

Assembly Bill No. 570

CHAPTER 593

An act to amend Sections 7000, 7005, and 7005.5 of the Penal Code, relating to corrections.

[Approved by Governor September 18, 1998. Filed
with Secretary of State September 21, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

AB 570, Battin. Corrections: prison construction.

Existing law provides that the Department of Corrections shall prepare plans for, and construct facilities and renovations included within, its master plan for prison construction and operations, which funds have been appropriated by the Legislature. Existing law also provides that the Department of Corrections shall include as part of the master plan mitigation for costs incurred by any local education agency, or any city, county, or city and county as a result of the construction of new prison facilities, expansions of existing prison facilities, increases in the number of inmates housed in existing prison facilities resulting in increased inmate housing capacity, or any combination thereof.

This bill would delete those responsibilities related to the master plan and would specify that mitigation funding would be distributed to local agencies related to costs incurred as a result of new permanent prison housing facilities, the activation of temporary beds as part of the Emergency Bed Program authorized by the Budget Acts of 1995 and 1996, as well as other expansion projects of the department.

The bill also would make conforming changes relating to funds appropriated for the mitigation of local expenses required to be divided among any city, county, or city and county impacted by the prison construction or expansion.

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

SECTION 1. Section 7000 of the Penal Code is amended to read:

7000. (a) The Department of Corrections shall prepare plans for, and construct facilities and renovations included within, its master plan for which funds have been appropriated by the Legislature.

(b) "Master plan" means the department's "Facility Requirements Plan," dated April 7, 1980, and any subsequent revisions.

SEC. 2. Section 7005 of the Penal Code is amended to read:

7005. Notwithstanding any other provision of law, mitigation funding shall be distributed to any local education agency, or any city, county, or city and county as a result of the construction of new permanent prison housing facilities, the activation of temporary beds as part of the Emergency Bed Program authorized by the Budget Acts of 1995 and 1996, and any future emergency bed expansions by the Department of Corrections if funds for that purpose are appropriated to the department in the annual Budget Act or any other act approved by the Legislature.

SEC. 3. Section 7005.5 of the Penal Code is amended to read:

7005.5. (a) Any funds appropriated for mitigation costs pursuant to Section 7005 shall be divided as follows: one-half for allocation among any impacted local education agency, and one-half for allocation among any impacted city, county, or city and county.

(b) Any funds appropriated for mitigation of costs of a city, county, or city and county shall be divided among any city, county, or city and county impacted by the prison construction or expansion.

(c) Funds to be allocated among any impacted city, county, or city and county shall be paid directly to each impacted entity by the Department of Corrections upon receipt of resolutions adopted by the governing body of each impacted city, county, or city and county indicating agreement by an entity regarding the specific allocations to that entity. Only a local impacted entity whose current approved sphere of influence includes the site of increased inmate housing capacity shall be deemed to be a jurisdiction eligible for mitigation pursuant to Section 7005.

(d) Funds to be allocated among any impacted local education agency shall be disbursed to the county superintendent of schools for allocation among any impacted local education agency.

