

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1327

Introduced by Senators Nguyen and Nielsen

February 19, 2016

~~An act to amend Section 487 of the Penal Code, relating to theft. An act to add Article 1.5 (commencing with Section 6033) to Chapter 5 of Title 7 of Part 3 of the Penal Code, relating to corrections, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1327, as amended, Nguyen. ~~Grand theft.~~ *Criminal Justice Reinvestment Assessment Grant Program of 2016.*

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

This bill would enact the Criminal Justice Reinvestment Assessment Grant Program of 2016. The bill would require the grant program to be administered by the Board of State and Community Corrections for the purpose of establishing and implementing reporting systems to identify and expand programs that provide proven, evidence-based, local programming opportunities for the successful reintegration of offenders into society.

The bill would authorize the board to award grants to assist counties with the creation or expansion of infrastructure that allows each county to consistently collect and report specified criminal justice information. The bill would require each local community corrections partnership, on or before June 1, 2016, to report to the board on the county's capacity to collect and report the data required. The bill requires the board to review each assessment and to prioritize and award grants to the counties.

The bill would require each county to report specified data to the board, on or before January 1, 2017, and annually thereafter, pertaining to offenders sentenced as felons to serve in local correctional facilities and felons released from prison to community supervision. The bill would require the board to summarize these data and report the summaries to the Governor and the Legislature, on or before May 15, 2017, and annually thereafter.

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

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

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

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

~~Existing law defines grand theft as the wrongful taking of money, labor, or property of a value exceeding \$950, except as specified.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

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

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

3
4 *Article 1.5. Criminal Justice Reinvestment Assessment Grant*
5 *Program of 2016*
6

7 *6033. This article shall be known, and may be cited, as the*
8 *Criminal Justice Reinvestment Assessment Grant Program of 2016.*

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

10 *(a) The Legislature is committed to reducing recidivism among*
11 *criminal offenders, ensuring that local governments have adequate*
12 *funding to achieve this goal, and facilitating the responsible*
13 *implementation of the criminal justice policies contained in the*
14 *2011 Realignment Legislation addressing public safety.*

15 *(b) By enacting the 2011 Realignment Legislation addressing*
16 *public safety, the Legislature affirmed its commitment to justice*
17 *reinvestment and stated that the purpose of justice reinvestment*
18 *is to manage criminal justice populations more cost effectively,*
19 *generating savings that can be reinvested in evidence-based*
20 *strategies that increase public safety while holding offenders*
21 *accountable.*

22 *(c) The 2011 Realignment Legislation addressing public safety*
23 *represents a significant shift of responsibilities. However, the quick*
24 *and unanticipated nature of the passage of this legislation, in*
25 *combination with broad county discretion in its implementation,*
26 *offers a unique opportunity to identify best practices in community*
27 *corrections and the impacts of correctional decentralization.*

28 *(d) The 2011 Realignment Legislation addressing public safety*
29 *did not require counties to collect data on outcome measures, nor*
30 *did it provide specific resources for data collection that if*
31 *adequately funded and properly implemented would allow*
32 *policymakers, researchers, stakeholders, and counties to take*
33 *advantage of the historic opportunity to study and evaluate the*
34 *changing felon population and the strategies and interventions*
35 *that counties employ to reduce recidivism.*

36 *(e) The Bureau of State Audits' September 2013 High Risk report*
37 *identified the 2011 realignment of criminal justice responsibilities*
38 *between the state and counties as a "high-risk" policy, citing a*

1 lack of “reliable and meaningful realignment data to ensure [the
2 state’s] ability to effectively monitor progress toward achieving
3 intended realignment goals.”

4 (f) The Department of Corrections and Rehabilitation published
5 a document in April 2012 entitled “The Future of California
6 Corrections,” sometimes referred to as the “Corrections
7 Blueprint” or the “Blueprint,” detailing the department’s plan to
8 implement the 2011 Realignment Legislation, address public safety,
9 and save billions of dollars. The Department of Finance and the
10 Department of Corrections and Rehabilitation published a report
11 in January 2016 entitled “An Update to the Future of California
12 Corrections,” which indicated that after making certain specified
13 adjustments the Governor’s proposed budget for the Department
14 of Corrections and Rehabilitation for the 2016–17 fiscal year is
15 one billion three hundred million dollars (\$1,300,000,000) less
16 than the pre-Realignment, pre-Blueprint multi-year forecast for
17 the Department of Corrections and Rehabilitation for the same
18 fiscal year. It is the intent of the Legislature to reinvest some or
19 all of these savings in programs that reduce criminal recidivism,
20 including a program to establish and implement reporting systems
21 that are necessary to facilitate the identification and expansion of
22 programs that provide proven evidence-based local programming
23 opportunities for the successful reintegration of offenders into
24 society.

