

AMENDED IN ASSEMBLY AUGUST 18, 2016

AMENDED IN ASSEMBLY AUGUST 8, 2016

AMENDED IN ASSEMBLY MAY 25, 2016

SENATE BILL

No. 856

Introduced by Committee on Budget and Fiscal Review

January 7, 2016

An act to amend Sections ~~905.2 and 8590.6~~ of 905.2, 8590.6, and 15820.946 of, and to add Section 15820.947 to, the Government Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 856, as amended, Committee on Budget and Fiscal Review. State government: claims: human trafficking.

Existing law with respect to claims against public entities authorizes the "board," as defined, to assess a surcharge to the state entity against which an approved claim was filed in an amount not to exceed 15% of the claim. Existing law requires the surcharge to be deposited into the General Fund and provides that it may be appropriated in support of the board in the annual Budget Act.

This bill would specify that the Department of General Services may assess this surcharge, would require the surcharge to be deposited into the Service Revolving Fund, and would specify that the surcharge may be appropriated to the department in the annual Budget Act.

Existing law defines a human trafficking caseworker to mean a human trafficking caseworker as defined by the Evidence Code.

This bill would expand that definition to include a human trafficking caseworker who is employed by a homeless services provider that serves

homeless children or youth and has completed a minimum of 8 hours of training focused on victims of human trafficking from the Runaway and Homeless Youth Training and Technical Assistance Center.

This bill would appropriate \$3,000,000 from the Gambling Control Fund to the Department of Justice for the purposes of addressing the backlog in investigations related to card room licensing.

Existing law authorizes the State Public Works Board to issue up to \$270,000,000 in revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, and construction of approved adult local criminal justice facilities, setting aside \$20,000,000 to be awarded to the County of Napa.

This bill would require that \$20,000,000 of the amount issued by the board in revenue bonds, notes, or bond anticipation notes to be set aside and awarded to the County of Napa without the submission of any further adult local criminal justice facility proposal. The bill would also authorize those funds to be utilized in conjunction with a partial award made to the County of Napa pursuant to other specified provisions.

This bill would appropriate \$1,000 from the General Fund to the Board of State and Community Corrections for administrative costs related to the bill.

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 905.2 of the Government Code is
- 2 amended to read:
- 3 905.2. (a) This section shall apply to claims against the state
- 4 filed with the Department of General Services except as provided
- 5 in subparagraph (B) of paragraph (2) of subdivision (b).
- 6 (b) There shall be presented in accordance with this chapter and
- 7 Chapter 2 (commencing with Section 910) all claims for money
- 8 or damages against the state:
- 9 (1) For which no appropriation has been made or for which no
- 10 fund is available but the settlement of which has been provided
- 11 for by statute or constitutional provision.

1 (2) (A) For which the appropriation made or fund designated
2 is exhausted.

3 (B) Claims for reissuance of stale, dated, or replacement
4 warrants shall be filed with the state entity that originally issued
5 the warrant and, if allowed, shall be paid from the issuing entity's
6 current appropriation.

7 (3) For money or damages on express contract, or for an injury
8 for which the state is liable.

9 (4) For which settlement is not otherwise provided for by statute
10 or constitutional provision.

11 (c) Claimants shall pay a filing fee of twenty-five dollars (\$25)
12 for filing a claim described in subdivision (b), except for claims
13 for reissuance of stale, dated, or replacement warrants as described
14 in subparagraph (B) of paragraph (2) of subdivision (b). This fee
15 shall be deposited into the Service Revolving Fund and shall only
16 be available for the support of the Department of General Services
17 upon appropriation by the Legislature.

18 (1) The fee shall not apply to the following persons:

19 (A) Persons who are receiving benefits pursuant to the
20 Supplemental Security Income (SSI) and State Supplementary
21 Payment (SSP) programs (Article 5 (commencing with Section
22 12200) of Chapter 3 of Part 3 of Division 9 of the Welfare and
23 Institutions Code), the California Work Opportunity and
24 Responsibility to Kids Act (CalWORKs) program (Chapter 2
25 (commencing with Section 11200) of Part 3 of Division 9 of the
26 Welfare and Institutions Code), the federal Supplemental Nutrition
27 Assistance Program (SNAP; 7 U.S.C. Sec. 2011 et seq.), or Section
28 17000 of the Welfare and Institutions Code.

29 (B) Persons whose monthly income is 125 percent or less of the
30 current monthly poverty line annually established by the Secretary
31 of California Health and Human Services pursuant to the federal
32 Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35),
33 as amended.

34 (C) Persons who are sentenced to imprisonment in a state prison
35 or confined in a county jail, or who are residents in a state
36 institution and, within 90 days prior to the date the claim is filed,
37 have a balance of one hundred dollars (\$100) or less credited to
38 the inmate's or resident's trust account. A certified copy of the
39 statement of the account shall be submitted.

