

AMENDED IN SENATE JULY 3, 1997
AMENDED IN SENATE JUNE 17, 1997
AMENDED IN ASSEMBLY JUNE 3, 1997
AMENDED IN ASSEMBLY MAY 6, 1997
AMENDED IN ASSEMBLY APRIL 16, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1378

Introduced by Assembly Member Prenter
(Coauthors: Assembly Members Aguiar, Battin, Bordonaro,
Frusetta, House, *Runner*, and Thomson)
(Coauthors: Senators Ayala, Costa, and Johannessen)
Johannessen, and McPherson)

February 28, 1997

An act to amend Section 7000 of, ~~and to add Sections 7005~~
~~and 7005.5 to~~, the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1378, as amended, Prenter. Prison construction: mitigation costs.

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.

This bill would provide that the Department of Corrections shall include as part of the master plan mitigation for costs

incurred by any local education agency, 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, or any combination thereof. ~~The bill would provide that the costs shall be mitigated if funds for that purpose are appropriated in the Budget Act and that the Department of Corrections shall disburse the mitigation funds directly to the county superintendent of schools for disbursement to impacted schools, and to local government entities for disbursement to impacted cities and counties.~~

The bill would provide that funds appropriated for the mitigation of local expenses shall be divided between cities and counties.

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

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

1 SECTION 1. Section 7000 of the Penal Code is
 2 amended to read:
 3 7000. (a) The Department of Corrections shall
 4 prepare plans for, and construct facilities and renovations
 5 included within, its master plan for prison construction
 6 and operations, which funds have been appropriated by
 7 the Legislature.
 8 (b) The Department of Corrections shall include as
 9 part of the master plan developed pursuant to this section
 10 mitigation for costs incurred by any local education
 11 agency, city, county, or city and county as a result of the
 12 construction, operation, and maintenance of new prison
 13 facilities resulting in increased inmate housing capacity,
 14 expansions of existing prison facilities, increases in the
 15 number of inmates housed in existing prison facilities, or
 16 any combination thereof, pursuant to Section 7005.5.
 17 (c) "Master plan" means the department's "Facility
 18 Requirements Plan," dated April 7, 1980, and any
 19 subsequent revisions.
 20 ~~SEC. 2. Section 7005 is added to the Penal Code, to~~
 21 ~~read:~~



1 ~~7005. Notwithstanding any other provision of law,~~
2 ~~costs incurred by any local education agency, city, county,~~
3 ~~or city and county as a result of the construction of new~~
4 ~~prison facilities, expansions of existing prison facilities,~~
5 ~~increases in the number of inmates housed in existing~~
6 ~~prison facilities resulting in increased inmate housing~~
7 ~~capacity, or any combination thereof, shall be mitigated~~
8 ~~by the Department of Corrections if funds for that~~
9 ~~purpose are appropriated to the department in the~~
10 ~~Budget Act.~~

11 ~~SEC. 3. Section 7005.5 is added to the Penal Code, to~~
12 ~~read:~~

13 ~~7005.5. (a) For purposes of Section 7005, the amount~~
14 ~~of mitigation funding shall be determined as follows:~~

15 ~~(1) When constructing a new prison, mitigation shall~~
16 ~~be provided to the impacted local school district or~~
17 ~~districts in the amount of two million dollars (\$2,000,000).~~
18 ~~In addition, mitigation in the amount of two million~~
19 ~~dollars (\$2,000,000) shall be provided for allocation~~
20 ~~among impacted cities and counties. The amounts~~
21 ~~specified in this paragraph recognize the cost of an~~
22 ~~average prison in terms of inmates, which is recognized~~
23 ~~to be 2,500. In the event that a newly sited prison is either~~
24 ~~larger or smaller, the amount specified in this paragraph~~
25 ~~shall be proportionately increased or decreased to reflect~~
26 ~~the number of inmates of the prison subject to this~~
27 ~~paragraph.~~

28 ~~(2) When expanding the housing capacity of an~~
29 ~~existing facility, mitigation shall be provided to the~~
30 ~~impacted school district or districts and impacted cities~~
31 ~~and counties.~~

32 ~~(A) Mitigation in the amount of one thousand dollars~~
33 ~~(\$1,000) per unit of capacity increase, as defined by~~
34 ~~subparagraph (B), shall be disbursed to the local school~~
35 ~~district or districts impacted by the expansion, and the~~
36 ~~same amount shall be disbursed for allocation among~~
37 ~~impacted cities and counties.~~

38 ~~(B) Units of capacity increase shall be determined as~~
39 ~~follows: In any given year, the capacity of an existing~~
40 ~~facility shall be defined as the highest number of inmates~~



1 housed in the facility during the previous fiscal year
2 (hereafter referred to as “x”). When expanding the
3 capacity of a facility, the Department of Corrections shall
4 determine the new projected capacity of the facility,
5 which shall be defined as the greatest number of inmates
6 that may be housed in the facility during that fiscal year,
7 including inmates housed in beds created by the physical
8 expansion of the facility, new beds placed in the existing
9 facility, or new beds placed in existing areas of the facility
10 that are converted to inmate housing (hereafter referred
11 to as “y”). The number of units of capacity increase shall
12 be determined by subtracting “x” from “y”.

13 (C) At the end of the fiscal year, if the actual expansion
14 is greater than 110 percent of the original estimated
15 expansion, the mitigation shall be recalculated based
16 upon the year-end figures, and the difference remitted to
17 the mitigated parties.

18 (b) Pursuant to Section 7005, the Department of
19 Corrections shall disburse mitigation funds directly to the
20 county superintendent of schools possessing jurisdiction
21 in a county in which new prison construction, prison
22 expansion, an increase in the number of inmates housed
23 in existing prison facilities, or any combination thereof
24 takes place, for disbursement to the impacted school
25 district or districts.

26 (c) Pursuant to Section 7005, the Department of
27 Corrections shall disburse mitigation funds directly to
28 local government entities possessing jurisdiction in a
29 county in which new prison construction, prison
30 expansion, an increase in the number of inmates housed
31 in existing prison facilities, or any combination thereof
32 takes place, for disbursement to impacted cities and
33 counties.

34 (d) The amounts specified in subdivision (a) shall be
35 adjusted annually by the appropriate construction index
36 utilized by the Department of Finance to recognize
37 changes in the cost of construction.

38 *SEC. 2. Any funds appropriated for mitigation of costs*
39 *of a local government agency as a result of the*
40 *construction, operation, and maintenance of new prison*



1 *facilities, expansion of existing facilities, or increases in*
2 *inmates in existing facilities, or a combination thereof,*
3 *shall be divided between the county and cities impacted*
4 *by the prison construction or expansion.*

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