

AMENDED IN ASSEMBLY JUNE 1, 1999
AMENDED IN ASSEMBLY APRIL 28, 1999
AMENDED IN ASSEMBLY APRIL 7, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1255

Introduced by Assembly Member Wright

February 26, 1999

An act to add *Section 3060.8 to, and to add and repeal Chapter 1.3 (commencing with Section 1210) of Title 8 of Part 2 of, the Penal Code, relating to sentencing and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1255, as amended, R. Wright. Sentencing: intensive correctional supervision program.

(1) Existing law provides as a sentencing option for convicted felons, that the felon be placed on probation with court-ordered conditions of probation, if eligible, or sentenced to a term of imprisonment in the state prison.

This bill would set forth legislative findings and declarations of intent in regard to prison crowding and the need for community-based *probation and parole intermediate sanctions as alternatives to imprisonment in the state prison.*

This bill would provide for the awarding of grants for the establishment of intensive—correctional—supervision *intervention* programs, as specified,—to for which—convicted felony offenders who meet enumerated criteria may be

~~sentenced by a court for up to 9 months and upon completion of which the offender would be required to be placed on probation for up to 4 years. The bill would require that the programs commence on or after July 1, 2002.~~

~~This bill would require the probation officers of participating counties to make an investigation of the offender's eligibility and suitability for intensive correctional supervision, the results of which would be included in the probation officer's recommendation to the court *persons are determined to be eligible pursuant to prescribed criteria applied by a probation department or parole agency, as the case may be.*~~

This bill would specify that the chief probation officer of each participating county would be responsible for the county program under the bill and for coordinating and contracting for all related services. The bill would also specify that the Board of Corrections would have administrative responsibility for, and oversight of, the county programs.

The bill would provide that funding for the *parole component of the bill* is contingent upon an ~~unspecified~~ appropriation in the Budget Act of 1999 ~~from which the Board of Corrections would be required to provide funds to counties for the purposes of the bill for the Department of Corrections parole programs.~~

The bill would appropriate \$6,000,000 from the Budget Act of 1999 to the Board of Corrections to be allocated to Los Angeles, San Francisco, San Diego, and Shasta Counties for purposes of the probation demonstration program.

~~This bill would also require the Department of Corrections, on or before January 1, 2007, to evaluate, as specified, the intensive correctional supervision programs and report the conclusions of its evaluations to the Legislature *each agency participating in the intensive intervention program to conduct an evaluation of the program and report its findings and conclusions to the Board of Corrections at specified times.*~~

The bill would provide that ~~its~~ *the above provisions shall remain in effect until January 1, 2008* 2006, and as of that date are repealed.

(2) Under existing law, the supervision, management and control of the state prisons, and the responsibility for the care,



custody, treatment, training, discipline, and employment, of persons confined therein are vested in the Director of Corrections. Existing law sets forth the powers and the duties of the Board of Prison Terms and the Department of Corrections in connection with the parole of persons in the custody of the state prison system.

This bill would require the Department of Corrections, subject to the appropriation of funding in the Budget Act of 1999, and subsequent budget acts, to establish, operate, and evaluate pilot projects, as specified, in 2 or more locations within the state parole system as determined by the director of the department for the purpose of determining whether a revised approach to the supervision, sanction, and control of parolees can result in a more cost-effective deployment of parole staff, reduced recidivism by parole violators, savings on state incarceration costs, and improved public safety.

The department would be required to submit to the Joint Legislative Budget Committee and the fiscal committees of both houses of the Legislature, by December 1 of each year, interim reports on the progress of the pilot projects toward implementation and initial findings regarding cost-effectiveness and performance of the projects, and to submit by December 1, 2002, a report that evaluates the overall cost-effectiveness and performance of the pilot projects, as specified.

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

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

- 1 ~~SECTION 1.—This act shall be known and may be cited~~
- 2 SECTION 1. This act shall be known and may be cited
- 3 as the Intensive Probation and Parole Intervention
- 4 Partnership Act of 2000.
- 5 SEC. 2. (a) The Legislature finds and declares the
- 6 following:
- 7 (1) The state prison population on June 30, 1998, was
- 8 158,207 compared to 72,121 on June 30, 1988, an annual
- 9 compounded growth of 8.2 percent.



1 (2) Without some significant change in this growth, or
2 alternative sentencing programs, the state will be forced
3 to spend billions of dollars in new state prison
4 construction.

5 (3) The practice of the imprisonment of new
6 commitments and probation and parole violators in the
7 state prison who serve one year or less offers little
8 opportunity to implement strategies to manage offender
9 behavior and to sustain long-term behavior change that
10 would promote public safety.

11 (4) The 24-member Blue Ribbon Commission on
12 Inmate Population Management, including the 13
13 members appointed by the Governor, unanimously
14 agreed in its final report that "...insufficient prevention
15 efforts, intermediate sanctions, and programs for those
16 incarcerated exist, and as a result, there are offenders
17 incarcerated and on probation who judges and parole
18 authorities would, and should, manage differently if those
19 sanctions were available."

20 (5) The commission found that certain individuals
21 with no history of violence and noncareer offenders are
22 likely target populations for punishment options other
23 than prison.

