

AMENDED IN ASSEMBLY MARCH 20, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2031

Introduced by Assembly Member Fuentes

February 23, 2012

An act to amend Sections 1230, 1230.1, and 6025 of the Penal Code, relating to probation.

LEGISLATIVE COUNSEL’S DIGEST

AB 2031, as amended, Fuentes. Probation: community corrections program.

Existing law authorizes each county to establish a Community Corrections Performance Incentives Fund to receive state moneys to implement a community corrections program consisting of a system of felony probation supervision services to, among other things, manage and reduce offender risk while under felony probation supervision and upon reentry from jail into the community. Existing law requires a community corrections program to be implemented by probation and advised by a local Community Corrections Partnership, consisting of specified members, including, but not limited to, the sheriff and the heads of various county social services programs. Existing law requires a Community Corrections Partnership to recommend a local plan to the county board of supervisors for the implementation of public safety realignment.

This bill would add a rank-and-file deputy sheriff and a rank-and-file probation officer *or deputy probation officer, to be appointed by a local labor organization*, to the membership of a Community Corrections Partnership and would require their votes on the local plan.

Existing law establishes the Board of State and Community Corrections to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system. The board is comprised of specified members, including, but not limited to, county sheriffs and probation officers.

This bill would add a rank-and-file juvenile probation officer *or deputy juvenile probation officer*, a rank-and-file adult probation officer *or deputy adult probation officer*, a rank-and-file deputy sheriff, and a state parole officer or agent to the membership of the board, to be appointed by the Governor, subject to Senate confirmation.

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 1230 of the Penal Code is amended to
2 read:
3 1230. (a) Each county is hereby authorized to establish in each
4 county treasury a Community Corrections Performance Incentives
5 Fund (CCPIF), to receive all amounts allocated to that county for
6 purposes of implementing this chapter.
7 (b) In any fiscal year for which a county receives moneys to be
8 expended for the implementation of this chapter, the moneys,
9 including interest, shall be made available to the CPO of that
10 county, within 30 days of the deposit of those moneys into the
11 fund, for the implementation of the community corrections program
12 authorized by this chapter.
13 (1) The community corrections program shall be developed and
14 implemented by probation and advised by a local Community
15 Corrections Partnership.
16 (2) The local Community Corrections Partnership shall be
17 chaired by the CPO and comprised of the following membership:
18 (A) The presiding judge of the superior court, or his or her
19 designee.
20 (B) A county supervisor or the chief administrative officer for
21 the county or a designee of the board of supervisors.
22 (C) The district attorney.
23 (D) The public defender.
24 (E) The sheriff.

1 (F) A rank-and-file deputy sheriff, *to be appointed by the local*
2 *labor organization.*

3 (G) A chief of police.

4 (H) A rank-and-file probation officer *or deputy probation*
5 *officer, to be appointed by the local labor organization.*

6 (I) The head of the county department of social services.

7 (J) The head of the county department of mental health.

8 (K) The head of the county department of employment.

9 (L) The head of the county alcohol and substance abuse
10 programs.

11 (M) The head of the county office of education.

12 (N) A representative from a community-based organization with
13 experience in successfully providing rehabilitative services to
14 persons who have been convicted of a criminal offense.

15 (O) An individual who represents the interests of victims.

16 (3) Funds allocated to probation pursuant to this act shall be
17 used to provide supervision and rehabilitative services for adult
18 felony offenders subject to probation, and shall be spent on
19 evidence-based community corrections practices and programs,
20 as defined in subdivision (d) of Section 1229, which may include,
21 but are not limited to, the following:

22 (A) Implementing and expanding evidence-based risk and needs
23 assessments.

24 (B) Implementing and expanding intermediate sanctions that
25 include, but are not limited to, electronic monitoring, mandatory
26 community service, home detention, day reporting, restorative
27 justice programs, work furlough programs, and incarceration in
28 county jail for up to 90 days.

29 (C) Providing more intensive probation supervision.

30 (D) Expanding the availability of evidence-based rehabilitation
31 programs including, but not limited to, drug and alcohol treatment,
32 mental health treatment, anger management, cognitive behavior
33 programs, and job training and employment services.

34 (E) Evaluating the effectiveness of rehabilitation and supervision
35 programs and ensuring program fidelity.

36 (4) The CPO shall have discretion to spend funds on any of the
37 above practices and programs consistent with this act but, at a
38 minimum, shall devote at least 5 percent of all funding received
39 to evaluate the effectiveness of those programs and practices
40 implemented with the funds provided pursuant to this chapter. A

1 CPO may petition the Administrative Office of the Courts to have
2 this restriction waived, and the Administrative Office of the Courts
3 shall have the authority to grant such a petition, if the CPO can
4 demonstrate that the department is already devoting sufficient
5 funds to the evaluation of these programs and practices.

6 (5) Each probation department receiving funds under this chapter
7 shall maintain a complete and accurate accounting of all funds
8 received pursuant to this chapter.

