

Introduced by Senator Nielsen

February 27, 2015

An act to add Article 1.5 (commencing with Section 6033) to Chapter 5 of Title 7 of Part 3 of the Penal Code, relating to corrections, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 753, as introduced, Nielsen. Criminal Justice Reinvestment Assessment Grant Program of 2015.

Existing law requires the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, as specified. Existing law requires the board, in consultation with certain individuals, including a county supervisor or county administrative officer, a county sheriff, and the Secretary of the Department of Corrections and Rehabilitation, to develop definitions of specified key terms in order to facilitate consistency in local data collection, evaluation, and implementation of evidence-based programs.

This bill would enact the Criminal Justice Reinvestment Assessment Grant Program of 2015. The bill would require the grant program to be administered by the Board of State and Community Corrections for the purpose of establishing and implementing reporting systems to identify and expand programs that provide proven, evidence-based, local programming opportunities for the successful reintegration of offenders into society.

The bill would authorize the board to award grants to assist counties with the creation or expansion of infrastructure that allows each county to consistently collect and report specified criminal justice information.

The bill would require each local community corrections partnership, on or before June 1, 2015, to report to the board on the county's capacity to collect and report the data required. The bill requires the board to review each assessment and to prioritize and award grants to the counties.

The bill would require each county to report specified data to the board, on or before January 1, 2016, and annually thereafter, pertaining to offenders sentenced as felons to serve in local correctional facilities and felons released from prison to community supervision. The bill would require the board to summarize these data and report the summaries to the Governor and the Legislature, on or before May 15, 2016, and annually thereafter.

By imposing data collection and reporting duties on local governments, this bill would impose a state-mandated local program.

The bill would appropriate an undetermined sum to the board for purposes of funding the grants. The bill would state findings and declarations of the Legislature regarding criminal justice realignment.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Article 1.5 (commencing with Section 6033) is
2 added to Chapter 5 of Title 7 of Part 3 of the Penal Code, to read:

3
4 Article 1.5. Criminal Justice Reinvestment Assessment Grant
5 Program of 2015
6

7 6033. This article shall be known, and may be cited, as the
8 Criminal Justice Reinvestment Assessment Grant Program of 2015.

9 6033.2. The Legislature finds and declares all of the following:

1 (a) The Legislature is committed to reducing recidivism among
2 criminal offenders, ensuring that local governments have adequate
3 funding to achieve this goal, and facilitating the responsible
4 implementation of the criminal justice policies contained in the
5 2011 Realignment Legislation addressing public safety.

6 (b) By enacting the 2011 Realignment Legislation addressing
7 public safety, the Legislature affirmed its commitment to justice
8 reinvestment and stated that the purpose of justice reinvestment
9 is to manage criminal justice populations more cost effectively,
10 generating savings that can be reinvested in evidence-based
11 strategies that increase public safety while holding offenders
12 accountable.

13 (c) The 2011 Realignment Legislation addressing public safety
14 represents a significant shift of responsibilities. However, the quick
15 and unanticipated nature of the passage of this legislation, in
16 combination with broad county discretion in its implementation,
17 offers a unique opportunity to identify best practices in community
18 corrections and the impacts of correctional decentralization.

19 (d) The 2011 Realignment Legislation addressing public safety
20 did not require counties to collect data on outcome measures, nor
21 did it provide specific resources for data collection that if
22 adequately funded and properly implemented would allow
23 policymakers, researchers, stakeholders, and counties to take
24 advantage of the historic opportunity to study and evaluate the
25 changing felon population and the strategies and interventions that
26 counties employ to reduce recidivism.

27 (e) The Bureau of State Audits' September 2013 High Risk
28 report identified the 2011 realignment of criminal justice
29 responsibilities between the state and counties as a "high-risk"
30 policy, citing a lack of "reliable and meaningful realignment data
31 to ensure [the state's] ability to effectively monitor progress toward
32 achieving intended realignment goals."

33 6033.4. (a) The Criminal Justice Reinvestment Assessment
34 Grant Program of 2015, which is hereby established, shall be
35 administered by the Board of State and Community Corrections
36 for the purpose of establishing and implementing reporting systems
37 to identify and expand programs that provide proven,
38 evidence-based, local programming opportunities for the successful
39 reintegration of offenders into society. The board shall award grants
40 to assist counties with the creation or expansion of infrastructure

1 that allows each county to consistently collect and report criminal
2 justice information as required by Sections 6033.10 and 6033.12.

3 (b) For purposes of this article, “board” means the Board of
4 State and Community Corrections.

5 6033.6. (a) On or before June 1, 2015, each local community
6 corrections partnership established pursuant to Section 1230 shall
7 report to the board on the county’s capacity to collect and report
8 the data required by Sections 6033.10 and 6033.12. The report
9 shall include a local plan that identifies the additional resources
10 necessary for that county to consistently collect and report criminal
11 justice information as required by Sections 6033.10 and 6033.12.

12 (b) The board shall review each assessment submitted pursuant
13 to subdivision (a) and shall prioritize and award grants pursuant
14 to Section 6033.8. Funding shall be used to supplement, rather
15 than supplant, existing programs. Grant funds shall be used for
16 programs that are identified in the local plan submitted pursuant
17 to subdivision (a).

18 (c) The board shall submit to the Legislature on or before June
19 15, 2015, a report detailing the estimated need, cost, and schedule
20 for each county to consistently collect and report criminal justice
21 information as required by Sections 6033.10 and 6033.12. The
22 report shall be submitted in compliance with Section 9795 of the
23 Government Code.

