

AMENDED IN ASSEMBLY JUNE 17, 2015

**SENATE BILL**

**No. 85**

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**Introduced by Committee on Budget and Fiscal Review**

January 9, 2015

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~~An act relating to the Budget Act of 2015. An act to amend Section 135 of the Code of Civil Procedure, to amend Sections 30029.05, 30061, 70602.6, 70616, 70617, 70657, and 70677 of the Government Code, to amend Sections 1230, 1231, 1232, 1233.1, 1233.3, 1233.5, 1233.6, 1233.61, 1233.9, 1233.10, 1369.1, 1370, 6402, and 13602.1 of, to amend and repeal Section 13602 of, to amend, repeal, and add Sections 13600, 13601, and 13603 of, to add 1370.6 to, to repeal Sections 1233, 1233.15, and 1233.2 of, and to repeal and add Section 1233.4 of, the Penal Code, to add Section 42008.8 to the Vehicle Code, to amend Sections 4117 and 4143 of, and to add Sections 3313, 4023.6, 4023.7, and 4023.8 to, the Welfare and Institutions Code, to amend the Budget Act of 2014 (Chapter 25 of the Statutes of 2014) by amending Item 0250-101-3259 of, and to add Item 5227-491 to, Section 2.00 of that act, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 85, as amended, Committee on Budget and Fiscal Review. ~~Budget Act of 2015. Public safety.~~

(1) Existing law establishes the Department of the California Highway Patrol, which is under the control of a civil executive officer, known as the Commissioner of the California Highway Patrol. Under existing law, the commissioner is required to, among other things, enforce all laws regulating the operation of vehicles and the use of the highways, except as provided.

*This bill would require, on or before January 1, 2016, the department to develop a plan for implementing a body-worn camera pilot program. The bill would require that plan to examine, among other things, the minimum specifications for body-worn cameras to be utilized in a body-worn camera program, best practices for officer review of recorded body-worn camera data, and best practices for sharing recorded body-worn camera data internally and externally.*

*(2) Existing law designates official state holidays, including Native American Day. Existing law makes those state holidays, with certain exceptions, judicial holidays.*

*This bill would additionally exclude Native American Day from the list of judicial holidays.*

*(3) Existing law establishes in the State Treasury the Local Revenue Fund 2011, a continuously appropriated fund, and requires that its funds be allocated exclusively for public safety services, as defined. Existing law creates the Enhancing Law Enforcement Activities Subaccount in that fund and further creates the Enhancing Law Enforcement Activities Growth Special Account in that subaccount.*

*Existing law requires each county to establish in the county treasury various corresponding subaccounts and special accounts for the receipt of funds allocated to a county for specified local law enforcement purposes.*

*Existing law allocates specified funds on August 25 of each year from the Enhancing Law Enforcement Activities Growth Special Account to the corresponding subaccount at the county level, including the following: 27.08% for purposes that include jail construction and operation and criminal prosecution; 27.08% to implement multiagency juvenile justice plans; and 7.44% to counties that operate juvenile camps and ranches, based on the number of beds in each camp. Existing law allocates these funds to counties pursuant to a schedule provided by the Department of Finance for these purposes.*

*This bill would delete the requirement that the funds be allocated on August 25 of each year and would make other technical changes.*

*(4) Existing law establishes in each county treasury a Supplemental Law Enforcement Services Account (SLESA) and requires the county auditor to allocate moneys in the SLESA in a prescribed manner to counties and cities located within the county for the purpose of funding specified public safety programs. Existing law requires a local agency that receives SLESA moneys to expend or encumber those moneys no later than June 30 of the fiscal year following receipt. Existing law*

*requires a local agency that does not meet that requirement to remit unspent SLESA moneys for deposit in the County Enhancing Law Enforcement Activities Subaccount.*

*This bill would, beginning July 1, 2015, eliminate the deadline for a local agency to expend or encumber SLESA moneys. This bill would require the county auditor to redirect unspent SLESA moneys that were remitted after July 1, 2012, to the County Enhancing Law Enforcement Activities Subaccount to the agency that remitted the moneys, as specified.*

*(5) Existing law, until July 1, 2015, imposes a supplemental fee of \$40 for filing first papers in certain civil proceedings, subject to reduction if the amount of the General Fund appropriation to the Trial Court Trust Fund is decreased from the amount appropriated in the 2013–14 fiscal year.*

*This bill would extend the operation of the supplemental fee until July 1, 2018.*

*(6) Existing law, until July 1, 2015, requires a \$1,000 fee to be paid on behalf of all plaintiffs, and by each defendant, intervenor, respondent, or adverse party to a civil action that is designated or determined to be a complex case. On and after July 1, 2015, existing law requires a fee of \$550 to be paid under those circumstances. Existing law, until July 1, 2015, imposes a limitation of \$18,000 on the total amount of complex fees collected from all defendants, intervenors, respondents, or other adverse parties appearing in a complex case. On and after July 1, 2015, existing law imposes a limitation of \$10,000 on the amount of the fee required to be paid in those circumstances.*

*This bill would extend the operation of the \$1,000 complex case fee and the \$18,000 total fee limitation to July 1, 2018, thereby extending that higher fee rate and limitation by 3 years.*

*(7) Under existing law, the uniform fee for filing any specified motion, application, order to show cause, or any other paper requiring a hearing subsequent to the first paper is \$60 until July 1, 2015, at which time that fee is reduced to \$40.*

*This bill would extend the operation of the \$60 filing fee to July 1, 2018, thereby extending that higher fee by 3 years.*

*(8) Existing law, the California Community Corrections Performance Incentives Act of 2009, authorizes each county to establish a Community Corrections Performance Incentives Fund, and authorizes the state to annually allocate moneys into a State Community Corrections Performance Incentives Fund to be used for specified purposes relating*

*to improving local probation supervision practices and capacities. Existing law requires the Director of Finance, in consultation with specified other entities, to calculate a baseline probation failure rate, which is the average number of adult felony probationers sent to state prison during the 2006 to 2008 calendar years, as a percentage of the weighted average of the population of adult felony probationers during the same period. Existing law requires the Director of Finance, in consultation with those entities, to calculate, on a yearly basis, a statewide probation failure rate, and a probation rate for each county, based on the percentage of adult felony probationers sent to state prison or to a county jail as a percentage of the average statewide or county adult felony probation population, respectively, as specified. Existing law requires the Director of Finance, in consultation with those entities, to estimate the number of adult felony probationers each county successfully prevented from being incarcerated, based on each county's probation failure rate and the county's baseline probation failure rate, taking into account specified changes in each county's adult felony probation caseload, as specified.*

*This bill would recast those requirements to eliminate the requirement that the director calculate a baseline probation failure rate. The bill would require the director to calculate the statewide probation failure rate and the probation failure rate for a county based only on the total number of adult felony probationers sent to state prison. The bill would require the director to estimate the number of adult felony probationers, felons on mandatory supervision, and felons on postrelease community supervision successfully prevented from being incarcerated in state prison, based only on a county's probation failure rate, mandatory supervision failure rate, and postrelease community supervision failure rate. The bill would also require the director to calculate a combined statewide return to prison rate and a combined individual county return to prison rate, as specified.*

*(9) Existing law requires the Director of Finance, in consultation with specified other entities, to develop a revised formula for performance incentive funding related to the act that takes into account changes to the eligibility of some felony probationers for revocation to the state prison that results from implementation of the 2011 Public Safety Realignment, for the purpose of providing incentive funding for a county probation department that is successful in reducing postrelease community supervision and mandatory supervision failure rates. Existing law requires the director and those entities to calculate a probation*

*failure reduction incentive payment under a tier-based system based on a county's probation failure rate, as specified.*

*This bill would eliminate the tier-based system described above and would recast the calculation of the probation failure reduction incentive payment as a statewide performance payment that is calculated as a specified percentage of the highest year of funding that a county received from the California Community Corrections Performance Incentives Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal year, inclusive. The bill would provide that the percentage used to calculate the statewide performance incentive payment for a county shall be based on that county's return to prison rate, as specified.*

*(10) Existing law requires the Director of Finance, in consultation with specified other entities, to calculate a high performance grant payment, as specified, for the purpose of providing performance-based funding for a county that demonstrates a high success rate with reducing recidivism among adult felony probationers.*

*This bill would eliminate the high performance grant payment described above, and would instead require the director to calculate a yearly county performance incentive payment that is based on the estimated number of felons on probation, subject to mandatory supervision, and subject to postrelease community supervision that were successfully prevented from being incarcerated in state prison, multiplied by 35% of the cost to incarcerate a felony prison offender in a contract prison facility.*

*(11) Existing law requires the Department of Finance to distribute the moneys remaining in the State Community Corrections Performance Incentives Fund after the calculation and award of the probation failure reduction incentive payments and high performance grant payments described above to qualifying counties.*

*This bill would eliminate the requirement of distribution of those moneys, and instead require the Department of Finance to increase to a total of no more than \$200,000 the award of a county's statewide performance incentive payment and county performance incentive payment if that county's payment totals less than \$200,000. The bill would further require the Department of Finance to adjust the award amount, up to \$200,000 per county, to counties that did not receive a statewide performance incentive payment and county performance incentive payment. By increasing the amount of funds that a county may receive from the continuously appropriated State Community Corrections Performance Incentives Fund, the bill would make an*

appropriation. The bill would require counties to provide specified information to the Judicial Council in order to receive these increases in award amounts.

(12) Existing law requires the Administrative Office of the Courts, in consultation with specified other entities, to provide a quarterly statistical report to the Department of Finance that includes specified information, including the number of felons who had their postrelease community supervision revoked and were sent to a county jail for that revocation.

This bill would instead require the Judicial Council to provide the quarterly statistical information. The bill would provide that the information related to felons on postrelease community supervision who had their postrelease community supervision revoked and were sent to a county jail shall not include felons who are subject to flash incarceration, as specified.

(13) Existing law authorizes each county to establish a Community Corrections Performance Incentives Fund, and authorizes the state to annually allocate moneys into a State Community Corrections Performance Incentives Fund to be used for specified purposes relating to improving local probation supervision practices and capacities. Existing law creates the Recidivism Reduction Fund in the State Treasury to be available upon appropriation by the Legislature for activities designed to reduce the state's prison population, and authorizes funds available in the Recidivism Reduction Fund to be transferred to the State Community Corrections Performance Incentives Fund.

Existing law, upon agreement to accept funding from the Recidivism Reduction Fund, requires a county board of supervisors, in collaboration with the county's Community Corrections Partnership, to develop, administer, and collect and submit data to the Board of State and Community Corrections regarding a competitive grant program intended to fund community recidivism and crime reduction services, including, but not limited to, delinquency prevention, homelessness prevention, and reentry services. Existing law requires the funding to be allocated to counties from the Budget Act of 2014 by the State Controller's Office according to a specified allocation schedule. Existing law requires that any funds not encumbered with a community recidivism and crime reduction service provider one year after allocation of grant funds to counties immediately revert to the state General Fund.

*This bill would enact a revised schedule allocating funds to counties from the Budget Act of 2015 that would reduce each allocation by 50%. The bill would also delete the requirement that any funds not encumbered with a community recidivism and crime reduction service provider one year after allocation of grant funds to counties immediately revert to the state General Fund. The bill would require any funds in the Recidivism Reduction Fund that are not encumbered by June 30, 2016, to revert to the General Fund upon order of the Department of Justice. The bill would also abolish the Recidivism Reduction Fund once all funds encumbered in the fund are liquidated.*

*(14) Existing law prohibits a person from being tried or adjudged to punishment while that person is mentally incompetent. Existing law establishes a process by which a defendant's mental competency is evaluated and by which the defendant receives treatment, including, if applicable, antipsychotic medication, with the goal of returning the defendant to competency. Existing law requires that the court order the defendant to be delivered to a treatment facility, and, until January 1, 2016, defines "treatment facility" to include a county jail for these purposes. Existing law, until January 1, 2016, authorizes certain medications to be provided to a defendant in a county jail if he or she is mentally incompetent and unable to provide informed consent due to a mental disorder. Existing law, until January 1, 2016, limits to 6 months the maximum period of time a defendant may be treated in a treatment facility.*

*This bill would delete that January 1, 2016, repeal date, thereby extending the operation of these provisions indefinitely.*

*(15) If a mentally incompetent defendant is sent to a county jail for treatment, existing law requires the State Department of State Hospitals to provide treatment at the county jail treatment facility and to reimburse the county jail treatment facility for the reasonable cost of the bed during treatment.*

*This bill would, upon approval by the State Department of State Hospitals and an appropriation in the Budget Act, authorize the county jail treatment facility to provide restoration of competency services and would allow the department to reimburse the county for these services and the reasonable costs of any necessary medical treatment not provided within the county jail treatment facility. This bill would, if the county jail is used as a treatment facility, require the county to provide for transportation of the defendant to the county jail treatment facility unless otherwise agreed to by the State Department of State Hospitals*

and the facility. This bill would require the State Department of State Hospitals and a county jail treatment facility, if found to be comparatively at fault for any claim, action, loss, or damage which results from their obligations, to indemnify the other to the extent of their comparative fault.

(16) Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Existing law requires the department to develop policies related to contraband interdiction efforts for individuals entering department facilities.

This bill would require those policies to ensure visitors are informed further potential search or visitation options and to consider the use of full-body scanners. The bill would further require that the department, after 2 years of implementation of the policies it creates pursuant to this bill, conduct an evaluation of the policy.

(17) Existing law establishes the Commission on Correction Peace Officer Standards and Training (the CPOST) within the Department of Corrections and Rehabilitation. Existing law requires the executive board of the CPOST to be comprised of 6 voting members, 3 appointed by the department and 3 appointed by the Governor. Existing law requires that one of the department's appointees represent the Division of Juvenile Facilities. Existing law requires each appointing authority to appoint an alternate for each regular member it appoints, and requires the alternate to possess the same qualifications as the regular member and to substitute for, and vote in place of, the regular member whenever he or she is absent. Existing law requires the CPOST to appoint an executive director.

This bill would instead, commencing July 1, 2015, require that one of the department's appointees represent the Division of Juvenile Justice or the Division of Rehabilitative Programs within the department. The bill would instead require alternate members to possess the same qualifications as a regular member and to substitute for, and vote in place of, a regular member who was appointed by the same appointing authority whenever that regular member is absent. The bill would delete the requirement that the CPOST appoint an executive director. The bill would require the CPOST executive board to seek advice from national experts, including university and college institutions and correctional associations, on issues pertaining to adult corrections, juvenile justice, and the training of the Department of Corrections and Rehabilitation staff that are relevant to its mission.



(18) Existing law, until January 1, 2017, allows the Department of Corrections and Rehabilitation to use a training academy established for the California City Correctional Center.

This bill would extend that provision indefinitely.

(19) Existing law requires the Department of Corrections and Rehabilitation to provide 16 weeks of training to each correctional peace officer cadet prior to his or her assignment to a post or position as a correctional peace officer. If an agreement is reached between the department and the bargaining unit for the correction peace officers, existing law allows the department, with the approval of the CPOST, to have cadets sworn in as correctional peace officers upon completion of 12 weeks of training and complete the final 4 weeks of training at the institution where the cadet is assigned to a post or position.

This bill would, commencing July 1, 2015, require the department to instead provide 480 hours of training to each correctional peace officer cadet. The bill would require the CPOST to determine the on-the-job training requirements for correctional peace officers.

(20) Existing law requires a county to establish a one-time amnesty program for fines and bail due on or before January 1, 2009, for certain infraction or misdemeanor violations of the Vehicle Code and the Penal Code. Existing law allows a person owing a fine or bail that was eligible for amnesty under this program to pay to the superior or juvenile court 50% of the total fine or bail, as defined, which is required to be accepted by the court in full satisfaction of the delinquent fine or bail. Under existing law, the amnesty program was required to accept these payments from January 1, 2012, until June 30, 2012.

This bill would require a county to establish a similar amnesty program for fines and bail initially due on or before January 1, 2013, to be conducted in accordance with guidelines adopted by the Judicial Council. The bill would require the program to accept payments between October 1, 2015, to March 31, 2017, inclusive, and would authorize a participant to receive an additional reduction in his or her repayment amount if the participant certifies, under penalty of perjury, that he or she receives specified public assistance programs or that his or her monthly income is 125% or less of the current poverty guidelines. By requiring each county to establish and operate an amnesty program, and by expanding the scope of the crime of perjury, this bill would impose a state-mandated local program. The bill would, following the transfer to the Judicial Council of the first \$250,000 received, increase the percentage of specified penalties to be deposited in the Peace

*Officers' Training Fund and the Corrections Training Fund, which are continuously appropriated funds. By increasing the amount of money deposited into continuously appropriated funds, this bill would make an appropriation.*

*(21) Existing law requires the Department of Corrections and Rehabilitation to close the California Rehabilitation Center located in Norco, California, no later than December 31, 2016, or 6 months after the construction of 3 Level II dorm facilities, whichever is earlier. Existing law suspends this requirement pending a review by the Department of Finance and the Department of Corrections and Rehabilitation that determines the facility can be closed.*

*This bill would require the Department of Finance and the Department of Corrections and Rehabilitation to release a report that provides an updated comprehensive plan for the state prison system, including a permanent solution to the decaying infrastructure of the California Rehabilitation Center. The bill would require the report to be submitted with the Governor's 2016–17 Budget to the Assembly Committee on Appropriations, the Assembly Committee on Budget, the Senate Committee on Appropriations, the Senate Committee on Budget and Fiscal Review, and the Joint Legislative Budget Committee.*

*(22) Existing law establishes the State Department of Developmental Services and sets forth its powers and duties relating to the administration of state developmental centers. Existing law establishes the State Department of State Hospitals and sets forth its powers and duties relating to the administration of state hospitals. Existing law establishes the Office of Law Enforcement Support within the California Health and Human Services Agency for the purpose of improving and providing oversight of various law enforcement activities within the State Department of Developmental Services and the State Department of State Hospitals.*

*This bill would require the Office of Law Enforcement Support to investigate specified incidents at a developmental center or state hospital, including any incident that involves developmental center or state hospital law enforcement personnel and that meets certain criteria. The bill would also provide that the Office of Law Enforcement Support be responsible for contemporaneous oversight of specified investigations by the State Department of State Hospitals and the State Department of Developmental Service. The bill would require reports written upon completion of that review to be confidential.*

*The bill would require the Office of Law Enforcement Support to issue regular reports, no less than semiannually, summarizing the investigations it conducted and its oversight of investigations, as specified.*

*Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

*(23) Existing law generally requires the nontreatment costs of trials and hearings related to persons confined in a state hospital to be paid by the state to the county where the trial or hearing was had, except that existing law requires the county of commitment to pay these costs if the hearing is for an order seeking the involuntary treatment with psychotropic medication of a person confined in a state hospital as a condition of parole who is subject to an order for continued treatment beyond his or her period of parole.*

*This bill would additionally require the county of commitment to pay the county where the proceeding is held for the nontreatment costs associated with any hearing for an order seeking involuntary treatment with psychotropic medication of a person confined in a state hospital after being found not guilty by reason of insanity.*

*(24) Existing law establishes state hospitals for the care, treatment, and education of mentally disordered persons, which are under the jurisdiction of the State Department of State Hospitals. Commencing July 1, 2015, and subject to available funding, existing law authorizes the department to establish and maintain pilot enhanced treatment programs (ETPs), for the treatment of patients who are at high risk of most dangerous behavior, and when safe treatment is not possible in a standard treatment environment.*

*This bill would require the department, at least 60 days prior to implementing an ETP, to submit written draft policies and procedures that will guide the operation of the ETP, including, but not limited to, admittance criteria, staffing levels, services to be provided to patients, a transition planning process, and training requirements to the appropriate policy committees of the Legislature and to the Joint Legislative Budget Committee.*

*(25) Existing law, in the Budget Act of 2014, appropriates \$15,000,000 for the establishment or ongoing operation and staffing*

*of programs known to reduce recidivism and enhance public safety by means of a competitive grant program developed and administered by the Judicial Council. Existing law, the Budget Act of 2014, authorizes these funds to be expended until June 30, 2017, after which any unexpended funds revert to the General Fund.*

*This bill would allow these funds to be encumbered, in addition to being expended, until June 30, 2017, thereby making an appropriation.*

*(26) Existing law, in the Budget Act of 2014, appropriates \$28,000,000 for local assistance to the Board of State and Community Corrections.*

*This bill would reappropriate these funds for the purposes specified in the above appropriation and make the funds available for encumbrance or expenditure until June 30, 2016, except that the bill would make the balance of a \$900,000 appropriation to administer the mentally ill offender crime reduction grant available for encumbrance or expenditure until June 30, 2017, thereby making an appropriation.*

*(27) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

*(28) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

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

~~*This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2015.*~~

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

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

- 1     *SECTION 1. (a) It is the intent of the Legislature to provide*  
2 *the Department of the California Highway Patrol with the latitude*  
3 *to conduct a body-worn camera program that informs future*  
4 *decisions regarding a department-wide body-worn camera*  
5 *program.*  
6     *(b) On or before January 1, 2016, the California Highway Patrol*  
7 *shall develop a plan for implementing a body-worn camera pilot*  
8 *program. The pilot program shall explore, but not be limited to,*  
9 *all of the following:*  
10     *(1) The types of officers that should be assigned or permitted*  
11 *to wear a body-worn camera and the circumstances under which*  
12 *the body-worn camera should be worn.*  
13     *(2) The minimum specifications for body-worn cameras to be*  
14 *utilized in the body-worn camera program.*  
15     *(3) The practicality of an officer using a privately owned*  
16 *body-worn camera while on duty.*  
17     *(4) The best locations on the officer’s body where a body-worn*  
18 *camera should be worn.*  
19     *(5) Best practices for officers notifying members of the public*  
20 *that the officer’s body-worn camera is recording.*  
21     *(6) The identity of the individual responsible for uploading*  
22 *recorded body-worn camera data and images.*  
23     *(7) The circumstances during which recorded body-worn camera*  
24 *data should be uploaded.*  
25     *(8) Best practices for recorded body-worn camera data storage.*  
26     *(9) Random reviews of recorded body-worn camera data for*  
27 *compliance with the pilot program and overall officer performance.*  
28     *(10) Best practices on accessing recorded body-worn camera*  
29 *data for an officer’s personal use.*  
30     *(11) Best practices for officer review of recorded body-worn*  
31 *camera data.*  
32     *(12) Best practices for sharing recorded body-worn camera*  
33 *data internally.*  
34     *(13) Best practices for sharing recorded body-worn camera*  
35 *data externally with the public and the news media.*  
36     *(14) Body-worn camera usage training.*  
37     *(15) A schedule for reviewing body-worn camera policies and*  
38 *protocols.*

1 SEC. 2. Section 135 of the Code of Civil Procedure is amended  
2 to read:

3 135. Every full day designated as a holiday by Section 6700  
4 of the Government Code, including that Thursday of November  
5 declared by the President to be Thanksgiving Day, is a judicial  
6 holiday, except September 9, known as "Admission Day," the  
7 fourth Friday in September, known as "Native American Day,"  
8 and any other day appointed by the President, but not by the  
9 Governor, for a public fast, thanksgiving, or holiday. If a judicial  
10 holiday falls on a Saturday or a Sunday, the Judicial Council may  
11 designate an alternative day for observance of the holiday. Every  
12 Saturday and the day after Thanksgiving Day is a judicial holiday.  
13 Officers and employees of the courts shall observe only the judicial  
14 holidays established pursuant to this section.