24 (6) The commission recommended intensive
25 probation supervision, residential and nonresidential
26 substance abuse treatment programs, and other
27 community-based punishment options as alternatives to
28 state prison for minor parole violators and nonviolent
29 offenders facing short prison commitments.

30 (7) Intensive intervention programs have reduced
31 recidivism and prison overcrowding in other states that
32 have adopted similar programs.

33 (8) State and local intervention programs should be
34 viewed as an interconnected system that provide an array
35 of appropriate punishment alternatives, including
36 intermediate punishment options.

37 (9) A strategy of realigning juvenile and adult justice
38 responsibilities of local probation and state parole systems
39 in a manner that maintains public safety, increases
40 accountability, and reduces costs is needed.



1 (10) Local probation departments have lacked
2 sufficient resources to effectively deal with an increasing
3 offender population. without sufficient financial
4 resources to manage supervision programs, caseload size
5 in Los Angeles County swelled to 1,000 probationers to
6 one deputy probation officer for “bank” caseloads. There
7 are 45,000 medium-risk adult probationers assigned to
8 these “bank” caseloads.

9 (11) Counties in other parts of the state, while not
10 impacted to the same degree as Los Angeles, have
11 reported similar problems in the effective management
12 of offender caseload size.

13 (12) Inadequate supervision and programming at the
14 local level often results in continued violation of the
15 court’s order; continued commission of crimes and
16 escalating levels of enforcement resulting in the
17 offender’s commitment to state prison.

18 (13) Los Angeles County reports 11,165 youthful
19 offenders ages 18 to 25 years, inclusive, among those
20 assigned to “bank” caseloads. This segment of offender
21 population has the greater propensity for substance abuse
22 and violence and is most likely to be amenable to
23 education and job interventions.

24 (14) It is the intent of the Legislature that local
25 government be given the opportunity to participate in a
26 state-local partnership to manage the state’s offender
27 population.

28 (b) It is the intent of the Legislature to endorse the
29 commission’s findings as to the need for
30 community-based intermediate sanctions to implement
31 a system of intensive intervention programs, drug testing
32 and treatment, intermediate punishment options, and
33 mandatory educational and employment programs.

34 SEC. 3. Chapter 1.3 (commencing with Section 1210)
35 is added to Title 8 of Part 2 of the Penal Code, to read:
36



CHAPTER 1.3. INTERVENTION PROBATION AND PAROLE
PARTNERSHIP ACT OF 2000

1210. This chapter shall be known and may be cited as the Intervention Probation and Parole Partnership Act of 2000.

1210.1. As used in this chapter, the following definitions apply:

(a) "Intensive intervention" means a program, established pursuant to this chapter and administered by a county probation department or parole agency, consisting of highly structured and closely supervised probation and parole which emphasizes appropriate interventions, including, but not limited to, treatment of substance abuse, education, counseling, employment development, payment of restitution to crime victims, fines, and penalty assessments.

(b) "Officer" means a probation officer or parole agent as defined in Section 830.5.

(c) "Offender" means a person who is on probation or parole who has been ordered to participate in an intensive intervention program.

(d) "Board" means the Board of Corrections.

1210.2. For the grant programs identified in this chapter, participating counties may include, but are not limited to, the following guidelines:

(a) The demonstration programs shall provide varying levels of supervision in accordance with the offenders behavior and progress. At the most intensive level of supervision, no officer may supervise more than 50 offenders at one time.

(b) At the most intensive level of supervision, close supervision and observation of offenders being supervised may include, but not be limited to, all of the following:

(1) Weekly contacts between an officer and the offender.

(2) Frequent chemical testing for the use of alcohol, controlled substances, or both, where use of any of these



1 *has been prohibited as a condition of participation in the*
2 *program, or by order of the court.*

3 (3) *At least weekly contact by an officer and the*
4 *offender's employer, educational institution, treatment*
5 *program, or counselor.*

6 (4) *Availability for referral to state-licensed inpatient*
7 *and outpatient treatment programs for alcohol and drug*
8 *abuse when appropriate.*

9 (5) *Job training, placement, education programs, or*
10 *any combination of these, shall be mandatory for any*
11 *offender who is not employed full time or is not a full-time*
12 *student and is medically capable of participating in the*
13 *programs.*

14 (6) *A requirement that each offender participate five*
15 *days each week, with employment, education, a job*
16 *search, job training, community service, counseling*
17 *treatment, or a combination of these activities, as*
18 *directed by an officer until gainfully employed, except*
19 *where this is not possible because of documented mental*
20 *or physical health constraints. An offender who is*
21 *gainfully employed shall continue to receive counseling*
22 *or treatment or both if an officer determines that the*
23 *offender requires the continuation of those activities, in*
24 *order to successfully complete the program.*

25 (c) *Participating counties shall establish base-line*
26 *statistical information which shall form the basis for*
27 *comparison purposes for evaluation of the effectiveness*
28 *of these programs.*

29 1210.3. *The demonstration programs may also include*
30 *any or all of the following:*

31 (a) *House arrest.*

32 (b) *Electronic monitoring.*

33 (c) *Bio-metric monitoring, for example palm print or*
34 *retina identification.*

35 (d) *Community service.*

36 (e) *A probation treatment program involving*
37 *restitution to the victim, and the payment of fines and*
38 *penalty assessments, by the offender.*

39 (f) *Placement in a substance abuse community*
40 *correctional center if available.*



1 1210.4. (a) An offender shall be considered eligible
2 for a program, pursuant to this chapter, if it appears from
3 all information available that the offender would benefit
4 from, and that public safety would not be threatened by,
5 the offender's participation in the program, as
6 determined by the appropriate probation or parole
7 agency. Public safety and offender accountability shall be
8 the primary considerations.

