

In the Supreme Court of the State of California

SUPREME COURT COPY

GREG F., a Person Coming Under the Juvenile Court,

S191868

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff and Respondent,

SUPREME COURT
FILED

v.

GREG F.,

AUG 08 2011

Defendant and Appellant.

Frederick K. Ohlrich Clerk

Deputy

First Appellate District, Division Five, No. A127161
Sonoma County Superior Court No. 35283J
Honorable Raima H. Ballinger, Judge

**RESPONDENT'S MOTION TO TAKE
JUDICIAL NOTICE**

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GREG F., a Person Coming Under the Juvenile Court,

S191868

**PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff and Respondent,**

v.

**GREG F.,
Defendant and Appellant.**

MOTION TO TAKE JUDICIAL NOTICE

Respondent People of the State of California respectfully moves this Court for an order taking judicial notice of the legislative history underlying the passage of Welfare and Institutions Code section 782 (1 Stats. 1971, ch. 607 [Sen. Bill No. 461 (1971 Sess.)], § 1, pp. 19-20),¹ and the 2007 amendment to section 733, subdivision (c) (§ 733(c)) (Stats. 2007, ch. 175 [Sen. Bill No. 459 (2007-2008 Sess.)], § 22). (Evid. Code, §§ 452, subd. (c), 459, subd. (a)(2); rules 8.252(a)(1), 8.520(g).) Copies of those legislative histories, as compiled by the Attorney General's Sacramento Library staff, are attached as Exhibits A (§ 782) and B (§ 733(c)). (Rule 8.252(a)(3).)

This motion is based upon Exhibits A and B, the attached memorandum of supporting points and authorities, and the record in this matter.

¹ Further unspecified statutory references are to the Welfare and Institutions Code. Rule references are to the California Rules of Court

SUPPORTING MEMORANDUM OF POINTS AND AUTHORITIES

In this case, respondent People challenge the decision of the Court of Appeal, First Appellate District, Division Five, interpreting sections 782 and 733(c). That court held the juvenile court may not use its discretion under section 782 to dismiss the most recent sustained offense, where that offense is not DJJ-eligible under section 733(c), to allow the court to commit the ward to the Division of Juvenile Justice (DJJ) on the previous, most recently sustained DJJ-eligible offense. (Typed opn., pp. 3-9.)

In this Court, respondent argues that section 782 allows the juvenile court to exercise its discretion and dismiss the most recent sustained offense prior to disposition—where that offense is not DJJ-eligible, and where the previous, most recent offense is DJJ-eligible under section 733(c). We argue the court may entertain such a dismissal if it finds that no appropriate, less restrictive placement is available, and the dismissal is made to further the ward’s “welfare,” and to further public safety. In our contemporaneously-filed opening brief, we argue that the legislative history of section 782 fails to indicate that the Legislature intended that section could only be used where dismissal is not to the ward’s immediate “detriment” as that concept has been incorporated by interpretation into Penal Code section 1385. In this Court, we argue the juvenile court is permitted to exercise its discretion to determine whether that dismissal to reach back to the DJJ-eligible offense is in the minor’s “welfare.” (Respondent’s Opening Merits Brief, pp. 22-26 (“ROMP”). (See rule 8.252(2)(A).)

In our opening brief, we also argue that the legislative history of the 2007 amendment to section 733(c) does not indicate a legislative intent to prohibit use of section 782 in such cases where no less restrictive placement is available and the ward is currently a serious or violent offender, even

where the present conduct does not come within section 733(c). (ROMB, pp. 26-30.)

The legislative histories attached to this motion were not before the juvenile court or the Court of Appeal. (Rule 8.252(a)(2)(B).) These materials do not relate to juvenile court proceedings which occurred after the DJJ commitment order. (Rule 8.252(a)(2)(C).)

Judicial notice of the legislative history underlying a statute which is to be interpreted by the reviewing court is proper. (Evid. Code, § 452, subd. (c), 459, subd. (a)(2); see *Evans v. City of Berkeley* (2006) 38 Cal.4th 1, 7, fn. 2; *Elsner v. Uveges* (2004) 34 Cal.4th 915, 921, fn. 10; *People v. Ansell* (2001) 25 Cal.4th 868, 881, fn. 20.) Judicial notice of the above legislative history allows the Court to reference the sources respondent uses in support of its arguments in this case.

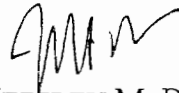
CONCLUSION

For the above reasons, respondent respectfully requests this Court take judicial notice of the legislative history underlying the passage of Sen. Bill No. 461 (1971 Sess.) which added section 782, and Sen. Bill No. 459 (2007-2008 Sess.), which amended section 733(c).

Dated: August 5, 2011

Respectfully submitted,

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Attorney General of California
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Chief Assistant Attorney General
GERALD A. ENGLER
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LAURENCE K. SULLIVAN
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JEFFREY M. BRYANT
Deputy Attorney General
Attorneys for Respondent

SF2011201579; 20498695.doc

EXHIBIT A

LEGISLATIVE INTENT

Requester: Jeff Brant Date received 21 May 2009
Telephone: _____ Needed by 1 Jun 2009
City/Room: SF Completed 26 May 2009

STATS 1971 CHAPTER 607 CODE W & I 782
BILL SB 461 AUTHOR Joseph Kennick
Summary Digest x Final History x Bill Forms x

LEGISLATIVE POLICY COMMITTEE ANALYSES:

Assembly Committee Criminal Justice
Senate Committee Judiciary

FISCAL ANALYSES:

Assembly Ways and Means _____ Legislative Analyst _____
Department of Finance _____ Other Agencies x

GOVERNOR'S CHARTERED BILL FILE (GCBF) x
(1943-2003, 2004-closed)

Pacific Law Journal (1970-1996) _____
Other New Statutes Affecting the Criminal Law 1971 p. 36

By Kathryn Lee
Kathryn Lee (916) 327-8413

The first section of this legislative history contains these items in the order listed:

- the code sections of interest to the requestor
- the statute/chaptered version of the legislation
- the legislative counsel's summary digest of the statute
- the Senate or Assembly final history of the legislation
- versions of the legislative bill

DEERING'S CALIFORNIA CODES

WELFARE AND INSTITUTIONS CODE

Annotated

OF THE STATE OF CALIFORNIA

Adopted April 25, 1937
with amendments through the
2005 Session of the 2005-2006 Legislature

§§ 600 through 1699

Annotated and Indexed by
The Publisher's Editorial Staff

2006



LexisNexis®

Editor's Notes—For operative term date, see subd (n)(1).

10 Witkin Summary (10th ed) Parent and Child §§ 502, 504, 505, 506, 507.

Collateral References:

8 Witkin Summary (10th ed) Constitutional Law § 778.

§ 782. Dismissing petition or setting aside findings

A judge of the juvenile court in which a petition was filed, at any time before the minor reaches the age of 21 years, may dismiss the petition or may set aside the findings and dismiss the petition if the court finds that the interests of justice and the welfare of the minor require such dismissal or if it finds that the minor is not in need of treatment or rehabilitation. The court shall have jurisdiction to order such dismissal or setting aside of the findings and dismissal regardless of whether the minor is, at the time of such order, a ward or dependent child of the court.

Added by Stats 1971 ch 607 § 1.

Former Sections:

Former § 782, relating to warrant of arrest, was added 1937, and repealed Stats 1961 ch 1616 § 1.

Disposition hearing: judgment of court: CRC Rule 1493.

Cross References:

Similar provision as to dependent children: W & I C § 390.

Notice of minor's rights regarding sealing or destruction of juvenile court record following dismissal, release, or termination of case: W & I C § 826.6.

Collateral References:

Cal Jur 3d (Rev) Delinquent and Dependent Children § 197.

10 Witkin Summary (10th ed) Parent and Child §§ 853, 863, 889.

Special education and the juvenile court, delinquency. 23 CACJ Forum No. 3-4, p. 58.

NOTES OF DECISIONS

1. Generally
2. Dismissal Based on Prosecutor Conduct
3. Particular Actions

1. Generally

Welf. & Inst. Code, § 782, rather than Welf. & Inst. Code, § 604 or Code Civ. Proc., § 1008, governs the right to rehearing in juvenile court. *People v Allgood* (1976, 1st Dist) 54 Cal App 3d 434, 126 Cal Rptr 666, 1976 Cal App LEXIS 1145.

The dismissal of a petition to declare a minor to be a person within the provisions of Welf. & Inst. Code, § 602, pending an appeal by the minor from an order denying rehearing of a finding by a juvenile court referee that he came within the provisions, did not render the appeal moot, whether the dismissal was actually an order of termination of jurisdiction pursuant to Welf. & Inst. Code, § 778, or was a dismissal in the interests of justice pursuant to Welf. & Inst. Code, § 782. *In re Randy R.* (1977, 1st Dist) 67 Cal App 3d 41, 136 Cal Rptr 419, 1977 Cal App LEXIS 1201.

2. Dismissal Based on Prosecutor Conduct

In proceedings to adjudge a minor a ward of the court (Welf. & Inst. Code, (§ 602), the trial court did not have authority to dismiss the petition filed against the minor with prejudice to its being refiled based on the prosecutor's conduct, where the prosecutor had obtained a one-month continuance, where, on the day the case was set for trial, the prosecutor's representation that it was ready for trial although the victim was not available, and where, after the case had been continued for one more day because of a congested court calendar, the prosecutor moved for dismissal, without prejudice, because the victim was unavailable. Although the court's power to dismiss with prejudice was not restricted by Cal. Rules of Court, rule 1351(e), which provides that an order dismissing a petition for failure to bring the minor to trial within statutory time limits does not bar the filing of a subsequent proceeding, since the minor's speedy trial rights had not been violated, the court did not have authority to dis-

SEC. 3. Section 752 of the Welfare and Institutions Code is amended to read:

752. Whenever a case is transferred as provided in Section 750, the order of transfer shall recite each and all of the findings, orders, or modification of orders that have been made in the case, and shall include the name and address of the legal residence of the parent or guardian of the minor. All papers contained in the file shall be transferred to the county where such person resides. A copy of the order of transfer and of the findings of fact as required in Section 750 shall be kept in the file of the transferring county.

CHAPTER 607

An act to add Section 782 to the Welfare and Institutions Code, relating to minors.

[Approved by Governor August 18, 1971. Filed with Secretary of State August 18, 1971.]

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

SECTION 1. Section 782 is added to the Welfare and Institutions Code, to read:

782. A judge of the juvenile court in which a petition was filed, at any time before the minor reaches the age of 21 years, may dismiss the petition or may set aside the findings and dismiss the petition if the court finds that the interests of justice and the welfare of the minor require such dismissal, or if it finds that the minor is not in need of treatment or rehabilitation. The court shall have jurisdiction to order such dismissal or setting aside of the findings and dismissal regardless of whether the minor is, at the time of such order, a ward or dependent child of the court.

CHAPTER 608

An act to add Section 25500.3 to the Education Code, relating to community college name.

[Approved by Governor August 18, 1971. Filed with Secretary of State August 18, 1971.]

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

SECTION 1. Section 25500.3 is added to the Education Code, to read:

25500.3. The name "California Community Colleges" is the property of the state. No person shall, without permission of the Board of Governors of the California Community Col-

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Ch. 602 (SB 243) LAGOMARSINO Amends Secs. 567.2, 9305.5, adds Secs. 8551.1, 8571.1, Ed.C., re conservation education.

Empowers Conservation Education Service in Department of Education to review and evaluate, applications for grants under federal Environmental Education Act. Includes teaching of wise use of natural resources within prescribed content of social sciences study area in course of study grades 1 through 6 and in grades 7 through 12.

Requires that state-adopted elementary school textbooks and teachers' manuals emphasize, when appropriate, prescribed ecological concepts, eliminating direction that such be done only in science course textbooks and manuals.

Ch. 603 (SB 261) COLOGNE Amends Sec. 13557, Ed.C., re pupil conduct: certificated employees.

Extends to any other certificated employee of a school district the scope of the immunity afforded to a teacher, vice principal or principal from criminal prosecution or penalties for the exercise of physical control over a pupil reasonably necessary to the maintenance of order.

Ch. 604 (SB 380) PETRIS Amends Secs. 68090, 68091, Gov.C., and Sec. 937, Pen.C., re court interpreters and translators.

Raises maximum fees which may be received by interpreters and translators at coroner's inquest, grand jury and court proceedings, and provides that such interpreters and translators shall not receive an aggregate amount greater than \$50 a day or \$35 for one-half day, rather than \$35 a day.

Ch. 605 (SB 435) NEJEDLY Amends Sec. 4463, Veh.C., re vehicle ownership and registration.

Makes it a felony for any person with fraudulent intent to display or cause or permit to be displayed or to have in his possession any blank or incomplete ownership or registration certificate.

Ch. 606 (SB 459) KENNICK Amends Secs. 750, 751, and 752, W. & I.C., re juvenile court case transfers.

Provides that juvenile court to which case transferred shall take jurisdiction of case upon receipt and filing, rather than only upon filing, of specified finding and order.

Requires county treasury of court ordering transfer to pay designated expenses until receipt and filing of the finding and order of transfer, rather than until acceptance of the transfer, in juvenile court of transferee county.

Requires order of transfer to include, in addition to items already specified, the name and address of legal residence of parent or guardian of minor.

Ch. 607 (SB 461) KENNICK Adds Sec. 782, W. & I.C., re juvenile court case dismissals.

Authorizes judge of juvenile court in which petition was filed, at any time before minor reaches age of 21 years, to dismiss petition or to set aside findings and dismiss petition if court finds that interests of justice and welfare of minor require such dismissal, or if it finds that minor is not in need of treatment or * rehabilitation. Provides that court shall have jurisdiction to order such dismissal or setting aside findings and dismissal regardless of whether minor is, at time of such order, a ward or dependent child of court.

Ch. 608 (SB 626) GRUNSKY. Adds Sec. 25500.3, Ed.C., re community college name.

Declares the name "California Community Colleges" to be the property of the state, and its use restricted. Provides that a person using name without authority is guilty of a misdemeanor. Removes those persons using name prior to effective date of section from provision of section.

Ch. 609 (SB 651) DYMALLY Amends Sec. 13336.5, Ed.C., re substitute certificated employees.

Deletes from provisions deeming, under specified conditions, substitute certificated employees to be probationary employees, provision prohibiting application thereof to any school districts with a.d.a. in excess of 400,000 and governed by the same governing board.

S.B. No. 459—Kennick.

An act to amend Sections 750, 751, and 752 of the Welfare and Institutions Code, relating to minors.

Mar. 4—Read first time.
 Mar. 11—To Com. on JUD.
 May 12—From committee: Do pass.
 May 13—Read second time. To third reading.
 May 18—Read third time. Passed. To Assembly.
 May 19—In Assembly. Read first time. Held at desk.
 May 20—To Com. on CRIM.J.
 July 21—From committee: Do pass.
 July 22—Read second time. To third reading.
 Aug. 4—Read third time. Passed. To Senate.
 Aug. 4—In Senate. To enrollment.
 Aug. 6—Enrolled. To Governor at 4:30 p.m.
 Aug. 18—Approved by Governor. Chapter 606.

S.B. No. 460—Kennick.

An act to amend Section 781 of the Welfare and Institutions Code, and to add Section 432.7 to the Labor Code, relating to sealing of records.

Mar. 4—Read first time.
 Mar. 11—To Com. on JUD.
 June 9—From committee: Be re-referred to Com. on RLS. to be assigned to proper committee for interim study. Re-referred to Com. on RLS.
 Jan. 3—From committee without further action.

S.B. No. 461—Kennick.

An act to add Section 782 to the Welfare and Institutions Code, relating to minors.

Mar. 4—Read first time.
 Mar. 11—To Com. on JUD.
 May 12—From committee: Do pass.
 May 13—Read second time. To third reading.
 May 18—Read third time. Passed. To Assembly.
 May 19—In Assembly. Read first time. Held at desk.
 May 20—To Com. on CRIM.J.
 July 21—From committee: Do pass.
 July 22—Read second time. To third reading.
 Aug. 4—Read third time. Passed. To Senate.
 Aug. 4—In Senate. To enrollment.
 Aug. 6—Enrolled. To Governor at 4:30 p.m.
 Aug. 18—Approved by Governor. Chapter 607.

S.B. No. 462—Kennick.

An act to amend Section 27706 of the Government Code, and to amend Section 634 of the Welfare and Institutions Code, relating to counsel in juvenile court.

Mar. 4—Read first time.
 Mar. 11—To Com. on JUD.
 May 12—From committee: Do pass.
 May 13—Read second time. To third reading.
 May 18—Read third time. Passed. To Assembly.
 May 19—In Assembly. Read first time. Held at desk.
 May 20—To Com. on CRIM.J.
 July 21—From committee: Do pass as amended.
 July 22—Read second time. Amended. To second reading.
 July 23—Read second time. To third reading.
 Aug. 4—Read third time. Passed. To Senate.
 Aug. 4—In Senate. To unfinished business.
 Aug. 10—Senate concurs in Assembly amendment. To enrollment.
 Aug. 12—Enrolled. To Governor at 3:30 p.m.
 Aug. 20—Approved by Governor. Chapter 667.

Introduced by Senator Kennick

March 4, 1971

REFERRED TO COMMITTEE ON JUDICIARY

An act to add Section 782 to the Welfare and Institutions Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

SB 461, as introduced, Kennick (Jud.). Juvenile court case dismissals.

Adds Sec. 782, W. & I.C.

Authorizes judge of juvenile court in which petition was filed, at any time before minor reaches age of 21 years; to dismiss petition or to set aside findings and dismiss petition if court finds that interests of justice and welfare of minor require such dismissal, or if it finds that minor is not in need of treatment or rehabilitation. Provides that court shall have jurisdiction to order such dismissal or setting aside findings and dismissal regardless of whether minor is, at time of such order, a ward or dependent child of court.

Vote—Majority; Appropriation—No; Fiscal Committee—No.

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

- 1 SECTION 1. Section 782 is added to the Welfare and In-
- 2 stitutions Code, to read:
- 3 782. A judge of the juvenile court in which a petition was
- 4 filed, at any time before the minor reaches the age of 21
- 5 years, may dismiss the petition or may set aside the findings
- 6 and dismiss the petition if the court finds that the interests
- 7 of justice and the welfare of the minor require such dismissal,
- 8 or if it finds that the minor is not in need of treatment or
- 9 rehabilitation. The court shall have jurisdiction to order such
- 10 dismissal or setting aside of the findings and dismissal regard-
- 11 less of whether the minor is, at the time of such order, a ward
- 12 or dependent child of the court.

The documents following this page were
photocopied from the files of the

Assembly Committee on

Criminal Justice

SB 461 (Kennick)
As introduced
Welfare and Institutions Code

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JUVENILE COURTS
-DISMISSAL OF PETITIONS-

HISTORY

Source: Juvenile Court Comm., Calif. Conference
of Judges

Prior Legislation: SB 1221 (1970)-Referred to Interim
Study (Hearing held in 11/20/70)

Support: Unknown

Opposition: No known

DIGEST

Permits a judge of a juvenile court in which a petition was filed to dismiss the petition or set aside the findings and dismiss the petition, at any time before the minor reaches 21 years of age, if it finds that (1) the interests of justice and the welfare of the minor require the dismissal or (2) the minor is not in need of treatment or rehabilitation. Authorizes the court to order the dismissal or setting aside of the findings and dismissal regardless of whether the minor is a ward or independent child of the court at the time of the order.

PURPOSE

To authorize dismissals of juvenile court actions where the interests of justice and the welfare of the minor require such action.

COMMENT

1. It is contended that this bill simply codifies present practice in many counties.

(More)

SB 461 (Kennick)
Page two

S
B

2. The provisions of the bill apply to persons under the age of 21.

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Why should there be any age limit imposed upon the relief available under the bill?

