

AMENDED IN SENATE AUGUST 17, 1999

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

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**ASSEMBLY BILL**

**No. 1255**

**Introduced by Assembly Member Wright**

February 26, 1999

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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 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.



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

3 (1) The state prison population on June 30, 1998, was  
4 158,207 compared to 72,121 on June 30, 1988, an annual  
5 compounded growth of 8.2 percent.

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

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

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

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

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

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

38 (8) State and local intervention programs should be  
39 viewed as an interconnected system that provide an array



1 of appropriate punishment alternatives, including  
2 intermediate punishment options.

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

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

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

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

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

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

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

38



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~~ 29 years, who is on probation and who has been  
22 ordered to participate in an intensive intervention  
23 program.

24 (d) “Board” means the Board of Corrections.

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

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

31 (b) Participating counties shall agree to incorporate  
32 the following components:

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

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

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

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

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

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

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

- 30 (1) Recidivism among offenders.
- 31 (2) Criminal justice costs related to offenders.
- 32 (3) Caseload ratios for offenders.
- 33 (4) Unemployment and low literacy levels among  
34 offenders.

35 (d) The Board of Corrections shall award grants to  
36 supplement, rather than supplant, existing programs. No  
37 county shall be awarded a grant unless that county makes  
38 available resources in an amount equal to at least 25  
39 percent of the amount of the grant. Resources may



1 include in-kind contributions from participating  
2 agencies.

3 1210.3. The demonstration programs may also include  
4 any or all of the following:

5 (a) House arrest.

6 (b) Electronic monitoring.

7 (c) Biometric monitoring, for example palm print or  
8 retina identification.

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

14 1210.4. (a) Unless the court finds that placement in  
15 the program would be detrimental to the offender or to  
16 public safety, an offender shall be considered eligible for  
17 a program, pursuant to this chapter, at the discretion of  
18 the chief probation officer of the county. Public safety  
19 and offender accountability shall be the primary  
20 considerations in determining whether placing the  
21 offender in the program is appropriate.

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

28 (1) *The present offense is a nonviolent, drug-related*  
29 *crime punishable by not more than two years in the state*  
30 *prison.*

31 (2) *The offender is between the ages of 18 and 29 years*  
32 *at the time of the offense.*

33 (3) *The offender does not have a prior felony*  
34 *conviction.*

35 (c) It is the intent of the Legislature in enacting this  
36 chapter that *young, nonviolent* offenders who have  
37 substance abuse problems ~~be given priority in~~ *shall be the*  
38 *population* participating in the program provided under  
39 this chapter.



1 (d) Nothing in this chapter shall be construed to limit  
2 the authority of a court to impose confinement in a  
3 county jail or a community correctional facility as a  
4 condition of probation.

5 (e) The court may impose additional terms and  
6 conditions as provided for by law for persons placed on  
7 probation or given a conditional sentence under Section  
8 1203.

9 (f) Nothing in this chapter shall be construed to limit  
10 an offender's right to petition for termination of a period  
11 of probation under Section 1203.3 or to seek dismissal of  
12 the accusations or information under Section 1203.4.  
13 However, an offender may exercise his or her rights  
14 under these sections only upon successful completion of  
15 this program under probation supervision.

16 (g) The chief probation officer of each county shall be  
17 responsible for the county probation intensive  
18 intervention programs and for coordinating and  
19 contracting for all related services.

20 1210.5. (a) The sum of six million dollars (\$6,000,000)  
21 is hereby appropriated from the General Fund for  
22 purposes of the Young Adult Offender Intensive  
23 Supervision Probation Project. These funds shall be  
24 distributed by the board to participating counties within  
25 90 days of the operative date of this section. The sum of  
26 one hundred eighty thousand dollars (\$180,000) is hereby  
27 appropriated from the General Fund to the board for  
28 administrative costs associated with the oversight and  
29 evaluation of these programs. Grants provided to  
30 counties are intended to be used over a 12-month period,  
31 commencing with the date of disbursement of funds.  
32 Funds shall be distributed on a competitive basis to  
33 counties that expand or establish a young adult offender  
34 intensive supervision probation project, as specified  
35 under the provisions of this bill. In awarding grants,  
36 priority shall be given to those proposals that include  
37 additional funding that exceeds 25 percent of the amount  
38 of the grant.

39 (b) The Board of Corrections shall establish minimum  
40 standards, funding schedules, and procedures for



1 awarding grants, which shall take into consideration, but  
2 not be limited to, all of the following:

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

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

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

19 (e) Each county probation department shall provide  
20 reports of expenditures and other relevant information,  
21 as deemed appropriate, in the manner and form  
22 prescribed in the annual progress report to the board.

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

26 1210.6. An offender's participation in a program shall  
27 be periodically reviewed and evaluated to determine his  
28 or her needs and performance in the program. The level  
29 of intervention may be modified, including transferring  
30 him or her to regular supervision.

31 1210.7. (a) If it is determined after a hearing by the  
32 court that an offender in a probation intensive  
33 intervention program has committed an additional  
34 public offense or has otherwise violated a condition of  
35 probation, the court may revoke probation and order any  
36 disposition authorized by law, including remanding the  
37 offender to the state prison for the full term of the offense  
38 for which he or she was committed.

39 (b) As an additional intermediate sanction a court may  
40 order a probation offender to serve up to 30 days in a



1 county jail. Time served in a county jail shall not be  
2 considered to be part of the prescribed period of  
3 intensive community corrections.

4 1210.8. The board, after consulting with each  
5 participating county, shall create an evaluation design for  
6 young adult offender supervision probation pilot  
7 programs that will assess the effectiveness of each  
8 program in reducing the number of state prison  
9 commitments from the target category of offenders and  
10 the state savings associated with those reductions. Each  
11 evaluation shall include, at a minimum, an analysis of the  
12 effectiveness of the program in: reducing recidivism,  
13 substance abuse prevention, and increasing job  
14 placements. The board shall prepare and submit an  
15 annual report, the first to be due on June 30, 2001, and  
16 annually thereafter, with a final report due on July 1, 2004.  
17 The final report shall include any similar research or  
18 national studies that address the benefits of intensive  
19 supervision probation or parole programs.

20 1210.9. This chapter shall remain in effect only until  
21 January 1, 2004, and as of that date is repealed, unless a  
22 later enacted statute, that is enacted before January 1,  
23 2004, deletes or extends that date.

24 SEC. 4. This act is an urgency statute necessary for the  
25 immediate preservation of the public peace, health, or  
26 safety within the meaning of Article IV of the  
27 Constitution and shall go into immediate effect. The facts  
28 constituting the necessity are:

29 In order to provide for the preservation and  
30 enhancement of public safety through the  
31 implementation of the Young Adult Offender Intensive  
32 Supervision Probation Project Act of 2000 at the earliest  
33 possible time, it is necessary for this act to take effect  
34 immediately.