9 (b) A probation officer or parole agent shall consider
10 the criteria contained in this chapter in determining
11 whether or not the defendant would benefit from
12 education, treatment, and rehabilitation, and whether or
13 not the offender would pose a threat to public safety.

14 (c) It is the intent of the Legislature in enacting this
15 chapter that youthful offenders ages 18 to 25 years of age
16 who have substance abuse problems be given priority in
17 participating in the program provided under this
18 chapter.

19 (d) Nothing in this chapter shall be construed to limit
20 the authority of a court to impose confinement in a
21 county jail or a community correctional facility as a
22 condition of probation.

23 (e) A court may impose terms and conditions
24 consistent with the requirements of this chapter and shall,
25 as an additional condition, require the offender to waive
26 any right to a hearing to contest imposition by a probation
27 officer of the intermediate sanctions specified in
28 subdivision (b) of Section 1210.9. The court may also
29 impose additional terms and conditions as provided for by
30 law for persons placed on probation or given a conditional
31 sentence under Section 1203.

32 (f) Nothing in this chapter shall be construed to limit
33 an offender's right to petition for termination of a period
34 of probation under Section 1203.3 or to seek dismissal of
35 the accusations or information under Section 1203.4.
36 However, an offender may exercise his or her rights
37 under these sections only upon successful completion of
38 this program under probation or parole supervision.

39 (g) The chief probation officer of each county shall be
40 responsible for the county probation intensive



1 *intervention programs and for coordinating and*
2 *contracting for all related services.*

3 *(h) This section shall not apply to a person committed*
4 *to the Department of Corrections on or before January 1,*
5 *2000.*

6 *1210.5. (a) Funding for the parole component of the*
7 *programs established pursuant to this chapter is*
8 *contingent upon an appropriation in the Budget Act of*
9 *1999 for the Department of Corrections parole programs.*

10 *(1) The sum of six million dollars (\$6,000,000) is hereby*
11 *appropriated from the General Fund to the following*
12 *counties, for purposes of the probation demonstration*
13 *program, as follows:*

14 *(A) Two million three hundred thousand dollars*
15 *(\$2,300,000) to the County of Los Angeles.*

16 *(B) One million six hundred thousand dollars*
17 *(\$1,600,000) to the City and County of San Francisco.*

18 *(C) One million six hundred thousand dollars*
19 *(\$1,600,000) to the County of San Diego.*

20 *(D) Five hundred thousand dollars (\$500,000) to the*
21 *County of Shasta.*

22 *(b) Future funding for purposes of this act shall be*
23 *pursuant to appropriations in the annual Budget Act.*

24 *(c) Each county shall establish and maintain a separate*
25 *fund account in order to identify the expenditure of funds*
26 *appropriated pursuant to this chapter and clearly show*
27 *the manner of disposition. These funds shall be used by*
28 *county probation departments only for intensive*
29 *intervention programs and to contract for services to*
30 *offenders in the program, as authorized by this chapter.*

31 *(d) Each county probation department and the state*
32 *parole agency shall provide reports of expenditures and*
33 *other relevant information, as deemed appropriate, in*
34 *the manner and form prescribed in the annual progress*
35 *report to the board.*

36 *(e) The board shall receive the annual progress*
37 *reports, the 30-month evaluation report, and the final*
38 *reports from the counties and state parole agency.*

39 *1210.6. An offender's participation in a program shall*
40 *be periodically reviewed and evaluated to determine his*



1 or her needs and performance in the program. The level
2 of intervention may be modified, including transferring
3 him or her to regular supervision.

4 1210.7. (a) If it is determined after a hearing by the
5 court that an offender in a probation intensive
6 intervention program has committed an additional
7 public offense or has otherwise violated a condition of
8 probation, the court may revoke probation and order any
9 disposition authorized by law, including remanding the
10 offender to the state prison for the full term of the offense
11 for which he or she was committed.

12 (b) As an additional intermediate sanction a court may
13 order a probation offender to serve up to 30 days in a
14 county jail. Time served in a county jail shall not be
15 considered to be part of the prescribed period of
16 intensive community corrections.

17 1210.8. County probation departments are
18 authorized to use funds to contract as necessary for
19 substance abuse treatment, employment, and education
20 assistance, mental health counseling, and other necessary
21 services as provided for in this chapter. Priority shall be
22 given to utilizing available and appropriate public agency
23 services. Custody in secure facilities shall be provided by
24 sworn peace officers or correctional officers as defined by
25 state law.

26 1210.9. (a) Each agency participating in the
27 intensive intervention program shall conduct an
28 evaluation of the program and report its findings and
29 conclusions to the board as follows:

30 (1) Thirty months following operational
31 implementation of the program.

32 (2) At the conclusion of the five-year program or by
33 January 1, 2006.

