

AMENDED IN ASSEMBLY APRIL 14, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1391

**Introduced by Assembly Member Hertzberg and Senator
Polanco**

February 26, 1999

An act to add ~~Section 13893 to~~ *Title 9 (commencing with Section 14090) to Part 4 of the Penal Code*, relating to forensic laboratories, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1391, as amended, Hertzberg. Forensic laboratories.

Existing law requires the State Auditor to conduct an assessment of the needs of existing forensic science laboratories, and to submit a report to the Legislature on the needs assessment by January 1, 1999.

This bill would ~~provide that the Legislature authorizes create the Hertzberg-Polanco Forensic Laboratories Construction Act, authorizing~~ the use of revenue bonds in an amount not to exceed \$500,000,000 to finance the needed construction, renovation, and infrastructure costs associated with the construction of new state or local forensic laboratories and the renovation of existing state or local forensic laboratories, *as specified. The bill would create the Forensic Laboratories Capital Expenditure Fund in the State Treasury, which would be continuously appropriated for the purposes specified. The bill would also create the Forensic Laboratories Authority within the Department of Justice, 9 of*

the 11 members of which would be appointed by an unspecified authority. The bill would prescribe the powers and duties of the authority, and provide for its repeal on January 1, 2010.

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. Section 13893 is added to the Penal~~
2 *SECTION 1. Title 9 (commencing with Section*
3 *14090) is added to Part 4 of the Penal Code, to read:*

4
5 *TITLE 9. THE HERTZBERG-POLANCO*
6 *FORENSIC LABORATORIES CONSTRUCTION ACT*

7
8 *Article 1. Finances*
9

10 *14090. (a) The Legislature authorizes the use of*
11 *revenue bonds in an amount not to exceed five hundred*
12 *million dollars (\$500,000,000) to finance the needed*
13 *construction, renovation, and infrastructure costs*
14 *associated with the construction of new state or local*
15 *forensic laboratories and the remodeling of existing state*
16 *or local forensic laboratories.*

17 *(b) The Director of General Services, as agent for the*
18 *Forensic Laboratories Authority established pursuant to*
19 *Article 3 (commencing with Section 14098), shall*
20 *construct or remodel criminal forensics laboratories,*
21 *parking facilities, and any other improvements,*
22 *betterments, and facilities related thereto, for the*
23 *primary use of the Department of Justice and other*
24 *federal, state, or local law enforcement agencies.*

25 *(c) Revenue bonds, negotiable notes, and negotiable*
26 *bond anticipation notes may be issued by the State Public*
27 *Works Board pursuant to the State Building Construction*
28 *Act of 1955 (Part 10b (commencing with Section 15800)*
29 *of Division 3 of Title 2 of the Government Code), to*
30 *finance the construction, remodeling, and equipping of*
31 *the laboratories, parking facilities, and other*



1 *improvements, betterments, and facilities related*
2 *thereto as described in subdivision (b).*

3 *(d) The amount of revenue bonds, negotiable notes, or*
4 *negotiable bond anticipation notes to be sold shall equal*
5 *the cost of construction, remodeling, and equipping of*
6 *the laboratories and facilities, the cost of working*
7 *drawings, sums necessary to pay financing costs,*
8 *including interest during construction, and a reasonable*
9 *reserve fund. Construction costs shall not exceed five*
10 *hundred million dollars (\$500,000,000) based on the*
11 *Lee-Saylor Cost Index 433.*

12 *(e) The amount of negotiable bond anticipation notes*
13 *sold shall not exceed the amount of revenue bonds and*
14 *negotiable notes authorized by this section. Any*
15 *augmentation of the approved project costs shall be*
16 *subject to Section 13332.11 of the Government Code. The*
17 *board may borrow funds for project costs from the Pooled*
18 *Money Investment Account pursuant to Sections 16312*
19 *and 16313 of the Government Code.*

20 *(f) At least 20 days prior to the award of the principal*
21 *bids for the construction or remodeling of a laboratory,*
22 *the director shall notify the chairpersons of the fiscal*
23 *committees of each house of the Legislature of the*
24 *amount of the bid.*

25 *(g) The leasing of the laboratories and facilities shall*
26 *be leased in the following manner:*

27 *(1) The Director of General Services may lease the*
28 *laboratories and facilities financed with the proceeds of*
29 *the revenue bonds, negotiable notes, or negotiable bond*
30 *anticipation notes from the board pursuant to Section*
31 *15817 of the Government Code for use by the*
32 *Department of Justice. The Forensic Laboratories*
33 *Authority may, with the approval of the Director of*
34 *General Services, sublease or enter into use agreements*
35 *of portions of the laboratories to other federal, state, or*
36 *local law enforcement agencies.*

37 *(2) The director shall notify the Chairperson of the*
38 *Joint Legislative Budget Committee of the director's*
39 *intention to execute any lease agreement authorized by*
40 *paragraph (1) at least 20 days prior to its execution.*



1 14091. (a) There is hereby created in the State
2 Treasury the Forensic Laboratories Capital Expenditure
3 Fund.

4 (b) The proceeds of the revenue bonds, negotiable
5 notes, or negotiable bond anticipation notes issued and
6 sold pursuant to this article shall be deposited in the
7 Forensic Laboratories Capital Expenditure Fund.