15 SEC. 3. Section 30029.05 of the Government Code is amended  
16 to read:

17 30029.05. For purposes of this section, each fiscal year shall  
18 include cash received on August 16 to August 15, inclusive, of the  
19 following year. For the 2012–13 fiscal year, and for each fiscal  
20 year thereafter, the Controller shall allocate funds from the accounts  
21 in the Local Revenue Fund 2011 as follows:

22 (a) All of the funds allocated to the Mental Health Account from  
23 the Local Revenue Fund 2011 shall be allocated by the Controller  
24 on the 20th of each month to the Mental Health Subaccount of the  
25 Sales Tax Account in the Local Revenue Fund described in Section  
26 17600 of the Welfare and Institutions Code.

27 (b) Funds allocated to the Trial Court Security Subaccount from  
28 the Local Revenue Fund 2011 shall be allocated by the Controller  
29 on the 27th of each month to the Trial Court Security Subaccount  
30 within each county’s or city and county’s County Local Revenue  
31 Fund 2011. The moneys allocated pursuant to this subdivision  
32 shall be used solely to provide security to the trial courts and shall  
33 not be used to pay for general county administrative expenses,  
34 including, but not limited to, the costs of administering the account.  
35 These funds shall be allocated as follows:

36  
37  
38  
39

Alameda County	4.4128%
Alpine County	0.0025%
Amador County	0.1141%

1	Butte County	0.3818%
2	Calaveras County	0.0711%
3	Colusa County	0.0296%
4	Contra Costa County	2.7405%
5	Del Norte County	0.0662%
6	El Dorado County	0.4896%
7	Fresno County	2.9892%
8	Glenn County	0.0950%
9	Humboldt County	0.2275%
10	Imperial County	0.2454%
11	Inyo County	0.0736%
12	Kern County	1.9901%
13	Kings County	0.1907%
14	Lake County	0.1012%
15	Lassen County	0.0326%
16	Los Angeles County	29.8019%
17	Madera County	0.2624%
18	Marin County	0.6103%
19	Mariposa County	0.0402%
20	Mendocino County	0.2709%
21	Merced County	0.5739%
22	Modoc County	0.0212%
23	Mono County	0.0957%
24	Monterey County	0.7669%
25	Napa County	0.3259%
26	Nevada County	0.1684%
27	Orange County	8.6268%
28	Placer County	0.7694%
29	Plumas County	0.0772%
30	Riverside County	3.2023%
31	Sacramento County	5.1290%
32	San Benito County	0.0777%
33	San Bernardino County	5.2226%
34	San Diego County	6.7499%
35	San Francisco County	2.2669%
36	San Joaquin County	1.7058%
37	San Luis Obispo County	0.8299%
38	San Mateo County	2.0628%
39		

1	Santa Barbara County	1.3638%
2	Santa Clara County	6.0031%
3	Santa Cruz County	0.6038%
4	Sierra County	0.0055%
5	Siskiyou County	0.1274%
6	Solano County	1.1398%
7	Sonoma County	1.4353%
8	Stanislaus County	0.9300%
9	Sutter County	0.1111%
10	Tehama County	0.1139%
11	Tulare County	1.1402%
12	Tuolumne County	0.2059%
13	Ventura County	2.2509%
14	Yolo County	0.5491%
15	Yuba County	0.1087%

17 (c) (1) Funds allocated to the Local Community Corrections  
 18 Account and to its successor, the Community Corrections  
 19 Subaccount, from the Local Revenue Fund 2011 shall constitute  
 20 the creation of the grant program in accordance with Section 30026  
 21 and the appropriation to fund the Community Corrections Grant  
 22 Program consistent with the provisions of Chapter 15 of the  
 23 Statutes of 2011, and as identified in Section 636 of Chapter 15  
 24 of the Statutes of 2011. The funds from the Community Corrections  
 25 Subaccount shall be allocated in the 2012–13 and 2013–14 fiscal  
 26 years as follows:  
 27

28	Alameda County	3.4667%
29	Alpine County	0.0182%
30	Amador County	0.1341%
31	Butte County	0.6646%
32	Calaveras County	0.0943%
33	Colusa County	0.0513%
34	Contra Costa County	2.2880%
35	Del Norte County	0.0647%
36	El Dorado County	0.3950%
37	Fresno County	2.4658%
38	Glenn County	0.0786%
39	Humboldt County	0.3964%
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Imperial County	0.3709%
Inyo County	0.0469%
Kern County	2.7823%
Kings County	0.7167%
Lake County	0.2054%
Lassen County	0.0923%
Los Angeles County	31.7692%
Madera County	0.4083%
Marin County	0.5414%
Mariposa County	0.0402%
Mendocino County	0.2448%
Merced County	0.6179%
Modoc County	0.0198%
Mono County	0.0343%
Monterey County	0.9410%
Napa County	0.2927%
Nevada County	0.2100%
Orange County	6.6797%
Placer County	0.7340%
Plumas County	0.0422%
Riverside County	5.1232%
Sacramento County	3.3308%
San Benito County	0.1300%
San Bernardino County	6.6254%
San Diego County	7.0156%
San Francisco County	2.0262%
San Joaquin County	1.7534%
San Luis Obispo County	0.6145%
San Mateo County	1.5961%
Santa Barbara County	0.9457%
Santa Clara County	4.0037%
Santa Cruz County	0.6139%
Shasta County	0.7419%
Sierra County	0.0182%
Siskiyou County	0.1065%
Solano County	1.0024%
Sonoma County	1.0710%
Stanislaus County	1.4525%

1	Sutter County	0.2978%
2	Tehama County	0.3032%
3	Trinity County	0.0353%
4	Tulare County	1.3899%
5	Tuolumne County	0.1422%
6	Ventura County	1.7880%
7	Yolo County	0.7162%
8	Yuba County	0.2487%

10 (2) Commencing with the 2014–15 fiscal year, funds allocated  
 11 to the Community Corrections Subaccount from the Local Revenue  
 12 Fund 2011 shall be allocated in monthly installments to the  
 13 Community Corrections Subaccount held in each county’s or city  
 14 and county’s County Local Revenue Fund 2011 pursuant to  
 15 schedules developed by the Department of Finance in consultation  
 16 with the California State Association of Counties.

17 (d) (1) For the 2012–13 and 2013–14 fiscal years, funds  
 18 allocated by the Controller to the District Attorney and Public  
 19 Defender Subaccount from the Local Revenue Fund 2011 shall be  
 20 allocated in monthly installments to the District Attorney and  
 21 Public Defender Subaccount held in each county’s or city and  
 22 county’s County Local Revenue Fund 2011 as follows:

24	Alameda County	2.7104%
25	Alpine County	0.0180%
26	Amador County	0.1476%
27	Butte County	0.7549%
28	Calaveras County	0.0951%
29	Colusa County	0.0560%
30	Contra Costa County	1.4172%
31	Del Norte County	0.0595%
32	El Dorado County	0.3453%
33	Fresno County	2.4875%
34	Glenn County	0.0883%
35	Humboldt County	0.4231%
36	Imperial County	0.3633%
37	Inyo County	0.0497%
38	Kern County	3.0187%
39	Kings County	0.7926%

1	Lake County	0.2247%
2	Lassen County	0.1032%
3	Los Angeles County	31.7692%
4	Madera County	0.4643%
5	Marin County	0.3873%
6	Mariposa County	0.0425%
7	Mendocino County	0.2726%
8	Merced County	0.6905%
9	Modoc County	0.0182%
10	Mono County	0.0258%
11	Monterey County	1.0637%
12	Napa County	0.2931%
13	Nevada County	0.1505%
14	Orange County	6.5321%
15	Placer County	0.8254%
16	Plumas County	0.0399%
17	Riverside County	5.8375%
18	Sacramento County	3.6563%
19	San Benito County	0.1481%
20	San Bernardino County	7.1875%
21	San Diego County	7.0735%
22	San Francisco County	1.5002%
23	San Joaquin County	1.8909%
24	San Luis Obispo County	0.6169%
25	San Mateo County	1.2412%
26	Santa Barbara County	1.0721%
27	Santa Clara County	3.6030%
28	Santa Cruz County	0.4848%
29	Shasta County	0.8271%
30	Sierra County	0.2097%
31	Siskiyou County	0.1198%
32	Solano County	1.0620%
33	Sonoma County	0.9317%
34	Stanislaus County	1.6617%
35	Sutter County	0.3221%
36	Tehama County	0.3338%
37	Trinity County	0.0368%
38	Tulare County	1.5667%
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Tuolumne County	0.1622%
Ventura County	1.6280%
Yolo County	0.8202%
Yuba County	0.2760%

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(2) Commencing with the 2014–15 fiscal year, funds allocated to the District Attorney and Public Defender Subaccount from the Local Revenue Fund 2011 shall be allocated in monthly installments to the District Attorney and Public Defender Subaccount held in each county’s or city and county’s County Local Revenue Fund 2011 pursuant to schedules developed by the Department of Finance in consultation with the California State Association of Counties.

(e) Funds allocated to the Enhancing Law Enforcement Activities Subaccount in the Local Revenue Fund 2011 shall be allocated in accordance with the following:

- (1) Subdivision ~~(e)~~ (d) of Section 29552.
- (2) Subdivision ~~(f)~~ (g) of Section 30061.
- (3) Subdivision ~~(b)~~ (a) of Section 30070.
- (4) Subdivision (c) of Section 13821 of the Penal Code.
- (5) Subdivision (b) of Section 18220 of the Welfare and Institutions Code.
- (6) Subdivision ~~(b)~~ (c) of Section 18220.1 of the Welfare and Institutions Code.

~~On August 25 of each year, funds~~ Funds allocated to the Enhancing Law Enforcement Activities Growth Special Account in the Enhancing Law Enforcement Activities Subaccount in the Local Revenue Fund 2011 shall be allocated to the corresponding subaccount at the county level as follows:

- (1) An amount equaling 38.40 percent shall be allocated to counties for the purposes of Section 18221 of the Welfare and Institutions Code. The Controller shall allocate these funds pursuant to the percentages provided in subdivision (c) of Section 18220 of the Welfare and Institutions Code.
- (2) An amount equaling 27.08 percent shall be allocated to counties ~~pursuant to a schedule provided by the Department of Finance~~ for the purposes specified in paragraphs (1) to (3), inclusive, of subdivision (b) of Section 30061. *The Controller shall allocate these funds pursuant to the base allocation schedule*

1 *provided by the Department of Finance for that fiscal year pursuant*  
2 *to subdivision (g) of Section 30061.*

3 (3) An amount equaling 27.08 percent shall be allocated to  
4 counties ~~pursuant to a schedule to be provided by the Department~~  
5 ~~of Finance~~ for the purposes specified in paragraph (4) of  
6 subdivision (b) of Section 30061. *The Controller shall allocate*  
7 *these funds pursuant to the base allocation schedule provided by*  
8 *the Department of Finance for that fiscal year pursuant to*  
9 *subdivision (g) of Section 30061.*

10 (4) An amount equaling 7.44 percent shall be allocated to  
11 counties for the purposes of Section 18220.1 of the Welfare and  
12 Institutions ~~Code, based on a schedule provided by the Department~~  
13 ~~of Finance. Code.~~ *The Controller shall allocate these funds*  
14 *pursuant to the base allocation schedule provided by the*  
15 *Department of Finance for that fiscal year pursuant to subdivision*  
16 *(c) of Section 18220.1 of the Welfare and Institutions Code.*

17 *SEC. 4. Section 30061 of the Government Code is amended to*  
18 *read:*

19 30061. (a) There shall be established in each county treasury  
20 a Supplemental Law Enforcement Services Account (SLESA), to  
21 receive all amounts allocated to a county for purposes of  
22 implementing this chapter.

23 (b) In any fiscal year for which a county receives moneys to be  
24 expended for the implementation of this chapter, the county auditor  
25 shall allocate the moneys in the county's SLESA within 30 days  
26 of the deposit of those moneys into the fund. The moneys shall be  
27 allocated as follows:

28 (1) Five and fifteen-hundredths percent to the county sheriff for  
29 county jail construction and operation. In the case of Madera,  
30 Napa, and Santa Clara Counties, this allocation shall be made to  
31 the county director or chief of corrections.

32 (2) Five and fifteen-hundredths percent to the district attorney  
33 for criminal prosecution.

34 (3) Thirty-nine and seven-tenths percent to the county and the  
35 cities within the county, and, in the case of San Mateo, Kern,  
36 Siskiyou, and Contra Costa Counties, also to the Broadmoor Police  
37 Protection District, the Bear Valley Community Services District,  
38 the Stallion Springs Community Services District, the Lake  
39 Shastina Community Services District, and the Kensington Police  
40 Protection and Community Services District, in accordance with

1 the relative population of the cities within the county and the  
2 unincorporated area of the county, and the Broadmoor Police  
3 Protection District in the County of San Mateo, the Bear Valley  
4 Community Services District and the Stallion Springs Community  
5 Services District in Kern County, the Lake Shastina Community  
6 Services District in Siskiyou County, and the Kensington Police  
7 Protection and Community Services District in Contra Costa  
8 County, as specified in the most recent January estimate by the  
9 population research unit of the Department of Finance, and as  
10 adjusted to provide, except as provided in subdivision ~~(j)~~, (i), a  
11 grant of at least one hundred thousand dollars (\$100,000) to each  
12 law enforcement jurisdiction. For a newly incorporated city whose  
13 population estimate is not published by the Department of Finance,  
14 but that was incorporated prior to July 1 of the fiscal year in which  
15 an allocation from the SLESA is to be made, the city manager, or  
16 an appointee of the legislative body, if a city manager is not  
17 available, and the county administrative or executive officer shall  
18 prepare a joint notification to the Department of Finance and the  
19 county auditor with a population estimate reduction of the  
20 unincorporated area of the county equal to the population of the  
21 newly incorporated city by July 15, or within 15 days after the  
22 Budget Act is enacted, of the fiscal year in which an allocation  
23 from the SLESA is to be made. No person residing within the  
24 Broadmoor Police Protection District, the Bear Valley Community  
25 Services District, the Stallion Springs Community Services District,  
26 the Lake Shastina Community Services District, or the Kensington  
27 Police Protection and Community Services District shall also be  
28 counted as residing within the unincorporated area of the County  
29 of San Mateo, Kern, Siskiyou, or Contra Costa, or within any city  
30 located within those counties. Except as provided in subdivision  
31 ~~(j)~~, (i), the county auditor shall allocate a grant of at least one  
32 hundred thousand dollars (\$100,000) to each law enforcement  
33 jurisdiction. Moneys allocated to the county pursuant to this  
34 subdivision shall be retained in the county SLESA, and moneys  
35 allocated to a city pursuant to this subdivision shall be deposited  
36 in an SLESA established in the city treasury.

37 (4) Fifty percent to the county or city and county to implement  
38 a comprehensive multiagency juvenile justice plan as provided in  
39 this paragraph. The juvenile justice plan shall be developed by the  
40 local juvenile justice coordinating council in each county and city

1 and county with the membership described in Section 749.22 of  
2 the Welfare and Institutions Code. If a plan has been previously  
3 approved by the Corrections Standards Authority or, commencing  
4 July 1, 2012, by the Board of State and Community Corrections,  
5 the plan shall be reviewed and modified annually by the council.  
6 The plan or modified plan shall be approved by the county board  
7 of supervisors, and in the case of a city and county, the plan shall  
8 also be approved by the mayor. The plan or modified plan shall  
9 be submitted to the Board of State and Community Corrections  
10 by May 1 of each year.

11 (A) Juvenile justice plans shall include, but not be limited to,  
12 all of the following components:

13 (i) An assessment of existing law enforcement, probation,  
14 education, mental health, health, social services, drug and alcohol,  
15 and youth services resources that specifically target at-risk  
16 juveniles, juvenile offenders, and their families.

17 (ii) An identification and prioritization of the neighborhoods,  
18 schools, and other areas in the community that face a significant  
19 public safety risk from juvenile crime, such as gang activity,  
20 daylight burglary, late-night robbery, vandalism, truancy, controlled  
21 substances sales, firearm-related violence, and juvenile substance  
22 abuse and alcohol use.

23 (iii) A local juvenile justice action strategy that provides for a  
24 continuum of responses to juvenile crime and delinquency and  
25 demonstrates a collaborative and integrated approach for  
26 implementing a system of swift, certain, and graduated responses  
27 for at-risk youth and juvenile offenders.

28 (iv) Programs identified in clause (iii) that are proposed to be  
29 funded pursuant to this subparagraph, including the projected  
30 amount of funding for each program.

31 (B) Programs proposed to be funded shall satisfy all of the  
32 following requirements:

33 (i) Be based on programs and approaches that have been  
34 demonstrated to be effective in reducing delinquency and  
35 addressing juvenile crime for any elements of response to juvenile  
36 crime and delinquency, including prevention, intervention,  
37 suppression, and incapacitation.

38 (ii) Collaborate and integrate services of all the resources set  
39 forth in clause (i) of subparagraph (A), to the extent appropriate.

1 (iii) Employ information sharing systems to ensure that county  
2 actions are fully coordinated, and designed to provide data for  
3 measuring the success of juvenile justice programs and strategies.

4 (iv) Adopt goals related to the outcome measures that shall be  
5 used to determine the effectiveness of the local juvenile justice  
6 action strategy.

7 (C) The plan shall also identify the specific objectives of the  
8 programs proposed for funding and specified outcome measures  
9 to determine the effectiveness of the programs and contain an  
10 accounting for all program participants, including those who do  
11 not complete the programs. Outcome measures of the programs  
12 proposed to be funded shall include, but not be limited to, all of  
13 the following:

14 (i) The rate of juvenile arrests per 100,000 population.

15 (ii) The rate of successful completion of probation.

16 (iii) The rate of successful completion of restitution and  
17 court-ordered community service responsibilities.

18 (iv) Arrest, incarceration, and probation violation rates of  
19 program participants.

20 (v) Quantification of the annual per capita costs of the program.

21 (D) The Board of State and Community Corrections shall review  
22 plans or modified plans submitted pursuant to this paragraph within  
23 30 days upon receipt of submitted or resubmitted plans or modified  
24 plans. The board shall approve only those plans or modified plans  
25 that fulfill the requirements of this paragraph, and shall advise a  
26 submitting county or city and county immediately upon the  
27 approval of its plan or modified plan. The board shall offer, and  
28 provide, if requested, technical assistance to any county or city  
29 and county that submits a plan or modified plan not in compliance  
30 with the requirements of this paragraph. The SLESA shall only  
31 allocate funding pursuant to this paragraph upon notification from  
32 the board that a plan or modified plan has been approved.

33 (E) To assess the effectiveness of programs funded pursuant to  
34 this paragraph using the program outcome criteria specified in  
35 subparagraph (C), the following periodic reports shall be submitted:

36 (i) Each county or city and county shall report, beginning  
37 October 15, 2002, and annually each October 15 thereafter, to the  
38 county board of supervisors and the Board of State and Community  
39 Corrections, in a format specified by the board, on the programs



1 funded pursuant to this chapter and program outcomes as specified  
2 in subparagraph (C).

3 (ii) The Board of State and Community Corrections shall  
4 compile the local reports and, by March 15, 2003, and annually  
5 thereafter, make a report to the Governor and the Legislature on  
6 program expenditures within each county and city and county from  
7 the appropriation for the purposes of this paragraph, on the  
8 outcomes as specified in subparagraph (C) of the programs funded  
9 pursuant to this paragraph and the statewide effectiveness of the  
10 comprehensive multiagency juvenile justice plans.

11 (c) Subject to subdivision (d), for each fiscal year in which the  
12 county, each city, the Broadmoor Police Protection District, the  
13 Bear Valley Community Services District, the Stallion Springs  
14 Community Services District, the Lake Shastina Community  
15 Services District, and the Kensington Police Protection and  
16 Community Services District receive moneys pursuant to paragraph  
17 (3) of subdivision (b), the county, each city, and each district  
18 specified in this subdivision shall appropriate those moneys in  
19 accordance with the following procedures:

20 (1) In the case of the county, the county board of supervisors  
21 shall appropriate existing and anticipated moneys exclusively to  
22 provide frontline law enforcement services, other than those  
23 services specified in paragraphs (1) and (2) of subdivision (b), in  
24 the unincorporated areas of the county, in response to written  
25 requests submitted to the board by the county sheriff and the district  
26 attorney. Any request submitted pursuant to this paragraph shall  
27 specify the frontline law enforcement needs of the requesting  
28 entity, and those personnel, equipment, and programs that are  
29 necessary to meet those needs.

30 (2) In the case of a city, the city council shall appropriate  
31 existing and anticipated moneys exclusively to fund frontline  
32 municipal police services, in accordance with written requests  
33 submitted by the chief of police of that city or the chief  
34 administrator of the law enforcement agency that provides police  
35 services for that city.

36 (3) In the case of the Broadmoor Police Protection District  
37 within the County of San Mateo, the Bear Valley Community  
38 Services District or the Stallion Springs Community Services  
39 District within Kern County, the Lake Shastina Community  
40 Services District within Siskiyou County, or the Kensington Police

1 Protection and Community Services District within Contra Costa  
2 County, the legislative body of that special district shall appropriate  
3 existing and anticipated moneys exclusively to fund frontline  
4 municipal police services, in accordance with written requests  
5 submitted by the chief administrator of the law enforcement agency  
6 that provides police services for that special district.

7 (d) For each fiscal year in which the county, a city, or the  
8 Broadmoor Police Protection District within the County of San  
9 Mateo, the Bear Valley Community Services District or the Stallion  
10 Springs Community Services District within Kern County, the  
11 Lake Shastina Community Services District within Siskiyou  
12 County, or the Kensington Police Protection and Community  
13 Services District within Contra Costa County receives any moneys  
14 pursuant to this chapter, in no event shall the governing body of  
15 any of those recipient agencies subsequently alter any previous,  
16 valid appropriation by that body, for that same fiscal year, of  
17 moneys allocated to the county or city pursuant to paragraph (3)  
18 of subdivision (b).

19 (e) For the 2011–12 fiscal year, the Controller shall allocate  
20 23.54 percent of the amount deposited in the Local Law  
21 Enforcement Services Account in the Local Revenue Fund 2011  
22 for the purposes of paragraphs (1), (2), and (3) of subdivision (b),  
23 and shall allocate 23.54 percent for purposes of paragraph (4) of  
24 subdivision (b).

25 (f) Commencing with the 2012–13 fiscal year, subsequent to  
26 the allocation described in subdivision (c) of Section 29552, the  
27 Controller shall allocate 23.54363596 percent of the remaining  
28 amount deposited in the Enhancing Law Enforcement Activities  
29 Subaccount in the Local Revenue Fund 2011 for the purposes of  
30 paragraphs (1) to (3), inclusive, of subdivision (b), and, subsequent  
31 to the allocation described in subdivision (c) of Section 29552,  
32 shall allocate 23.54363596 percent of the remaining amount for  
33 purposes of paragraph (4) of subdivision (b).

