

AMENDED IN SENATE JUNE 7, 2000

AMENDED IN SENATE MAY 3, 2000

SENATE BILL

No. 1936

Introduced by Senators Schiff and Poochigian
(Principal coauthor: Assembly Member Machado)
(Coauthors: Senators McPherson, Polanco, and Rainey)

February 24, 2000

An act to amend Sections 30061, 30062, 30063, and 30064.1 of the Government Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1936, as amended, Schiff. 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 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, 2003, to report annually to the county board of supervisors and the State Board of Corrections, in a format specified by the board, on the effectiveness of SLESF programs. The bill would require the State 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 allocation to cities and counties and local law enforcement jurisdictions 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, ~~2002~~ 2004, and would repeal them as of January 1, ~~2003~~ 2005.

~~(4)~~

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

Vote: ²/₃. 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 30061 of the Government Code
2 is amended to read:

3 30061. (a) There shall be established in each county
4 treasury a Supplemental Law Enforcement Services
5 Fund (SLESF), to receive all amounts allocated to a
6 county for purposes of implementing this chapter.

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

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

21 (2) ~~Twelve and one-half~~ *Six and one-quarter* percent
22 to the district attorney for criminal prosecution.

23 (3) ~~Seventy-five~~ *Thirty-seven and one-half* percent to
24 the county and the cities within the county, and, in the
25 case of the San Mateo, Kern, Siskiyou, and Contra Costa
26 Counties, also to the Broadmoor Police Protection
27 District, the Bear Valley Community Services District,
28 the Stallion Springs Community Services District, the
29 Lake Shastina Community Services District, and the



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

38 *(4) Fifty percent to the county or city and county to*
39 *develop and implement a comprehensive multiagency*
40 *plan that provides for a continuum of responses to*



1 juvenile crime and delinquency and demonstrates a
2 collaborative and integrated approach for implementing
3 a system of swift, certain, and graduated responses for
4 at-risk youth and juvenile offenders. This plan shall be
5 developed by the local Juvenile Justice Coordinating
6 Council in each county and city and county pursuant to
7 Section 749.22 of the Welfare and Institutions Code, and
8 in the case of a city and county, the plan shall also be
9 approved by the mayor.

10 (A) The SLESF shall only allocate funding pursuant to
11 this paragraph upon the submission by the Juvenile
12 Justice Coordinating Council of a local action plan to the
13 county board of supervisors and the State Board of
14 Corrections.

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

28 (1) The rate of juvenile arrests per 100,000 of
29 population.

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

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

33 (c) Subject to subdivision (d), for each fiscal year in
34 which the county and each city, and the Broadmoor
35 Police Protection District, the Bear Valley Community
36 Services District, the Stallion Springs Community
37 Services District, the Lake Shastina Community Services
38 District, and the Kensington Police Protection and
39 Community Services District, receive moneys pursuant
40 to paragraph (3) of subdivision (b), the county, each city,



1 and each district specified in this subdivision shall
2 appropriate those moneys in accordance with the
3 following procedures:

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

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

32 (3) In the case of the Broadmoor Police Protection
33 District within the County of San Mateo, the Bear Valley
34 Community Services District or the Stallion Springs
35 Community Services District within Kern County, the
36 Lake Shastina Community Services District within
37 Siskiyou County, or the Kensington Police Protection and
38 Community Services District within Contra Costa
39 County, the legislative body of that special district shall
40 appropriate existing and anticipated moneys exclusively



1 to fund front line municipal police services, in accordance
2 with written requests submitted by the chief
3 administrator of the law enforcement agency that
4 provides police services for that special district. These
5 written requests shall be acted upon by the legislative
6 body in the same manner specified in paragraph (1) for
7 county appropriations.

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

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

28 (f) In the event that a county, a city, a city and county,
29 or a qualifying special district does not comply with the
30 requirements of this chapter to receive an SLESF
31 allocation, the Controller shall revert those funds to the
32 General Fund.

33 SEC. 2. Section 30062 of the Government Code is
34 amended to read:

35 30062. (a) Except as required by paragraphs (1) ~~and~~
36 ~~(2)~~, (2), *and* (4) of subdivision (b) of Section 30061,
37 moneys allocated from a Supplemental Law
38 Enforcement Services Fund (SLESF) to a recipient
39 entity shall be expended exclusively to provide front line
40 law enforcement services. These moneys shall



1 supplement existing services, and shall not be used to
2 supplant any existing funding for law enforcement
3 services provided by that entity.

4 (b) In the Counties of Los Angeles, Orange, and San
5 Diego only, the district attorney may, in consultation with
6 city attorneys in the county, determine a prorated share
7 of the moneys received by the district attorney pursuant
8 to this section to be allocated to city attorneys in the
9 county in each fiscal year to fund the prosecution by those
10 city attorneys of misdemeanor violations of state law.

11 (c) In no event shall any moneys allocated from the
12 county's SLESF be expended by a recipient agency to
13 fund either of the following:

14 (1) Administrative overhead costs in excess of 0.5
15 percent of a recipient entity's SLESF allocation for that
16 year.

17 (2) The costs of any capital project or construction
18 project funded from moneys allocated pursuant to
19 paragraph (3) of subdivision (b) of Section 30061 that
20 does not directly support front line law enforcement
21 services.