34 (b) The evaluation shall include an analysis of the
35 effectiveness of these programs for identified outcome
36 measurements including, but not limited to: reducing
37 prison crowding, recidivism, substance abuse, increasing
38 job placement, completion of high school education or
39 equivalency, and vocational training and state and county



1 costs saved by deterring participants in the program from
2 being committed to the state prison.

3 1210.10. If any court renders a decision that would
4 have the effect of requiring all counties to participate in
5 the Intensive Intervention Partnership Act
6 programming or if any legislation, regulation, or rule is
7 enacted that has the effect of penalizing counties that do
8 not participate in the program established by this
9 chapter, this chapter shall become inoperative.

10 1210.11. (a) Any county that participates in the
11 program shall have no obligation to continue services for
12 offenders if the state discontinues funding for the
13 program.

14 (b) Any county that participates in the program may
15 reduce the services provided in accordance with any
16 reduction in state funding.

17 1210.12. This chapter shall remain in effect until
18 January 1, 2006, and as of that date is repealed, unless a
19 later enacted statute, which is enacted before January 1,
20 2006, deletes or extends that date.

21 SEC. 4. Section 3060.8 is added to the Penal Code, to
22 read:

23 3060.8. (a) Subject to the appropriation of funding,
24 and as provided in the Budget Act of 1998, and
25 subsequent budget acts, the Department of Corrections
26 shall establish, operate, and evaluate pilot projects in two
27 or more locations within the state parole system as
28 determined by the Director of the Department of
29 Corrections for the purpose of determining whether a
30 revised approach to the supervision, sanction, and control
31 of parolees can result in a more cost-effective deployment
32 of parole staff, reduced recidivism by parole violators,
33 savings on state incarceration costs, and improved public
34 safety. To the extent that it is feasible and practical, the
35 pilot projects shall include, but not be limited to, the
36 following elements:

37 (1) A task-structured parole supervision model that
38 will test the assignment of some parole agent activities
39 according to functional specialties, the organization of
40 parole units into supervision teams, the assignment of



1 workload on the basis of task-specific time lines in place
2 of the existing caseload point system, and the assignment
3 of Parole Service Associates and other nonparole agent
4 staff for certain functions, and that will implement other
5 changes in the parole supervision operations. The
6 purpose of the parole model is to increase the total
7 number of contacts between parolees and parole staff
8 while concentrating staff resources on those parolees
9 deemed to pose the highest risk to public safety.

10 (2) This model may include the imposition of
11 graduated intermediate sanctions of parole violators that
12 will, for an appropriate group of parolees, test the
13 approach of using programs such as day-reporting
14 centers, substance abuse treatment units, community
15 service, and other punishment options as an alternative
16 to revocation of parole and return to prison of parole
17 violators. The purpose of the new graduated
18 intermediate sanctions model is to ensure a rapid and
19 certain response to parole violations, or to parolee
20 behavior that indicates a risk of parole violations, by using
21 the least restrictive alternative that will ensure public
22 safety.

23 (3) The establishment and operation of nonresidential
24 day reporting centers that will assist parolees in their
25 reintegration into society, maximize the supervision of
26 certain parolees who require closer supervision, and
27 provide an additional punishment option for parole
28 violators when such a punishment is deemed appropriate
29 and will ensure public safety. Notwithstanding any other
30 law, the Department of Corrections is authorized to
31 contract with one or more vendors to supervise, treat, and
32 provide services to parolees assigned to the day reporting
33 center, including, but not limited to, such services as
34 substance abuse treatment, cognitive skill training,
35 domestic violence prevent education and treatment,
36 anger management, parenting skills, community service
37 programs, and educational and employment services.

38 (b) To the extent that it is feasible and practical, the
39 Department of Corrections shall incorporate into the
40 pilot projects a test of a new parole classification system



1 and the parole staffing model that are developed in
2 accordance with Provision 14 of Item 5240-001-0001 of the
3 Budget Act of 1996 and Item 4 of Item 5240-001-0001 of the
4 Supplemental Report of the Budget Act of 1996.

5 (c) The Department of Corrections shall coordinate
6 and consult with the parole authority during the
7 development and subsequent operation of the pilot
8 projects, and in particular shall be consulted by the
9 department on an ongoing basis in regard to (1) the
10 development and implementation of graduated
11 integrated sanctions for parole violators and (2) the
12 evaluation of the results of the pilot projects.

13 (d) The Department of Corrections shall, by
14 December 1, 2002, submit to the Joint Legislative Budget
15 Committee and the fiscal committees of both houses of
16 the Legislature a report that evaluates the overall cost
17 effectiveness and performance of the pilot projects. The
18 department shall provide to the same legislative
19 committees interim reports on the progress toward
20 implementation of the pilot projects, and any initial
21 findings regarding their cost effectiveness and
22 performance, by December 1 of 2000, 2001, and 2002. The
23 final evaluation report shall be prepared in consultation
24 with an independent contractor with expertise in the
25 evaluation of criminal justice programs and shall include,
26 but not be limited to, the following items:

27 (1) To the extent feasible and practical, a statistically
28 valid analysis of the impact of the pilot projects upon the
29 recidivism rate of parolees within the parole units
30 selected, with a comparison to appropriate and similar
31 parole units that did not participate in the pilot projects.
32 To the extent feasible and practical, measures of
33 recidivism should include revocations and removals from
34 parole as well as new law violations by parolees, and shall
35 include an examination of the frequency and severity of
36 parole violations and new law violations. The report shall
37 estimate the net additional cost or savings to the state,
38 including the costs of operating the program except for
39 evaluation costs, and incarceration costs for parole
40 violators and parolees recommitted to prison by the



1 courts, which resulted from the operation of the pilot
2 projects.

