

AMENDED IN SENATE AUGUST 8, 2012

AMENDED IN SENATE AUGUST 6, 2012

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, a rank-and-file probation officer or deputy probation officer, a rank-and-file social

worker, and a counselor employed by a county alcohol and substance abuse program, to be appointed by a local labor organization, to the membership of a Community Corrections Partnership. The bill would require the vote of the rank-and-file probation officer or deputy probation officer 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, a public member and county sheriffs and probation officers.

This bill would add one more public member and a rank-and-file probation officer or deputy probation officer, a rank-and-file deputy sheriff, and a rank-and-file social worker with specified experience 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.

1 (B) A county supervisor or the chief administrative officer for
2 the county or a designee of the board of supervisors.

3 (C) The district attorney.

4 (D) The public defender.

5 (E) The sheriff.

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

8 (G) A chief of police.

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

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

12 (J) A rank-and-file social worker employed by the county
13 department of social services, to be appointed by the local labor
14 organization.

15 (K) The head of the county department of mental health.

16 (L) The head of the county department of employment.

17 (M) The head of the county alcohol and substance abuse
18 programs.

19 (N) A counselor employed by a county alcohol and substance
20 abuse program, to be appointed by the local labor organization.

21 (O) The head of the county office of education.

22 (P) A representative from a community-based organization with
23 experience in successfully providing rehabilitative services to
24 persons who have been convicted of a criminal offense.

25 (Q) An individual who represents the interests of victims.

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

32 (A) Implementing and expanding evidence-based risk and needs
33 assessments.

34 (B) Implementing and expanding intermediate sanctions that
35 include, but are not limited to, electronic monitoring, mandatory
36 community service, home detention, day reporting, restorative
37 justice programs, work furlough programs, and incarceration in
38 county jail for up to 90 days.

39 (C) Providing more intensive probation supervision.

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

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

(4) The CPO shall have discretion to spend funds on any of the above practices and programs consistent with this act but, at a minimum, shall devote at least 5 percent of all funding received to evaluate the effectiveness of those programs and practices implemented with the funds provided pursuant to this chapter. A CPO may petition the Administrative Office of the Courts to have this restriction waived, and the Administrative Office of the Courts shall have the authority to grant such a petition, if the CPO can demonstrate that the department is already devoting sufficient funds to the evaluation of these programs and practices.

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

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

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

(b) The plan shall be voted on by an executive committee of each county's Community Corrections Partnership consisting of the chief probation officer of the county as chair, a chief of police, the sheriff, the ~~District Attorney~~ *district attorney*, the ~~Public Defender~~ *public defender*, the presiding judge of the superior court, or his or her designee, a rank-and-file probation officer or deputy probation officer, and one department representative listed in either subparagraph ~~(G), (H), or (J)~~ *(I), (K), or (M)* of paragraph (2) of subdivision (b) of Section 1230, as designated by the county board of supervisors for purposes related to the development and presentation of the plan.

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

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

SEC. 3. Section 6025 of the Penal Code, as amended by Section 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.

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

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

7 (12) Two public members, appointed by the Governor, subject
8 to Senate confirmation.

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

12 (A) One probation officer or a deputy probation officer.

13 (B) One deputy sheriff who is a sergeant or lower rank.

14 (C) One social worker with experience serving at-risk youth,
15 adult criminal offenders, or persons with alcohol or substance
16 abuse problems.

17 (b) The terms of the members appointed by the Governor shall
18 expire as follows: three on July 1, 2014, and eight on July 1, 2015,
19 as specified by the Governor. The term of the member appointed
20 by the Senate Committee on Rules shall expire on July 1, 2014.
21 The term of the member appointed by the Speaker of the Assembly
22 shall expire on July 1, 2015. The term of the member appointed
23 by the Judicial Council shall expire on July 1, 2015. Successor
24 members shall hold office for terms of three years, each term to
25 commence on the expiration date of the predecessor. Any
26 appointment to a vacancy that occurs for any reason other than
27 expiration of the term shall be for the remainder of the unexpired
28 term. Members are eligible for reappointment.

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

32 (d) When the board is hearing charges against any member, the
33 individual concerned shall not sit as a member of the board for the
34 period of hearing of charges and the determination of
35 recommendations to the Governor.

36 (e) If any appointed member is not in attendance for three
37 meetings in any calendar year, the board shall inform the
38 appointing authority, which may remove that member and make

- 1 a new appointment, as provided in this section, for the remainder
- 2 of the term.

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