

AMENDED IN ASSEMBLY APRIL 24, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2684

Introduced by Assembly Member Bock

February 25, 2000

An act to add Section ~~3608 to the Penal~~ *17560.5 to the Government Code*, relating to ~~the death penalty~~ *state-mandated local costs*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2684, as amended, Bock. ~~Death penalty: cost savings formula~~ *State-mandated local costs*.

Existing law ~~provides specified procedures for executing the death penalty~~ *establishes specified procedures for local agencies and school districts to file claims with the Commission on State Mandates for reimbursement of state-mandated local programs*.

This bill would ~~require the Judicial Council in consultation with specified people and agencies, to develop a formula that will determine the cost saving to counties when life without parole is sought in a homicide case instead of the death penalty. The bill would require the state to give back to the counties 75% of the cost savings determined by the formula, in any year in which the state has a specified budget surplus~~ *authorize a local agency or school district when filing a claim, to submit findings to the commission identifying savings generated from the implementation of the mandated program and would provide for allocation of the savings, as*

specified. This provision would become operative on January 1, 2003.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. ~~Section 3608 is added to the Penal Code,~~
2 SECTION 1. Section 17560.5 is added to the
3 Government Code, to read:
4 17560.5. A local agency or school district filing a claim
5 for reimbursement of state-mandated costs may submit
6 findings to the commission identifying savings generated
7 from implementation of the mandate. If the commission
8 finds that the local agency or school district has generated
9 reduced costs over a reasonable period of time, the
10 Controller shall provide to the local agency or school
11 district an appropriate amount representing a portion,
12 not exceeding one-third, of the realized savings.
13 One-third of the amount of the realized savings shall be
14 paid to the state agency administering the program, if
15 any, and the remainder of the realized savings shall be
16 paid to the General Fund. These amounts shall be paid at
17 the time that the claim is paid from funds made available
18 by the Legislature for this purpose.
19 SEC. 2. This act shall become operative on January 1,
20 2003. ~~to read:~~
21 ~~3608. (a) The Judicial Council, in consultation with~~
22 ~~county representatives, district attorneys, county~~
23 ~~probation departments, and local law enforcement~~
24 ~~agencies, shall develop a formula to determine the cost~~
25 ~~savings to counties when life without parole is sought in~~
26 ~~a homicide case instead of the death penalty. The formula~~
27 ~~shall cover a 10-year period and shall be adjusted~~
28 ~~annually.~~
29 ~~(b) Using the formula developed in subdivision (a),~~
30 ~~the Judicial Counsel shall determine for each county~~
31 ~~whether the county has realized a savings.~~
32 ~~(c) Based upon the cost savings determined in~~
33 ~~subdivision (b), the state shall give back to counties 75~~



~~1 percent of the cost savings realized by that county,
2 because life without parole is sought in homicide cases
3 instead of the death penalty, in any fiscal year in which
4 the state has a budget surplus of \$1,000,000,000 or more.~~

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