3 (2) An assessment of how implementation of the pilot
4 projects has affected the number and the nature of
5 contacts between parole unit staff and parolees generally
6 and for specific groups of parolees according to their
7 parole classification. The report shall also describe and
8 assess the graduated intermediate sanctions that were
9 implemented, the number of parolees subjected to these
10 sanctions, and whether the sanctions were implemented
11 consistently and appropriately.

12 (3) An assessment of how implementation of the pilot
13 projects have affected parole unit operations. The report
14 shall assess the cost effectiveness of assigning Parole
15 Service Associates and other nonparole agent staff to
16 certain functions and the cost effectiveness of assignment
17 of parole supervision functions to specialists operating in
18 teams and examine, in particular, whether funding and
19 staffing for parole operations could be reduced or would
20 need to be augmented if the task-structured parole
21 supervision model were implemented on a statewide
22 basis. The report shall assess the impact of the pilot
23 projects upon the morale and stability of the parole unit
24 staff, and shall review what impact if any the pilot projects
25 have had on staff vacancies and turnover rates in the
26 participating parole units.

27 (4) An assessment of the performance and cost
28 effectiveness of providing services to parolees through
29 the use of day reporting centers. The report shall describe
30 and assess the functions and services provided at the
31 centers, the number of parolees receiving particular
32 types of services, and the effect of those services on the
33 employment, educational levels, and recidivism of
34 parolees assigned to the day reporting centers.

35 ~~as the State-Local Corrections Partnership Act of 2000.~~

36 ~~SEC. 2. (a) The Legislature finds and declares the~~
37 ~~following:~~

38 ~~(1) The state prison population on June 30, 1998, was~~
39 ~~158,207 compared to 72,121 on June 30, 1988, an annual~~
40 ~~compounded growth of 8.2 percent.~~



1 ~~(2) Without some significant change in this growth, or~~
2 ~~alternative sentencing programs, the state will be forced~~
3 ~~to spend billions of dollars in new state prison~~
4 ~~construction.~~

5 ~~(3) The practice of the imprisonment of new~~
6 ~~commitments and parole violators in the state prison who~~
7 ~~serve one year or less offers little opportunity to~~
8 ~~implement strategies to manage offender behavior and to~~
9 ~~sustain long-term behavior change that would promote~~
10 ~~public safety.~~

11 ~~(4) The 24 member Blue Ribbon Commission on~~
12 ~~Inmate Population Management, including the 13~~
13 ~~members appointed by the Governor, unanimously~~
14 ~~agreed in its final report that "... insufficient prevention~~
15 ~~efforts, intermediate sanctions, and programs for those~~
16 ~~incarcerated exist, and as a result, there are offenders~~
17 ~~incarcerated and on probation who judges and parole~~
18 ~~authorities would, and should, manage differently if those~~
19 ~~sanctions were available."~~

20 ~~(5) The commission found that certain individuals~~
21 ~~with no history of violence and noncareer offenders are~~
22 ~~likely target populations for punishment options other~~
23 ~~than prison.~~

24 ~~(6) The commission recommended intensive~~
25 ~~probation supervision, residential and nonresidential~~
26 ~~substance abuse treatment programs, and other~~
27 ~~community-based punishment options as alternatives to~~
28 ~~state prison for minor parole violators and nonviolent~~
29 ~~offenders facing short prison commitments.~~

30 ~~(7) Intensive correctional supervision programs have~~
31 ~~reduced recidivism and prison overcrowding in other~~
32 ~~states which have adopted similar programs.~~

33 ~~(8) State and local corrections should be viewed as an~~
34 ~~interconnected system that provides an array of~~
35 ~~appropriate punishment alternatives, including~~
36 ~~intermediate punishment options.~~

37 ~~(9) A strategy of realigning juvenile and adult justice~~
38 ~~responsibilities of state and local correctional systems in~~
39 ~~a manner that maintains public safety, increases~~
40 ~~accountability, and reduces costs is needed.~~



1 ~~(10) It is the intent of the Legislature that local~~
2 ~~government be given the opportunity to participate in a~~
3 ~~state-local partnership to house specified populations of~~
4 ~~the state prison. A dedicated revenue source equal to~~
5 ~~state savings shall be provided to participating local~~
6 ~~governments as a part of this transaction.~~

7 ~~(b) It is the intent of the Legislature to endorse the~~
8 ~~commission's findings as to the need for~~
9 ~~community based intermediate sanctions and to~~
10 ~~implement a program of intensive correctional~~
11 ~~supervision, drug testing and treatment, intermediate~~
12 ~~punishment options, and mandatory educational and~~
13 ~~employment programs.~~

14 ~~SEC. 3. Chapter 1.3 (commencing with Section 1210)~~
15 ~~is added to Title 8 of Part 2 of the Penal Code, to read:~~