34 (g) Commencing with the 2013–14 fiscal year, subsequent to  
35 the allocation described in subdivision (d) of Section 29552, the  
36 Controller shall allocate 23.54363596 percent of the remaining  
37 amount deposited in the Enhancing Law Enforcement Activities  
38 Subaccount in the Local Revenue Fund 2011 for the purposes of  
39 paragraphs (1) to (3), inclusive, of subdivision (b), and, subsequent  
40 to the allocation described in subdivision (d) of Section 29552,

1 shall allocate 23.54363596 percent of the remaining amount for  
2 purposes of paragraph (4) of subdivision (b). The Controller shall  
3 allocate funds in monthly installments to local jurisdictions for  
4 public safety in accordance with this section as annually calculated  
5 by the Director of Finance.

6 (h) Funds received pursuant to subdivision (b) shall be expended  
7 or encumbered in accordance with this chapter no later than June  
8 30 of the following fiscal year. A local agency that has not met  
9 the requirement of this subdivision shall remit unspent SLESA  
10 moneys received after April 1, 2009, to the Controller for deposit  
11 in the Local Safety and Protection Account, after April 1, 2012,  
12 to the Local Law Enforcement Services Account, and after July  
13 1, 2012, to the County Enhancing Law Enforcement Activities  
14 Subaccount. *This subdivision shall become inoperative on July 1,*  
15 *2015.*

16 (i) In the 2010–11 fiscal year, if the fourth quarter revenue  
17 derived from fees imposed by subdivision (a) of Section 10752.2  
18 of the Revenue and Taxation Code that are deposited in the General  
19 Fund and transferred to the Local Safety and Protection Account,  
20 and continuously appropriated to the Controller for allocation  
21 pursuant to this section, are insufficient to provide a minimum  
22 grant of one hundred thousand dollars (\$100,000) to each law  
23 enforcement jurisdiction, the county auditor shall allocate the  
24 revenue proportionately, based on the allocation schedule in  
25 paragraph (3) of subdivision (b). The county auditor shall  
26 proportionately allocate, based on the allocation schedule in  
27 paragraph (3) of subdivision (b), all revenues received after the  
28 distribution of the fourth quarter allocation attributable to these  
29 fees for which payment was due prior to July 1, 2011, until all  
30 minimum allocations are fulfilled, at which point all remaining  
31 revenue shall be distributed proportionately among the other  
32 jurisdictions.

33 (j) *The county auditor shall redirect unspent funds that were*  
34 *remitted after July 1, 2012, by a local agency to the County*  
35 *Enhancing Law Enforcement Activities Subaccount pursuant to*  
36 *subdivision (h), to the local agency that remitted the unspent funds*  
37 *in an amount equal to the amount remitted.*

38 SEC. 5. Section 70602.6 of the Government Code is amended  
39 to read:

1 70602.6. (a) Notwithstanding any other law, a supplemental  
2 fee of forty dollars (\$40) shall be collected for filing any first paper  
3 subject to the uniform fee that is set at three hundred fifty-five  
4 dollars (\$355) under Sections 70611, 70612, 70650, 70651, 70652,  
5 70653, 70655, 70658, and 70670. The total fee collected under  
6 these sections, which includes the supplemental fee, shall be  
7 deposited and distributed as provided in Sections 68085.3 and  
8 68086.1, as applicable.

9 (b) The fee imposed under this section is in addition to any other  
10 fees authorized by law, including, but not limited to, the fees  
11 authorized in Section 70602.5.

12 (c) After the 2013–14 fiscal year, if the amount of the General  
13 Fund transfer to the Trial Court Trust Fund is decreased more than  
14 10 percent from the amount appropriated in the 2013–14 fiscal  
15 year and is not offset by another source of revenue other than court  
16 fees so as to result in a net reduction in funding greater than 10  
17 percent, then the amount of the supplemental fees provided in  
18 subdivision (a) shall be decreased proportionally. The Judicial  
19 Council shall adopt and publish a schedule setting the fees resulting  
20 from the decrease.

21 (d) This section shall become inoperative on ~~July 1, 2015, July~~  
22 ~~1, 2018~~, and, as of ~~January 1, 2016, January 1, 2019~~, is repealed,  
23 unless a later enacted statute, that becomes operative on or before  
24 ~~January 1, 2016, January 1, 2019~~, deletes or extends the dates on  
25 which it becomes inoperative and is repealed.

26 *SEC. 6. Section 70616 of the Government Code, as amended*  
27 *by Section 41 of Chapter 41 of the Statutes of 2012, is amended*  
28 *to read:*

29 70616. (a) In addition to the first paper filing fee required by  
30 Section 70611 or 70613, a single complex case fee shall be paid  
31 to the clerk on behalf of all plaintiffs, whether filing separately or  
32 jointly, either at the time of the filing of the first paper if the case  
33 is designated as complex pursuant to the California Rules of Court,  
34 or, if no such designation was made, in each case in which a court  
35 determines that the case is a complex case pursuant to the  
36 California Rules of Court, within 10 calendar days of the filing of  
37 the court's order.

38 (b) In addition to the first appearance fee required under Section  
39 70612 or 70614, a complex case fee shall be paid on behalf of each  
40 defendant, intervenor, respondent, or adverse party, whether filing

1 separately or jointly, either at the time that party files its first paper  
2 in a case if the case is designated or counterdesignated as complex  
3 pursuant to the California Rules of Court, or, if no such designation  
4 was made, in each case in which a court determines that the case  
5 is a complex case pursuant to the California Rules of Court, within  
6 10 calendar days of the filing of the court's order. This additional  
7 complex fee shall be charged to each defendant, intervenor,  
8 respondent, or adverse party appearing in the case, but the total  
9 complex fees collected from all the defendants, intervenors,  
10 respondents, or other adverse parties appearing in a complex case  
11 shall not exceed eighteen thousand dollars (\$18,000).

12 (c) In each case in which the court determines that a case that  
13 has been designated or counterdesignated as complex is not a  
14 complex case, the court shall order reimbursement to the parties  
15 of the amount of any complex case fees that the parties have  
16 previously paid pursuant to subdivision (a) or (b).

17 (d) In each case determined to be complex in which the total  
18 fees actually collected exceed, or if collected would exceed, the  
19 limit in subdivision (b), the court shall make any order as is  
20 necessary to ensure that the total complex fees paid by the  
21 defendants, intervenors, respondents, or other adverse parties  
22 appearing in the case do not exceed the limit and that the complex  
23 fees paid by those parties are apportioned fairly among those  
24 parties.

25 (e) The complex case fee established by this section shall be  
26 one thousand dollars (\$1,000), unless the fee is reduced pursuant  
27 to this section. The fee shall be transmitted to the Trial Court Trust  
28 Fund as provided in Section 68085.1.

29 (f) The fees provided by this section are in addition to the filing  
30 fee authorized by Section 70611, 70612, 70613, or 70614.

31 (g) Failure to pay the fees required by this section shall have  
32 the same effect as the failure to pay a filing fee, and shall be subject  
33 to the same enforcement and penalties.

34 (h) The amendments made to this section during the 2011–12  
35 Regular Session of the Legislature do not constitute a change in,  
36 but are declaratory of, existing law.

37 (i) This section shall become inoperative on ~~July 1, 2015~~, *July*  
38 *1, 2018*, and, as of ~~January 1, 2016~~, *January 1, 2019*, is repealed,  
39 unless a later enacted statute, that becomes operative on or before

1 ~~January 1, 2016~~, *January 1, 2019*, deletes or extends the dates on  
2 which it becomes inoperative and is repealed.

3 *SEC. 7. Section 70616 of the Government Code, as added by*  
4 *Section 42 of Chapter 41 of the Statutes of 2012, is amended to*  
5 *read:*

6 70616. (a) In addition to the first paper filing fee required by  
7 Section 70611 or 70613, a single complex case fee shall be paid  
8 to the clerk on behalf of all plaintiffs, whether filing separately or  
9 jointly, either at the time of the filing of the first paper if the case  
10 is designated as complex pursuant to the California Rules of Court,  
11 or, if no such designation was made, in each case in which a court  
12 determines that the case is a complex case pursuant to the  
13 California Rules of Court, within 10 calendar days of the filing of  
14 the court's order.

15 (b) In addition to the first appearance fee required under Section  
16 70612 or 70614, a complex case fee shall be paid on behalf of each  
17 defendant, intervenor, respondent, or adverse party, whether filing  
18 separately or jointly, either at the time that party files its first paper  
19 in a case if the case is designated or counterdesignated as complex  
20 pursuant to the California Rules of Court, or, if no such designation  
21 was made, in each case in which a court determines that the case  
22 is a complex case pursuant to the California Rules of Court, within  
23 10 calendar days of the filing of the court's order. This additional  
24 complex fee shall be charged to each defendant, intervenor,  
25 respondent, or adverse party appearing in the case, but the total  
26 complex fees collected from all the defendants, intervenors,  
27 respondents, or other adverse parties appearing in a complex case  
28 shall not exceed ten thousand dollars (\$10,000).

29 (c) In each case in which the court determines that a case that  
30 has been designated or counterdesignated as complex is not a  
31 complex case, the court shall order reimbursement to the parties  
32 of the amount of any complex case fees that the parties have  
33 previously paid pursuant to subdivision (a) or (b).

34 (d) In each case determined to be complex in which the total  
35 fees actually collected exceed, or if collected would exceed, the  
36 limit in subdivision (b), the court shall make any order as is  
37 necessary to ensure that the total complex fees paid by the  
38 defendants, intervenors, respondents, or other adverse parties  
39 appearing in the case do not exceed the limit and that the complex

1 fees paid by those parties are apportioned fairly among those  
2 parties.

3 (e) The complex case fee established by this section shall be  
4 five hundred fifty dollars (\$550), unless the fee is reduced pursuant  
5 to this section. The fee shall be transmitted to the Trial Court Trust  
6 Fund as provided in Section 68085.1.

7 (f) The fees provided by this section are in addition to the filing  
8 fee authorized by Section 70611, 70612, 70613, or 70614.

9 (g) Failure to pay the fees required by this section shall have  
10 the same effect as the failure to pay a filing fee, and shall be subject  
11 to the same enforcement and penalties.

12 (h) The amendments made to the predecessor to this section  
13 during the 2011–12 Regular Session of the Legislature do not  
14 constitute a change in, but are declaratory of, existing law.

15 (i) This section shall become operative on ~~July 1, 2015~~. *July 1,*  
16 *2018.*

17 *SEC. 8. Section 70617 of the Government Code, as amended*  
18 *by Section 43 of Chapter 41 of the Statutes of 2012, is amended*  
19 *to read:*

20 70617. (a) Except as provided in subdivisions (d) and (e), the  
21 uniform fee for filing a motion, application, or any other paper  
22 requiring a hearing subsequent to the first paper, is sixty dollars  
23 (\$60). Papers for which this fee shall be charged include the  
24 following:

25 (1) A motion listed in paragraphs (1) to (12), inclusive, of  
26 subdivision (a) of Section 1005 of the Code of Civil Procedure.

27 (2) A motion or application to continue a trial date.

28 (3) An application for examination of a third person controlling  
29 defendant's property under Section 491.110 or 491.150 of the  
30 Code of Civil Procedure.

31 (4) Discovery motions under Title 4 (commencing with Section  
32 2016.010) of Part 4 of the Code of Civil Procedure.

33 (5) A motion for a new trial of any civil action or special  
34 proceeding.

35 (6) An application for an order for a judgment debtor  
36 examination under Section 708.110 or 708.160 of the Code of  
37 Civil Procedure.

38 (7) An application for an order of sale of a dwelling under  
39 Section 704.750 of the Code of Civil Procedure.

- 1 (8) An ex parte application that requires a party to give notice  
2 of the ex parte appearance to other parties.
- 3 (b) There shall be no fee under subdivision (a) or (c) for filing  
4 any of the following:
- 5 (1) A motion, application, demurrer, request, notice, or  
6 stipulation and order that is the first paper filed in an action and  
7 on which a first paper filing fee is paid.
- 8 (2) An amended notice of motion.
- 9 (3) A civil case management statement.
- 10 (4) A request for trial de novo after judicial arbitration.
- 11 (5) A stipulation that does not require an order.
- 12 (6) A request for an order to prevent civil harassment.
- 13 (7) A request for an order to prevent domestic violence.
- 14 (8) A request for entry of default or default judgment.
- 15 (9) A paper requiring a hearing on a petition for emancipation  
16 of a minor.
- 17 (10) A paper requiring a hearing on a petition for an order to  
18 prevent abuse of an elder or dependent adult.
- 19 (11) A paper requiring a hearing on a petition for a writ of  
20 review, mandate, or prohibition.
- 21 (12) A paper requiring a hearing on a petition for a decree of  
22 change of name or gender.
- 23 (13) A paper requiring a hearing on a petition to approve the  
24 compromise of a claim of a minor.
- 25 (c) The fee for filing the following papers not requiring a hearing  
26 is twenty dollars (\$20):
- 27 (1) A request, application, or motion for, or a notice of, the  
28 continuance of a hearing or case management conference. The fee  
29 shall be charged no more than once for each continuance. The fee  
30 shall not be charged if the continuance is required by the court.
- 31 (2) A stipulation and order.
- 32 (3) A request for an order authorizing service of summons by  
33 posting or by publication under Section 415.45 or 415.50 of the  
34 Code of Civil Procedure.
- 35 (d) The fee for filing a motion for summary judgment or  
36 summary adjudication of issues is five hundred dollars (\$500).
- 37 (e) (1) The fee for filing in the superior court an application to  
38 appear as counsel pro hac vice is five hundred dollars (\$500). This  
39 fee is in addition to any other fee required of the applicant. Two  
40 hundred fifty dollars (\$250) of the fee collected under this



1 paragraph shall be transmitted to the state for deposit into the  
2 Immediate and Critical Needs Account of the State Court Facilities  
3 Construction Fund, established in Section 70371.5. The remaining  
4 two hundred fifty dollars (\$250) of the fee shall be transmitted to  
5 the state for deposit into the Trial Court Trust Fund, established  
6 in Section 68085.

7 (2) An attorney whose application to appear as counsel pro hac  
8 vice has been granted shall pay to the superior court, on or before  
9 the anniversary of the date the application was granted, an annual  
10 renewal fee of five hundred dollars (\$500) for each year that the  
11 attorney maintains pro hac vice status in the case in which the  
12 application was granted. The entire fee collected under this  
13 paragraph shall be transmitted to the state for deposit into the Trial  
14 Court Trust Fund, established in Section 68085.

15 (f) Regardless of whether each motion or matter is heard at a  
16 single hearing or at separate hearings, the filing fees required by  
17 subdivisions (a), (c), (d), and (e) apply separately to each motion  
18 or other paper filed. The Judicial Council may publish rules to  
19 give uniform guidance to courts in applying fees under this section.

20 (g) This section shall become inoperative on ~~July 1, 2015~~, ~~July~~  
21 ~~1, 2018~~, and, as of ~~January 1, 2016~~, ~~January 1, 2019~~, is repealed,  
22 unless a later enacted statute, that becomes operative on or before  
23 ~~January 1, 2016~~, ~~January 1, 2019~~, deletes or extends the dates on  
24 which it becomes inoperative and is repealed.

25 *SEC. 9. Section 70617 of the Government Code, as amended*  
26 *by Section 44 of Chapter 41 of the Statutes of 2012, is amended*  
27 *to read:*

28 70617. (a) Except as provided in subdivisions (d) and (e), the  
29 uniform fee for filing a motion, application, or any other paper  
30 requiring a hearing subsequent to the first paper, is forty dollars  
31 (\$40). Papers for which this fee shall be charged include the  
32 following:

33 (1) A motion listed in paragraphs (1) to (12), inclusive, of  
34 subdivision (a) of Section 1005 of the Code of Civil Procedure.

35 (2) A motion or application to continue a trial date.

36 (3) An application for examination of a third person controlling  
37 defendant's property under Section 491.110 or 491.150 of the  
38 Code of Civil Procedure.

39 (4) Discovery motions under Title 4 (commencing with Section  
40 2016.010) of Part 4 of the Code of Civil Procedure.

1 (5) A motion for a new trial of any civil action or special  
2 proceeding.

3 (6) An application for an order for a judgment debtor  
4 examination under Section 708.110 or 708.160 of the Code of  
5 Civil Procedure.

6 (7) An application for an order of sale of a dwelling under  
7 Section 704.750 of the Code of Civil Procedure.

8 (8) An ex parte application that requires a party to give notice  
9 of the ex parte appearance to other parties.

10 (b) There shall be no fee under subdivision (a) or (c) for filing  
11 any of the following:

12 (1) A motion, application, demurrer, request, notice, or  
13 stipulation and order that is the first paper filed in an action and  
14 on which a first paper filing fee is paid.

15 (2) An amended notice of motion.

16 (3) A civil case management statement.

17 (4) A request for trial de novo after judicial arbitration.

18 (5) A stipulation that does not require an order.

19 (6) A request for an order to prevent civil harassment.

20 (7) A request for an order to prevent domestic violence.

21 (8) A request for entry of default or default judgment.

22 (9) A paper requiring a hearing on a petition for emancipation  
23 of a minor.

24 (10) A paper requiring a hearing on a petition for an order to  
25 prevent abuse of an elder or dependent adult.

26 (11) A paper requiring a hearing on a petition for a writ of  
27 review, mandate, or prohibition.

28 (12) A paper requiring a hearing on a petition for a decree of  
29 change of name or gender.

30 (13) A paper requiring a hearing on a petition to approve the  
31 compromise of a claim of a minor.

32 (c) The fee for filing the following papers not requiring a hearing  
33 is twenty dollars (\$20):

34 (1) A request, application, or motion for, or a notice of, the  
35 continuance of a hearing or case management conference. The fee  
36 shall be charged no more than once for each continuance. The fee  
37 shall not be charged if the continuance is required by the court.

38 (2) A stipulation and order.

1 (3) A request for an order authorizing service of summons by  
2 posting or by publication under Section 415.45 or 415.50 of the  
3 Code of Civil Procedure.

4 (d) The fee for filing a motion for summary judgment or  
5 summary adjudication of issues is five hundred dollars (\$500).

6 (e) (1) The fee for filing in the superior court an application to  
7 appear as counsel pro hac vice is five hundred dollars (\$500). This  
8 fee is in addition to any other fee required of the applicant. Two  
9 hundred fifty dollars (\$250) of the fee collected under this  
10 paragraph shall be transmitted to the state for deposit into the  
11 Immediate and Critical Needs Account of the State Court Facilities  
12 Construction Fund, established in Section 70371.5. The remaining  
13 two hundred fifty dollars (\$250) of the fee shall be transmitted to  
14 the state for deposit into the Trial Court Trust Fund, established  
15 in Section 68085.

16 (2) An attorney whose application to appear as counsel pro hac  
17 vice has been granted shall pay to the superior court, on or before  
18 the anniversary of the date the application was granted, an annual  
19 renewal fee of five hundred dollars (\$500) for each year that the  
20 attorney maintains pro hac vice status in the case in which the  
21 application was granted. The entire fee collected under this  
22 paragraph shall be transmitted to the state for deposit into the Trial  
23 Court Trust Fund, established in Section 68085.

24 (f) Regardless of whether each motion or matter is heard at a  
25 single hearing or at separate hearings, the filing fees required by  
26 subdivisions (a), (c), (d), and (e) apply separately to each motion  
27 or other paper filed. The Judicial Council may publish rules to  
28 give uniform guidance to courts in applying fees under this section.

29 (g) This section shall become operative on ~~July 1, 2015~~. *July*  
30 *1, 2018*.

31 *SEC. 10. Section 70657 of the Government Code, as amended*  
32 *by Section 47 of Chapter 41 of the Statutes of 2012, is amended*  
33 *to read:*

34 70657. (a) Except as provided in subdivision (c), the uniform  
35 fee for filing a motion or other paper requiring a hearing subsequent  
36 to the first paper in a proceeding under the Probate Code, other  
37 than a petition or application or opposition described in Sections  
38 70657.5 and 70658, is sixty dollars (\$60). This fee shall be charged  
39 for the following papers:

40 (1) Papers listed in subdivision (a) of Section 70617.

1 (2) Applications for ex parte relief, whether or not notice of the  
2 application to any person is required, except an ex parte petition  
3 for discharge of a personal representative, conservator, or guardian  
4 upon completion of a court-ordered distribution or transfer, for  
5 which no fee shall be charged.

6 (3) Petitions or applications, or objections, filed subsequent to  
7 issuance of temporary letters of conservatorship or guardianship  
8 or letters of conservatorship or guardianship that are not subject  
9 to the filing fee provided in subdivision (a) of Section 70658.

10 (4) The first or subsequent petition for temporary letters of  
11 conservatorship or guardianship.

12 (b) There shall be no fee under subdivision (a) for filing any of  
13 the papers listed under subdivision (b) of Section 70617.

14 (c) The summary judgment fee provided in subdivision (d) of  
15 Section 70617 shall apply to summary judgment motions in  
16 proceedings under the Probate Code.

17 (d) Regardless of whether each motion or matter is heard at a  
18 single hearing or at separate hearings, the filing fees required by  
19 subdivisions (a) and (c) apply separately to each motion or other  
20 paper filed. The Judicial Council may publish rules to give uniform  
21 guidance to courts in applying fees under this section.

22 (e) No fee is payable under this section for a petition or  
23 opposition filed subsequent to issuance of letters of temporary  
24 guardianship or letters of guardianship in a guardianship described  
25 in Section 70654.

26 (f) This section shall become inoperative on ~~July 1, 2015~~, *July*  
27 *1, 2018*, and, as of ~~January 1, 2016~~, *January 1, 2019*, is repealed,  
28 unless a later enacted statute, that becomes operative on or before  
29 ~~January 1, 2016~~, *January 1, 2019*, deletes or extends the dates on  
30 which it becomes inoperative and is repealed.

31 *SEC. 11. Section 70657 of the Government Code, as added by*  
32 *Section 48 of Chapter 41 of the Statutes of 2012, is amended to*  
33 *read:*

34 70657. (a) Except as provided in subdivision (c), the uniform  
35 fee for filing a motion or other paper requiring a hearing subsequent  
36 to the first paper in a proceeding under the Probate Code, other  
37 than a petition or application or opposition described in Sections  
38 70657.5 and 70658, is forty dollars (\$40). This fee shall be charged  
39 for the following papers:

40 (1) Papers listed in subdivision (a) of Section 70617.

1 (2) Applications for ex parte relief, whether or not notice of the  
2 application to any person is required, except an ex parte petition  
3 for discharge of a personal representative, conservator, or guardian  
4 upon completion of a court-ordered distribution or transfer, for  
5 which no fee shall be charged.

6 (3) Petitions or applications, or objections, filed subsequent to  
7 issuance of temporary letters of conservatorship or guardianship  
8 or letters of conservatorship or guardianship that are not subject  
9 to the filing fee provided in subdivision (a) of Section 70658.

10 (4) The first or subsequent petition for temporary letters of  
11 conservatorship or guardianship.