25 6033.4. (a) The Criminal Justice Reinvestment Assessment
26 Grant Program of 2016, which is hereby established, shall be
27 administered by the Board of State and Community Corrections
28 for the purpose of establishing and implementing reporting systems
29 to identify and expand programs that provide proven,
30 evidence-based, local programming opportunities for the successful
31 reintegration of offenders into society. The board shall award
32 grants to assist counties with the creation or expansion of
33 infrastructure that allows each county to consistently collect and
34 report criminal justice information as required by Sections 6033.10
35 and 6033.12.

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

38 6033.6. (a) On or before June 1, 2016, each local community
39 corrections partnership established pursuant to Section 1230 shall
40 report to the board on the county’s capacity to collect and report

1 *the data required by Sections 6033.10 and 6033.12. The report*
2 *shall include a local plan that identifies the additional resources*
3 *necessary for that county to consistently collect and report criminal*
4 *justice information as required by Sections 6033.10 and 6033.12.*

5 *(b) The board shall review each assessment submitted pursuant*
6 *to subdivision (a) and shall prioritize and award grants pursuant*
7 *to Section 6033.8. Funding shall be used to supplement, rather*
8 *than supplant, existing programs. Grant funds shall be used for*
9 *programs that are identified in the local plan submitted pursuant*
10 *to subdivision (a).*

11 *(c) The board shall submit to the Legislature on or before June*
12 *15, 2016, a report detailing the estimated need, cost, and schedule*
13 *for each county to consistently collect and report criminal justice*
14 *information as required by Sections 6033.10 and 6033.12. The*
15 *report shall be submitted in compliance with Section 9795 of the*
16 *Government Code.*

17 *6033.8. (a) The board shall establish minimum standards,*
18 *funding schedules, and procedures for awarding grants, which*
19 *shall take into consideration, but not be limited to, all of the*
20 *following:*

21 *(1) Size of the county.*

22 *(2) Demonstrated efforts to report data prior to January 1,*
23 *2017.*

24 *(3) Demonstrated ability to report data prior to January 1,*
25 *2017.*

26 *(b) The board shall give preference to counties that have*
27 *demonstrated efforts to independently collect data on a countywide*
28 *basis.*

29 *6033.10. (a) On or before January 1, 2017, and annually each*
30 *year thereafter, each county shall report specified data to the board*
31 *in a format prescribed by the board. The board shall specify and*
32 *define minimum required reporting which shall include, but not*
33 *be limited to, the following for each individual sentenced pursuant*
34 *to subdivision (h) of Section 1170:*