16

17 ~~CHAPTER 9. STATE-LOCAL CORRECTIONS PARTNERSHIP~~
18 ~~ACT OF 2000~~

19

20 ~~1210. This chapter shall be known and may be cited~~
21 ~~as the State-Local Corrections Partnership Act of 2000.~~

22 ~~1210.1. As used in this chapter, the following~~
23 ~~definitions apply:~~

24 ~~(a) "Board" means the Board of Corrections.~~

25 ~~(b) "Intensive correctional supervision" means a~~
26 ~~program, established pursuant to this chapter and~~
27 ~~administered by a county probation department,~~
28 ~~consisting of highly structured and closely supervised~~
29 ~~probation which emphasizes appropriate interventions,~~
30 ~~including, but not limited to, treatment of substance~~
31 ~~abuse, education, counseling, employment development,~~
32 ~~payment of restitution to crime victims, fines, and penalty~~
33 ~~assessments.~~

34 ~~(c) "Officer" means a probation officer as listed in~~
35 ~~Section 830.5.~~

36 ~~(d) "Offender" means a person who has been~~
37 ~~sentenced to, or ordered to participate in, an intensive~~
38 ~~correctional supervision program.~~

39 ~~1210.2. For the grant programs identified in this~~
40 ~~chapter, the board shall establish minimum~~



1 requirements, funding schedules, and procedures on or
2 before September 30, 2001, that take into consideration,
3 but are not limited to, the following:

4 (a) Intensive supervision teams, consisting of at least
5 two officers, who shall supervise no more than 40
6 offenders at one time.

7 (b) Close supervision and observation of offenders
8 being supervised, including, but not limited to, all of the
9 following:

10 (1) Face-to-face contact between an officer and the
11 offender at least two times per week.

12 (2) Frequent chemical testing for the use of alcohol,
13 controlled substances, or both, where their use has been
14 prohibited as a condition of participation in the program.

15 (3) At least weekly contact by an officer and the
16 offender's employer, educational institution, treatment
17 program, or counselor.

18 (e) State licensed inpatient and outpatient treatment
19 programs for alcohol and drug abuse which shall be
20 ordered when appropriate and made available as needed
21 for any offender with substance abuse problems.

22 (d) Job training, placement, education programs, or
23 any combination of these, which shall be mandatory for
24 any offender who is not employed full time or is not a
25 full-time student and is medically capable of participating
26 in the programs.

27 (e) A requirement that each offender be occupied five
28 days each week, with employment, education, a job
29 search, job training, community service, counseling,
30 treatment, or a combination of these activities, as
31 directed by an officer, until gainfully employed, except
32 where this is not possible because of documented mental
33 or physical health constraints. An offender who is
34 gainfully employed shall continue to receive counseling
35 or treatment or both if an officer determines that the
36 offender requires the continuation of those activities in
37 order to successfully perform in the program.

38 (f) A case management approach utilizing a
39 community corrections advisory committee appointed
40 by the Chief Probation Officer and consisting of



1 appropriate representatives, including, but not limited
2 to, those from probation, local law enforcement,
3 substance abuse counseling, medical, mental health,
4 employment development, and education. The
5 community corrections advisory committee shall work
6 with intensive supervision teams and assess and address
7 the needs of each offender.

8 1210.3. An intensive correctional supervision
9 program may also include any or all of the following:

10 (a) House arrest.

11 (b) Electronic monitoring.

12 (c) Community service.

13 (d) A probation treatment program involving
14 restitution to the victim, and the payment of fines and
15 penalty assessments, by the offender.

16 (e) Placement in a substance abuse community
17 correctional center, if available.

18 1210.4. (a) An offender who has been convicted of a
19 felony or felonies may be sentenced by a court to a county
20 probation intensive correctional supervision program if
21 he or she meets all of the following criteria:

22 (1) The present offense is for a crime punishable by 16
23 months, two or three years, or one, two, or three years in
24 the state prison, or for an attempt to commit such a crime,
25 which did not involve violence against the person of
26 another, molestation of a minor, or drug trafficking.

27 (2) The offender has not been convicted of a violent
28 felony, as defined by subdivision (c) of Section 667.5, or
29 a serious felony, as defined by subdivision (c) of Section
30 1192.7, or convicted of violating any of the following
31 provisions:

32 Section 69 or 191.5, subdivision (b) or paragraph (1) or
33 (3) of subdivision (c) of Section 192, subdivision (a) of
34 Section 217.1, Section 243, 243.1, or 243.3, subdivision (a)
35 or (c) of Section 243.4, Section 244, 245, 245.3, 246, 266f,
36 266h, or 273.5, subdivision (a) of Section 273a, Section
37 273d or 285, subdivision (b) of Section 286, Section 288a,
38 subdivisions (b), (h), or (i) of Section 289, subdivision (b)
39 of Section 311.2, subdivision (c) of Section 311.4, or
40 Section 314, 417.6, 647.6, 4131.5, or 4501.5 of the Penal



1 ~~Code, or Section 2800.2 or 20001 or subdivision (b) of~~
2 ~~Section 23104 of the Vehicle Code.~~

3 ~~(3) The offender has not been placed on probation or~~
4 ~~ordered to serve time in a county jail as a condition of~~
5 ~~probation within the previous five years.~~

