

AMENDED IN ASSEMBLY JUNE 14, 2016

AMENDED IN ASSEMBLY JUNE 12, 2016

AMENDED IN ASSEMBLY MAY 25, 2016

SENATE BILL

No. 843

Introduced by Committee on Budget and Fiscal Review

January 7, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

SB 843, as amended, Committee on Budget and Fiscal Review. Public safety.

(1) Existing law, the Trial Jury Selection and Management Act, generally governs the selection of juries in criminal and civil cases. Under existing law, a criminal defendant is generally entitled to exercise 10 peremptory challenges during the jury selection process. When 2 or

more defendants are jointly tried, existing law requires these challenges to be exercised jointly, but grants each defendant an additional 5 challenges to be exercised separately. If the offense for which a defendant is being tried is punishable by a maximum term of imprisonment of 90 days or less, existing law entitles the defendant to 6 peremptory challenges and grants each jointly tried defendant 4 additional challenges to be exercised separately.

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

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

This bill would establish the Board of Juvenile Hearings to assume the powers, duties, and responsibilities of the Board of Parole Hearings as it relates to hearings by the Board of Parole Hearings on juvenile matters and would also require the Board of Juvenile Hearings to conduct initial case reviews and annual reviews. The Board of Juvenile

Hearings would be comprised of 3 commissioners, appointed by the Governor, subject to Senate confirmation, for 5-year terms. The bill would require the Governor to periodically designate the chair of the Board of Juvenile Hearings. The bill would authorize the Governor to appoint an executive officer of the board, subject to Senate confirmation, who would hold office at the pleasure of the Governor and would require the executive officer to exercise all duties and functions necessary to ensure that the responsibilities of the Board of Juvenile Hearings are successfully discharged. The bill would authorize the Governor to remove any member of the Board of Juvenile Hearings for misconduct, incompetency, or neglect of duty after a full hearing by the Board of State and Community Corrections.

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

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

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

This bill would instead require the Judicial Council to hold a reserve of \$10,000,000 in the Trial Court Trust Fund to be available to trial courts for emergencies. The bill would require any funding allocated to be replenished on an annual basis from the trial court base allocations. The bill would require the Judicial Council to establish a process for trial courts to apply for emergency funding.

(4) Existing law, the Sargent Shriver Civil Counsel Act, requires legal counsel to be appointed to represent low-income parties in civil matters involving critical issues affecting basic human needs in those

courts selected by the Judicial Council, as specified. Existing law, subject to funding specifically provided for this purpose, requires the Judicial Council to develop one or more model pilot projects in selected courts to provide that representation of counsel in civil matters, as specified.

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

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

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

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

This bill would also make technical, nonsubstantive changes.

(6) Existing law requires specified sports organizations, among other entities, to register with the Department of Justice prior to conducting a raffle. Existing law authorizes the department to require an annual registration fee to cover the reasonable costs of this registration, which is deposited by the department into the General Fund.

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

Raffle Fund for use by the department for specified enforcement activities.

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

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

(8) Existing law establishes the Division of Health Care Operations and the Division of Health Care Policy and Administration within the Department of Corrections and Rehabilitation under the Undersecretary of Health Care Services. Existing law requires these divisions to be headed by a director, who shall be appointed by the Governor. Existing law requires the department to expand substance abuse treatment services in prisons to accommodate at least 4,000 additional inmates who have histories of substance abuse.

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

committees of the Legislature, including specified information regarding the pilot program.

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

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

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

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

(11) Existing law establishes the Board of State and Community Corrections to, among other things, administer the Second Chance Program to invest in community-based programs, services, and initiatives for formerly incarcerated individuals in need of mental health and substance use treatment services. Existing law prohibits specified officials from being financially interested in any contract made by them in their official capacity. Existing law states that members of a committee created by the Board of State and Community Corrections have no financial interest in any contract made by the board, as specified, based upon the receipt of compensation for holding public office or public employment. Existing federal law, the Edward Byrne Memorial Justice Assistance Grant Program, provides federal criminal justice funding to state and local entities.

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

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

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

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

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

(14) Existing law allows any court or other agency or officer of this state having power to commit or transfer an inmate to any institution for confinement to commit or transfer that inmate to any institution outside this state if this state has entered into a contract or contracts for the confinement of inmates in that institution and the inmate, if he or she was sentenced under California law and has executed written consent to the transfer, except that existing law, until January 1, 2017, allows the secretary to transfer the inmate to a facility in another state without the consent of the inmate.

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

(15) Existing law prohibits the transfer of an inmate to a community correctional reentry facility unless certain conditions have been met,

including that the inmate has less than 120 days left to serve in a correctional facility.

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

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

This bill would repeal those provisions.

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

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

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

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

(19) Existing law establishes the Commission on Correctional Peace Officer Standards and Training within the Department of Corrections and Rehabilitation and requires the commission to develop standards

for the selection and training of state correctional peace officer apprentices.

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

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

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

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

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

(22) Existing law establishes the Firearms Safety and Enforcement Special Fund and continuously appropriates the moneys in the fund to the Department of Justice for purposes relating to the regulation of firearms. Existing law also authorizes the department to require firearms dealers to charge each person who obtains a firearm a fee not to exceed \$5 for each transaction. Revenues from this fee are deposited into the fund.

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

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

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

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

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

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

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

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

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

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

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

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

37 (d) Peremptory challenges shall be taken or passed by the sides
38 alternately, commencing with the plaintiff or people, and each

1 party shall be entitled to have the panel full before exercising any
2 peremptory challenge. When each side passes consecutively, the
3 jury shall then be sworn, unless the court, for good cause, shall
4 otherwise order. The number of peremptory challenges remaining
5 with a side shall not be diminished by any passing of a peremptory
6 challenge.

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

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

23 ~~(g)~~

24 (f) This section shall remain in effect only until January 1, ~~2021,~~
25 2017, and as of that date is repealed, unless a later enacted statute,
26 that is enacted before January 1, ~~2021,~~ 2017, deletes or extends
27 that date.

28 *SEC. 2. Section 231 is added to the Code of Civil Procedure,*
29 *to read:*

30 *231. (a) In criminal cases, if the offense charged is punishable*
31 *with death, or with imprisonment in the state prison for life, the*
32 *defendant is entitled to 20 and the people to 20 peremptory*
33 *challenges. Except as provided in subdivision (b), in a trial for*
34 *any other offense, the defendant is entitled to 10 and the state to*
35 *10 peremptory challenges. When two or more defendants are jointly*
36 *tried, their challenges shall be exercised jointly, but each defendant*
37 *shall also be entitled to five additional challenges which may be*
38 *exercised separately, and the people shall also be entitled to*
39 *additional challenges equal to the number of all the additional*
40 *separate challenges allowed the defendants.*

1 (b) If the offense charged is punishable with a maximum term
2 of imprisonment of one year or less, the defendant is entitled to
3 six and the state to six peremptory challenges. When two or more
4 defendants are jointly tried, their challenges shall be exercised
5 jointly, but each defendant shall also be entitled to two additional
6 challenges which may be exercised separately, and the state shall
7 also be entitled to additional challenges equal to the number of
8 all the additional separate challenges allowed the defendants.

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

23 (d) Peremptory challenges shall be taken or passed by the sides
24 alternately, commencing with the plaintiff or people, and each
25 party shall be entitled to have the panel full before exercising any
26 peremptory challenge. When each side passes consecutively, the
27 jury shall then be sworn, unless the court, for good cause, shall
28 otherwise order. The number of peremptory challenges remaining
29 with a side shall not be diminished by any passing of a peremptory
30 challenge.

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

36 (f) The Judicial Council shall conduct a study, and on or before
37 January 1, 2020, shall submit a report to the public safety
38 committees of both houses of the Legislature on the reductions in
39 peremptory challenges resulting from the enactment of the act that
40 added this subdivision. The study shall include, but not be limited

1 to, an examination of the number of peremptory challenges used
2 by the defendant and the state in misdemeanor jury trials, a
3 representative sample of the types of cases that go to jury trial,
4 and the resulting cost savings to the courts. The report submitted
5 pursuant to this subdivision shall be submitted in compliance with
6 Section 9795 of the Government Code.

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

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

11 ~~SEC. 2.~~

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

14 231. (a) In criminal cases, if the offense charged is punishable
15 with death, or with imprisonment in the state prison for life, the
16 defendant is entitled to 20 and the people to 20 peremptory
17 challenges. Except as provided in subdivision (b), in a trial for any
18 other offense, the defendant is entitled to 10 and the state to 10
19 peremptory challenges. When two or more defendants are jointly
20 tried, their challenges shall be exercised jointly, but each defendant
21 shall also be entitled to five additional challenges which may be
22 exercised separately, and the people shall also be entitled to
23 additional challenges equal to the number of all the additional
24 separate challenges allowed the defendants.

25 (b) If the offense charged is punishable with a maximum term
26 of imprisonment of 90 days or less, the defendant is entitled to six
27 and the state to six peremptory challenges. When two or more
28 defendants are jointly tried, their challenges shall be exercised
29 jointly, but each defendant shall also be entitled to four additional
30 challenges which may be exercised separately, and the state shall
31 also be entitled to additional challenges equal to the number of all
32 the additional separate challenges allowed the defendants.

33 (c) In civil cases, each party shall be entitled to six peremptory
34 challenges. If there are more than two parties, the court shall, for
35 the purpose of allotting peremptory challenges, divide the parties
36 into two or more sides according to their respective interests in
37 the issues. Each side shall be entitled to eight peremptory
38 challenges. If there are several parties on a side, the court shall
39 divide the challenges among them as nearly equally as possible.
40 If there are more than two sides, the court shall grant such

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

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

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

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

21 ~~SEC. 3.~~

22 *SEC. 4.* Section 7522.57 of the Government Code is amended
23 to read:

24 7522.57. (a) This section shall apply to any retired person who
25 is receiving a pension benefit from a public retirement system and
26 is first appointed on or after January 1, 2013, to a salaried position
27 on a state board or commission. This section shall supersede any
28 other provision in conflict with this section.

