

AMENDED IN SENATE MAY 3, 2000

SENATE BILL

No. 1936

Introduced by ~~Senator Schiff~~ *Senators Schiff and Poochigian*

(Principal coauthor: Assembly Member Machado)
(*Coauthors: Senators McPherson, Polanco, and Rainey*)

February 24, 2000

An act to amend Sections 30061, 30062, 30063, and 30064.1 of the Government Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1936, as amended, Schiff. Supplemental 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 revise the requirements for an allocation to a county that includes a newly incorporated city, as specified, *would designate specific allocations for district attorneys, county sheriffs, and city police chiefs*, and would require that funds be expended no later than June 30 of the following fiscal year.

(2) Existing law requires the county auditor and the city treasurer to file a written, public report with the Supplemental Law Enforcement Oversight Committee

(SLEOC) on or before the date of the duly noticed public hearing held in September in each year for the purpose of considering requests for money from the fund. A summary of these annual reports is required to be submitted by the SLEOC to the Controller on or before October 15, 1998, and each year thereafter.

This bill instead would require that the written, public report be filed with the SLEOC at least 30 days prior to the date of the duly noticed public hearing and that the summary be submitted to the Controller on or before August 15, 2001, and each year thereafter. The bill would also require a county, a city, or a city and county that fails to submit the required data or expend the SLESF moneys to forfeit its allocation, as specified, and would authorize a local law enforcement agency to submit the required data to the Controller if the SLEOC fails to do so pursuant to these provisions.

(3) Existing law provides that these provisions governing supplemental local law enforcement funding shall become inoperative on July 1, 2000, and are repealed as of January 1, 2001.

This bill would extend the operation of these provisions to July 1, ~~2005~~ 2002, and would repeal them as of January 1, ~~2006~~ 2003.

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

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 30061 of the Government Code
2 is amended to read:
3 30061. (a) There shall be established in each county
4 treasury a Supplemental Law Enforcement Services
5 Fund (SLESF), to receive all amounts allocated to a
6 county for purposes of implementing this chapter.
7 (b) In any fiscal year for which a county receives
8 money to be expended for the implementation of this
9 chapter, the county auditor shall allocate moneys in the
10 county's Supplemental Law Enforcement Services Fund



1 (SLESF), including any interest or other return earned
2 on the investment of those moneys, within 30 days of the
3 deposit of those moneys into the fund, and shall allocate
4 those moneys in accordance with the following
5 requirements:

6 (1) Twelve and one-half percent to the county sheriff
7 for county jail construction and operation. In the case of
8 Madera, Napa, and Santa Clara Counties, this allocation
9 shall be made to the county director or chief of
10 corrections.

11 (2) Twelve and one-half percent to the district
12 attorney for criminal prosecution.

13 (3) Seventy-five percent to the county and the cities
14 within the county, and, in the case of the San Mateo, Kern,
15 Siskiyou, and Contra Costa Counties, also to the
16 Broadmoor Police Protection District, the Bear Valley
17 Community Services District, the Stallion Springs
18 Community Services District, the Lake Shastina
19 Community Services District, and the Kensington Police
20 Protection and Community Services District, in
21 accordance with the relative population of the cities
22 within the county and the unincorporated area of the
23 county, and the Broadmoor Police Protection District in
24 the County of San Mateo, the Bear Valley Community
25 Services District and the Stallion Springs Community
26 Services District in Kern County, the Lake Shastina
27 Community Services District in Siskiyou County, and the
28 Kensington Police Protection and Community Services
29 District in Contra Costa County, as specified in the most
30 recent January estimate by the population research unit
31 of the Department of Finance. For a newly incorporated
32 city whose population estimate is not published by the
33 Department of Finance but which was incorporated
34 prior to July 1 of the fiscal year in which an allocation from
35 the SLESF is to be made, the city manager, or an
36 appointee of the legislative body, if a city manager is not
37 available, and the county administrative or executive
38 officer shall prepare a joint notification to the
39 Department of Finance and the county auditor with a
40 population estimate reduction of the unincorporated



1 area of the county equal to the population of the newly
2 incorporated city by July 15, or within 15 days after the
3 Budget Act is enacted, of the fiscal year in which an
4 allocation from the SLESF is to be made. No person
5 residing within the Broadmoor Police Protection District,
6 the Bear Valley Community Services District, the Stallion
7 Springs Community Services District, the Lake Shastina
8 Community Services District, or the Kensington Police
9 Protection and Community Services District shall also be
10 counted as residing within the unincorporated area of the
11 County of San Mateo, Kern, Siskiyou, or Contra Costa, or
12 within any city located within those counties. Moneys
13 allocated to the county pursuant to this subdivision shall
14 be retained in the county SLESF, and moneys allocated
15 to a city pursuant to this subdivision shall be deposited in
16 a SLESF established in the city treasury.

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

28 (1) In the case of the county, the county board of
29 supervisors shall appropriate existing and anticipated
30 moneys exclusively to provide front line law enforcement
31 services, other than those services specified in paragraphs
32 (1) and (2) of subdivision (b), in the unincorporated
33 areas of the county, in response to written requests
34 submitted to the board by the county sheriff and the
35 district attorney. Any request submitted pursuant to this
36 paragraph shall specify the front line law enforcement
37 needs of the requesting entity, and those personnel,
38 equipment, and programs that are necessary to meet
39 those needs. The board shall, at a public hearing held in
40 September in each year that the Legislature appropriates



1 funds for purposes of this chapter, consider and
2 determine each submitted request within 60 days of
3 receipt, pursuant to the decision of a majority of a quorum
4 present. The board shall consider these written requests
5 separate and apart from the process applicable to
6 proposed allocations of the county general fund.