9 SEC. 2. Section 1230.1 of the Penal Code is amended to read:

10 1230.1. (a) Each county local Community Corrections
11 Partnership established pursuant to subdivision (b) of Section 1230
12 shall recommend a local plan to the county board of supervisors
13 for the implementation of the 2011 public safety realignment.

14 (b) The plan shall be voted on by an executive committee of
15 each county's Community Corrections Partnership consisting of
16 the chief probation officer of the county as chair, a chief of police,
17 the sheriff, a rank-and-file deputy sheriff, the District Attorney,
18 the Public Defender, the presiding judge of the superior court, or
19 his or her designee, a rank-and-file probation officer *or deputy*
20 *probation officer*, and one department representative listed in either
21 subparagraph (G), (H), or (J) of paragraph (2) of subdivision (b)
22 of Section 1230, as designated by the county board of supervisors
23 for purposes related to the development and presentation of the
24 plan.

25 (c) The plan shall be deemed accepted by the county board of
26 supervisors unless the board rejects the plan by a vote of four-fifths
27 of the board, in which case the plan goes back to the Community
28 Corrections Partnership for further consideration.

29 (d) Consistent with local needs and resources, the plan may
30 include recommendations to maximize the effective investment
31 of criminal justice resources in evidence-based correctional
32 sanctions and programs, including, but not limited to, day reporting
33 centers, drug courts, residential multiservice centers, mental health
34 treatment programs, electronic and GPS monitoring programs,
35 victim restitution programs, counseling programs, community
36 service programs, educational programs, and work training
37 programs.

38 SEC. 3. Section 6025 of the Penal Code, as amended by Section
39 32 of Chapter 36 of the Statutes of 2011, is amended to read:

6025. (a) Commencing July 1, 2012, the Board of State and Community Corrections shall be composed of 16 members, as follows:

(1) The Chair of the Board of State and Community Corrections, who shall be the Secretary of the Department of Corrections and Rehabilitation.

(2) The Director of the Division of Adult Parole Operations for the Department of Corrections and Rehabilitation.

(3) A county sheriff in charge of a local detention facility which has a Corrections Standards Authority rated capacity of 200 or less inmates, appointed by the Governor, subject to Senate confirmation.

(4) A county sheriff in charge of a local detention facility which has a Corrections Standards Authority rated capacity of over 200 inmates, appointed by the Governor, subject to Senate confirmation.

(5) A county supervisor or county administrative officer. This member shall be appointed by the Governor, subject to Senate confirmation.

(6) A chief probation officer from a county with a population over 200,000, appointed by the Governor, subject to Senate confirmation.

(7) A chief probation officer from a county with a population under 200,000, appointed by the Governor, subject to Senate confirmation.

(8) A judge appointed by the Judicial Council of California.

(9) A chief of police, appointed by the Governor, subject to Senate confirmation.

(10) A community provider of rehabilitative treatment or services for adult offenders, appointed by the Speaker of the Assembly.

(11) A community provider or advocate with expertise in effective programs, policies, and treatment of at-risk youth and juvenile offenders, appointed by the Senate Committee on Rules.

(12) A public member, appointed by the Governor, subject to Senate confirmation.

(13) Four rank-and-file representatives, to be appointed by the Governor and subject to Senate confirmation, including all of the following:

1 (A) One juvenile probation officer ~~who is a first line supervisor~~
2 ~~or lower rank with a minimum of five years of experience as a~~ *or*
3 *a deputy* juvenile probation officer.

4 (B) One adult probation officer ~~with a minimum of five years~~
5 ~~experience as an~~ *or a deputy* adult probation officer.

6 (C) One deputy sheriff who is a sergeant or lower rank, ~~with a~~
7 ~~minimum of five years experience in an adult correctional facility.~~

8 (D) One state parole officer or parole agent.

9 (b) The terms of the members appointed by the Governor shall
10 expire as follows: three on July 1, 2014, and ~~four~~ *eight* on July 1,
11 2015, as specified by the Governor. The term of the member
12 appointed by the Senate Committee on Rules shall expire on July
13 1, 2014. The term of the member appointed by the Speaker of the
14 Assembly shall expire on July 1, 2015. The term of the member
15 appointed by the Judicial Council shall expire on July 1, 2015.
16 Successor members shall hold office for terms of three years, each
17 term to commence on the expiration date of the predecessor. Any
18 appointment to a vacancy that occurs for any reason other than
19 expiration of the term shall be for the remainder of the unexpired
20 term. Members are eligible for reappointment.

21 (c) The board shall select a vice chairperson from among its
22 members, who shall be either a chief probation officer or a sheriff.
23 Seven members of the board shall constitute a quorum.

24 (d) When the board is hearing charges against any member, the
25 individual concerned shall not sit as a member of the board for the
26 period of hearing of charges and the determination of
27 recommendations to the Governor.

28 (e) If any appointed member is not in attendance for three
29 meetings in any calendar year, the board shall inform the
30 appointing authority, which may remove that member and make
31 a new appointment, as provided in this section, for the remainder
32 of the term.