1 (2) Any claimant who requests a fee waiver shall attach to the
2 application a signed affidavit requesting the waiver and verification
3 of benefits or income and any other required financial information
4 in support of the request for the waiver.

5 (3) Notwithstanding any other law, an applicant shall not be
6 entitled to a hearing regarding the denial of a request for a fee
7 waiver.

8 (d) The time for the Department of General Services to
9 determine the sufficiency, timeliness, or any other aspect of the
10 claim shall begin when any of the following occur:

11 (1) The claim is submitted with the filing fee.

12 (2) The fee waiver is granted.

13 (3) The filing fee is paid to the department upon the
14 department's denial of the fee waiver request, so long as payment
15 is received within 10 calendar days of the mailing of the notice of
16 the denial.

17 (e) Upon approval of the claim by the Department of General
18 Services, the fee shall be reimbursed to the claimant, except that
19 no fee shall be reimbursed if the approved claim was for the
20 payment of an expired warrant. Reimbursement of the filing fee
21 shall be paid by the state entity against which the approved claim
22 was filed. If the claimant was granted a fee waiver pursuant to this
23 section, the amount of the fee shall be paid by the state entity to
24 the department. The reimbursement to the claimant or the payment
25 to the department shall be made at the time the claim is paid by
26 the state entity, or shall be added to the amount appropriated for
27 the claim in an equity claims bill.

28 (f) The Department of General Services may assess a surcharge
29 to the state entity against which the approved claim was filed in
30 an amount not to exceed 15 percent of the total approved claim.
31 The department shall not include the refunded filing fee in the
32 surcharge calculation. This surcharge shall be deposited into the
33 Service Revolving Fund and may be appropriated in support of
34 the department in the annual Budget Act.

35 (1) The surcharge shall not apply to approved claims to reissue
36 expired warrants.

37 (2) Upon the request of the department in a form prescribed by
38 the Controller, the Controller shall transfer the fees from the state
39 entity's appropriation to the appropriation for the support of the
40 department. However, the department shall not request an amount

1 that shall be submitted for legislative approval pursuant to Section
2 14659.10.

3 (g) The filing fee required by subdivision (c) shall apply to all
4 claims filed after June 30, 2004, or the effective date of this statute.
5 The surcharge authorized by subdivision (f) may be calculated and
6 included in claims paid after June 30, 2004, or the effective date
7 of the statute adding this subdivision.

8 (h) This section shall not apply to claims made for a violation
9 of the California Whistleblower Protection Act (Article 3
10 (commencing with Section 8547) of Chapter 6.5 of Division 1 of
11 Title 2).

12 SEC. 2. Section 8590.6 of the Government Code is amended
13 to read:

14 8590.6. For the purposes of this article:

15 (a) “Comprehensive services” means primary services that
16 include all of the following:

17 (1) Shelter or established referral services for shelter on a 24
18 hours a day, seven days a week, basis.

19 (2) A 24 hours a day, seven days a week, telephone hotline for
20 crisis calls.

21 (3) Temporary housing and food facilities.

22 (4) Psychological support and peer counseling provided in
23 accordance with Section 1038.2 of the Evidence Code.

24 (5) Referrals to existing services in the community.

25 (6) Emergency transportation, as feasible.

26 (b) “Director” means the Director of the Office of Emergency
27 Services.

28 (c) “Fund” means the Human Trafficking Victims Assistance
29 Fund.

30 (d) “Human trafficking caseworker” means a human trafficking
31 caseworker as defined in Section 1038.2 of the Evidence Code, or
32 a human trafficking caseworker who is employed by a homeless
33 services provider that serves homeless children or youth and has
34 completed a minimum of eight hours of training focused on victims
35 of human trafficking from the Runaway and Homeless Youth
36 Training and Technical Assistance Center.

37 (e) “Office” means the Office of Emergency Services.

38 (f) “Qualified nonprofit organization” means a nongovernmental,
39 nonprofit organization that does both of the following:

1 (1) Employs a minimum of one individual who is a human
2 trafficking caseworker.

3 (2) Provides services to victims of human trafficking, including,
4 but not limited to, housing assistance, counseling services, and
5 social services to victims of human trafficking.

6 (g) “Victim of human trafficking” means any person who is a
7 trafficking victim as described in Section 236.1 of the Penal Code
8 and satisfies either of the following conditions:

9 (1) Was trafficked in the state.

10 (2) Fled his or her trafficker to the state.

