to subdivision (b).

18 (2) Deny discharge, except that a person committed to the
19 division pursuant to Section 731 or 1731.5 shall not be held in
20 physical confinement for a total period of time in excess of the
21 maximum periods of time set forth in Section 731.

22 (b) The following provisions shall apply to any ward eligible
23 for discharge from his or her commitment to the custody of the
24 Department of Corrections and Rehabilitation, Division of Juvenile
25 Facilities. Any order entered by the court pursuant to this
26 subdivision shall be consistent with evidence-based practices and
27 the interest of public safety.

28 (1) The county of commitment shall supervise the reentry of
29 any ward still subject to the court's jurisdiction and discharged
30 from the jurisdiction of the Division of Juvenile Facilities. The
31 conditions of the ward's supervision shall be established by the
32 court pursuant to the provisions of this section.

33 (2) Not less than 60 days prior to the scheduled discharge
34 consideration hearing of a ward described in this subdivision, the
35 division shall provide to the probation department and the court
36 of the committing county, and the ward's counsel, if known, the
37 most recent written review prepared pursuant to Section 1720,
38 along with notice of the discharge consideration hearing date.

39 (3) (A) Not less than 30 days prior to the scheduled discharge
40 consideration hearing, the division shall notify the ward of the date

1 and location of the discharge consideration hearing. A ward shall
2 have the right to contact his or her parent or guardian, if he or she
3 can reasonably be located, to inform the parent or guardian of the
4 date and location of the discharge consideration hearing. The
5 division shall also allow the ward to inform other persons identified
6 by the ward, if they can reasonably be located, and who are
7 considered by the division as likely to contribute to a ward's
8 preparation for the discharge consideration hearing or the ward's
9 postrelease success.

10 (B) This paragraph shall not apply if either of the following
11 conditions is met:

12 (i) A minor chooses not to contact his or her parents, guardians,
13 or other persons and the director of the division facility determines
14 it would be in the best interest of the minor not to contact the
15 parents, guardians, or other persons.

16 (ii) A person 18 years of age or older does not consent to the
17 contact.

18 (C) Upon intake of a ward committed to a division facility, and
19 again upon attaining 18 years of age while serving his or her
20 commitment in the custody of the division, an appropriate staff
21 person shall explain the provisions of subparagraphs (A) and (B),
22 using language clearly understandable to the ward.

23 (D) Nothing in this paragraph shall be construed to limit the
24 right of a ward to an attorney under any other law.

25 (4) Not less than 30 days prior to the scheduled discharge
26 consideration hearing of a ward described in this subdivision, the
27 probation department of the committing county may provide the
28 division with its written plan for the reentry supervision of the
29 ward. At the discharge consideration hearing, the Board of Juvenile
30 Hearings shall, in determining whether the ward is to be released,
31 consider a reentry supervision plan submitted by the county.

32 (5) If the Board of Juvenile Hearings determines that a ward is
33 ready for discharge to county supervision pursuant to subdivision
34 (a), the board shall set a date for discharge from the jurisdiction
35 of the Division of Juvenile Facilities no less than 14 days after the
36 date of such determination. The board shall also record any
37 postrelease recommendations for the ward. These recommendations
38 will be sent to the committing court responsible for setting the
39 ward's conditions of supervision no later than seven days from the
40 date of such determination.

1 (6) No more than four days but no less than one day prior to the
2 scheduled date of the reentry disposition hearing before the
3 committing court, the Division of Juvenile Facilities shall transport
4 and deliver the ward to the custody of the probation department
5 of the committing county. On or prior to a ward's date of discharge
6 from the Division of Juvenile Facilities, the committing court shall
7 convene a reentry disposition hearing for the ward. The purpose
8 of the hearing shall be for the court to identify those conditions of
9 supervision that are appropriate under all the circumstances of the
10 case and consistent with evidence-based practices. The court shall,
11 to the extent it deems appropriate, incorporate postrelease
12 recommendations made by the board as well as any reentry plan
13 submitted by the county probation department and reviewed by
14 the board into its disposition order. At the hearing the ward shall
15 be fully informed of the terms and conditions of any order entered
16 by the court, including the consequences for any violation thereof.
17 The procedure of the reentry disposition hearing shall otherwise
18 be consistent with the rules, rights, and procedures applicable to
19 delinquency disposition hearings as described in Article 17
20 (commencing with Section 675) of Chapter 2 of Part 1 of Division
21 2.

22 (7) The Department of Corrections and Rehabilitation shall have
23 no further jurisdiction over a ward who is discharged by the board.