29 (b) A person who is retired from a public retirement system
30 may serve without reinstatement from retirement or loss or
31 interruption of benefits provided that appointment is to a part-time
32 state board or commission. A retired person whose employment
33 without reinstatement is authorized by this subdivision shall acquire
34 no benefits, service credit, or retirement rights with respect to the
35 employment. Unless otherwise defined in statute, for the purpose
36 of this section, a part-time appointment shall mean an appointment
37 with a salary of no more than \$60,000 annually, which shall be
38 increased in any fiscal year in which a general salary increase is
39 provided for state employees. The amount of the increase provided
40 by this section shall be comparable to, but shall not exceed, the

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

3 (c) A person who is retired from the Public Employees'
4 Retirement System shall not serve on a full-time basis on a state
5 board or commission without reinstatement unless that person
6 serves as a nonsalaried member of the board or commission and
7 receives only per diem authorized to all members of the board or
8 commission. A person who serves as a nonsalaried member of a
9 board or commission shall not earn any service credit or benefits
10 in the Public Employees' Retirement System or make contributions
11 with respect to the service performed.

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

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

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

28 (B) Upon retiring for service after serving on the board or
29 commission, the appointee shall be entitled to reinstatement of any
30 suspended benefits, including employer provided retiree health
31 benefits, that he or she was entitled to at the time of being
32 appointed to the board or commission.

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

1 ~~SEC. 4.~~

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

4 11555. (a) Effective January 1, 1988, an annual salary of
5 seventy-one thousand five hundred eighty-seven dollars (\$71,587)
6 shall be paid to the following:

7 (1) Chairperson of the Board of Parole Hearings.

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

10 (3) Chairperson of the Board of Juvenile Hearings.

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

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

19 ~~SEC. 5.~~

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

22 11556. (a) Effective January 1, 1988, an annual salary of
23 sixty-nine thousand seventy-six dollars (\$69,076) shall be paid to
24 each of the following:

25 (1) Commissioner of the Board of Parole Hearings.

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

28 (3) Commissioner of the Board of Juvenile Hearings.

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

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

37 ~~SEC. 6.~~

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

1 12838. (a) There is hereby created in state government the
2 Department of Corrections and Rehabilitation, to be headed by a
3 secretary, who shall be appointed by the Governor, subject to
4 Senate confirmation, and shall serve at the pleasure of the
5 Governor. The Department of Corrections and Rehabilitation shall
6 consist of Adult Operations, Adult Programs, Health Care Services,
7 Juvenile Justice, the Board of Parole Hearings, the Board of
8 Juvenile Hearings, the State Commission on Juvenile Justice, the
9 Prison Industry Authority, and the Prison Industry Board.

10 (b) The Governor, upon recommendation of the secretary, may
11 appoint three undersecretaries of the Department of Corrections
12 and Rehabilitation, subject to Senate confirmation. The
13 undersecretaries shall hold office at the pleasure of the Governor.
14 One undersecretary shall oversee administration and offender
15 services, one undersecretary shall oversee health care services,
16 and one undersecretary shall oversee operations for the department.

17 (c) The Governor, upon recommendation of the secretary, shall
18 appoint a Chief for the Office of Victim Services, and a Chief for
19 the Office of Correctional Safety, both of whom shall serve at the
20 pleasure of the Governor.

21 ~~SEC. 7.~~

22 *SEC. 8.* Section 12838.4 of the Government Code is amended
23 to read:

24 12838.4. The Board of Parole Hearings is hereby created. The
25 Board of Parole Hearings shall be comprised of 14 commissioners,
26 who shall be appointed by the Governor, subject to Senate
27 confirmation, for three-year terms. The Board of Parole Hearings
28 hereby succeeds to, and is vested with, all the powers, duties,
29 responsibilities, obligations, liabilities, and jurisdiction of the
30 following entities, which shall no longer exist: Board of Prison
31 Terms, Narcotic Addict Evaluation Authority, and Youthful
32 Offender Parole Board. For purposes of this article, the above
33 entities shall be known as “predecessor entities.”

34 ~~SEC. 8.~~

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

37 68502.5. (a) The Judicial Council may, as part of its trial court
38 budget process, seek input from groups and individuals as it deems
39 appropriate, including, but not limited to, advisory committees

1 and the Administrative Director of the Courts. The trial court
2 budget process may include, but is not limited to, the following:

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

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

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

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

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

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

38 (7) Upon approval of the trial courts' budget by the Legislature,
39 the preparation during the course of the fiscal year of allocation
40 schedules for payments to the trial courts, consistent with Section

1 68085, which shall be submitted to the Controller's office at least
2 15 days before the due date of any allocation.

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

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

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

13 (11) Provisions set forth in rules adopted pursuant to Section
14 77206.

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

27 (c) (1) The Judicial Council shall retain the ultimate
28 responsibility to adopt a budget and allocate funding for the trial
29 courts and perform the other activities listed in subdivision (a) that
30 best assure their ability to carry out their functions, promote
31 implementation of statewide policies, and promote the immediate
32 implementation of efficiencies and cost saving measures in court
33 operations, in order to guarantee equal access to the courts.

34 (2) (A) When setting the allocations for trial courts, the Judicial
35 Council shall set a preliminary allocation in July of each fiscal
36 year. The preliminary allocation shall include an estimate of
37 available trial court reserves as of June 30 of the prior fiscal year
38 and each court's preliminary allocation shall be offset by the
39 amount of reserves in excess of the amount authorized to be carried
40 over pursuant to subdivision (b) of Section 77203. In January of

1 each fiscal year, after review of available trial court reserves as of
 2 June 30 of the prior fiscal year, the Judicial Council shall finalize
 3 allocations to trial courts and each court’s finalized allocation shall
 4 be offset by the amount of reserves in excess of the amount
 5 authorized to be carried over pursuant to subdivision (b) of Section
 6 77203.

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

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

18 ~~SEC. 9.~~

19 *SEC. 10.* Section 68085.1 of the Government Code, as amended
 20 by Section 22 of Chapter 913 of the Statutes of 2014, is amended
 21 to read:

22 68085.1. (a) This section applies to all fees and fines that are
 23 collected on or after January 1, 2006, under all of the following:

24 (1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,
 25 704.750, 708.160, 724.100, 1134, 1161.2, 1218, and 1993.2 of,
 26 subdivision (g) of Section 411.20 and subdivisions (c) and (g) of
 27 Section 411.21 of, subdivision (b) of Section 631 of, and Chapter
 28 5.5 (commencing with Section 116.110) of Title 1 of Part 1 of, the
 29 Code of Civil Procedure.

30 (2) Section 3112 of the Family Code.

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

32 (4) Subdivision (d) of Section 6103.5, Sections 68086 and
 33 68086.1, subdivision (d) of Section 68511.3, Sections 68926.1 and
 34 69953.5, and Chapter 5.8 (commencing with Section 70600).

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

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

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

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

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

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

7 (b) On and after January 1, 2006, each superior court shall
8 deposit all fees and fines listed in subdivision (a), as soon as
9 practicable after collection and on a regular basis, into a bank
10 account established for this purpose by the Administrative Office
11 of the Courts. Upon direction of the Administrative Office of the
12 Courts, the county shall deposit civil assessments under Section
13 1214.1 of the Penal Code and any other money it collects under
14 the sections listed in subdivision (a) as soon as practicable after
15 collection and on a regular basis into the bank account established
16 for this purpose and specified by the Administrative Office of the
17 Courts. The deposits shall be made as required by rules adopted
18 by, and financial policies and procedures authorized by, the Judicial
19 Council under subdivision (a) of Section 77206. Within 15 days
20 after the end of the month in which the fees and fines are collected,
21 each court, and each county that collects any fines or fees under
22 subdivision (a), shall provide the Administrative Office of the
23 Courts with a report of the fees by categories as specified by the
24 Administrative Office of the Courts. The Administrative Office
25 of the Courts and any court may agree upon a time period greater
26 than 15 days, but in no case more than 30 days after the end of the
27 month in which the fees and fines are collected. The fees and fines
28 listed in subdivision (a) shall be distributed as provided in this
29 section.

30 (c) (1) Within 45 calendar days after the end of the month in
31 which the fees and fines listed in subdivision (a) are collected, the
32 Administrative Office of the Courts shall make the following
33 distributions:

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

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

38 (C) To the county law library funds, as described in Sections
39 116.230 and 116.760 of the Code of Civil Procedure, subdivision
40 (b) of Section 68085.3, subdivision (b) of Section 68085.4, and

1 Section 70621 of this code, and Section 14607.6 of the Vehicle
2 Code.

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

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

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

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

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

26 (1) Into the State Court Facilities Construction Fund, the Judges’
27 Retirement Fund, and the Equal Access Fund, as described in
28 subdivision (c) of Section 68085.3 and subdivision (c) of Section
29 68085.4.

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

33 (3) Into the Family Law Trust Fund, as described in Section
34 70674.

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

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

1 (f) The amounts collected by each superior court under Section
2 116.232, subdivision (g) of Section 411.20, and subdivision (g) of
3 Section 411.21 of the Code of Civil Procedure, Sections 304, 3112,
4 3153, 7851.5, and 9002 of the Family Code, subdivision (d) of
5 Section 6103.5, subdivision (d) of Section 68511.3 and Sections
6 68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386
7 of this code, and Sections 1513.1, 1835, 1851.5, and 2343 of the
8 Probate Code shall be added to the monthly apportionment for that
9 court under subdivision (a) of Section 68085.

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

27 (h) Except as provided in Sections 470.5 and 6322.1 of the
28 Business and Professions Code, and Sections 70622, 70624, and
29 70625 of this code, an agency shall not take action to change the
30 amounts allocated to any of the funds described in subdivision (c),
31 (d), or (e).

32 (i) The amount of the penalty on any delinquent payment under
33 subdivision (c) or (d) shall be calculated by multiplying the amount
34 of the delinquent payment at a daily rate equivalent to 1 ½ percent
35 per month for the number of days the payment is delinquent. The
36 penalty shall be paid from the Trial Court Trust Fund. Penalties
37 on delinquent payments under subdivision (d) shall be calculated
38 only on the amounts to be distributed to the Trial Court Trust Fund
39 and the State Court Facilities Construction Fund, and each penalty

1 shall be distributed proportionately to the funds to which the
2 delinquent payment was to be distributed.

3 (j) If a delinquent payment under subdivision (c) or (d) results
4 from a delinquency by a superior court under subdivision (b), the
5 court shall reimburse the Trial Court Trust Fund for the amount
6 of the penalty. Notwithstanding Section 77009, any penalty on a
7 delinquent payment that a court is required to reimburse pursuant
8 to this section shall be paid from the court operations fund for that
9 court. The penalty shall be paid by the court to the Trial Court
10 Trust Fund no later than 45 days after the end of the month in
11 which the penalty was calculated. If the penalty is not paid within
12 the specified time, the Administrative Office of the Courts may
13 reduce the amount of a subsequent monthly allocation to the court
14 by the amount of the penalty on the delinquent payment.

