

AMENDED IN SENATE APRIL 22, 1999

SENATE BILL

No. 323

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 to add and repeal Chapter 3.4~~ (commencing with Section 13827) ~~to~~ and Chapter 3.5 (commencing with Section 13827.6) of Title 6 of Part 4 of, the Penal Code, relating to crime prevention.

LEGISLATIVE COUNSEL'S DIGEST

SB 323, as amended, 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 create the Commission on Prison Peace to identify the causes of violence and recommend innovative approaches to prevent them and increase the conditions of

peace and safety in the correctional system. The bill would require that the chair of the commission be appointed by the Governor and consist of 17 additional members appointed by the Governor, as specified, 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.

This bill would *also* 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~~ 26 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:

4
5 CHAPTER 2.5. COMMISSION ON PRISON PEACE
6

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

1 representative of the California Correctional Peace
2 Officers Association.

3 (2) Four members shall be appointed by the Speaker
4 of the Assembly, and four members shall be appointed by
5 the Senate Committee on Rules. The legislative
6 appointees shall be academic, religious, or community
7 leaders with demonstrated records of working to lessen
8 gang violence or prison violence.

9 (3) The Attorney General or a designee.

10 (c) The Peace Process Coordinator shall staff the
11 commission.

12 (d) The commission shall ~~undertake a public review of~~
13 ~~innovative approaches to reduce the causes of violence~~
14 *identify the causes of violence and recommend*
15 *innovative approaches to prevent them* and increase the
16 conditions of peace and safety in California's correctional
17 system, including probation camps, county jails, the state
18 prison, and high-security facilities, including the
19 Corcoran Secured Housing Unit. The commission shall
20 hold public hearings and seek the testimony of
21 correctional officers, prison inmates, former inmates,
22 policy experts, academic specialists, and community
23 leaders. *At least one public hearing will be held in a*
24 *prison setting or in a location where inmate participation*
25 *or dialogue is made possible.*

26 (e) No later than September 1, 2000, the commission
27 shall report its preliminary findings, and no later than
28 December ~~31st~~ 31, 2000, submit a final report, to the
29 Governor and the Legislature. The preliminary findings
30 and final report shall include a summary of the
31 information gathered from all types of sources and
32 proposals for reducing prison violence.

33 (f) The commission shall meet initially upon the call of
34 the chair, and shall adopt rules governing its proceedings.
35 The commission shall operate by consensus or, failing
36 consensus, shall adopt procedures for noting majority and
37 minority viewpoints in its record and report.

38 (g) This section shall remain in effect only until
39 January 1, 2002, and as of that date is repealed, unless a

1 later enacted statute, that is enacted before January 1,
2 2002, deletes or extends that date.

3 SEC. 2. Chapter ~~3-6~~ 3.4 (commencing with Section
4 13827) is added to Title 6 of Part 4 of the Penal Code, to
5 read:

6
7 CHAPTER ~~3-6~~ 3.4. PEACE PROCESS TASK FORCE
8

9 13827. There is hereby established the Peace Process
10 Task Force to hold public hearings, make findings and
11 recommendations regarding gang violence prevention,
12 and promote efforts to create a peace process.

13 13827.1. (a) The task force as a joint project of state
14 government, educational institutions, and private
15 foundations shall consist of ~~23~~ 26 members appointed as
16 follows:

17 (1) Five members shall be appointed by the Senate
18 Committee on Rules, three of whom shall have personal
19 experience with gang issues, as specified in paragraph
20 (4). One member shall have professional experience with
21 economic development and job creation in communities
22 with significant gang, crime, or violence problems. One
23 member shall have academic or public policy experience
24 with issues related to gangs, crime, and violence.

25 (2) Five members shall be appointed by the Speaker
26 of the Assembly, three of whom shall have personal
27 experience with gang issues, as specified in paragraph
28 (4). One member shall have professional experience with
29 economic development and job creation in communities
30 with significant gang, crime, or violence problems. One
31 member shall have academic or public policy experience
32 with issues related to gangs, crime, and violence.

33 (3) ~~Six~~ *Nine* members shall be appointed by the
34 Governor. One member shall be a ~~law enforcement~~
35 ~~officer~~ *sheriff*. *One member shall be a chief of police. Two*
36 *members shall be law enforcement officers who have*
37 *extensive experience with gang-related violence.* One
38 member shall be a probation officer. One member shall
39 be a member of the California Business Roundtable. One
40 member shall be a member of a chamber of commerce.

1 One member shall be a correctional administrator. One
2 member shall be a private citizen.

3 (4) The membership of the task force shall include an
4 additional seven persons whose backgrounds include
5 former gang membership, incarceration, and personal
6 efforts to create gang truces, and a commitment to a
7 peaceful, legal, and democratic means of resolving the
8 problem of inner-city violence. These seven members
9 shall be appointed by the chair, in consultation with the
10 office of the Attorney General. When making these
11 appointments, the chair shall ensure that the northern,
12 central, and southern regions of California are adequately
13 represented on the task force.

14 (b) The membership of the task force shall reflect the
15 ethnic and geographic complexity of the gang problem in
16 this state.

