

AMENDED IN SENATE APRIL 9, 2015
AMENDED IN SENATE MARCH 26, 2015
AMENDED IN SENATE MARCH 16, 2015

SENATE BILL

No. 205

Introduced by Senator Beall
(Coauthor: Assembly Member Lackey)

February 11, 2015

An act to add and repeal Section 7599.3 of the Government Code, and to add Section 11105.09 to the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 205, as amended, Beall. Proposition 47: evaluation study.

Existing law, enacted by Proposition 47, as approved by the voters at the November 4, 2014, statewide general election, requires misdemeanors instead of felony sentences for certain nonserious, nonviolent crimes, like petty theft and drug possession. Proposition 47 also creates the Safe Neighborhoods and Schools Fund, a continuously appropriated fund, that is funded by savings that accrue to the state from the implementation of the proposition. Existing law requires, in part, 65% of the moneys deposited in the fund to be disbursed to the Board of State and Community Corrections to administer a grant program to fund public agencies that support mental health treatment, substance abuse treatment, and diversion programs for people in the criminal justice system and 25% of the moneys deposited in the fund be disbursed to the State Department of Education to administer a grant program to public agencies aimed at improving outcomes for public school pupils, as specified. Proposition 47 provides that its provisions may be amended by a statute that is consistent with and furthers its intent and that is

passed by a $\frac{2}{3}$ vote of each house of the Legislature and is signed by the Governor. Proposition 47 also provides that the Legislature may, by majority vote, amend, add, or repeal provisions to further reduce the penalties for offenses it addresses.

This bill would require the Department of Finance to select a public or private university through a competitive process to conduct a 4 year evaluation assessing the process, outcomes, and costs of Proposition 47, including the number and characteristics of participants served by programs funded with grant moneys from the Safe Neighborhoods and Schools Fund. The bill would require the selected university to report to the Legislature, no later than January 1, 2017, and annually by that date for the following 3 years. *The bill would require that all data collected for the report be made publically available.* The bill would repeal these provisions as of January 1, 2021.

Existing law requires the Department of Justice to compile state summary criminal history information and to provide that information to specified agencies and persons, as specified.

This bill would require the department to gather and compile information regarding the number of people released from state prisons and county jails pursuant to the provisions of Proposition 47 and the number of people released who are rearrested or reincarcerated within ~~3 years~~. *years as compared to similar populations in the criminal justice system.*

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

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

1 SECTION 1. Section 7599.3 is added to the Government Code,
2 to read:
3 7599.3. (a) The Department of Finance shall select a public
4 or private university through a competitive process to conduct a
5 four-year evaluation assessing the process, outcomes, and costs
6 of Proposition 47, the Safe Neighborhood and Schools Act. The
7 selected university shall submit a report to the Legislature, no later
8 than January 1, 2017, and annually by that date for the following
9 three years. The report shall include, but not be limited to, all of
10 the following:
11 (1) A study of the implementation of the proposition and its
12 impact on incarceration costs, recidivism *as compared to similar*

1 *populations in the criminal justice system* and overall crime, prison
2 and jail construction, and welfare costs.

3 (2) The adequacy of funds appropriated for these purposes.

4 (3) The number and characteristics of participants served by
5 programs funded with grant moneys pursuant to paragraphs (1)
6 and (3) of subdivision (a) of Section 7599.2. Because it may not
7 be feasible to collect this data from all 58 counties, this component
8 of the report may be limited to a small number of representative
9 counties, to be selected with input from relevant stakeholders
10 serving as a research oversight board.

11 (b) The report to be submitted pursuant to this section shall be
12 submitted in compliance with Section 9795.

13 (c) *All data collected for the report shall be made publically*
14 *available.*

15 (e)

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

19 SEC. 2. Section 11105.09 is added to the Penal Code, to read:

20 11105.09. (a) The department shall gather and compile the
21 following data:

22 (1) The number of people released from state prisons and county
23 jails pursuant to the provisions of Proposition 47.

24 (2) The number of those released pursuant to Proposition 47
25 that are rearrested or reincarcerated within ~~three years~~ *years as*
26 *compared to similar populations in the criminal justice system.*

27 (b) The information compiled pursuant to subdivision (a) shall
28 not include any information that would identify an individual
29 specifically.

30 (c) The information compiled pursuant to subdivision (a) shall
31 be made available, upon request, to the public and to the public or
32 private university selected pursuant to Section 7599.3 of the
33 Government Code.