3. If petition is dismissed pursuant to this bill, should not the fact of such action be required to be reported to C.I.I. and all other agencies maintaining a record of the facts resulting in the petition being filed with the court?

ASSEMBLY COMMITTEE ON CRIMINAL JUSTICE

Bill Analysis

Work Sheet

RE: Bill No. _____

SB 461

(See SB 456)

Please complete this form and return it to the Assembly Committee on Criminal Justice as soon as possible.

1. Origin of the bill:

(a.) What is the source of the bill? (What person, organization or governmental entity, if any, requested introduction?)

(b.) Has a similar bill been before either this or a previous session of the Legislature? If so, please identify the session, bill number and disposition of the bill.

(c.) Has there been an interim committee report on the bill? If so, please identify the report.

2. Problem or deficiency in the present law which the bill seeks to remedy:

3. Please attach copies of any background material in explanation of the bill, or state where such material is available for reference by the committee staff.

4. Hearing:

(a.) Approximate amount of time necessary for hearing.

(b.) Names of witnesses to testify at the hearing.

(c.) Preference for date of hearing.

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photocopied from the files of the

Senate Committee on

Judiciary

BILL DIGEST

ASSEMBLY COMMITTEE ON
CRIMINAL JUSTICE

Bill: SB 461

Hearing Date: 7/20/71

AUTHOR: Kennick

SUBJECT: Dismissal of a Juvenile Proceeding

BILL DESCRIPTION:

This bill provides that a petition may be dismissed, or the findings set aside, any time before a minor reaches the age of 21, if the court finds:

1. That it is in the interests of justice and the welfare of the minor; or
2. That the minor is not in need of treatment or rehabilitation.

The court can dismiss the petition or set aside the findings even though jurisdiction over the minor has terminated and he is no longer a ward or dependent child of the court.

COMMENT:

Why limit this relief only to persons who are under the age of 21? Why not give the same opportunity to persons who have passed that age?

The documents following this page were
photocopied from the

Governor's Chaptered Bill File

on this legislation.

| | |
|--------------------------------------|----------------------|
| ENROLLED BILL MEMORANDUM TO GOVERNOR | DATE August 12, 1971 |
| BILL NO. SB 461 | AUTHOR Kennick |

Vote—Senate
 Ayes— 22
 Noes— 7 - Behr, Bradley, Carpenter, Harmer,
 Nejedly, Petris, Richardson

Vote—Assembly Unanimous
 Ayes—
 Noes—

SB 461 authorizes a judge of the juvenile court in which the petition was filed, at any time before a minor reaches age of 21 years, to dismiss the petition or to set aside findings and dismiss the petition if the court finds that the interests of justice and the welfare of the minor require such dismissal, or if it finds that the minor is not in need of treatment or rehabilitation.

The bill was introduced at the request of the Juvenile Court Committee of the Conferences of California Judges.

The Department of the Youth Authority recommends approval.

The Legal Affairs Unit recommends approval.

| | |
|---------------------------|---|
| Recommendation APPROVE | Legislative Secretary <i>John T. Kehoe</i> |
|---------------------------|---|

BERNARD CZESLA
CHIEF DEPUTY

J. GOULD
OWEN K. KUNS
RAY H. WHITAKER

KENT L. DECHAMBEAU
ERNEST H. KUNZI
STANLEY M. LOURIMORE
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EDWARD F. NOWAK
EDWARD K. PURCELL
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ANN M. MACKAY
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SACRAMENTO 95814

110 STATE BUILDING
LOS ANGELES 90012

Legislative Council of California

GEORGE H. MURPHY

Sacramento, California
August 9, 1971

Honorable Ronald Reagan
Governor of California
State Capitol
Sacramento, California

REPORT ON ENROLLED BILL

S. B. 461

KENNICK. Adds Sec. 782, W. & I.C.,
re juvenile court case dismissals.

SUMMARY:

See Legislative Counsel's Digest
on attached copy of bill as
adopted.

FORM:

Approved.

CONSTITUTIONALITY:

Approved.

TITLE:

Approved.

George H. Murphy
Legislative Counsel

Carl M. Arnold
By
Carl M. Arnold
Deputy Legislative Counsel

CMA:mft

Two copies to Honorable Joseph M. Kennick,
pursuant to Joint Rule 34.

GERALD ROUS ADAMS
R. THOMAS ALLEN
DAVID D. ALVES
MARTIN L. ANDERSON
CARL M. ARNOLD
JAMES L. ARNFORD
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LAWRENCE H. FEIN
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BION M. GREGORY
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L. DOUGLAS KINNEY
VICTOR KOZIELSKI
ALLEN R. LINK
EUGENE W. MCCABE
ROSE OLIVER
TRACY O. POWELL, II
JAMES REICHEL
MARGUERITE ROTH
MARY SHAW
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THOMAS D. WHELAN
DAVID E. WHITTINGTON
JIMMIE WING
DEPUTIES

GOVERNOR'S OFFICE ENROLLED BILL REPORT REQUEST

Date 10 19 1971

Bill No. SB 461

Date Due _____

* Please reply within five working days of above date unless a different due date is indicated.

EDUCATION SECTION

LEGAL AFFAIRS SECTION

*OK-RKT
8-17-71*

*Legal Affairs
has reviewed the bill and
has reported that it is within
the authority of the Governor.*

The above bill has been received by this office for Governor Reagan's consideration.
An analysis of this bill, together with your recommendations will be appreciated.

LEGISLATIVE SECTION

ENROLLED BILL REPORT

HUMAN RELATIONS

SB 461

DEPARTMENT, BOARD OR COMMISSION

Youth Authority

AUTHOR

Kennick

SUBJECT: This bill authorizes the judges of the juvenile court in which the petition was filed, at any time before the minor reaches the age of 21, to dismiss the petition or to set aside findings and dismiss the petition if the court finds that the interest of justice and the welfare of the minor requires dismissal or if it finds that minor is not in need of treatment or rehabilitation. The bill provides that the court shall have jurisdiction to order such dismissal or set aside findings and dismissal regardless of whether the minor is, at the time of dismissal, a ward or dependent of the court.

HISTORY, SPONSORSHIP AND RELATED LEGISLATION:

The bill is sponsored by the Juvenile Court Judges Committee and the California Conference of Superior Court Judges.

Related bills are SB 456-460 and SB 462 and 463 (Kennick), 1971 Regular Session, and SB 1216-1223 (Kennick), 1970 Regular Session.

ANALYSIS:

A. Specific Findings

Under present law, the court may do what this bill prescribes when the minor is under the jurisdiction of the court. This bill would extend the court's authority to dismiss the petition and set aside the findings so long as the person is under 21 years of age. It allows the courts some latitude and would provide the court with the alternative to terminate jurisdiction at an earlier date if the court felt that this was in the best interest of the minor. Some judges have felt that minors have been continued under the jurisdiction of the juvenile court so that the court could take this option of setting aside wardship.

B. Financial Effect

No fiscal impact to the State.

Sign the bill.

Allen J. Breed

DATE
8/10/71

[Handwritten Signature]
CLERK SECRETARY

DATE

HOME OFFICE ADDRESS
SUITE 608, SECURITY BUILDING
110 PINE AVENUE
LONG BEACH, CALIFORNIA 90802
PHONE: 432-5473

SACRAMENTO ADDRESS
STATE CAPITOL
95814



STATE SENATOR
JOSEPH M. KENNICK

REPRESENTING
THIRTY-THIRD SENATORIAL DISTRICT
IN THE

California State Senate

COMMITTEES
RULES
GOVERNMENTAL ORGANIZATION
HEALTH AND WELFARE
TRANSPORTATION

August 12, 1971

Honorable Ronald Reagan
Governor of California
State Capitol
Sacramento, California 95814

Dear Governor:

You have before you for signature my Senate Bill 461, which proposes a change in the juvenile court law recommended by the Juvenile Court Judges Association.

This bill authorizes the judge of a juvenile court to terminate its jurisdiction of a case if the court finds the interests of justice and the welfare of the minor require dismissal of the case, or the minor is not in need of treatment or rehabilitation, whether or not the minor involved in the case is a ward of a dependent child of the court.

May I respectfully request your approval of this bill.

Very truly yours,

A handwritten signature in cursive script that reads "Joseph M. Kennick".

JOSEPH M. KENNICK

j

CONFERENCE OF CALIFORNIA JUDGES

3046 STATE BUILDING, 350 McALLISTER STREET
SAN FRANCISCO, CALIFORNIA 94102

OFFICE OF THE PRESIDENT
P. O. BOX 2008
MERCED, CALIFORNIA 95340
TELEPHONE
AREA CODE 209
722-7411 - EXT. 288

EXECUTIVE BOARD 1970-1971

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IMMEDIATE PAST PRESIDENT

August 12, 1971

Honorable Ronald Reagan
Governor of the State of California
State Capitol
Sacramento, California

Re: Senate Bills 456, 457, 459, 461 and 463

Dear Governor Reagan:

The Conference of California Judges is vitally concerned with the success of the application of California juvenile court law. Experience has indicated that some modifications of the existing law are desirable.

The above bills were introduced by Senator Kennick and represent the recommendations of the Conference of California Judges.

We understand that the bills have passed both houses of the legislature and will shortly be before you for approval.

We hope you will agree with this recommendation and sign each of the bills.

Yours very truly,

DONALD R. FRETZ
President

DRF:gr

CHAMBERS OF
The Superior Court

VENTURA, CALIFORNIA 93001

JEROME H. BERENSON, PRESIDING JUDGE

August 9, 1971

Honorable Ronald Reagan
Governor
State of California
State Capitol
Sacramento, California 95814

Re: Senate Bills 456, 457, 459, 461 and 463

Dear Governor Reagan:

I am writing to you as Chairman of the Juvenile Courts Committee of the Conference of California Judges for this year. As a result of recommendations made by our committee, and approved by the Executive Board of the Conference of California Judges, a series of bills having to do with the juvenile court law were introduced during this session of the legislature by Senator Joseph M. Kennick.

The experience of juvenile court judges during the past few years has resulted in the conclusion that certain procedural and substantive changes in the juvenile court law are both desirable and necessary. The foregoing bills would effect those changes to the existing law. The bills have now successfully passed the Senate and Assembly and it is my understanding that they will shortly be on your desk for your consideration.

In behalf of all of the members of my committee, as well as myself, I would respectfully urge and strongly recommend your approval and signing into law of each of the foregoing bills.

Very truly yours,


JEROME H. BERENSON

JHB:mr

Introduced by Senator Kennick

March 4, 1971

REFERRED TO COMMITTEE ON JUDICIARY

An act to add Section 782 to the Welfare and Institutions Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

SB 461, as introduced, Kennick (Jud.). Juvenile court case dismissals.

Adds Sec. 782, W. & I.C.

Authorizes judge of juvenile court in which petition was filed, at any time before minor reaches age of 21 years, to dismiss petition or to set aside findings and dismiss petition if court finds that interests of justice and welfare of minor require such dismissal, or if it finds that minor is not in need of treatment or rehabilitation. Provides that court shall have jurisdiction to order such dismissal or setting aside findings and dismissal regardless of whether minor is, at time of such order, a ward or dependent child of court.

Vote—Majority; Appropriation—No; Fiscal Committee—No.

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

- 1 SECTION 1. Section 782 is added to the Welfare and In-
- 2 stitutions Code, to read:
- 3 782. A judge of the juvenile court in which a petition was
- 4 filed, at any time before the minor reaches the age of 21
- 5 years, may dismiss the petition or may set aside the findings
- 6 and dismiss the petition if the court finds that the interests
- 7 of justice and the welfare of the minor require such dismissal,
- 8 or if it finds that the minor is not in need of treatment or
- 9 rehabilitation. The court shall have jurisdiction to order such
- 10 dismissal or setting aside of the findings and dismissal regard-
- 11 less of whether the minor is, at the time of such order, a ward
- 12 or dependent child of the court.

The documents following this page
were photocopied from miscellaneous
sources for legislative intent,
such as the Pacific Law Journal's
annual review of legislation.

Review of

Selected 1971

California

Legislation

released without filing a petition. Section 737 did not require a review every 15 days to determine whether the delay in holding the minor was reasonable.

See Generally:

- 1) 3 WITKIN, SUMMARY OF CALIFORNIA LAW, *Parent and Child* §190A (Supp. 1969).
- 2) REVIEW OF SELECTED 1969 CODE LEGISLATION, CONTINUING EDUCATION OF THE BAR 222; CONTINUING EDUCATION OF THE BAR, *California Juvenile Court Practice* §§36, 39, 176, 180, 184 (1968).

Juvenile; standard of proof

Welfare and Institutions Code §701 (amended).
AB 2927 (Fong); STATS 1971, Ch 934

Section 701 of the Welfare and Institutions Code provides that at the hearing in the juvenile court, the court shall first consider the question whether the minor is a person: described in Welfare and Institutions Code §600 (Persons subject to jurisdiction); §601 (Minors refusing to obey parents, habitually truant, or in danger of leading an immoral life); or §602 (Minors violating laws defining a crime of failing to obey a court order). [See generally, CONTINUING EDUCATION OF THE BAR, *California Juvenile Court Practice* §§49, 120-121, 124-127, 131, 186, 188 (1969)].

Any relevant matter or information may be introduced to determine whether a minor comes under the jurisdiction of the juvenile court. However, to determine whether a minor is a person described by §602, section 701 has been amended to require that proof beyond a reasonable doubt supported by evidence, legally admissible in the trial of criminal cases, be shown. Only a preponderance of evidence legally admissible in the trial of civil cases is necessary to determine if a person is subject to §600 or §601 of this code.

Prior to this amendment, a preponderance of evidence was sufficient to support a finding that a minor is a person described in §602.

See Generally:

- 1) *In re Winship*, 397 U.S. 358 (1970).
- 2) 3 WITKIN, SUMMARY OF CALIFORNIA LAW, *Parent and Child* §§127, 180A, 184A, 186A, 186A-1 (Supp. 1969).

Juvenile; dismissal of cases

Welfare & Institutions Code §782 (new).
SB 461 (Kennick); STATS 1971, Ch 607

Section 782 is added to the Welfare and Institutions Code to provide

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Juvenile

that at any time before a minor reaches the age of 21, a judge of the juvenile court in which a petition was filed may dismiss the petition or set aside the findings and dismiss the petition if the court finds that the interests of justice and the welfare of the minor require such dismissal or it finds that the minor is not in need of treatment or rehabilitation. This section further provides that the court shall have jurisdiction to order such dismissal or setting aside of the findings and dismissal regardless of whether the minor is, at the time of such order, a ward or dependent child of the court.

See Generally:

- 1) Glen, *The Coming of Juvenile Justice System*, 23 CALIF. YOUTH AUTH. Q. 2 (Fall 1970).

Juvenile; destruction of court records

Welfare and Institutions Code §826 (amended).
AB 887 (Moorhead); STATS 1971, Ch 1062

Section 826 (a) of the Welfare and Institutions Code allows the destruction of all records and papers in a proceeding concerning a minor after 5 years have lapsed from the termination of jurisdiction over such minor by the juvenile court. However, the juvenile court record, any minute book entries, dockets, and judgment dockets shall not be destroyed.

Chapter 1062 amends §826 to provide that in juvenile traffic matters, the juvenile court record, any minute book entries, dockets, and judgment dockets may be destroyed after 5 years from the date the jurisdiction of the juvenile court over such minor has terminated. Chapter 1062 does not require that the original record be microfilmed or photocopied prior to such destruction.

Prior to the enactment of Chapter 1062, §826 allowed the juvenile court record, any minute book entries, dockets, and judgment dockets in juvenile traffic matters to be destroyed only if the original records were first photocopied or microfilmed.

See Generally:

- 1) 3 WITKIN, SUMMARY OF CALIFORNIA LAW, *Parent and Child* §§199A, 201A (Supp. 1969).

Juvenile; youth authority

Welfare and Institutions Code §1756.5 (repealed).
AB 693 (Arnett); STATS 1971, Ch 782

Chapter 782 repeals Section 1756.5 of the Welfare and Institutions

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Compliments of
Hon. Robert G. Beverly
Assemblyman, 46th District

1971 GENERAL SESSION
of the
CALIFORNIA STATE LEGISLATURE

NEW STATUTES AFFECTING
THE
CRIMINAL LAW

Report of the Assembly Committee

on

Criminal Justice

ROBERT G. BEVERLY, Chairman
JOHN J. MILLER, Vice Chairman

W. Craig Biddle
Yvonne Brathwaite
Robert W. Crown
Carlos Moorhead

Frank Murphy, Jr.
Alan Sieroty
Henry A. Waxman

Thomas L. Carroll, Consultant
Richard L. Dugally, Assistant Consultant
Sue Jones, Secretary

misdeemeanor vehicular manslaughter. On the other hand, it does not require an adult's license to be revoked when he is convicted of the same offense.

This bill provides that DMV may (but need not) revoke a minor's license under such circumstances.

Section 13355 of the Vehicle Code.

Juvenile Court Traffic Records
AB 887 - Moorhead (Chapter 1062)

Under existing law, all court records and papers concerning a juvenile case can be destroyed after five years, except the court record, minute book entries, dockets and judgment dockets. These must be preserved, although in juvenile traffic cases they can be preserved on microfilm.

This bill authorizes the absolute destruction of all records in a juvenile traffic case after the passage of five years.

Section 826 of the Welfare and Institutions Code.

Dismissal of a Juvenile Proceeding
SB 461 - Kennick (Chapter 607)

This bill provides that a petition may be dismissed or the court findings set aside at any time before a minor reaches the age of 21, if the court finds:

1. That it is in the interests of justice and the welfare of the minor; or
2. That the minor is not in need of treatment of rehabilitation.

The court can dismiss a petition or set aside a finding even after jurisdiction over the minor has terminated and he is no longer a ward or dependent child of the court.

Section 782 of the Welfare and Institutions Code.

EXHIBIT B

LEGISLATIVE INTENT

Requester: Jeff Bryant
Telephone:
City/Room: San Francisco

Date received: 13 June 2011
Needed by:
Completed: 14 June 2011

STATS: 2007 CHAPTER: 175 CODE: Welf & Inst. 733
BILL: SB 81 AUTHOR: Sen. Committee on Budget & Fiscal Review
Summary Digest: Final History: X Bill Forms: X

LEGISLATIVE POLICY COMMITTEE ANALYSES:

Assembly Committee: Rules
Senate Committee: Rules

FISCAL ANALYSES:

Assembly Ways and Means: Legislative Analyst:
Department of Finance: X Other Agencies:

THIRD READING ANALYSES:

Assembly Republican Caucus (ARC) (1973-):
Senate Floor Analyses (SFA) (1985-): X

GOVERNOR'S CHAPTERED BILL FILE (GCBF): Gov. Arnold Schwarzenegger recently donated a file for SB 81 (2007) to the Calif. State Archives. This bill file includes Enrolled Bill Reports from state government agencies.

AUTHOR'S FILE: The author of the bill, the Senate Committee on Budget & Fiscal Review, did not provide a bill file to the State Archives.

Pacific Law Journal (1970-1996): legislation not discussed

Other: Governor's bill signing statement copied from Senate Journal (pg. 2094-95)

NOTES:

This legislative history updates the history that was previously compiled for Stats 2007 Ch. 175 (SB 81). The updated history includes more than 30 new pages (mostly from the Governor's Chaptered Bill File). Bill files for SB 81 are still not available from the Assembly Republican Caucus and Senate Republican Caucus.

SB 81 was introduced as a Budget trailer on January 17, 2007. It was amended on July 19, 2007 to become a Corrections bill. The July 19th amendments repealed Welfare & Institutions Code sec. 733 and enacted a new code sec. 733. No further amendments were made to the bill.