12 (b) There shall be no fee under subdivision (a) for filing any of  
13 the papers listed under subdivision (b) of Section 70617.

14 (c) The summary judgment fee provided in subdivision (d) of  
15 Section 70617 shall apply to summary judgment motions in  
16 proceedings under the Probate Code.

17 (d) Regardless of whether each motion or matter is heard at a  
18 single hearing or at separate hearings, the filing fees required by  
19 subdivisions (a) and (c) apply separately to each motion or other  
20 paper filed. The Judicial Council may publish rules to give uniform  
21 guidance to courts in applying fees under this section.

22 (e) No fee is payable under this section for a petition or  
23 opposition filed subsequent to issuance of letters of temporary  
24 guardianship or letters of guardianship in a guardianship described  
25 in Section 70654.

26 (f) This section shall become operative on ~~July 1, 2015~~. *July 1,*  
27 *2018.*

28 *SEC. 12. Section 70677 of the Government Code, as amended*  
29 *by Section 49 of Chapter 41 of the Statutes of 2012, is amended*  
30 *to read:*

31 70677. (a) The uniform fee for filing any motion, application,  
32 order to show cause, or any other paper requiring a hearing  
33 subsequent to the first paper is sixty dollars (\$60). Papers for which  
34 this fee shall be charged include the following:

35 (1) Papers listed in subdivision (a) of Section 70617.

36 (2) An order to show cause or notice of motion seeking  
37 temporary prejudgment or postjudgment orders, including, but not  
38 limited to, orders to establish, modify, or enforce child, spousal,  
39 or partner support, custody and visitation of children, division and  
40 control of property, attorney's fees, and bifurcation of issues.

1 (b) There shall be no fee under subdivision (a) of this section  
2 for filing any of the following:

3 (1) A motion, motion to quash proceeding, application, or  
4 demurrer that is the first paper filed in an action and on which a  
5 first paper filing fee is paid.

6 (2) An amended notice of motion or amended order to show  
7 cause.

8 (3) A statement to register foreign support under Section 4951  
9 of the Family Code.

10 (4) An application to determine the judgment after entry of  
11 default.

12 (5) A request for an order to prevent domestic violence.

13 (6) A paper requiring a hearing on a petition for writ of review,  
14 mandate, or prohibition that is the first paper filed in an action and  
15 on which a first paper filing fee has been paid.

16 (7) A stipulation that does not require an order.

17 (c) The uniform fee for filing the following papers not requiring  
18 a hearing is twenty dollars (\$20):

19 (1) A request, application, or motion for the continuance of a  
20 hearing or case management conference.

21 (2) A stipulation and order.

22 (d) Regardless of whether each motion or matter is heard at a  
23 single hearing or at separate hearings, the filing fees required under  
24 paragraph (1) of subdivision (a) and under subdivision (c) apply  
25 separately to each motion or other paper filed. If an order to show  
26 cause or notice of motion is filed as specified in paragraph (2) of  
27 subdivision (a) combining requests for relief or opposition to relief  
28 on more than one issue, only one filing fee shall be charged under  
29 this section. The Judicial Council may publish rules to give uniform  
30 guidance to courts in applying fees under this section.

31 (e) This section shall become inoperative on ~~July 1, 2015~~, *July*  
32 *1, 2018*, and, as of ~~January 1, 2016~~, *January 1, 2019*, is repealed,  
33 unless a later enacted statute, that becomes operative on or before  
34 ~~January 1, 2016~~, *January 1, 2019*, deletes or extends the dates on  
35 which it becomes inoperative and is repealed.

36 *SEC. 13. Section 70677 of the Government Code, as added by*  
37 *Section 50 of Chapter 41 of the Statutes of 2012, is amended to*  
38 *read:*

39 70677. (a) The uniform fee for filing any motion, application,  
40 order to show cause, or any other paper requiring a hearing

1 subsequent to the first paper is forty dollars (\$40). Papers for which  
2 this fee shall be charged include the following:

3 (1) Papers listed in subdivision (a) of Section 70617.

4 (2) An order to show cause or notice of motion seeking  
5 temporary prejudgment or postjudgment orders, including, but not  
6 limited to, orders to establish, modify, or enforce child, spousal,  
7 or partner support, custody and visitation of children, division and  
8 control of property, attorney's fees, and bifurcation of issues.

9 (b) There shall be no fee under subdivision (a) of this section  
10 for filing any of the following:

11 (1) A motion, motion to quash proceeding, application, or  
12 demurrer that is the first paper filed in an action and on which a  
13 first paper filing fee is paid.

14 (2) An amended notice of motion or amended order to show  
15 cause.

16 (3) A statement to register foreign support under Section 4951  
17 of the Family Code.

18 (4) An application to determine the judgment after entry of  
19 default.

20 (5) A request for an order to prevent domestic violence.

21 (6) A paper requiring a hearing on a petition for writ of review,  
22 mandate, or prohibition that is the first paper filed in an action and  
23 on which a first paper filing fee has been paid.

24 (7) A stipulation that does not require an order.

25 (c) The uniform fee for filing the following papers not requiring  
26 a hearing is twenty dollars (\$20):

27 (1) A request, application, or motion for the continuance of a  
28 hearing or case management conference.

29 (2) A stipulation and order.

30 (d) Regardless of whether each motion or matter is heard at a  
31 single hearing or at separate hearings, the filing fees required under  
32 paragraph (1) of subdivision (a) and under subdivision (c) apply  
33 separately to each motion or other paper filed. If an order to show  
34 cause or notice of motion is filed as specified in paragraph (2) of  
35 subdivision (a) combining requests for relief or opposition to relief  
36 on more than one issue, only one filing fee shall be charged under  
37 this section. The Judicial Council may publish rules to give uniform  
38 guidance to courts in applying fees under this section.

39 (e) This section shall become operative on ~~July 1, 2015~~. *July 1,*  
40 *2018.*

1     *SEC. 14. Section 1230 of the Penal Code is amended to read:*

2     1230. (a) Each county is hereby authorized to establish in each  
3 county treasury a Community Corrections Performance Incentives  
4 Fund (CCPIF), to receive all amounts allocated to that county for  
5 purposes of implementing this chapter.

6     (b) Notwithstanding any other law, in any fiscal year for which  
7 a county receives moneys to be expended for the implementation  
8 of this chapter, the moneys, including any interest, shall be made  
9 available to the CPO of that county, within 30 days of the deposit  
10 of those moneys into the fund, for the implementation of the  
11 community corrections program authorized by this chapter.

12     (1) The community corrections program shall be developed and  
13 implemented by probation and advised by a local Community  
14 Corrections Partnership.

15     (2) The local Community Corrections Partnership shall be  
16 chaired by the CPO and comprised of the following membership:

17     (A) The presiding judge of the superior court, or his or her  
18 designee.

19     (B) A county supervisor or the chief administrative officer for  
20 the county or a designee of the board of supervisors.

21     (C) The district attorney.

22     (D) The public defender.

23     (E) The sheriff.

24     (F) A chief of police.

25     (G) The head of the county department of social services.

26     (H) The head of the county department of mental health.

27     (I) The head of the county department of employment.

28     (J) The head of the county alcohol and substance abuse  
29 programs.

30     (K) The head of the county office of education.

31     (L) A representative from a community-based organization with  
32 experience in successfully providing rehabilitative services to  
33 persons who have been convicted of a criminal offense.

34     (M) An individual who represents the interests of victims.

35     (3) Funds allocated to probation pursuant to this act shall be  
36 used to provide supervision and rehabilitative services for adult  
37 felony offenders subject to local supervision, and shall be spent  
38 on evidence-based community corrections practices and programs,  
39 as defined in subdivision (d) of Section 1229, which may include,  
40 but are not limited to, the following:



1 (A) Implementing and expanding evidence-based risk and needs  
2 assessments.

3 (B) Implementing and expanding intermediate sanctions that  
4 include, but are not limited to, electronic monitoring, mandatory  
5 community service, home detention, day reporting, restorative  
6 justice programs, work furlough programs, and incarceration in  
7 county jail for up to 90 days.

8 (C) Providing more intensive local supervision.

9 (D) Expanding the availability of evidence-based rehabilitation  
10 programs including, but not limited to, drug and alcohol treatment,  
11 mental health treatment, anger management, cognitive behavior  
12 programs, and job training and employment services.

13 (E) Evaluating the effectiveness of rehabilitation and supervision  
14 programs and ensuring program fidelity.

15 (4) Notwithstanding any other law, the CPO shall have discretion  
16 to spend funds on any of the above practices and programs  
17 consistent with this act but, at a minimum, shall devote at least 5  
18 percent of all funding received to evaluate the effectiveness of  
19 those programs and practices implemented with the funds provided  
20 pursuant to this chapter. A CPO may petition the ~~Administrative~~  
21 ~~Office of the Courts~~ *Judicial Council* to have this restriction  
22 waived, and the ~~Administrative Office of the Courts~~ *Judicial*  
23 *Council* shall have the authority to grant such a petition, if the CPO  
24 can demonstrate that the department is already devoting sufficient  
25 funds to the evaluation of these programs and practices.

26 (5) Each probation department receiving funds under this chapter  
27 shall maintain a complete and accurate accounting of all funds  
28 received pursuant to this chapter.

29 *SEC. 15. Section 1231 of the Penal Code is amended to read:*

30 1231. (a) Community corrections programs funded pursuant  
31 to this ~~act~~ *chapter* shall identify and track specific outcome-based  
32 measures consistent with the goals of this act.

33 (b) ~~The Administrative Office of the Courts,~~ *Judicial Council,*  
34 in consultation with the Chief Probation Officers of California,  
35 shall specify and define minimum required outcome-based  
36 measures, which shall include, but not be limited to, all of the  
37 following:

38 (1) The percentage of persons subject to local supervision who  
39 are being supervised in accordance with evidence-based practices.

1 (2) The percentage of state moneys expended for programs that  
2 are evidence based, and a descriptive list of all programs that are  
3 evidence based.

4 (3) Specification of supervision policies, procedures, programs,  
5 and practices that were eliminated.

6 (4) The percentage of persons subject to local supervision who  
7 successfully complete the period of supervision.

8 (c) Each CPO receiving funding pursuant to Sections 1233 to  
9 1233.6, inclusive, shall provide an annual written report to the  
10 ~~Administrative Office of the Courts~~ *Judicial Council*, evaluating  
11 the effectiveness of the community corrections program, including,  
12 but not limited to, the data described in subdivision (b).

13 (d) ~~The Administrative Office of the Courts~~ *Judicial Council*,  
14 shall, in consultation with the CPO of each county and the  
15 Department of Corrections and Rehabilitation, provide a quarterly  
16 statistical report to the Department of Finance including, but not  
17 limited to, the following statistical information for each county:

18 (1) The number of felony filings.

19 (2) The number of felony convictions.

20 (3) The number of felony convictions in which the defendant  
21 was sentenced to the state prison.

22 (4) The number of felony convictions in which the defendant  
23 was granted probation.

24 (5) The adult felon probation population.

25 (6) The number of ~~felons~~ *adult felony probationers* who had  
26 their probation *terminated and* revoked and were sent to *state*  
27 prison for that revocation.

28 (7) The number of adult felony probationers sent to state prison  
29 for a conviction of a new felony offense, including when probation  
30 was revoked or terminated.

31 (8) The number of ~~felons~~ *adult felony probationers* who had  
32 their probation revoked and were sent to county jail for that  
33 revocation.

34 (9) The number of adult felony probationers sent to county jail  
35 for a conviction of a new felony offense, including when probation  
36 was revoked or terminated.

37 (10) The number of felons placed on postrelease community  
38 supervision, commencing January 1, 2012.

39 (11) The number of felons placed on mandatory supervision,  
40 commencing January 1, 2012.

1 (12) The mandatory supervision population, commencing  
2 January 1, 2012.

3 (13) The postrelease community supervision population,  
4 commencing January 1, 2012.

5 (14) The number of felons on postrelease community supervision  
6 sentenced to state prison for a conviction of a new felony offense,  
7 commencing January 1, 2012.

8 (15) The number of felons on mandatory supervision sentenced  
9 to state prison for a conviction of a new felony offense,  
10 commencing January 1, 2012.

11 (16) The number of felons who had their postrelease community  
12 supervision revoked and were sent to county jail for that revocation,  
13 commencing January 1, 2012. *This number shall not include felons*  
14 *on postrelease community supervision who are subject to flash*  
15 *incarceration pursuant to Section 3453.*

16 (17) The number of felons on postrelease community supervision  
17 sentenced to county jail for a conviction of a new felony offense,  
18 including when postrelease community supervision was revoked  
19 or terminated, commencing January 1, 2012.

20 (18) The number of felons who had their mandatory supervision  
21 revoked and were sentenced to county jail for that revocation,  
22 commencing January 1, 2012.

23 (19) The number of felons on mandatory supervision sentenced  
24 to county jail for a conviction of a new felony offense, including  
25 when mandatory supervision was revoked or terminated,  
26 commencing January 1, 2012.

27 *SEC. 16. Section 1232 of the Penal Code is amended to read:*

28 1232. Commencing no later than 18 months following the  
29 initial receipt of funding pursuant to this ~~act~~ *chapter* and annually  
30 thereafter, the ~~Administrative Office of the Courts, Judicial~~  
31 ~~Council~~, in consultation with the Department of Corrections and  
32 Rehabilitation, the Department of Finance, and the Chief Probation  
33 Officers of California, shall submit to the Governor and the  
34 Legislature a comprehensive report on the implementation of this  
35 ~~act~~ *chapter*. The report shall include, but not be limited to, all of  
36 the following information:

37 (a) The effectiveness of the community corrections program  
38 based on the reports of performance-based outcome measures  
39 required in Section 1231.

1 (b) The percentage of offenders subject to local supervision  
2 whose supervision was revoked and who were sent to prison ~~or~~  
3 ~~jail~~ for the year on which the report is being made.

4 (c) The percentage of offenders subject to local supervision who  
5 were convicted of crimes during their term of supervision for the  
6 year on which the report is being made.

7 (d) The impact of the moneys appropriated pursuant to this ~~aet~~  
8 ~~chapter~~ to enhance public safety by reducing the percentage and  
9 number of offenders subject to local supervision whose supervision  
10 was revoked for the year being reported on for violations or new  
11 convictions, and to reduce the number of offenders subject to local  
12 supervision who are sentenced to prison ~~or jail~~ for a new conviction  
13 for the year on which the report is being made.

14 (e) Any recommendations regarding resource allocations or  
15 additional collaboration with other state, regional, federal, or local  
16 entities for improvements to this ~~aet~~: ~~chapter~~.

17 *SEC. 17. Section 1233 of the Penal Code is repealed.*

18 ~~1233. (a) The Director of Finance, in consultation with the~~  
19 ~~Department of Corrections and Rehabilitation, the Joint Legislative~~  
20 ~~Budget Committee, the Chief Probation Officers of California,~~  
21 ~~and the Administrative Office of the Courts, shall, for each county,~~  
22 ~~calculate a baseline probation failure rate that equals the weighted~~  
23 ~~average number of adult felony probationers sent to state prison~~  
24 ~~during calendar years 2006 to 2008, inclusive, as a percentage of~~  
25 ~~the weighted average adult felony probation population during the~~  
26 ~~same period.~~

27 ~~(b) For purposes of calculating the baseline probation failure~~  
28 ~~rate, the number of adult felony probationers sent to prison shall~~  
29 ~~include those adult felony probationers sent to state prison for a~~  
30 ~~revocation of probation, as well as adult felony probationers sent~~  
31 ~~to state prison for a conviction of a new felony offense. The~~  
32 ~~calculation shall also include adult felony probationers sent to~~  
33 ~~prison for conviction of a new crime who simultaneously have~~  
34 ~~their probation term terminated.~~

35 *SEC. 18. Section 1233.1 of the Penal Code is amended to read:*

36 1233.1. After the conclusion of each calendar year, the Director  
37 of Finance, in consultation with the Department of Corrections  
38 and Rehabilitation, the Joint Legislative Budget Committee, the  
39 Chief Probation Officers of California, and the ~~Administrative~~

1 ~~Office of the Courts, Judicial Council~~, shall calculate the following  
2 for that calendar year:

3 (a) The cost to the state to incarcerate in a contract facility and  
4 supervise on parole an offender who fails local supervision and is  
5 sent to prison. ~~This calculation shall take into consideration factors,~~  
6 ~~including, but not limited to, the average length of stay in prison~~  
7 ~~for offenders subject to local supervision and the average length~~  
8 ~~of parole for offenders who failed local supervision and were sent~~  
9 ~~to prison.~~

10 (b) ~~Beginning with the 2013 calendar year, the~~ *The* statewide  
11 probation failure rate shall be calculated as the total number of  
12 adult felony probationers statewide sent to ~~prison, or to jail~~  
13 ~~pursuant to paragraph (5) of subdivision (h) of Section 1170, state~~  
14 *prison* as a percentage of the average statewide adult felony  
15 probation population for that year.

16 (c) ~~Beginning with the 2013 calendar year, the~~ *The* probation  
17 failure rate for each county shall be calculated as the total number  
18 of adult felony probationers sent to ~~prison, or to jail pursuant to~~  
19 ~~paragraph (5) of subdivision (h) of Section 1170, state prison~~ from  
20 that county, as a percentage of the county's average adult felony  
21 probation population for that year.

22 (d) An estimate of the number of adult felony probationers each  
23 county successfully prevented from being ~~incarcerated.~~  
24 ~~incarcerated in state prison.~~ For each county, this estimate shall  
25 be calculated based on the reduction in the county's probation  
26 failure rate as calculated annually pursuant to subdivision ~~(e) and~~  
27 ~~the county's baseline probation failure rate as calculated pursuant~~  
28 ~~to Section 1233. In making this estimate, the Director of Finance,~~  
29 ~~in consultation with the Department of Corrections and~~  
30 ~~Rehabilitation, the Joint Legislative Budget Committee, the Chief~~  
31 ~~Probation Officers of California, and the Administrative Office of~~  
32 ~~the Courts, shall adjust the calculations to account for changes in~~  
33 ~~each county's adult felony probation caseload in the most recent~~  
34 ~~completed calendar year as compared to the county's adult felony~~  
35 ~~probation population during the 2006 to 2008, inclusive, calendar~~  
36 ~~period. (c) for that year and the county's probation failure rate~~  
37 ~~from the previous year.~~

38 (e) ~~Beginning with the 2013 calendar year, in~~ *In* calculating  
39 probation failure *to prison* rates for the state and individual  
40 counties, the number of adult felony probationers sent to ~~prison,~~

1 or to jail pursuant to paragraph (5) of subdivision (h) of Section  
2 1170, *state prison* shall include those adult felony probationers  
3 sent to prison, or to jail pursuant to paragraph (5) of subdivision  
4 (h) of Section 1170, *state prison* for a revocation of probation, as  
5 well as adult felony probationers sent to prison, or to jail pursuant  
6 to paragraph (5) of subdivision (h) of Section 1170, *state prison*  
7 for a conviction of a new felony offense. The calculation shall also  
8 include adult felony probationers who are sent to prison, or to jail  
9 pursuant to paragraph (5) of subdivision (h) of Section 1170, *state*  
10 *prison* for a conviction of a new crime and who simultaneously  
11 have their probation terms terminated.

12 (f) The statewide mandatory supervision failure to prison rate.  
13 The statewide mandatory supervision failure to prison rate shall  
14 be calculated as the total number of offenders supervised under  
15 mandatory supervision pursuant to subparagraph (B) of paragraph  
16 (5) of subdivision (h) of Section 1170, statewide, sent to prison in  
17 the previous calendar year as a percentage of the average statewide  
18 mandatory supervision population for that year.

19 (g) A mandatory supervision failure to prison rate for each  
20 county. Each county's mandatory supervision failure to prison rate  
21 shall be calculated as the number of offenders supervised under  
22 mandatory supervision pursuant to subparagraph (B) of paragraph  
23 (5) of subdivision (h) of Section 1170 sent to prison from that  
24 county in the previous calendar year as a percentage of the county's  
25 average mandatory supervision population for that year.

26 (h) *An estimate of the number of felons on mandatory*  
27 *supervision each county successfully prevented from being*  
28 *incarcerated in state prison. For each county, this estimate shall*  
29 *be calculated based on the reduction in the county's mandatory*  
30 *supervision failure to prison rate as calculated annually pursuant*  
31 *to subdivision (g) for that year and the county's mandatory*  
32 *supervision failure to prison rate from the previous year.*

33 ~~(h)~~

34 (i) The statewide postrelease community supervision failure to  
35 prison rate. The statewide postrelease community supervision  
36 failure to prison rate shall be calculated as the total number of  
37 offenders supervised under postrelease community supervision  
38 pursuant to Title 2.05 (commencing with Section 3450) of Part 3,  
39 statewide, sent to prison in the previous calendar year as a

1 percentage of the average statewide postrelease community  
2 supervision population for that year.

3 (i)

4 (j) A postrelease community supervision failure to prison rate  
5 for each county. Each county's postrelease community supervision  
6 failure to prison rate shall be calculated as the number of offenders  
7 supervised under postrelease community supervision pursuant to  
8 Title 2.05 (commencing with Section 3450) of Part 3 sent to prison  
9 from that county in the previous calendar year as a percentage of  
10 the county's average postrelease community supervision population  
11 for that year.

12 ~~(j) This section shall become operative on July 1, 2014.~~

13 (k) *An estimate of the number of felons on postrelease*  
14 *community supervision each county successfully prevented from*  
15 *being incarcerated in state prison. For each county, this estimate*  
16 *shall be calculated based on the reduction in the county's*  
17 *postrelease community supervision failure to prison rate as*  
18 *calculated annually pursuant to subdivision (i) for that year and*  
19 *the county's postrelease community supervision failure to prison*  
20 *rate from the previous year.*

21 (l) *The statewide return to prison rate. The statewide return to*  
22 *prison rate shall be calculated as the total number of offenders*  
23 *supervised by probation departments as felony probationers, or*  
24 *subject to mandatory supervision pursuant to subdivision (h) of*  
25 *Section 1170, or subject to postrelease community supervision,*  
26 *who were sent to prison, as a percentage of the average statewide*  
27 *adult felony probation, mandatory supervision, and postrelease*  
28 *community supervision population.*

29 (m) *The county return to prison rate. The combined individual*  
30 *county return to prison rate shall be calculated as the total number*  
31 *of offenders supervised by a county probation department as felony*  
32 *probationers, or subject to mandatory supervision pursuant to*  
33 *subdivision (h) of Section 1170, or subject to postrelease*  
34 *community supervision, who were sent to prison, as a percentage*  
35 *of the average adult felony probation, mandatory supervision, and*  
36 *postrelease community supervision population for that county.*

37 SEC. 19. *Section 1233.15 of the Penal Code is repealed.*

38 ~~1233.15.— The Director of Finance, in consultation with the~~  
39 ~~Administrative Office of the Courts, the Department of Corrections~~  
40 ~~and Rehabilitation, and the Chief Probation Officers of California,~~

1 shall develop a revised formula for the California Community  
2 Corrections Performance Incentives Act of 2009 that takes into  
3 consideration the significant changes to the eligibility of some  
4 felony probationers for revocation to the state prison resulting from  
5 the implementation of the 2011 Public Safety realignment, and  
6 may also take into consideration the data calculated pursuant to  
7 subdivisions (f) to (i), inclusive, of Section 1233.1. The revised  
8 formula may include adjustments to the baseline failure rate for  
9 each county. It is the intent of the Legislature that, commencing  
10 with the 2015–16 fiscal year, probation departments receive  
11 performance incentive funding pursuant to, and consistent with,  
12 this chapter for their success at reducing postrelease community  
13 supervision failure to prison rates and mandatory supervision  
14 failure to prison rates.