15 (k) If a delinquent payment under subdivision (c) or (d) results
16 from a delinquency by a county in transmitting fees and fines listed
17 in subdivision (a) to the bank account established for this purpose,
18 as described in subdivision (b), the county shall reimburse the Trial
19 Court Trust Fund for the amount of the penalty. The penalty shall
20 be paid by the county to the Trial Court Trust Fund no later than
21 45 days after the end of the month in which the penalty was
22 calculated.

23 ~~SEC. 10.~~

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

26 ~~SEC. 11.~~

27 *SEC. 12.* Section 68651 of the Government Code is amended
28 to read:

29 68651. (a) Legal counsel shall be appointed to represent
30 low-income parties in civil matters involving critical issues
31 affecting basic human needs in those specified courts selected by
32 the Judicial Council as provided in this section.

33 (b) (1) Subject to funding specifically provided for this purpose
34 pursuant to subdivision (e) of Section 70626, the Judicial Council
35 shall develop one or more model pilot projects in selected courts
36 pursuant to a competitive grant process and a request for proposals.
37 Projects authorized under this section shall provide representation
38 of counsel for low-income persons who require legal services in
39 civil matters involving housing-related matters, domestic violence
40 and civil harassment restraining orders, probate conservatorships,

1 guardianships of the person, elder abuse, or actions by a parent to
2 obtain sole legal or physical custody of a child, as well as providing
3 court procedures, personnel, training, and case management and
4 administration methods that reflect best practices to ensure
5 unrepresented parties in those cases have meaningful access to
6 justice, and to gather information on the outcomes associated with
7 providing these services, to guard against the involuntary waiver
8 of those rights or their disposition by default. These pilot projects
9 should be designed to address the substantial inequities in timely
10 and effective access to justice that often give rise to an undue risk
11 of erroneous decision because of the nature and complexity of the
12 law and the proceeding or disparities between the parties in
13 education, sophistication, language proficiency, legal
14 representation, access to self-help, and alternative dispute
15 resolution services. In order to ensure that the scarce funds
16 available for the program are used to serve the most critical cases
17 and the parties least able to access the courts without
18 representation, eligibility for representation shall be limited to
19 clients whose household income falls at or below 200 percent of
20 the federal poverty level. Projects shall impose asset limitations
21 consistent with their existing practices in order to ensure optimal
22 use of funds.

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

28 (B) Up to 20 percent of available funds shall be directed to
29 projects regarding civil matters involving actions by a parent to
30 obtain sole legal or physical custody of a child. This subparagraph
31 shall not apply to distributions made pursuant to paragraph (3).

32 (3) For the 2012–13 fiscal year, and each subsequent fiscal year,
33 any amounts collected pursuant to subdivision (e) of Section 70626
34 in excess of the total amount transferred to the Trial Court Trust
35 Fund in the 2011–12 fiscal year pursuant to subparagraph (E) of
36 paragraph (1) of subdivision (c) of Section 68085.1 and subdivision
37 (e) of Section 70626 shall be distributed by the Judicial Council
38 without regard to subparagraph (B) of paragraph (2). Those
39 amounts may be distributed by the Judicial Council as set forth in
40 this subdivision. If the funds are to be distributed to new projects,

1 the Judicial Council shall distribute those amounts pursuant to the
2 process set forth in this subdivision.

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

30 (5) The participating projects shall be selected by a committee
31 appointed by the Judicial Council with representation from key
32 stakeholder groups, including judicial officers, legal services
33 providers, and others, as appropriate. The committee shall assess
34 the applicants' capacity for success, innovation, and efficiency,
35 including, but not limited to, the likelihood that the project would
36 deliver quality representation in an effective manner that would
37 meet critical needs in the community and address the needs of the
38 court with regard to access to justice and calendar management,
39 and the unique local unmet needs for representation in the
40 community. Projects approved pursuant to this section shall initially

1 be authorized for a three-year period, commencing July 1, 2011,
2 subject to renewal for a period to be determined by the Judicial
3 Council, in consultation with the participating project in light of
4 the project's capacity and success. After the initial three-year
5 period, the Judicial Council shall distribute any future funds
6 available as the result of the termination or nonrenewal of a project
7 pursuant to the process set forth in this subdivision. Projects shall
8 be selected on the basis of whether in the cases proposed for service
9 the persons to be assisted are likely to be opposed by a party who
10 is represented by counsel. The Judicial Council shall also consider
11 the following factors in selecting the projects:

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

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

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

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

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

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

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

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

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

39 (C) Describe how the project would be administered, including
40 how the data collection requirements would be met without causing

1 an undue burden on the courts, clients, or the providers, the
2 particular objectives of the project, strategies to evaluate their
3 success in meeting those objectives, and the means by which the
4 project would serve the particular needs of the community, such
5 as by providing representation to limited-English-speaking clients.

6 (7) To ensure the most effective use of the funding available,
7 the lead legal services agency shall serve as a hub for all referrals,
8 and the point at which decisions are made about which referrals
9 will be served and by whom. Referrals shall emanate from the
10 court, as well as from the other agencies providing services through
11 the program, and shall be directed to the lead legal services agency
12 for review. That agency, or another agency or attorney in the event
13 of conflict, shall collect the information necessary to assess whether
14 the case should be served. In performing that case assessment, the
15 agency shall determine the relative need for representation of the
16 litigant, including all of the following:

17 (A) Case complexity.

18 (B) Whether the other party is represented.

19 (C) The adversarial nature of the proceeding.

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

23 (E) Language issues.

24 (F) Disability access issues.

25 (G) Literacy issues.

26 (H) The merits of the case.

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

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

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

38 (9) Each pilot project shall be responsible for keeping records
39 on the referrals accepted and those not accepted for representation,
40 and the reasons for each, in a manner that does not violate

1 privileged communications between the agency and the prospective
2 client. Each pilot project shall be provided with standardized data
3 collection tools, and required to track case information for each
4 referral to allow the evaluation to measure the number of cases
5 served, the level of service required, and the outcomes for the
6 clients in each case. In addition to this information on the effect
7 of the representation on the clients, data shall be collected regarding
8 the outcomes for the trial courts.

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

24 (c) The Judicial Council shall conduct a study to demonstrate
25 the effectiveness and continued need for the pilot program
26 established pursuant to this section and shall report its findings
27 and recommendations to the Governor and the Legislature on or
28 before January 31, 2016. The study shall report on the percentage
29 of funding by case type and shall include data on the impact of
30 counsel on equal access to justice and the effect on court
31 administration and efficiency, and enhanced coordination between
32 courts and other government service providers and community
33 resources. This report shall describe the benefits of providing
34 representation to those who were previously not represented, both
35 for the clients and the courts, as well as strategies and
36 recommendations for maximizing the benefit of that representation
37 in the future. The report shall describe and include data, if
38 available, on the impact of the pilot program on families and
39 children. The report also shall include an assessment of the

1 continuing unmet needs and, if available, data regarding those
2 unmet needs.

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

6 ~~SEC. 12.~~

7 *SEC. 13.* Section 70626 of the Government Code, as amended
8 by Section 45 of Chapter 41 of the Statutes of 2012, is amended
9 to read:

10 70626. (a) The fee for each of the following services is
11 twenty-five dollars (\$25). Subject to subdivision (e), amounts
12 collected shall be distributed to the Trial Court Trust Fund under
13 Section 68085.1.

14 (1) Issuing a writ of attachment, a writ of mandate, a writ of
15 execution, a writ of sale, a writ of possession, a writ of prohibition,
16 or any other writ for the enforcement of any order or judgment.

17 (2) Issuing an abstract of judgment.

18 (3) Issuing a certificate of satisfaction of judgment under Section
19 724.100 of the Code of Civil Procedure.

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

22 (5) Taking an affidavit, except in criminal cases or adoption
23 proceedings.

24 (6) Acknowledgment of any deed or other instrument, including
25 the certificate.

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

29 (8) Issuing any certificate for which the fee is not otherwise
30 fixed.

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

34 (1) Issuing an order of sale.

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

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

1 (4) Filing an application for renewal of judgment under Section
2 683.150 of the Code of Civil Procedure.

3 (5) Issuing a commission to take a deposition in another state
4 or place under Section 2026.010 of the Code of Civil Procedure,
5 or issuing a subpoena under Section 2029.300 to take a deposition
6 in this state for purposes of a proceeding pending in another
7 jurisdiction.

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

11 (7) Filing an affidavit of publication of notice of dissolution of
12 partnership.

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

16 (9) Filing an affidavit under Section 13200 of the Probate Code,
17 together with the issuance of one certified copy of the affidavit
18 under Section 13202 of the Probate Code.

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

22 (c) The fee for filing a first petition under Section 2029.600 or
23 2029.620 of the Code of Civil Procedure, if the petitioner is not a
24 party to the out-of-state case, is eighty dollars (\$80). Amounts
25 collected shall be distributed to the Trial Court Trust Fund pursuant
26 to Section 68085.1.

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

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

35 ~~SEC. 13.~~

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

38 ~~SEC. 14.~~

39 *SEC. 15.* The Legislature hereby finds and declares all of the
40 following:

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

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

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

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

16 ~~SEC. 15.~~

17 *SEC. 16.* Section 320.6 of the Penal Code is amended to read:

18 320.6. (a) Notwithstanding Section 320.5, this section shall
19 apply to an eligible organization, as defined in subdivision (c).

20 (b) A raffle conducted by an eligible organization, as defined
21 in subdivision (c), for the purpose of directly supporting beneficial
22 or charitable purposes or financially supporting another private,
23 nonprofit eligible organization, as defined in subdivision (c) of
24 Section 320.5, that performs beneficial or charitable purposes may
25 be conducted in accordance with this section.

26 (c) For purposes of this section, “eligible organization” means
27 a private, nonprofit organization established by, or affiliated with,
28 a team from the Major League Baseball, National Hockey League,
29 National Basketball Association, National Football League,
30 Women’s National Basketball Association, or Major League
31 Soccer, or a private, nonprofit organization established by the
32 Professional Golfers’ Association of America, Ladies Professional
33 Golf Association, or National Association for Stock Car Auto
34 Racing that has been qualified to conduct business in California
35 for at least one year before conducting a raffle, is qualified for an
36 exemption under Section 501(c)(3) of the Internal Revenue Code,
37 and is exempt from taxation pursuant to Section 23701a, 23701b,
38 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, 23701t, or
39 23701w of the Revenue and Taxation Code.