By 
Joel Tochterman (916) 322-3375

The first section of this legislative history contains these items in the order listed:

- the code sections of interest to the requestor
- the statute/chaptered version of the legislation
- the Senate or Assembly final history of the legislation
- versions of the legislative bill

This is the code section
as it was following the
passage of the bill.

Discard Earlier Pocket Supplement

57

2008 POCKET SUPPLEMENT

ISSUED IN DECEMBER, 2007

COVERING LEGISLATION THROUGH
THE 2007 REGULAR SESSION OF THE 2007-2008 LEGISLATURE

DEERING'S
WELFARE AND
INSTITUTIONS CODE

ANNOTATED

OF THE STATE OF CALIFORNIA

§§ 600-1699

Annotated and Indexed by the Publisher's Editorial Staff

Note—An updated analysis for the code sections contained in this volume
appears at the beginning of this supplement.

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Form 237

Pages 1-32

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ITEM-210

to the custody and supervision of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities; shall not constitute a higher level of service or new program in excess of the programmatic funding included in this act. It is the intent of the Legislature that the

state has provided funding for an adequate level of care for youthful offenders received by the county pursuant to this act; and that each county shall be limited in its expenditures to funds specifically made available for these purposes.

§ 733. Ward not to be committed to the Department of Corrections and Rehabilitation; Specified conditions

A ward of the juvenile court who meets any condition described below shall not be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities:

- (a) The ward is under 11 years of age.
- (b) The ward is suffering from any contagious, infectious, or other disease that would probably endanger the lives or health of the other inmates of any facility.
- (c) The ward has been or is adjudged a ward of the court pursuant to Section 602, and the most recent offense alleged in any petition and admitted or found to be true by the court is not described in subdivision (b) of Section 707, unless the offense is a sex offense set forth in paragraph (3) of subdivision (d) of Section 290 of the Penal Code. This subdivision shall be effective on and after September 1, 2007.

Added Stats 2007 ch 175 § 22 (SB 81), effective August 24, 2007, operative September 1, 2007.

Former Sections:

Former § 733, relating to prohibited commitment to Youth Authority, was added Stats 1961 ch 1616 § 2 and repealed Stats 2007 ch 175 § 21 (SB 81), effective August 24, 2007, operative September 1, 2007.

Note—Stats 2007 ch 175 provides:

SEC. 31. It is the intent of the Legislature in enacting Sections 18 to 27, inclusive, 29, and 30 of this act that those provisions shall not result in an unfunded, reimbursable state mandate. Specifically, the authority for counties to re-

ceive wards who otherwise would be committed to the custody and supervision of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, shall not constitute a higher level of service or new program in excess of the programmatic funding included in this act. It is the intent of the Legislature that the state has provided funding for an adequate level of care for youthful offenders received by the county pursuant to this act, and that each county shall be limited in its expenditures to funds specifically made available for these purposes.

§ 736. Division of Juvenile Facilities to accept ward committed to it; Notice; Establishment of policy

(a) *Except as provided in Section 733, the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, shall accept a ward committed to it pursuant to this article if the Chief Deputy Secretary for the Division of Juvenile Justice believes that the ward can be materially benefitted by the division's reformatory and educational discipline, and if the division has adequate facilities, staff, and programs to provide that care, A ward subject to this section shall not be transported to any facility under the jurisdiction of the division until the superintendent of the facility has notified the committing court of the place to which that ward is to be transported and the time at which he or she can be received.*

(b) To determine who is best served by the Division of Juvenile Facilities, and who would be better served by the State Department of Mental Health, the Chief Deputy Secretary for the Division of Juvenile Justice

This is the code section
as it was prior to the
passage of the bill.

DEERING'S CALIFORNIA CODES.

WELFARE AND INSTITUTIONS CODE

Annotated

OF THE STATE OF CALIFORNIA

Adopted April 25, 1937
with amendments through the
2005 Session of the 2005-2006 Legislature.

§§ 600 through 1699

Annotated and Indexed by
The Publisher's Editorial Staff

2006



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Youth

§ 731.7. [Section repealed 1997.]

Added Stats 1992 ch 10 § 2 (SB 676), effective February 28, 1992, operative until June 30, 1997. Amended Stats 1993 ch 300 § 1 (SB 242), effective July 30, 1993, operative until June 30, 1997. Repealed, operative June 30, 1997, by its own terms. The repealed section related to criteria for eligibility for participation in program.

§ 731.8. [Section repealed 1997.]

Added Stats 1992 ch 10 § 3 (SB 676), effective February 28, 1992, operative until June 30, 1997. Amended Stats 1992 ch 429 § 4 (SB 1274), effective August 1, 1992, operative until June 30, 1997. Repealed, operative June 30, 1997, by its own terms. The repealed section related to adoption of written policy.

§ 731.9. [Section repealed 1997.]

Added Stats 1992 ch 10 § 4 (SB 676), effective February 28, 1992, operative until June 30, 1997. Amended Stats 1992 ch 429 § 5 (SB 1274), effective August 1, 1992, operative until June 30, 1997. Repealed, operative June 30, 1997, by its own terms. The repealed section related to evaluation of program and implementation.

§ 732. Finding prerequisite to conveying minor to state or county institution

Before a minor is conveyed to any state or county institution pursuant to this article, it shall be ascertained from the superintendent thereof that such person can be received.

Added Stats 1961 ch 1616 § 2.

Former Sections:

Former § 732, relating to hearing and disposition of case generally, was added 1937, and repealed Stats 1961 ch 1616 § 1.

Collateral References:

Cal Jur 3d (Rev) Delinquent and Dependent Children § 178.

§ 732.5. [Section repealed 1961.]

Added Stats 1945 ch 1385 § 2. Repealed Stats 1961 ch 1616 § 1. The repealed section related to hearing and issuing complaint.

§ 733. Prohibited commitment to Youth Authority

No ward of the juvenile court who is under the age of 11 years, and no ward of the juvenile court who is suffering from any contagious, infectious, or other disease which would probably endanger the lives or health of the other inmates of any state school shall be committed to the Department of the Youth Authority.

Added Stats 1961 ch 1616 § 2. Amended Stats 1992 ch 10 § 5 (SB 676), effective February 28, 1992.

Former Sections:

Former § 733, similar to present § 676, was added 1937, and repealed Stats 1961 ch 1616 § 1.

"eight years, and no such ward"; and (2) "Department of the Youth Authority" for "Youth Authority".

Historical Derivation:

(a) Former W & IC § 741, as amended Stats 1943 ch 481 § 6.

(b) Stats 1915 ch 631 § 8, as amended Stats

Amendments:

1992 Amendment: Substituted (1) "11 years, and no ward of the juvenile court" for

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1921 ch 512 § 2, Stats 1929 ch 645 § 2, Stats 1933 ch 842 § 1.

(c) Stats 1909 ch 133 § 20, as amended Stats 1911 ch 369 § 1, renumbered § 22 and amended by Stats 1913 ch 673 § 1.

Cross References:

Youth Authority: W & I C §§ 1700 et seq.

Commitments to Youth Authority: W & I C §§ 1730 et seq.

Collateral References:

Cal Jur 3d (Rev) Delinquent and Dependent Children § 182.

10 Witkin Summary (10th ed) Parent and Child § 951.

§ 734. Commitment; Determination of suitability

No ward of the juvenile court shall be committed to the Youth Authority unless the judge of the court is fully satisfied that the mental and physical condition and qualifications of the ward are such as to render it probable that he will be benefited by the reformatory educational discipline or other treatment provided by the Youth Authority.

Added Stats 1961 ch 1616 § 2.

Former Sections:

Former § 734, similar to present § 707, was added 1937, amended Stats 1953 ch 1546 § 1, and repealed Stats 1961 ch 1616 § 1.

Historical Derivation:

(a) Former W & I C § 743, as amended Stats 1943 ch 481 § 8, Stats 1945 ch 779 § 6, Stats 1957 ch 1332 § 1.

(b) Stats 1915 ch 631 § 8, as amended Stats 1921 ch 512 § 2, Stats 1929 ch 645 § 2, Stats 1933 ch 842 § 1.

(c) Stats 1909 ch 133 § 20, as amended Stats 1911 ch 369 § 1, renumbered § 22 and amended by Stats 1913 ch 673 § 1.

Cross References:

Authority of court to change, modify or set aside order of commitment where Youth Authority fails to provide treatment consistent with § 734: W & I C § 779.

Remand of incorrigibles from Youth Authority: W & I C § 780.

Certification of final discharge or dismissal of person committed to Youth Authority: W & I C § 1179.

Persons to be committed to Youth Authority: W & I C § 1731.5.

Collateral References:

10 Witkin Summary (10th ed) Parent and Child §§ 884, 887, 906, 951, 955, 956.

Cal Jur 3d (Rev) Delinquent and Dependent Children § 182.

Law Review Articles:

Treatment of juvenile offenders. 10 Stan LR 510.

Attorney General's Opinions:

A person committed to the Department of the Youth Authority by the juvenile court, who did not receive precommitment custody credit, is entitled to adjustments to his or her period of authorized physical confinement time and the Youth Authority may administratively make such adjustments. 63 Ops. Cal. Atty. Gen. 736.

A person committed to the Department of the Youth Authority by the juvenile court for whom the committing court computed the maximum term at less than the highest of the three ranges provided in W & I Code, § 726, is subject to having his or her period of maximum physical confinement recomputed to specify the correct maximum period. Such correction of the commitment order must be made by an appropriate court order. 63 Ops. Cal. Atty. Gen. 736.

NOTES OF DECISIONS

1. Generally
2. Commitment Determination
3. Commitment—Proper
4. Commitment—Improper

1. Generally

On appeal from an order committing a minor to the Youth Authority, in which the record did not show what the juvenile judge did before he

gave his approval to the referee's order of commitment, it could not be assumed the judge did not have sufficient information to give the approval required by Welf. & Inst. Code, § 249, or to become "fully satisfied" as is required by Welf. & Inst. Code, § 734, where the papers in the juvenile court file were available and were adequate to inform him of the essential facts. Moreover, it was not necessary that he have a

This is the current
code section
of interest.

Discard Earlier Pocket Supplement

5

2010 POCKET SUPPLEMENT

ISSUED IN DECEMBER, 2009

COVERING LEGISLATION THROUGH
CHAPTER 643 OF THE 2009 REGULAR SESSION OF
THE 2009-2010 LEGISLATURE, EXTRAORDINARY
SESSIONS 1-7 CHAPTERED AS OF NOVEMBER 2, 2009,
AND GOVERNOR'S REORGANIZATION PLAN NO. 1

DEERING'S
WELFARE AND
INSTITUTIONS CODE

ANNOTATED

OF THE STATE OF CALIFORNIA

§§ 600-1699

Annotated and Indexed by the Publisher's Editorial Staff

Note—An updated analysis for the code sections contained in this volume
appears at the beginning of this supplement.



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ITEM-211

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WELFARE AND
INSTITUTIONS
CODE

county shall be limited in its expenditures to funds specifically made available for these purposes.

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NOTES OF DECISIONS

- 1. Generally
- 2. Legislative Intent

1. Generally

Defendant's contentions that his commitment to the California Youth Authority (CYA) should be vacated and his case remanded for a new disposition hearing because the legislature had amended W & I C § 731 and W & I C § 733, greatly restricting the juvenile cases for which there could be a CYA commitment, and his claim that this change in the law should apply retroactively in his case, were rejected; W & I C § 731.1 governed defendant's case, and in light of the process set forth in W & I C § 7731.1 for the recall of a ward commitment, defendant's claim that he was automatically entitled to a new hearing was unavailing. In re Carl N. (2008, 4th Dist) 2008 Cal App LEXIS 275.

tend that these sections be applied retroactively and defendant offered no evidence that the county's chief probation officer recommended defendant's case be recalled, and without such a recommendation, defendant could not have his commitment recalled pursuant to W & I C § 731.1. In re Brandon G. (2008, 2d Dist) 160 Cal App 4th 1076, 73 Cal Rptr 3d 273, 2008 Cal App LEXIS 344.

Amendments to W & I C § 731 and W & I C § 733, which took effect on September 1, 2007 and which stated that juvenile court could commit a ward to the division of juvenile facilities only if the commitment petition was for certain enumerated offenses; do not apply to dispositions that occurring before September 1, 2007; there is no expression of any intent that the amendments operate retroactively, and accordingly where juvenile court committed a juvenile defendant who admitted to simple misdemeanor battery to the division before September 1, 2007 was not entitled to reversal of his commitment. In re N.D. (2008, 5th Dist) 167 Cal App 4th 885, 84 Cal Rptr 3d 517, 2008 Cal App LEXIS 1619.

2. Legislative Intent

Recent amendments to W & I C § 731.1 and W & I C § 733 did not require that defendant juvenile's case be remanded for new dispositional proceedings; the legislature did not in-

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§ 731.5. Public service work

Collateral References:

Cal. Forms Pleading & Practice (Matthew

Bender®) ch 329 "Juvenile Courts: Delinquency Proceedings".

§ 733. Ward not to be committed to the Department of Corrections and Rehabilitation; Specified conditions

A ward of the juvenile court who meets any condition described below shall not be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities:

- (a) The ward is under 11 years of age.
- (b) The ward is suffering from any contagious, infectious, or other disease that would probably endanger the lives or health of the other inmates of any facility.
- (c) The ward has been or is adjudged a ward of the court pursuant to Section 602, and the most recent offense alleged in any petition and admitted or found to be true by the court is not described in subdivision (b) of Section 707, unless the offense is a sex offense set forth in subdivision (c) of Section 290.008 of the Penal Code. This subdivision shall be effective on and after September 1, 2007.

Added Stats 2007 ch 175 § 22 (SB 81), effective August 24, 2007, operative September 1, 2007. Amended Stats 2008 ch 699 § 28 (SB 1241), effective January 1, 2009.

Former Sections:

Former § 733, relating to prohibited commit-

ment to Youth Authority, was added Stats 1961 ch 1616 § 2 and repealed Stats 2007 ch 175 § 21

(SB 81), effective August 24, 2007, operative September 1, 2007.

Amendments:

2008 Amendment: Substituted "forth in subdivision (c) of Section 290.008 of the Penal Code" for "forth in paragraph (3) of subdivision (d) of Section 290 of the Penal Code" in subd (c).

Note—Stats 2007 ch 175 provides:

SEC. 31. It is the intent of the Legislature in enacting Sections 18 to 27, inclusive, 29, and 30 of this act that those provisions shall not result in an unfunded, reimbursable state mandate. Specifically, the authority for counties to receive wards who otherwise would be committed to the custody and supervision of the Department

of Corrections and Rehabilitation, Division of Juvenile Facilities, shall not constitute a higher level of service or new program in excess of the programmatic funding included in this act. It is the intent of the Legislature that the state has provided funding for an adequate level of care for youthful offenders received by the county pursuant to this act, and that each county shall be limited in its expenditures to funds specifically made available for these purposes.

Collateral References:

Cal. Forms Pleading & Practice (Matthew Bender®) ch 329 "Juvenile Courts: Delinquency Proceedings".

NOTES OF DECISIONS

1. Generally
2. Legislative Intent
3. Dismissal
4. Application

1. Generally

Defendant's contentions that his commitment to the California Youth Authority (CYA) should be vacated and his case remanded for a new disposition hearing because the legislature had amended W & I C § 731 and W & I C § 733, greatly restricting the juvenile cases for which there could be a CYA commitment, and his claim that this change in the law should apply retroactively in his case, were rejected; W & I C § 731.1 governed defendant's case, and in light of the process set forth in W & I C § 7731.1 for the recall of a ward commitment, defendant's claim that he was automatically entitled to a new hearing was unavailing. In re Carl N. (2008, 4th Dist) 2008 Cal App LEXIS 276.

In admitting allegations of assault in an earlier petition, juvenile defendant had admitted to committing an offense that constituted assault under both the "deadly weapon" clause and the "force likely" clause of Pen C § 245(a)(1), and that offense constituted an assault by means of force likely to produce great bodily injury, as described in W & I C § 707(b)(14); because the offense was described in § 707(b), and was the most recent offense alleged in any petition and admitted or found to be true by juvenile court, the juvenile court thus was not precluded by W & I C § 733(c) from committing defendant to California's Division of Juvenile Justice. In re J.L. (2008, 6th Dist) 168 Cal App 4th 43, 2008 Cal App LEXIS 1734.

In view of the different procedures in a proceeding under W & I C § 602 as compared to a proceeding under W & I C § 777, including that the former is initiated by petition while the latter is initiated by notice, and constitutional

distinctions between alleging that a crime has been committed as compared to alleging that probation has been violated, the reference to a "petition" in W & I C § 733(c) refers to a petition that is filed under W & I C § 602 but not a notice filed under W & I C § 777; "the most recent offense" in W & I C § 733(c) refers to an offense alleged in a petition filed under W & I C § 602, but not to a probation violation alleged in a notice filed under W & I C § 777. In re J.L. (2008, 6th Dist) 168 Cal App 4th 43, 2008 Cal App LEXIS 1734.

2. Legislative Intent

Recent amendments to W & I C § 731.1 and W & I C § 733 did not require that defendant juvenile's case be remanded for new dispositional proceedings; the legislature did not intend that these sections be applied retroactively and defendant offered no evidence that the county's chief probation officer recommended defendant's case be recalled, and without such a recommendation, defendant could not have his commitment recalled pursuant to W & I C § 731.1. In re Brandon G. (2008, 2d Dist) 160 Cal App 4th 1076, 73 Cal Rptr 3d 273, 2008 Cal App LEXIS 344.

W & I C § 733(c) shows no retroactive intent on its face. In re Brandon G. (2008, 2d Dist) 160 Cal App 4th 1076, 73 Cal Rptr 3d 273, 2008 Cal App LEXIS 344.

Amendments to W & I C § 731 and W & I C § 733, which took effect on September 1, 2007 and which stated that juvenile court could commit a ward to the division of juvenile facilities only if the commitment petition was for certain enumerated offenses, do not apply to a dispositions that occurring before September 1, 2007; there is no expression of any intent that the amendments operate retroactively, and accordingly where juvenile court committed a juvenile defendant who admitted to simple misdemeanor battery to the division before September 1, 2007 was not entitled to reversal of

These sections be applied retroactively if defendant offered no evidence that chief probation officer recommended defendant's case be recalled, and without such a recommendation, defendant could not have his commitment recalled pursuant to W & I C § 731.1. In re Brandon G. (2008, 2d App 4th 1076, 73 Cal Rptr 3d 273, LEXIS 344.

These sections be applied retroactively if defendant offered no evidence that chief probation officer recommended defendant's case be recalled, and without such a recommendation, defendant could not have his commitment recalled pursuant to W & I C § 731 and W & I C § 733, which took effect on September 1, 2007 and which stated that juvenile court could commit a ward to the division of juvenile facilities only if the commitment petition was for certain enumerated offenses, do not apply to a dispositions that occurring before September 1, 2007; there is no expression of any intent that the amendments operate retroactively, and accordingly where juvenile court committed a juvenile defendant who admitted to simple misdemeanor battery to the division before September 1, 2007 was not entitled to reversal of

329 "Juvenile Courts: Delinquency Proceedings" Department of Corrections

Division described below shall apply to offenses and Rehabilitation, including infectious, or other disease affecting the other inmates of any juvenile court pursuant to Section 707(b) of Section 707, unless otherwise provided in Section 290.008 of the Penal Code after September 1, 2007. operative September 1, 2007.

