

AMENDED IN SENATE JUNE 15, 2000

AMENDED IN ASSEMBLY MAY 25, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2885

~~Introduced by Committee on Budget (Ducheny (Chair), Aroner, Cedillo, Correa, Firebaugh, Florez, Gallegos, Keeley, Nakano, Papan, Reyes, Scott, Strom-Martin, Torlakson, Wildman, and Wright) Assembly Member Cardenas~~

~~(Coauthors: Assembly Members Alquist, Aroner, Bates, Battin, Briggs, Calderon, Campbell, Cardoza, Cedillo, Corbett, Correa, Cox, Cunneen, Davis, Dickerson, Dutra, Gallegos, Granlund, Hertzberg, Honda, Jackson, Lempert, Longville, Maddox, Margett, Nakano, Robert Pacheco, Rod Pacheco, Reyes, Romero, Scott, Steinberg, Strom-Martin, Thomson, Torlakson, Villaraigosa, Vincent, Washington, Wiggins, Wildman, and Zettel)~~

~~(Coauthors: Senators Alarcon, Alpert, Bowen, Brulte, Chesbro, Costa, Escutia, Figueroa, Karnette, McPherson, O'Connell, Perata, Polanco, Poochigian, Rainey, Schiff, Soto, and Vasconcellos)~~

March 6, 2000

~~An act relating to health.—An act to amend Sections 30061, 30062, 30063, and 30064.1 of the Government Code, relating to law enforcement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2885, as amended, ~~Committee on Budget~~ Cardenas. ~~Budget Act implementation~~ Supplemental local law enforcement funding.

(1) Existing law establishes in each county treasury a Supplemental Law Enforcement Services Fund (SLESF) and requires that moneys from this fund be allocated to counties and cities located within a county in accordance with specified requirements for, among other things, front line law enforcement services.

This bill would revise the requirements for an allocation to a county that includes a newly incorporated city, as specified, would designate specific allocations for district attorneys, county sheriffs, and city police chiefs, and would require that funds be expended no later than June 30 of the following fiscal year. The bill would also require the county auditor to allocate a grant of at least \$100,000 to each law enforcement jurisdiction. The bill would allocate 50% of SLESF moneys to counties and cities and counties to develop and implement a comprehensive multiagency plan that provides a continuum of responses to juvenile crime and delinquency and would require that the plan be developed by the local juvenile justice coordinating council in each county and city and county.

(2) Existing law requires the county auditor and the city treasurer to file a written, public report with the Supplemental Law Enforcement Oversight Committee (SLEOC) on or before the date of the duly noticed public hearing held in September in each year for the purpose of considering requests for money from the fund. A summary of these annual reports is required to be submitted by the SLEOC to the Controller on or before October 15, 1998, and each year thereafter.

This bill instead would require that the written, public report be filed with the SLEOC at least 30 days prior to the date of the duly noticed public hearing and that the summary be submitted to the Controller on or before August 15, 2001, and each year thereafter. The bill would also require a county, a city, or a city and county that fails to submit the required data or expend the SLESF moneys to forfeit its allocation, as specified, and would authorize a local law enforcement



agency to submit the required data to the Controller if the SLEOC fails to do so pursuant to these provisions.

(3) This bill would also require each local juvenile justice coordinating council, beginning August 15, 2002, to report annually to the county board of supervisors and the Board of Corrections, in a format specified by the board, on the effectiveness of SLESF programs. The bill would require the Board of Corrections to compile the local reports and, beginning March 1, 2004, to make an annual report to the Legislature on the statewide effectiveness of the comprehensive multiagency local action plans.

(4) The bill would appropriate \$242,600,000 from the General Fund to the Controller for the 2000–01 fiscal year for allocation to counties and cities and counties for supplemental local law enforcement funding pursuant to the bill.

(5) Existing law provides that these provisions governing supplemental local law enforcement funding shall become inoperative on July 1, 2000, and are repealed as of January 1, 2001.

This bill would extend the operation of these provisions to July 1, 2004, and would repeal them as of January 1, 2005.

(6) The bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, under which qualified low-income persons are provided with health care services.~~

~~This bill would express the intent of the Legislature to make the necessary statutory changes to implement the Budget Act of 2000 relative to the funding of the Medi-Cal program.~~

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

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

~~1 SECTION 1. It is the intent of the Legislature in
2 enacting this act to make the necessary statutory changes
3 to implement the Budget Act of 2000 relative to the
4 funding of the Medi-Cal program.~~



1 SECTION 1. This act shall be known and may be cited
2 as the Schiff-Cardenas Crime Prevention Act of 2000.

3 SEC. 2. Section 30061 of the Government Code is
4 amended to read:

5 30061. (a) There shall be established in each county
6 treasury a Supplemental Law Enforcement Services
7 Fund (SLESF), to receive all amounts allocated to a
8 county for purposes of implementing this chapter.