22 (d) For purposes of subdivision (c), both of the
23 following shall apply:

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

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

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

35 SEC. 3. Section 30063 of the Government Code is
36 amended to read:

37 30063. (a) The Supplemental Law Enforcement
38 Services Fund (SLESF) in each county or city is to be
39 expended exclusively as required by this chapter. Moneys
40 in that fund shall not be transferred to, or intermingled



1 with, the moneys in any other fund in the county or city
2 treasury, except that moneys may be transferred from the
3 SLESF to the county's or city's general fund to the extent
4 necessary to facilitate the appropriation and expenditure
5 of those transferred moneys in the manner required by
6 this chapter.

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

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

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

38 (e) By March 1 of each year, the Legislative Analyst's
39 office shall report to the Legislature on the types of
40 expenditures made by local law enforcement agencies in



1 the previous fiscal year pursuant to this chapter, and, to
2 the extent feasible, on the effects of those expenditures on
3 law enforcement and public safety.

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

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

32 (h) *In addition to the report specified in subdivision*
33 *(c), each local Juvenile Justice Coordinating Council*
34 *shall, beginning August 15, 2003, and annually thereafter,*
35 *report to the county board of supervisors and the State*
36 *Board of Corrections, in a format specified by the board,*
37 *on the effectiveness of programs funded pursuant to this*
38 *chapter. The Board of Corrections shall compile the local*
39 *reports and, beginning March 1, 2004, make an annual*



1 *report to the Legislature on the statewide effectiveness*
2 *of the comprehensive multiagency local action plans.*

3 SEC. 4. Section 30064.1 of the Government Code is
4 amended to read:

5 30064.1. (a) It is the intent of the Legislature that at
6 ~~least one hundred million dollars (\$100,000,000) be~~
7 ~~appropriated in fiscal years 2000-01 and 2001-02 for the~~
8 ~~purpose of funding the provisions of this chapter. These~~
9 ~~funds shall be allocated as follows:~~

10 ~~(1) One hundred thousand dollars (\$100,000) to each~~
11 ~~district attorney.~~

12 ~~(2) One hundred thousand dollars (\$100,000) to each~~
13 ~~county sheriff, including the Sheriff of the City and~~
14 ~~County of San Francisco.~~

15 ~~(3) One hundred thousand dollars (\$100,000) to each~~
16 ~~city police chief, including the Chief of Police of the City~~
17 ~~and County of San Francisco.~~

18 ~~(4) The balance of any remaining funds shall be~~
19 ~~allocated pursuant to subdivision (b) of Section 30061.~~

20 ~~(b) This chapter shall become inoperative on July 1,~~
21 ~~2002, and, as of January 1, 2003, is repealed, least two~~
22 ~~hundred forty-two million six hundred thousand dollars~~
23 ~~(\$242,600,000) be appropriated each year for fiscal years~~
24 ~~2001-02, 2002-03, and 2003-04 for the purpose of funding~~
25 ~~the provisions of this chapter.~~

26 ~~(b) This chapter shall become inoperative on July 1,~~
27 ~~2004, and, as of January 1, 2005, is repealed, unless a later~~
28 ~~enacted statute, which becomes effective on or before~~
29 ~~January 1, 2003, 2005, deletes or extends the dates on~~
30 ~~which it becomes inoperative and is repealed.~~

31 SEC. 5. *The sum of two hundred forty-two million six*
32 *hundred thousand dollars (\$242,600,000) is hereby*
33 *appropriated from the General Fund to the Controller*
34 *for allocation, as follows:*

35 *(a) Two hundred million (\$200,000,000) to counties*
36 *and cities and counties in accordance with the*
37 *proportionate share of the state's total population that*
38 *resides in each county and city and county, as determined*
39 *on the basis of the most recent January population*
40 *estimate developed by the Department of Finance. Each*



1 county share shall be deposited in the Supplemental Law
2 Enforcement Services Fund of the county or city and
3 county.

4 (b) An amount determined by the Director of Finance
5 that augments the amount pursuant to subdivision (a) to
6 provide that each local law enforcement jurisdiction
7 receives at least one hundred thousand dollars (\$100,000),
8 not to exceed twenty-one million three hundred
9 thousand dollars (\$21,300,000) in the aggregate. The
10 Director of Finance shall direct the Controller to
11 augment this allocation pursuant to paragraph (3) of
12 subdivision (b) of Section 30061 of the Government Code.

13 (c) An amount equal to the amount determined by the
14 Director of Finance pursuant to subdivision (b) to each
15 Supplemental Law Enforcement Fund in accordance
16 with the proportionate share of the state's total
17 population that resides in each county and city and
18 county, as determined on the basis of the most recent
19 January population estimate developed by the
20 Department of Finance to augment the amount available
21 pursuant to paragraph (4) of subdivision (b) of Section
22 30061 of the Government Code.

23 SEC. 6. This act is an urgency statute necessary for
24 the immediate preservation of the public peace, health,
25 or safety within the meaning of Article IV of the
26 Constitution and shall go into immediate effect. The facts
27 constituting the necessity are:

28 In order to provide for the preservation and
29 enhancement of public safety through the
30 implementation of the provisions of this bill, as they relate
31 to COPS funds expenditures, at the earliest possible time,
32 it is necessary for this act to take effect immediately.