6 ~~(4) The offender does not have a significant criminal~~
7 ~~history which would render him or her unsuitable for the~~
8 ~~program.~~

9 ~~(5) It appears from all information available that the~~
10 ~~offender would benefit from, and that public safety would~~
11 ~~not be threatened by, sentencing the offender to an~~
12 ~~intensive correctional supervision program. Public safety~~
13 ~~and offender accountability shall be the primary~~
14 ~~consideration.~~

15 ~~(6) The offender agrees in writing to the terms and~~
16 ~~conditions of intensive correctional supervision.~~

17 ~~(7) The offender otherwise would have been~~
18 ~~committed to the state prison for two years or less. For the~~
19 ~~purpose of this chapter, the term “committed to the state~~
20 ~~prison for two years or less” refers to the length of the~~
21 ~~prison sentence.~~

22 ~~(b) In any case in which an offender may be eligible~~
23 ~~for a county probation intensive correctional supervision~~
24 ~~program, the probation officer shall, as part of his or her~~
25 ~~investigation pursuant to Section 1203, make an~~
26 ~~investigation of the offender’s eligibility and suitability~~
27 ~~for intensive correctional supervision. The probation~~
28 ~~officer shall consider (1) the criteria contained in this~~
29 ~~chapter, (2) whether or not the defendant would benefit~~
30 ~~from education, treatment, and rehabilitation, and (3)~~
31 ~~whether or not the offender would pose a threat to public~~
32 ~~safety if sentenced to intensive correctional supervision.~~
33 ~~The probation officer shall include this information in his~~
34 ~~or her recommendation to the court.~~

35 ~~(c) It is the intent of the Legislature in enacting this~~
36 ~~chapter that offenders who have substance abuse~~
37 ~~problems be given priority in participating in the~~
38 ~~program.~~

39 ~~(d) Nothing in this chapter shall be construed to limit~~
40 ~~the ability or obligation of a court to impose confinement~~



1 in a county jail or a community correctional facility as a
2 condition of probation before an offender is sentenced to
3 the intensive correctional supervision program.

4 (e) In sentencing a person to intensive correctional
5 supervision, a court shall impose terms and conditions
6 consistent with the requirements of this chapter and shall,
7 as an additional condition, require the offender to waive
8 any right to a hearing to contest imposition by a probation
9 officer of the intermediate sanctions specified in
10 subdivision (b) of Section 1210.9. The court may also
11 impose additional terms and conditions as provided for by
12 law for persons placed on probation or given a conditional
13 sentence under Section 1203.

14 (f) An offender may be sentenced to intensive
15 correctional supervision pursuant to this chapter for a
16 period of up to nine months. After completion of
17 intensive correctional supervision, the offender shall be
18 placed on supervised probation for up to four years.

19 (g) Nothing in this chapter shall be construed to limit
20 an offender's right to petition for termination of a period
21 of probation under Section 1203.3 or to seek dismissal of
22 the accusations or information under Section 1203.4.
23 However, an offender may exercise his or her rights
24 under these sections only upon successful completion of
25 intensive correctional supervision.

26 (h) Offenders sentenced pursuant to this section shall
27 be deemed to have served a prior state prison term for
28 purposes of this code.

29 (i) The chief probation officer of each county shall be
30 responsible for the county probation intensive
31 correctional supervision program and for coordinating
32 and contracting for all related services.

33 (j) This section shall not apply to a person committed
34 to the Department of Corrections on or before January 1,
35 2001.

36 1210.5. (a) Funding for this chapter shall be provided
37 from the amount appropriated in Item
38 5430 _____ of the Budget Act of 1999. Up to
39 5 percent of the amount appropriated in Item
40 5430 _____ of the Budget Act of 1999 shall be



1 transferred, upon the approval of the Director of
2 Finance, to Item 5430 _____ for expenditure
3 as necessary for the board to administer this program,
4 including providing technical assistance to counties and
5 developing and monitoring an evaluation component
6 with participating counties. From these funds, the board
7 shall award funds for intensive supervision probation
8 programs operated by the county probation department
9 for persons who would otherwise be sentenced to the
10 state prison, and alcohol and substance abuse testing and
11 treatment, education, employment assistance, mental
12 health counseling for persons in these programs. Funds
13 may also be used for the purpose specified in Section
14 1210.4 for persons in these programs, and related
15 evaluation.

16 (b) Each participating county shall execute a contract
17 with the board that will include, but not be limited to, the
18 following conditions:

19 (1) On or before October 1 of each year, beginning in
20 2000, each county shall adopt an intensive Correction
21 Supervision Plan and budget for the following fiscal year
22 and shall submit the plan and budget to the board in
23 accordance with procedures specified by the board.

24 (2) For the 2001-02 fiscal year, each county shall
25 submit a plan and budget on or before December 31,
26 2000.

27 (3) Funds shall be allocated to counties for each person
28 sentenced to the intensive correctional supervision
29 program who would otherwise have been sentenced to
30 the state prison. The funding for each offender shall be
31 prorated to reflect the amount of time actually served by
32 the offender in the intensive correctional supervision
33 program.

34 (4) Each county probation department shall maintain
35 a separate fund account in order to identify the funds and
36 clearly show the manner of their disposition. These funds
37 shall be used by county probation departments only for
38 intensive correctional supervision and to contract for
39 services to offenders, as authorized by this chapter.



