

AMENDED IN ASSEMBLY AUGUST 8, 2016

AMENDED IN ASSEMBLY MAY 25, 2016

SENATE BILL

No. 859

Introduced by Committee on Budget and Fiscal Review

January 7, 2016

~~An act relating to the Budget Act of 2016.~~ *An act to amend Section 15820.946 of, and to add Section 15820.947 to, the Government Code, relating to correctional facilities, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

SB 859, as amended, Committee on Budget and Fiscal Review.
~~Budget Act of 2016.~~ *Correctional facilities: construction: financing.*

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 Napa County.

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 Napa County 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 Napa County 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.

This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2016.

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

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

1 SECTION 1. Section 15820.946 of the Government Code is
2 amended to read:

3 15820.946. (a) The participating county contribution for adult
4 local criminal justice facilities financed under this chapter shall
5 be a minimum of 10 percent of the total project costs. The BSCC
6 may reduce contribution requirements for participating counties
7 with a general population below 200,000 upon petition by a
8 participating county to the BSCC requesting a lower level of
9 contribution.

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

27 (1) Counties providing a board of supervisors' resolution
28 authorizing an adequate amount of available matching funds to
29 satisfy the counties' contribution and approving the forms of the
30 project documents deemed necessary, as identified by the board
31 to the BSCC, to effectuate the financing authorized by this chapter,
32 and authorizing the appropriate signatory or signatories to execute
33 those documents at the appropriate times. The identified matching

1 funds in the resolution shall be compatible with the state's
2 lease-revenue bond financing.

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

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

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

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

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

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

36 *SEC. 2. Section 15820.947 is added to the Government Code,*
37 *to read:*

38 *15820.947. Notwithstanding the award restriction in*
39 *subdivision (b) of Section 15820.946, twenty million dollars*
40 *(\$20,000,000) of the amount authorized in Section 15820.942 shall*

1 *be set aside and awarded to Napa County without the submission*
2 *of any further adult local criminal justice facility proposal. This*
3 *amount may be utilized in conjunction with a partial award made*
4 *to Napa County pursuant to Chapter 3.131 (commencing with*
5 *Section 15820.93). These awards represent the maximum state*
6 *contribution for the adult local criminal justice facility in Napa*
7 *County.*

8 *SEC. 3. The sum of one thousand dollars (\$1,000) is hereby*
9 *appropriated from the General Fund to the Board of State and*
10 *Community Corrections for administrative costs related to this*
11 *act.*

12 *SEC. 4. This act is a bill providing for appropriations related*
13 *to the Budget Bill within the meaning of subdivision (e) of Section*
14 *12 of Article IV of the California Constitution, has been identified*
15 *as related to the budget in the Budget Bill, and shall take effect*
16 *immediately.*

17 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
18 ~~changes, relating to the Budget Act of 2016.~~