

AMENDED IN ASSEMBLY APRIL 28, 1999

AMENDED IN ASSEMBLY APRIL 14, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1391

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

(Coauthors: Assembly Members Romero and Washington)

February 26, 1999

An act to add 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 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: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

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

3

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

6

7 Article 1. Finances

8

9 14090. (a) The Legislature *hereby* authorizes the use
10 of revenue bonds in an amount not to exceed five
11 hundred million dollars (\$500,000,000) to finance the
12 needed construction, renovation, and infrastructure costs
13 associated with the construction of new state or local
14 forensic laboratories and the remodeling of existing state
15 or local forensic laboratories.

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

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



1 the laboratories, parking facilities, and other
2 improvements, betterments, and facilities related
3 thereto as described in subdivision (b).

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

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

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

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

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

38 (2) The director shall notify the Chairperson of the
39 Joint Legislative Budget Committee of the director's



1 intention to execute any lease agreement authorized by
2 paragraph (1) at least 20 days prior to its execution.

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

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

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

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

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

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

33

34 Article 2. Forensic Laboratories Authority

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

39 (b) The authority shall be composed of 11 members,
40 one of whom shall be the Attorney General who shall be



1 designated as the chairperson, one of whom shall be the
2 State Director of Crime Laboratories, and nine of whom
3 shall be appointed by the _____ with the advice of and
4 consent of the Senate. The appointments shall include the
5 following:

6 (1) A county sheriff.

7 (2) A police chief.

8 (3) A district attorney from a county with a population
9 over one million.

10 (4) A county supervisor or county administrative
11 officer.

12 (5) A city council member or city administrative
13 officer.

14 (6) A chief probation officer.

15 (7) A chief public defender.

16 (8) Two public members.

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

26 (d) The first appointments shall be made by April 1,
27 2000.

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

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

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

38 (h) If any appointed member is not in attendance for
39 three consecutive meetings, the authority shall
40 recommend to the _____ that the member be



1 removed and the _____ shall make a new
2 appointment, with the advice and consent of the Senate,
3 for the remainder of the term.

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

11 14097. This article shall be repealed on January 1,
12 2010.

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14 Article 3. Forensic Laboratory Construction and
15 Remodeling Applications

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

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

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

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

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

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

38 (g) The authority shall make decisions relating to
39 expenditures for constructing and remodeling forensic
40 laboratories from the Forensic Laboratories Capital



1 Expenditure Fund according to policies, criteria, and
2 procedures adopted by the authority based on the
3 recommendations of the Task Force on Statewide
4 Forensic Services established by Senate Bill 627 of the
5 1999–2000 Regular Session, if enacted.

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