

AMENDED IN ASSEMBLY JULY 7, 1999

AMENDED IN SENATE MAY 17, 1999

AMENDED IN SENATE APRIL 14, 1999

SENATE BILL

No. 175

**Introduced by Senator Rainey
(Coauthors: Senators McPherson, Polanco, and
Vasconcellos)**

January 12, 1999

~~An act to amend Section 1903 of the Education Code, to amend Sections 17, 19.2, 2900.5, 4019, 8051, 8052, 8061, and 8080 of, to add Sections 19.3, 4000.2, and 8100 to, and to add Chapter 8.6 (commencing with Section 6140) to Title 7 of Part 3 of the Penal Code, relating to punishment. An act to add Section 11112.5 to, and to add and repeal Chapter 10.4 (commencing with Section 13895) of Title 6 of Part 4 of, the Penal Code, and to amend Section 12805 of the Vehicle Code, relating to warrants, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 175, as amended, Rainey. ~~Prison Inmate Population Master Plan Warrants.~~

(1) Existing law empowers the Office of Criminal Justice Planning (OCJP) to, among other things, define, develop, and correlate programs and projects for the state criminal justice agencies.

Existing law establishes the California Law Enforcement Telecommunications System (CLETS) which makes records

maintained by the Department of Justice accessible to, among others, law enforcement agencies.

This bill would establish in OCJP the Service of Arrest Warrants Pilot Program, a 3-year pilot program, to provide financial and technical assistance to local law enforcement agencies in the City and County of San Francisco and the Counties of Contra Costa and San Bernardino for the purpose of assisting in the apprehension of persons with outstanding arrest warrants. The bill would require: (a) the executive director of OCJP to prepare and issue administrative and procedural guidelines for the operation of the program; (b) the agencies receiving funds under this program to submit a specified report to OCJP one year after receipt of grant funds and annually thereafter; and (c) OCJP to report to the fiscal committees of the Legislature no later than January 1 following the year in which OCJP has received any report from an agency, as specified.

This bill would require the Department of Justice to transmit to the Department of Motor Vehicles records of all felony and misdemeanor warrants entered in CLETS by law enforcement agencies pursuant to this bill.

(2) Existing law establishes a number of specified conditions that, when applied to any person, prohibits the Department of Motor Vehicles from issuing a driver's license to, or renewing the driver's license of, that person.

This bill would include among these conditions the possession of an outstanding arrest warrant.

(3) The bill would appropriate \$1,500,000 from the General Fund to the Office of Criminal Justice Planning for expenditures in support of the Service of Arrest Warrants Pilot Program.

~~*(1) Under existing law, no person sentenced to confinement in a local correctional facility may be committed to that facility for longer than one year.*~~

~~*This bill would authorize a person who is convicted and sentenced for a nonviolent felony to be placed in a local correctional facility for not more than 35 months, for purposes of treatment, incarceration, and supervision, if the county in which the person is convicted has an approved community based punishment plan, has executed a contract*~~



~~with the Board of Corrections to place that type of offender, and the board makes a finding that incarceration of felons in a county jail in that county is either cost neutral or a savings to the state when compared to the cost of incarcerating felons of similar classification in state prison. The bill would specify the terms of those contracts. The bill would authorize the board of supervisors of any county to designate a chief correctional administrator and a correctional administrator, as defined by the bill, to administer community-based punishment programs. Persons who are placed pursuant to a community-based punishment plan would not be given a term of parole.~~

~~This bill would declare the intent of the Legislature to appropriate money in the annual Budget Act for the costs of the contracts specified above.~~

~~(2) Existing law establishes a correctional medical facility under the jurisdiction of the Department of Corrections to treat mentally disordered, developmentally disabled, or controlled substance addicted prisoners. Existing law also requires the department to establish the standards for pilot projects to contract with private sector health care facilities for the provision of medical, developmental, and mental health services.~~

