

AMENDED IN SENATE JULY 13, 1999  
AMENDED IN SENATE JUNE 28, 1999  
AMENDED IN ASSEMBLY JUNE 1, 1999  
AMENDED IN ASSEMBLY APRIL 28, 1999  
AMENDED IN ASSEMBLY APRIL 7, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1255**

**Introduced by Assembly Member Wright**

February 26, 1999

---

---

An act to add and repeal Chapter 1.3 (commencing with Section 1210) of Title 8 of Part 2 of, the Penal Code, relating to sentencing and making an appropriation therefor, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1255, as amended, R. Wright. Sentencing: intensive correctional supervision program.

Existing law provides as a sentencing option for convicted felons, that the felon be placed on probation with court-ordered conditions of probation, if eligible, or sentenced to a term of imprisonment in the state prison.

This bill would set forth legislative findings and declarations of intent in regard to prison crowding and the need for community-based probation and parole sanctions as alternatives to imprisonment in the state prison.

This bill would provide for the awarding of grants for the establishment of intensive supervision programs, as specified, for which persons are determined to be eligible pursuant to prescribed criteria.

This bill would specify that the chief probation officer of each participating county would be responsible for the county program under the bill and for coordinating and contracting for all related services. The bill would also specify that the Board of Corrections would have administrative responsibility for, and oversight of, the county programs.

The bill would appropriate \$6,000,000 to the Board of Corrections ~~to be allocated to Los Angeles, San Francisco, San Diego, and Shasta Counties~~ for purposes of the probation demonstration program, and would appropriate \$180,000 to the board for its administrative costs. *The bill would specify that grants provided to counties are intended to be used over a 12-month period, commencing with the date of disbursement of funds and are required to be distributed on a competitive basis to counties that expand or establish a young adult offender intensive supervision probation project, as specified under the provisions of this bill.*

This bill would also require each agency participating in the program to conduct an evaluation of the program and report its findings and conclusions to the Board of Corrections at specified times.

The bill would provide that the above provisions shall remain in effect until January 1, 2004, and as of that date are repealed.

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

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. This act shall be known and may be cited  
 2 as the Young Adult Offender Intensive Supervision  
 3 Probation Project Act of 2000.

4 SEC. 2. (a) The Legislature finds and declares the  
 5 following:



1 (1) The state prison population on June 30, 1998, was  
2 158,207 compared to 72,121 on June 30, 1988, an annual  
3 compounded growth of 8.2 percent.

4 (2) Without some significant change in this growth, or  
5 alternative sentencing programs, the state will be forced  
6 to spend billions of dollars in new state prison  
7 construction.

8 (3) The practice of the imprisonment of new  
9 commitments and probation and parole violators in the  
10 state prison who serve one year or less offers little  
11 opportunity to implement strategies to manage offender  
12 behavior and to sustain long-term behavior change that  
13 would promote public safety.

14 (4) The 24-member Blue Ribbon Commission on  
15 Inmate Population Management, including the 13  
16 members appointed by the Governor, unanimously  
17 agreed in its final report that "...insufficient prevention  
18 efforts, intermediate sanctions, and programs for those  
19 incarcerated exist, and as a result, there are offenders  
20 incarcerated and on probation who judges and parole  
21 authorities would, and should, manage differently if those  
22 sanctions were available."

23 (5) The commission found that certain individuals  
24 with no history of violence and noncareer offenders are  
25 likely target populations for punishment options other  
26 than prison.

27 (6) The commission recommended intensive  
28 probation supervision, residential and nonresidential  
29 substance abuse treatment programs, and other  
30 community-based punishment options as alternatives to  
31 state prison for minor parole violators and nonviolent  
32 offenders facing short prison commitments.

33 (7) Intensive intervention programs have reduced  
34 recidivism and prison overcrowding in other states that  
35 have adopted similar programs.

36 (8) State and local intervention programs should be  
37 viewed as an interconnected system that provide an array  
38 of appropriate punishment alternatives, including  
39 intermediate punishment options.