Authority, was added Stats 1961 repealed Stats 2007 ch 175 § 21

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GREGORY SCHMIDT
Secretary of the Senate

E. DOTSON WILSON
Chief Clerk of the Assembly

Senate Bill No. 81

CHAPTER 175

An act to amend Sections 15819.40, 15819.401, 15819.41, 15819.411, and 15820.907 of the Government Code, to amend Sections 1557, 4016.5, 4750, 4758, 6005, 6051, 6126, 7000, and 7003.5 of, and to add Sections 2063, 3007, and 7050 to, the Penal Code, to amend Sections 208.5, 731, 736, 1731.5, 1766, 1767.3, and 1776 of, to amend and repeal Section 1798.5 of, to add Sections 731.1 and 1767.35 to, to add Chapter 1.5 (commencing with Section 1950) to Division 2.5 of, and to repeal and add Section 733 of, the Welfare and Institutions Code, relating to corrections, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 24, 2007. Filed with
Secretary of State August 24, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 81, Committee on Budget and Fiscal Review. Corrections.

Existing law authorizes the Department of Corrections and Rehabilitation to design, construct, or renovate prison housing units, support buildings, and programming space in order to add approximately 7,000 beds, to design, construct, or renovate prison housing units, support buildings, and programming space in order to add approximately 4,000 beds to existing prison facilities, and to add additional beds for medical treatment and housing, as specified. Existing law authorizes the issuance of bonds for purposes of financing these projects, as specified.

This bill would require the department to conduct site assessments in connection with determining where to construct or renovate housing units pursuant to the projects described above, and to report those assessments to the Joint Legislative Budget Committee as specified. The bill would provide that specified reporting requirements apply separately to each institution or facility. The bill would require additional reports by the department to the Joint Legislative Budget Committee concerning the budgets, schedules, allocations from funds for the projects, and other items, in connection with the projects described above.

Existing law requires the Department of Corrections and Rehabilitation to prepare and update a master plan concerning construction and renovation of facilities under the department's jurisdiction for which funds have been appropriated by the Legislature. Existing law generally defines items to be included in the master plan.

This bill would specify additional items to be included in the master plan relative to the construction and renovation projects described above.

Existing law provides state financing for construction siting of county jails, subject to matching funds from counties, as specified. Existing law requires the Department of Corrections and Rehabilitation and the Corrections Standards Authority to give funding preference for those purposes to counties that assist the state in siting reentry facilities, as specified.

This bill would require the Corrections Standards Authority, to the extent possible, to ensure that funds for the construction of new jail beds be coordinated with the Department of Correction and Rehabilitation's efforts to site new reentry facilities.

Existing law establishes the Department of Corrections and Rehabilitation, and charges it with various duties.

This bill would require the Department of Corrections and Rehabilitation, by January 10 of each year, to provide to the Joint Legislative Budget Committee operational and fiscal information to be displayed in the Governor's proposed budget, and other operational and fiscal data, as specified. The bill would declare the intent of the Legislature in that regard.

Existing law authorizes the Department of Corrections and Rehabilitation to develop and implement, as specified, relapse prevention treatment programs to reduce the recidivism of sex offenders.

This bill would require the department to include a research component to each relapse prevention treatment program contracted for by the department.

Existing law authorizes the Inspector General to conduct a management review audit of any warden in the Department of Corrections and Rehabilitation. Existing law also requires the Inspector General to audit each warden and institution, as specified.

This bill would require the management review audit to include an assessment of the maintenance of the facility managed by the warden. This bill would also include, within the required audit of wardens and facilities, issues relating to personnel, training, investigations, financial matters, and an assessment of the maintenance of the facility managed by the warden, as specified.

Existing law authorizes local jurisdictions to present claims for reimbursement to the Department of Corrections and Rehabilitation for detention costs associated with persons under the jurisdiction of the state, as specified.

This bill would require the local jurisdiction to submit any of those claims to the department within 6 months after the close of the month in which the costs are incurred. If the claims are not submitted within that time, the bill would prohibit the reimbursement of the claims.

Existing law appropriates \$300,000,000 for capital outlay to be allocated to renovate, improve, or expand infrastructure capacity at existing prison facilities. Existing law also authorizes the funds to be used for land acquisition, environmental services, architectural programming, engineering assessments, schematic design, preliminary plans, working drawings, and construction.

This bill would require the Department of Corrections and Rehabilitation to report to the Joint Legislative Budget Committee on the funds appropriated pursuant to existing law. This bill would also subject the projects for which funds are appropriated pursuant to existing law to approval and administrative oversight by the State Public Works Board, as specified.

Existing law provides, in any case in which a minor who is detained in or committed to a county institution established for the purpose of housing juveniles attains 18 years of age prior to or during the period of detention or confinement, that he or she may be allowed to come or remain in contact with those juveniles until 19 years of age, at which time he or she, upon the recommendation of the probation officer, shall be delivered to the custody of the sheriff for the remainder of the time he or she remains in custody, unless the juvenile court orders continued detention in a juvenile facility.

This bill would provide, if continued detention is ordered for a ward who is 19 years of age or older but under 21 years of age, that he or she may be allowed to come into or remain in contact with any other person detained in the institution. The bill would require the county to apply to the Corrections Standards Authority for approval of a county institution established for the purpose of housing juveniles as a suitable place for confinement before the institution is used for the detention or commitment of an individual under the jurisdiction of the juvenile court who is 19 years of age or older but under 21 years of age where the detained person will come into or remain in contact with persons under 18 years of age who are detained in the institution.

Existing law authorizes the juvenile court to make specified orders, including an order to commit a ward to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, if a minor is adjudged a ward of the court for violating any law or ordinance defining a crime, except as specified. Under existing law, only those persons convicted of a public offense who are found to be less than 21 years of age at the time of apprehension, are not sentenced to death, life imprisonment, imprisonment for 90 days or less, or the payment of a fine, and are not granted probation, or whose probation has been revoked and terminated, may be committed by the juvenile court to the division.

This bill would, commencing September 1, 2007, restrict the authority of the juvenile court to order the commitment of a ward to the division to those wards who have committed specified offenses. By changing the counties' responsibilities with respect to juvenile offenses, this bill would impose a state-mandated local program.

The bill would authorize the court committing a ward to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, to recall that commitment in the case of any ward whose commitment offense was not any of the specified offenses referenced above, unless the offense was a specified sex offense, and who remains confined in an institution operated by the division as of September 1, 2007. The bill would require the court to set and convene a recall disposition hearing for the purpose of ordering an appropriate alternative disposition for the ward.

Existing law prohibits the commitment of a ward of the juvenile court to the division who is under 11 years of age, or who is suffering from any contagious, infectious, or other disease, as specified.

This bill would, commencing September 1, 2007, also prohibit the commitment to the division of a ward who has been or is adjudged a ward of the court, and the most recent offense alleged in any petition and admitted or found to be true by the court is not any of the specified offenses referenced above, unless the offense was a specified sex offense. The bill would make conforming changes.

Under existing law, if a person has been committed to the Division of Juvenile Facilities, the Board of Parole Hearings is authorized, among other things, to permit the ward his or her liberty under supervision and upon conditions, as specified, order confinement of the ward, order recommitment or renewed release under supervision, or revoke or modify any parole or disciplinary appeal order.

This bill would, commencing September 1, 2007, make these powers of the board subject to the provisions described above and below, and would provide that the county of commitment shall supervise the parole of any ward released on parole who was committed to the custody of the division for committing an offense other than those referenced above. The bill would require the court to set and convene a parole disposition hearing, as specified, and would provide that the division shall have no further jurisdiction over the ward. By changing the counties' responsibilities with respect to juvenile offenses, the bill would impose a state-mandated local program.

Existing law authorizes the Board of Parole Hearings to suspend, cancel, or revoke any parole and order returned to custody of the Division of Juvenile Facilities any person committed to the division who is on parole.

This bill would provide, commencing September 1, 2007, that any parolee under the jurisdiction of the Division of Juvenile Parole Operations shall be returned to the custody of the Division of Juvenile Facilities if the parolee is under the jurisdiction of the division for the commission of an offense referenced above, or to the custody of the county of commitment if the parolee is under the jurisdiction of the division for the commission of an offense other than those referenced above.

Existing law establishes within the Department of Corrections and Rehabilitation the State Commission on Juvenile Justice, which is comprised of 11 members whom are appointed, as specified, by the Senate Committee on Rules, the Speaker of the Assembly, the chairperson of the Judicial Council, and the Governor, after consultation with, and with the advice of, the secretary of the department, and with the advice and consent of the Senate.

This bill would change the composition of the State Commission on Juvenile Justice to 12 members, to include, among others, a representative of counties, a director of a county human services agency, an attorney with expertise in the area of juvenile justice policy, and a director of a county mental health agency, to be appointed by specified persons and entities, as described, and would abolish the commission on January 1, 2009.

Existing law requires the county of commitment to make specified payments to the state for each person committed to the Division of Juvenile Facilities, including a percentage of per capita institutional cost.

This bill would establish the Youthful Offender Block Grant Program, commencing September 1, 2007, to enhance the capacity of county departments to provide appropriate rehabilitative and supervision services to youthful offenders, and would require the State Commission on Juvenile Justice to develop a Juvenile Justice Operational Master Plan for that purpose, as specified. The bill would require the Director of Finance to determine the total amount of the block grant pursuant to a specified formula and the allocation for each county, and to report those findings to the Controller who would then make an allocation to each county from the Youthful Offender Block Grant Fund, as established by this bill. The bill would provide for an annual increase in those amounts. The bill would require each county, on or before January 1, 2008, to prepare and submit to the Corrections Standards Authority for approval a Juvenile Justice Development Plan for youthful offenders that includes a description of the programs, placements, services, or strategies to be funded by the block grant allocation. By increasing the duties of local officials, the bill would impose a state-mandated local program.

This bill would authorize the Department of Corrections and Rehabilitation, a participating county, as defined, and the State Public Works Board to enter into a construction agreement in order to acquire, design, renovate, or construct a local youthful offender rehabilitative facility approved by the Corrections Standards Authority, as specified. This bill would authorize the board to issue up to \$100,000,000 in revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, renovation, or construction of approved local youthful offender rehabilitative facilities and would appropriate those funds for that purpose. This bill would provide that these provisions would become inoperative on June 30, 2017.

The bill would make a specified statement of legislative intent regarding the adequacy of the funding for the state mandate.

Existing law generally regulates the conditions of confinement for inmates and wards in state institutions and facilities. Existing law generally authorizes contracting by the state for the provision of specified services in connection with state institutions and facilities.

This bill would require the Department of General Services, in coordination with the Department of Technology Services, pursuant to other provisions of existing law, to amend contracts that provide telephone services to inmates and wards in state facilities in order to limit the amount of state concession fees per a prescribed schedule over several fiscal years, as specified.

Existing law appropriates \$50,000,000 to the Department of Corrections and Rehabilitation to supplement funds for rehabilitation and treatment of prison inmates and parolees. The funds may be used for staffing, contracts, and other services that include academic and vocational services, substance abuse treatment, and mental health treatment.

This bill would provide that those funds shall be used for developing prison-to-employment programs, expanding substance abuse programs for inmates and parolees, developing and implementing a risk assessment and needs assessment for inmates, establishing and funding day treatment services for mentally ill parolees, and expanding educational and vocational programs for inmates.

Existing law establishes within the Department of Corrections and Rehabilitation the Corrections Standards Authority which is charged with studying crime, as specified, with particular reference to conditions in California.

This bill would provide that the Corrections Standards Authority shall allocate funding for 2 one-time probation pilot projects, as specified. Each pilot project shall be funded at \$5,000,000 and shall be provided to one county probation department, as specified.

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.

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.

This bill would provide that its provisions are severable.

This bill would declare that it is to take effect immediately as urgency statutes.

Appropriation: yes.

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

SECTION 1. Section 15819.40 of the Government Code is amended to read:

15819.40. (a) (1) (A) The Department of Corrections and Rehabilitation shall design, construct, or renovate prison housing units, prison support buildings, and programming space in order to add approximately 7,484 beds at the following prison facilities:

- (i) Pleasant Valley State Prison.
- (ii) Pelican Bay State Prison.
- (iii) California State Prison, Los Angeles County.
- (iv) Calipatria State Prison.
- (v) Centinela State Prison.
- (vi) Salinas Valley State Prison.
- (vii) Kern Valley State Prison.
- (viii) Wasco State Prison.
- (ix) North Kern State Prison.
- (x) Mule Creek State Prison.

(B) The department shall complete site assessments at prison facilities at which it intends to construct or renovate additional housing units, support buildings, and programming space. The department may use the funding

provided in Section 28 of Chapter 7 of the Statutes of 2007 to complete these site assessments. After completing these site assessments, the department shall define the scope and cost of each project pursuant to subdivision (d).

(C) The authority contained in subparagraphs (A) and (B) may be used to develop approximately 12,000 new prison beds including appropriate programmatic space pursuant to paragraph (2) of subdivision (a) and, together with the funds appropriated in Section 15819.403 for this purpose, shall constitute the scope of a single capital outlay project for purposes of calculating augmentations pursuant to Section 13332.11 as described in Section 15819.401.

(2) Any new beds constructed pursuant to this section shall be supported by rehabilitative programming for inmates, including, but not limited to, education, vocational programs, substance abuse treatment programs, employment programs, and prerelease planning.

(3) The purpose of beds constructed pursuant to this section is to replace the temporary beds currently in use, and they are not intended to house additional inmates. For the purposes of this section, "temporary beds" shall be defined as those that are placed in gymnasiums, classrooms, hallways, or other public spaces that were not constructed for the purpose of housing inmates.

(b) The Department of Corrections and Rehabilitation may acquire land, design, construct, and renovate reentry program facilities to provide housing for approximately 6,000 inmates as authorized in Chapter 9.8 (commencing with Section 6271) of the Penal Code and, together with the funds appropriated in Section 15819.403 for this purpose, this shall constitute the scope and cost of a single capital outlay project for purposes of calculating augmentations pursuant to Section 13332.11 as described in Section 15819.401.

(c) The Department of Corrections and Rehabilitation is authorized to construct and establish new buildings at facilities under the jurisdiction of the department to provide medical, dental, and mental health treatment or housing for approximately 6,000 inmates and, together with the funds appropriated in Section 15819.403 for this purpose, this shall constitute the scope and cost of a single capital outlay project for purposes of calculating augmentations pursuant to Section 13332.11 as described in Section 15819.401.

(d) (1) The reporting requirements set forth in Sections 7000 to 7003.5, inclusive, of the Penal Code, shall apply separately to each institution or facility. The scope and cost of the project for each institution or facility shall be established individually by the State Public Works Board. The amount of the total appropriations in Section 15819.403 that is necessary for each project shall be allocated to each institution or facility project. The appropriations may be allocated based on current estimates. These initial allocations may be adjusted commensurate to changes that occur during the progression of the projects. As allocations are made or adjusted, the anticipated deficit or savings shall be continuously tracked and reported.

Once the total appropriation has been allocated, any augmentation necessary to fund an anticipated deficit shall be based on the total applicable capital outlay appropriation in Section 15819.403 and applied to each project allocation as necessary.

(2) For each institution, the Department of Corrections and Rehabilitation shall report to the Joint Legislative Budget Committee identifying those projects that the department proposes to undertake, and any support buildings, and programming space to support approximately 12,000 new beds at existing institutions. For each institution the department shall describe the scope, budget, schedule, number of beds by security level, along with approximate square footage of prison support buildings, and programming space to be constructed or renovated. If after providing these reports, the committee fails to take any action with respect to each report within 30 days after submittal, this inaction shall be deemed to be approval for purposes of this section, and the department is authorized to proceed to design, construct, or renovate prison housing units, support buildings, and programming space for each institution for which a report has been approved.

(3) The department shall notify the Joint Legislative Budget Committee 45 days prior to the submission of preliminary plans to the board for each project authorized in this section. If after providing these notifications, the committee fails to take any action with respect to each report within 45 days after submittal, this inaction shall be deemed to be approval for purposes of this section, and the department is authorized to design, construct, or renovate prison housing units, support buildings, and programming space for each institution for which a report has been approved.

(4) The Department of Corrections and Rehabilitation shall report quarterly to the Joint Legislative Budget Committee on the allocations from the appropriations in Section 15819.403 and the anticipated deficit or savings. Each reentry program facility authorized under subdivision (b) shall be considered to be a separate project for reporting purposes pursuant to Sections 7000 and 7003.5 of the Penal Code. Each medical, mental health, or dental building improvement authorized under subdivision (c) shall be considered to be a separate project, except that building improvements that have a related purpose and that are located at the same prison may be considered one project, for reporting purposes pursuant to Sections 7000 and 7003.5 of the Penal Code.

SEC. 2. Section 15819.401 of the Government Code is amended to read:

15819.401. The scope and costs of the projects authorized by this chapter shall be subject to approval and administrative oversight by the State Public Works Board, including augmentations, pursuant to Section 13332.11. For purposes of this chapter, the availability of an augmentation for each individual project allocation shall be calculated based on the total applicable capital outlay appropriation contained in Section 15819.403 and is not limited to 20 percent of the individual project allocation.

SEC. 3. Section 15819.41 of the Government Code is amended to read:

15819.41. (a) The Department of Corrections and Rehabilitation shall complete site assessments at prison facilities where it intends to construct

or renovate additional prison housing units, prison support buildings, and programming space in order to add approximately 4,000 beds at existing prison facilities. The department may use the funding provided in Section 28 of Chapter 7 of the Statutes of 2007 to complete the site assessments. After completing these site assessments the department shall define the scope and costs of each project pursuant to subdivision (d). This authorization is in addition to the authorization in subdivision (a) of Section 15891.40. Any new beds constructed shall be supported by rehabilitative programming for inmates, including, but not limited to, education, vocational programs, substance abuse treatment programs, employment programs, and prerelease planning. The Department of Corrections and Rehabilitation is authorized to design, construct, or renovate prison housing units, prison support buildings, and programming space in order to add approximately 4,000 beds at existing prison facilities. This authorization is in addition to the authorization in subdivision (a) of Section 15819.40. Any new beds constructed shall be supported by rehabilitative programming for inmates, including, but not limited to, education, vocational programs, substance abuse treatment programs, employment programs, and prerelease planning. The authority contained in this subparagraph together with the funds appropriated in Section 15819.413 for this purpose, shall constitute the scope and cost of a single capital outlay project for purposes of calculating augmentations pursuant to Section 13332.11 as described in Section 15819.411.

(b) The Department of Corrections and Rehabilitation is authorized to design and construct new, or renovate existing buildings at facilities under the jurisdiction of the department to provide medical, dental, and mental health treatment or housing for approximately 2,000 inmates. This authorization is in addition to the authorization in subdivision (c) of Section 15819.40. The authority contained in this subparagraph together with the funds appropriated in Section 15819.413 for this purpose, shall constitute the scope and cost of a single capital outlay project for purposes of calculating augmentations pursuant to Section 13332.11 as described in Section 15819.411.

(c) The Department of Corrections and Rehabilitation is authorized to construct, establish, and operate reentry program facilities throughout the state that will house approximately 10,000 inmates pursuant to Section 6271.1 of the Penal Code, and together with the funds appropriated in Section 15819.413 for this purpose, this shall constitute the scope and cost of a single capital outlay project for purposes of calculating augmentations pursuant to Section 13332.11 as described in Section 15819.411.

(d) (1) The reporting requirements set forth in Sections 7000 to 7003.5, inclusive, of the Penal Code, shall apply separately to each institution or facility. The scope and cost of the project for each institution or facility shall be established by the State Public Works Board individually. The amount of the total appropriations in Section 15819.413 that is necessary for each project shall be allocated to each institution or facility project. The appropriations may be allocated based on current estimates. These initial

allocations may be adjusted commensurate to changes that occur during the progression of the projects. As allocations are made or adjusted, the anticipated deficit or savings shall be continuously traced and reported. Once the total appropriation has been allocated, any augmentation necessary to fund an anticipated deficit shall be based on the total applicable capital outlay appropriation in Section 15819.413 and applied to each project allocation as necessary.