24 (8) Notwithstanding any other law or any other provision of
25 this section, commencing January 1, 2013, all wards who remain
26 on parole under the jurisdiction of the Division of Juvenile
27 Facilities shall be discharged, except for wards who are in custody
28 pending revocation proceedings or serving a term of revocation.
29 A ward that is pending revocation proceedings or serving a term
30 of revocation shall be discharged after serving his or her revocation
31 term, including any revocation extensions, or when any allegations
32 of violating the terms and conditions of his or her parole are not
33 sustained.

34 (c) Within 60 days of intake, the Division of Juvenile Facilities
35 shall provide the court and the probation department with a
36 treatment plan for the ward.

37 (d) Commencing January 1, 2013, and annually thereafter, for
38 the preceding fiscal year, the department shall collect and make
39 available to the public the following information:

1 (1) The total number of ward case reviews conducted by the
2 division and the board, categorized by guideline category.

3 (2) The number of discharge consideration dates for each
4 category set at guideline, above guideline, and below guideline.

5 (3) The number of ward case reviews resulting in a change to
6 a discharge consideration date, including the category assigned to
7 the ward and the specific reason for the change.

8 (4) The percentage of wards who have had a discharge
9 consideration date changed to a later date, the percentage of wards
10 who have had a discharge consideration date changed to an earlier
11 date, and the average annual time added or subtracted per case.

12 (5) The number and percentage of wards who, while confined
13 or on parole, are charged with a new misdemeanor or felony
14 criminal offense.

15 (6) Any additional data or information identified by the
16 department as relevant.

17 (e) As used in subdivision (d), the term “ward case review”
18 means any review of a ward that changes, maintains, or appreciably
19 affects the programs, treatment, or placement of a ward.

20 ~~SEC. 50.~~

21 *SEC. 51.* Section 1767.3 of the Welfare and Institutions Code
22 is amended to read:

23 1767.3. (a) The written order of the Director of the Division
24 of Juvenile Justice is a sufficient warrant for any peace officer to
25 return to custody any person who has escaped from the custody
26 of the Division of Juvenile Facilities or from any institution or
27 facility in which he or she has been placed by the division.

28 (b) All peace officers shall execute the orders in like manner as
29 a felony warrant.

30 ~~SEC. 51.~~

31 *SEC. 52.* Section 5848.51 is added to the Welfare and
32 Institutions Code, to read:

33 5848.51. (a) The Legislature finds and declares all of the
34 following:

35 (1) Community alternatives should be expanded to reduce the
36 need for mental health and substance use disorder treatment in
37 jails and prisons.

38 (2) The number of people with serious mental illnesses
39 incarcerated in county jails and the state’s prison system continues
40 to rise.

1 (3) A significant number of individuals with serious mental
2 illness have a co-occurring substance use disorder.

3 (4) The treatment and recovery of individuals with mental health
4 disorders and substance use disorders are important for all levels
5 of government, business, and the local community.

6 (b) Funds appropriated by the Legislature to the authority for
7 the purposes of this section shall be used to establish a competitive
8 grant program designed to promote diversion programs and services
9 by increasing and expanding mental health treatment facilities,
10 substance use disorder treatment facilities, and trauma-centered
11 service facilities, including facilities providing services for sex
12 trafficking victims, domestic violence victims, and victims of other
13 violent crimes, in local communities, through the provision of
14 infrastructure grants.

15 (c) Grant awards made by the authority shall be used to expand
16 local resources for facility acquisition or renovation, equipment
17 acquisition, and applicable program startup or expansion costs to
18 increase availability and capacity to diversion programs described
19 in paragraph (b).

20 (d) Funds appropriated by the Legislature to the authority for
21 the purposes of this section shall be made available to selected
22 counties, city or county, or counties acting jointly.

23 (e) The authority shall develop selection criteria to expand local
24 resources, including those described in subdivision (b), and
25 processes for awarding grants after consulting with representatives
26 and interested stakeholders from the mental health treatment
27 community, substance use disorder treatment community, and
28 trauma recovery center providers, including, but not limited to,
29 county behavioral health directors, service providers, consumer
30 organizations, and other appropriate interests, such as health care
31 providers, law enforcement, trial courts, and formerly incarcerated
32 individuals as determined by the authority. The authority shall
33 monitor that grants result in cost-effective expansion of the number
34 of community-based resources in regions and communities selected
35 for funding. The authority shall also take into account at least the
36 following criteria and factors when selecting recipients of grants
37 and determining the amount of grant awards:

38 (1) Description of need, including, at a minimum, a
39 comprehensive description of the project, community need,
40 population to be served, linkage with other public systems of health

1 and mental health care, linkage with local law enforcement, social
2 services, and related assistance, as applicable, and a description
3 of the request for funding.