9 (b) In any fiscal year for which a county receives
10 money to be expended for the implementation of this
11 chapter, the county auditor shall allocate moneys in the
12 county's ~~Supplemental Law Enforcement Services Fund~~
13 ~~(SLESF)~~ SLESF, including any interest or other return
14 earned on the investment of those moneys, within 30 days
15 of the deposit of those moneys into the fund, and shall
16 allocate those moneys in accordance with the following
17 requirements:

18 (1) ~~Twelve-Five~~ and ~~one-half~~ *fifteen one hundredths*
19 percent to the county sheriff for county jail construction
20 and operation. In the case of Madera, Napa, and Santa
21 Clara Counties, this allocation shall be made to the county
22 director or chief of corrections.

23 (2) ~~Twelve-Five~~ and ~~one-half~~ *fifteen one hundredths*
24 percent to the district attorney for criminal prosecution.

25 (3) ~~Seventy-five~~ *Thirty-nine and seven-tenths*
26 percent to the county and the cities within the county,
27 and, in the case of the San Mateo, Kern, Siskiyou, and
28 Contra Costa Counties, also to the Broadmoor Police
29 Protection District, the Bear Valley Community Services
30 District, the Stallion Springs Community Services
31 District, the Lake Shastina Community Services District,
32 and the Kensington Police Protection and Community
33 Services District, in accordance with the relative
34 population of the cities within the county and the
35 unincorporated area of the county, and the Broadmoor
36 Police Protection District in the County of San Mateo, the
37 Bear Valley Community Services District and the Stallion
38 Springs Community Services District in Kern County, the
39 Lake Shastina Community Services District in Siskiyou
40 County, and the Kensington Police Protection and



1 Community Services District in Contra Costa County, as
2 specified in the most recent January estimate by the
3 population research unit of the Department of Finance.
4 *For a newly incorporated city whose population estimate*
5 *is not published by the Department of Finance but which*
6 *was incorporated prior to July 1 of the fiscal year in which*
7 *an allocation from the SLESF is to be made, the city*
8 *manager, or an appointee of the legislative body, if a city*
9 *manager is not available, and the county administrative*
10 *or executive officer shall prepare a joint notification to*
11 *the Department of Finance and the county auditor with*
12 *a population estimate reduction of the unincorporated*
13 *area of the county equal to the population of the newly*
14 *incorporated city by July 15, or within 15 days after the*
15 *Budget Act is enacted, of the fiscal year in which an*
16 *allocation from the SLESF is to be made. No person*
17 *residing within the Broadmoor Police Protection District,*
18 *the Bear Valley Community Services District, the Stallion*
19 *Springs Community Services District, the Lake Shastina*
20 *Community Services District, or the Kensington Police*
21 *Protection and Community Services District shall also be*
22 *counted as residing within the unincorporated area of the*
23 *County of San Mateo, Kern, Siskiyou, or Contra Costa, or*
24 *within any city located within those counties. The county*
25 *auditor shall allocate a grant of at least one hundred*
26 *thousand dollars (\$100,000) to each law enforcement*
27 *jurisdiction. Moneys allocated to the county pursuant to*
28 *this subdivision shall be retained in the county SLESF,*
29 *and moneys allocated to a city pursuant to this subdivision*
30 *shall be deposited in a SLESF established in the city*
31 *treasury.*

32 *(4) Fifty percent to the county or city and county to*
33 *develop and implement a comprehensive multiagency*
34 *plan that provides for a continuum of responses to*
35 *juvenile crime and delinquency and demonstrates a*
36 *collaborative and integrated approach for implementing*
37 *a system of swift, certain, and graduated responses for*
38 *at-risk youth and juvenile offenders. This plan shall be*
39 *developed by the local juvenile justice coordinating*
40 *council in each county and city and county pursuant to*



1 Section 749.22 of the Welfare and Institutions Code and
2 approved by the county board of supervisors, and in the
3 case of a city and county, the plan shall also be approved
4 by the mayor.

5 (A) The SLESF shall only allocate funding pursuant to
6 this paragraph upon the submission by the local juvenile
7 justice coordinating council of a local action plan to the
8 county board of supervisors and the Board of Corrections.