(2) For each institution, the department shall report to the Joint Legislative Budget Committee, identifying those projects that the department proposes to undertake, and any support buildings, and programming space to support approximately 4,000 new beds at existing institutions. For each institution, the department shall describe the scope, budget, schedule, number of beds by security level, along with approximate square footage of prison support buildings, and programming space to be constructed or renovated. If after providing these reports, the committee fails to take any action with respect to each report within 30 days after submittal, this inaction shall be deemed to be approval for purposes of this section, and the department is authorized to proceed to design, construct, or renovate prison housing units, support buildings, and programming space for each institution for which a report has been approved.

(3) The Department of Corrections and Rehabilitation shall notify the Joint Legislative Budget Committee 45 days prior to the submission of preliminary plans to the board for each project authorized in this section. If after providing these notifications, the committee fails to take any action with respect to each report within 45 days after submittal, this inaction shall be deemed to be approval for purposes of this section, and the department is authorized to design, construct, or renovate prison housing units, support buildings, and programming space for each institution for which a report has been approved.

(4) The Department of Corrections and Rehabilitation shall report quarterly to the Joint Legislative Budget Committee on the allocations from the appropriations in Section 15819.413 and the anticipated deficit or savings. Each reentry program facility authorized under subdivision (c) shall be considered to be a separate project. Each medical, mental health, or dental building improvement authorized under subdivision (b) shall be considered to be a separate project, except that building improvements that have a related purpose and that are located at the same prison may be considered one project, for reporting purposes pursuant to Sections 7000 and 7003.5 of the Penal Code.

SEC. 4. Section 15819.411 of the Government Code is amended to read: 15819.411. The scope and costs of the projects authorized by this chapter shall be subject to approval and administrative oversight by the State Public Works Board, including augmentations, pursuant to Section 13332.11. For purposes of this chapter, the availability of an augmentation for each individual project allocation shall be calculated based on the total applicable capital outlay appropriation contained in Section 15819.413 and is not limited to 20 percent of the individual project allocation.

SEC. 5. Section 15820.907 of the Government Code is amended to read:

15820.907. (a) Participating county matching funds for projects funded under this chapter shall be a minimum of 25 percent of the total project costs. The CSA may reduce matching fund requirements for participating counties with a general population below 200,000 upon petition by a participating county to the CSA requesting a lower level of matching funds.

(b) The CDCR and CSA shall give funding preference to counties that assist the state in siting reentry facilities, pursuant to Section 6270. The CSA shall, to the extent possible, ensure that funds for the construction of new jail beds be coordinated with CDCR's efforts to site new reentry facilities.

(c) The CDCR and CSA shall give funding preference to counties that assist the state in siting mental health day treatment and crisis care, pursuant to Section 3073 of the Penal Code, and to counties that provide a continuum of care so that parolees with mental health and substance abuse needs can continue to receive services at the conclusion of their period of parole.

SEC. 6. Section 1557 of the Penal Code is amended to read:

1557. (a) This section shall apply when this state or a city, county, or city and county employs a person to travel to a foreign jurisdiction outside this state for the express purpose of returning a fugitive from justice to this state when the Governor of this state, in the exercise of the authority conferred by Section 2 of Article IV of the United States Constitution, or by the laws of this state, has demanded the surrender of the fugitive from the executive authority of any state of the United States, or of any foreign government.

(b) Upon the approval of the Governor, the State Controller shall audit and pay out of the State Treasury as provided in subdivision (c) or (d) the accounts of the person employed to bring back the fugitive, including any money paid by that person for all of the following:

(1) Money paid to the authorities of a sister state for statutory fees in connection with the detention and surrender of the fugitive.

(2) Money paid to the authorities of the sister state for the subsistence of the fugitive while detained by the sister state without payment of which the authorities of the sister state refuse to surrender the fugitive.

(3) Where it is necessary to present witnesses or evidence in the sister state, without which the sister state would not surrender the fugitive, the cost of producing the witnesses or evidence in the sister state.

(4) Where the appearance of witnesses has been authorized in advance by the Governor, who may authorize the appearance in unusual cases where the interests of justice would be served, the cost of producing witnesses to appear in the sister state on behalf of the fugitive in opposition to his or her extradition.

(c) No amount shall be paid out of the State Treasury to a city, county, or city and county except as follows:

(1) When a warrant has been issued by any magistrate after the filing of a complaint or the finding of an indictment and its presentation to the court and filing by the clerk, and the person named therein as defendant is a

fugitive from justice who has been found and arrested in any state of the United States or in any foreign government, the county auditor shall draw his or her warrant and the county treasurer shall pay to the person designated to return the fugitive, the amount of expenses estimated by the district attorney to be incurred in the return of the fugitive.

(2) If the person designated to return the fugitive is a city officer, the city officer authorized to draw warrants on the city treasury shall draw his or her warrant and the city treasurer shall pay to that person the amount of expenses estimated by the district attorney to be incurred in the return of the fugitive.

(3) The person designated to return the fugitive shall make no disbursements from any funds advanced without a receipt being obtained therefor showing the amount, the purpose for which the sum is expended, the place, the date, and to whom paid.

(4) A receipt obtained pursuant to paragraph (3) shall be filed by the person designated to return the fugitive with the county auditor or appropriate city officer or State Controller, as the case may be, together with an affidavit by the person that the expenditures represented by the receipts were necessarily made in the performance of duty, and when the advance has been made by the county or city treasurer to the person designated to return the fugitive, and has thereafter been audited by the State Controller, the payment thereof shall be made by the State Treasurer to the county or city treasury that has advanced the funds.

(5) In every case where the expenses of the person employed to bring back the fugitive as provided in this section, are less than the amount advanced on the recommendation of the district attorney, the person employed to bring back the fugitive shall return to the county or city treasurer, as appropriate, the difference in amount between the aggregate amount of receipts so filed by him or her, as herein employed, and the amount advanced to the person upon the recommendation of the district attorney.

(6) When no advance has been made to the person designated to return the fugitive, the sums expended by him or her, when audited by the State Controller, shall be paid by the State Treasurer to the person so designated.

(7) Any payments made out of the State Treasury pursuant to this section shall be made from appropriations for the fiscal year in which those payments are made.

(d) Payments to state agencies will be made in accord with the rules of the California Victim Compensation and Government Claims Board. No city, county, or other jurisdiction may file, and the state may not reimburse, a claim pursuant to this section that is presented to the Department of Corrections and Rehabilitation or to any other agency or department of the state more than six months after the close of the month in which the costs were incurred.

SEC. 7. Section 2063 is added to the Penal Code, to read:

2063. (a) It is the intent of the Legislature that the Department of Corrections and Rehabilitation shall regularly provide operational and fiscal

information to the Legislature to allow it to better assess the performance of the department in critical areas of operations, including to both evaluate the effectiveness of department programs and activities, as well as assess how efficiently the department is using state resources.

(b) No later than January 10 of each year, the Department of Corrections and Rehabilitation shall provide to the Joint Legislative Budget Committee operational and fiscal information to be displayed in the Governor's proposed budget. This information shall include data for the three most recently ended fiscal years, and shall include, but is not limited to, the following:

(1) Per capita costs, average daily population, and offender to staff ratios for each of the following:

(A) Adult inmates housed in state prisons.

(B) Adult inmates housed in Community Correctional Facilities and out-of-state facilities.

(C) Adult parolees supervised in the community.

(D) Juvenile wards housed in state facilities.

(E) Juvenile parolees supervised in the community.

(2) Total expenditures and average daily population for each adult and juvenile institution.

(3) Number of established positions and percent of those positions vacant on June 30 for each of the following classifications within the department:

(A) Correctional officer.

(B) Correctional sergeant.

(C) Correctional lieutenant.

(D) Parole agent.

(E) Youth correctional counselor.

(F) Youth correctional officer.

(G) Physician.

(H) Registered nurse.

(I) Psychiatrist.

(J) Psychologist.

(K) Dentist.

(L) Teacher.

(M) Vocational instructor.

(N) Licensed vocational nurse.

(4) Average population of juvenile wards classified by board category.

(5) Average population of adult inmates classified by security level.

(6) Average population of adult parolees classified by supervision level.

(7) Number of new admissions from courts, parole violators with new terms, and parole violators returned to custody.

(8) Number of probable cause hearings, revocation hearings, and parole suitability hearings conducted.

(9) For both adult and juvenile facilities, the number of budgeted slots, actual enrollment, and average daily attendance for institutional academic and vocational education and substance abuse programs;

(10) Average population of mentally ill offenders classified by Correctional Clinical Case Management System or Enhanced Outpatient

Program status, as well as information about mentally ill offenders in more acute levels of care.

(c) No later than January 10 of each year, the Department of Corrections and Rehabilitation shall provide to the Joint Legislative Budget Committee a supplemental report containing operational and fiscal information in addition to data provided in subdivision (b). To the extent possible and relevant, the department shall seek to keep the categories of information provided the same each year so as to provide consistency. This report shall contain information for the three most recently ended fiscal years, and shall include, but is not limited to, data on the operational level and outcomes associated with the following categories:

(1) Adult prison security operations, including use of disciplinary measures and special housing assignments such as placements in administrative segregation, Security Housing Units, and sensitive needs yards, identifying these placements by offender categories such as security level and mental health classification.

(2) Adult prison education and treatment programs, including academic education, vocational training, prison industries, substance abuse treatment, and sex offender treatment.

(3) Adult prison health care operations, including medical, mental, and dental health.

(4) Adult parole operations, including number of discharges from parole supervision and provision of various treatment and sanction programs.

(5) Board of Parole Hearings, including the total number of parole suitability hearings scheduled for inmates serving life sentences each year, the number of parole suitability hearings postponed each year and the reasons for postponement, and the backlog of parole suitability hearings.

(5.1) Board of Parole Hearings, including the total number of adult parole revocation cases with probable cause hearings scheduled each year, the percent of parole revocation cases with probable cause hearings held within 10 business days, as well as the percent of adult parole revocation cases completed within 35 calendar days.

(6) Juvenile institution security operations, including use of disciplinary measures and special housing assignments such as special management programs, as well as the impact of time that adds or cuts the length of confinement.

(7) Juvenile institutional education and treatment programs, including academic education, vocational training, substance abuse treatment, and sex offender treatment.

(8) Juvenile institutional health care operations, including medical, mental, and dental health.

(9) Juvenile parole operations, including the number of juvenile parolees returned to state institutions and provision of various treatment and sanction programs.

(9.1) Juvenile Parole Board, including juvenile parole revocation hearings.

(d) To the extent any of the information in subdivision (b) or (c) falls under the purview of the federally appointed receiver over medical care

services, the Department of Corrections and Rehabilitation shall, to the best of its ability, coordinate with the receiver in obtaining this information.

SEC. 8. Section 3007 is added to the Penal Code, to read:

3007. The Department of Corrections and Rehabilitation shall require a research component for any sex offender treatment contract funded by the department. The research component shall enable the department's research unit or an independent contractor to evaluate the effectiveness of each contract on reducing the rate of recidivism of the participants in the program funded by a contract. The research findings shall be compiled annually in a report due to the Legislature January 10 of each year.

SEC. 9. Section 4016.5 of the Penal Code is amended to read:

4016.5. A city or county shall be reimbursed by the Department of Corrections and Rehabilitation for costs incurred resulting from the detention of a state prisoner, a person sentenced or referred to the state prison, or a parolee and from parole revocation proceedings when the detention meets any of the following conditions:

(a) The detention relates to a violation of the conditions of parole or the rules and regulations of the Secretary of the Department of Corrections and Rehabilitation and does not relate to a new criminal charge.

(b) The detention is pursuant to (1) an order of the Board of Parole Hearings under the authority granted by Section 3060, or (2) an order of the Governor under the authority granted by Section 3062 or (3) an exercise of a state parole or correctional officer's peace officer powers as specified in Section 830.5.

(c) Security services and facilities are provided for hearings which are conducted by the Board of Parole Hearings to revoke parole.

(d) The detention results from a new commitment, or a referral pursuant to Section 1203.03, once the abstract of judgment has been completed, the department's intake control unit has been notified by the county that the prisoner is ready to be transported pursuant to Section 1216, and the department is unable to accept delivery of the prisoner. The reimbursement shall be provided for each day starting on the day following the fifth working day after the date of notification by the county, if the prisoner remains ready to be delivered and the department is unable to receive the prisoner. If a county delivers or attempts to deliver a person to the department without the prior notification required by this paragraph, the date of the delivery or attempted delivery shall be recognized as the notification date pursuant to this paragraph. The notification and verification required by the county for prisoners ready to be transported, and reimbursement provided to the county for prisoners that the department is unable to receive, shall be made pursuant to procedures established by the department.

A city or county shall be reimbursed by the department from funds appropriated in Item 5240-101-0001 of the Budget Act of 1998 for costs incurred pursuant to subdivisions (a), (b), and (c) and from funds appropriated in Item 5240-001-0001 of that act for costs incurred pursuant to subdivision (d).

The reimbursement required by this section shall be expended for maintenance, upkeep, and improvement of jail conditions, facilities, and services. Before the county is reimbursed by the department, the total amount of all charges against that county authorized by law for services rendered by the department shall be first deducted from the gross amount of reimbursement authorized by this section. The net reimbursement shall be calculated and paid monthly by the department. The department shall withhold all or part of the net reimbursement to a county whose jail facility or facilities do not conform to minimum standards for local detention facilities as authorized by Section 6030 only if the county is failing to make reasonable efforts to correct differences, with consideration given to the resources available for those purposes.

"Costs incurred resulting from the detention," as used in this section, shall include the same cost factors as are utilized by the Department of Corrections and Rehabilitation in determining the cost of prisoner care in state correctional facilities.

(e) No city, county, or other jurisdiction may file, and the state may not reimburse, a claim pursuant to this section that is presented to the Department of Corrections and Rehabilitation or to any other agency or department of the state more than six months after the close of the month in which the costs were incurred.

SEC. 10. Section 4750 of the Penal Code is amended to read:

4750. A city, county, or superior court shall be entitled to reimbursement for reasonable and necessary costs connected with state prisons or prisoners in connection with any of the following:

(a) Any crime committed at a state prison, whether by a prisoner, employee, or other person.

With respect to a prisoner, "crime committed at a state prison" as used in this subdivision, includes, but is not limited to, crimes committed by the prisoner while detained in local facilities as a result of a transfer pursuant to Section 2910 or 6253, or in conjunction with any hearing, proceeding, or other activity for which reimbursement is otherwise provided by this section.

(b) Any crime committed by a prisoner in furtherance of an escape. Any crime committed by an escaped prisoner within 10 days after the escape and within 100 miles of the facility from which the escape occurred shall be presumed to have been a crime committed in furtherance of an escape.

(c) Any hearing on any return of a writ of habeas corpus prosecuted by or on behalf of a prisoner.

(d) Any trial or hearing on the question of the sanity of a prisoner.

(e) Any costs not otherwise reimbursable under Section 1557 or any other related provision in connection with any extradition proceeding for any prisoner released to hold.

(f) Any costs incurred by a coroner in connection with the death of a prisoner.

(g) Any costs incurred in transporting a prisoner within the host county or as requested by the prison facility or incurred for increased security while a prisoner is outside a state prison.

(h) Any crime committed by a state inmate at a state hospital for the care, treatment, and education of the mentally disordered, as specified in Section 7200 of the Welfare and Institutions Code.

(i) No city, county, or other jurisdiction may file, and the state may not reimburse, a claim pursuant to this section that is presented to the Department of Corrections and Rehabilitation or to any other agency or department of the state more than six months after the close of the month in which the costs were incurred.

SEC. 11. Section 4758 of the Penal Code is amended to read:

4758. (a) A county shall be entitled to reimbursement for reasonable and necessary costs incurred by the county with respect to an inmate housed and treated at a state hospital in that county pursuant to Section 2684, including, but not limited to, any trial costs related to a crime committed at the hospital by an inmate housed at the hospital.

(b) Where an inmate referred for treatment to a state hospital pursuant to Section 2684 commits a crime during transportation from prison to the hospital, or commits a crime during transportation from the hospital to the prison, a county that prosecutes the defendant shall be entitled to reimbursement for the costs of prosecution.

(c) No city, county, or other jurisdiction may file, and the state may not reimburse, a claim pursuant to this section that is presented to the Department of Corrections and Rehabilitation or to any other agency or department of the state more than six months after the close of the month in which the costs were incurred.

SEC. 12. Section 6005 of the Penal Code is amended to read:

6005. (a) Whenever a person confined to a correctional institution under the supervision of the Department of Corrections and Rehabilitation is charged with a public offense committed within the confines of that institution and is tried for that public offense, a city, county, or superior court shall be entitled to reimbursement for reasonable and necessary costs connected with that matter.

(b) The appropriate financial officer or other designated official of a county or the city finance officer of a city incurring any costs in connection with that matter shall make out a statement of all the costs incurred by the county or city for the investigation, the preparation for the trial, participation in the actual trial of the case, all guarding and keeping of the person, and the execution of the sentence of the person, properly certified to by a judge of the superior court of the county. The statement may not include any costs that are incurred by the superior court pursuant to subdivision (c). The statement shall be sent to the department for its approval. After the approval the department must cause the amount of the costs to be paid out of the money appropriated for the support of the department to the county treasurer of the county or the city finance officer of the city incurring those costs.

(c) The superior court shall prepare a statement of all costs incurred by the court for the preparation of the trial and the actual trial of the case. The statement may not include any costs that are incurred by the city or county pursuant to subdivision (a). The statement shall be sent to the Administrative Office of the Courts for approval and reimbursement.

(d) No city, county, or other jurisdiction may file, and the state may not reimburse, a claim pursuant to this section that is presented to the Department of Corrections and Rehabilitation or to any other agency or department of the state more than six months after the close of the month in which the costs were incurred.

SEC. 13. Section 6051 of the Penal Code is amended to read:

6051. The Inspector General may conduct a management review audit of any warden in the Department of Corrections and Rehabilitation or superintendent in the Division of Juvenile Justice. The management review audit shall include, but not be limited to, issues relating to personnel, training, investigations, and financial matters. Each management review audit shall include an assessment of the maintenance of the facility managed by the warden or superintendent. The audit report shall be submitted to the secretary of the department for evaluation and for any response deemed necessary. Any Member of the Legislature or the public may request and shall be provided with a copy of any audit by the Inspector General, including a management review audit or a special audit or review. A report that involves potential criminal investigations or prosecution or security practices and procedures shall be considered confidential, and its disclosure shall not be required under this section.

SEC. 14. Section 6126 of the Penal Code is amended to read:

6126. (a) (1) The Inspector General shall review departmental policy and procedures, conduct audits of investigatory practices and other audits, and conduct investigations of the Department of Corrections and Rehabilitation, as requested by either the Secretary of the Department of Corrections and Rehabilitation or a Member of the Legislature, pursuant to the approval of the Inspector General under policies to be developed by the Inspector General. The Inspector General may, under policies developed by the Inspector General, initiate an investigation or an audit on his or her own accord.

(2) The Inspector General shall audit each warden of an institution one year after his or her appointment, and shall audit each correctional institution at least once every four years. Each audit shall include, but not be limited to, issues relating to personnel, training, investigations, and financial matters. Each audit shall include an assessment of the maintenance of the facility managed by the warden. The audit report shall include the Inspector General's assessment of facility maintenance. These audit reports shall be provided to the Legislature and shall be made public. The requirements of this paragraph shall be phased in by the Inspector General so that they are fully met by July 1, 2009.