4 (2) Ability to serve the target population, which includes
5 individuals eligible for Medi-Cal and individuals eligible for county
6 health and mental health services.

7 (3) Geographic areas or regions of the state to be eligible for
8 grant awards, which may include rural, suburban, and urban areas,
9 and may include use of the five regional designations utilized by
10 the County Behavioral Health Directors Association of California.

11 (4) Level of community engagement and commitment to project
12 completion.

13 (5) Financial support that, in addition to a grant that may be
14 awarded by the authority, will be sufficient to complete and operate
15 the project for which the grant from the authority is awarded.

16 (6) Ability to provide additional funding support to the project,
17 including public or private funding, federal tax credits and grants,
18 foundation support, and other collaborative efforts.

19 (7) Memorandum of understanding among project partners, if
20 applicable.

21 (8) Information regarding the legal status of the collaborating
22 partners, if applicable.

23 (9) Ability to measure key outcomes, including utilization of
24 services, health and mental health outcomes, and cost benefit of
25 the project.

26 (f) The authority shall determine maximum grant awards, which
27 shall take into consideration the number of projects awarded to
28 the grantee, as described in subdivision (c), and shall reflect
29 reasonable costs for the project and geographic region. The
30 authority may allocate a grant in increments contingent upon the
31 phases of a project.

32 (g) Funds awarded by the authority pursuant to this section may
33 be used to supplement, but not to supplant, existing financial and
34 resource commitments of the grantee or any other member of a
35 collaborative effort that has been awarded a grant.

36 (h) All projects that are awarded grants by the authority shall
37 be completed within a reasonable period of time, to be determined
38 by the authority. Funds shall not be released by the authority until
39 the applicant demonstrates project readiness to the authority's
40 satisfaction. If the authority determines that a grant recipient has

1 failed to complete the project under the terms specified in awarding
2 the grant, the authority may require remedies, including the return
3 of all or a portion of the grant.

4 (i) The authority may consult with a technical assistance entity,
5 as described in paragraph (5) of subdivision (a) of Section 4061,
6 for the purposes of implementing this section.

7 (j) The authority may adopt emergency regulations relating to
8 the grants for the capital capacity and program expansion projects
9 described in this section, including emergency regulations that
10 define eligible costs and determine minimum and maximum grant
11 amounts.

12 (k) (1) The authority shall provide reports to the fiscal and
13 policy committees of the Legislature on or before April 1, 2018,
14 and annually until April 1, 2020, on the progress of implementation
15 that include, but are not limited to, the following:

16 (A) A description of each project awarded funding.

17 (B) The amount of each grant issued.

18 (C) A description of other sources of funding for each project.

19 (D) The total amount of grants issued.

20 (E) A description of project operation and implementation,
21 including who is being served.

22 (2) The requirement for submitting a report imposed under this
23 subdivision is inoperative on April 1, 2024, pursuant to Section
24 10231.5 of the Government Code.

25 (l) A recipient of a grant provided pursuant to paragraph (b)
26 shall adhere to all applicable laws relating to scope of practice,
27 licensure, certification, staffing, and building codes.

28 ~~SEC. 52.~~

29 *SEC. 53.* Section 7200.06 of the Welfare and Institutions Code
30 is amended to read:

31 7200.06. (a) After construction of the perimeter security fence
32 is completed at Napa State Hospital, no patient whose placement
33 has been required pursuant to the Penal Code shall be placed
34 outside the perimeter security fences, with the exception of
35 placements in the general acute care and skilled nursing units. The
36 State Department of State Hospitals shall ensure that appropriate
37 security measures are in place for the general acute care and skilled
38 nursing units.

1 (b) Any alteration to the security perimeter structure or policies
2 shall be made in conjunction with representatives of the City of
3 Napa, the County of Napa, and local law enforcement agencies.

4 ~~SEC. 53.~~

5 *SEC. 54.* This act is a bill providing for appropriations related
6 to the Budget Bill within the meaning of subdivision (e) of Section
7 12 of Article IV of the California Constitution, has been identified
8 as related to the budget in the Budget Bill, and shall take effect
9 immediately.

10
11
12 **CORRECTIONS:** _____

13 **Heading—Lines 1, 2, 3, 4, and 5.**
14 _____