15 *SEC. 20. Section 1233.2 of the Penal Code is repealed.*

16 1233.2. Annually, after the conclusion of each calendar year,  
17 the Director of Finance, in consultation with the Department of  
18 Corrections and Rehabilitation, the Joint Legislative Budget  
19 Committee, the Chief Probation Officers of California, and the  
20 Administrative Office of the Courts, shall identify the appropriate  
21 Probation Revocation Tier for each county for which it was  
22 estimated that the county successfully prevented any number of  
23 adult felony probationers from being incarcerated, as provided in  
24 subdivision (d) of Section 1233.1. The tiers shall be defined as  
25 follows:

26 (a) Tier 1. A Tier 1 county is one that has a probation failure  
27 rate, as defined in subdivision (e) of Section 1233.1, no more than  
28 25 percent higher than the statewide probation failure rate, as  
29 defined in subdivision (b) of Section 1233.1.

30 (b) Tier 2. A Tier 2 county is one that has a probation failure  
31 rate, as defined in subdivision (e) of Section 1233.1, more than 25  
32 percent above the statewide probation failure rate, as defined in  
33 subdivision (b) of Section 1233.1, but less than or equal to the  
34 2006–08 established baseline rate of 7.88 percent.

35 (c) Tier 3. A Tier 3 county is one that has a probation failure  
36 rate higher than the 2006–08 established baseline rate of 7.88  
37 percent.

38 *SEC. 21. Section 1233.3 of the Penal Code is amended to read:*

39 1233.3. Annually, the Director of Finance, in consultation with  
40 the Department of Corrections and Rehabilitation, the Joint



1 Legislative Budget Committee, the Chief Probation Officers of  
2 California, and the ~~Administrative Office of the Courts, Judicial~~  
3 ~~Council~~, shall calculate a ~~probation failure reduction statewide~~  
4 ~~performance~~ incentive payment for each eligible county, pursuant  
5 to ~~Section 1233.2, county~~ for the most recently completed calendar  
6 year, as follows:

7 (a) For a county identified as ~~being in Tier 1, as defined in~~  
8 ~~subdivision (a) of Section 1233.2, its probation failure reduction~~  
9 ~~incentive payment shall equal the estimated number of probationers~~  
10 ~~suecessfully prevented from being incarcerated, as defined by~~  
11 ~~subdivision (d) of Section 1233.1, multiplied by 45 percent of the~~  
12 ~~state's cost of housing an inmate in a contract facility, and to~~  
13 ~~supervise on parole a probationer who was sent to prison, as~~  
14 ~~defined in subdivision (a) of Section 1233.1. having a return to~~  
15 ~~prison rate less than 1.5 percent, the incentive payment shall be~~  
16 ~~equal to 100 percent of the highest year of funding that a county~~  
17 ~~received for the California Community Incentive Grant Program~~  
18 ~~from the 2011–12 fiscal year to the 2014–15 fiscal year, inclusive.~~

19 (b) For a county identified as ~~being in Tier 2, as defined in~~  
20 ~~subdivision (b) of Section 1233.2, its probation failure reduction~~  
21 ~~incentive payment shall equal the estimated number of probationers~~  
22 ~~suecessfully prevented from being incarcerated, as defined by~~  
23 ~~subdivision (d) of Section 1233.1, multiplied by 40 percent of the~~  
24 ~~state's cost of housing an inmate in a contract facility, and to~~  
25 ~~supervise on parole a probationer who was sent to prison, as~~  
26 ~~defined in subdivision (a) of Section 1233.1. having a return to~~  
27 ~~prison rate of 1.5 percent or greater, but not exceeding 3.2 percent,~~  
28 ~~the incentive payment shall be equal to 70 percent of the highest~~  
29 ~~year of funding that a county received for the California~~  
30 ~~Community Incentive Grant Program from the 2011–12 fiscal year~~  
31 ~~to the 2014–15 fiscal year, inclusive.~~

32 (c) For a county identified as ~~being in Tier 3, as defined in~~  
33 ~~subdivision (c) of Section 1233.2, its probation failure reduction~~  
34 ~~incentive payment shall equal the estimated number of probationers~~  
35 ~~suecessfully prevented from being incarcerated, as defined by~~  
36 ~~subdivision (d) of Section 1233.1, multiplied by 30 percent of the~~  
37 ~~state's cost of housing an inmate in a contract facility, and to~~  
38 ~~supervise on parole a probationer who was sent to prison, as~~  
39 ~~defined in subdivision (a) of Section 1233.1. having a return to~~  
40 ~~prison rate of more than 3.2 percent, not exceeding 5.5 percent,~~

1 *the incentive payment shall be equal to 60 percent of the highest*  
2 *year of funding that a county received for the California*  
3 *Community Incentive Grant Program from the 2011–12 fiscal*  
4 *year to the 2014–15 fiscal year, inclusive.*

5 *(d) For a county identified as having a return to prison rate of*  
6 *more than 5.5 percent, not exceeding 6.1 percent, the incentive*  
7 *payment shall be equal to 50 percent of the highest year of funding*  
8 *that a county received for the California Community Incentive*  
9 *Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal*  
10 *year, inclusive.*

11 *(e) For a county identified as having a return to prison rate of*  
12 *more than 6.1 percent, not exceeding 7.9 percent, the incentive*  
13 *payment shall be equal to 40 percent of the highest year of funding*  
14 *that a county received for the California Community Incentive*  
15 *Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal*  
16 *year, inclusive.*

17 ~~(d)~~

18 *(f) A county that fails to provide information specified in Section*  
19 *1231 to the Administrative Office of the Courts is not eligible for*  
20 *a probation failure reduction incentive payment. statewide*  
21 *performance incentive payment.*

22 ~~(e) This section shall become operative on July 1, 2014.~~

23 ~~SEC. 22. Section 1233.4 of the Penal Code is repealed.~~

24 ~~1233.4. (a) It is the intent of the Legislature for counties~~  
25 ~~demonstrating high success rates with adult felony probationers~~  
26 ~~to have access to performance-based funding as provided for in~~  
27 ~~this section.~~

28 ~~(b) On an annual basis, the Department of Finance, in~~  
29 ~~consultation with the Department of Corrections and Rehabilitation,~~  
30 ~~the Joint Legislative Budget Committee, the Chief Probation~~  
31 ~~Officers of California, and the Administrative Office of the Courts,~~  
32 ~~shall calculate 5 percent of the total statewide estimated number~~  
33 ~~of probationers successfully prevented from being incarcerated~~  
34 ~~for counties that successfully reduce the number of adult felony~~  
35 ~~probationers incarcerated multiplied by the state's cost of housing~~  
36 ~~an inmate in a contract facility, and to supervise on parole a~~  
37 ~~probationer who was sent to prison, as defined in subdivision (a)~~  
38 ~~of Section 1233.1.~~

39 ~~(c) The amount estimated pursuant to subdivision (b) shall be~~  
40 ~~used to provide high performance grants to county probation~~

1 departments for the purpose of bolstering evidence-based probation  
2 practices designed to reduce recidivism among adult felony  
3 probationers.

4 (d) County probation departments eligible for these high  
5 performance grants shall be those with adult probation failure rates  
6 more than 50 percent below the statewide average in the most  
7 recently completed calendar year.

8 (e) A county probation department that qualifies for a probation  
9 failure reduction incentive payment, as provided in Section 1233.3,  
10 and a high performance grant payment in the same year shall  
11 choose to receive either the probation failure incentive payment  
12 or the high performance grant payment. The Chief Probation  
13 Officer of a county that qualifies for both a high performance grant  
14 and a probation failure reduction incentive payment shall indicate  
15 to the Administrative Office of the Courts, by a date designated  
16 by the Administrative Office of the Courts, whether the Chief  
17 Probation Officer chooses to receive the high performance grant  
18 or probation failure reduction payment.

19 (f) The grants provided for in this section shall be administered  
20 by the Administrative Office of the Courts. The Administrative  
21 Office of the Courts shall seek to ensure that all qualifying  
22 probation departments that submit qualifying applications receive  
23 a proportionate share of the grant funding available based on the  
24 population of adults 18 to 25 years of age, inclusive, in each of  
25 the counties qualifying for the grants.

26 (g) A county that fails to provide the information specified in  
27 Section 1231 to the Administrative Office of the Courts is not  
28 eligible for a high performance grant payment.

29 (h) This section shall become operative on July 1, 2014.

30 *SEC. 23. Section 1233.4 is added to the Penal Code, to read:*

31 *1233.4. The Director of Finance, in consultation with the*  
32 *Department of Corrections and Rehabilitation, the Joint Legislative*  
33 *Budget Committee, the Chief Probation Officers of California,*  
34 *and the Judicial Council, shall, for the most recently completed*  
35 *calendar year, annually calculate a county performance incentive*  
36 *payment for each eligible county. A county shall be eligible for*  
37 *compensation for each of the following:*

38 (a) *The estimated number of felons on probation that were*  
39 *successfully prevented from being incarcerated in the state prison*  
40 *as calculated in subdivision (d) of Section 1233.1, multiplied by*

1 35 percent of the state’s costs to incarcerate a prison felony  
 2 offender in a contract facility, as defined in subdivision (a) of  
 3 Section 1233.1.

4 (b) The estimated number of felons on mandatory supervision  
 5 that were successfully prevented from being incarcerated in the  
 6 state prison as calculated in subdivision (h) of Section 1233.1,  
 7 multiplied by 35 percent of the state’s costs to incarcerate a prison  
 8 felony offender in a contract facility, as defined in subdivision (a)  
 9 of Section 1233.1.

10 (c) The estimated number of felons on postrelease community  
 11 supervision that were successfully prevented from being  
 12 incarcerated in the state prison as calculated in subdivision (k) of  
 13 Section 1233.1, multiplied by 35 percent of the state’s costs to  
 14 incarcerate a prison felony offender in a contract facility, as  
 15 defined in subdivision (a) of Section 1233.1.

16 SEC. 24. Section 1233.5 of the Penal Code is amended to read:

17 1233.5. If data of sufficient quality and of the types required  
 18 for the implementation of this ~~act~~ chapter are not available to the  
 19 Director of Finance, ~~then~~ the Director of Finance, in consultation  
 20 with the Department of Corrections and Rehabilitation, the Joint  
 21 Legislative Budget Committee, and ~~the Administrative Office of~~  
 22 ~~the Courts, Judicial Council,~~ shall use the best available data to  
 23 estimate ~~probation failure reduction incentive payments and high~~  
 24 ~~performance grants~~ the statewide performance incentive payments  
 25 and county performance incentive payments utilizing a  
 26 methodology that is as consistent with that described in this ~~act~~  
 27 chapter as is reasonably possible.

28 SEC. 25. Section 1233.6 of the Penal Code is amended to read:

29 1233.6. (a) ~~Probation failure reduction incentive payments~~  
 30 ~~and high performance grants calculated~~ A statewide performance  
 31 incentive payment calculated pursuant to Section 1233.3 and a  
 32 county performance incentive payment calculated pursuant to  
 33 Section 1233.4 for any calendar year shall be provided to ~~counties~~  
 34 a county in the following fiscal year. The total annual payment to  
 35 ~~each~~ a county shall be divided into four equal quarterly payments.

36 (b) The Department of Finance shall include an estimate of the  
 37 total ~~probation failure reduction~~ statewide performance incentive  
 38 payments and ~~high performance grants~~ county performance  
 39 incentive payments to be provided to counties in the coming fiscal  
 40 year as part of the Governor’s proposed budget released no later

1 than January 10 of each year. This estimate shall be adjusted by  
2 the Department of Finance, as necessary, to reflect the actual  
3 calculations of probation failure reduction incentive payments and  
4 high performance grants completed by the Director of Finance, in  
5 consultation with the Department of Corrections and Rehabilitation,  
6 the Joint Legislative Budget Committee, the Chief Probation  
7 Officers of California, and the ~~Administrative Office of the Courts~~.  
8 *Judicial Council*. This adjustment shall occur as part of standard  
9 budget revision processes completed by the Department of Finance  
10 in April and May of each year.

11 (c) There is hereby established, in the State Treasury, the State  
12 Community Corrections Performance Incentives Fund, which is  
13 continuously appropriated. Moneys appropriated for purposes of  
14 ~~providing probation failure reduction statewide performance~~  
15 ~~incentive payments and high performance grants county~~  
16 ~~performance incentive payments~~ authorized in Sections 1230 to  
17 1233.6, inclusive, shall be transferred into this fund from the  
18 General Fund. Any moneys transferred into this fund from the  
19 General Fund shall be administered by the ~~Administrative Office~~  
20 ~~of the Courts~~ *Judicial Council* and the share calculated for each  
21 county probation department shall be transferred to its Community  
22 Corrections Performance Incentives Fund authorized in Section  
23 1230.

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

32 (e) Notwithstanding Section 13340 of the Government Code,  
33 commencing July 1, 2014, and each fiscal year thereafter, the  
34 amount of one million dollars (\$1,000,000) is hereby continuously  
35 appropriated from the State Community Corrections Performance  
36 Incentives Fund to the ~~Administrative Office of the Courts~~ *Judicial*  
37 *Council* for the costs of implementing and administering this  
38 program, pursuant to subdivision (c), and the 2011 realignment  
39 legislation addressing public safety.

1 SEC. 26. Section 1233.61 of the Penal Code is amended to  
2 read:

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

9 (a) The Department of Finance shall increase to no more than  
10 two hundred thousand dollars (\$200,000) the award amount for  
11 any county whose tier payment or high performance grant payment,  
12 statewide performance incentive payment and county performance  
13 incentive payment, as calculated pursuant to Sections 1233.3 and  
14 1233.4, totals less than two hundred thousand dollars (~~\$200,000~~)  
15 to no more than two hundred thousand dollars (~~\$200,000~~).  
16 (\$200,000).

17 (b) ~~The Department of Finance shall adjust the award amount~~  
18 ~~for any county that has a probation failure rate, as defined in~~  
19 ~~subdivision (c) of Section 1233.1, that is below the statewide~~  
20 ~~average, as defined in subdivision (b) of Section 1233.1, so that~~  
21 ~~these counties receive no less than two hundred thousand dollars~~  
22 ~~(\$200,000).~~

23 (e)  
24 (b) The Department of Finance shall ~~evenly distribute any~~  
25 ~~remaining funds, adjust the award amount~~ up to two hundred  
26 thousand dollars (\$200,000) per county, to those counties that did  
27 not receive a tier payment or a high performance grant payment,  
28 statewide performance incentive payment and county performance  
29 incentive payment, as calculated pursuant to Sections 1233.3 and  
30 1233.4.

31 (d) ~~The distribution of any funds remaining after the distribution~~  
32 ~~made pursuant to subdivision (c) shall be determined by the~~  
33 ~~Department of Finance. The distribution may give preference to~~  
34 ~~high performing counties that did not receive funding pursuant to~~  
35 ~~Section 1233.4.~~

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

40 (f)

1 (c) Any county receiving funding through subdivision ~~(e)~~ (b)  
2 shall submit a report to the ~~Administrative Office of the Courts~~  
3 *Judicial Council* and the Chief Probation Officers of California  
4 describing how it plans on using the funds to enhance its ability  
5 to be successful under this ~~act~~. *chapter*. Commencing January 1,  
6 2014, a county that fails to submit this report by March 1 annually  
7 shall not receive funding pursuant to subdivision ~~(e)~~ (b) in the  
8 subsequent fiscal year.

9 ~~(g)~~

10 (d) A county that fails to provide the information specified in  
11 Section 1231 to the ~~Administrative Office of the Courts~~ *Judicial*  
12 *Council* shall not be eligible for payment pursuant to this section.

13 *SEC. 27. Section 1233.9 of the Penal Code is amended to read:*

14 1233.9. (a) There is hereby created in the State Treasury the  
15 Recidivism Reduction Fund for moneys to be available upon  
16 appropriation by the Legislature, for activities designed to reduce  
17 the state's prison population, including, but not limited to, reducing  
18 recidivism. Funds available in the Recidivism Reduction Fund  
19 may be transferred to the State Community Corrections  
20 Performance Incentives Fund.

21 (b) *Any funds in the Recidivism Reduction Fund not encumbered*  
22 *by June 30, 2016, shall revert to the General Fund upon order of*  
23 *the Department of Finance.*

24 (c) *The Recidivism Reduction Fund shall be abolished once all*  
25 *funds encumbered in the Recidivism Reduction Fund are liquidated.*

26 *SEC. 28. Section 1233.10 of the Penal Code is amended to*  
27 *read:*

28 1233.10. (a) Upon agreement to accept funding from the  
29 Recidivism Reduction Fund, created in Section 1233.9, a county  
30 board of supervisors, in collaboration with the county's Community  
31 Corrections Partnership, shall develop, administer, and collect and  
32 submit data to the Board of State and Community Corrections  
33 regarding a competitive grant program intended to fund community  
34 recidivism and crime reduction services, including, but not limited  
35 to, delinquency prevention, homelessness prevention, and reentry  
36 services. ~~The~~

37 (1) *Commencing with the 2014–15 fiscal year, the funding shall*  
38 *be allocated to counties by the State Controller's Office from Item*  
39 *5227-101-3259 of Section 2.00 of the Budget Act of 2014–15 2014*  
40 *according to the following schedule:*

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



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

19

20 *(2) Commencing with the 2015–16 fiscal year, the funding shall*  
21 *be allocated to counties by the State Controller’s Office from Item*  
22 *5227-101-3259 of Section 2.00 of the Budget Act of 2015 according*  
23 *to the following schedule:*

24

25	<i>Alameda</i>	<i>\$ 125,000</i>
26	<i>Alpine</i>	<i>\$ 5,000</i>
27	<i>Amador</i>	<i>\$ 5,000</i>
28	<i>Butte</i>	<i>\$ 25,000</i>
29	<i>Calaveras</i>	<i>\$ 5,000</i>
30	<i>Colusa</i>	<i>\$ 5,000</i>
31	<i>Contra Costa</i>	<i>\$ 125,000</i>
32	<i>Del Norte</i>	<i>\$ 5,000</i>
33	<i>El Dorado</i>	<i>\$ 25,000</i>
34	<i>Fresno</i>	<i>\$ 125,000</i>
35	<i>Glenn</i>	<i>\$ 5,000</i>
36	<i>Humboldt</i>	<i>\$ 25,000</i>
37	<i>Imperial</i>	<i>\$ 25,000</i>
38	<i>Inyo</i>	<i>\$ 5,000</i>
39	<i>Kern</i>	<i>\$ 125,000</i>
40	<i>Kings</i>	<i>\$ 25,000</i>

1	<i>Lake</i>	\$ 12,500
2	<i>Lassen</i>	\$ 5,000
3	<i>Los Angeles</i>	\$ 800,000
4	<i>Madera</i>	\$ 25,000
5	<i>Marin</i>	\$ 25,000
6	<i>Mariposa</i>	\$ 5,000
7	<i>Mendocino</i>	\$ 12,500
8	<i>Merced</i>	\$ 25,000
9	<i>Modoc</i>	\$ 5,000
10	<i>Mono</i>	\$ 5,000
11	<i>Monterey</i>	\$ 50,000
12	<i>Napa</i>	\$ 25,000
13	<i>Nevada</i>	\$ 12,500
14	<i>Orange</i>	\$ 250,000
15	<i>Placer</i>	\$ 25,000
16	<i>Plumas</i>	\$ 5,000
17	<i>Riverside</i>	\$ 250,000
18	<i>Sacramento</i>	\$ 125,000
19	<i>San Benito</i>	\$ 12,500
20	<i>San Bernardino</i>	\$ 250,000
21	<i>San Diego</i>	\$ 250,000
22	<i>San Francisco</i>	\$ 125,000
23	<i>San Joaquin</i>	\$ 125,000
24	<i>San Luis Obispo</i>	\$ 25,000
25	<i>San Mateo</i>	\$ 125,000
26	<i>Santa Barbara</i>	\$ 50,000
27	<i>Santa Clara</i>	\$ 250,000
28	<i>Santa Cruz</i>	\$ 25,000
29	<i>Shasta</i>	\$ 25,000
30	<i>Sierra</i>	\$ 5,000
31	<i>Siskiyou</i>	\$ 5,000
32	<i>Solano</i>	\$ 50,000
33	<i>Sonoma</i>	\$ 50,000
34	<i>Stanislaus</i>	\$ 50,000
35	<i>Sutter</i>	\$ 12,500
36	<i>Tehama</i>	\$ 12,500
37	<i>Trinity</i>	\$ 5,000
38	<i>Tulare</i>	\$ 50,000
39	<i>Tuolumne</i>	\$ 12,500
40	<i>Ventura</i>	\$ 125,000

1	<i>Yolo</i>	\$ 25,000
2	<i>Yuba</i>	\$ 12,500

3

4 (b) For purposes of this section, “community recidivism and  
5 crime reduction service provider” means a nongovernmental entity  
6 or a consortium or coalition of nongovernmental entities, that  
7 provides community recidivism and crime reduction services, as  
8 described in paragraph (2) of subdivision (c), to persons who have  
9 been released from the state prison, a county jail, a juvenile  
10 detention facility, who are under the supervision of a parole or  
11 probation department, or any other person at risk of becoming  
12 involved in criminal activities.

13 (c) (1) A community recidivism and crime reduction service  
14 provider shall have a demonstrated history of providing services,  
15 as described in paragraph (2), to the target population during the  
16 five years immediately prior to the application for a grant awarded  
17 pursuant to this section.

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

- 24 (A) Self-help groups.
- 25 (B) Individual or group assistance with basic life skills.
- 26 (C) Mentoring programs.
- 27 (D) Academic and educational services, including, but not  
28 limited to, services to enable the recipient to earn his or her high  
29 school diploma.
- 30 (E) Job training skills and employment.
- 31 (F) Truancy prevention programs.
- 32 (G) Literacy programs.
- 33 (H) Any other service that advances community recidivism and  
34 crime reduction efforts, as identified by the county board of  
35 supervisors and the Community Corrections Partnership.
- 36 (I) Individual or group assistance with referrals for any of the  
37 following:
  - 38 (i) Mental and physical health assessments.
  - 39 (ii) Counseling services.
  - 40 (iii) Education and vocational programs.