(b) Upon completion of an investigation or audit, the Inspector General shall provide a response to the requester.

(c) The Inspector General shall, during the course of an investigatory audit, identify areas of full and partial compliance, or noncompliance, with departmental investigatory policies and procedures, specify deficiencies in the completion and documentation of investigatory processes, and recommend corrective actions, including, but not limited to, additional training with respect to investigative policies, additional policies, or changes in policy, as well as any other findings or recommendations that the Inspector General deems appropriate.

(d) The Inspector General, pursuant to Section 6126.6, shall review the Governor's candidates for appointment to serve as warden for the state's adult correctional institutions:

(e) The Inspector General shall, in consultation with the Department of Finance, develop a methodology for producing a workload budget to be used for annually adjusting the budget of the office of the Inspector General, beginning with the budget for the 2005-06 fiscal year.

SEC. 15. Section 7000 of the Penal Code is amended to read:

7000. (a) The Department of Corrections and Rehabilitation shall prepare plans for, and construct facilities and renovations included within, its master plan for which funds have been appropriated by the Legislature.

(b) "Master plan" means the department's "Facility Requirements Plan," dated April 7, 1980, and any subsequent revisions.

SEC. 16. Section 7003.5 of the Penal Code is amended to read:

7003.5. (a) The department shall provide the Joint Legislative Budget Committee with quarterly reports on the progress of funded projects consistent with the requirements outlined in the State Administrative Manual. This report shall include new prisons, projects to construct inmate housing and other buildings at, or within, existing prison facilities, prison medical, mental health, and dental facilities, reentry facilities, and infrastructure projects at existing prison facilities.

(b) On January 10 of each year, the department shall provide a report to the Joint Legislative Budget Committee that includes the status of each project that is part of the master plan, including projects planned, projects in preliminary planning, working, drawing and construction phases, and projects that have been completed. The report shall include new prisons; projects to construct inmate housing and other buildings at or within existing prison facilities; prison medical, mental health, and dental facilities; reentry facilities; and infrastructure projects at existing prison facilities.

(c) This section applies to regular prison facilities; projects to expand existing prison facilities; prison medical, mental health, and dental facilities; reentry facilities; and infrastructure projects at existing prison facilities, whether or not built or operated exclusively by the department.

(d) The report required in subdivision (b) shall include the following information for adult and juvenile facilities:

(1) The department's plans to remove temporary beds in dayrooms, gyms, and other areas, as well as plans to permanently close or change the mission of the facilities.

- (2) The department's plans to construct new facilities, including reentry facilities.
- (3) The department's plans to renovate existing facilities and renovate, improve, or expand infrastructure capacity at existing prison facilities.
- (4) The scope of each project identified in the master plan.
- (5) The budget for each project identified in the master plan.
- (6) The schedule for each project identified in the master plan.
- (7) A master schedule for the overall plan to deliver the department's capital outlay program including planned versus actual progress to date.
- (8) Staffing plans for each project identified in the master plan, including program, custody, facilities management, administration, and health care.
- (9) Total estimated cost of all projects in the master plan by funding source, including planned versus actual expenditures to date.
- (10) Projected versus actual population plotted against projected versus actual housing capacity in aggregate and by security level.

SEC. 17. Section 7050 is added to the Penal Code, to read:

7050. (a) (1) Section 28 of Chapter 7 of the Statutes of 2007 contains an appropriation of three hundred million dollars (\$300,000,000) for capital outlay to be allocated to renovate, improve, or expand infrastructure capacity at existing prison facilities. The funds appropriated by that section may be used for land acquisition, environmental services, architectural programming, engineering assessments, schematic design, preliminary plans, working drawings, and construction.

(2) These funds may also be used to address deficiencies related to utility systems owned by local government entities and serving state prison facilities subject to the provisions of Section 54999 of the Government Code. The department shall report on any funds to be expended for this purpose to the Joint Legislative Budget Committee. If the committee fails to take any action with respect to each notification within 20 days after submittal, this inaction shall be deemed to be approval for purposes of this section.

(3) This subsection authorizes the scope and cost of a single capital outlay project for purposes of calculating augmentations pursuant to Section 13332.11.

(b) The scope and costs of the projects described in subdivision (a) of this section shall be subject to approval and administrative oversight by the State Public Works Board, including augmentations, pursuant to Section 13332.11 of the Government Code. The availability of an augmentation for each individual project allocation shall be based on the total applicable capital outlay appropriation contained in Section 28 of Chapter 7 of the Statutes of 2007 and is not limited to 20 percent of the individual project allocation. These requirements shall be applied separately to each institution. All of the necessary infrastructure improvements at each institution may be treated as one project such that there would be one infrastructure improvement project at each institution. The scope and cost of each infrastructure improvement project shall be established by the board individually. The amount of the total appropriation in Section 28 of Chapter 7 of the Statutes of 2007 that is necessary for each infrastructure

improvement project shall be allocated by institution. The appropriation may be allocated based on current estimates. These initial allocations may be adjusted commensurate to changes that occur during the progression of the projects. As allocations are made or adjusted, the anticipated deficit or savings shall be continuously tracked and reported. Once the total appropriation has been allocated, any augmentation necessary to fund an anticipated deficit shall be based on the total appropriation and allocated to each project as necessary. The Joint Legislative Budget Committee shall be notified 30 days prior to the establishment of scope, schedule, and cost for each project by the board. The Department of Corrections and Rehabilitation shall notify the Joint Legislative Budget Committee 45 days prior to the submission of preliminary plans to the board for each project. If, after providing these notifications to the Joint Legislative Budget Committee, the committee fails to take any action with respect to the notifications within the specified time periods, this inaction will be deemed to be approval for purposes of this section. The Department of Corrections and Rehabilitation shall report on the allocations from the appropriation in Section 28 of Chapter 7 of the Statutes of 2007 and the anticipated deficit or savings to the Joint Legislative Budget Committee quarterly.

(c) The scope and costs of the projects described in subdivision (a) shall be part of the Department of Corrections and Rehabilitation's Master Plan, as defined in Section 7000.

(d) The reporting requirements set forth in Sections 7000 and 7003.5 shall apply separately to each project constructed or renovated pursuant to this section. For all purposes other than calculating augmentations pursuant to Section 13332.11 each improvement authorized under subdivision (a) is considered a separate project.

SEC. 18. Section 208.5 of the Welfare and Institutions Code is amended to read:

208.5. (a) Notwithstanding any other law, in any case in which a minor who is detained in or committed to a county institution established for the purpose of housing juveniles attains 18 years of age prior to or during the period of detention or confinement he or she may be allowed to come or remain in contact with those juveniles until 19 years of age, at which time he or she, upon the recommendation of the probation officer, shall be delivered to the custody of the sheriff for the remainder of the time he or she remains in custody, unless the juvenile court orders continued detention in a juvenile facility. If continued detention is ordered for a ward under the jurisdiction of the juvenile court who is 19 years of age or older but under 21 years of age, the detained person may be allowed to come into or remain in contact with any other person detained in the institution subject to the requirements of subdivision (b). The person shall be advised of his or her ability to petition the court for continued detention in a juvenile facility at the time of his or her attainment of 19 years of age. Notwithstanding any other law, the sheriff may allow the person to come into and remain in contact with other adults in the county jail or in any other county correctional facility in which he or she is housed.

(b) The county shall apply to the Corrections Standards Authority for approval of a county institution established for the purpose of housing juveniles as a suitable place for confinement before the institution is used for the detention or commitment of an individual under the jurisdiction of the juvenile court who is 19 years of age or older but under 21 years of age where the detained person will come into or remain in contact with persons under 18 years of age who are detained in the institution. The authority shall review and approve or deny the application of the county within 30 days of receiving notice of this proposed use. In its review, the authority shall take into account the available programming, capacity, and safety of the institution as a place for the combined confinement and rehabilitation of individuals under the jurisdiction of the juvenile court who are over 19 years of age and those who are under 19 years of age.

SEC. 19. Section 731 of the Welfare and Institutions Code is amended to read:

731. (a) If a minor is adjudged a ward of the court on the ground that he or she is a person described by Section 602, the court may order any of the types of treatment referred to in Sections 727 and 730 and, in addition, may do any of the following:

(1) Order the ward to make restitution, to pay a fine up to two hundred fifty dollars (\$250) for deposit in the county treasury if the court finds that the minor has the financial ability to pay the fine, or to participate in uncompensated work programs.

(2) Commit the ward to a sheltered-care facility.

(3) Order that the ward and his or her family or guardian participate in a program of professional counseling as arranged and directed by the probation officer as a condition of continued custody of the ward.

(4) Commit the ward to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, if the ward has committed an offense described in subdivision (b) of Section 707.

(b) A ward committed to the Division of Juvenile Facilities may not be held in physical confinement for a period of time in excess of the maximum period of imprisonment that could be imposed upon an adult convicted of the offense or offenses that brought or continued the minor under the jurisdiction of the juvenile court. A ward committed to the Division of Juvenile Facilities also may not be held in physical confinement for a period of time in excess of the maximum term of physical confinement set by the court based upon the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the juvenile court, which may not exceed the maximum period of adult confinement as determined pursuant to this section. This section does not limit the power of the Juvenile Parole Board to retain the ward on parole status for the period permitted by Section 1769.

SEC. 20. Section 731.1 is added to the Welfare and Institutions Code, to read:

731.1. Notwithstanding any other law, the court committing a ward to the Department of Corrections and Rehabilitation, Division of Juvenile

Facilities, may recall that commitment in the case of any ward whose commitment offense was not an offense listed in subdivision (b) of Section 707, unless the offense was a sex offense set forth in paragraph (3) of subdivision (d) of Section 290 of the Penal Code, and who remains confined in an institution operated by the division as of September 1, 2007. Upon recall of the ward, the court shall set and convene a recall disposition hearing for the purpose of ordering an alternative disposition for the ward that is appropriate under all of the circumstances prevailing in the case. Pending the recall disposition hearing, the ward shall be detained or housed in the manner and place, consistent with the requirements of law, as may be directed by the court in its order of recall.

SEC. 21. Section 733 of the Welfare and Institutions Code is repealed.

SEC. 22. Section 733 is added to the Welfare and Institutions Code, to read:

733. A ward of the juvenile court who meets any condition described below shall not be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities:

(a) The ward is under 11 years of age.

(b) The ward is suffering from any contagious, infectious, or other disease that would probably endanger the lives or health of the other inmates of any facility.

(c) The ward has been or is adjudged a ward of the court pursuant to Section 602, and the most recent offense alleged in any petition and admitted or found to be true by the court is not described in subdivision (b) of Section 707, unless the offense is a sex offense set forth in paragraph (3) of subdivision (d) of Section 290 of the Penal Code. This subdivision shall be effective on and after September 1, 2007.

SEC. 23. Section 736 of the Welfare and Institutions Code is amended to read:

736. (a) Except as provided in Section 733, the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, shall accept a ward committed to it pursuant to this article if the Chief Deputy Secretary for the Division of Juvenile Justice believes that the ward can be materially benefitted by the division's reformatory and educational discipline, and if the division has adequate facilities, staff, and programs to provide that care. A ward subject to this section shall not be transported to any facility under the jurisdiction of the division until the superintendent of the facility has notified the committing court of the place to which that ward is to be transported and the time at which he or she can be received.

(b) To determine who is best served by the Division of Juvenile Facilities, and who would be better served by the State Department of Mental Health, the Chief Deputy Secretary for the Division of Juvenile Justice and the Director of the State Department of Mental Health shall, at least annually, confer and establish policy with respect to the types of cases that should be the responsibility of each department.

SEC. 24. Section 1731.5 of the Welfare and Institutions Code is amended to read:

1731.5. (a) After certification to the Governor as provided in this article, a court may commit to the Division of Juvenile Facilities any person who meets all of the following:

(1) Is convicted of an offense described in subdivision (b) of Section 707 or paragraph (3) of subdivision (d) of Section 290 of the Penal Code.

(2) Is found to be less than 21 years of age at the time of apprehension.

(3) Is not sentenced to death, imprisonment for life, with or without the possibility of parole, whether or not pursuant to Section 190 of the Penal Code, imprisonment for 90 days or less, or the payment of a fine, or after having been directed to pay a fine, defaults in the payment thereof, and is subject to imprisonment for more than 90 days under the judgment.

(4) Is not granted probation, or was granted probation and that probation is revoked and terminated.

(b) The Division of Juvenile Facilities shall accept a person committed to it pursuant to this article if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide that care.

(c) Any person under 18 years of age who is not committed to the division pursuant to this section may be transferred to the authority by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Chief Deputy Secretary for the Division of Juvenile Justice. In sentencing a person under 18 years of age, the court may order that the person shall be transferred to the custody of the Division of Juvenile Facilities pursuant to this subdivision. If the court makes this order and the division fails to accept custody of the person, the person shall be returned to court for resentencing. The transfer shall be solely for the purposes of housing the inmate, allowing participation in the programs available at the institution by the inmate, and allowing division parole supervision of the inmate, who, in all other aspects shall be deemed to be committed to the Department of Corrections and Rehabilitation and shall remain subject to the jurisdiction of the Secretary of the Department of Corrections and Rehabilitation and the Juvenile Parole Board. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the chief deputy secretary, may designate a facility under the jurisdiction of the chief deputy secretary as a place of reception for any person described in this subdivision.

The chief deputy secretary shall have the same powers with respect to an inmate transferred pursuant to this subdivision as if the inmate had been committed or transferred to the Division of Juvenile Facilities either under the Arnold-Kennick Juvenile Court Law or subdivision (a).

The duration of the transfer shall extend until any of the following occurs:

(1) The chief deputy secretary orders the inmate returned to the Department of Corrections and Rehabilitation.

(2) The inmate is ordered discharged by the Juvenile Parole Board.

(3) The inmate reaches 18 years of age. However, if the inmate's period of incarceration would be completed on or before the inmate's 21st birthday, the chief deputy secretary may continue to house the inmate until the period of incarceration is completed.

SEC. 25. Section 1766 of the Welfare and Institutions Code is amended to read:

1766. (a) Subject to Sections 733 and 1767.35, and subdivision (b) of this section, if a person has been committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, the Juvenile Parole Board, according to standardized review and appeal procedures established by the board in policy and regulation and subject to the powers and duties enumerated in subdivision (a) of Section 1719, may do any of the following:

(1) Permit the ward his or her liberty under supervision and upon conditions it believes are best designed for the protection of the public.

(2) Order his or her confinement under conditions it believes best designed for the protection of the public pursuant to the purposes set forth in Section 1700, except that a person committed to the division pursuant to Sections 731 or 1731.5 may not be held in physical confinement for a total period of time in excess of the maximum periods of time set forth in Section 731. Nothing in this subdivision limits the power of the board to retain the minor or the young adult on parole status for the period permitted by Sections 1769, 1770, and 1771.

(3) Order reconfinement or renewed release under supervision as often as conditions indicate to be desirable.

(4) Revoke or modify any parole or disciplinary appeal order.

(5) Modify an order of discharge if conditions indicate that such modification is desirable and when that modification is to the benefit of the person committed to the division.

(6) Discharge him or her from its control when it is satisfied that discharge is consistent with the protection of the public.

(b) The county of commitment shall supervise the parole of any ward released on parole on or after September 1, 2007, who was committed to the custody of the division for committing an offense other than those described in subdivision (b) of Section 707. The division shall have no further jurisdiction over a ward who is released on parole under the supervision of a county pursuant to this section. Upon receipt of the ward by the county, the court shall set and convene a parole disposition hearing for the purpose of identifying and ordering those parole conditions that are appropriate under all of the circumstances prevailing in the case and best designed for the protection of the public.

(c) Within 60 days of intake, the division shall provide the court and the probation department with a treatment plan for the ward.

(d) A ward shall be entitled to an appearance hearing before a panel of board commissioners for any action that would result in the extension of a parole consideration date pursuant to subdivision (d) of Section 5076.1 of the Penal Code.

(e) The department shall promulgate policies and regulations to implement this section.

(f) Commencing on July 1, 2004, and annually thereafter, for the preceding fiscal year, the department shall collect and make available to the public the following information:

(1) The total number of ward case reviews conducted by the division and the board, categorized by guideline category.

(2) The number of parole consideration dates for each category set at guideline, above guideline, and below guideline.

(3) The number of ward case reviews resulting in a change to a parole consideration date, including the category assigned to the ward, the amount of time added to or subtracted from the parole consideration date, and the specific reason for the change.

(4) The percentage of wards who have had a parole consideration date changed to a later date, the percentage of wards who have had a parole consideration date changed to an earlier date, and the average annual time added or subtracted per case.

(5) The number and percentage of wards who, while confined or on parole, are charged with a new misdemeanor or felony criminal offense.

(6) Any additional data or information identified by the department as relevant.

(g) As used in subdivision (f), the term "ward case review" means any review of a ward that changes, maintains, or appreciably affects the programs, treatment, or placement of a ward.

SEC. 26. Section 1767.3 of the Welfare and Institutions Code is amended to read:

1767.3. (a) The Juvenile Parole Board may suspend, cancel, or revoke any parole and may order returned to custody, as specified in Section 1767.35, any person under the jurisdiction of the Division of Juvenile Parole Operations.

(b) The written order of the Chief Deputy Secretary for the Division of Juvenile Justice is a sufficient warrant for any peace officer to return to custody any person under the jurisdiction of the Division of Juvenile Parole Operations.

(c) The written order of the Chief Deputy Secretary for the Division of Juvenile Justice is a sufficient warrant for any peace officer to return to custody, pending further proceedings before the Juvenile Parole Board, any person under the jurisdiction of the Division of Juvenile Parole Operations, or for any peace officer to return to custody any person who has escaped from the custody of the Division of Juvenile Facilities or from any institution or facility in which he or she has been placed by the division.

(d) All peace officers shall execute the orders in like manner as a felony warrant.

SEC. 27. Section 1767.35 is added to the Welfare and Institutions Code, to read:

1767.35. Commencing on September 1, 2007, any parolee under the jurisdiction of the Division of Juvenile Parole Operations shall be returned to custody upon the suspension, cancellation, or revocation of parole as follows:

(a) To the custody of the Division of Juvenile Facilities if the parolee is under the jurisdiction of the division for the commission of an offense described in subdivision (b) of Section 707.

(b) To the county of commitment if the parolee is under the jurisdiction of the division for the commission of an offense not described in subdivision (b) of Section 707.

SEC. 28. Section 1776 of the Welfare and Institutions Code is amended to read:

1776. Whenever an alleged parole violator is detained in a county detention facility pursuant to a valid exercise of the powers of the Department of Corrections and Rehabilitation as specified in Sections 1753, 1755, and 1767.3 and when such detention is initiated by the Department of Corrections and Rehabilitation and is related solely to a violation of the conditions of parole and is not related to a new criminal charge, the county shall be reimbursed for the costs of such detention by the Department of the Department of Corrections and Rehabilitation. Such reimbursement shall be expended for maintenance, upkeep, and improvement of juvenile hall and jail conditions, facilities, and services. Before the county is reimbursed by the department, the total amount of all charges against that county authorized by law for services rendered by the department shall be first deducted from the gross amount of the reimbursement authorized by this section. Such net reimbursement shall be calculated and paid monthly by the department. The department shall withhold all or part of such net reimbursement to a county whose juvenile hall or jail facility or facilities do not conform to minimum standards for local detention facilities as authorized by Section 6030 of the Penal Code or Section 210 of this code.

“Costs of such detention,” as used in this section, shall include the same cost factors as are utilized by the Department of Corrections and Rehabilitation in determining the cost of prisoner care in state correctional facilities.