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

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

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

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

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

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

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

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

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

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

27 (4) (A) Fifty percent of the gross receipts generated from the
28 sale of raffle tickets for any given manual draw are used by the
29 eligible organization conducting the raffle to benefit or provide
30 support for beneficial or charitable purposes, or used to benefit
31 another private, nonprofit organization, provided that an
32 organization receiving these funds is itself an eligible organization
33 as defined in subdivision (c) of Section 320.5. As used in this
34 section, “beneficial purposes” excludes purposes that are intended
35 to benefit officers, directors, or members, as defined by Section
36 5056 of the Corporations Code, of the eligible organization. Funds
37 raised by raffles conducted pursuant to this section shall not be
38 used to fund any beneficial, charitable, or other purpose outside
39 of California. This section does not preclude an eligible
40 organization from using funds from sources other than the sale of

1 raffle tickets to pay for the administration or other costs of
2 conducting a raffle.

3 (B) An employee of an eligible organization who is a direct
4 seller of raffle tickets shall not be treated as an employee for
5 purposes of workers' compensation under Section 3351 of the
6 Labor Code if the following conditions are satisfied:

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

10 (ii) The services performed by the person are performed pursuant
11 to a written contract between the seller and the eligible organization
12 and the contract provides that the person will not be treated as an
13 employee with respect to the selling of raffle tickets for workers'
14 compensation purposes.

15 (C) For purposes of this section, an employee selling raffle
16 tickets shall be deemed to be a direct seller as described in Section
17 650 of the Unemployment Insurance Code as long as he or she
18 meets the requirements of that section.

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

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

26 (g) A raffle otherwise permitted under this section shall not be
27 conducted by means of, or otherwise utilize, any gaming machine
28 that meets the definition of slot machine contained in Section 330a,
29 330b, or 330.1.

30 (h) (1) A raffle otherwise permitted under this section shall not
31 be conducted, nor may tickets for a raffle be sold, within an
32 operating satellite wagering facility or racetrack inclosure licensed
33 pursuant to the Horse Racing Law (Chapter 4 (commencing with
34 Section 19400) of Division 8 of the Business and Professions Code)
35 or within a gambling establishment licensed pursuant to the
36 Gambling Control Act (Chapter 5 (commencing with Section
37 19800) of Division 8 of the Business and Professions Code).

38 (2) A raffle shall not be operated or conducted in any manner
39 over the Internet, nor may raffle tickets be sold, traded, or redeemed
40 over the Internet. For purposes of this paragraph, an eligible

1 organization shall not be deemed to operate or conduct a raffle
2 over the Internet, or sell raffle tickets over the Internet, if the
3 eligible organization advertises its raffle on the Internet or permits
4 others to do so. Information that may be conveyed on an Internet
5 Web site pursuant to this paragraph includes, but is not limited to,
6 all of the following:

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

9 (B) Lists of the prize winners.

10 (C) The rules of the raffle.

11 (D) Frequently asked questions and their answers.

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

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

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

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

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

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

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

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

1 (n) Any raffle prize remaining unclaimed by a winner at the end
2 of the season for a team with an affiliated eligible organization
3 that conducted a raffle to financially support another private,
4 nonprofit eligible organization, as defined in subdivision (c) of
5 Section 320.5, shall be donated within 30 days from the end of the
6 season by the eligible organization to the designated private,
7 nonprofit organization for which the raffle was conducted.

8 (o) (1) (A) An eligible organization shall not conduct a raffle
9 authorized under this section, unless it has a valid registration
10 issued by the Department of Justice. The department shall furnish
11 a registration form via the Internet or upon request to eligible
12 nonprofit organizations. The department shall, by regulation, collect
13 only the information necessary to carry out the provisions of this
14 section on this form. This information shall include, but is not
15 limited to, the following:

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

17 (ii) The federal tax identification number, the corporate number
18 issued by the Secretary of State, the organization number issued
19 by the Franchise Tax Board, or the California charitable trust
20 identification number of the eligible organization.

21 (iii) The name and title of a responsible fiduciary of the
22 organization.

23 (B) (i) The department may require an eligible organization to
24 pay a minimum annual registration fee of five thousand dollars
25 (\$5,000) to cover the reasonable costs of the department to
26 administer and enforce this section.

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

33 (2) (A) A manufacturer or distributor of raffle-related products
34 or services shall not conduct business with an eligible organization
35 for purposes of conducting a raffle pursuant to this section unless
36 the manufacturer or distributor has a valid annual registration
37 issued by the department.

38 (B) The department may require a manufacturer or distributor
39 of raffle-related products or services to pay a minimum annual
40 registration fee of five thousand dollars (\$5,000) to cover the

1 reasonable costs of the department to administer and enforce this
2 section.

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

6 (4) (A) A person affiliated with an eligible organization who
7 conducts the manual draw shall annually register with the
8 department.

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

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

20 (B) A loan is hereby authorized from the General Fund to the
21 Major League Sporting Event Raffle Fund on or after July 1, 2016,
22 in an amount of up to one million five thousand dollars
23 (\$1,005,000) to address department workload related to the initial
24 implementation activities relating to this section by the
25 department's Indian and Gaming Law Section. The terms and
26 conditions of the loan shall first be approved by the Department
27 of Finance pursuant to appropriate fiscal standards. The loan shall
28 be subject to all of the following conditions:

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

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

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

38 (6) The department shall receive moneys for the costs incurred
39 pursuant to this section subject to an appropriation by the
40 Legislature.

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

6 (8) The department shall maintain an automated database of all
7 registrants.

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

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

16 (11) The department may audit the records and other documents
17 of a registrant to ensure compliance with this section, and may
18 charge a registrant the direct costs associated with an audit
19 conducted pursuant to this paragraph.

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

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

25 (ii) The aggregate direct costs incurred by the eligible
26 organization from the operation of raffles.

27 (iii) The charitable or beneficial purposes for which proceeds
28 of the raffles were used.

29 (iv) The aggregate distributions of proceeds from the operation
30 of raffles made to directly support beneficial or charitable purposes,
31 other than beneficial or charitable purposes undertaken by the
32 eligible organization, or eligible recipient organizations, under
33 subdivision (c) of Section 320.5.

34 (v) The aggregate distributions of proceeds from the operation
35 of raffles made to raffle winners.

36 (vi) The aggregate distributions of proceeds from the operation
37 of raffles made to any other organizations, or for any other
38 purposes, other than those included in clauses (ii), (iv), and (v).

39 (vii) A schedule of distributions of proceeds from the operation
40 of raffles, by individual raffle, made to eligible recipient

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

3 (viii) A schedule of distributions of proceeds from the operation
4 of raffles, by individual raffle, made to eligible recipient
5 organizations under subdivision (c) of Section 320.5 that are
6 affiliated with the eligible organization.

7 (ix) A schedule of distributions of proceeds from the operation
8 of raffles, by individual raffle, made to any other organization not
9 included under clause (vii) or (viii), or for beneficial or charitable
10 purposes undertaken by the eligible organization.

11 (x) The aggregate gross receipts from activities other than the
12 operation of raffles.

13 (xi) The aggregate costs incurred by the eligible organization
14 from activities other than the operation of raffles.

15 (xii) The aggregate distributions of funds other than proceeds
16 from the operation of raffles made to directly support beneficial
17 or charitable purposes or eligible recipient organizations under
18 subdivision (c) of Section 320.5.

19 (xiii) The aggregate distributions of funds other than proceeds
20 from the operation of raffles for purposes other than those listed
21 in clauses (xi) and (xii).

22 (xiv) A schedule of distributions of funds other than proceeds
23 from the operation of raffles made to eligible recipient
24 organizations under subdivision (c) of Section 320.5 that are not
25 affiliated with the eligible organization.

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

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

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

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

39 (p) The department may take legal action against a registrant if
40 it determines that the registrant has violated this section or a

1 regulation adopted pursuant to this section, or that the registrant
2 has engaged in any conduct that is not in the best interests of the
3 public's health, safety, or general welfare. An action taken pursuant
4 to this subdivision does not prohibit the commencement of an
5 administrative or criminal action by the Attorney General, a district
6 attorney, city attorney, or county counsel.

7 (q) An action and hearing conducted to deny, revoke, or suspend
8 a registry, or other administrative action taken against a registrant,
9 shall be conducted pursuant to the Administrative Procedure Act
10 (Chapters 4.5 (commencing with Section 11400) and 5
11 (commencing with Section 11500) of Part 1 of Division 3 of Title
12 2 of the Government Code). The department may seek civil
13 remedies, including imposing fines, for violations of this section,
14 and may seek recovery of the costs incurred in investigating or
15 prosecuting an action against a registrant or applicant in accordance
16 with those procedures specified in Section 125.3 of the Business
17 and Professions Code. A proceeding conducted under this
18 subdivision is subject to judicial review pursuant to Section 1094.5
19 of the Code of Civil Procedure. A violation of this section shall
20 not constitute a crime.

21 (r) This section shall remain in effect only until December 31,
22 2018, and as of that date is repealed, unless a later enacted statute,
23 that is enacted before December 31, 2018, deletes or extends that
24 date.

25 ~~SEC. 16.~~

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

28
29 CHAPTER 2.92. LAW ENFORCEMENT ASSISTED DIVERSION
30 (LEAD) PILOT PROGRAM
31

32 1001.85. (a) The Law Enforcement Assisted Diversion (LEAD)
33 pilot program is hereby established. The purpose of the LEAD
34 program is to improve public safety and reduce recidivism by
35 increasing the availability and use of social service resources while
36 reducing costs to law enforcement agencies and courts stemming
37 from repeated incarceration.

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

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

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

7 (3) Employing human and social service resources in
8 coordination with law enforcement in a manner that improves
9 individual outcomes and community safety, and promotes
10 community wellness.

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

14 1001.86. (a) The LEAD program shall be administered by the
15 Board of State and Community Corrections.

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

21 (1) Information from the applicant demonstrating a clear
22 understanding of the program's purpose and the applicant's
23 willingness and ability to implement the LEAD program as
24 described in this chapter.

25 (2) Key local partners who would be committed to, and involved
26 in, the development and successful implementation of a LEAD
27 program, including, but not limited to, balanced representation
28 from law enforcement agencies, prosecutorial agencies, public
29 defenders and defense counsel, public health and social services
30 agencies, case management service providers, and any other entities
31 identified by the applicant as integral to the successful
32 implementation of a LEAD program in the jurisdiction.

33 (3) The jurisdiction's capacity and commitment to coordinate
34 social services, law enforcement efforts, and justice system
35 decisionmaking processes, and to work to ensure that the
36 discretionary decisions made by each participant in the
37 administration of the program operates in a manner consistent with
38 the purposes of this chapter.