9 (B) The local action plan shall identify ways for
10 improving and marshaling existing resources to reduce
11 the incidence of juvenile crime and delinquency in
12 priority areas and the greater community. The plan shall
13 also maximize the provision of collaborative and
14 integrated services and shall specify strategies for all
15 elements of response, including, but not limited to,
16 prevention, intervention, suppression, and incapacitation
17 to provide a continuum for addressing the identified
18 juvenile crime problem. The plan shall also identify
19 strategies for addressing gang and gender specific issues.
20 The plan shall also identify outcome measures to help
21 determine the effectiveness of the program which shall
22 include, but not be limited to, the following:

23 (1) The rate of juvenile arrests per 100,000 of
24 population.

25 (2) The rate of successful completion of probation.

26 (3) The rate of successful completion of restitution and
27 court-ordered community service responsibilities.

28 (c) Subject to subdivision (d), for each fiscal year in
29 which the county and each city, and the Broadmoor
30 Police Protection District, the Bear Valley Community
31 Services District, the Stallion Springs Community
32 Services District, the Lake Shastina Community Services
33 District, and the Kensington Police Protection and
34 Community Services District, receive moneys pursuant
35 to paragraph (3) of subdivision (b), the county, each city,
36 and each district specified in this subdivision shall
37 appropriate those moneys in accordance with the
38 following procedures:

39 (1) In the case of the county, the county board of
40 supervisors shall appropriate existing and anticipated



1 moneys exclusively to provide front line law enforcement
2 services, other than those services specified in paragraphs
3 (1) and (2) of subdivision (b), in the unincorporated
4 areas of the county, in response to written requests
5 submitted to the board by the county sheriff and the
6 district attorney. Any request submitted pursuant to this
7 paragraph shall specify the front line law enforcement
8 needs of the requesting entity, and those personnel,
9 equipment, and programs that are necessary to meet
10 those needs. The board shall, at a public hearing held in
11 September in each year that the Legislature appropriates
12 funds for purposes of this chapter, consider and
13 determine each submitted request within 60 days of
14 receipt, pursuant to the decision of a majority of a quorum
15 present. The board shall consider these written requests
16 separate and apart from the process applicable to
17 proposed allocations of the county general fund.

18 (2) In the case of a city, the city council shall
19 appropriate existing and anticipated moneys exclusively
20 to fund front line municipal police services, in accordance
21 with written requests submitted by the chief of police of
22 that city or the chief administrator of the law
23 enforcement agency that provides police services for that
24 city. These written requests shall be acted upon by the
25 city council in the same manner as specified in paragraph
26 (1) for county appropriations.

27 (3) In the case of the Broadmoor Police Protection
28 District within the County of San Mateo, the Bear Valley
29 Community Services District or the Stallion Springs
30 Community Services District within Kern County, the
31 Lake Shastina Community Services District within
32 Siskiyou County, or the Kensington Police Protection and
33 Community Services District within Contra Costa
34 County, the legislative body of that special district shall
35 appropriate existing and anticipated moneys exclusively
36 to fund front line municipal police services, in accordance
37 with written requests submitted by the chief
38 administrator of the law enforcement agency that
39 provides police services for that special district. These
40 written requests shall be acted upon by the legislative



1 body in the same manner specified in paragraph (1) for
2 county appropriations.

3 (d) For each fiscal year in which the county, a city, or
4 the Broadmoor Police Protection District within the
5 County of San Mateo, the Bear Valley Community
6 Services District or the Stallion Springs Community
7 Services District within Kern County, the Lake Shastina
8 Community Services District within Siskiyou County, or
9 the Kensington Police Protection and Community
10 Services District within Contra Costa County receives
11 any moneys pursuant to this chapter, in no event shall the
12 governing body of any of those recipient agencies
13 subsequently alter any previous, valid appropriation by
14 that body, for that same fiscal year, of moneys allocated
15 to the county or city pursuant to paragraph (3) of
16 subdivision (b).