No city, county, or other jurisdiction may file, and the state may not reimburse, a claim pursuant to this section that is presented to the Department of Corrections and Rehabilitation or to any other agency or department of the state more than six months after the close of the month in which the costs were incurred.

SEC. 29. Section 1798.5 of the Welfare and Institutions Code is amended to read:

1798.5. (a) Commencing July 1, 2005, there is hereby established within the Department of Corrections and Rehabilitation the State Commission on Juvenile Justice. The purpose of the commission is to provide comprehensive oversight, planning, and coordination of efforts, which enhance the partnership and performance of state and local agencies in effectively preventing and responding to juvenile crime.

(b) The commission shall be composed of 12 members; and shall include all of the following:

(1) The Chief Deputy Secretary of Juvenile Justice of the Department of Corrections and Rehabilitation, who shall serve as cochair.

(2) A representative of counties, designated by the statewide organization representing counties, who shall serve as cochair.

(3) A chief probation officer, designated by the statewide organization representing chief probation officers, who shall serve as cochair.

(4) A county sheriff, designated by the statewide organization representing sheriffs.

(5) A manager or administrator of a county local detention facility for juveniles, appointed by the Governor.

(6) A rank and file representative from state or local juvenile corrections, appointed by the Speaker of the Assembly.

(7) A representative from a community-based organization serving at-risk youth, appointed by the Senate Committee on Rules.

(8) An individual who represents the interests of crime victims, appointed by the Speaker of the Assembly.

(9) A judge of the juvenile court, appointed by the chairperson of the Judicial Council.

(10) A director of a county human services agency, appointed by the statewide organization representing county welfare directors.

(11) An attorney with expertise in the area of juvenile justice policy, appointed by the Senate Committee on Rules.

(12) A director of a county mental health agency, appointed by the statewide organization representing county mental health directors.

(c) This section shall remain in effect only until January 1, 2009, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2009, deletes or extends that date.

SEC. 30. Chapter 1.5 (commencing with Section 1950) is added to Division 2.5 of the Welfare and Institutions Code, to read:

CHAPTER 1.5. YOUTHFUL OFFENDER BLOCK GRANT PROGRAM

Article 1. General Provisions

1950. The purpose of this chapter is to enhance the capacity of local communities to implement an effective continuum of response to juvenile crime and delinquency.

1951. (a) There is hereby established the Youthful Offender Block Grant Fund.

(b) Allocations from the Youthful Offender Block Grant Fund shall be used to enhance the capacity of county probation, mental health, drug and alcohol, and other county departments to provide appropriate rehabilitative and supervision services to youthful offenders subject to Sections 731.1, 733, 1766, and 1767.35. Counties, in expending the Youthful Offender Block Grant allocation, shall provide all necessary services related to the custody and parole of the offenders.

(c) The county of commitment is relieved of obligation for any payment to the state pursuant to Section 912, 912.1, or 912.5 for each offender who is not committed to the custody of the state solely pursuant to subdivision (c) of Section 733, and for each offender who is supervised by the county

of commitment pursuant to subdivision (b) of Section 1766 or subdivision (b) of Section 1767.35.

1952. For the 2007–08 fiscal year, all of the following shall apply:

(a) An amount equal to the total of all of the following shall be transferred from the General Fund to the Youthful Offender Block Grant Fund:

(1) One hundred seventeen thousand dollars (\$117,000) per ward multiplied by the average daily population (ADP) for the year for wards who are not committed to the custody of the state pursuant to subdivision (c) of Section 733, and Sections 731.1 and 1767.35.

(2) Fifteen thousand dollars (\$15,000) per parolee multiplied by the ADP for the year for parolees who are supervised by the county of commitment pursuant to subdivision (b) of Section 1766 or subdivision (b) of Section 1767.35.

(3) An amount equal to 5 percent of the total of paragraphs (1) and (2). This amount shall be reserved by the Controller for distribution by the Department of Finance, upon recommendation of the Corrections Standards Authority, in collaboration with the Division of Juvenile Facilities, for unforeseen circumstances associated with the implementation of the act that added this chapter. This amount is a one-time allocation and shall not be built into the base described in subdivision (a) of Section 1953 unless the Department of Finance finds a continuation of unforeseen circumstances. A county that wishes to seek funds from this reserved amount shall submit a request to the Corrections Standards Authority that outlines the unusual circumstances that exist in the county and why the county's Youthful Offender Block Grant is inadequate to meet the county financial needs to accommodate and supervise youthful offenders pursuant to the act that added this chapter.

(b) The Director of Finance shall determine the total amount of the block grant, pursuant to the formula specified in subdivision (a), and the allocation for each county, pursuant to Section 1955, and shall report those findings to the Controller. The Controller shall make an allocation from the Youthful Offender Block Grant Fund to each county in accordance with the report.

(c) Any portion of the funds described in paragraph (3) of subdivision (a) that is unused during the 2007–08 fiscal year shall revert to the General Fund.

1953. For the 2008–09 fiscal year, the total of the following amounts shall be transferred from the General Fund to the Youthful Offender Block Grant Fund:

(a) The amount transferred to the Youthful Offender Block Grant Fund for the 2007–08 fiscal year, as described in subdivision (a) of Section 1952, adjusted to account for full-year impacts.

(b) One hundred seventeen thousand dollars (\$117,000) per ward multiplied by the ADP for the year for wards who are not committed to the custody of the state pursuant to subdivision (c) of Section 733, and Sections 731.1 and 1767.35.

(c) Fifteen thousand dollars (\$15,000) per parolee based on ADP for the year for parolees who are supervised by the county of commitment pursuant to subdivision (b) of Section 1766.

1954. For the 2009–10 fiscal year, and each year thereafter, an amount shall be transferred from the General Fund to the Youthful Offender Block Grant Fund equal to that amount transferred to the Youthful Offender Block Grant Fund for the 2008–09 fiscal year, as described in subdivisions (a), (b), and (c) of Section 1953, adjusted to account for full-year impact.

1955. (a) The allocation amount for each county from the Youthful Offender Block Grant Fund shall be distributed as follows:

(1) Fifty percent based on the number of the county's juvenile felony court dispositions, according to the most recent data compiled by the Department of Justice, calculated as a percentage of the state total.

(2) Fifty percent based on the county's population of minors from 10 to 17 years of age, inclusive, according to the most recent data published by the Department of Justice, calculated as a percentage of the state total.

(b) Each county shall receive a minimum block grant allocation of fifty-eight thousand five hundred dollars (\$58,500).

(c) Commencing with the 2008–09 fiscal year, allocations shall be available to counties that have met the requirements of Section 1961.

Article 2. Performance and Accountability

1960. The Legislature finds and declares that local youthful offender justice programs, including both custodial and noncustodial corrective services, are better suited to provide rehabilitative services for certain youthful offenders than state-operated facilities. Local communities are better able than the state to provide these offenders with the programs they require, in closer proximity to their families and communities, including, but not limited to, all of the following:

(a) Implementing risk and needs assessment tools and evaluations to assist in the identification of appropriate youthful offender dispositions and reentry plans.

(b) Placements in secure and semisecure youthful offender rehabilitative facilities and in private residential care programs, with or without foster care waivers, supporting specialized programs for youthful offenders.

(c) Nonresidential dispositions such as day or evening treatment programs, community service, restitution, and drug-alcohol and other counseling programs based on an offender's assessed risks and needs.

(d) House arrest, electronic monitoring, and intensive probation supervision programs.

(e) Reentry and aftercare programs based on individual aftercare plans for each offender who is released from a public or private placement or confinement facility.

(f) Capacity building strategies to upgrade the training and qualifications of juvenile justice and probation personnel serving the juvenile justice caseload.

(g) Regional program and placement networks, including direct brokering and placement locating networks to facilitate out-of-county dispositions for counties lacking programs or facilities.

1960.5. (a) The State Commission on Juvenile Justice, pursuant to Section 1798.5, shall develop a Juvenile Justice Operational Master Plan. On or before January 1, 2009, the commission shall develop and make available for implementation by the counties the following strategies:

(1) Risk and needs assessment tools to evaluate the programming and security needs of all youthful offenders and at-risk youth.

(2) Juvenile justice universal data collection elements, which shall be common to all counties.

(3) Criteria and strategies to promote a continuum of evidence-based responses to youthful offenders.

(b) In drafting the Juvenile Justice Operational Master Plan, the commission shall take into consideration both of the following:

(1) Evidence-based programs and risk and needs assessment tools currently in use by the counties.

(2) The costs of implementing these strategies.

(c) On or before May 1, 2008, the commission shall provide an interim report to the Legislature, which shall include the status of the work of the commission and the strategies it has identified to date.

1961. On or before January 1, 2008, each county shall prepare and submit to the Corrections Standards Authority for approval a Juvenile Justice Development Plan for youthful offenders who have not committed an offense described in subdivision (b) of Section 707 and are in the custody of the county commencing September 1, 2007. The plan shall include both of the following:

(a) A description of the programs, placements, services, or strategies to be funded by the block grant allocation pursuant to this chapter, including, but not limited to, the programs, tools, and strategies outlined in Section 1960.

(b) A description of any regional agreements or arrangements to be supported by the block grant allocation pursuant to this chapter.

(c) A description of how these new programs coordinate with programs under Chapter 353 of the Statutes of 2000 (A.B. 1913).

1962. (a) The Corrections Standards Authority, in consultation with the Division of Juvenile Facilities, may provide technical assistance to counties, including, but not limited to, regional workshops, prior to issuing any Request for Proposal.

(b) The Corrections Standards Authority may monitor and inspect any programs or facilities supported by block grant funds allocated pursuant to this chapter and may enforce violations of grant requirements with suspensions or cancellations of grant funds.

Article 3. Local Youthful Offender Rehabilitative Facility Construction Grants

1970. For the purposes of this article, "participating county" means any county, or regional consortium of counties, within the state that has been certified to the State Public Works Board by the Correction Standards Authority as having satisfied all of the requirements set forth in Section 1975 for financing a local youthful offender rehabilitative facility pursuant to this article.

1971. (a) The Department of Corrections and Rehabilitation, a participating county, and the State Public Works Board are authorized to acquire, design, renovate, or construct a local youthful offender rehabilitative facility approved by the Correction Standards Authority pursuant to Section 1975, or a site or sites owned by, or subject to a lease or option to purchase held by a participating county. The ownership interest of a participating county in the site or sites for a local youthful offender rehabilitative facility shall be determined by the board to be adequate for purposes of its financing in order to be eligible under this article.

(b) Notwithstanding Section 15815 of the Government Code, a participating county may acquire, design, renovate, or construct the local youthful offender rehabilitative facility in accordance with its local contracting authority. Notwithstanding Section 14951 of the Government Code, the participating county may assign an inspector during the construction of the project.

(c) The department, a participating county, and the board shall enter a construction agreement for the project that shall provide, at a minimum, all of the following:

(1) Performance expectations of the parties related to the acquisition, design, renovation, or construction of the local youthful offender rehabilitative facility.

(2) Guidelines and criteria for use and application of the proceeds of revenue bonds, notes, or bond anticipation notes issued by the board to pay for the cost of the approved local youthful offender rehabilitative facility project.

(3) Ongoing maintenance and staffing responsibilities for the term of the financing.

(d) The construction agreement shall include a provision that the participating county agrees to indemnify, defend, and hold harmless the State of California for any and all claims and losses arising out of the acquisition, design, renovation, and construction of the local youthful offender rehabilitative facility. The construction agreement may also contain additional terms and conditions that facilitate the financing by the board.

(e) The scope and cost of the approved local youthful offender rehabilitative facility project shall be subject to approval and administrative oversight by the board.

(f) For purposes of compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources

Code), neither the board nor the department, shall be deemed a lead or responsible agency. The participating county shall be the lead agency.

1972. Upon the receipt by a participating county of responsive construction bids, the board and the department may borrow funds for project costs after the project has been certified pursuant to Section 1970 from the Pooled Money Investment Account pursuant to Sections 16312 and 16313, or from any other appropriate source. In the event any of the revenue bonds, notes, or bond anticipation notes authorized by this chapter are not sold, the department shall commit a sufficient amount of its support appropriation to repay any loans made for an approved project.

1973. (a) The board may issue up to one hundred million dollars (\$100,000,000) in revenue bonds, notes, or bond anticipation notes, to finance the acquisition, design, renovation, or construction, and a reasonable construction reserve, of approved local youthful offender rehabilitative facilities described in Section 1971.

(b) Proceeds from the revenue bonds, notes, or bond anticipation notes may be utilized to reimburse a participating county for the costs of acquisition, preliminary plans, working drawings, and construction for approved projects.

(c) Notwithstanding Section 13340 of the Government Code, funds derived pursuant to this section are continuously appropriated for purposes of this article.

(d) This section shall become inoperative on June 30, 2017. No projects shall be commenced after that date, but projects already commenced may be financed through the issuance of bonds pursuant to this article.

1974. With the consent of the board, the department, and a participating county are authorized to enter into leases or subleases, as lessor or lessee, for any property or approved project and are further authorized to enter into contracts or other agreements for the use, maintenance, and operation of the local youthful offender rehabilitative facility in order to facilitate the financing authorized by this article. In those leases, subleases, or other agreements, the participating county shall agree to indemnify, defend, and hold harmless the State of California for any and all claims and losses accruing and resulting from or arising out of the participating county's use and occupancy of the local youthful offender rehabilitative facility.

1975. (a) The authority shall adhere to its duly adopted regulations for the approval or disapproval of local youthful offender rehabilitative facilities. The authority also shall consider cost-effectiveness in determining approval or disapproval. No state moneys shall be encumbered in contracts let by a participating county until final architectural plans and specifications have been approved by the authority, and subsequent construction bids have been received. The review and approval of plans, specifications, or other documents by the authority are for the purpose of ensuring proper administration of moneys and determination of whether the project specifications comply with law and regulation. The authority may require changes in construction materials to enhance safety and security if materials proposed at the time of final plans and specifications are not essential and

customary as used statewide for facilities of the same security level. Participating counties are responsible for the acquisition, design, construction, staffing, operation, repair, and maintenance of the project.

(b) The authority shall establish minimum standards and funding schedules and procedures, which shall take into consideration, but not be limited to, all of the following:

(1) Certification by a participating county of project site control through either fee simple ownership of the site or comparable long-term possession of the site, and right of access to the project sufficient to ensure undisturbed use and possession.

(2) Documentation of need for the project.

(3) A written project proposal.

(4) Submittal of a staffing plan for the project, including operational cost projections and documentation that the local youthful offender rehabilitative facility will be able to be safety staffed and operated within 90 days of completion.

(5) Submittal of architectural drawings, which shall be approved by the authority for compliance with minimum youthful offender rehabilitation facility standards and which also shall be approved by the State Fire Marshal for compliance with fire safety and life safety requirements.

(6) Documentation evidencing the filing by a participating county of a final notice of determination on its environmental impact report.

(7) Provisions intended to maintain the tax-exempt status of the bonds, notes, or bond anticipation notes issued by the board.

1976. Participating county matching funds for projects funded under this article shall be a minimum of 25 percent of the total project costs. The authority may reduce matching fund requirements for participating counties with a general population below 200,000 upon petition by a participating county to the authority requesting a lower level of matching funds.

SEC. 31. It is the intent of the Legislature in enacting Sections 18 to 27, inclusive, 29, and 30 of this act that those provisions shall not result in an unfunded, reimbursable state mandate. Specifically, the authority for counties to receive wards who otherwise would be committed to the custody and supervision of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, shall not constitute a higher level of service or new program in excess of the programmatic funding included in this act.

It is the intent of the Legislature that the state has provided funding for an adequate level of care for youthful offenders received by the county pursuant to this act, and that each county shall be limited in its expenditures to funds specifically made available for these purposes.

SEC. 32. (a) Pursuant to applicable provisions of law, the Department of General Services, in coordination with the Department of Technology Services, shall amend any contracts that provide telephone services to wards and inmates in state facilities in order to limit the amount of state concession fees as follows:

(1) The concession fees shall be reduced to nineteen million five hundred thousand dollars (\$19,500,000) for the 2007-08 fiscal year.

(2) The concession fees shall be reduced to thirteen million dollars (\$13,000,000) for the 2008–09 fiscal year.

(3) The concession fees shall be reduced to six million five hundred thousand dollars (\$6,500,000) for the 2009–10 fiscal year.

(4) The concession fees shall be reduced to zero for the 2010–11 fiscal year and thereafter.

(b) Rates shall be reduced in response to reductions in concession fees.

SEC. 33. The funds appropriated by subdivision (b) of Section 28 of Chapter 7 of the Statutes of 2007 shall be used for the following services:

(a) Developing prison-to-employment programs.

(b) Expanding substance abuse programs for inmates and parolees.

(c) Developing and implementing risk assessments and needs assessments for inmates.

(d) Establishing and funding day treatment services for mentally ill parolees.

(e) Expanding educational and vocational programs for inmates.

SEC. 34. The Corrections Standards Authority shall allocate funding for two one-time probation pilot projects. Each pilot project shall be funded at five million dollars (\$5,000,000) and shall be provided to one county probation department. The funds shall be available for expenditure by the county probation departments for a period of three years. The overall purpose of the pilot projects is to test models for reducing the number of offenders coming to state prison. The pilot projects shall be designed and implemented by the Corrections Standards Authority as put forward in subdivisions (a) and (b) of this section.

(a) One pilot project shall be provided to one county probation department in a large, urban county. The funding for the pilot project may be used to fund prevention or supervision services for probationers. The pilot project shall target 18 to 25 year-old, inclusive, probationers with known gang affiliations. The pilot project should target probationers within a jurisdiction or jurisdictions within a county that are known gang "hot spots." The grantee county probation department shall work with other local law enforcement agencies, as necessary to coordinate the project and enhance services to the gang "hot spot." The Corrections Standards Authority shall require that the county probation department provide a report and evaluation of this pilot project.

(b) One pilot project shall be provided to the Alameda County Probation Department. The funding for the pilot project may be used to fund efforts to de-escalate community conflict and encourage mediation among probationers and other at-risk populations. The funding may also be used for employment development and education programs. The pilot project must include collaborative efforts with community-based organizations and service providers. The pilot project shall target probationers and other at-risk populations. The Corrections Standards Authority shall require that the county probation department provide a report and evaluation of this pilot project.

SEC. 35. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 36. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 37. Sections 18 to 27, inclusive, 29, and 30 of this act shall become operative on September 1, 2007.

SEC. 38. 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 make the necessary statutory changes to implement the Budget Act of 2007 at the earliest time possible, it is necessary that this act take effect immediately.

DO NOT DISCARD: This is the last complete Weekly History

No. 154

CALIFORNIA LEGISLATURE

AT SACRAMENTO

2007-08 REGULAR SESSION

SENATE WEEKLY HISTORY

SHOWING ALL ACTIONS TAKEN ON ALL SENATE MEASURES
TO AND INCLUDING

FRIDAY, FEBRUARY 8, 2008



SENATOR DON PERATA
President pro Tempore

SENATOR GLORIA ROMERO
Majority Floor Leader

SENATOR DICK ACKERMAN
Minority Floor Leader

Senate Convened December 4, 2006

DAYS IN SESSION 148
CALENDAR DAYS 432

Compiled Under the Direction of
GREGORY SCHMIDT
Secretary of the Senate

By
NEVA MARIE PARKER
History Clerk

S.B. No. 81—Committee on Budget and Fiscal Review.