1 ~~(5) Commencing in the 2003-04 fiscal year, the~~
2 ~~distribution of funds pursuant to this chapter shall be~~
3 ~~made on a quarterly basis in accordance with minimum~~
4 ~~requirements, funding schedules, procedures, or~~
5 ~~guidelines adopted by the board.~~

6 ~~(6) Each county probation department shall provide~~
7 ~~reports of expenditures and other relevant information,~~
8 ~~as deemed appropriate, in the manner and form~~
9 ~~prescribed by the board.~~

10 ~~(c) Allocation of funds shall be made upon application~~
11 ~~by each participating county to the board and shall be~~
12 ~~available for two fiscal years subsequent to the fiscal year~~
13 ~~in which the original appropriation was made.~~

14 ~~(d) (1) Allocation of the amount determined in~~
15 ~~paragraph (3) of subdivision (b) shall be made to a~~
16 ~~participating county upon submission of a plan and~~
17 ~~budget, as required by paragraphs (1) and (2) of~~
18 ~~subdivision (b), and upon application for funds by the~~
19 ~~county to the board, based upon criteria to be developed~~
20 ~~by the department in conjunction with the counties.~~

21 ~~(2) The criteria shall provide for reports of~~
22 ~~expenditures and information and shall constitute a~~
23 ~~contractual obligation.~~

24 ~~(e) Unexpended funds may be reallocated by the~~
25 ~~board.~~

26 ~~(f) The board shall monitor the expenditures of funds~~
27 ~~of a participating county to determine whether the funds~~
28 ~~are being expended in accordance with the requirements~~
29 ~~of this chapter. The board shall also establish~~
30 ~~requirements for the evaluation of programs supported~~
31 ~~by this chapter, including requirements designed to~~
32 ~~demonstrate the effectiveness of these programs in~~
33 ~~reducing state prison crowding.~~

34 ~~(g) If the board finds that a participating county is not~~
35 ~~acting in accordance with all of the requirements of this~~
36 ~~chapter and the contract with the board, it shall notify the~~
37 ~~county regarding the noncompliance, and the county~~
38 ~~shall have 60 days to explain or justify its action in writing~~
39 ~~to the board. If the noncompliance cannot be promptly~~
40 ~~remedied, the board may issue a notice of noncompliance~~



1 and may suspend payment of any funds due the county
2 under this chapter and as described in the contract.

3 (h) Commencing in the 2002-03 fiscal year, the
4 distribution of funds pursuant to this chapter shall be
5 made on a quarterly basis in accordance with regulations
6 adopted by the department.

7 1210.6. Each intensive correctional supervision team
8 shall periodically review and evaluate the needs of each
9 offender and his or her performance in the program. The
10 team may modify the level of supervision of an offender,
11 including transferring him or her to regular probation
12 supervision.

13 1210.7. (a) If it is determined after a hearing by the
14 court that an offender in an intensive correctional
15 supervision program has committed an additional public
16 offense or has otherwise violated a condition of probation,
17 the court may revoke intensive correctional supervision
18 and order any disposition authorized by law, including
19 remanding the offender to the state prison for the full
20 term of the offense for which he or she was committed.

21 (b) As an additional intermediate sanction a court may
22 order an offender to serve up to 30 days in the county jail.
23 Time served in the county jail shall not be considered to
24 be a part of the prescribed period of intensive community
25 corrections.

26 1210.8. County probation departments are
27 authorized to use funds to contract as necessary for
28 substance abuse treatment, employment and education
29 assistance, mental health counseling, and other necessary
30 services as provided for in this chapter. Priority shall be
31 given to utilizing available and appropriate public agency
32 services. Custody in secure facilities shall be provided by
33 sworn peace officers or correctional officers as defined by
34 state law.

35 1210.9. The board shall evaluate the intensive
36 correctional supervision programs established pursuant
37 to this chapter and report the conclusions of its evaluation
38 to the Legislature by January 1, 2007. The evaluation shall
39 include an analysis of the effectiveness of these programs
40 in reducing prison crowding, recidivism, substance



1 ~~abuse, and state and county corrections costs. The board~~
2 ~~shall pay for any evaluation performed under this section.~~
3 ~~1210.10. If any court renders a decision that would~~
4 ~~have the effect of requiring all counties to participate in~~
5 ~~the state-local corrections partnership program or if any~~
6 ~~legislation, regulation, or rule is enacted that has the~~
7 ~~effect of penalizing counties that do not participate in the~~
8 ~~program established by this chapter, this chapter shall~~
9 ~~become inoperative.~~
10 ~~1210.11. (a) Any county that participates in the~~
11 ~~program shall have no obligation to continue services for~~
12 ~~offenders if the state discontinues funding for the~~
13 ~~program.~~
14 ~~(b) Any county that participates in the program may~~
15 ~~reduce the services provided correspondingly with any~~
16 ~~reduction in state funding, pursuant to a plan which has~~
17 ~~been approved by the board.~~
18 ~~1210.12. This chapter shall remain in effect until~~
19 ~~January 1, 2008, and as of that date is repealed, unless a~~
20 ~~later enacted statute, which is enacted before January 1,~~
21 ~~2008, deletes or extends that date.~~