8 (c) Moneys in the fund shall be expended by the
9 Forensic Laboratories Authority to finance the
10 construction, remodeling, and equipping of forensic
11 laboratories, parking facilities, and other improvements,
12 betterments, and facilities related to such laboratories.

13 (d) Up to 1¹/₂ percent of the moneys in the fund may
14 be used by the authority for administration of this
15 chapter.

16 (e) Moneys in the fund shall be available for
17 encumbrance without regard to fiscal years, and
18 notwithstanding any other provision of law, shall not
19 revert to the General Fund or be transferred to any other
20 fund or account in the State Treasury except for purposes
21 of investment as provided in Article 4 (commencing with
22 Section 16470) of Chapter 3 of Part 2 of Division 4 of Title
23 2 of the Government Code. All interest or other
24 increment resulting from such investment shall be
25 deposited in the fund, notwithstanding Section 16305.7 of
26 the Government Code.

27 14092. The Forensic Laboratories Authority is
28 authorized to apply for any funds that may be available
29 from the federal government to further the purposes of
30 this chapter.

31

32 Article 2. Forensic laboratories Authority

33

34 14095. (a) There is hereby created within the
35 Department of Justice the Forensic Laboratories
36 Authority.

37 (b) The authority shall be composed of 11 members,
38 one of whom shall be the Attorney General who shall be
39 designated as the chairperson, one of whom shall be the
40 State Director of Crime Laboratories, and nine of whom



1 shall be appointed by the _____ with the advice of and
2 consent of the Senate. The appointments shall include the
3 following:

4 (1) A county sheriff.

5 (2) A police chief.

6 (3) A district attorney from a county with a population
7 over one million.

8 (4) A county supervisor or county administrative
9 officer.

10 (5) A city council member or city administrative
11 officer.

12 (6) A chief probation officer.

13 (7) A chief public defender.

14 (8) Two public members.

15 (c) Of the members first appointed by the _____,
16 three shall be appointed for a term of two years, three for
17 a term of three years, and three for a term of four years.
18 The length of the original term to be served by each
19 member first appointed shall be determined by lot. Their
20 successors shall serve for a term of three years and until
21 appointment and qualification of their successors, each
22 term to commence on the expiration date of the term of
23 the predecessor.

24 (d) The first appointments shall be made by April 1,
25 2000.

26 (e) The Attorney General shall appoint an executive
27 director for the authority who shall take such ministerial
28 actions as needed to organize the authority in advance of
29 the authority being constituted.

30 (f) The first meeting of the authority shall occur by
31 May 15, 2000. The authority shall meet at least twice a
32 year.

33 (g) The authority shall select a vice-chairperson from
34 among its members. Six members of the authority shall
35 constitute a quorum.

36 (h) If any appointed member is not in attendance for
37 three consecutive meetings, the authority shall
38 recommend to the _____ that the member be
39 removed and the _____ shall make a new



1 *appointment, with the advice and consent of the Senate,*
2 *for the remainder of the term.*

3 *14096. Members of the authority shall receive no*
4 *compensation, but shall be reimbursed for their actual*
5 *and necessary travel expenses incurred in the*
6 *performance of their duties. For purposes of*
7 *compensation, attendance at meetings of the authority*
8 *shall be deemed performance by a member of the duties*
9 *of his or her state or local governmental employment.*

10 *14097. This article shall be repealed on January 1,*
11 *2010.*

12
13 *Article 3. Forensic Laboratory Construction and*
14 *Remodeling Applications*

15
16 *14098. (a) Upon application of a city, county, or*
17 *region, the Forensic Laboratories Authority shall*
18 *consider the construction or remodeling of a forensic*
19 *laboratory in the city, county, or region.*

20 *(b) An application for funds shall be made in the*
21 *manner and form prescribed by the authority.*

22 *(c) Applications shall, at a minimum, include a needs*
23 *assessment study prepared by the city, county, or region*
24 *making the application.*

25 *(d) Applications for the construction of a forensic*
26 *laboratory which include donation of the property upon*
27 *which the laboratory will be sited shall be given priority.*

28 *(e) Applications for the construction of a forensic*
29 *laboratory which would serve several law enforcement*
30 *agencies shall be given priority.*

31 *(f) Expenditures shall be made only if city, county, or*
32 *regional matching funds of 10 percent are provided. This*
33 *requirement may be modified or waived by the*
34 *Legislature where it determines that it is necessary to*
35 *facilitate the expeditious and equitable construction or*
36 *remodeling of state and local forensic laboratory facilities.*

37 *(g) The authority shall make decisions relating to*
38 *expenditures for constructing and remodeling forensic*
39 *laboratories from the Forensic Laboratories Capital*
40 *Expenditure Fund according to policies, criteria, and*



1 *procedures adopted by the authority based on the*
2 *recommendations of the Task Force on Statewide*
3 *Forensic Services established by Senate Bill 627 of the*
4 *1999–2000 Regular Session, if enacted.*

5 Code, to read:

6 ~~13893. The Legislature authorizes the use of revenue~~
7 ~~bonds in an amount not to exceed five hundred million~~
8 ~~dollars (\$500,000,000) to finance the needed construction,~~
9 ~~renovation, and infrastructure costs associated with the~~
10 ~~construction of new state or local forensic laboratories~~
11 ~~and the renovation of existing state or local forensic~~
12 ~~laboratories.~~

