

Senate Bill No. 491

Passed the Senate August 31, 1998

Secretary of the Senate

Passed the Assembly August 31, 1998

Chief Clerk of the Assembly

This bill was received by the Governor this ____ day
of _____, 1998, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to add Section 14672.14 to the Government Code, to add Sections 3054 and 6259 to the Penal Code, and to amend Section 749.22 of the Welfare and Institutions Code, relating to state property, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 491, Brulte. State property: Department of Corrections.

(1) Under existing law, the Director of the Department of General Services, with the consent of the Department of Corrections, is authorized to lease, without any monetary consideration, 140 acres of state property to the City of Chino, subject to specified conditions, to serve as a peripheral buffer area or zone between real property upon which is located the California Institution for Men and adjacent real property for the development and maintenance of a public park and recreational improvements and facilities, including commercial enterprises that are incidental or consistent with these uses. The City of Chino is also authorized to sublease a portion or all of this property for these purposes and up to an additional 30 acres to expand the public park.

This bill would authorize the Director of General Services, with the consent of the Department of Corrections, to exchange, sell, or lease up to 290 acres of state property to the City of Chino for the development and maintenance of a public park, public recreational uses, and open-space uses, including the development of a golf course. The bill would also require that any lease executed pursuant to these provisions be for a term not to exceed 55 years and meet specified conditions.

The bill would require that the Department of General Services with the Department of Corrections, not later than August 1, 1999, complete the initial phase of the Master Land Use Plan (MLUP) authorized in the Budget



Act of 1998 and consult with the City of Chino on all aspects of the completion of the MLUP as it relates to the development of the California Institution for Men property for specified uses.

(2) Existing law authorizes the Department of Corrections to develop and operate work programs that enable inmates to acquire and improve work habits and occupational skills, in order to assist them upon parole or discharge. In addition, the Director of Corrections is authorized to contract for the establishment and operation of separate community correctional reentry centers that prepare the inmates for reintegration into society by providing counseling for drug and alcohol abuse, stress employment skills, and victim awareness.

This bill would require the Department of Corrections to establish 3 pilot programs to provide intensive training and counseling services, as specified, for female parolees in order to enable their successful reintegration into the community upon release or discharge. The bill would require the programs to include case management to assess the needs of the participating parolees and would authorize ancillary services, including child care, to permit full participation by female offenders in the programs. The bill would authorize the department, subject to appropriation of funds, to enter into contracts for community residential treatment services for the offenders and the minors in their custody. The bill would also require the department to complete a report to the Governor and the Chairperson of the Joint Legislative Budget Committee and the chairpersons of the fiscal committees of both houses by January 1, 2002, evaluating the cost-effectiveness of the pilot programs as specified.

(3) Under existing law, the Department of Corrections is authorized to administer and operate the state prison system.

This bill would authorize the department to study, design, and construct 10 semiautonomous administrative segregation buildings at existing prisons for a total of 1,000 cells. The bill also would authorize the department to



contract for 2,000 community correctional facility beds under specified conditions.

(4) This bill would provide that it shall become operative only if AB 2321 and SB 2108 are enacted and become effective on or before January 1, 1999.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 14672.14 is added to the Government Code, to read:

14672.14. (a) Notwithstanding Section 14670, the Director of General Services, with the consent of the Department of Corrections, upon those terms and conditions that the director deems in the best interests of the state, may exchange, sell, or lease to the City of Chino up to 290 acres of real property, of which 170 acres are currently leased to the City of Chino pursuant to Section 14672.15. The sale, lease, or exchange of land shall be for the development and maintenance of a public park, public recreational uses, and open-space uses, including the development of a golf course. Any lease executed pursuant to this section shall not exceed 55 years, be nonassignable with the city having a right to sublease a portion or all of the premises for uses consistent with those permitted in the lease, and be consistent with a memorandum of understanding negotiated between the Department of Corrections, the Department of General Services, and the City of Chino.

(b) The Department of General Services with the Department of Corrections shall complete the initial phase of the Master Land Use Plan (MLUP) authorized in the Budget Act of 1998, including preliminary siting of the golf course development, which shall be consistent with the MLUP, not later than August 1, 1999. If feasible, the golf course development shall be contiguous to the existing golf driving range at Ruben Ayala Park. The state shall consult with the City of Chino on any or all aspects of completion of the MLUP as it relates to development



of California Institution for Men (CIM) land for a public park, development of CIM land for recreational uses, use of CIM land for open-space purposes, and development of CIM land for a golf course.