~~This bill would require the department to establish a Medical Detention Program that uses licensed health care facilities for the provision of medical, developmental, and mental health services necessary for the treatment of severely ill, incapacitated, and disabled inmates. The bill also would require the department to establish a Medical Detention Evaluation Panel to make recommendations to the Director of Corrections on inmate eligibility for the program.~~

~~(3) Existing law defines “intermediate sanctions” as those punishment options that may be provided by local correctional agencies as alternatives to incarceration in a jail facility.~~

~~This bill would change the term to “intermediate punishments” and would add incarceration in road camps and work camps to those types of punishments.~~



~~Existing law requires community-based punishment plans to be submitted for annual approval or modification by a county board of supervisors.~~

~~This bill instead would require that they be submitted periodically, as determined by the board of supervisors.~~

~~(4) This bill would make conforming changes.~~

Vote: ~~majority~~ ^{2/3}. Appropriation: ~~no~~ 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 *SECTION 1. Section 11112.5 is added to the Penal*
3 *Code, to read:*

4 *11112.5. The Department of Justice shall transmit to*
5 *the Department of Motor Vehicles records of all felony*
6 *and misdemeanor warrants entered in the California Law*
7 *Enforcement Telecommunications System by law*
8 *enforcement agencies pursuant to paragraph (1) of*
9 *subdivision (c) of Section 13896.*

10 *SEC. 2. Chapter 10.4 (commencing with Section*
11 *13895) is added to Title 6 of Part 4 of the Penal Code, to*
12 *read:*

13
14 *CHAPTER 10.4. SERVICE OF ARREST WARRANTS PILOT*
15 *PROGRAM*

16
17 *13895. The Legislature finds and declares that the*
18 *apprehension of persons with outstanding arrest warrants*
19 *is vital to the protection of the public safety and the*
20 *maintenance of the criminal justice system. The*
21 *Legislature further finds that the prevalent law*
22 *enforcement "chance encounter" strategy has not been*
23 *effective in reducing the backlog of arrest and bench*
24 *warrants statewide. According to the Board of*
25 *Corrections' estimates, there were 2,595,335 unserved*
26 *warrants at the end of 1998. The Legislature further finds*
27 *and declares that the ability of persons who have arrest*
28 *warrants pending against them to evade apprehension*
29 *undermines respect for the criminal justice system and*



1 *places public safety at risk. In enacting this chapter, it is*
2 *the intent of the Legislature to determine whether*
3 *increasing financial resources, providing technical*
4 *assistance, and promoting innovative practices can*
5 *reduce or eliminate the backlog of arrest warrants and*
6 *reduce crime in jurisdictions that receive this assistance.*

7 13896. (a) *There is hereby established in the Office*
8 *of Criminal Justice planning (OCJP) a pilot program of*
9 *financial and technical assistance for local law*
10 *enforcement agencies to assist in the apprehension of*
11 *persons with outstanding arrest warrants.*

12 (b) *The Office of Criminal Justice Planning shall, to*
13 *the extent that funds are made available for this purpose,*
14 *distribute funds to the City and County of San Francisco,*
15 *and to the Counties of Contra Costa and San Bernardino.*
16 *These funds shall be distributed to the San Francisco*
17 *Police Department and to the county sheriffs’*
18 *departments of the Counties of Contra Costa and San*
19 *Bernardino to be used for the hiring of personnel and the*
20 *development of policies to reduce or eliminate the*
21 *backlog of arrest warrants. As used in this section “arrest*
22 *warrants” includes bench warrants.*

23 (c) *The executive director of OCJP shall prepare and*
24 *issue administrative guidelines and procedures for the*
25 *Service of Arrest Warrants Pilot Program. The guidelines*
26 *do not constitute rules, regulations, orders, or standards*
27 *of general application. These guidelines shall, at a*
28 *minimum, do all of the following:*

29 (1) *Require law enforcement agencies receiving*
30 *funds to log all felony and misdemeanor warrants to the*
31 *Department of Justice’s California Law Enforcement*
32 *Telecommunications System.*

33 (2) *Require law enforcement agencies receiving*
34 *funds under this program to collaborate with other public*
35 *agencies, including law enforcement agencies in*
36 *neighboring jurisdictions, county probation*
37 *departments, social service agencies, and the state*
38 *Department of Motor Vehicles, to develop innovative*
39 *approaches to apprehend persons with outstanding arrest*
40 *warrants.*



1 (3) Require that funds received under this chapter
2 supplement, rather than supplant, current expenditures.