- 1 (iv) Employment opportunities.  
2 (v) Alcohol and drug treatment.  
3 (vi) Health, wellness, fitness, and nutrition programs and  
4 services.  
5 (vii) Personal finance and consumer skills programs and  
6 services.  
7 (viii) Other personal growth and development programs to  
8 reduce recidivism.  
9 (ix) Housing assistance.
- 10 (d) Pursuant to this section and upon agreement to accept  
11 funding from the Recidivism Reduction Fund, the board of  
12 supervisors, in collaboration with the county's Community  
13 Corrections Partnership, shall grant funds allocated to the county,  
14 as described in subdivision (a), to community recidivism and crime  
15 reduction service providers based on the needs of their community.
- 16 (e) (1) The amount awarded to each community recidivism and  
17 crime reduction service provider by a county shall be based on the  
18 population of the county, as projected by the Department of  
19 Finance, and shall not exceed the following:
- 20 (A) One hundred thousand dollars (\$100,000) in a county with  
21 a population of over 4,000,000 people.  
22 (B) Fifty thousand dollars (\$50,000) in a county with a  
23 population of 700,000 or more people but less than 4,000,000  
24 people.  
25 (C) Twenty five thousand dollars (\$25,000) in a county with a  
26 population of 400,000 or more people but less than 700,000 people.  
27 (D) Ten thousand dollars (\$10,000) in a county with a population  
28 of less than 400,000 people.
- 29 (2) The total amount of grants awarded to a single community  
30 recidivism and crime reduction service provider by all counties  
31 pursuant to this section shall not exceed one hundred thousand  
32 dollars (\$100,000).
- 33 (f) The board of supervisors, in collaboration with the county's  
34 Community Corrections Partnership, shall establish minimum  
35 requirements, funding criteria, and procedures for the counties to  
36 award grants consistent with the criteria established in this section.
- 37 (g) A community recidivism and crime reduction service  
38 provider that receives a grant under this section shall report to the  
39 county board of supervisors or the Community Corrections  
40 Partnership on the number of individuals served and the types of

1 services provided, consistent with paragraph (2) of subdivision  
2 (c). The board of supervisors or the Community Corrections  
3 Partnership shall report to the Board of State and Community  
4 Corrections any information received under this subdivision from  
5 grant recipients.

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

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

16 *SEC. 29. Section 1369.1 of the Penal Code is amended to read:*

17 1369.1. (a) As used in this chapter, “treatment facility”  
18 includes a county jail. Upon the concurrence of the county board  
19 of supervisors, the county mental health director, and the county  
20 sheriff, the jail may be designated to provide medically approved  
21 medication to defendants found to be mentally incompetent and  
22 unable to provide informed consent due to a mental disorder,  
23 pursuant to this chapter. In the case of Madera, Napa, and Santa  
24 Clara Counties, the concurrence shall be with the board of  
25 supervisors, the county mental health director, and the county  
26 sheriff or the chief of corrections. The provisions of Sections 1370,  
27 1370.01, and 1370.02 shall apply to antipsychotic medications  
28 provided in a county jail, provided, however, that the maximum  
29 period of time a defendant may be treated in a treatment facility  
30 pursuant to this section shall not exceed six months.

31 (b) This section does not abrogate or limit any law enacted to  
32 ensure the due process rights set forth in *Sell v. United States*  
33 (2003) 539 U.S. 166.

34 ~~(e) This section shall remain in effect only until January 1, 2016,~~  
35 ~~and as of that date is repealed, unless a later enacted statute, that~~  
36 ~~is enacted before January 1, 2016, deletes or extends that date.~~

37 *SEC. 30. Section 1370 of the Penal Code is amended to read:*

38 1370. (a) (1) (A) If the defendant is found mentally  
39 competent, the criminal process shall resume, the trial on the

1 offense charged or hearing on the alleged violation shall proceed,  
2 and judgment may be pronounced.

3 (B) If the defendant is found mentally incompetent, the trial,  
4 the hearing on the alleged violation, or the judgment shall be  
5 suspended until the person becomes mentally competent.

6 (i) In the meantime, the court shall order that the mentally  
7 incompetent defendant be delivered by the sheriff to a state hospital  
8 for the care and treatment of the mentally disordered, as directed  
9 by the State Department of State Hospitals, or to any other available  
10 public or private treatment facility, including a ~~local~~ county jail  
11 treatment facility or the community-based residential treatment  
12 system established pursuant to Article 1 (commencing with Section  
13 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and  
14 Institutions Code if the facility has a secured perimeter or a locked  
15 and controlled treatment facility, approved by the community  
16 program director that will promote the defendant's speedy  
17 restoration to mental competence, or placed on outpatient status  
18 as specified in Section 1600.

19 (ii) However, if the action against the defendant who has been  
20 found mentally incompetent is on a complaint charging a felony  
21 offense specified in Section 290, the prosecutor shall determine  
22 whether the defendant previously has been found mentally  
23 incompetent to stand trial pursuant to this chapter on a charge of  
24 a Section 290 offense, or whether the defendant is currently the  
25 subject of a pending Section 1368 proceeding arising out of a  
26 charge of a Section 290 offense. If either determination is made,  
27 the prosecutor shall so notify the court and defendant in writing.  
28 After this notification, and opportunity for hearing, the court shall  
29 order that the defendant be delivered by the sheriff to a state  
30 hospital, as directed by the State Department of State Hospitals,  
31 or other secure treatment facility for the care and treatment of the  
32 mentally disordered unless the court makes specific findings on  
33 the record that an alternative placement would provide more  
34 appropriate treatment for the defendant and would not pose a  
35 danger to the health and safety of others.

36 (iii) If the action against the defendant who has been found  
37 mentally incompetent is on a complaint charging a felony offense  
38 specified in Section 290 and the defendant has been denied bail  
39 pursuant to subdivision (b) of Section 12 of Article I of the  
40 California Constitution because the court has found, based upon

1 clear and convincing evidence, a substantial likelihood that the  
2 person's release would result in great bodily harm to others, the  
3 court shall order that the defendant be delivered by the sheriff to  
4 a state hospital for the care and treatment of the mentally  
5 disordered, as directed by the State Department of State Hospitals,  
6 unless the court makes specific findings on the record that an  
7 alternative placement would provide more appropriate treatment  
8 for the defendant and would not pose a danger to the health and  
9 safety of others.

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

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

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

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

25 (F) A defendant charged with a violent felony may be placed  
26 on outpatient status, as specified in Section 1600, only if the court  
27 finds that the placement will not pose a danger to the health or  
28 safety of others. If the court places a defendant charged with a  
29 violent felony on outpatient status, as specified in Section 1600,  
30 the court shall serve copies of the placement order on defense  
31 counsel, the sheriff in the county where the defendant will be  
32 placed, and the district attorney for the county in which the violent  
33 felony charges are pending against the defendant.

34 (2) Prior to making the order directing that the defendant be  
35 committed to the State Department of State Hospitals or other  
36 treatment facility or placed on outpatient status, the court shall  
37 proceed as follows:

38 (A) The court shall order the community program director or a  
39 designee to evaluate the defendant and to submit to the court within  
40 15 judicial days of the order a written recommendation as to

1 whether the defendant should be required to undergo outpatient  
2 treatment, or be committed to the State Department of State  
3 Hospitals or to any other treatment facility. A person shall not be  
4 admitted to a state hospital or other treatment facility or placed on  
5 outpatient status under this section without having been evaluated  
6 by the community program director or a designee. The community  
7 program director or designee shall evaluate the appropriate  
8 placement for the defendant between the State Department of State  
9 Hospitals, a ~~local~~ county jail treatment facility, or the  
10 community-based residential treatment system based upon  
11 guidelines provided by the State Department of State Hospitals.  
12 ~~If a local county jail treatment facility is selected, the State~~  
13 ~~Department of State Hospitals shall provide treatment at the county~~  
14 ~~jail treatment facility and reimburse the county jail treatment~~  
15 ~~facility for the reasonable costs of the bed during the treatment. If~~  
16 ~~the community-based residential treatment system is selected, the~~  
17 ~~State Department of State Hospitals shall provide reimbursement~~  
18 ~~to the community-based residential treatment system for the cost~~  
19 ~~of treatment as negotiated with the State Department of State~~  
20 ~~Hospitals. The six-month limitation in Section 1369.1 shall not~~  
21 ~~apply to individuals deemed incompetent to stand trial who are~~  
22 ~~being treated to restore competency within a county jail treatment~~  
23 ~~facility pursuant to this section.~~

24 (B) The court shall hear and determine whether the defendant  
25 lacks capacity to make decisions regarding the administration of  
26 antipsychotic medication. The court shall consider opinions in the  
27 reports prepared pursuant to subdivision (a) of Section 1369, as  
28 applicable to the issue of whether the defendant lacks capacity to  
29 make decisions regarding the administration of antipsychotic  
30 medication, and shall proceed as follows:

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

33 (I) The defendant lacks capacity to make decisions regarding  
34 antipsychotic medication, the defendant's mental disorder requires  
35 medical treatment with antipsychotic medication, and, if the  
36 defendant's mental disorder is not treated with antipsychotic  
37 medication, it is probable that serious harm to the physical or  
38 mental health of the patient will result. Probability of serious harm  
39 to the physical or mental health of the defendant requires evidence  
40 that the defendant is presently suffering adverse effects to his or



1 her physical or mental health, or the defendant has previously  
2 suffered these effects as a result of a mental disorder and his or  
3 her condition is substantially deteriorating. The fact that a  
4 defendant has a diagnosis of a mental disorder does not alone  
5 establish probability of serious harm to the physical or mental  
6 health of the defendant.

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

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

31 (ii) If the court finds any of the conditions described in clause  
32 (i) to be true, the court shall issue an order authorizing involuntary  
33 administration of antipsychotic medication to the defendant when  
34 and as prescribed by the defendant's treating psychiatrist at any  
35 facility housing the defendant for purposes of this chapter. The  
36 order shall be valid for no more than one year, pursuant to  
37 subparagraph (A) of paragraph (7). The court shall not order  
38 involuntary administration of psychotropic medication under  
39 subclause (III) of clause (i) unless the court has first found that the  
40 defendant does not meet the criteria for involuntary administration

1 of psychotropic medication under subclause (I) of clause (i) and  
2 does not meet the criteria under subclause (II) of clause (i).

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

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

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

30 (vi) Any report made pursuant to paragraph (1) of subdivision  
31 (b) shall include a description of any antipsychotic medication  
32 administered to the defendant and its effects and side effects,  
33 including effects on the defendant's appearance or behavior that  
34 would affect the defendant's ability to understand the nature of  
35 the criminal proceedings or to assist counsel in the conduct of a  
36 defense in a reasonable manner. During the time the defendant is  
37 confined in a state hospital or other treatment facility or placed on  
38 outpatient status, either the defendant or the people may request  
39 that the court review any order made pursuant to this subdivision.  
40 The defendant, to the same extent enjoyed by other patients in the

1 state hospital or other treatment facility, shall have the right to  
2 contact the patients' rights advocate regarding his or her rights  
3 under this section.

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

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

1 with referral information for legal advice on the subject. The  
2 defendant shall also have the following rights with respect to the  
3 medication review hearing:

4 (I) To be given timely access to the defendant's records.

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

7 (III) To present evidence at the hearing.

8 (IV) To question persons presenting evidence supporting  
9 involuntary medication.

10 (V) To make reasonable requests for attendance of witnesses  
11 on the defendant's behalf.

12 (VI) To a hearing conducted in an impartial and informal  
13 manner.

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

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

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

36 (v) If, as a result of the hearing, the court determines that  
37 antipsychotic medication should be administered beyond the  
38 certification period, the court shall issue an order authorizing the  
39 administration of that medication.

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

5 (vii) If the administrative law judge upholds the certification  
6 pursuant to clause (ii), the court may, for a period not to exceed  
7 14 days, extend the certification and continue the hearing pursuant  
8 to stipulation between the parties or upon a finding of good cause.  
9 In determining good cause, the court may review the petition filed  
10 with the court, the administrative law judge's order, and any  
11 additional testimony needed by the court to determine if it is  
12 appropriate to continue medication beyond the 21-day certification  
13 and for a period of up to 14 days.

14 (viii) The district attorney, county counsel, or representative of  
15 any facility where a defendant found incompetent to stand trial is  
16 committed may petition the court for an order to administer  
17 involuntary medication pursuant to the criteria set forth in  
18 subclauses (II) and (III) of clause (i) of subparagraph (B). The  
19 order is reviewable as provided in paragraph (7).

20 (3) When the court orders that the defendant be committed to  
21 the State Department of State Hospitals or other public or private  
22 treatment facility, the court shall provide copies of the following  
23 documents prior to the admission of the defendant to the State  
24 Department of State Hospitals or other treatment facility where  
25 the defendant is to be committed:

26 (A) The commitment order, including a specification of the  
27 charges.

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

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

33 (D) State summary criminal history information.

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

36 (F) Any court-ordered psychiatric examination or evaluation  
37 reports.

38 (G) The community program director's placement  
39 recommendation report.

1 (H) Records of any finding of mental incompetence pursuant  
2 to this chapter arising out of a complaint charging a felony offense  
3 specified in Section 290 or any pending Section 1368 proceeding  
4 arising out of a charge of a Section 290 offense.

5 (I) Any medical records.

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

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

19 (6) (A) If the defendant is committed or transferred to the State  
20 Department of State Hospitals pursuant to this section, the court  
21 may, upon receiving the written recommendation of the medical  
22 director of the state hospital and the community program director  
23 that the defendant be transferred to a public or private treatment  
24 facility approved by the community program director, order the  
25 defendant transferred to that facility. If the defendant is committed  
26 or transferred to a public or private treatment facility approved by  
27 the community program director, the court may, upon receiving  
28 the written recommendation of the community program director,  
29 transfer the defendant to the State Department of State Hospitals  
30 or to another public or private treatment facility approved by the  
31 community program director. In the event of dismissal of the  
32 criminal charges before the defendant recovers competence, the  
33 person shall be subject to the applicable provisions of the  
34 Lanterman-Petris-Short Act (Part 1 (commencing with Section  
35 5000) of Division 5 of the Welfare and Institutions Code). If either  
36 the defendant or the prosecutor chooses to contest either kind of  
37 order of transfer, a petition may be filed in the court for a hearing,  
38 which shall be held if the court determines that sufficient grounds  
39 exist. At the hearing, the prosecuting attorney or the defendant  
40 may present evidence bearing on the order of transfer. The court

1 shall use the same standards as are used in conducting probation  
2 revocation hearings pursuant to Section 1203.2.

3 Prior to making an order for transfer under this section, the court  
4 shall notify the defendant, the attorney of record for the defendant,  
5 the prosecuting attorney, and the community program director or  
6 a designee.

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

17 (7) (A) An order by the court authorizing involuntary  
18 medication of the defendant shall be valid for no more than one  
19 year. The court shall review the order at the time of the review of  
20 the initial report and the six-month progress reports pursuant to  
21 paragraph (1) of subdivision (b) to determine if the grounds for  
22 the authorization remain. In the review, the court shall consider  
23 the reports of the treating psychiatrist or psychiatrists and the  
24 defendant's patients' rights advocate or attorney. The court may  
25 require testimony from the treating psychiatrist or psychiatrists  
26 and the patients' rights advocate or attorney, if necessary. The  
27 court may continue the order authorizing involuntary medication  
28 for up to another six months, or vacate the order, or make any other  
29 appropriate order.

30 (B) Within 60 days before the expiration of the one-year  
31 involuntary medication order, the district attorney, county counsel,  
32 or representative of any facility where a defendant found  
33 incompetent to stand trial is committed may petition the committing  
34 court for a renewal, subject to the same conditions and  
35 requirements as in subparagraph (A). The petition shall include  
36 the basis for involuntary medication set forth in clause (i) of  
37 subparagraph (B) of paragraph (2). Notice of the petition shall be  
38 provided to the defendant, the defendant's attorney, and the district  
39 attorney. The court shall hear and determine whether the defendant  
40 continues to meet the criteria set forth in clause (i) of subparagraph

1 (B) of paragraph (2). The hearing on any petition to renew an order  
2 for involuntary medication shall be conducted prior to the  
3 expiration of the current order.

4 (b) (1) Within 90 days of a commitment made pursuant to  
5 subdivision (a), the medical director of the state hospital or other  
6 treatment facility to which the defendant is confined shall make a  
7 written report to the court and the community program director  
8 for the county or region of commitment, or a designee, concerning  
9 the defendant's progress toward recovery of mental competence  
10 and whether the administration of antipsychotic medication remains  
11 necessary. If the defendant is on outpatient status, the outpatient  
12 treatment staff shall make a written report to the community  
13 program director concerning the defendant's progress toward  
14 recovery of mental competence. Within 90 days of placement on  
15 outpatient status, the community program director shall report to  
16 the court on this matter. If the defendant has not recovered mental  
17 competence, but the report discloses a substantial likelihood that  
18 the defendant will regain mental competence in the foreseeable  
19 future, the defendant shall remain in the state hospital or other  
20 treatment facility or on outpatient status. Thereafter, at six-month  
21 intervals or until the defendant becomes mentally competent, if  
22 the defendant is confined in a treatment facility, the medical  
23 director of the hospital or person in charge of the facility shall  
24 report in writing to the court and the community program director  
25 or a designee regarding the defendant's progress toward recovery  
26 of mental competence and whether the administration of  
27 antipsychotic medication remains necessary. If the defendant is  
28 on outpatient status, after the initial 90-day report, the outpatient  
29 treatment staff shall report to the community program director on  
30 the defendant's progress toward recovery, and the community  
31 program director shall report to the court on this matter at  
32 six-month intervals. A copy of these reports shall be provided to  
33 the prosecutor and defense counsel by the court.

34 (A) If the report indicates that there is no substantial likelihood  
35 that the defendant will regain mental competence in the foreseeable  
36 future, the committing court shall order the defendant to be returned  
37 to the court for proceedings pursuant to paragraph (2) of  
38 subdivision (c) no later than 10 days following receipt of the report.  
39 The court shall transmit a copy of its order to the community  
40 program director or a designee.



1 (B) If the report indicates that there is no substantial likelihood  
2 that the defendant will regain mental competence in the foreseeable  
3 future, the medical director of the state hospital or other treatment  
4 facility to which the defendant is confined shall do both of the  
5 following:

6 (i) Promptly notify and provide a copy of the report to the  
7 defense counsel and the district attorney.

8 (ii) Provide a separate notification, in compliance with  
9 applicable privacy laws, to the committing county's sheriff that  
10 transportation will be needed for the patient.

11 (2) If the court has issued an order authorizing the treating  
12 facility to involuntarily administer antipsychotic medication to the  
13 defendant, the reports made pursuant to paragraph (1) concerning  
14 the defendant's progress toward regaining competency shall also  
15 consider the issue of involuntary medication. Each report shall  
16 include, but is not limited to, all the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (c) (1) At the end of three years from the date of commitment  
37 or a period of commitment equal to the maximum term of  
38 imprisonment provided by law for the most serious offense charged  
39 in the information, indictment, or misdemeanor complaint, or the  
40 maximum term of imprisonment provided by law for a violation

1 of probation or mandatory supervision, whichever is shorter, but  
2 no later than 90 days prior to the expiration of the defendant's term  
3 of commitment, a defendant who has not recovered mental  
4 competence shall be returned to the committing court. The court  
5 shall notify the community program director or a designee of the  
6 return and of any resulting court orders.

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

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

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

39 (d) With the exception of proceedings alleging a violation of  
40 mandatory supervision, the criminal action remains subject to

1 dismissal pursuant to Section 1385. If the criminal action is  
2 dismissed, the court shall transmit a copy of the order of dismissal  
3 to the community program director or a designee. In a proceeding  
4 alleging a violation of mandatory supervision, if the person is not  
5 placed under a conservatorship as described in paragraph (2) of  
6 subdivision (c), or if a conservatorship is terminated, the court  
7 shall reinstate mandatory supervision and may modify the terms  
8 and conditions of supervision to include appropriate mental health  
9 treatment or refer the matter to a local mental health court, reentry  
10 court, or other collaborative justice court available for improving  
11 the mental health of the defendant.

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

18 (f) As used in this chapter, “community program director” means  
19 the person, agency, or entity designated by the State Department  
20 of State Hospitals pursuant to Section 1605 of this code and Section  
21 4360 of the Welfare and Institutions Code.

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

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

34 *SEC. 31. Section 1370.6 is added to the Penal Code, to read:*

35 *1370.6. (a) If a county jail treatment facility is selected by the*  
36 *court pursuant to Section 1370, the department shall provide*  
37 *restoration of competency treatment at the county jail treatment*  
38 *facility and shall provide payment to the county jail treatment*  
39 *facility for the reasonable costs of the bed during the restoration*  
40 *of competency treatment as well as for the reasonable costs of any*

1 *necessary medical treatment not provided within the county jail*  
2 *treatment facility, unless otherwise agreed to by the department*  
3 *and the facility.*

4 *(1) If the county jail treatment facility is able to provide*  
5 *restoration of competency services, upon approval by the*  
6 *department and subject to funding appropriated in the annual*  
7 *Budget Act, the county jail treatment facility may provide those*  
8 *services and the State Department of State Hospitals may provide*  
9 *payment to the county jail treatment facility for the reasonable*  
10 *costs of the bed during the restoration of competency treatment*  
11 *as well as the reasonable costs of providing restoration of*  
12 *competency services and for any necessary medical treatment not*  
13 *provided within the county jail treatment facility, unless otherwise*  
14 *agreed to by the department and the facility.*

15 *(2) Transportation to a county jail treatment facility for*  
16 *admission and from the facility upon the filing of a certificate of*  
17 *restoration of competency, or for transfer of a person to another*  
18 *county jail treatment facility or to a state hospital, shall be*  
19 *provided by the committing county unless otherwise agreed to by*  
20 *the department and the facility.*

21 *(3) In the event the State Department of State Hospitals and a*  
22 *county jail treatment facility are determined to be comparatively*  
23 *at fault for any claim, action, loss, or damage which results from*  
24 *their respective obligations under such a contract, each shall*  
25 *indemnify the other to the extent of its comparative fault.*

26 *(4) The six-month limitation in Section 1369.1 shall not apply*  
27 *to individuals deemed incompetent to stand trial who are being*  
28 *treated to restore competency within a county jail treatment facility*  
29 *pursuant to this section.*

30 *(b) If the community-based residential system is selected by the*  
31 *court pursuant to Section 1370, the State Department of State*  
32 *Hospitals shall provide reimbursement to the community-based*  
33 *residential treatment system for the cost of restoration of*  
34 *competency treatment as negotiated with the State Department of*  
35 *State Hospitals.*

36 *(c) The State Department of State Hospitals may provide*  
37 *payment to either a county jail treatment facility or a*  
38 *community-based residential treatment system directly through*  
39 *invoice, or through a contract, at the discretion of the department*

1 *in accordance with the terms and conditions of the contract or*  
2 *agreement.*

3 *SEC. 32. Section 6402 of the Penal Code is amended to read:*

4 6402. The Department of Corrections and Rehabilitation  
5 (CDCR) shall develop policies related to the department's  
6 contraband interdiction efforts for individuals entering CDCR  
7 detention facilities. When developed, these policies shall include,  
8 but not be limited to, the following specifications:

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

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

15 (c) Establishment of unpredictable, random search efforts and  
16 methods that ensures that no one, except department employees  
17 specifically designated to conduct the random search, shall have  
18 advance notice of when a random search is scheduled.