SEC. 2. Section 3054 is added to the Penal Code, to read:

3054. (a) (1) The Department of Corrections shall establish three pilot programs that provide intensive training and counseling programs for female parolees to assist in the successful reintegration of those parolees into the community upon release or discharge from prison and after completion of in-prison therapeutic community substance abuse treatment programs.

(2) The Director of Corrections shall determine the counties in which the pilot programs are established.

(b) (1) The services offered in the pilot programs may include, but shall not be limited to, drug and alcohol abuse treatment, cognitive skills development, education, life skills, job skills, victim impact awareness, anger management, family reunification, counseling, vocational training and support, residential care, and placement in affordable housing and employment opportunities.

(2) Ancillary services such as child care and reimbursement of transportation costs shall be provided to the extent necessary to permit full participation by female offenders in employment assistance, substance abuse treatment, and other program elements.

(3) The pilot programs shall include a case management component to assess the social services and other needs of participating in the social services, education, job training, and other programs most likely to result in their recovery and employment success.

(c) Subject to appropriation of funds, the department is authorized to enter into contracts, or amend existing contracts, for community residential treatment services for offenders and minor children in an offender's custody in order to carry out the goals stated in paragraph (1) of subdivision (a).



(d) (1) It is the intent of the Legislature that the programs demonstrate the cost-effectiveness of providing the enhanced services described in subdivision (b), based upon an annual evaluation of a representative sample of female parolees, in order to determine the impact of these services upon the criminal recidivism, employment, and welfare dependency of the offenders and their families.

(2) The department, with the assistance of an independent consultant with expertise in criminal justice programs, shall complete a report evaluating the cost-effectiveness of the pilot programs in regard to the effect of the programs (A) on the recidivism of participating female offenders compared with a comparable nonparticipating group of female offenders and (B) on the employment of female offenders and the welfare dependency of a female offender's family. The report shall be provided to the Governor and the Chairperson of the Joint Legislative Budget Committee and the chairpersons of the fiscal committees of both houses of the Legislature by January 1, 2002.

SEC. 3. Section 6259 is added to the Penal Code, to read:

6259. (a) For the purposes of acquiring the 2,000 community correctional facility beds and notwithstanding any other provision of law, the procurement and performance of any contracts authorized pursuant to Chapter 9.5 (commencing with Section 6250) of Part 3 of Title 7 of the Penal Code shall be conducted under the provisions of Article 4 (commencing with Section 10335) of Part 2 of Division 2 of the Public Contract Code, as a contract for services.

(b) The procurement shall include requirements that the contractor provide to the state options to purchase all or a portion of the facilities and equipment used by the vendor in the performance of the contract and that the consideration of the proposals include the terms of these options. The contract shall provide specifications for the vendor's acquisition of sites, compliance with environmental requirements, preparation of plans and



specifications for, and development and operation of, facilities, and such other matters as may be reasonably incidental to the development, operation, and potential future acquisition by the state pursuant to an option to purchase the facilities.

(c) The exercise of an option to purchase shall be subject to the jurisdiction of the State Public Works Board and the requirements of the master plan for prison construction, Chapter 11 (commencing with Section 7000) of Title 7 of Part 3 of the Penal Code, the State Contract Act, Chapter 1 (commencing with Section 10100) of Part 2 of Division 2 of the Public Contract Code, the State Building Construction Act of 1955, Part 10b (commencing with Section 15800) of Division 3 of the Government Code, and the Property Acquisition Law, and Part 11 (commencing with Section 15850) of Division 3 of the Government Code, but these provisions shall not apply to the procurement of the option to purchase or the procurement and performance of the contract.

SEC. 4. The Department of Corrections may study, design, and construct 10 semiautonomous administrative segregation buildings at existing prisons for a total of 1,000 cells.

SEC. 5. The Department of Corrections may contract for 2,000 community correctional facility (CCF) beds pursuant to the following conditions:

(a) The total number of beds at any one CCF, whether existing prior to the enactment of this section or authorized pursuant to this section, may not exceed a design capacity of 550 beds, the average annual occupancy of which shall be approximately 500 beds per day as a result of the contracting authority granted by this section.