24 6033.8. (a) The board shall establish minimum standards,
25 funding schedules, and procedures for awarding grants, which
26 shall take into consideration, but not be limited to, all of the
27 following:

- 28 (1) Size of the county.
29 (2) Demonstrated efforts to report data prior to January 1, 2017.
30 (3) Demonstrated ability to report data prior to January 1, 2017.

31 (b) The board shall give preference to counties that have
32 demonstrated efforts to independently collect data on a countywide
33 basis.

34 6033.10. (a) On or before January 1, 2016, and annually each
35 year thereafter, each county shall report specified data to the board
36 in a format prescribed by the board. The board shall specify and
37 define minimum required reporting which shall include, but not
38 be limited to, the following for each individual sentenced pursuant
39 to subdivision (h) of Section 1170:

- 40 (1) Individual identifiers.

- 1 (2) County identifiers.
- 2 (3) Date of birth.
- 3 (4) Gender.
- 4 (5) Race or ethnicity.
- 5 (6) Age at first arrest.
- 6 (7) Conviction offense.
- 7 (8) Sanction or sentence received.
- 8 (9) Total jail time served.
- 9 (10) Release status.
- 10 (11) Violations of probation.
- 11 (12) Rearrests.
- 12 (13) Reconvictions.
- 13 (14) Any other return to custody.
- 14 (15) Use of flash incarceration.
- 15 (16) Assessed risk level.
- 16 (17) Participation in pretrial programs.
- 17 (18) Participation in specialty court.
- 18 (19) Participation in day reporting release programs.
- 19 (20) Participation in electronic monitoring programs.
- 20 (21) Participation in community service release programs.
- 21 (22) Participation in work release programs.
- 22 (23) Participation in intensive probation supervision.
- 23 (24) Needs assessment.
- 24 (25) Any reentry programming provided.
- 25 (26) Participation in cognitive behavioral therapy.
- 26 (27) Participation in mental health treatment.
- 27 (28) Participation in substance abuse treatment.
- 28 (29) Participation in gender-specific programming.
- 29 (30) Participation in family programming.
- 30 (31) Any health care assistance provided.
- 31 (32) Any housing assistance provided.
- 32 (33) Any income support provided.
- 33 (34) Any employment assistance provided.
- 34 (35) Any vocational training assistance provided.
- 35 (36) Any educational enrollment assistance provided.
- 36 (37) Any mentoring programming provided.
- 37 (38) Any peer support programming provided.
- 38 (b) The board shall compile the local reports and, by May 15,
- 39 2016, and, notwithstanding Section 10231.5 of the Government
- 40 Code, by May 15 of each year thereafter, make a report to the

1 Governor and the Legislature that summarizes the data reported
2 by the counties pursuant to subdivision (a). The report submitted
3 to the Legislature shall be submitted in compliance with Section
4 9795 of the Government Code.

5 6033.12. (a) On or before January 1, 2016, and annually each
6 year thereafter, each county shall provide specified data to the
7 board in a format prescribed by the board. The board shall specify
8 and define minimum required reporting which shall include, but
9 not be limited to, the following for each individual supervised
10 pursuant to Section 3451:

- 11 (1) Violations of postrelease community supervision.
- 12 (2) Rearrests.
- 13 (3) Reconvictions.
- 14 (4) Any other return to custody.
- 15 (5) Use of flash incarceration.
- 16 (6) Participation in intensive probation supervision.
- 17 (7) Any reentry programming provided.
- 18 (8) Participation in cognitive behavioral therapy and whether
19 the individual has completed or failed to complete the therapy's
20 requirements.
- 21 (9) Participation in mental health treatment and whether the
22 individual has completed or failed to complete the treatment's
23 requirements.
- 24 (10) Participation in substance abuse treatment and whether the
25 individual has completed or failed to complete the treatment's
26 requirements.
- 27 (11) Participation in gender-specific programming.
- 28 (12) Participation in family programming.
- 29 (13) Any health care assistance provided.
- 30 (14) Any housing assistance provided.
- 31 (15) Any income support provided.
- 32 (16) Any employment assistance provided.
- 33 (17) Any vocational training assistance provided.
- 34 (18) Any educational enrollment assistance provided.
- 35 (19) Any mentoring programming provided.
- 36 (20) Any peer support programming provided.

37 (b) The board shall compile the local reports and, by May 15,
38 2016, and, notwithstanding Section 10231.5 of the Government
39 Code, by May 15 of each year thereafter, make a report to the
40 Governor and the Legislature that summarizes the data reported

1 by the counties pursuant to subdivision (a). The report submitted
2 to the Legislature shall be submitted in compliance with Section
3 9795 of the Government Code.

4 6033.14. (a) The amount of ____ dollars (\$____) is hereby
5 appropriated from the General Fund to the board for the 2015–16
6 fiscal year for the purpose of implementing this article.

7 (b) The board may award up to the amount of the appropriation,
8 less the board’s administrative costs, not to exceed 5 percent of
9 the total grant funding awarded statewide, as individual grants not
10 exceeding ____to counties to assist in establishing data reporting
11 systems that will allow a county to consistently collect and report
12 criminal justice information as required by Sections 6033.10 and
13 6033.12.

14 SEC. 2. If the Commission on State Mandates determines that
15 this act contains costs mandated by the state, reimbursement to
16 local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.

19 SEC. 3. This act is an urgency statute necessary for the
20 immediate preservation of the public peace, health, or safety within
21 the meaning of Article IV of the Constitution and shall go into
22 immediate effect. The facts constituting the necessity are:

23 In order to ensure that relevant data pertaining to the 2011
24 Realignment Legislation addressing public safety are collected
25 and reported as soon as possible to allow stakeholders to measure
26 the effectiveness of this landmark change in public safety policy,
27 it is necessary that this bill go into immediate effect.