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

22 (e) All visitors attempting to enter a CDCR detention facility  
23 who refuse to be searched by a passive alert dog shall be informed  
24 of options, including, but not limited to, ~~voluntarily aborting their~~  
25 ~~attempt to enter the detention facility.~~ *the availability of a*  
26 *noncontact visit.*

27 (f) All individuals attempting to enter a CDCR detention facility,  
28 who have a positive alert for contraband by an electronic drug  
29 detection device, a passive alert dog, or other technology, shall be  
30 informed of ~~options, including, but not limited to, an unclothed~~  
31 ~~body search.~~ *further potential search or visitation options.*

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

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

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

4 (j) CDCR shall, within two years of implementation of the policy  
5 described in this section, conduct an evaluation of the policy. This  
6 evaluation shall include, but not be limited to, the impact of the  
7 policy on:

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

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

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

15 SEC. 33. Section 13600 of the Penal Code is amended to read:

16 13600. (a) (1) The Legislature finds and declares that peace  
17 officers of the state correctional system, including youth and adult  
18 correctional facilities, fulfill responsibilities that require creation  
19 and application of sound selection criteria for applicants and  
20 standards for their training prior to assuming their duties. For the  
21 purposes of this section, correctional peace officers are peace  
22 officers as defined in Section 830.5 and employed or designated  
23 by the Department of Corrections and Rehabilitation.

24 (2) The Legislature further finds that sound applicant selection  
25 and training are essential to public safety and in carrying out the  
26 missions of the Department of Corrections and Rehabilitation in  
27 the custody and care of the state's offender population. The greater  
28 degree of professionalism which will result from sound screening  
29 criteria and a significant training curriculum will greatly aid the  
30 department in maintaining smooth, efficient, and safe operations  
31 and effective programs.

32 (b) There is within the Department of Corrections and  
33 Rehabilitation a Commission on Correctional Peace Officer  
34 Standards and Training, hereafter referred to, for purposes of this  
35 title, as the CPOST.

36 (c) (1) The executive board of the CPOST shall be composed  
37 of six voting members.

38 (A) Three members from, appointed by, and representing the  
39 management of, the Department of Corrections and Rehabilitation,  
40 one of whom shall represent the Division of Juvenile Facilities.

1 (B) Three members from, and appointed by the Governor upon  
2 recommendation by, and representing the membership of, the  
3 California Correctional Peace Officers' Association. Two members  
4 shall be rank-and-file persons from State Bargaining Unit 6 and  
5 one member shall be supervisory.

6 (C) Appointments shall be for four years.

7 (D) Promotion of a member of the CPOST shall invalidate the  
8 appointment of that member and shall require the recommendation  
9 and appointment of a new member if the member was appointed  
10 from rank and file or from supervisory personnel and promoted  
11 out of his or her respective rank and file or supervisory position  
12 during his or her term on the CPOST.

13 (2) Each appointing authority shall appoint one alternate member  
14 for each regular member who it appoints pursuant to paragraph  
15 (1). Every alternate member shall possess the same qualifications  
16 as the regular member and shall substitute for, and vote in place  
17 of, the regular member whenever he or she is absent.

18 (d) The rules for voting on the executive board of the CPOST  
19 shall be as follows:

20 (1) Decisions shall be made by a majority vote.

21 (2) Proxy voting shall not be permitted.

22 (3) Tentative approval of a decision by the CPOST may be taken  
23 by a telephone vote. The CPOST members' decision shall be  
24 documented in writing and submitted to the CPOST for  
25 confirmation at the next scheduled CPOST meeting so as to become  
26 a part of the permanent record.

27 (e) The executive board of the CPOST shall adopt rules as it  
28 deems necessary for efficient operations, including, but not limited  
29 to, the appointment of advisory members for forming whatever  
30 committees it deems necessary to conduct its business. These rules  
31 shall be in conformance with the State Personnel Board rules and  
32 regulations, the Department of Personnel Administration rules and  
33 regulations, and the provisions of the State Bargaining Unit 6  
34 memorandum of understanding.

35 (f) The CPOST shall appoint an executive director.

36 ~~(g) This section shall be operative on July 1, 2012.~~

37 (g) *This section shall remain in effect only until July 1, 2015,*  
38 *and as of that date is repealed, unless a later enacted statute, that*  
39 *is enacted before July 1, 2015, deletes or extends that date.*

40 SEC. 34. *Section 13600 is added to the Penal Code, to read:*



1 13600. (a) (1) *The Legislature finds and declares that peace*  
2 *officers of the state correctional system, including youth and adult*  
3 *correctional facilities, fulfill responsibilities that require creation*  
4 *and application of sound selection criteria for applicants and*  
5 *standards for their training prior to assuming their duties. For the*  
6 *purposes of this section, correctional peace officers are peace*  
7 *officers as defined in Section 830.5 and employed or designated*  
8 *by the Department of Corrections and Rehabilitation.*

9 (2) *The Legislature further finds that sound applicant selection*  
10 *and training are essential to public safety and in carrying out the*  
11 *missions of the Department of Corrections and Rehabilitation in*  
12 *the custody and care of the state's offender population. The greater*  
13 *degree of professionalism which will result from sound screening*  
14 *criteria and a significant training curriculum will greatly aid the*  
15 *department in maintaining smooth, efficient, and safe operations*  
16 *and effective programs.*

17 (b) *There is within the Department of Corrections and*  
18 *Rehabilitation a Commission on Correctional Peace Officer*  
19 *Standards and Training, hereafter referred to, for purposes of this*  
20 *title, as the CPOST.*

21 (c) (1) *The executive board of the CPOST shall be composed*  
22 *of six voting members.*

23 (A) *Three members from, appointed by, and representing the*  
24 *management of, the Department of Corrections and Rehabilitation,*  
25 *one of whom shall represent the Division of Juvenile Justice or*  
26 *the Division of Rehabilitative Programs.*

27 (B) *Three members from, and appointed by the Governor upon*  
28 *recommendation by, and representing the membership of, the*  
29 *California Correctional Peace Officers' Association. Two members*  
30 *shall be rank-and-file persons from State Bargaining Unit 6 and*  
31 *one member shall be supervisory.*

32 (C) *Appointments shall be for four years.*

33 (D) *Promotion of a member of the CPOST shall invalidate the*  
34 *appointment of that member and shall require the recommendation*  
35 *and appointment of a new member if the member was appointed*  
36 *from rank and file or from supervisory personnel and promoted*  
37 *out of his or her respective rank and file or supervisory position*  
38 *during his or her term on the CPOST.*

39 (2) *Each appointing authority shall appoint one alternate*  
40 *member for each regular member who it appoints pursuant to*

1 *paragraph (1). Every alternate member shall possess the same*  
2 *qualifications as a regular member and shall substitute for, and*  
3 *vote in place of, a regular member who was appointed by the same*  
4 *appointing authority whenever a regular member is absent.*

5 *(d) The rules for voting on the executive board of the CPOST*  
6 *shall be as follows:*

7 *(1) Decisions shall be made by a majority vote.*

8 *(2) Proxy voting shall not be permitted.*

9 *(3) Tentative approval of a decision by the CPOST may be taken*  
10 *by a telephone vote. The CPOST members' decision shall be*  
11 *documented in writing and submitted to the CPOST for*  
12 *confirmation at the next scheduled CPOST meeting so as to become*  
13 *a part of the permanent record.*

14 *(e) The executive board of the CPOST shall adopt rules as it*  
15 *deems necessary for efficient operations, including, but not limited*  
16 *to, the appointment of advisory members for forming whatever*  
17 *committees it deems necessary to conduct its business. These rules*  
18 *shall be in conformance with the State Personnel Board rules and*  
19 *regulations, the Department of Personnel Administration rules*  
20 *and regulations, and the provisions of the State Bargaining Unit*  
21 *6 memorandum of understanding.*

22 *(f) The executive board shall seek advice from national experts,*  
23 *including university and college institutions and correctional*  
24 *associations, on issues pertaining to adult corrections, juvenile*  
25 *justice, and the training of the Department of Corrections and*  
26 *Rehabilitation staff that are relevant to its mission. To this end,*  
27 *the executive board shall seek information from experts with the*  
28 *most specific knowledge concerning the subject matter.*

29 *(g) This section shall be operative on July 1, 2015.*

30 *SEC. 35. Section 13601 of the Penal Code is amended to read:*

31 13601. (a) The CPOST shall develop, approve, and monitor  
32 standards for the selection and training of state correctional peace  
33 officer apprentices. Any standard for selection established under  
34 this subdivision shall be subject to approval by the Department of  
35 Human Resources. Using the psychological and screening standards  
36 approved by the Department of Human Resources, the Department  
37 of Human Resources or the Department of Corrections and  
38 Rehabilitation shall ensure that, prior to training, each applicant  
39 who has otherwise qualified in all physical and other testing  
40 requirements to be a peace officer in either a youth or adult

1 correctional facility, is determined to be free from emotional or  
2 mental conditions that might adversely affect the exercise of his  
3 or her duties and powers as a peace officer pursuant to the standards  
4 developed by CPOST.

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

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

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

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

25 (f) Toward the accomplishment of the objectives of this act, the  
26 CPOST may confer with, and may avail itself of the assistance  
27 and recommendations of, other state and local agencies, boards,  
28 or commissions.

29 (g) Notwithstanding the authority of the CPOST, the department  
30 shall design and deliver training programs, shall conduct validation  
31 studies, and shall provide program support. The CPOST shall  
32 monitor program compliance by the department.

33 (h) The CPOST may disapprove any training courses created  
34 by the department pursuant to the standards developed by CPOST  
35 if it determines that the courses do not meet the prescribed  
36 standards.

37 (i) The CPOST shall annually submit an estimate of costs to  
38 conduct those inquiries and audits as may be necessary to determine  
39 whether the department and each of its institutions and parole  
40 regions are adhering to the standards developed by the CPOST,

1 and shall conduct those inquiries and audits consistent with the  
2 annual Budget Act.

3 (j) The CPOST shall establish and implement procedures for  
4 reviewing and issuing decisions concerning complaints or  
5 recommendations from interested parties regarding the CPOST  
6 rules, regulations, standards, or decisions.

7 ~~(k) This section shall become operative July 1, 2012.~~

8 (k) *This section shall remain in effect only until July 1, 2015,*  
9 *and as of that date is repealed, unless a later enacted statute, that*  
10 *is enacted before July 1, 2015, deletes or extends that date.*

11 SEC. 36. *Section 13601 is added to the Penal Code, to read:*

12 *13601. (a) The CPOST shall develop, approve, and monitor*  
13 *standards for the selection and training of state correctional peace*  
14 *officer apprentices. Any standard for selection established under*  
15 *this subdivision shall be subject to approval by the Department of*  
16 *Human Resources. Using the psychological and screening*  
17 *standards approved by the Department of Human Resources, the*  
18 *Department of Human Resources or the Department of Corrections*  
19 *and Rehabilitation shall ensure that, prior to training, each*  
20 *applicant who has otherwise qualified in all physical and other*  
21 *testing requirements to be a peace officer the Department of*  
22 *Corrections and Rehabilitation, is determined to be free from*  
23 *emotional or mental conditions that might adversely affect the*  
24 *exercise of his or her duties and powers as a peace officer pursuant*  
25 *to the standards developed by CPOST.*

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

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

37 (d) *The CPOST shall develop, approve, and monitor standards*  
38 *for advanced rank-and-file and supervisory state correctional*  
39 *peace officer and training programs for the Department of*  
40 *Corrections and Rehabilitation. When a correctional peace officer*

1 *is promoted within the department, he or she shall be provided*  
2 *with and be required to complete these secondary training*  
3 *experiences.*

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

7 *(f) Toward the accomplishment of the objectives of this section,*  
8 *the CPOST may confer with, and may avail itself of the assistance*  
9 *and recommendations of, other state and local agencies, boards,*  
10 *or commissions.*

11 *(g) Notwithstanding the authority of the CPOST, the department*  
12 *shall design and deliver training programs, shall conduct*  
13 *validation studies, and shall provide program support. The CPOST*  
14 *shall monitor program compliance by the department.*

15 *(h) The CPOST may disapprove any training courses created*  
16 *by the department pursuant to the standards developed by CPOST*  
17 *if it determines that the courses do not meet the prescribed*  
18 *standards. Training may continue with existing curriculum pending*  
19 *resolution.*

20 *(i) The CPOST shall annually submit an estimate of costs to*  
21 *conduct those inquiries and audits as may be necessary to*  
22 *determine whether the department and each of its institutions and*  
23 *parole regions are adhering to the standards developed by the*  
24 *CPOST, and shall conduct those inquiries and audits consistent*  
25 *with the annual Budget Act.*

26 *(j) The CPOST shall establish and implement procedures for*  
27 *reviewing and issuing decisions concerning complaints or*  
28 *recommendations from interested parties regarding the CPOST*  
29 *rules, regulations, standards, or decisions.*

30 *(k) This section shall become operative July 1, 2015.*

31 *SEC. 37. Section 13602 of the Penal Code, as amended by*  
32 *Section 19 of Chapter 310 of the Statutes of 2013, is amended to*  
33 *read:*

34 13602. (a) The Department of Corrections and Rehabilitation  
35 may use the training academy at Galt or the training center in  
36 Stockton. The academy at Galt shall be known as the Richard A.  
37 McGee Academy. The training divisions, in using the funds, shall  
38 endeavor to minimize costs of administration so that a maximum  
39 amount of the funds will be used for providing training and support

1 to correctional peace officers while being trained by the  
2 department.

3 (b) Notwithstanding subdivision (a), and pursuant to Section  
4 13602.1, the Department of Corrections and Rehabilitation may  
5 use a training academy established for the California City  
6 Correctional Center. This academy, in using the funds, shall  
7 endeavor to minimize costs of administration so that a maximum  
8 amount of the funds will be used for providing training and support  
9 to correctional employees who are being trained by the department.

10 (c) Each new cadet who attends an academy shall complete the  
11 course of training, pursuant to standards approved by the CPOST  
12 before he or she may be assigned to a post or job as a peace officer.  
13 Every newly appointed first-line or second-line supervisor in the  
14 Department of Corrections and Rehabilitation shall complete the  
15 course of training, pursuant to standards approved by the CPOST  
16 for that position.

17 (d) The Department of Corrections and Rehabilitation shall  
18 make every effort to provide training prior to commencement of  
19 supervisory duties. If this training is not completed within six  
20 months of appointment to that position, any first-line or second-line  
21 supervisor shall not perform supervisory duties until the training  
22 is completed.

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

26 *SEC. 38. Section 13602 of the Penal Code, as added by Section*  
27 *20 of Chapter 310 of the Statutes of 2013, is repealed.*

28 ~~13602. (a) The Department of Corrections and Rehabilitation~~  
29 ~~may use the training academy at Galt or the training center in~~  
30 ~~Stockton. The academy at Galt shall be known as the Richard A.~~  
31 ~~McGee Academy. The training divisions, in using the funds, shall~~  
32 ~~endeavor to minimize costs of administration so that a maximum~~  
33 ~~amount of the funds will be used for providing training and support~~  
34 ~~to correctional peace officers while being trained by the~~  
35 ~~department.~~

36 ~~(b) Each new cadet who attends an academy shall complete the~~  
37 ~~course of training, pursuant to standards approved by the CPOST,~~  
38 ~~before he or she may be assigned to a post or job as a peace officer.~~  
39 ~~Every newly appointed first-line or second-line supervisor in the~~  
40 ~~Department of Corrections and Rehabilitation shall complete the~~

1 ~~course of training, pursuant to standards approved by the CPOST~~  
2 ~~for that position.~~

3 ~~(e) The Department of Corrections and Rehabilitation shall~~  
4 ~~make every effort to provide training prior to commencement of~~  
5 ~~supervisory duties. If this training is not completed within six~~  
6 ~~months of appointment to that position, any first-line or second-line~~  
7 ~~supervisor shall not perform supervisory duties until the training~~  
8 ~~is completed.~~

9 ~~(d) This section shall become operative January 1, 2017.~~

10 *SEC. 39. Section 13602.1 of the Penal Code is amended to*  
11 *read:*

12 13602.1. The Department of Corrections and Rehabilitation  
13 may establish a training academy for correctional *peace* officers  
14 in southern California.

15 *SEC. 40. Section 13603 of the Penal Code is amended to read:*

16 13603. (a) The Department of Corrections and Rehabilitation  
17 shall provide 16 weeks of training to each correctional peace officer  
18 cadet. Except as provided by subdivision (b), this training shall be  
19 completed by the cadet prior to his or her assignment to a post or  
20 position as a correctional peace officer.

21 (b) If an agreement is reached between the department and the  
22 bargaining unit for the correctional peace officers that this  
23 subdivision shall apply, and with the approval of the CPOST on  
24 how to implement the on-the-job training requirements of this  
25 subdivision, the department shall provide a total of 16 weeks of  
26 training to each correctional peace officer cadet as follows:

27 (1) Twelve weeks of the training shall be at the department's  
28 training academy. Cadets shall be sworn in as correctional peace  
29 officers upon the completion of this initial 12 weeks.

30 (2) Four weeks shall be at the institution where the cadet is  
31 assigned to a post or position.

32 (c) The department shall provide a minimum of two weeks of  
33 training to each newly appointed first-line supervisor.

34 (d) Training standards previously established pursuant to this  
35 section shall remain in effect until training requirements are  
36 established by the CPOST pursuant to Section 13602.

37 ~~(e) This section shall become operative July 1, 2012.~~

38 *(e) This section shall remain in effect only until July 1, 2015,*  
39 *and as of that date is repealed, unless a later enacted statute, that*  
40 *is enacted before July 1, 2015, deletes or extends that date.*

1     *SEC. 41. Section 13603 is added to the Penal Code, to read:*

2     *13603. (a) The Department of Corrections and Rehabilitation*  
3 *shall provide 480 hours of training to each correctional peace*  
4 *officer cadet. This training shall be completed by the cadet prior*  
5 *to his or her assignment to a post or position as a correctional*  
6 *peace officer.*

7     *(b) The CPOST shall determine the on-the-job training*  
8 *requirements for correctional peace officers.*

9     *(c) The department shall provide a minimum of two weeks of*  
10 *training to each newly appointed first-line supervisor.*

11     *(d) Training standards previously established pursuant to this*  
12 *section shall remain in effect until training requirements are*  
13 *established by the CPOST pursuant to Section 13602.*

14     *(e) This section shall become operative July 1, 2015.*

15     *SEC. 42. Section 42008.8 is added to the Vehicle Code, to*  
16 *read:*

17     *42008.8. (a) The Legislature finds and declares that a one-time*  
18 *infraction amnesty program would do all of the following:*

19     *(1) Provide relief to individuals who have found themselves in*  
20 *violation of a court-ordered obligation because they have unpaid*  
21 *traffic bail or fines.*

22     *(2) Provide relief to individuals who have found themselves in*  
23 *violation of a court-ordered obligation or who have had their*  
24 *driving privileges suspended pursuant to Section 13365.*

25     *(3) Provide increased revenue at a time when revenue is scarce*  
26 *by encouraging payment of old fines that have remained unpaid.*

27     *(4) Allow courts and counties to resolve older delinquent cases*  
28 *and focus limited resources on collections for more recent cases.*

29     *(b) A one-time amnesty program for fines and bail meeting the*  
30 *eligibility requirements set forth in subdivision (e) shall be*  
31 *established in each county. Unless agreed otherwise by the court*  
32 *and the county in writing, the government entities that are*  
33 *responsible for the collection of delinquent court-ordered debt*  
34 *shall be responsible for implementation of the amnesty program*  
35 *as to that debt, maintaining the same division of responsibility in*  
36 *place with respect to the collection of court-ordered debt under*  
37 *subdivision (b) of Section 1463.010 of the Penal Code.*

38     *(c) As used in this section, the term “fine” or “bail” refers to*  
39 *the total amounts due in connection with a specific violation, which*  
40 *include, but are not limited to, all of the following:*



1 (1) Base fine or bail, as established by court order, by statute,  
2 or by the court's bail schedule.

3 (2) Penalty assessments imposed pursuant to Section 1464 of  
4 the Penal Code, and Sections 70372, 76000, 76000.5, 76104.6,  
5 and 76104.7 of, and paragraph (1) of subdivision (c) of Section  
6 76000.10 of, the Government Code, and Section 42006 of this  
7 code.

8 (3) State surcharges imposed pursuant to Section 1465.7 of the  
9 Penal Code.

10 (4) Court operations assessments imposed pursuant to Section  
11 1465.8 of the Penal Code.

12 (5) Criminal conviction assessments pursuant to Section 70373  
13 of the Government Code.

14 (d) Notwithstanding subdivision (c), any civil assessment  
15 imposed pursuant to Section 1214.1 of the Penal Code shall not  
16 be collected, nor shall the payment of that assessment be a  
17 requirement of participation in the amnesty program.

18 (e) Concurrent with the amnesty program established pursuant  
19 to subdivision (b), between October 1, 2015, to March 31, 2017,  
20 inclusive, the following shall apply:

21 (1) The court shall issue and file with the Department of Motor  
22 Vehicles the appropriate certificate pursuant to subdivisions (a)  
23 and (b) of Section 40509 for any participant of the one-time  
24 amnesty program established pursuant to subdivision (b)  
25 demonstrating that the participant has appeared in court, paid the  
26 fine, or otherwise satisfied the court, if the driving privilege of that  
27 participant was suspended pursuant to Section 13365 in connection  
28 with a specific violation described in paragraph (1), (2), or (3) of  
29 subdivision (g).

30 (2) The court shall issue and file with the department the  
31 appropriate certificate pursuant to subdivisions (a) and (b) of  
32 Section 40509 for any person in good standing in a comprehensive  
33 collection program pursuant to subdivision (c) of Section 1463.007  
34 of the Penal Code demonstrating that the person has appeared in  
35 court, paid the fine, or otherwise satisfied the court, if the driving  
36 privilege was suspended pursuant to Section 13365 in connection  
37 with a specific violation described in paragraph (1), (2), or (3) of  
38 subdivision (g).