11 *SEC. 3. Section 15820.946 of the Government Code is amended*
12 *to read:*

13 15820.946. (a) The participating county contribution for adult
14 local criminal justice facilities financed under this chapter shall
15 be a minimum of 10 percent of the total project costs. The BSCC
16 may reduce contribution requirements for participating counties
17 with a general population below 200,000 upon petition by a
18 participating county to the BSCC requesting a lower level of
19 contribution.

20 (b) The BSCC shall determine the funding and scoring criteria
21 consistent with the requirements of this chapter. Financing shall
22 be awarded only to those counties that have previously received
23 only a partial award or have never received an award from the
24 state within the financing programs authorized in Chapters 3.11
25 (commencing with Section 15820.90) to 3.131 (commencing with
26 Section 15820.93), inclusive. ~~Notwithstanding this restriction,~~
27 ~~twenty million dollars (\$20,000,000) of the amount authorized in~~
28 ~~Section 15820.942 shall be set aside and awarded to Napa County.~~
29 The funding criteria shall include, as a mandatory criterion,
30 documentation of the percentage of pretrial inmates in the county
31 jail from January 1, 2015, to December 31, 2015, inclusive, and a
32 description of the county’s current risk assessment based pretrial
33 release program. Funding preference shall also be given to counties
34 that are most prepared to proceed successfully with this financing
35 in a timely manner. The determination of preparedness to proceed
36 shall include the following:

37 (1) Counties providing a board of supervisors’ resolution
38 authorizing an adequate amount of available matching funds to
39 satisfy the counties’ contribution and approving the forms of the
40 project documents deemed necessary, as identified by the board

1 to the BSCC, to effectuate the financing authorized by this chapter,
2 and authorizing the appropriate signatory or signatories to execute
3 those documents at the appropriate times. The identified matching
4 funds in the resolution shall be compatible with the state's
5 lease-revenue bond financing.

6 (2) Counties providing documentation evidencing CEQA
7 compliance has been completed. Documentation of CEQA
8 compliance shall be either a final Notice of Determination or a
9 final Notice of Exemption, as appropriate, and a letter from county
10 counsel certifying the associated statute of limitations has expired
11 and either no challenges were filed or identifying any challenges
12 filed and explaining how they have been resolved in a manner that
13 allows the project to proceed as proposed.

14 (c) Funding consideration shall be given to counties that are
15 seeking to replace compacted, outdated, or unsafe housing capacity
16 that will also add treatment space or counties that are seeking to
17 renovate existing or build new facilities that provide adequate
18 space for the provision of treatment and rehabilitation services,
19 including mental health treatment.

20 (d) A participating county may replace existing housing
21 capacity, realizing only a minimal increase of capacity, using this
22 financing authority if the requesting county clearly documents an
23 existing housing capacity deficiency.

24 (e) A participating county with a request resulting in any
25 increase in capacity using this financing authority shall be required
26 to certify and covenant in writing that the county is not, and will
27 not be, leasing housing capacity to any other public or private
28 entity for a period of 10 years beyond the completion date of the
29 adult local criminal justice facility.

30 (f) Any locked facility constructed or renovated with state
31 funding awarded under this program shall include space to provide
32 onsite, in-person visitation capable of meeting or surpassing the
33 minimum number of weekly visits required by state regulations
34 for persons detained in the facility.

35 (g) Any county applying for financing authority under this
36 program shall include a description of efforts to address sexual
37 abuse in its adult local criminal justice facility constructed or
38 renovated pursuant to this chapter.

39 *SEC. 4. Section 15820.947 is added to the Government Code,*
40 *to read:*

1 15820.947. *Notwithstanding the award restriction in*
2 *subdivision (b) of Section 15820.946, twenty million dollars*
3 *(\$20,000,000) of the amount authorized in Section 15820.942 shall*
4 *be set aside and awarded to the County of Napa without the*
5 *submission of any further adult local criminal justice facility*
6 *proposal. This amount may be utilized in conjunction with a partial*
7 *award made to the County of Napa pursuant to Chapter 3.131*
8 *(commencing with Section 15820.93). These awards represent the*
9 *maximum state contribution for the adult local criminal justice*
10 *facility in the County of Napa.*

11 ~~SEC. 3.~~

12 SEC. 5. The sum of three million dollars (\$3,000,000) is hereby
13 appropriated from the Gambling Control Fund to the Department
14 of Justice for the purposes of Schedule (2) of Item 0820-001-0567
15 of Section 2.00 of the Budget Act of 2016 in order to address the
16 backlog in investigations related to card room licensing

17 ~~SEC. 4.~~

18 SEC. 6. This act is a bill providing for appropriations related
19 to the Budget Bill within the meaning of subdivision (e) of Section
20 12 of Article IV of the California Constitution, has been identified
21 as related to the budget in the Budget Bill, and shall take effect
22 immediately.