

AMENDED IN ASSEMBLY JUNE 24, 1998
AMENDED IN SENATE MAY 26, 1998
AMENDED IN SENATE MAY 21, 1998
AMENDED IN SENATE APRIL 28, 1998
AMENDED IN SENATE MARCH 23, 1998

SENATE BILL

No. 2055

**Introduced by Senator Costa
(Principal coauthor: Senator Rainey)**

February 20, 1998

An act to amend Sections 912 and 912.5 of, and to add Sections 912.1 and 912.6 to, the Welfare and Institutions Code, relating to the Department of the Youth Authority, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 2055, as amended, Costa. Department of the Youth Authority: county payment rates.

Existing law requires each county to pay the state either \$150 per month or, in specified instances, an alternative rate for each person committed to the Department of the Youth Authority by a juvenile court in that county. Calculation of the alternative rates paid by the county is based upon specified percentages of the per capita institutional cost of the department.

This bill would ~~instead~~ provide that, effective January 1, 1999, calculation of the alternative county payment rates shall

be based upon specified percentages of an undefined marginal institutional cost of the department, that would be limited to ~~an unspecified~~ *a specified* maximum amount. The bill would require the Department of the Youth Authority to provide counties with monthly statements of the department's per capita institutional cost, not to exceed a specified maximum, and the department's marginal institutional cost. The bill would also require counties to deposit specified sums of money in the Statewide Juvenile Justice Program Development Fund, that would be established and administered by the Board of Corrections. Funds would be distributed by the board to counties, ~~pursuant to specified criteria,~~ to supplement existing funding for specified purposes relating to the housing, punishment, treatment, and rehabilitation of juvenile offenders. The bill would appropriate all moneys deposited in the Statewide Juvenile Justice Program Development Fund during the 1998-99 fiscal year to the Board of Corrections for expenditure for these purposes *and for administration of the program, as specified*. Because this bill would impose new duties on counties, it would ~~also~~ create a state-mandated local program.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 912 of the Welfare and
2 Institutions Code is amended to read:



1 912. Except as otherwise provided in Section 912.5,
2 effective January 1, 1997, for each person committed to
3 the Department of the Youth Authority, the county from
4 which he or she is committed shall pay the state one
5 hundred fifty dollars (\$150) per month for the time that
6 person remains in any institution under the direct
7 supervision of the Department of the Youth Authority, or
8 in any institution, boarding home, foster home, or other
9 private or public institution in which he or she is placed
10 by the Department of the Youth Authority, on parole or
11 otherwise, and cared for and supported at the expense of
12 the Department of the Youth Authority. This section
13 applies to any person committed to the Department of
14 the Youth Authority by a juvenile court, other than those
15 persons who are subject to Section 912.5, including
16 persons committed to the Department of the Youth
17 Authority prior to January 1, 1997, who on or after January
18 1, 1997, remain in or return to the facilities described in
19 this section.

20 The Department of the Youth Authority shall present
21 to the county, not more frequently than monthly, a claim
22 for the amount due the state under this section, which the
23 county shall process and pay pursuant to the provisions of
24 Chapter 4 (commencing with Section 29700) of Division
25 3 of Title 3 of the Government Code.

26 SEC. 2. Section 912.1 is added to the Welfare and
27 Institutions Code, to read:

28 912.1. (a) The Department of the Youth Authority
29 shall present to each county, not more frequently than
30 monthly, a statement of per capita institutional cost and
31 a statement of marginal institutional cost.

32 (b) As used in this section, "per capita institutional
33 cost" means the lesser of (1) the current per capita
34 institutional cost of the department or (2) the per capita
35 institutional cost of the department as of January 1, 1997.

36 (c) As used in this section and Section 912.5, the
37 marginal institutional cost of the department shall not
38 exceed sixteen thousand dollars (\$16,000).

39 SEC. 3. Section 912.5 of the Welfare and Institutions
40 Code is amended to read:

1 912.5. (a) Effective January 1, 1999, for each person
2 committed to the Department of the Youth Authority by
3 a juvenile court on or after January 1, 1997, who on or after
4 January 1, 1999, remains in or returns to the facilities
5 described in Section 912, the county from which he or she
6 is committed shall pay the state the following rate:

7 (1) If the offense on which the commitment is based
8 is listed in Section 4955 of Title 15 of the California Code
9 of Regulations, the rate is 50 percent of the marginal
10 institutional cost of the Department of the Youth
11 Authority.

12 (2) If the offense on which the commitment is based
13 is listed in Section 4956 of Title 15 of the California Code
14 of Regulations, the rate is 75 percent of the marginal
15 institutional cost of the Department of the Youth
16 Authority.

17 (3) If the offense on which the commitment is based
18 is listed in Section 4957 of Title 15 of the California Code
19 of Regulations, the rate is 100 percent of the marginal
20 institutional cost of the Department of the Youth
21 Authority.

22 (b) For purposes of this section and Section 912.6, “the
23 offense on which the commitment is based” means any
24 offense that has been sustained by the juvenile court and
25 that is included in the determination of the maximum
26 term of imprisonment by the juvenile court pursuant to
27 Section 731.

28 (c) For purposes of this section and Section 912.6, the
29 charge against the county shall not apply to periods of
30 confinement that are solely pursuant to a revocation of
31 parole by the Youthful Offender Parole Board.

32 (d) The charge against the county prescribed by this
33 section shall be in lieu of the charge prescribed by Section
34 912 and not in addition to that charge.