39 (3) Any person who is eligible for a driver's license pursuant  
40 to Section 12801, 12801.5, or 12801.9 shall be eligible for the

1 *amnesty program established pursuant to subdivision (b) for any*  
2 *specific violation described in subdivision (g). The department*  
3 *shall issue a driver's license to any person who is eligible pursuant*  
4 *to Section 12801, 12801.5, or 12801.9 if the person is participating*  
5 *in the amnesty program and is otherwise eligible for the driver's*  
6 *license but for the fines or bail to be collected through the program.*

7 *(4) The Department of Motor Vehicles shall not deny reinstating*  
8 *the driving privilege of any person who participates in the amnesty*  
9 *program established pursuant to subdivision (b) for any fines or*  
10 *bail in connection with the specific violation that is the basis for*  
11 *participation in the amnesty program.*

12 *(f) In addition to, and at the same time as, the mandatory*  
13 *one-time amnesty program is established pursuant to subdivision*  
14 *(b), the court and the county may jointly agree to extend that*  
15 *amnesty program to fines and bail imposed for a misdemeanor*  
16 *violation of this code and a violation of Section 853.7 of the Penal*  
17 *Code that was added to the misdemeanor case otherwise subject*  
18 *to the amnesty. The amnesty program authorized pursuant to this*  
19 *subdivision shall not apply to parking violations and violations of*  
20 *Sections 23103, 23104, 23105, 23152, and 23153.*

21 *(g) A violation is only eligible for amnesty if paragraph (1), (2),*  
22 *or (3) applies, and the requirements of paragraphs (4) to (7),*  
23 *inclusive, are met:*

24 *(1) The violation is an infraction violation filed with the court.*

25 *(2) It is a violation of subdivision (a) or (b) of Section 40508,*  
26 *or a violation of Section 853.7 of the Penal Code that was added*  
27 *to the case subject to paragraph (1).*

28 *(3) The violation is a misdemeanor violation filed with the court*  
29 *to which subdivision (f) applies.*

30 *(4) The initial due date for payment of the fine or bail was on*  
31 *or before January 1, 2013.*

32 *(5) There are no outstanding misdemeanor or felony warrants*  
33 *for the defendant within the county, except for misdemeanor*  
34 *warrants for misdemeanor violations subject to this section.*

35 *(6) The person does not owe victim restitution on any case within*  
36 *the county.*

37 *(7) The person is not currently making payments to a*  
38 *comprehensive collection program pursuant to subdivision (c) of*  
39 *Section 1463.007 of the Penal Code.*

1     (h) (1) Except as provided in paragraph (2), each amnesty  
2 program shall accept, in full satisfaction of any eligible fine or  
3 bail, 50 percent of the fine or bail amount, as defined in subdivision  
4 (c).

5     (2) If the participant certifies under penalty of perjury that he  
6 or she receives any of the public benefits listed in subdivision (a)  
7 of Section 68632 of the Government Code or is within the  
8 conditions described in subdivision (b) of Section 68632 of the  
9 Government Code, the amnesty program shall accept, in full  
10 satisfaction of any eligible fine or bail, 20 percent of the fine or  
11 bail amount, as defined in subdivision (c).

12     (i) The Judicial Council, in consultation with the California  
13 State Association of Counties, shall adopt guidelines for the  
14 amnesty program no later than October 1, 2015, and each program  
15 shall be conducted in accordance with the Judicial Council's  
16 guidelines. As part of its guidelines, the Judicial Council shall  
17 include all of the following:

18     (1) Each court or county responsible for implementation of the  
19 amnesty program pursuant to subdivision (b) shall recover costs  
20 pursuant to subdivision (a) of Section 1463.007 of the Penal Code  
21 and may charge an amnesty program fee of fifty dollars (\$50) that  
22 may be collected with the receipt of the first payment of a  
23 participant.

24     (2) A payment plan option created pursuant to Judicial Council  
25 guidelines in which a monthly payment is equal to the amount that  
26 an eligible participant can afford to pay per month consistent with  
27 Sections 68633 and 68634 of the Government Code. If a participant  
28 chooses the payment plan option, the county or court shall collect  
29 all relevant information to allow for collection by the Franchise  
30 Tax Board pursuant to existing protocols prescribed by the  
31 Franchise Tax Board to collect delinquent debts of any amount in  
32 which a participant is delinquent or otherwise in default under his  
33 or her amnesty payment plan.

34     (3) If a participant does not comply with the terms of his or her  
35 payment plan under the amnesty program, including failing to  
36 make one or more payments, the appropriate agency shall send a  
37 notice to the participant that he or she has failed to make one or  
38 more payments and that the participant has 30 days to either  
39 resume making payments or to request that the agency change the  
40 payment amount. If the participant fails to respond to the notice

1 *within 30 days, the appropriate agency may refer the participant*  
2 *to the Franchise Tax Board for collection of any remaining balance*  
3 *owed, including an amount equal to the reasonable administrative*  
4 *costs incurred by the Franchise Tax Board to collect the delinquent*  
5 *amount owed. The Franchise Tax Board shall collect any*  
6 *delinquent amounts owed pursuant to existing protocols prescribed*  
7 *by the Franchise Tax Board. The comprehensive collection*  
8 *program may also utilize additional collection efforts pursuant to*  
9 *Section 1463.007 of the Penal Code, except for subparagraph (C)*  
10 *of paragraph (4) of subdivision (c) of that section.*

11 *(4) A plan for outreach that will, at a minimum, make available*  
12 *via an Internet Web site relevant information regarding the*  
13 *amnesty program, including how an individual may participate in*  
14 *the amnesty program.*

15 *(5) The Judicial Council shall reimburse costs incurred by the*  
16 *Department of Motor Vehicles up to an amount not to exceed two*  
17 *hundred fifty thousand dollars (\$250,000), including all of the*  
18 *following:*

19 *(A) Providing on a separate insert with each motor vehicle*  
20 *registration renewal notice a summary of the amnesty program*  
21 *established pursuant to this section that is compliant with Section*  
22 *7292 of the Government Code.*

23 *(B) Posting on the department's Internet Web site information*  
24 *regarding the amnesty program.*

25 *(C) Personnel costs associated with the amnesty program.*

26 *(j) No criminal action shall be brought against a person for a*  
27 *delinquent fine or bail paid under the amnesty program.*

28 *(k) (1) The total amount of funds collected under the amnesty*  
29 *program shall, as soon as practical after receipt thereof, be*  
30 *deposited in the county treasury or the account established under*  
31 *Section 77009 of the Government Code. After acceptance of the*  
32 *amount specified in subdivision (h), notwithstanding Section*  
33 *1203.1d of the Penal Code, the remaining revenues collected under*  
34 *the amnesty program shall be distributed on a pro rata basis in*  
35 *the same manner as a partial payment distributed pursuant to*  
36 *Section 1462.5 of the Penal Code.*

37 *(2) Notwithstanding Section 1464 of the Penal Code, the amount*  
38 *of funds collected pursuant to this section that would be available*  
39 *for distribution pursuant to subdivision (f) of Section 1464 of the*  
40 *Penal Code shall instead be distributed as follows:*

1 (A) The first two hundred fifty thousand dollars (\$250,000)  
2 received shall be transferred to the Judicial Council.

3 (B) Following the transfer of the funds described in  
4 subparagraph (A), once a month, both of the following transfers  
5 shall occur:

6 (i) An amount equal to 82.20 percent of the amount of funds  
7 collected pursuant to this section during the preceding month shall  
8 be transferred into the Peace Officers' Training Fund.

9 (ii) An amount equal to 17.80 percent of the amount of funds  
10 collected pursuant to this section during the preceding month shall  
11 be transferred into the Corrections Training Fund.

12 (l) Each court or county implementing an amnesty program  
13 shall file, not later than May 31, 2017, a written report with the  
14 Judicial Council, on a form approved by the Judicial Council. The  
15 report shall include information about the number of cases  
16 resolved, the amount of money collected, and the operating costs  
17 of the amnesty program. Notwithstanding Section 10231.5 of the  
18 Government Code, on or before August 31, 2017, the Judicial  
19 Council shall submit a report to the Legislature summarizing the  
20 information provided by each court or county.

21 SEC. 43. Section 3313 is added to the Welfare and Institutions  
22 Code, to read:

23 3313. (a) The Department of Finance and the Department of  
24 Corrections and Rehabilitation shall release a report that provides  
25 an updated comprehensive plan for the state prison system,  
26 including a permanent solution to the decaying infrastructure of  
27 the California Rehabilitation Center. The report shall be submitted  
28 with the Governor's 2016–17 Budget to the Assembly Committee  
29 on Appropriations, the Assembly Committee on Budget, the Senate  
30 Committee on Appropriations, the Senate Committee on Budget  
31 and Fiscal Review, and the Joint Legislative Budget Committee.

32 (b) The Legislature finds and declares that given the reduction  
33 in the prison population, further investment in building additional  
34 prisons is unnecessary at this time, and that the California  
35 Rehabilitation Center may be closed without jeopardizing the  
36 court-ordered prison population cap.

37 SEC. 44. Section 4023.6 is added to the Welfare and Institutions  
38 Code, to read:

1     4023.6. (a) *The Office of Law Enforcement Support within the*  
2 *California Health and Human Services Agency shall investigate*  
3 *both of the following:*

4     (1) *Any incident at a developmental center or state hospital that*  
5 *involves developmental center or state hospital law enforcement*  
6 *personnel and that meets the criteria in Section 4023 or 4427.5,*  
7 *or alleges serious misconduct by law enforcement personnel.*

8     (2) *Any incident at a developmental center or state hospital that*  
9 *the Chief of the Office of Law Enforcement Support, the Secretary*  
10 *of the California Health and Human Services Agency, or the*  
11 *Undersecretary of the California Health and Human Services*  
12 *Agency directs the office to investigate.*

13     (b) *All incidents that meet the criteria of Section 4023 or 4427.5*  
14 *shall be reported immediately to the Chief of the Office of Law*  
15 *Enforcement Support by the Chief of the facility's Office of*  
16 *Protective Services.*

17     (c) (1) *Before adopting policies and procedures related to*  
18 *fulfilling the requirements of this section related to the*  
19 *Developmental Centers Division of the State Department of*  
20 *Developmental Services, the Office of Law Enforcement Support*  
21 *shall consult with the executive director of the protection and*  
22 *advocacy agency established by Section 4901, or his or her*  
23 *designee; the Executive Director of the Association of Regional*  
24 *Center Agencies, or his or her designee; and other advocates,*  
25 *including persons with developmental disabilities and their family*  
26 *members, on the unique characteristics of the persons residing in*  
27 *the developmental centers and the training needs of the staff who*  
28 *will be assigned to this unit.*

29     (2) *Before adopting policies and procedures related to fulfilling*  
30 *the requirements of this section related to the State Department*  
31 *of State Hospitals, the Office of Law Enforcement Support shall*  
32 *consult with the executive director of the protection and advocacy*  
33 *agency established by Section 4901, or his or her designee, and*  
34 *other advocates, including persons with mental health disabilities,*  
35 *former state hospital residents, and their family members.*

36     SEC. 45. *Section 4023.7 is added to the Welfare and Institutions*  
37 *Code, to read:*

38     4023.7. (a) *The Office of Law Enforcement Support shall be*  
39 *responsible for contemporaneous oversight of investigations that*  
40 *(1) are conducted by the State Department of State Hospitals and*

1 *involve an incident that meets the criteria of Section 4023, and (2)*  
2 *are conducted by the State Department of Developmental Services*  
3 *and involve an incident that meets the criteria of Section 4427.5.*

4 *(b) Upon completion of a review, the Office of Law Enforcement*  
5 *Support shall prepare a written incident report, which shall be*  
6 *held as confidential.*

7 *SEC. 46. Section 4023.8 is added to the Welfare and Institutions*  
8 *Code, to read:*

9 *4023.8. (a) (1) Commencing October 1, 2016, the Office of*  
10 *Law Enforcement Support shall issue regular reports, no less than*  
11 *semiannually, to the Governor, the appropriate policy and budget*  
12 *committees of the Legislature, and the Joint Legislative Budget*  
13 *Committee, summarizing the investigations it conducted pursuant*  
14 *to Section 4023.6 and its oversight of investigations pursuant to*  
15 *Section 4023.7. Reports encompassing data from January through*  
16 *June, inclusive, shall be made on October 1 of each year, and*  
17 *reports encompassing data from July to December, inclusive, shall*  
18 *be made on March 1 of each year.*

19 *(2) The reports required by paragraph (1) shall include, but*  
20 *not be limited to, all of the following:*

21 *(A) The number, type, and disposition of investigations of*  
22 *incidents.*

23 *(B) A synopsis of each investigation reviewed by the Office of*  
24 *Law Enforcement Support.*

25 *(C) An assessment of the quality of each investigation, the*  
26 *appropriateness of any disciplinary actions, the Office of Law*  
27 *Enforcement Support's recommendations regarding the disposition*  
28 *in the case and the level of disciplinary action, and the degree to*  
29 *which the agency's authorities agreed with the Office of Law*  
30 *Enforcement Support's recommendations regarding disposition*  
31 *and level of discipline.*

32 *(D) The report of any settlement and whether the Office of Law*  
33 *Enforcement Support concurred with the settlement.*

34 *(E) The extent to which any disciplinary action was modified*  
35 *after imposition.*

36 *(F) Timeliness of investigations and completion of investigation*  
37 *reports.*

38 *(G) The number of reports made to an individual's licensing*  
39 *board, including, but not limited to, the Medical Board of*  
40 *California, the Board of Registered Nursing, the Board of*

1 *Vocational Nursing and Psychiatric Technicians of the State of*  
2 *California, or the California State Board of Pharmacy, in cases*  
3 *involving serious or criminal misconduct by the individual.*

4 *(H) The number of investigations referred for criminal*  
5 *prosecution and employee disciplinary action and the outcomes*  
6 *of those cases.*

7 *(I) The adequacy of the State Department of State Hospitals’*  
8 *and the Developmental Centers Division of the State Department*  
9 *of Developmental Services’ systems for tracking patterns and*  
10 *monitoring investigation outcomes and employee compliance with*  
11 *training requirements.*

12 *(3) The reports required by paragraph (1) shall be in a form*  
13 *that does not identify the agency employees involved in the alleged*  
14 *misconduct.*

15 *(4) The reports required by paragraph (1) shall be posted on*  
16 *the Office of Law Enforcement Support’s Internet Web site and*  
17 *otherwise made available to the public upon their release to the*  
18 *Governor and the Legislature.*

19 *(b) The protection and advocacy agency established by Section*  
20 *4901 shall have access to the reports issued pursuant to paragraph*  
21 *(1) of subdivision (a) and all supporting materials except personnel*  
22 *records.*

23 *SEC. 47. Section 4117 of the Welfare and Institutions Code is*  
24 *amended to read:*

25 4117. (a) Whenever a trial is had of any person charged with  
26 escape or attempt to escape from a state hospital, whenever a  
27 hearing is had on the return of a writ of habeas corpus prosecuted  
28 by or on behalf of any person confined in a state hospital except  
29 in a proceeding to which Section 5110 applies, whenever a hearing  
30 is had on a petition under Section 1026.2, subdivision (b) of Section  
31 1026.5, Section 2966, or Section 2972 of the Penal Code, Section  
32 7361 of this code, or former Section 6316.2 of this code for the  
33 release of a person confined in a state hospital, whenever a hearing  
34 is had for an order seeking involuntary treatment with psychotropic  
35 medication, or any other medication for which an order is required,  
36 of a person confined in a state hospital pursuant to Section 2962  
37 of the Penal Code, and whenever a person confined in a state  
38 hospital is tried for a crime committed therein, the appropriate  
39 financial officer or other designated official of the county in which  
40 the trial or hearing is had shall make out a statement of all mental



1 health treatment costs and shall make out a separate statement of  
2 all nontreatment costs incurred by the county for investigation and  
3 other preparation for the trial or hearing, and the actual trial or  
4 hearing, all costs of maintaining custody of the patient and  
5 transporting him or her to and from the hospital, and costs of  
6 ~~appeal, which~~ *appeal*. The statements shall be properly certified  
7 by a judge of the superior court of that county. The statement of  
8 mental health treatment costs shall be sent to the State Department  
9 of State Hospitals and the statement of all nontreatment costs,  
10 except as provided in subdivision (c), shall be sent to the Controller  
11 for approval. After approval, the department shall cause the amount  
12 of mental health treatment costs incurred on or after July 1, 1987,  
13 to be paid to the county mental health director or his or her  
14 designee where the trial or hearing was held out of the money  
15 appropriated for this purpose by the Legislature. In addition, the  
16 Controller shall cause the amount of all nontreatment costs incurred  
17 on and after July 1, 1987, to be paid out of the money appropriated  
18 by the Legislature, to the county treasurer of the county where the  
19 trial or hearing was had.

20 (b) Commencing January 1, 2012, the nontreatment costs  
21 associated with Section 2966 of the Penal Code and approved by  
22 the Controller, as required by subdivision (a), shall be paid by the  
23 Department of Corrections and Rehabilitation pursuant to Section  
24 4750 of the Penal Code.

25 (c) The nontreatment costs associated with any hearing for an  
26 order seeking involuntary treatment with psychotropic medication,  
27 or any other medication for which an order is required, of a person  
28 confined in a state hospital pursuant to Section 1026, 1026.5, or  
29 2972 of the Penal Code, as provided in subdivision (a), shall be  
30 paid by the county of commitment. As used in this subdivision,  
31 “county of commitment” means the county seeking the continued  
32 treatment of a mentally disordered offender pursuant to Section  
33 2972 of the Penal Code. ~~Code or the county committing a patient~~  
34 *who has been found not guilty by reason of insanity pursuant to*  
35 *Section 1026 or 1026.5 of the Penal Code*. The appropriate  
36 financial officer or other designated official of the county in which  
37 the proceeding is held shall make out a statement of all of the costs  
38 incurred by the county for the investigation, preparation, and  
39 conduct of the proceedings, and the costs of appeal, if any. The  
40 statement shall be certified by a judge of the superior court of the

1 county. The statement shall then be sent to the county of  
2 commitment, which shall reimburse the county providing the  
3 services.

4 (d) (1) Whenever a hearing is held pursuant to Section 1604,  
5 1608, 1609, or 2966 of the Penal Code, all transportation costs to  
6 and from a state hospital or a facility designated by the community  
7 program director during the hearing shall be paid by the Controller  
8 as provided in this subdivision. The appropriate financial officer  
9 or other designated official of the county in which a hearing is  
10 held shall make out a statement of all transportation costs incurred  
11 by the county. The statement shall be properly certified by a judge  
12 of the superior court of that county and sent to the Controller for  
13 approval. The Controller shall cause the amount of transportation  
14 costs incurred on and after July 1, 1987, to be paid to the county  
15 treasurer of the county where the hearing was had out of the money  
16 appropriated by the Legislature.

17 (2) As used in this subdivision, “community program director”  
18 means the person designated pursuant to Section 1605 of the Penal  
19 Code.

20 *SEC. 48. Section 4143 of the Welfare and Institutions Code is*  
21 *amended to read:*

22 4143. (a) Commencing July 1, 2015, and subject to available  
23 funding, the State Department of State Hospitals may establish  
24 and maintain pilot enhanced treatment programs (ETPs), as defined  
25 in Section 1265.9 of the Health and Safety Code, and evaluate the  
26 effectiveness of intensive, evidence-based clinical therapy and  
27 treatment of patients described in Section 4144.

28 (b) *At least 60 days prior to activating an ETP, the State*  
29 *Department of State Hospitals shall submit written draft policies*  
30 *and procedures that will guide the operation of the ETP, including,*  
31 *but not limited to, admittance criteria, staffing levels, services to*  
32 *be provided to patients, a transition planning process, and training*  
33 *requirements, to the appropriate policy and fiscal committees of*  
34 *the Legislature and to the Joint Legislative Budget Committee.*

35 *SEC. 49. Item 0250-101-3259 of Section 2.00 of the Budget*  
36 *Act of 2014 is amended to read:*

1	0250-101-3259—For local assistance, Judicial Branch, payable	
2	from the Recidivism Reduction Fund.....	15,000,000
3	Schedule:	
4	(1) Program 45.10-Support for Operation	
5	of the Trial Courts.....	15,000,000
6	Provisions:	
7	1. Funds appropriated in this item shall be used for the	
8	establishment or ongoing operation and staffing of	
9	programs known to reduce recidivism and enhance	
10	public safety, including collaborative courts that serve	
11	moderate and high-risk adult criminal offenders, pre-	
12	trial programs, and the use of risk and needs assess-	
13	ment instruments at sentencing of felony offenders	
14	subject to local supervision.	
15	2. Funds shall be designated for a competitive grant	
16	program developed and administered by the Judicial	
17	Council and shall be used to support the administration	
18	and operation of programs and practices known to re-	
19	duce offender recidivism including the use of risk and	
20	needs assessments, evidence-based practices, and	
21	programs that specifically address the needs of mental-	
22	ly ill and drug addicted offenders.	
23	3. Participating courts shall submit a joint application on	
24	behalf of the court, county, and other local justice	
25	system partners that clearly details the initiative for	
26	which funding is sought; the associated staffing activ-	
27	ities, programs, and services to be delivered by the	
28	partner organizations; and how the grant program will	
29	cover those costs.	
30	4. In consultation with the California Department of	
31	Corrections and Rehabilitation and the Chief Probation	
32	Officers of California, the Judicial Council shall estab-	
33	lish performance based outcome measures appropriate	
34	for each program including, but not limited to, the	
35	number of offenders participating in these programs	
36	who fail to appear, are revoked to county jail or state	
37	prison, or commit new crimes and are sentenced to	
38	county jail or state prison. Participating courts shall	
39	provide the required data, including individual offender	
40	level data, on a quarterly basis to the Judicial Council.	

1 5. Annually, the Judicial Council shall report aggregate  
 2 level data related to these programs to the Department  
 3 of Finance and the Joint Legislative Budget Commit-  
 4 tee. The first report shall include information related  
 5 to the establishment and operation of the grantee pro-  
 6 grams. The Judicial Council shall provide a report to  
 7 the Joint Legislative Budget Committee and the De-  
 8 partment of Finance that addresses the effectiveness  
 9 of the programs based on the reports of the established  
 10 outcome measures described in Provision 4 and the  
 11 impact of the moneys appropriated pursuant to this act  
 12 to enhance public safety and improve offender out-  
 13 comes four years after the grants are awarded. Five  
 14 percent of the funds shall be designated to the Judicial  
 15 Council for the administration of the program, includ-  
 16 ing the collection and analysis of data from the grantee  
 17 courts, the California Department of Corrections and  
 18 Rehabilitation, and local justice system partners; the  
 19 provision of technical and legal assistance to the  
 20 courts; and evaluation of the program. Funds appropri-  
 21 ated in this item may be *encumbered and* expended  
 22 until June 30, 2017, after which any unexpended funds  
 23 shall revert to the General Fund.  
 24

25 *SEC. 50. Item 5227-491 is added to Section 2.00 of the Budget*  
 26 *Act of 2014, to read:*  
 27

28 *5227-491—Reappropriation, Board of State and Community Corrections. The*  
 29 *balances of the appropriations provided in the following citations are*  
 30 *reappropriated for the purpose provided for in those appropriations and*  
 31 *shall be available for encumbrance of expenditure until June 30, 2016,*  
 32 *except as noted below:*

33 *3259—Recidivism Reduction Fund*

34 *(1) Item 5227-101-3259, Budget Act of 2014 (Chs. 25 and*  
 35 *663, Stats. 2014). The balance of the \$900,000 appro-*  
 36 *riation to administer the mentally ill offender crime*  
 37 *reduction grants, as provided in Chapter 26 of the*  
 38 *Statutes of 2014, shall be available for encumbrance*  
 39 *or expenditure until June 30, 2017.*  
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*SEC. 51. The Legislature finds and declares that Section 45 of this act, which adds Section 4023.7 to the Welfare and Institutions Code, imposes a limitation on the public’s right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:*

*In order to protect patient confidentiality, it is necessary that the records prepared pursuant to this act be held as confidential and only disclosed pursuant to the requirements set forth in this act.*

*SEC. 52. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

*However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*

*SEC. 53. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.*

~~SECTION 1. It is the intent of the Legislature to enact statutory changes relating to the Budget Act of 2015.~~

O