1 (9) Local probation departments have lacked  
2 sufficient resources to effectively deal with an increasing  
3 offender population. Without sufficient financial  
4 resources to manage supervision programs, caseload size  
5 in Los Angeles County swelled to 1,000 probationers to  
6 one deputy probation officer for “bank” caseloads. There  
7 are 45,000 medium-risk adult probationers assigned to  
8 these “bank” caseloads.

9 (10) Counties in other parts of the state, while not  
10 impacted to the same degree as Los Angeles, have  
11 reported similar problems in the effective management  
12 of offender caseload size.

13 (11) Inadequate supervision and programming at the  
14 local level often results in continued violation of the  
15 court’s order, continued commission of crimes and  
16 escalating levels of enforcement resulting in the  
17 offender’s commitment to state prison.

18 (12) Los Angeles County reports 11,165 youthful  
19 offenders ages 18 to 25 years, inclusive, among those  
20 assigned to “bank” caseloads. This segment of offender  
21 population has the greater propensity for substance abuse  
22 and violence and is most likely to be amenable to  
23 education and job interventions.

24 (13) It is the intent of the Legislature that local  
25 government be given the opportunity to participate in a  
26 state-local partnership to manage the state’s offender  
27 population.

28 (b) It is the intent of the Legislature to endorse the  
29 commission’s findings as to the need for  
30 community-based intermediate sanctions to implement  
31 a system of intensive intervention programs, drug testing  
32 and treatment, intermediate punishment options, and  
33 mandatory educational and employment programs.

34 SEC. 3. Chapter 1.3 (commencing with Section 1210)  
35 is added to Title 8 of Part 2 of the Penal Code, to read:  
36



1 CHAPTER 1.3. YOUNG ADULT OFFENDER INTENSIVE  
2 SUPERVISION PROBATION PROJECT ACT OF 2000  
3

4 1210. This chapter shall be known and may be cited  
5 as the Young Adult Offender Intensive Supervision  
6 Probation Project Act of 2000.

7 1210.1. As used in this chapter, the following  
8 definitions apply:

9 (a) "Demonstration program" means a program,  
10 established pursuant to this chapter and administered by  
11 a county probation department or parole agency,  
12 consisting of highly structured and closely supervised  
13 probation which emphasizes appropriate interventions,  
14 including, but not limited to, treatment of substance  
15 abuse, education, counseling, employment development,  
16 payment of restitution, as ordered by the court, to crime  
17 victims, fines, and penalty assessments.

18 (b) "Officer" means a probation officer as defined in  
19 Section 830.5.

20 (c) "Offender" means a person between the ages of 18  
21 and 25, who is on probation and who has been ordered to  
22 participate in an intensive intervention program.

23 (d) "Board" means the Board of Corrections.

24 1210.2. For the grant programs identified in this  
25 chapter, participating counties shall include, but are not  
26 limited to, the following standards:

27 (a) A significant reduction in the banked caseloads of  
28 offenders. In no case shall caseload ratios exceed one  
29 officer to 50 offenders.

30 (b) Participating counties ~~under this section~~ shall  
31 agree to incorporate the following components:

32 (1) Weekly contacts between an officer and the  
33 offender.

34 (2) Frequent chemical testing for the use of alcohol,  
35 controlled substances, or both, where use of any of these  
36 has been prohibited as a condition of participation in the  
37 program, or by order of the court.

38 (3) At least weekly contact by an officer and the  
39 offender's employer, educational institution, treatment  
40 program, or counselor.

1 (4) Availability for referral to state-licensed inpatient  
2 and outpatient treatment programs for alcohol and drug  
3 abuse when appropriate.

4 (5) Job training, *and* placement, education programs,  
5 or any combination of these, shall be mandatory for any  
6 offender who is not employed full time or is not a full-time  
7 student and is medically capable of participating in the  
8 programs.

9 (6) A requirement that each offender participate five  
10 days each week, with employment, education, a job  
11 search, job training, community service, counseling  
12 treatment, or a combination of these activities, as  
13 directed by an officer until gainfully employed, except  
14 where this is not possible because of documented mental  
15 or physical health constraints. An offender who is  
16 gainfully employed shall continue to receive counseling  
17 or treatment or both if it is determined by an appropriate  
18 professional that the offender requires the continuation  
19 of those activities, in order to successfully complete the  
20 program.