(b) There shall be no operational link to, nor sharing of common services with, another facility.

(c) Any contract authorized pursuant to this section shall include an option to purchase the facility.

(d) Not less than 1,000 of the beds authorized by this section shall include therapeutic drug treatment programming, including availability of aftercare



treatment for an average of 150 days for 50 percent of the in-prison program graduates from the new beds. The additional therapeutic drug treatment programming authorized by this act shall be in accordance with protocols established by the department.

(e) Any contract executed pursuant to subdivision (a) shall provide for the assignment of all inmates to work, education, training, or substance abuse treatment programs to the maximum extent feasible. The Department of Corrections shall evaluate the performance of each operator of the community correctional facilities established under this section in regard to compliance with the requirements for the full assignment of inmates, and shall evaluate the effectiveness of the work, education, training, and substance abuse programs in regard to such factors as inmate recidivism and postrelease employment.

SEC. 6. Section 749.22 of the Welfare and Institutions Code is amended to read:

749.22. To be eligible for this grant, each county shall be required to establish a multiagency juvenile justice coordinating council that shall develop and implement a continuum of county-based responses to juvenile crime. The coordinating councils shall, at a minimum, include the chief probation officer, as chair, and one representative each from the district attorney's office, the public defender's office, the sheriff's department, the board of supervisors, the department of social services, the department of mental health, a community-based drug and alcohol program, a city police department, the county office of education or a school district, and an at-large community representative. In order to carry out its duties pursuant to this section, a coordinating council shall also include representatives from nonprofit community-based organizations providing services to minors. The board of supervisors shall be informed of community-based organizations participating on a coordinating council. The coordinating councils shall develop a comprehensive, multiagency plan that identifies the resources and strategies for providing an



effective continuum of responses for the prevention, intervention, supervision, treatment, and incarceration of male and female juvenile offenders, including strategies to develop and implement locally based or regionally based out-of-home placement options for youths who are persons described in Section 602. Counties may utilize community punishment plans developed pursuant to grants awarded from funds included in the 1995 Budget Act to the extent the plans address juvenile crime and the juvenile justice system or local action plans previously developed for this program. The plan shall include, but not be limited to, the following components:

(a) An assessment of existing law enforcement, probation, education, mental health, health, social services, drug and alcohol and youth services resources which specifically target at-risk juveniles, juvenile offenders, and their families.

(b) An identification and prioritization of the neighborhoods, schools, and other areas in the community that face a significant public safety risk from juvenile crime, such as gang activity, daylight burglary, late-night robbery, vandalism, truancy, controlled substance sales, firearm-related violence, and juvenile alcohol use within the council's jurisdiction.

(c) A local action plan (LAP) for improving and marshaling the resources set forth in subdivision (a) to reduce the incidence of juvenile crime and delinquency in the areas targeted pursuant to subdivision (b) and the greater community. The councils shall prepare their plans to maximize the provision of collaborative and integrated services of all the resources set forth in subdivision (a), and shall provide specified strategies for all elements of response, including prevention, intervention, suppression, and incapacitation, to provide a continuum for addressing the identified male and female juvenile crime problem, and strategies to develop and implement locally based or regionally based out-of-home placement options for youths who are persons described in Section 602.



(d) Develop information and intelligence-sharing systems to ensure that county actions are fully coordinated, and to provide data for measuring the success of the grantee in achieving its goals. The plan shall develop goals related to the outcome measures that shall be used to determine the effectiveness of the program.

(e) Identify outcome measures which shall include, but not be limited to, the following:

(1) The rate of juvenile arrests.

(2) The rate of successful completion of probation.

(3) The rate of successful completion of restitution and court-ordered community service responsibilities.

SEC. 7. This act shall become operative only if Assembly Bill 2321 and Senate Bill 2108 of the 1997-98 Regular Session are enacted and become effective on or before January 1, 1999.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

It is estimated that the California prison system will run out of capacity to house the anticipated population growth by mid-2000. In order to have the critically needed prison beds available, it is essential that this act take effect immediately.



Approved _____, 1998

Governor

