

Introduced by Senator Hayden

February 8, 1999

An act to add Chapter 2.5 (commencing with Section 5072) to Title 7 of Part 3 of, and Chapter 3.6 (commencing with Section 13827) to Title 6 of Part 4 of, the Penal Code, relating to crime prevention.

LEGISLATIVE COUNSEL'S DIGEST

SB 323, as introduced, Hayden. Crime prevention.

Existing law imposes increased penalties for crimes committed by criminal street gangs and provides remedies for the confiscation of firearms and other deadly weapons owned or possessed by gang members. Existing law also requires the Commission on Peace Officer Training to implement a course of instruction to provide ongoing training to peace officers on methods of gang law enforcement and establishes in the Office of Criminal Justice Planning, the Gang Violence Suppression Program to provide financial and technical assistance for district attorneys' offices, local law enforcement agencies, county probation departments, school districts, county offices of education, and community-based organizations that are primarily engaged in the suppression of gang violence.

This bill would establish the Peace Process Task Force to hold public hearings, make findings and recommendations regarding gang violence prevention, and to promote efforts to create a peace process. The task force would be a joint project of state government, educational institutions, and private foundations, consisting of 23 members, including 7

members whose backgrounds include former gang membership, incarceration, and personal efforts to create gang truces, and a commitment to a peaceful, legal, and democratic means of resolving inner-city violence. The membership would be appointed as specified by the Senate Committee on Rules, the Speaker of the Assembly, and the Governor. The task force would be required to hold at least 5 public hearings in specified locations for specified purposes and prepare a comprehensive report to be presented to the Senate and Assembly Public Safety Committees and the Governor beginning January 1, 2001, regarding the formulation of comprehensive public policy that identifies strategies for reducing gang-related crime and violence. The bill would also establish in the office of the Attorney General, the office of Peace Process Coordinator. The coordinator would be in charge of evaluating and encouraging violence prevention efforts among gangs and residents of inner-city communities faced with gang violence and would have specified duties.

This bill would also create the Commission on Prison Peace to undertake a public review of innovative approaches to reduce the causes of violence and increase the conditions of peace and safety in the correctional system. The bill requires that the chair of the commission be appointed by the Governor and consist of 17 additional members appointed as specified by the Governor, the Speaker of the Assembly, and the Senate Committee on Rules. By increasing the duties of local officials, this bill would impose a state-mandated local program.

The provisions of the bill would remain in effect only until January 1, 2002. The bill would also provide that it is to become operative only if funding is appropriated by the Budget Act of 1999.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.



This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Chapter 2.5 (commencing with Section
2 5072) is added to Title 7 of Part 3 of the Penal Code, to
3 read:

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5 CHAPTER 2.5. COMMISSION ON PRISON PEACE
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7 5072. (a) There is hereby created the Commission on
8 Prison Peace.

9 (b) The commission shall be chaired by an appointee
10 of the Governor, and shall consist of 17 additional
11 members appointed as follows:

12 (1) The chair and eight additional members shall be
13 appointed by the Governor upon subsequent approval of
14 the Senate Committee on Rules. The eight appointees
15 shall have experience and expertise in corrections or law
16 enforcement, and shall include a member of the
17 Department of Corrections administrative staff, a
18 Department of Corrections correctional officer and a
19 representative of the California Correctional Peace
20 Officers Association.

21 (2) Four members shall be appointed by the Speaker
22 of the Assembly, and four members shall be appointed by
23 the Senate Committee on Rules. The legislative
24 appointees shall be academic, religious, or community
25 leaders with demonstrated records of working to lessen
26 gang violence or prison violence.

27 (3) The Attorney General or a designee.

28 (c) The Peace Process Coordinator shall staff the
29 commission.

30 (d) The commission shall undertake a public review of
31 innovative approaches to reduce the causes of violence

1 and increase the conditions of peace and safety in
2 California's correctional system, including probation
3 camps, county jails, the state prison, and high-security
4 facilities, including the Corcoran Secured Housing Unit.
5 The commission shall hold public hearings and seek the
6 testimony of correctional officers, prison inmates, former
7 inmates, policy experts, academic specialists, and
8 community leaders.

9 (e) No later than September 1, 2000, the commission
10 shall report its preliminary findings, and no later than
11 December 31st, submit a final report, to the Governor
12 and the Legislature. The preliminary findings and final
13 report shall include a summary of the information
14 gathered from all types of sources and proposals for
15 reducing prison violence.

16 (f) The commission shall meet initially upon the call of
17 the chair, and shall adopt rules governing its proceedings.
18 The commission shall operate by consensus or, failing
19 consensus, shall adopt procedures for noting majority and
20 minority viewpoints in its record and report.