17 (e) *Funds received pursuant to subdivision (b) shall*
18 *be expended in accordance with the provisions of this*
19 *chapter no later than June 30 of the following fiscal year.*
20 *A local agency that has not met this requirement shall*
21 *remit unspent SLESF moneys to the Controller for*
22 *deposit into the General Fund.*

23 (f) *In the event that a county, a city, a city and county,*
24 *or a qualifying special district does not comply with the*
25 *requirements of this chapter to receive an SLESF*
26 *allocation, the Controller shall revert those funds to the*
27 *General Fund.*

28 *SEC. 3. Section 30062 of the Government Code is*
29 *amended to read:*

30 30062. (a) Except as required by paragraphs (1)—~~and~~,
31 (2), *and* (4) of subdivision (b) of Section 30061, moneys
32 allocated from a ~~SLESF~~ *Supplemental Law Enforcement*
33 *Services Fund (SLESF)* to a recipient entity shall be
34 expended exclusively to provide front line law
35 enforcement services. These moneys shall supplement
36 existing services, and shall not be used to supplant; any
37 existing funding for law enforcement services provided
38 by that entity.

39 (b) In the Counties of Los Angeles, Orange, and San
40 Diego only, the district attorney may, in consultation with



1 city attorneys in the county, determine a prorated share
2 of the moneys received by the district attorney pursuant
3 to this section to be allocated to city attorneys in the
4 county in each fiscal year to fund the prosecution by those
5 city attorneys of misdemeanor violations of state law.

6 (c) In no event shall any moneys allocated from a *the*
7 *county's* SLESF be expended by a recipient agency to
8 fund ~~either~~ any of the following:

9 (1) Administrative overhead costs in excess of 0.5
10 percent of a recipient entity's SLESF allocation for that
11 year.

12 (2) The costs of any capital project or construction
13 project funded from moneys allocated pursuant to
14 paragraph (3) of subdivision (b) of Section 30061 that
15 does not directly support front line law enforcement
16 services.

17 (3) *The costs of any capital project or construction*
18 *project funded from moneys allocated pursuant to*
19 *paragraph (4) of subdivision (b) of Section 30061.*

20 (d) *For purposes of subdivision (c), both of the*
21 *following shall apply:*

22 (1) *A "recipient agency" or "recipient entity" is that*
23 *entity that actually incurs the expenditures of SLESF*
24 *funds allocated pursuant to paragraph (1), (2), (3), or (4)*
25 *of subdivision (b) of Section 30061.*

26 (2) *Administrative overhead costs shall only be*
27 *charged by the recipient entity, as defined in paragraph*
28 *(1), up to 0.5 percent of its SLESF allocation.*

29 (e) For purposes of this chapter, "front line law
30 enforcement services" and "front line municipal police
31 services" each include antigang—~~and~~, community crime,
32 and juvenile justice prevention programs.

33 *SEC. 4. Section 30063 of the Government Code is*
34 *amended to read:*

35 30063. (a) The Supplemental Law Enforcement
36 Services Fund (SLESF) in each county or city is to be
37 expended exclusively as required by this chapter. Moneys
38 in that fund shall not be transferred to, or intermingled
39 with, the moneys in any other fund in the county or city
40 treasury, except that moneys may be transferred from the



1 SLESF to the county's or city's general fund to the extent
2 necessary to facilitate the appropriation and expenditure
3 of those transferred moneys in the manner required by
4 this chapter.

5 (b) Moneys in a SLESF may only be invested in safe
6 and conservative investments in accordance with those
7 standards of prudent investment applicable to the
8 investment of trust moneys. The treasurer of the county
9 and each city shall provide a monthly SLESF investment
10 report to either the police chief or the county sheriff and
11 district attorney, as applicable.

12 (c) Each year, ~~on or before~~ *at least 30 days prior to* the
13 date of the duly noticed public hearing required pursuant
14 to paragraph (1) of subdivision (c) of Section 30061, the
15 county auditor and city treasurer shall detail and
16 summarize allocations from the county's or city's SLESF,
17 as applicable, in a written, public report filed with the
18 Supplemental Law Enforcement Oversight Committee
19 (SLEOC), the county board of supervisors or city council,
20 as applicable, for the entirety of the immediately
21 preceding fiscal year, and the county sheriff or police
22 chief, as applicable.

