

Assembly Bill No. 1913

CHAPTER 353

An act to repeal and add Sections 30061, 30062, 30063, and 30064.1 of, and to repeal Chapter 6.7 (commencing with Section 30061) of Division 3 of Title 3 of, the Government Code, and to amend Section 6 of Chapter 100 of the Statutes of 2000, relating to law enforcement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 7, 2000. Filed with Secretary of State September 8, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1913, Cardenas. 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 allocate 50% of SLESF moneys to counties and cities and counties to implement a comprehensive multiagency juvenile justice plan with specified components and objectives, and would require that the plan be developed by the local juvenile justice coordinating council in each county and city and county. The bill would redefine front line law enforcement services to include juvenile justice programs. The bill would require the plan to be submitted to the Board of Corrections for review and approval in order to be funded. The bill would require the county or city and county to report to the board on the programs funded and the board would be required to compile the reports for an interim and a final report to the Governor and the Legislature.

(2) Existing law appropriated \$121,300,000 from the General Fund to the Controller for the 2000–01 fiscal year for allocation to counties and cities and counties for supplemental local law enforcement funding pursuant to the bill.

This bill would increase this appropriation to \$243,350,000 and include in this amount an allocation of \$750,000 to the Board of Corrections for administrative expenses.

(3) Existing law provides that these provisions governing supplemental local law enforcement funding shall become inoperative on July 1, 2004, and are repealed as of January 1, 2005.

This bill would make these provisions inoperative on July 1, 2002, and would repeal them as of January 1, 2003.

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

Appropriation: yes.

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

SECTION 1. This act shall be known and may be cited as the Schiff-Cardenas Crime Prevention Act of 2000.

SEC. 2. Section 30061 of the Government Code, as amended by Chapter 100 of the Statutes of 2000, is repealed.

SEC. 3. Section 30061 is added to the Government Code, to read:

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

(b) In any fiscal year for which a county receives money to be expended for the implementation of this chapter, the county auditor shall allocate moneys in the county's SLESF, including any interest or other return earned on the investment of those moneys, within 30 days of the deposit of those moneys into the fund, and shall allocate those moneys in accordance with the following requirements:

(1) Five and fifteen one hundredths percent (5.15%) to the county sheriff for county jail construction and operation. In the case of Madera, Napa, and Santa Clara Counties, this allocation shall be made to the county director or chief of corrections.

(2) Five and fifteen one hundredths percent (5.15%) to the district attorney for criminal prosecution.

(3) Thirty-nine and seven-tenths percent (39.7%) to the county and the cities within the county, and, in the case of San Mateo, Kern, Siskiyou, and Contra Costa Counties, also to the Broadmoor Police Protection District, the Bear Valley Community Services District, the Stallion Springs Community Services District, the Lake Shastina Community Services District, and the Kensington Police Protection and Community Services District, in accordance with the relative population of the cities within the county and the unincorporated area of the county, and the Broadmoor Police Protection District in the County of San Mateo, the Bear Valley Community Services District and the Stallion Springs Community Services District in Kern County, the Lake Shastina Community Services District in Siskiyou County, and the Kensington Police Protection and Community Services District in Contra Costa County, as specified in the most recent January estimate by the population research unit of the Department of Finance, and as adjusted to provide a grant of at least one hundred thousand dollars (\$100,000) to each law enforcement jurisdiction. For a newly incorporated city whose population estimate is not published by the Department of Finance but which was incorporated prior to July 1 of the fiscal year in which

an allocation from the SLESF is to be made, the city manager, or an appointee of the legislative body, if a city manager is not available, and the county administrative or executive officer shall prepare a joint notification to the Department of Finance and the county auditor with a population estimate reduction of the unincorporated area of the county equal to the population of the newly incorporated city by July 15, or within 15 days after the Budget Act is enacted, of the fiscal year in which an allocation from the SLESF is to be made. No person residing within the Broadmoor Police Protection District, the Bear Valley Community Services District, the Stallion Springs Community Services District, the Lake Shastina Community Services District, or the Kensington Police Protection and Community Services District shall also be counted as residing within the unincorporated area of the County of San Mateo, Kern, Siskiyou, or Contra Costa, or within any city located within those counties. The county auditor shall allocate a grant of at least one hundred thousand dollars (\$100,000) to each law enforcement jurisdiction. Moneys allocated to the county pursuant to this subdivision shall be retained in the county SLESF, and moneys allocated to a city pursuant to this subdivision shall be deposited in a SLESF established in the city treasury.