21 (g) This section shall remain in effect only until
22 January 1, 2002, and as of that date is repealed, unless a
23 later enacted statute, that is enacted before January 1,
24 2002, deletes or extends that date.

25 SEC. 2. Chapter 3.6 (commencing with Section
26 13827) is added to Title 6 of Part 4 of the Penal Code, to
27 read:

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29 CHAPTER 3.6. PEACE PROCESS TASK FORCE

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31 13827. There is hereby established the Peace Process
32 Task Force to hold public hearings, make findings and
33 recommendations regarding gang violence prevention,
34 and promote efforts to create a peace process.

35 13827.1. (a) The task force as a joint project of state
36 government, educational institutions, and private
37 foundations shall consist of 23 members appointed as
38 follows:

39 (1) Five members shall be appointed by the Senate
40 Committee on Rules, three of whom shall have personal



1 experience with gang issues, as specified in paragraph
2 (4). One member shall have professional experience with
3 economic development and job creation in communities
4 with significant gang, crime, or violence problems. One
5 member shall have academic or public policy experience
6 with issues related to gangs, crime, and violence.

7 (2) Five members shall be appointed by the Speaker
8 of the Assembly, three of whom shall have personal
9 experience with gang issues, as specified in paragraph
10 (4). One member shall have professional experience with
11 economic development and job creation in communities
12 with significant gang, crime, or violence problems. One
13 member shall have academic or public policy experience
14 with issues related to gangs, crime, and violence.

15 (3) Six members shall be appointed by the Governor.
16 One member shall be a law enforcement officer. One
17 member shall be a probation officer. One member shall
18 be a member of the California Business Roundtable. One
19 member shall be a member of a chamber of commerce.
20 One member shall be a correctional administrator. One
21 member shall be a private citizen.

22 (4) The membership of the task force shall include an
23 additional seven persons whose backgrounds include
24 former gang membership, incarceration, and personal
25 efforts to create gang truces, and a commitment to a
26 peaceful, legal, and democratic means of resolving the
27 problem of inner-city violence. These seven members
28 shall be appointed by the chair, in consultation with the
29 Office of the Attorney General. When making these
30 appointments, the chair shall ensure that the northern,
31 central, and southern regions of California are adequately
32 represented on the task force.

33 (b) The membership of the task force shall reflect the
34 ethnic and geographic complexity of the gang problem in
35 this state.

36 (c) The appointments made pursuant to paragraphs
37 (1) to (3), inclusive, of subdivision (a) shall be made on
38 or before February 15, 2000. The appointments made
39 pursuant to paragraph (4) of subdivision (a) shall be
40 made on or before March 1, 2000.

1 (d) The Governor shall select a chair from among the
2 members of the task force. Included in the chair's duties
3 shall be calling and chairing meetings, publicly
4 representing the task force where necessary, leading an
5 inclusive process, encouraging the maximum
6 involvement of all task force members, and encouraging
7 support and partnerships with the private sector and
8 other institutions.

9 (e) The task force may select up to three cochairs,
10 select officers, and establish committees among its
11 members. Each committee shall meet as often as the
12 committee members find necessary. It is the intent of the
13 Legislature that all task force members shall actively
14 participate in all task force deliberations required by this
15 chapter. Any member who misses three consecutive
16 meetings or attends less than 50 percent of the task force's
17 regularly scheduled meetings in any calendar year for
18 any cause except severe temporary illness or injury shall
19 be automatically removed from the task force.

20 (f) Members of the task force shall receive no
21 compensation for their services, but shall be reimbursed
22 for the expenses actually and necessarily incurred by
23 them in the performance of their duties under this
24 chapter. No compensation or expenses shall be received
25 by the members of any continuing task forces, review
26 committees, or other auxiliary bodies created by the task
27 force who are not task force members, except that
28 persons requested to appear before the task force with
29 regard to specific topics on one or more occasions shall be
30 reimbursed for the travel expenses necessarily incurred
31 in fulfilling those requests.

32 13827.2. The task force shall do all of the following:

33 (a) Hold at least four public hearings, with at least two
34 in communities most heavily marked by urban violence
35 and the first of the four public hearings held no later than
36 April 15, 2000.

37 (b) Hold an additional public hearing in a prison
38 setting or in a location where inmate participation or
39 dialogue is made possible.



1 (c) Include those who have created gang truces
2 directly in the process of defining and recommending
3 alternatives that will lessen or prevent violence in the
4 inner city.

5 (d) Create a common ground of discussion among
6 public officials, law enforcement, and those individuals
7 attempting to transform their lives from violence to
8 nonviolent empowerment.