23 (d) A summary of the annual reports required in
24 subdivision (c) shall be submitted in a standardized
25 format to be developed by the Controller, in conjunction
26 with the California District Attorney's Association,
27 California Police Chief's Association, California State
28 Sheriff's Association, California Peace Officer's
29 Association, California County Auditor's Association, and
30 California Municipal Treasurer's Association, by each
31 SLEOC to the Controller on or before ~~October~~ *August 15,*
32 ~~1998 2001~~, and each year thereafter. ~~Upon request, the~~
33 *The* Controller shall make a copy of the summarized
34 reports available to the Governor ~~and the Legislature,~~
35 *the Legislature, and the Legislative Analyst's office.*

36 (e) *By March 1 of each year, the Legislative Analyst's*
37 *office shall report to the Legislature on the types of*
38 *expenditures made by local law enforcement agencies in*
39 *the previous fiscal year pursuant to this chapter, and, to*



1 *the extent feasible, on the effects of those expenditures on*
2 *law enforcement and public safety.*

3 (f) *A county, a city, or a city and county that fails to*
4 *submit the data required pursuant to subdivision (d) or*
5 *fails to expend the SLESF moneys provided by the date*
6 *specified in subdivision (e) of Section 30061 shall forfeit*
7 *its allocation provided pursuant to Section 30061 for the*
8 *subsequent fiscal year. The Controller shall reduce the*
9 *affected county's allocation by the appropriate amount*
10 *and shall identify the county, city, or city and county and*
11 *the corresponding amount reduced for the affected local*
12 *agency. Funds not allocated pursuant to this subdivision*
13 *shall revert to the General Fund.*

14 (g) *Notwithstanding subdivision (f), if the*
15 *Supplemental Law Enforcement Oversight Committee*
16 *(SLEOC) fails to transmit the data to the Controller*
17 *required pursuant to subdivision (d), the local law*
18 *enforcement agency may submit its expenditure data*
19 *directly to the Controller no later than 15 days after the*
20 *date specified in subdivision (d). If the local law*
21 *enforcement agency has complied with other*
22 *requirements in this chapter, it shall be eligible for an*
23 *allocation the subsequent fiscal year. However, the*
24 *Controller shall reduce the SLESF allocation to the*
25 *sheriff and district attorney and the cities represented in*
26 *the SLEOC, and shall reduce the allocation to all the local*
27 *law enforcement agencies that failed to provide the*
28 *expenditure data within the 15 days. Funds not allocated*
29 *pursuant to this subdivision shall revert to the General*
30 *Fund.*

31 (h) *In addition to the report specified in subdivision*
32 *(c), each local juvenile justice coordinating council shall,*
33 *beginning August 15, 2002, and annually thereafter,*
34 *report to the county board of supervisors and the Board*
35 *of Corrections, in a format specified by the board, on the*
36 *effectiveness of programs funded pursuant to this*
37 *chapter. The Board of Corrections shall compile the local*
38 *reports and, beginning March 1, 2004, make an annual*
39 *report to the Legislature on the statewide effectiveness*
40 *of the comprehensive multiagency local action plans.*



1 SEC. 5. Section 30064.1 of the Government Code is
2 amended to read:

3 30064.1. (a) It is the intent of the Legislature that at
4 least ~~one~~ two hundred forty-two million six hundred
5 thousand dollars ~~(\$100,000,000)~~ (\$242,600,000) be
6 appropriated ~~in~~ each year for fiscal years ~~1998-1999 and~~
7 ~~1999-2000~~ 2001-02, 2002-03, and 2003-04 for the purpose
8 of funding the provisions of this chapter.

9 (b) This chapter shall become inoperative on July 1,
10 ~~2000-2004~~, and, as of January 1, ~~2001-2005~~, is repealed,
11 unless a later enacted statute, which becomes effective on
12 or before January 1, ~~2001-2005~~, deletes or extends the
13 dates on which it becomes inoperative and is repealed.

14 SEC. 6. The sum of two hundred forty-two million six
15 hundred thousand dollars (\$242,600,000) is hereby
16 appropriated from the General Fund to the Controller
17 for the 2000-01 fiscal year for allocation to counties and
18 cities and counties for purposes of Chapter 6.7
19 (commencing with Section 30061) of Part 3 of Division 3
20 of Title 3 of the Government Code in accordance with the
21 proportionate share of the state's total population that
22 resides in each county and city and county, as determined
23 on the basis of the most recent January population
24 estimate developed by the Department of Finance. Each
25 county or city and county share shall be deposited in the
26 Supplemental Law Enforcement Services Fund of the
27 county or city and county.

28 SEC. 7. This act is an urgency statute necessary for
29 the immediate preservation of the public peace, health,
30 or safety within the meaning of Article IV of the
31 Constitution and shall go into immediate effect. The facts
32 constituting the necessity are:

33 In order to provide for the preservation and
34 enhancement of public safety through the
35 implementation of the provisions of this bill, as they relate
36 to COPS funds expenditures, at the earliest possible time,
37 it is necessary for this act to take effect immediately.



- 1
- 2 CORRECTIONS
- 3 **Heading — Coauthors**
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