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

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

32 (d) For each fiscal year in which the county, a city, or
33 the Broadmoor Police Protection District within the
34 County of San Mateo, the Bear Valley Community
35 Services District or the Stallion Springs Community
36 Services District within Kern County, the Lake Shastina
37 Community Services District within Siskiyou County, or
38 the Kensington Police Protection and Community
39 Services District within Contra Costa County receives
40 any moneys pursuant to this chapter, in no event shall the



1 governing body of any of those recipient agencies
2 subsequently alter any previous, valid appropriation by
3 that body, for that same fiscal year, of moneys allocated
4 to the county or city pursuant to paragraph (3) of
5 subdivision (b).

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

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

17 SEC. 2. Section 30062 of the Government Code is
18 amended to read:

19 30062. (a) Except as required by paragraphs (1) and
20 (2) of subdivision (b) of Section 30061, moneys allocated
21 from a Supplemental Law Enforcement Services Fund
22 (SLESF) to a recipient entity shall be expended
23 exclusively to provide front line law enforcement
24 services. These moneys shall supplement existing
25 services, and shall not be used to supplant any existing
26 funding for law enforcement services provided by that
27 entity.

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

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

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



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

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

8 (1) A “recipient agency” or “recipient entity” is that
9 entity that actually incurs the expenditures of SLESF
10 funds allocated pursuant to paragraph (1), (2), or (3) of
11 subdivision (b) of Section 30061.

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

15 (e) For purposes of this chapter, “front line law
16 enforcement services” and “front line municipal police
17 services” each include antigang and ~~community~~ *crime*,
18 *community crime, and juvenile justice* prevention
19 programs.

20 SEC. 3. Section 30063 of the Government Code is
21 amended to read:

22 30063. (a) The Supplemental Law Enforcement
23 Services Fund (SLESF) in each county or city is to be
24 expended exclusively as required by this chapter. Moneys
25 in that fund shall not be transferred to, or intermingled
26 with, the moneys in any other fund in the county or city
27 treasury, except that moneys may be transferred from the
28 SLESF to the county’s or city’s general fund to the extent
29 necessary to facilitate the appropriation and expenditure
30 of those transferred moneys in the manner required by
31 this chapter.

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

39 (c) Each year, at least 30 days prior to the date of the
40 duly noticed public hearing required pursuant to



1 paragraph (1) of subdivision (c) of Section 30061, the
2 county auditor and city treasurer shall detail and
3 summarize allocations from the county's or city's SLESF,
4 as applicable, in a written, public report filed with the
5 Supplemental Law Enforcement Oversight Committee
6 (SLEOC), the county board of supervisors or city council,
7 as applicable, for the entirety of the immediately
8 preceding fiscal year, and the county sheriff or police
9 chief, as applicable.

10 (d) A summary of the annual reports required in
11 subdivision (c) shall be submitted in a standardized
12 format to be developed by the Controller, in conjunction
13 with the California District Attorney's Association,
14 California Police Chief's Association, California State
15 Sheriff's Association, California Peace Officer's
16 Association, California County Auditor's Association, and
17 California Municipal Treasurer's Association, by each
18 SLEOC to the Controller on or before August 15, 2001,
19 and each year thereafter. ~~Upon request, the~~ *The*
20 Controller shall make a copy of the summarized reports
21 available to the Governor ~~and the Legislature.~~

22 ~~(e), the Legislature, and the Legislative Analyst's~~
23 *office.*

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

30 (f) A county, a city, or a city and county that fails to
31 submit the data required pursuant to subdivision (d) or
32 fails to expend the SLESF moneys provided by the date
33 specified in subdivision ~~(d)~~ (e) of Section 30061 shall
34 forfeit its allocation provided pursuant to Section 30061
35 for the subsequent fiscal year. The Controller shall reduce
36 the ~~effected~~ *affected* county's allocation by the
37 appropriate amount and shall identify the county, city, or
38 city and county and the corresponding amount reduced
39 for the affected local agency. Funds not allocated



1 pursuant to this subdivision shall revert to the General
2 Fund.

3 ~~(f)~~

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

21 SEC. 4. Section 30064.1 of the Government Code is
22 amended to read:

23 30064.1. (a) It is the intent of the Legislature that at
24 least one hundred million dollars (\$100,000,000) be
25 appropriated in fiscal years ~~2000-01, 2001-02, 2002-03,~~
26 ~~2003-04, and 2004-05~~ for the 2000-01 and 2001-02 for the
27 purpose of funding the provisions of this chapter. *These*
28 *funds shall be allocated as follows:*

29 (1) *One hundred thousand dollars (\$100,000) to each*
30 *district attorney.*

31 (2) *One hundred thousand dollars (\$100,000) to each*
32 *county sheriff, including the Sheriff of the City and*
33 *County of San Francisco.*

34 (3) *One hundred thousand dollars (\$100,000) to each*
35 *city police chief, including the Chief of Police of the City*
36 *and County of San Francisco.*

37 (4) *The balance of any remaining funds shall be*
38 *allocated pursuant to subdivision (b) of Section 30061.*

39 (b) This chapter shall become inoperative on July 1,
40 ~~2005~~ 2002, and, as of January 1, ~~2006~~ 2003, is repealed,



1 unless a later enacted statute, which becomes effective on
2 or before January 1, ~~2006~~ 2003, deletes or extends the
3 dates on which it becomes inoperative and is repealed.

4 SEC. 5. This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or
6 safety within the meaning of Article IV of the
7 Constitution and shall go into immediate effect. The facts
8 constituting the necessity are:

9 In order to provide for the preservation and
10 enhancement of public safety through the
11 implementation of the provisions of this bill, as they relate
12 to COPS funds expenditures, at the earliest possible time,
13 it is necessary for this act to take effect immediately.