21 (c) Participating counties shall provide the board with  
22 specific outcome and performance measures and a  
23 method for annual reporting, pursuant to Section 1210.8  
24 that will allow the Board of Corrections to evaluate, at a  
25 minimum, the effectiveness of the demonstration project  
26 in reducing:

27 (1) Recidivism among offenders.

28 (2) Criminal justice costs related to offenders.

29 (3) Caseload ratios for offenders.

30 (4) Unemployment and low literacy levels among  
31 offenders.

32 (d) The Board of Corrections shall award grants to  
33 supplement, rather than supplant, existing programs. No  
34 ~~designated county specified in this chapter shall be~~  
35 *county shall be* awarded a grant unless that county makes  
36 available resources in an amount equal to at least ~~15~~ 25  
37 percent of the amount of the grant. Resources may  
38 include in-kind contributions from participating  
39 agencies.



1 1210.3. The demonstration programs may also include  
2 any or all of the following:

3 (a) House arrest.

4 (b) Electronic monitoring.

5 (c) Biometric monitoring, for example palm print or  
6 retina identification.

7 ~~(d) Community service.~~

8 ~~(e)~~

9 (d) A probation treatment program involving  
10 restitution to the victim, and the payment of fines and  
11 penalty assessments, by the offender.

12 ~~(f)~~

13 (e) Placement in a substance abuse community  
14 correctional center if available.

15 1210.4. (a) Unless the court finds that placement in  
16 the program would be detrimental to the offender or to  
17 public safety, an offender shall be considered eligible for  
18 a program, pursuant to this chapter, at the discretion of  
19 the chief probation officer of the county. Public safety  
20 and offender accountability shall be the primary  
21 considerations in determining whether placing the  
22 offender in the program is appropriate.

23 (b) The chief probation officer of the county shall  
24 consider the criteria contained in this chapter in  
25 determining whether or not the defendant would benefit  
26 from education, treatment, and rehabilitation, and  
27 whether or not the offender would pose a threat to public  
28 safety.

29 (c) It is the intent of the Legislature in enacting this  
30 chapter that offenders who have substance abuse  
31 problems be given priority in participating in the  
32 program provided under this chapter.

33 (d) Nothing in this chapter shall be construed to limit  
34 the authority of a court to impose confinement in a  
35 county jail or a community correctional facility as a  
36 condition of probation.

37 (e) The court may impose additional terms and  
38 conditions as provided for by law for persons placed on  
39 probation or given a conditional sentence under Section  
40 1203.



1 (f) Nothing in this chapter shall be construed to limit  
 2 an offender’s right to petition for termination of a period  
 3 of probation under Section 1203.3 or to seek dismissal of  
 4 the accusations or information under Section 1203.4.  
 5 However, an offender may exercise his or her rights  
 6 under these sections only upon successful completion of  
 7 this program under probation supervision.

8 (g) The chief probation officer of each county shall be  
 9 responsible for the county probation intensive  
 10 intervention programs and for coordinating and  
 11 contracting for all related services.

12 1210.5. (a) The sum of six million dollars (\$6,000,000)  
 13 is hereby appropriated from the General Fund ~~to the~~  
 14 ~~following counties~~, for purposes of the Young Adult  
 15 Offender Intensive Supervision Probation Project. These  
 16 funds shall be distributed by the board to participating  
 17 counties within 90 days of the operative date of this  
 18 section. The sum of one hundred eighty thousand dollars  
 19 (\$180,000) is hereby appropriated from the General Fund  
 20 to the board for administrative costs associated with the  
 21 oversight and evaluation of these programs. ~~Funds shall~~  
 22 ~~be distributed to counties as follows:~~

23 ~~(1) Two million three hundred thousand dollars~~  
 24 ~~(\$2,300,000) to the County of Los Angeles.~~

25 ~~(2) One million six hundred thousand dollars~~  
 26 ~~(\$1,600,000) to the City and County of San Francisco.~~

27 ~~(3) One million six hundred thousand dollars~~  
 28 ~~(\$1,600,000) to the County of San Diego.~~

29 ~~(4) Five hundred thousand dollars (\$500,000) to the~~  
 30 ~~County of Shasta.~~