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

4 1001.87. (a) LEAD programs funded pursuant to this chapter
5 shall consist of a strategy of effective intervention for eligible
6 participants consistent with the following gateways to services:

7 (1) Prebooking referral. As an alternative to arrest, a law
8 enforcement officer may take or refer a person for whom the officer
9 has probable cause for arrest for any of the offenses in subdivision

10 (b) to a case manager to be screened for immediate crisis services
11 and to schedule a complete assessment intake interview.
12 Participation in LEAD diversion shall be voluntary, and the person
13 may decline to participate in the program at any time. Criminal
14 charges based on the conduct for which a person is diverted to
15 LEAD shall not be filed, provided that the person finishes the
16 complete assessment intake interview within a period set by the
17 local jurisdictional partners, but not to exceed 30 days after the
18 referral.

19 (2) Social contact referral. A law enforcement officer may refer
20 an individual to LEAD whom he or she believes is at high risk of
21 arrest in the future for any of the crimes specified in subdivision
22 (b), provided that the individual meets the criteria specified in this
23 paragraph and expresses interest in voluntarily participating in the
24 program. LEAD may accept these referrals if the program has
25 capacity after responding to prebooking diversion referrals
26 described in paragraph (1). All social contact referrals to LEAD
27 shall meet the following criteria:

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

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

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

37 (iii) Law enforcement has a reliable basis of information to
38 believe that the individual is engaged in low-level drug or
39 prostitution activity, including, but not limited to, information

1 provided by another first responder, a professional, or a credible
2 community member.

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

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

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

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

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

15 (1) Possession for sale or transfer of a controlled substance or
16 other prohibited substance where the circumstances indicate that
17 the sale or transfer is intended to provide a subsistence living or
18 to allow the person to obtain or afford drugs for his or her own
19 consumption.

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

24 (3) Possession of a controlled substance or other prohibited
25 substance.

26 (4) Being under the influence of a controlled substance or other
27 prohibited substance.

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

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

31 1001.88. (a) Services provided pursuant to this chapter may
32 include, but are not limited to, case management, housing, medical
33 care, mental health care, treatment for alcohol or substance use
34 disorders, nutritional counseling and treatment, psychological
35 counseling, employment, employment training and education, civil
36 legal services, and system navigation. Grant funding may be used
37 to support any of the following:

38 (1) Project management and community engagement.

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

1 (3) Outreach and direct service costs for services described in
2 this section.

3 (4) Civil legal services for LEAD participants.

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

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

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

10 (8) Collecting and maintaining the data necessary for program
11 evaluation.

12 (b) (1) The board shall contract with a nonprofit research entity,
13 university, or college to evaluate the effectiveness of the LEAD
14 program. The evaluation design shall include measures to assess
15 the cost-benefit outcomes of LEAD programs compared to booking
16 and prosecution, and may include evaluation elements such as
17 comparing outcomes for LEAD participants to similarly situated
18 offenders who are arrested and booked, the number of jail
19 bookings, total number of jail days, the prison incarceration rate,
20 subsequent felony and misdemeanor arrests or convictions, and
21 costs to the criminal justice and court systems. Savings will be
22 compared to costs of LEAD participation. By January 1, 2020, a
23 report of the findings shall be submitted to the Governor and the
24 Legislature pursuant to Section 9795 of the Government Code.

25 (2) The requirement for submitting a report pursuant to this
26 subdivision is inoperative on January 1, 2024, pursuant to Section
27 10231.5 of the Government Code.

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

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

37 ~~SEC. 17.~~

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

39 2694.5. (a) The Department of Corrections and Rehabilitation,
40 under the oversight of the Undersecretary of Health Care Services,

1 shall establish a three-year pilot program at one or more institutions
2 that will provide a medically assisted substance use disorder
3 treatment model for treatment of inmates with a history of
4 substance use problems. The program shall offer a continuum of
5 evidenced-based care that is designed to meet the needs of the
6 persons being served and that is appropriate for a correctional
7 setting. In establishing the program, the department shall consider
8 all of the following:

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

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

13 (3) Comprehensive pretreatment and posttreatment assessments.

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

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

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

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

23 (8) Access to medication-assisted treatment throughout the
24 period of incarceration up to and including immediately prior to
25 release.

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

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

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

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

33 (C) The number of persons who leave the treatment program
34 against medical advice and the number of persons who are
35 discharged from the program prior to achieving their treatment
36 goals.

37 (D) The percentage of participants with negative urine
38 toxicology screens for illicit substances during treatment and
39 post-treatment while incarcerated.

1 (E) The number of persons who are successfully linked to
2 postrelease treatment.

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

6 (B) A report to be submitted pursuant to this subdivision shall
7 be submitted in compliance with Section 9795 of the Government
8 Code.

9 ~~SEC. 18.~~

10 *SEC. 19.* Section 2910 of the Penal Code, as amended by
11 Section 13 of Chapter 310 of the Statutes of 2013, is amended to
12 read:

13 2910. (a) The Secretary of the Department of Corrections and
14 Rehabilitation may enter into an agreement with a city, county, or
15 city and county to permit transfer of prisoners in the custody of
16 the secretary to a jail or other adult correctional facility of the city,
17 county, or city and county, if the sheriff or corresponding official
18 having jurisdiction over the facility has consented thereto. The
19 agreement shall provide for contributions to the city, county, or
20 city and county toward payment of costs incurred with reference
21 to such transferred prisoners.

22 (b) For purposes of this section, a transfer of prisoners under
23 subdivision (a) may include inmates who have been sentenced to
24 the department but remain housed in a county jail. These prisoners
25 shall be under the sole legal custody and jurisdiction of the sheriff
26 or corresponding official having jurisdiction over the facility and
27 shall not be under the legal custody or jurisdiction of the
28 Department of Corrections and Rehabilitation.

29 (c) Notwithstanding any other law, for purposes of entering into
30 agreements under subdivision (a), any process, regulation,
31 requirement, including any state governmental reviews or
32 approvals, or third-party approval that is required under, or
33 implemented pursuant to, any statute that relates to entering into
34 those agreements is hereby waived.

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

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

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

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

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

15 ~~SEC. 19.~~

16 *SEC. 20.* Section 2910 of the Penal Code, as added by Section
17 14 of Chapter 310 of the Statutes of 2013, is amended to read:

18 2910. (a) The Secretary of the Department of Corrections and
19 Rehabilitation may enter into an agreement with a city, county, or
20 city and county to permit transfer of prisoners in the custody of
21 the secretary to a jail or other adult correctional facility of the city,
22 county, or city and county, if the sheriff or corresponding official
23 having jurisdiction over the facility has consented thereto. The
24 agreement shall provide for contributions to the city, county, or
25 city and county toward payment of costs incurred with reference
26 to such transferred prisoners.

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

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

34 (d) Prisoners transferred to such facilities are subject to the rules
35 and regulations of the facility in which they are confined, but
36 remain under the legal custody of the Department of Corrections
37 and Rehabilitation and shall be subject at any time, pursuant to the
38 rules and regulations of the secretary, to be detained in the county
39 jail upon the exercise of a state parole or correctional officer's
40 peace officer powers, as specified in Section 830.5, with the

1 consent of the sheriff or corresponding official having jurisdiction
2 over the facility.

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

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

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

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

16 ~~SEC. 20.~~

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

18 2915. (a) The Secretary of the Department of Corrections and
19 Rehabilitation may enter into one or more agreements to obtain
20 secure housing capacity within the state. These agreements may
21 be entered into with private entities and may be in the form of a
22 lease or an operating agreement. The secretary may procure and
23 enter these agreements on terms and conditions he or she deems
24 necessary and appropriate. Notwithstanding any other law, any
25 process, regulation, requirement, including any state governmental
26 reviews or approvals, or third-party approval that is required under
27 statutes that relate to the procurement and implementation of those
28 agreements is hereby waived, however, no agreement shall contain
29 terms, either directly or indirectly, that involve the repayment of
30 any debt issuance or other financing and, consistent with state law,
31 shall provide that payment of that agreement is subject to
32 appropriation.

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

1 governmental reviews or approvals, or third-party approval that
2 is required under statutes that relate to the procurement and
3 implementation of those agreements is hereby waived, however,
4 no agreement shall contain terms, either directly or indirectly, that
5 involve the repayment of any debt issuance or other financing and,
6 consistent with state law, shall provide that payment of that
7 agreement is subject to appropriation. This subdivision does not
8 authorize the department to operate a facility out of state.

9 (c) The provisions of Division 13 (commencing with Section
10 21000) of the Public Resources Code do not apply to this section.

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

14 ~~SEC. 21.~~

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

16 5027. (a) Upon appropriation by the Legislature in the annual
17 Budget Act, the Department of Corrections and Rehabilitation
18 shall award funding for an innovative grant program to
19 not-for-profit organizations to replicate their programs at
20 institutions that the Director of the Division of Rehabilitative
21 Programs has determined are underserved by volunteer and
22 not-for-profit organizations. The director shall develop a formula
23 for identifying target institutions based upon factors including, but
24 not limited to, number of volunteers, number of inmates, number
25 of volunteer-based programs, and the size of waiting lists for
26 inmates wanting to participate in programs.

27 (b) Grant funding shall be provided to not-for-profit
28 organizations wishing to expand programs that they are currently
29 providing in other California state prisons that have demonstrated
30 success and focus on offender responsibility and restorative justice
31 principles. The grants shall be awarded for a three-year period and
32 are designed to be one time in nature. The grants shall go to
33 programs that demonstrate that they will become self-sufficient
34 or will be funded in the long term by donations or another source
35 of ongoing funding. All funding shall go directly to the
36 not-for-profit organizations and shall not be used for custody staff
37 or administration of the grant. Any unspent funds shall revert to
38 the fund source authorized for this purpose at the end of three
39 years.

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

5 (1) The number of grants provided.

6 (2) The institutions receiving grants.

7 (3) A description of each program and level of funding provided,
8 organized by institution.

9 (4) The start date of each program.

10 (5) Any feedback from inmates participating in the programs
11 on the value of the programs.

12 (6) Any feedback from the program providers on their
13 experience with each institution.

14 (7) The number of participants participating in each program.

15 (8) The number of participants completing each program.

16 (9) Waiting lists, if any, for each program.

17 ~~SEC. 22.~~

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

19 ~~SEC. 23.~~

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

21 5075. (a) Commencing July 1, 2005, there is hereby created
22 the Board of Parole Hearings. As of July 1, 2005, any reference
23 to the Board of Prison Terms in this or any other code refers to the
24 Board of Parole Hearings. As of that date, the Board of Prison
25 Terms is abolished.