3 (d) Agencies receiving funding under this program
4 shall report to OCJP one year after the receipt of grant
5 funds, and annually thereafter, on the effectiveness of the
6 grant in supporting their efforts to apprehend persons
7 with outstanding arrest warrants, reducing or eliminating
8 the backlog of outstanding arrest warrants, and reducing
9 crime.

10 (e) The Office of Criminal Justice Planning shall
11 report to the fiscal committees of the Legislature no later
12 than January 1 following the year in which it has received
13 any report from an agency required by this section,
14 evaluating the effectiveness of the grant program.

15 (f) Of the total funds appropriated for the purposes of
16 implementing the program established pursuant to this
17 chapter, OCJP may spend up to 5 percent on
18 administrative costs.

19 (g) This section shall remain in effect only until
20 January 1, 2003, and as of that date is repealed, unless a
21 later enacted statute, that is enacted before January 1,
22 2003, deletes or extends that date.

23 SEC. 3. Section 12805 of the Vehicle Code is amended
24 to read:

25 12805. The department shall not issue a driver's
26 license to, or renew a driver's license of, any person:

27 (a) Who is not of legal age to receive a driver's license.

28 (b) Who is unable, as shown by examination, to
29 understand traffic signs or signals or who does not have
30 a reasonable knowledge of the provisions of this code
31 governing the operations of vehicles upon the highways.

32 (c) When it is determined, by examination or other
33 evidence, that the person is unable to safely operate a
34 motor vehicle upon a highway.

35 (d) Who is unable to read and understand simple
36 English used in highway traffic and directional signs. This
37 subdivision does not apply to any person holding an
38 operator's or chauffeur's license issued by this state and
39 valid on September 11, 1957.



1 (e) Who holds a valid driver's license issued by a
2 foreign jurisdiction unless the license has been
3 surrendered to the department, or is lost or destroyed.

4 (f) Who has ever held, or is the holder of, a license to
5 drive issued by another state, territory, or possession of
6 the United States, the District of Columbia, or the
7 Commonwealth of Puerto Rico, and that license has been
8 suspended by reason, in whole or in part, of a conviction
9 of a traffic violation until the suspension period has
10 terminated, except that the department may issue a
11 license to the applicant if, in the opinion of the
12 department, it will be safe to issue a license to a person
13 whose license to drive was suspended by a state which is
14 not a party to the Driver License Compact provided for
15 in Chapter 6 (commencing with Section 15000) of
16 Division 6.

17 (g) Who has ever held, or is the holder of, a license to
18 drive issued by another state, territory, or possession of
19 the United States, the District of Columbia or the
20 Commonwealth of Puerto Rico, and that license has been
21 revoked by reason, in whole or in part, of a conviction of
22 a traffic violation, until the revocation has been
23 terminated or after the expiration of one year from the
24 date the license was revoked, whichever occurs first,
25 except that the department may issue a license to the
26 applicant if, in the opinion of the department, it will be
27 safe to issue a license to a person whose license to drive
28 was revoked by a state which is not a party to the Driver
29 License Compact provided for in Chapter 6
30 (commencing with Section 15000) of Division 6.

31 (h) *Who has an outstanding arrest warrant.*

32 *SEC. 4. The sum of one million five hundred thousand*
33 *dollars (\$1,500,000) is hereby appropriated from the*
34 *General Fund to the Office of Criminal Justice Planning*
35 *for expenditures in support of the Service of Arrest*
36 *Warrants Pilot Program.*



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All matter omitted in this version of the bill appears in the bill as amended in the Senate, May 17, 1999 (JR 11)

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