(4) Fifty percent (50%) to the county or city and county to implement a comprehensive multiagency juvenile justice plan as provided in this paragraph. This plan shall be developed by the local juvenile justice coordinating council in each county and city and county with the membership described in Section 749.22 of the Welfare and Institutions Code. The plan shall be approved by the county board of supervisors, and in the case of a city and county, the plan shall also be approved by the mayor.

(A) Juvenile justice plans shall include, but not be limited to, all of the following components:

(i) An assessment of existing law enforcement, probation, education, mental health, health, social services, drug and alcohol and youth services resources that specifically target at-risk juveniles, juvenile offenders, and their families.

(ii) An identification and prioritization of the neighborhoods, schools, and other areas in the community that face a significant public safety risk from juvenile crime, such as gang activity, daylight burglary, late-night robbery, vandalism, truancy, controlled substances sales, firearm-related violence, and juvenile substance abuse and alcohol use.

(iii) A local juvenile justice action strategy that provides for a continuum of responses to juvenile crime and delinquency and demonstrates a collaborative and integrated approach for implementing a system of swift, certain, and graduated responses for at-risk youth and juvenile offenders.



(iv) Programs identified in clause (iii) that are proposed to be funded pursuant to this subparagraph, including the projected amount of funding for each program.

(B) Programs proposed to be funded shall satisfy all of the following requirements:

(i) Be based on programs and approaches that have been demonstrated to be effective in reducing delinquency and addressing juvenile crime for any elements of response to juvenile crime and delinquency, including prevention, intervention, suppression, and incapacitation.

(ii) Collaborate and integrate services of all the resources set forth in clause (i) of subparagraph (A), to the extent appropriate.

(iii) Employ information sharing systems to ensure that county actions are fully coordinated, and designed to provide data for measuring the success of juvenile justice programs and strategies.

(iv) Adopt goals related to the outcome measures that shall be used to determine the effectiveness of the local juvenile justice action strategy.

(C) The plan shall also identify the specific objectives of the programs proposed for funding and specified outcome measures to determine the effectiveness of the programs and an accounting for all program participants, including those who do not complete the programs. Outcome measures of the programs proposed to be funded shall include, but not be limited to, all of the following:

(i) The rate of juvenile arrests per 100,000 population.

(ii) The rate of successful completion of probation.

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

(iv) Arrest, incarceration, and probation violation rates of program participants.

(v) Quantification of the annual per capita costs of the program.

(D) The Board of Corrections shall review plans submitted pursuant to this paragraph within 30 days upon receipt of submitted or resubmitted plans. The board shall approve only those plans that fulfill the requirements of this paragraph, and shall advise a submitting county or city and county immediately upon the approval of its plan. The board shall offer, and provide if requested, technical assistance to any county or city and county that submits a plan not in compliance with the requirements of this paragraph. The SLESF shall only allocate funding pursuant to this paragraph upon notification from the board that a plan has been approved.

(E) To assess the effectiveness of programs funded pursuant to this paragraph using the program outcome criteria specified in subparagraph (C), the following periodic reports shall be submitted:

(i) Each county or city and county shall report, beginning August 15, 2001, and annually thereafter, for two years (2002 through 2003) to the county board of supervisors and the Board of Corrections, in

a format specified by the Board of Corrections, on the programs funded pursuant to this chapter and program outcomes as specified in subparagraph (C).

(ii) The Board of Corrections shall compile the local reports and, by January 15, 2002, make an interim report to the Governor and the Legislature on program expenditures within each county and city and county from the appropriation for the purposes of this paragraph.

(iii) The Board of Corrections shall complete a final report regarding the outcomes as specified in subparagraph (C) of the programs funded pursuant to this paragraph and the statewide effectiveness of the comprehensive multiagency juvenile justice plans by July 15, 2003.

(iv) The reports required by this subparagraph shall be made by the dates specified, notwithstanding Section 30064.1.