35 (e) The Department of the Youth Authority shall
36 present to the county, not more frequently than monthly,
37 a claim for the amount due the state under this section,
38 which the county shall process and pay pursuant to the
39 provisions of Chapter 4 (commencing with Section
40 29700) of Division 3 of Title 3 of the Government Code.



1 (f) The Department of the Youth Authority shall
2 adopt emergency regulations for implementation of this
3 section.

4 SEC. 4. Section 912.6 is added to the Welfare and
5 Institutions Code, to read:

6 912.6. (a) Effective January 1, 1999, for each person
7 described in Section 912.5, the county from which he or
8 she is committed shall make a deposit, in the amount
9 specified in subdivision (d), to the Statewide Juvenile
10 Justice Program Development Fund, that shall be
11 established and administered by the Board of
12 Corrections. The Board of Corrections shall distribute
13 moneys from the fund, ~~pursuant to subdivisions (b) and~~
14 ~~(e)~~, solely for purposes related to programs and facilities
15 for juveniles dedicated to punishment, treatment, and
16 rehabilitation of juvenile offenders and in a manner that
17 will allow the county to house the maximum number of
18 juvenile offenders in county ~~facilities~~ *placements*. Funds
19 from the Statewide Juvenile Justice Program
20 Development Fund ~~shall be used to enhance the~~
21 ~~receiving county's juvenile justice response by providing~~
22 ~~supplemental resources and shall not be used~~ *shall not be*
23 *used* to supplant the current level of funding for the
24 recipient county agency.

25 (b) The Board of Corrections is authorized to
26 administer the Statewide Juvenile Justice Program
27 Development Fund. Grants shall be awarded on an
28 ongoing basis and at least annually from moneys
29 deposited in the Statewide Juvenile Justice Program
30 ~~Development Fund. The board shall award grants to~~
31 ~~counties from the fund based on the following criteria, in~~
32 ~~order:~~

33 ~~(1) Need based on the average dollar allocation per~~
34 ~~number of juveniles in the county, so that the county~~
35 ~~receives allocations that more closely approximate the~~
36 ~~resulting overall average allocation per juvenile based on~~
37 ~~allocations provided in Section 18221 and allocations~~
38 ~~provided for county probation camps and ranches in the~~
39 ~~annual Budget Act.~~



1 ~~(2) Need based on lack of available in county~~
2 ~~placement options.~~

3 ~~(3) The negative fiscal impact of Section 912 on the~~
4 ~~applicant county.~~

5 ~~(4) The likelihood that use of the funds will result in a~~
6 ~~decrease in juvenile crime and recidivism in the county.~~
7 ~~Development Fund.~~

8 (c) For each person described in subdivision (a), the
9 amount of funds deposited by the county into the
10 Statewide Juvenile Justice Program Development Fund
11 shall be calculated as follows:

12 (1) If the offense on which the commitment is based
13 is listed in Section 4955 of Title 15 of the California Code
14 of Regulations, the amount shall be 50 percent of the per
15 capita institutional cost of the Department of the Youth
16 Authority, as reported to the county pursuant to Section
17 912.1, less the amount paid by the county pursuant to
18 paragraph (1) of subdivision (a) of Section 912.5.

19 (2) If the offense on which the commitment is based
20 is listed in Section 4956 of Title 15 of the California Code
21 of Regulations, the amount shall be 75 percent of the per
22 capita institutional cost of the Department of the Youth
23 Authority, as reported to the county pursuant to Section
24 912.1, less the amount paid by the county pursuant to
25 paragraph (2) of subdivision (a) of Section 912.5.

26 (3) If the offense on which the commitment is based
27 is listed in Section 4957 of Title 15 of the California Code
28 of Regulations, the amount shall be 100 percent of the per
29 capita institutional cost of the Department of the Youth
30 Authority, as reported to the county pursuant to Section
31 912.1, less the amount paid by the county pursuant to
32 paragraph (3) of subdivision (a) of Section 912.5.

33 (d) For each person described in subdivision (a), the
34 county shall make the deposit required by this section at
35 the same time that the county makes the payment with
36 respect to that person to the Department of the Youth
37 Authority pursuant to Section 912.5.

38 SEC. 5. All moneys deposited in the Statewide
39 Juvenile Justice Program Development Fund during the
40 1998–99 fiscal year are hereby appropriated to the Board



1 of Corrections for expenditure for the purposes of this act.
2 *Up to 5 percent of the amount appropriated in the*
3 *Statewide Juvenile Justice Program Development Fund*
4 *shall be transferred, upon the approval of the Director of*
5 *Finance, to the Board of Corrections for expenditure as*
6 *necessary for the board to administer the program,*
7 *including technical assistance to counties and the*
8 *development of an evaluation component.*

9 SEC. 6. Notwithstanding Section 17610 of the
10 Government Code, if the Commission on State Mandates
11 determines that this act contains costs mandated by the
12 state, reimbursement to local agencies and school
13 districts for those costs shall be made pursuant to Part 7
14 (commencing with Section 17500) of Division 4 of Title
15 2 of the Government Code. If the statewide cost of the
16 claim for reimbursement does not exceed one million
17 dollars (\$1,000,000), reimbursement shall be made from
18 the State Mandates Claims Fund.

19 Notwithstanding Section 17580 of the Government
20 Code, unless otherwise specified, the provisions of this act
21 shall become operative on the same date that the act
22 takes effect pursuant to the California Constitution.