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

39 (c) The chair of the board shall be designated by the Governor
40 periodically. The Governor may appoint an executive officer of

1 the board, subject to Senate confirmation, who shall hold office
2 at the pleasure of the Governor. The executive officer shall be the
3 administrative head of the board and shall exercise all duties and
4 functions necessary to insure that the responsibilities of the board
5 are successfully discharged. The secretary shall be the appointing
6 authority for all civil service positions of employment with the
7 board.

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

15 ~~SEC. 24.~~

16 *SEC. 25.* Section 5075.1 of the Penal Code is amended to read:

17 5075.1. The Board of Parole Hearings shall do all of the
18 following:

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

22 (b) Conduct mentally disordered offender hearings.

23 (c) Conduct sexually violent predator hearings.

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

27 (e) Determine revocation of parole for adult offenders under
28 the jurisdiction of the Division of Adult Parole Operations, pursuant
29 to Section 5077.

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

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

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

36 (i) Effective January 1, 2007, all commissioners appointed and
37 trained to hear juvenile parole matters, together with their duties
38 prescribed by law as functions of the Board of Parole Hearings
39 concerning wards under the jurisdiction of the Department of
40 Corrections and Rehabilitation, are transferred to the Director of

1 the Division of Juvenile Justice. All applicable regulations in effect
2 at the time of transfer shall be deemed to apply to those
3 commissioners until new regulations are adopted.

4 ~~SEC. 25.~~

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

6 5075.6. (a) Commissioners and deputy commissioners hearing
7 matters concerning adults under the jurisdiction of the Department
8 of Corrections and Rehabilitation shall have a broad background
9 in criminal justice and an ability for appraisal of adult offenders,
10 the crimes for which those persons are committed, and the
11 evaluation of an individual's progress toward reformation. Insofar
12 as practicable, commissioners and deputy commissioners shall
13 have a varied interest in adult correction work, public safety, and
14 shall have experience or education in the fields of corrections,
15 sociology, law, law enforcement, medicine, mental health, or
16 education.

17 (b) All commissioners and deputy commissioners who conduct
18 hearings for the purpose of considering the parole suitability of
19 inmates, the setting of a parole release date for inmates, or the
20 revocation of parole for adult parolees, shall, within 60 days of
21 appointment and annually thereafter undergo a minimum of 40
22 hours of training in the following areas:

23 (1) Treatment and training programs provided to inmates at
24 Department of Corrections and Rehabilitation institutions,
25 including, but not limited to, educational, vocational, mental health,
26 medical, substance abuse, psychotherapeutic counseling, and sex
27 offender treatment programs.

28 (2) Parole services.

29 (3) Commissioner duties and responsibilities.

30 (4) Knowledge of laws and regulations applicable to conducting
31 parole hearings, including the rights of victims, witnesses, and
32 inmates.

33 ~~SEC. 26.~~

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

35 5076.1. (a) The board shall meet at each of the state prisons
36 and facilities under the jurisdiction of the Division of Adult
37 Institutions. Meetings shall be held at whatever times may be
38 necessary for a full and complete study of the cases of all inmates
39 whose matters are considered. Other times and places of meeting
40 may also be designated by the board. Each commissioner of the

1 board shall receive his or her actual necessary traveling expenses
2 incurred in the performance of his or her official duties. Where
3 the board performs its functions by meeting en banc in either public
4 or executive sessions to decide matters of general policy, at least
5 seven members shall be present, and no action shall be valid unless
6 it is concurred in by a majority vote of those present.

7 (b) The board may use deputy commissioners to whom it may
8 assign appropriate duties, including hearing cases and making
9 decisions. Those decisions shall be made in accordance with
10 policies approved by a majority of the total membership of the
11 board.

12 (c) The board may meet and transact business in panels. Each
13 panel shall consist of two or more persons, subject to subdivision
14 (d) of Section 3041. No action shall be valid unless concurred in
15 by a majority vote of the persons present. In the event of a tie vote,
16 the matter shall be referred to a randomly selected committee,
17 comprised of a majority of the commissioners specifically
18 appointed to hear adult parole matters and who are holding office
19 at the time.

20 (d) Consideration of parole release for persons sentenced to life
21 imprisonment pursuant to subdivision (b) of Section 1168 shall
22 be heard by a panel of two or more commissioners or deputy
23 commissioners, of which only one may be a deputy commissioner.
24 A recommendation for recall of a sentence under subdivisions (d)
25 and (e) of Section 1170 shall be made by a panel, a majority of
26 whose commissioners are commissioners of the Board of Parole
27 Hearings.

28 ~~SEC. 27.~~

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

30 6025.1. (a) Members of the board, with the exception of the
31 Chair of the Board of State and Community Corrections, shall
32 receive no compensation, but shall be reimbursed for their actual
33 and necessary travel expenses incurred in the performance of their
34 duties. For purposes of compensation, attendance at meetings of
35 the board shall be deemed performance by a member of the duties
36 of his or her state or local governmental employment.

37 (b) For the purposes of Section 1090 of the Government Code,
38 members of a committee created by the board pursuant to Section
39 6046.3 or a committee created with the primary purpose of
40 administering grant funding from the Edward Byrne Memorial

1 Justice Assistance Grant Program (42 U.S.C. Sec. 3751(a)),
2 including a member of the board in his or her capacity as a member
3 of a committee created by the board, have no financial interest in
4 any contract made by the board, including a grant or bond financing
5 transaction, based upon the receipt of compensation for holding
6 public office or public employment.

7 (c) The Chair of the Board of State and Community Corrections
8 shall serve full time. The Department of Human Resources shall
9 fix the compensation of the Chair of the Board of State and
10 Community Corrections.

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

14 ~~SEC. 28:~~

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

16 6250.2. (a) The Secretary of the Department of Corrections
17 and Rehabilitation may enter into agreements for the transfer of
18 prisoners to, or placement of prisoners in, community correctional
19 centers. The secretary may enter into contracts to provide housing,
20 sustenance, and supervision for inmates placed in community
21 correctional centers.

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

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

31 ~~SEC. 29:~~

32 *SEC. 30.* Section 6258.1 of the Penal Code is amended to read:

33 6258.1. An inmate shall not be transferred to a community
34 correctional reentry facility unless all of the following conditions
35 are met:

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

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

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

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

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

7 ~~SEC. 30.~~

8 *SEC. 31.* Section 6402 of the Penal Code is amended to read:

9 6402. The Department of Corrections and Rehabilitation
10 (CDCR) shall develop policies related to the department's
11 contraband interdiction efforts for individuals entering CDCR
12 detention facilities. When developed, these policies shall include,
13 but not be limited to, the following specifications:

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

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

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

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

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

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

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

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

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

7 (j) CDCR shall conduct an evaluation of a policy described in
8 this section and provide an interim report to the Legislature by
9 June 30, 2016, and a final report to the Legislature on April 30,
10 2017. This evaluation shall include, but not be limited to, the
11 impact of the policy on:

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

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

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

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

21 (k) (1) The requirement for submitting a report imposed under
22 subdivision (j) is inoperative on June 30, 2020, pursuant to Section
23 10231.5 of the Government Code.

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

27 ~~SEC. 31.~~

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

29 6404. Inmates shall not be prohibited from family visits based
30 solely on the fact that the inmate was sentenced to life without the
31 possibility of parole or was sentenced to life and is without a parole
32 date established by the Board of Parole Hearings.

33 ~~SEC. 32.~~

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

37 11191. (a) Any court or other agency or officer of this state
38 having power to commit or transfer an inmate, as defined in Article
39 II(d) of the Interstate Corrections Compact or of the Western
40 Interstate Corrections Compact, to any institution for confinement

1 may commit or transfer that inmate to any institution within or
2 without this state if this state has entered into a contract or contracts
3 for the confinement of inmates in that institution pursuant to Article
4 III of the Interstate Corrections Compact or of the Western
5 Interstate Corrections Compact.

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

17 (c) Notwithstanding the requirements in this section or Section
18 11194, the secretary may transfer an inmate to a facility in another
19 state without the consent of the inmate.

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

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

26 ~~SEC. 33.~~

27 *SEC. 34.* Section 11191 of the Penal Code, as added by Section
28 18 of Chapter 310 of the Statutes of 2013, is amended to read:

29 11191. (a) Any court or other agency or officer of this state
30 having power to commit or transfer an inmate, as defined in Article
31 II(d) of the Interstate Corrections Compact or of the Western
32 Interstate Corrections Compact, to any institution for confinement
33 may commit or transfer that inmate to any institution within or
34 outside of this state if this state has entered into a contract or
35 contracts for the confinement of inmates in that institution pursuant
36 to Article III of the Interstate Corrections Compact or of the
37 Western Interstate Corrections Compact.

38 (b) No inmate sentenced under California law may be committed
39 or transferred to an institution outside of this state, unless he or
40 she has executed a written consent to the transfer. The inmate shall

1 have the right to a private consultation with an attorney of his
2 choice, or with a public defender if the inmate cannot afford
3 counsel, concerning his rights and obligations under this section,
4 and shall be informed of those rights prior to executing the written
5 consent. At any time more than five years after the transfer, the
6 inmate shall be entitled to revoke his consent and to transfer to an
7 institution in this state. In such cases, the transfer shall occur within
8 the next 30 days.

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

10 ~~SEC. 34.~~

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

12 13501. The Governor shall designate the chair of the
13 commission from among the members of the commission. The
14 person designated as the chair shall serve at the pleasure of the
15 Governor. The commission shall annually select a vice chair from
16 among its members. A majority of the members of the commission
17 shall constitute a quorum.

18 ~~SEC. 35.~~

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

20 13601. (a) (1) The CPOST shall develop, approve, and
21 monitor standards for the selection and training of state correctional
22 peace officer apprentices.

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

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

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

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

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

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

21 (f) Toward the accomplishment of the objectives of this section,
22 the CPOST may confer with, and may avail itself of the assistance
23 and recommendations of, other state and local agencies, boards,
24 or commissions.

25 (g) Notwithstanding the authority of the CPOST, the department
26 shall design and deliver training programs, shall conduct validation
27 studies, and shall provide program support. The CPOST shall
28 monitor program compliance by the department.

29 (h) The CPOST may disapprove any training courses created
30 by the department pursuant to the standards developed by CPOST
31 if it determines that the courses do not meet the prescribed
32 standards. Training may continue with existing curriculum pending
33 resolution.