(c) Subject to subdivision (d), for each fiscal year in which the county and each city, and the Broadmoor Police Protection District, the Bear Valley Community Services District, the Stallion Springs Community Services District, the Lake Shastina Community Services District, and the Kensington Police Protection and Community Services District, receive moneys pursuant to paragraph (3) of subdivision (b), the county, each city, and each district specified in this subdivision shall appropriate those moneys in accordance with the following procedures:

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

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



(3) In the case of the Broadmoor Police Protection District within the County of San Mateo, the Bear Valley Community Services District or the Stallion Springs Community Services District within Kern County, the Lake Shastina Community Services District within Siskiyou County, or the Kensington Police Protection and Community Services District within Contra Costa County, the legislative body of that special district shall appropriate existing and anticipated moneys exclusively to fund front line municipal police services, in accordance with written requests submitted by the chief administrator of the law enforcement agency that provides police services for that special district. These written requests shall be acted upon by the legislative body in the same manner specified in paragraph (1) for county appropriations.

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

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

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

SEC. 4. Section 30062 of the Government Code, as amended by Chapter 100 of the Statutes of 2000, is repealed.

SEC. 5. Section 30062 is added to the Government Code, to read:

30062. (a) Except as required by paragraphs (1), (2), and (4) of subdivision (b) of Section 30061, moneys allocated from a Supplemental Law Enforcement Services Fund (SLESF) to a recipient entity shall be expended exclusively to provide front line law enforcement services. These moneys shall supplement existing services, and shall not be used to supplant any existing funding for law enforcement services provided by that entity. Moneys allocated pursuant to paragraph (4) of subdivision (b) of Section 30061 shall be used to supplement and not supplant funding by local agencies for existing services.

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

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

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

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

(3) The costs of any capital project or construction project funded from moneys allocated pursuant to paragraph (4) of subdivision (b) of Section 30061.

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

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

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

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

SEC. 6. Section 30063 of the Government Code, as amended by Chapter 100 of the Statutes of 2000, is repealed.

SEC. 7. Section 30063 is added to the Government Code, to read:

30063. (a) The Supplemental Law Enforcement Services Fund (SLESF) in each county or city is to be expended exclusively as required by this chapter. Moneys in that fund shall not be transferred to, or intermingled with, the moneys in any other fund in the county or city treasury, except that moneys may be transferred from the SLESF to the county's or city's general fund to the extent necessary to facilitate the appropriation and expenditure of those transferred moneys in the manner required by this chapter.

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

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

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

(e) By March 1 of each year, the Legislative Analyst's office shall report to the Legislature on the types of expenditures made by local law enforcement agencies in the previous fiscal year pursuant to this chapter, and, to the extent feasible, on the effects of those expenditures on law enforcement and public safety.

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

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

SEC. 8. Section 30064.1 of the Government Code, as amended by Chapter 100 of the Statutes of 2000, is repealed.

SEC. 9. Section 30064.1 is added to the Government Code, to read:

This chapter shall become inoperative on July 1, 2002, and, as of January 1, 2003, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2003, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 10. Section 6 of Chapter 100 of the Statutes of 2000 is amended to read:

Sec. 6. The sum of two hundred forty-three million three hundred fifty thousand dollars (\$243,350,000) is hereby appropriated from the General Fund to the Controller for the 2000–01 fiscal year for allocation as follows:

(a) Two hundred forty-two million six hundred thousand dollars (\$242,600,000) to counties and cities and counties for purposes of Chapter 6.7 (commencing with Section 30061) of Division 3 of Title 3 of the Government Code in accordance with the proportionate share of the state's total population that resides in each county and city and county, as determined on the basis of the most recent January population estimate developed by the Department of Finance, and as adjusted to provide the grants to each law enforcement jurisdiction pursuant to Section 30061 of the Government Code. Each county or city and county share shall be deposited in the Supplemental Law Enforcement Services Fund of the county or city and county.

(b) Seven hundred fifty thousand dollars (\$750,000) to the Board of Corrections for administrative expenses associated with its review of juvenile justice plans pursuant to Section 30061 of the Government Code.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide for the preservation and enhancement of public safety through the implementation of the provisions of this act, as they relate to Citizens Option for Public Safety programs and juvenile justice program fund expenditures, at the earliest possible time, it is necessary for this act to take effect immediately.