17 (c) The appointments made pursuant to paragraphs
18 (1) to (3), inclusive, of subdivision (a) shall be made on
19 or before February 15, 2000. The appointments made
20 pursuant to paragraph (4) of subdivision (a) shall be
21 made on or before March 1, 2000.

22 (d) The Governor shall select a chair, *to be confirmed*
23 *by the Senate*, from among the members of the task force.
24 Included in the chair's duties shall be calling and chairing
25 meetings, publicly representing the task force where
26 necessary, leading an inclusive process, encouraging the
27 maximum involvement of all task force members, and
28 encouraging support and partnerships with the private
29 sector and other institutions.

30 (e) The task force may select up to three ~~cochairs~~ *vice*
31 *chairs*, select officers, and establish committees among its
32 members. Each committee shall meet as often as the
33 committee members find necessary. It is the intent of the
34 Legislature that all task force members shall actively
35 participate in all task force deliberations required by this
36 chapter. Any member who misses three consecutive
37 meetings or attends less than 50 percent of the task force's
38 regularly scheduled meetings in any calendar year for
39 any cause except severe temporary illness or injury shall
40 be automatically removed from the task force.

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

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

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

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

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

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

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

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

1 (2) Identifying strategies, which, at a minimum,
2 include strategies related to gang truces, job creation, and
3 social services, to address problems related to local gang,
4 violence, and crime problems.

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

7 (f) Assess and recommend possible ways of breaking
8 the cycle of gang violence through early childhood
9 programs, remedial education and training, inner-city
10 jobs, drug treatment, and other violence prevention
11 strategies.

12 (g) Provide assistance and advice to local
13 governments or communities suffering from gang
14 violence. This assistance may include counseling,
15 mediation, speakers, public education, and promoting
16 models of local forms of violence prevention.

17 (h) Prepare a comprehensive report which shall be
18 presented to the Senate and Assembly Public Safety
19 Committees and the Governor by January 1, 2001,
20 concerning the formulation of comprehensive public
21 policy that identifies state and local strategies for
22 reducing gang-related crime and violence.

23 13827.3. Notwithstanding Section 7550.5 of the
24 Government Code, the task force shall prepare and
25 submit an annual report to the Legislature and to the
26 Governor by January 1, 2001, and by ~~January 1st of each~~
27 ~~year thereafter.~~ *on January 1st of the following year.*

28 13827.4. The office of the Attorney General shall, and
29 the Senate Office of Research may, make staff resources
30 available to the task force for the purpose of providing
31 research, policy, and technical assistance. Additionally,
32 foundations, educational institutions, and private sector
33 parties are encouraged to offer staff and other in-kind
34 resources.

35 13827.5. No more than two hundred thousand dollars
36 (\$200,000) shall be spent over two years on expenditures
37 for the four hearings, publications, staffing, and
38 administrative expenses required by the task force as
39 described in this chapter.

13827.51. This chapter shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2002, deletes or extends that date.

SEC. 3. Chapter 3.5 (commencing with Section 13827.6) is added to Title 6 of Part 4 of the Penal Code, to read:

CHAPTER 3.5. PEACE PROCESS COORDINATOR

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

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

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

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

(1) Serve as staff director to the Peace Process Task Force *and the Commission on Prison Peace*.

(2) Identify areas of the state where gang violence has been significantly reduced, meet with local violence prevention groups and interested parties, including law enforcement, and evaluate any lessons for state policy.

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

(4) Convene public workshops, training sessions, and private consultations that bring together former gang

1 members, gang members committed to reducing
2 violence, community-based organizations involved in
3 violence prevention programs promoted under the
4 California Gang, Crime, and Violence Prevention
5 Partnership Program, law enforcement, and local
6 business and community leaders for the purpose of
7 achieving better communications, conflict resolution,
8 and understanding of identifiable barriers to violence
9 prevention.

10 (5) Seek interagency cooperative agreements of
11 memoranda of understanding with the Department of
12 Justice, the Employment Development Department, the
13 Trade and Commerce Agency, and any other state
14 agencies to help maximize institutional resources focused
15 on violence prevention.

16 13827.7. This chapter shall remain in effect only until
17 January 1, 2002, and as of that date is repealed, unless a
18 later enacted statute that is enacted before January 1,
19 2002, deletes or extends that date.

20 ~~SEC. 3.~~

21 SEC. 4. This act shall only become operative if there
22 is an appropriation in the Budget Act of 1999 to fund the
23 provisions of this act.

24 ~~SEC. 4.~~

25 SEC. 5. Notwithstanding Section 17610 of the
26 Government Code, if the Commission on State Mandates
27 determines that this act contains costs mandated by the
28 state, reimbursement to local agencies and school
29 districts for those costs shall be made pursuant to Part 7
30 (commencing with Section 17500) of Division 4 of Title
31 2 of the Government Code. If the statewide cost of the
32 claim for reimbursement does not exceed one million
33 dollars (\$1,000,000), reimbursement shall be made from
34 the State Mandates Claims Fund.