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

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

5 ~~SEC. 36.~~

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

7 23690. (a) (1) The Department of Justice may require each
8 dealer to charge each firearm purchaser or transferee a fee not to
9 exceed one dollar (\$1) for each firearm transaction, except that
10 the Department of Justice may increase the fee at a rate not to
11 exceed any increase in the California Consumer Price Index, as
12 compiled and reported by the Department of Industrial Relations,
13 and not to exceed the reasonable cost of regulation to the
14 Department of Justice.

15 (2) The fee shall be for the purpose of supporting department
16 program costs related to this act, including the establishment,
17 maintenance, and upgrading of related database systems and public
18 rosters.

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

21 (2) Revenue from the fee imposed by subdivision (a) shall be
22 deposited into the Firearm Safety Account and shall be available
23 for expenditure by the Department of Justice upon appropriation
24 by the Legislature.

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

27 ~~SEC. 37.~~

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

29 28300. (a) The Firearms Safety and Enforcement Special Fund
30 is hereby established in the State Treasury and shall be
31 administered by the Department of Justice.

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

1 (c) Revenue deposited into the Firearms Safety and Enforcement
2 Special Fund shall be available for expenditure by the Department
3 of Justice upon appropriation by the Legislature for the purpose
4 of implementing and enforcing the provisions of Article 2
5 (commencing with Section 31610) of Chapter 4 of Division 10,
6 enforcing Section 830.95, Title 2 (commencing with Section
7 12001) of Part 4, Sections 16000 to 16960, inclusive, Sections
8 16970 to 17230, inclusive, Sections 17240 to 21390, inclusive,
9 and Sections 21590 to 34370, inclusive, and for the establishment,
10 maintenance, and upgrading of equipment and services necessary
11 for firearms dealers to comply with Article 2 (commencing with
12 Section 28150).

13 ~~SEC. 38.~~

14 *SEC. 39.* The heading of Article 2.5 (commencing with Section
15 1716) of Chapter 1 of Division 2.5 of the Welfare and Institutions
16 Code is amended to read:

17

18 Article 2.5. Board of Juvenile Hearings

19

20 ~~SEC. 39.~~

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

23 1716. Commencing July 1, 2016, any reference to the Youth
24 Authority Board refers to the Board of Juvenile Hearings.

25 ~~SEC. 40.~~

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

28 1718. (a) The Governor shall appoint three commissioners,
29 subject to Senate confirmation, to the Board of Juvenile Hearings.
30 These commissioners shall be appointed and trained to hear only
31 juvenile matters. The term of appointment for each commissioner
32 shall be five years, and each term shall commence on the expiration
33 of the predecessor. Each commissioner currently serving on the
34 Board of Parole Hearings to hear only juvenile matters shall
35 continue to serve as a commissioner of the Board of Juvenile
36 Hearings until his or her current term expires. The Governor shall
37 stagger the remaining vacancies as follows: one commissioner
38 term to expire on July 1, 2018, and one commissioner term to
39 expire on July 1, 2019. Any appointment to a vacancy that occurs
40 for any reason other than expiration of the term shall be for the

1 remainder of the unexpired term. Commissioners are eligible for
2 reappointment. The selection of persons and their appointment by
3 the Governor and confirmation by the Senate shall reflect as nearly
4 as possible a cross section of the racial, sexual, economic, and
5 geographic features of the population of the state.

6 (b) The chair of the Board of Juvenile Hearings shall be
7 designated by the Governor periodically. The Governor may
8 appoint an executive officer of the board, subject to Senate
9 confirmation, who shall hold office at the pleasure of the Governor.
10 The executive officer shall be the administrative head of the board
11 and shall exercise all duties and functions necessary to ensure that
12 the responsibilities of the board are successfully discharged. The
13 director of the Division of Juvenile Facilities shall be the hiring
14 authority for all civil service positions of employment with the
15 board.

16 (c) Each commissioner shall participate in hearings, including
17 discharge consideration hearings, initial case reviews, and annual
18 reviews.

19 ~~SEC. 41.~~

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

22 1719. (a) The following powers and duties shall be exercised
23 and performed by the Board of Juvenile Hearings: discharges of
24 commitment, orders for discharge from the jurisdiction of the
25 Division of Juvenile Facilities to the jurisdiction of the committing
26 court, initial case reviews, and annual reviews.

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

30 (c) The following powers and duties shall be exercised and
31 performed by the Division of Juvenile Facilities: return of persons
32 to the court of commitment for redispotion by the court or a
33 reentry disposition, determination of offense category, setting of
34 discharge consideration dates, developing and updating
35 individualized treatment plans, institution placements, furlough
36 placements, return of nonresident persons to the jurisdiction of the
37 state of legal residence, disciplinary decisionmaking, and referrals
38 pursuant to Section 1800.

39 (d) The department shall promulgate policies and regulations
40 implementing a departmentwide system of graduated sanctions

1 for addressing ward disciplinary matters. The disciplinary
2 decisionmaking system shall be employed as the disciplinary
3 system in facilities under the jurisdiction of the Division of Juvenile
4 Facilities, and shall provide a framework for handling disciplinary
5 matters in a manner that is consistent, timely, proportionate, and
6 ensures the due process rights of wards. The department shall
7 develop and implement a system of graduated sanctions that
8 distinguishes between minor, intermediate, and serious misconduct.
9 The department may not extend a ward's discharge consideration
10 date. The department also may promulgate regulations to establish
11 a process for granting wards who have successfully responded to
12 disciplinary sanctions a reduction of any time acquired for
13 disciplinary matters.

14 ~~SEC. 42.~~

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

17 1720. (a) The case of each ward shall be reviewed by the Board
18 of Juvenile Hearings within 45 days of arrival at the department,
19 and at other times as is necessary to meet the powers or duties of
20 the board.

21 (b) The Board of Juvenile Hearings shall periodically review
22 the case of each ward. These reviews shall be made as frequently
23 as the Board of Juvenile Hearings considers desirable and shall be
24 made with respect to each ward at intervals not exceeding one
25 year.

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

30 (d) Failure of the board to review the case of a ward within 15
31 months of a previous review shall not of itself entitle the ward to
32 discharge from the control of the division but shall entitle him or
33 her to petition the superior court of the county from which he or
34 she was committed for an order of discharge, and the court shall
35 discharge him or her unless the court is satisfied as to the need for
36 further control.

37 (e) Reviews conducted by the board pursuant to this section
38 shall be written and shall include, but not be limited to, the
39 following: verification of the treatment or program goals and orders
40 for the ward to ensure the ward is receiving treatment and

1 programming that is narrowly tailored to address the correctional
2 treatment needs of the ward and is being provided in a timely
3 manner that is designed to meet the discharge consideration date
4 set for the ward; an assessment of the ward's adjustment and
5 responsiveness to treatment, programming, and custody; a review
6 of the ward's disciplinary history and response to disciplinary
7 sanctions; and a review of any additional information relevant to
8 the ward's progress.

9 (f) The division shall provide copies of the reviews prepared
10 pursuant to this section to the court and the probation department
11 of the committing county.

12 ~~SEC. 43.~~

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

15 1721. (a) The Board of Juvenile Hearings shall meet at each
16 of the facilities under the jurisdiction of the Division of Juvenile
17 Facilities. Meetings shall be held at whatever times may be
18 necessary for a full and complete study of the cases of all wards
19 whose matters are considered. Other times and places of meeting
20 may also be designated by the board, including, but not limited to,
21 prisons or state facilities housing wards under the jurisdiction of
22 the Division of Juvenile Facilities. Each commissioner of the board
23 shall receive his or her actual necessary traveling expenses incurred
24 in the performance of his or her official duties. If the board
25 performs its functions by meeting en banc in either public or
26 executive sessions to decide matters of general policy, no action
27 shall be valid unless it is concurred in by a majority vote of those
28 present.

29 (b) The Board of Juvenile Hearings may utilize board
30 representatives to whom it may assign appropriate duties, including
31 hearing cases and making decisions. Those decisions shall be made
32 in accordance with policies approved by a majority of the total
33 membership of the board. When determining whether
34 commissioners or board representatives shall hear matters pursuant
35 to subdivision (a) of Section 1719, or any other matter submitted
36 to the board involving wards under the jurisdiction of the Division
37 of Juvenile Facilities, the chair shall take into account the degree
38 of complexity of the issues presented by the case.

39 (c) The board shall exercise the powers and duties specified in
40 subdivision (a) of Section 1719 in accordance with rules and

1 regulations adopted by the board. The board may conduct discharge
2 hearings in panels. Each panel shall consist of two or more persons,
3 at least one of whom shall be a commissioner. No panel action
4 shall be valid unless concurred in by a majority vote of the persons
5 present; in the event of a tie vote, the matter shall be referred to
6 and heard by the board en banc.

7 ~~SEC. 44.~~

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

10 1722. (a) Any rules and regulations, including any resolutions
11 and policy statements, promulgated by the Board of Juvenile
12 Hearings shall be promulgated and filed pursuant to Chapter 3.5
13 (commencing with Section 11340) of Part 1 of Division 3 of Title
14 2 of the Government Code, and shall, to the extent practical, be
15 stated in language that is easily understood by the general public.

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

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

27 ~~SEC. 45.~~

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

30 1723. (a) The powers and duties of the board described in
31 subdivision (a) of Section 1719 shall be exercised and performed
32 by the board or its designee, as authorized by this article.

33 (b) All other powers conferred to the board concerning wards
34 under the jurisdiction of the division may be exercised through
35 subordinates or delegated to the division under rules established
36 by the board. Any person subjected to an order of those
37 subordinates or of the division pursuant to that delegation may
38 petition the board for review. The board may review those orders
39 under appropriate rules and regulations.

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

3 ~~SEC. 46.~~

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

6 1724. (a) Commissioners and board representatives hearing
7 matters pursuant to subdivision (a) of Section 1719 or any other
8 matter involving wards under the jurisdiction of the Division of
9 Juvenile Facilities shall have a broad background in, and ability
10 to perform or understand, appraisal of youthful offenders and
11 delinquents, the circumstances of delinquency for which those
12 persons are committed, and the evaluation of an individual's
13 progress toward reformation. Insofar as practicable, commissioners
14 and board representatives selected to hear these matters also shall
15 have a varied and sympathetic interest in juvenile justice and shall
16 have experience or education in the fields of juvenile justice,
17 sociology, law, law enforcement, mental health, medicine, drug
18 treatment, or education.

19 (b) Within 60 days of appointment and annually thereafter,
20 commissioners and board representatives described in subdivision
21 (a) shall undergo a minimum of 40 hours of training in the
22 following areas:

23 (1) Adolescent brain development, the principles of cognitive
24 behavioral therapy, and evidence-based treatment and
25 recidivism-reduction models.