35 *(1) Individual identifiers.*

36 *(2) County identifiers.*

37 *(3) Date of birth.*

38 *(4) Gender.*

39 *(5) Race or ethnicity.*

40 *(6) Age at first arrest.*

- 1 (7) *Conviction offense.*
- 2 (8) *Sanction or sentence received.*
- 3 (9) *Total jail time served.*
- 4 (10) *Release status.*
- 5 (11) *Violations of probation.*
- 6 (12) *Rearrests.*
- 7 (13) *Reconvictions.*
- 8 (14) *Any other return to custody.*
- 9 (15) *Use of flash incarceration.*
- 10 (16) *Assessed risk level.*
- 11 (17) *Participation in pretrial programs.*
- 12 (18) *Participation in specialty court.*
- 13 (19) *Participation in day reporting release programs.*
- 14 (20) *Participation in electronic monitoring programs.*
- 15 (21) *Participation in community service release programs.*
- 16 (22) *Participation in work release programs.*
- 17 (23) *Participation in intensive probation supervision.*
- 18 (24) *Needs assessment.*
- 19 (25) *Any reentry programming provided.*
- 20 (26) *Participation in cognitive behavioral therapy.*
- 21 (27) *Participation in mental health treatment.*
- 22 (28) *Participation in substance abuse treatment.*
- 23 (29) *Participation in gender-specific programming.*
- 24 (30) *Participation in family programming.*
- 25 (31) *Any health care assistance provided.*
- 26 (32) *Any housing assistance provided.*
- 27 (33) *Any income support provided.*
- 28 (34) *Any employment assistance provided.*
- 29 (35) *Any vocational training assistance provided.*
- 30 (36) *Any educational enrollment assistance provided.*
- 31 (37) *Any mentoring programming provided.*
- 32 (38) *Any peer support programming provided.*
- 33 (b) *The board shall compile the local reports and, by May 15,*
- 34 *2017, and, notwithstanding Section 10231.5 of the Government*
- 35 *Code, by May 15 of each year thereafter, make a report to the*
- 36 *Governor and the Legislature that summarizes the data reported*
- 37 *by the counties pursuant to subdivision (a). The report submitted*
- 38 *to the Legislature shall be submitted in compliance with Section*
- 39 *9795 of the Government Code.*

1 6033.12. (a) *On or before January 1, 2017, and annually each*
2 *year thereafter, each county shall provide specified data to the*
3 *board in a format prescribed by the board. The board shall specify*
4 *and define minimum required reporting which shall include, but*
5 *not be limited to, the following for each individual supervised*
6 *pursuant to Section 3451:*

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

33 (b) *The board shall compile the local reports and, by May 15,*
34 *2017, and, notwithstanding Section 10231.5 of the Government*
35 *Code, by May 15 of each year thereafter, make a report to the*
36 *Governor and the Legislature that summarizes the data reported*
37 *by the counties pursuant to subdivision (a). The report submitted*
38 *to the Legislature shall be submitted in compliance with Section*
39 *9795 of the Government Code.*

1 6033.14. (a) The amount of ____ dollars (\$____) is hereby
2 appropriated from the General Fund to the board for the 2016–17
3 fiscal year for the purpose of implementing this article.

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

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

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

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

25 ~~SECTION 1. Section 487 of the Penal Code is amended to~~
26 ~~read:~~

27 ~~487. Grand theft is theft committed in any of the following~~
28 ~~cases:~~

29 ~~(a) When the money, labor, or real or personal property taken~~
30 ~~is of a value exceeding nine hundred fifty dollars (\$950), except~~
31 ~~as provided in subdivision (b).~~

32 ~~(b) Notwithstanding subdivision (a), grand theft is committed~~
33 ~~in any of the following cases:~~

34 ~~(1) (A) When domestic fowls, avocados, olives, citrus or~~
35 ~~deciduous fruits, other fruits, vegetables, nuts, artichokes, or other~~
36 ~~farm crops are taken of a value exceeding two hundred fifty dollars~~
37 ~~(\$250).~~

38 ~~(B) For the purposes of establishing that the value of domestic~~
39 ~~fowls, avocados, olives, citrus or deciduous fruits, other fruits,~~
40 ~~vegetables, nuts, artichokes, or other farm crops under this~~

1 paragraph exceeds two hundred fifty dollars (\$250), the value may
2 be shown by the presentation of credible evidence that establishes
3 that on the day of the theft domestic fowls, avocados, olives, citrus
4 or deciduous fruits, other fruits, vegetables, nuts, artichokes, or
5 other farm crops of the same variety and weight exceeded two
6 hundred fifty dollars (\$250) in wholesale value.

7 (2) ~~When fish, shellfish, mollusks, crustaceans, kelp, algae, or~~
8 ~~other aquacultural products are taken from a commercial or~~
9 ~~research operation which is producing that product, of a value~~
10 ~~exceeding two hundred fifty dollars (\$250).~~

11 (3) ~~Where the money, labor, or real or personal property is taken~~
12 ~~by a servant, agent, or employee from his or her principal or~~
13 ~~employer and aggregates nine hundred fifty dollars (\$950) or more~~
14 ~~in any 12 consecutive month period.~~

15 (e) ~~When the property is taken from the person of another.~~

16 (d) ~~When the property taken is any of the following:~~

17 (1) ~~An automobile.~~

18 (2) ~~A firearm.~~