31 ~~(b) —~~programs. *Grants provided to counties are*  
 32 *intended to be used over a 12-month period, commencing*  
 33 *with the date of disbursement of funds. Funds shall be*  
 34 *distributed on a competitive basis to counties that expand*  
 35 *or establish a young adult offender intensive supervision*  
 36 *probation project, as specified under the provisions of this*  
 37 *bill. In awarding grants, priority shall be given to those*  
 38 *proposals that include additional funding that exceeds 25*  
 39 *percent of the amount of the grant.*



1 (b) *The Board of Corrections shall establish minimum*  
2 *standards, funding schedules, and procedures for*  
3 *awarding grants, which shall take into consideration, but*  
4 *not be limited to, all of the following:*

- 5 (1) *Reduction of recidivism among offenders.*
- 6 (2) *Reduction of criminal justice costs related to*  
7 *offenders.*
- 8 (3) *Reduction in caseload ratios for offenders.*
- 9 (4) *Reduction in unemployment and low-literacy*  
10 *levels among offenders.*

11 (c) Future funding for purposes of this act shall be  
12 pursuant to appropriations in the annual Budget Act.

13 ~~(c)~~

14 (d) Each county shall establish and maintain a  
15 separate fund account in order to identify the  
16 expenditure of funds appropriated pursuant to this  
17 chapter and clearly show the manner of disposition.  
18 These funds shall be used by county probation  
19 departments only for intensive intervention programs  
20 and to contract for services to offenders in the program,  
21 as authorized by this chapter.

22 ~~(d)~~

23 (e) Each county probation department shall provide  
24 reports of expenditures and other relevant information,  
25 as deemed appropriate, in the manner and form  
26 prescribed in the annual progress report to the board.

27 ~~(e)~~

28 (f) The board shall receive the annual progress  
29 reports, the 30-month evaluation report, and the final  
30 reports from the counties.

31 1210.6. An offender's participation in a program shall  
32 be periodically reviewed and evaluated to determine his  
33 or her needs and performance in the program. The level  
34 of intervention may be modified, including transferring  
35 him or her to regular supervision.

36 1210.7. (a) If it is determined after a hearing by the  
37 court that an offender in a probation intensive  
38 intervention program has committed an additional  
39 public offense or has otherwise violated a condition of  
40 probation, the court may revoke probation and order any



1 disposition authorized by law, including remanding the  
2 offender to the state prison for the full term of the offense  
3 for which he or she was committed.

4 (b) As an additional intermediate sanction a court may  
5 order a probation offender to serve up to 30 days in a  
6 county jail. Time served in a county jail shall not be  
7 considered to be part of the prescribed period of  
8 intensive community corrections.

9 1210.8. The board, after consulting with each  
10 participating county, shall create an evaluation design for  
11 young adult offender supervision probation pilot  
12 programs that will assess the effectiveness of each  
13 program in reducing the number of state prison  
14 commitments from the target category of offenders and  
15 the state savings associated with those reductions. Each  
16 evaluation shall include, at a minimum, an analysis of the  
17 effectiveness of the program in: reducing recidivism,  
18 substance abuse prevention, and increasing job  
19 placements. The board shall prepare and submit an  
20 annual report, the first to be due on June 30, 2001, and  
21 annually thereafter, with a final report due on July 1, 2004.  
22 The final report shall include any similar research or  
23 national studies that address the benefits of intensive  
24 supervision probation or parole programs.

25 1210.9. This chapter shall remain in effect only until  
26 January 1, 2004, and as of that date is repealed, unless a  
27 later enacted statute, that is enacted before January 1,  
28 2004, deletes or extends that date.

29 *SEC. 4. This act is an urgency statute necessary for*  
30 *the immediate preservation of the public peace, health,*  
31 *or safety within the meaning of Article IV of the*  
32 *Constitution and shall go into immediate effect. The facts*  
33 *constituting the necessity are:*

34 *In order to provide for the preservation and*  
35 *enhancement of public safety through the*  
36 *implementation of the Young Adult Offender Intensive*  
37 *Supervision Probation Project Act of 2000 at the earliest*



- 1 *possible time, it is necessary for this act to take effect*
- 2 *immediately.*

O