9 (e) Forge formal partnerships in at least one local
10 community experiencing significant gang problems in
11 each of the northern, central, and southern regions of
12 California, with representatives of the corporate
13 community, the local business sector, local law
14 enforcement, local government, local providers of social
15 and related services, local neighborhood associations, and
16 with members of the community, for the following
17 purposes:

18 (1) Identifying the local problems and needs of each
19 specific community as they relate to gangs, violence, and
20 crime.

21 (2) Identifying strategies, which, at a minimum,
22 include strategies related to gang truces, job creation, and
23 social services, to address problems related to local gang,
24 violence, and crime problems.

25 (3) Identifying and making efforts to secure resources
26 necessary for implementing local strategies.

27 (f) Assess and recommend possible ways of breaking
28 the cycle of gang violence through early childhood
29 programs, remedial education and training, inner-city
30 jobs, drug treatment, and other violence prevention
31 strategies.

32 (g) Provide assistance and advice to local
33 governments or communities suffering from gang
34 violence. This assistance may include counseling,
35 mediation, speakers, public education, and promoting
36 models of local forms of violence prevention.

37 (h) Prepare a comprehensive report which shall be
38 presented to the Senate and Assembly Public Safety
39 Committees and the Governor by January 1, 2001,
40 concerning the formulation of comprehensive public

1 policy that identifies state and local strategies for
2 reducing gang-related crime and violence.

3 13827.3. Notwithstanding Section 7550.5 of the
4 Government Code, the task force shall prepare and
5 submit an annual report to the Legislature and to the
6 Governor by January 1, 2001, and by January 1st of each
7 year thereafter.

8 13827.4. The office of the Attorney General shall, and
9 the Senate Office of Research may, make staff resources
10 available to the task force for the purpose of providing
11 research, policy, and technical assistance. Additionally,
12 foundations, educational institutions, and private sector
13 parties are encouraged to offer staff and other in-kind
14 resources.

15 13827.5. No more than two hundred thousand dollars
16 (\$200,000) shall be spent over two years on expenditures
17 for the four hearings, publications, staffing, and
18 administrative expenses required by the task force as
19 described in this chapter.

20 13827.6. (a) There is hereby established the office of
21 Peace Process Coordinator in the Office of the Attorney
22 General. The coordinator shall be in charge of evaluating
23 and encouraging violence prevention efforts among
24 gangs and residents of inner-city communities faced with
25 gang violence, including the phenomena known as “gang
26 truces.”

27 (b) (1) The Peace Process Coordinator shall be
28 appointed by the Governor, and confirmed by the Senate,
29 pursuant to Section 1774 of the Government Code.

30 (2) The qualifications of the coordinator shall include
31 both professional experience in community-based
32 violence prevention programs and juvenile justice
33 programs, and a personal background in communities
34 where gang violence is prevalent.

35 (c) The coordinator shall do all of the following:

36 (1) Serve as staff director to the Peace Process Task
37 Force.

38 (2) Identify areas of the state where gang violence has
39 been significantly reduced, meet with local violence

1 prevention groups and interested parties, including law
2 enforcement, and evaluate any lessons for state policy.

3 (3) Visit areas of the state where gang violence seems
4 endemic and ongoing, meet with local violence
5 prevention groups and interested parties, including law
6 enforcement, and evaluate and make recommendations
7 regarding measures that might achieve mediation or
8 intervention that results in a lessening of violence.

9 (4) Convene public workshops, training sessions, and
10 private consultations that bring together former gang
11 members, gang members committed to reducing
12 violence, community-based organizations involved in
13 violence prevention programs promoted under the
14 California Gang, Crime, and Violence Prevention
15 Partnership Program, law enforcement, and local
16 business and community leaders for the purpose of
17 achieving better communications, conflict resolution,
18 and understanding of identifiable barriers to violence
19 prevention.

20 (5) Seek interagency cooperative agreements of
21 memoranda of understanding with the Department of
22 Justice, the Employment Development Department, the
23 Trade and Commerce Agency, and any other state
24 agencies to help maximize institutional resources focused
25 on violence prevention.

26 13827.7. This chapter shall remain in effect only until
27 January 1, 2002, and as of that date is repealed, unless a
28 later enacted statute that is enacted before January 1,
29 2002, deletes or extends that date.

30 SEC. 3. This act shall only become operative if there
31 is an appropriation in the Budget Act of 1999 to fund the
32 provisions of this act.

33 SEC. 4. Notwithstanding Section 17610 of the
34 Government Code, if the Commission on State Mandates
35 determines that this act contains costs mandated by the
36 state, reimbursement to local agencies and school
37 districts for those costs shall be made pursuant to Part 7
38 (commencing with Section 17500) of Division 4 of Title
39 2 of the Government Code. If the statewide cost of the
40 claim for reimbursement does not exceed one million

1 dollars (\$1,000,000), reimbursement shall be made from
2 the State Mandates Claims Fund.

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