26 (2) Treatment and training programs provided to wards at the
27 Division of Juvenile Facilities, including, but not limited to,
28 educational, vocational, mental health, medical, substance abuse,
29 psychotherapeutic counseling, and sex offender treatment
30 programs.

31 (3) Current national research on effective interventions with
32 juvenile offenders and how they compare to division program and
33 treatment services.

34 (4) Commissioner duties and responsibilities.

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

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

1 ~~SEC. 47.~~

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

4 1725. (a) Commencing July 1, 2016, the Board of Juvenile
5 Hearings shall succeed, and shall exercise and perform all powers
6 and duties previously granted to, exercised by, and imposed upon
7 the Youthful Offender Parole Board and Youth Authority Board,
8 as authorized by this article. The Youthful Offender Parole Board
9 and Youth Authority Board are abolished.

10 (b) Commencing January 1, 2007, all commissioners appointed
11 and trained to hear juvenile parole matters, together with their
12 duties prescribed by law as functions of the Board of Parole
13 Hearings concerning wards under the jurisdiction of the Department
14 of Corrections and Rehabilitation, are transferred to the Director
15 of the Division of Juvenile Justice.

16 ~~SEC. 48.~~

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

19 1728. The Governor may remove any member of the Board of
20 Juvenile Hearings for misconduct, incompetency, or neglect of
21 duty after a full hearing by the Board of State and Community
22 Corrections.

23 ~~SEC. 49.~~

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

26 1766. (a) Subject to Sections 733 and 1767.35, and subdivision
27 (b) of this section, if a person has been committed to the
28 Department of Corrections and Rehabilitation, Division of Juvenile
29 Facilities, the Board of Juvenile Hearings, according to
30 standardized review and appeal procedures established by the
31 board in policy and regulation and subject to the powers and duties
32 enumerated in subdivision (a) of Section 1719, may do any of the
33 following:

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

38 (2) Deny discharge, except that a person committed to the
39 division pursuant to Section 731 or 1731.5 shall not be held in

1 physical confinement for a total period of time in excess of the
2 maximum periods of time set forth in Section 731.

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

9 (1) The county of commitment shall supervise the reentry of
10 any ward still subject to the court's jurisdiction and discharged
11 from the jurisdiction of the Division of Juvenile Facilities. The
12 conditions of the ward's supervision shall be established by the
13 court pursuant to the provisions of this section.

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

20 (3) (A) Not less than 30 days prior to the scheduled discharge
21 consideration hearing, the division shall notify the ward of the date
22 and location of the discharge consideration hearing. A ward shall
23 have the right to contact his or her parent or guardian, if he or she
24 can reasonably be located, to inform the parent or guardian of the
25 date and location of the discharge consideration hearing. The
26 division shall also allow the ward to inform other persons identified
27 by the ward, if they can reasonably be located, and who are
28 considered by the division as likely to contribute to a ward's
29 preparation for the discharge consideration hearing or the ward's
30 postrelease success.

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

33 (i) A minor chooses not to contact his or her parents, guardians,
34 or other persons and the director of the division facility determines
35 it would be in the best interest of the minor not to contact the
36 parents, guardians, or other persons.

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

39 (C) Upon intake of a ward committed to a division facility, and
40 again upon attaining 18 years of age while serving his or her

1 commitment in the custody of the division, an appropriate staff
2 person shall explain the provisions of subparagraphs (A) and (B),
3 using language clearly understandable to the ward.

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

6 (4) Not less than 30 days prior to the scheduled discharge
7 consideration hearing of a ward described in this subdivision, the
8 probation department of the committing county may provide the
9 division with its written plan for the reentry supervision of the
10 ward. At the discharge consideration hearing, the Board of Juvenile
11 Hearings shall, in determining whether the ward is to be released,
12 consider a reentry supervision plan submitted by the county.

13 (5) If the Board of Juvenile Hearings determines that a ward is
14 ready for discharge to county supervision pursuant to subdivision
15 (a), the board shall set a date for discharge from the jurisdiction
16 of the Division of Juvenile Facilities no less than 14 days after the
17 date of such determination. The board shall also record any
18 postrelease recommendations for the ward. These recommendations
19 will be sent to the committing court responsible for setting the
20 ward's conditions of supervision no later than seven days from the
21 date of such determination.

22 (6) No more than four days but no less than one day prior to the
23 scheduled date of the reentry disposition hearing before the
24 committing court, the Division of Juvenile Facilities shall transport
25 and deliver the ward to the custody of the probation department
26 of the committing county. On or prior to a ward's date of discharge
27 from the Division of Juvenile Facilities, the committing court shall
28 convene a reentry disposition hearing for the ward. The purpose
29 of the hearing shall be for the court to identify those conditions of
30 supervision that are appropriate under all the circumstances of the
31 case and consistent with evidence-based practices. The court shall,
32 to the extent it deems appropriate, incorporate postrelease
33 recommendations made by the board as well as any reentry plan
34 submitted by the county probation department and reviewed by
35 the board into its disposition order. At the hearing the ward shall
36 be fully informed of the terms and conditions of any order entered
37 by the court, including the consequences for any violation thereof.
38 The procedure of the reentry disposition hearing shall otherwise
39 be consistent with the rules, rights, and procedures applicable to
40 delinquency disposition hearings as described in Article 17

1 (commencing with Section 675) of Chapter 2 of Part 1 of Division
2 2.

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

5 (8) Notwithstanding any other law or any other provision of
6 this section, commencing January 1, 2013, all wards who remain
7 on parole under the jurisdiction of the Division of Juvenile
8 Facilities shall be discharged, except for wards who are in custody
9 pending revocation proceedings or serving a term of revocation.
10 A ward that is pending revocation proceedings or serving a term
11 of revocation shall be discharged after serving his or her revocation
12 term, including any revocation extensions, or when any allegations
13 of violating the terms and conditions of his or her parole are not
14 sustained.

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

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

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

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

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

28 (4) The percentage of wards who have had a discharge
29 consideration date changed to a later date, the percentage of wards
30 who have had a discharge consideration date changed to an earlier
31 date, and the average annual time added or subtracted per case.

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

35 (6) Any additional data or information identified by the
36 department as relevant.

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

1 ~~SEC. 50.~~

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

4 1767.3. (a) The written order of the Director of the Division
5 of Juvenile Justice is a sufficient warrant for any peace officer to
6 return to custody any person who has escaped from the custody
7 of the Division of Juvenile Facilities or from any institution or
8 facility in which he or she has been placed by the division.

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

11 ~~SEC. 51.~~

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

14 5848.51. (a) The Legislature finds and declares all of the
15 following:

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

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

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

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

27 (b) Funds appropriated by the Legislature to the authority for
28 the purposes of this section shall be used to establish a competitive
29 grant program designed to promote diversion programs and services
30 by increasing and expanding mental health treatment facilities,
31 substance use disorder treatment facilities, and trauma-centered
32 service facilities, including facilities providing services for sex
33 trafficking victims, domestic violence victims, and victims of other
34 violent crimes, in local communities, through the provision of
35 infrastructure grants.

36 (c) Grant awards made by the authority shall be used to expand
37 local resources for facility acquisition or renovation, equipment
38 acquisition, and applicable program startup or expansion costs to
39 increase availability and capacity to diversion programs described
40 in paragraph (b).

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

4 (e) The authority shall develop selection criteria to expand local
5 resources, including those described in subdivision (b), and
6 processes for awarding grants after consulting with representatives
7 and interested stakeholders from the mental health treatment
8 community, substance use disorder treatment community, and
9 trauma recovery center providers, including, but not limited to,
10 county behavioral health directors, service providers, consumer
11 organizations, and other appropriate interests, such as health care
12 providers, law enforcement, trial courts, and formerly incarcerated
13 individuals as determined by the authority. The authority shall
14 monitor that grants result in cost-effective expansion of the number
15 of community-based resources in regions and communities selected
16 for funding. The authority shall also take into account at least the
17 following criteria and factors when selecting recipients of grants
18 and determining the amount of grant awards:

19 (1) Description of need, including, at a minimum, a
20 comprehensive description of the project, community need,
21 population to be served, linkage with other public systems of health
22 and mental health care, linkage with local law enforcement, social
23 services, and related assistance, as applicable, and a description
24 of the request for funding.

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

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

32 (4) Level of community engagement and commitment to project
33 completion.

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

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

1 (7) Memorandum of understanding among project partners, if
2 applicable.

3 (8) Information regarding the legal status of the collaborating
4 partners, if applicable.

5 (9) Ability to measure key outcomes, including utilization of
6 services, health and mental health outcomes, and cost benefit of
7 the project.

8 (f) The authority shall determine maximum grant awards, which
9 shall take into consideration the number of projects awarded to
10 the grantee, as described in subdivision (c), and shall reflect
11 reasonable costs for the project and geographic region. The
12 authority may allocate a grant in increments contingent upon the
13 phases of a project.

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

18 (h) All projects that are awarded grants by the authority shall
19 be completed within a reasonable period of time, to be determined
20 by the authority. Funds shall not be released by the authority until
21 the applicant demonstrates project readiness to the authority's
22 satisfaction. If the authority determines that a grant recipient has
23 failed to complete the project under the terms specified in awarding
24 the grant, the authority may require remedies, including the return
25 of all or a portion of the grant.

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

29 (j) The authority may adopt emergency regulations relating to
30 the grants for the capital capacity and program expansion projects
31 described in this section, including emergency regulations that
32 define eligible costs and determine minimum and maximum grant
33 amounts.

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

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

39 (B) The amount of each grant issued.

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

1 (D) The total amount of grants issued.

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

4 (2) The requirement for submitting a report imposed under this
5 subdivision is inoperative on April 1, 2024, pursuant to Section
6 10231.5 of the Government Code.

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

10 ~~SEC. 52.~~

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

13 7200.06. (a) After construction of the perimeter security fence
14 is completed at Napa State Hospital, no patient whose placement
15 has been required pursuant to the Penal Code shall be placed
16 outside the perimeter security fences, with the exception of
17 placements in the general acute care and skilled nursing units. The
18 State Department of State Hospitals shall ensure that appropriate
19 security measures are in place for the general acute care and skilled
20 nursing units.

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

24 ~~SEC. 53.~~

25 *SEC. 54.* This act is a bill providing for appropriations related
26 to the Budget Bill within the meaning of subdivision (e) of Section
27 12 of Article IV of the California Constitution, has been identified
28 as related to the budget in the Budget Bill, and shall take effect
29 immediately.

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