An act to amend Sections 15819.40, 15819.401, 15819.41, 15819.411, and 15820.907 of the Government Code, to amend Sections 1557, 4016.5, 4750, 4758, 6005, 6051, 6126, 7000, and 7003.5 of, and to add Sections 2063, 3007, and 7050 to, the Penal Code, to amend Sections 208.5, 731, 736, 1731.5, 1766, 1767.3, and 1776 of, to amend and repeal Section 1798.5 of, to add Sections 731.1 and 1767.35 to, to add Chapter 1.5 (commencing with Section 1950) to Division 2.5 of, and to repeal and add Section 733 of, the Welfare and Institutions Code, relating to corrections, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

2007

- Jan. 17—Introduced. Read first time. To Com. on RLS. for assignment. To print.
 Jan. 18—From print. May be acted upon on or after February 17.
 Jan. 25—To Com. on RLS.
 April 12—Withdrawn from committee. Ordered placed on second reading.
 April 16—Read second time. To third reading.
 April 18—To Special Consent Calendar.
 April 19—Read third time. Passed. (Ayes 30. Noes 6. Page 639.) To Assembly.
 April 19—In Assembly. Read first time. Held at Desk.
 Jul. 16—To Com. on RLS. From committee with author's amendments. Read second time. Amended. Re-referred to Com. on RLS.
 Jul. 19—Withdrawn from committee. Ordered placed on third reading. Read third time. Amended. To third reading.
 Jul. 20—Unanimous consent granted to consider without reference to file. Read third time. Urgency clause adopted. Passed. (Ayes 73. Noes 4. Page 2601.) To Senate.
 Jul. 20—In Senate. To unfinished business.
 Jul. 21—Urgency clause refused adoption. Senate refuses to concur in Assembly amendments. (Ayes 25. Noes 14. Page 1932.) Motion to reconsider made by Senator Romero. Reconsideration granted.
 Aug. 21—Urgency clause adopted. Senate concurs in Assembly amendments. (Ayes 36. Noes 3. Page 2017.) To enrollment.
 Aug. 22—Enrolled. To Governor at 2:30 p.m.
 Aug. 24—Approved by Governor.
 Aug. 24—Chaptered by Secretary of State. Chapter 175, Statutes of 2007.

Introduced by Committee on Budget and Fiscal Review

January 17, 2007

An act relating to the Budget Act of 2007.

LEGISLATIVE COUNSEL'S DIGEST

SB 81, as introduced, Committee on Budget and Fiscal Review.
Budget Act of 2007.

This bill would express the intent of the Legislature to enact statutory
changes relating to the Budget Act of 2007.

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

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

- 1 SECTION 1. It is the intent of the Legislature to enact statutory
- 2 changes relating to the Budget Act of 2007.

AMENDED IN ASSEMBLY JULY 16, 2007

SENATE BILL

No. 81

Introduced by Committee on Budget and Fiscal Review

January 17, 2007

An act relating to the Budget Act of 2007.

LEGISLATIVE COUNSEL'S DIGEST

SB 81, as amended, Committee on Budget and Fiscal Review, Budget Act of 2007.

This bill would express the intent of the Legislature to ~~enact~~ *make* statutory changes relating to the Budget Act of 2007.

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

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

- 1 SECTION 1. It is the intent of the Legislature to ~~enact~~ *make*
- 2 statutory changes relating to the Budget Act of 2007.

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AMENDED IN ASSEMBLY JULY 19, 2007

AMENDED IN ASSEMBLY JULY 16, 2007

SENATE BILL

No. 81

Introduced by Committee on Budget and Fiscal Review

January 17, 2007

An act relating to the Budget Act of 2007 to amend Sections 15819.40, 15819.401, 15819.41, 15819.411, and 15820.907 of the Government Code, to amend Sections 1557, 4016.5, 4750, 4758, 6005, 6051, 6126, 7000, and 7003.5 of, and to add Sections 2063, 3007, and 7050 to, the Penal Code, to amend Sections 208.5, 731, 736, 1731.5, 1766, 1767.3, and 1776 of, to amend and repeal Section 1798.5 of, to add Sections 731.1 and 1767.35 to, to add Chapter 1.5 (commencing with Section 1950) to Division 2.5 of, and to repeal and add Section 733 of, the Welfare and Institutions Code, relating to corrections, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 81, as amended, Committee on Budget and Fiscal Review. Budget Act of 2007. Corrections.

Existing law authorizes the Department of Corrections and Rehabilitation to design, construct, or renovate prison housing units, support buildings, and programming space in order to add approximately 7,000 beds, to design, construct, or renovate prison housing units, support buildings, and programming space in order to add approximately 4,000 beds to existing prison facilities, and to add additional beds for medical treatment and housing, as specified. Existing law authorizes the issuance of bonds for purposes of financing these projects, as specified.

This bill would require the department to conduct site assessments in connection with determining where to construct or renovate housing units pursuant to the projects described above, and to report those assessments to the Joint Legislative Budget Committee as specified. The bill would provide that specified reporting requirements apply separately to each institution or facility. The bill would require additional reports by the department to the Joint Legislative Budget Committee concerning the budgets, schedules, allocations from funds for the projects, and other items, in connection with the projects described above.

Existing law requires the Department of Corrections and Rehabilitation to prepare and update a master plan concerning construction and renovation of facilities under the department's jurisdiction for which funds have been appropriated by the Legislature. Existing law generally defines items to be included in the master plan.

This bill would specify additional items to be included in the master plan relative to the construction and renovation projects described above.

Existing law provides state financing for construction siting of county jails, subject to matching funds from counties, as specified. Existing law requires the Department of Corrections and Rehabilitation and the Corrections Standards Authority to give funding preference for those purposes to counties that assist the state in siting reentry facilities, as specified.

This bill would require the Corrections Standards Authority, to the extent possible, to ensure that funds for the construction of new jail beds be coordinated with the Department of Correction and Rehabilitation's efforts to site new reentry facilities.

Existing law establishes the Department of Corrections and Rehabilitation, and charges it with various duties.

This bill would require the Department of Corrections and Rehabilitation, by January 10 of each year, to provide to the Joint Legislative Budget Committee operational and fiscal information to be displayed in the Governor's proposed budget, and other operational and fiscal data, as specified. The bill would declare the intent of the Legislature in that regard.

Existing law authorizes the Department of Corrections and Rehabilitation to develop and implement, as specified, relapse prevention treatment programs to reduce the recidivism of sex offenders.

This bill would require the department to include a research component to each relapse prevention treatment program contracted for by the department.

Existing law authorizes the Inspector General to conduct a management review audit of any warden in the Department of Corrections and Rehabilitation. Existing law also requires the Inspector General to audit each warden and institution, as specified.

This bill would require the management review audit to include an assessment of the maintenance of the facility managed by the warden. This bill would also include, within the required audit of wardens and facilities, issues relating to personnel, training, investigations, financial matters, and an assessment of the maintenance of the facility managed by the warden, as specified.

Existing law authorizes local jurisdictions to present claims for reimbursement to the Department of Corrections and Rehabilitation for detention costs associated with persons under the jurisdiction of the state, as specified.

This bill would require the local jurisdiction to submit any of those claims to the department within 6 months after the close of the month in which the costs are incurred. If the claims are not submitted within that time, the bill would prohibit the reimbursement of the claims.

Existing law appropriates \$300,000,000 for capital outlay to be allocated to renovate, improve, or expand infrastructure capacity at existing prison facilities. Existing law also authorizes the funds to be used for land acquisition, environmental services, architectural programming, engineering assessments, schematic design, preliminary plans, working drawings, and construction.

This bill would require the Department of Corrections and Rehabilitation to report to the Joint Legislative Budget Committee on the funds appropriated pursuant to existing law. This bill would also subject the projects for which funds are appropriated pursuant to existing law to approval and administrative oversight by the State Public Works Board, as specified.

Existing law provides, in any case in which a minor who is detained in or committed to a county institution established for the purpose of housing juveniles attains 18 years of age prior to or during the period of detention or confinement, that he or she may be allowed to come or remain in contact with those juveniles until 19 years of age, at which time he or she, upon the recommendation of the probation officer, shall be delivered to the custody of the sheriff for the remainder of the time

he or she remains in custody, unless the juvenile court orders continued detention in a juvenile facility.

This bill would provide, if continued detention is ordered for a ward who is 19 years of age or older but under 21 years of age, that he or she may be allowed to come into or remain in contact with any other person detained in the institution. The bill would require the county to apply to the Corrections Standards Authority for approval of a county institution established for the purpose of housing juveniles as a suitable place for confinement before the institution is used for the detention or commitment of an individual under the jurisdiction of the juvenile court who is 19 years of age or older but under 21 years of age where the detained person will come into or remain in contact with persons under 18 years of age who are detained in the institution.

Existing law authorizes the juvenile court to make specified orders, including an order to commit a ward to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, if a minor is adjudged a ward of the court for violating any law or ordinance defining a crime, except as specified. Under existing law, only those persons convicted of a public offense who are found to be less than 21 years of age at the time of apprehension, are not sentenced to death, life imprisonment, imprisonment for 90 days or less, or the payment of a fine, and are not granted probation, or whose probation has been revoked and terminated, may be committed by the juvenile court to the division.

This bill would, commencing September 1, 2007, restrict the authority of the juvenile court to order the commitment of a ward to the division to those wards who have committed specified offenses. By changing the counties' responsibilities with respect to juvenile offenses, this bill would impose a state-mandated local program.

The bill would authorize the court committing a ward to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, to recall that commitment in the case of any ward whose commitment offense was not any of the specified offenses referenced above, unless the offense was a specified sex offense, and who remains confined in an institution operated by the division as of September 1, 2007. The bill would require the court to set and convene a recall disposition hearing for the purpose of ordering an appropriate alternative disposition for the ward.

Existing law prohibits the commitment of a ward of the juvenile court to the division who is under 11 years of age, or who is suffering from any contagious, infectious, or other disease, as specified.

This bill would, commencing September 1, 2007, also prohibit the commitment to the division of a ward who has been or is adjudged a ward of the court, and the most recent offense alleged in any petition and admitted or found to be true by the court is not any of the specified offenses referenced above, unless the offense was a specified sex offense. The bill would make conforming changes.

Under existing law, if a person has been committed to the Division of Juvenile Facilities, the Board of Parole Hearings is authorized, among other things, to permit the ward his or her liberty under supervision and upon conditions, as specified, order confinement of the ward, order recommitment or renewed release under supervision, or revoke or modify any parole or disciplinary appeal order.

This bill would, commencing September 1, 2007, make these powers of the board subject to the provisions described above and below, and would provide that the county of commitment shall supervise the parole of any ward released on parole who was committed to the custody of the division for committing an offense other than those referenced above. The bill would require the court to set and convene a parole disposition hearing, as specified, and would provide that the division shall have no further jurisdiction over the ward. By changing the counties' responsibilities with respect to juvenile offenses, the bill would impose a state-mandated local program.

Existing law authorizes the Board of Parole Hearings to suspend, cancel, or revoke any parole and order returned to custody of the Division of Juvenile Facilities any person committed to the division who is on parole.

This bill would provide, commencing September 1, 2007, that any parolee under the jurisdiction of the Division of Juvenile Parole Operations shall be returned to the custody of the Division of Juvenile Facilities if the parolee is under the jurisdiction of the division for the commission of an offense referenced above, or to the custody of the county of commitment if the parolee is under the jurisdiction of the division for the commission of an offense other than those referenced above.

Existing law establishes within the Department of Corrections and Rehabilitation the State Commission on Juvenile Justice, which is comprised of 11 members whom are appointed, as specified, by the Senate Committee on Rules, the Speaker of the Assembly, the chairperson of the Judicial Council, and the Governor; after

consultation with, and with the advice of, the secretary of the department, and with the advice and consent of the Senate.

This bill would change the composition of the State Commission on Juvenile Justice to 12 members, to include, among others, a representative of counties, a director of a county human services agency, an attorney with expertise in the area of juvenile justice policy, and a director of a county mental health agency, to be appointed by specified persons and entities, as described, and would abolish the commission on January 1, 2009.

Existing law requires the county of commitment to make specified payments to the state for each person committed to the Division of Juvenile Facilities, including a percentage of per capita institutional cost.

This bill would establish the Youthful Offender Block Grant Program, commencing September 1, 2007, to enhance the capacity of county departments to provide appropriate rehabilitative and supervision services to youthful offenders, and would require the State Commission on Juvenile Justice to develop a Juvenile Justice Operational Master Plan for that purpose, as specified. The bill would require the Director of Finance to determine the total amount of the block grant pursuant to a specified formula and the allocation for each county, and to report those findings to the Controller who would then make an allocation to each county from the Youthful Offender Block Grant Fund, as established by this bill. The bill would provide for an annual increase in those amounts. The bill would require each county, on or before January 1, 2008, to prepare and submit to the Corrections Standards Authority for approval a Juvenile Justice Development Plan for youthful offenders that includes a description of the programs, placements, services, or strategies to be funded by the block grant allocation. By increasing the duties of local officials, the bill would impose a state-mandated local program.

This bill would authorize the Department of Corrections and Rehabilitation, a participating county, as defined, and the State Public Works Board to enter into a construction agreement in order to acquire, design, renovate, or construct a local youthful offender rehabilitative facility approved by the Corrections Standards Authority, as specified. This bill would authorize the board to issue up to \$100,000,000 in revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, renovation, or construction of approved local youthful offender rehabilitative facilities and would appropriate those

funds for that purpose. This bill would provide that these provisions would become inoperative on June 30, 2017.

The bill would make a specified statement of legislative intent regarding the adequacy of the funding for the state mandate.

Existing law generally regulates the conditions of confinement for inmates and wards in state institutions and facilities. Existing law generally authorizes contracting by the state for the provision of specified services in connection with state institutions and facilities.

This bill would require the Department of General Services, in coordination with the Department of Technology Services, pursuant to other provisions of existing law, to amend contracts that provide telephone services to inmates and wards in state facilities in order to limit the amount of state concession fees per a prescribed schedule over several fiscal years, as specified.

Existing law appropriates \$50,000,000 to the Department of Corrections and Rehabilitation to supplement funds for rehabilitation and treatment of prison inmates and parolees. The funds may be used for staffing, contracts, and other services that include academic and vocational services, substance abuse treatment, and mental health treatment.

This bill would provide that those funds shall be used for developing prison-to-employment programs, expanding substance abuse programs for inmates and parolees, developing and implementing a risk assessment and needs assessment for inmates, establishing and funding day treatment services for mentally ill parolees, and expanding educational and vocational programs for inmates.

Existing law establishes within the Department of Corrections and Rehabilitation the Corrections Standards Authority which is charged with studying crime, as specified, with particular reference to conditions in California.

This bill would provide that the Corrections Standards Authority shall allocate funding for 2 one-time probation pilot projects, as specified. Each pilot project shall be funded at \$5,000,000 and shall be provided to one county probation department, as specified.

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.

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.

This bill would provide that its provisions are severable.

This bill would declare that it is to take effect immediately as urgency statutes.

This bill would express the intent of the Legislature to make statutory changes relating to the Budget Act of 2007.

Vote: majority $\frac{2}{3}$. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

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

1 *SECTION 1. Section 15819.40 of the Government Code is*
2 *amended to read:*

3 15819.40. (a) (1) (A) The Department of Corrections and
4 Rehabilitation shall design, construct, or renovate prison housing
5 units, prison support buildings, and programming space in order
6 to add up to approximately 7,484 beds at the following prison
7 facilities:

- 8 (i) Pleasant Valley State Prison.
- 9 (ii) Pelican Bay State Prison.
- 10 (iii) California State Prison, Los Angeles County.
- 11 (iv) Calipatria State Prison.
- 12 (v) Centinela State Prison.
- 13 (vi) Salinas Valley State Prison.
- 14 (vii) Kern Valley State Prison.
- 15 (viii) Wasco State Prison.
- 16 (ix) North Kern State Prison.
- 17 (x) Mule Creek State Prison.

18 ~~(B) After reporting to the Joint Legislative Budget Committee~~
19 ~~that site assessments are complete at other prison facilities, the~~
20 ~~department shall design, construct, or renovate prison housing~~
21 ~~units, prison support buildings, and programming space in order~~
22 ~~to add up to 4,516 beds. The reporting requirements set forth in~~
23 ~~Sections 7000 to 7003.5, inclusive, of the Penal Code shall apply~~
24 ~~to each project constructed or renovated pursuant to this section.~~

25 *(B) The department shall complete site assessments at prison*
26 *facilities at which it intends to construct or renovate additional*
27 *housing units, support buildings, and programming space. The*
28 *department may use the funding provided in Section 28 of Chapter*

1 7 of the Statutes of 2007 to complete these site assessments. After
2 completing these site assessments, the department shall define the
3 scope and cost of each project pursuant to subdivision (d).

4 (C) The authority contained in subparagraphs (A) and (B) may
5 be used to develop approximately 12,000 new prison beds including
6 appropriate programmatic space pursuant to paragraph (2) of
7 subdivision (a) and, together with the funds appropriated in Section
8 15819.403 for this purpose, shall constitute the scope of a single
9 capital outlay project for purposes of calculating augmentations
10 pursuant to Section 13332.11 as described in Section 15819.401.

11 (2) Any new beds constructed pursuant to this section shall be
12 supported by rehabilitative programming for inmates, including,
13 but not limited to, education, vocational programs, substance abuse
14 treatment programs, employment programs, and prerelease
15 planning.

16 (3) The purpose of beds constructed pursuant to this section is
17 to replace the temporary beds currently in use, and they are not
18 intended to house additional inmates. For the purposes of this
19 section, "temporary beds" shall be defined as those that are placed
20 in gymnasiums, classrooms, hallways, or other public spaces that
21 were not constructed for the purpose of housing inmates.

22 (b) The Department of Corrections and Rehabilitation may
23 acquire land, design, construct, and renovate reentry program
24 facilities to provide housing for approximately 6,000 inmates as
25 authorized in Chapter 9.8 (commencing with Section 6271) of the
26 Penal Code and, together with the funds appropriated in Section
27 15819.403 for this purpose, this shall constitute the scope and cost
28 of a single capital outlay project for purposes of calculating
29 augmentations pursuant to Section 13332.11 as described in
30 Section 15819.401.

31 (c) The Department of Corrections and Rehabilitation is
32 authorized to construct and establish new buildings at facilities
33 under the jurisdiction of the department to provide medical, dental,
34 and mental health treatment or housing for approximately 6,000
35 inmates and, together with the funds appropriated in Section
36 15819.403 for this purpose, this shall constitute the scope and cost
37 of a single capital outlay project for purposes of calculating
38 augmentations pursuant to Section 13332.11 as described in
39 Section 15819.401.

1 (d) (1) *The reporting requirements set forth in Sections 7000*
2 *to 7003.5, inclusive, of the Penal Code, shall apply separately to*
3 *each institution or facility. The scope and cost of the project for*
4 *each institution or facility shall be established individually by the*
5 *State Public Works Board. The amount of the total appropriations*
6 *in Section 15819.403 that is necessary for each project shall be*
7 *allocated to each institution or facility project. The appropriations*
8 *may be allocated based on current estimates. These initial*
9 *allocations may be adjusted commensurate to changes that occur*
10 *during the progression of the projects. As allocations are made*
11 *or adjusted, the anticipated deficit or savings shall be continuously*
12 *tracked and reported. Once the total appropriation has been*
13 *allocated, any augmentation necessary to fund an anticipated*
14 *deficit shall be based on the total applicable capital outlay*
15 *appropriation in Section 15819.403 and applied to each project*
16 *allocation as necessary.*

17 (2) *For each institution, the Department of Corrections and*
18 *Rehabilitation shall report to the Joint Legislative Budget*
19 *Committee identifying those projects that the department proposes*
20 *to undertake, and any support buildings, and programming space*
21 *to support approximately 12,000 new beds at existing institutions.*
22 *For each institution the department shall describe the scope,*
23 *budget, schedule, number of beds by security level, along with*
24 *approximate square footage of prison support buildings, and*
25 *programming space to be constructed or renovated. If after*
26 *providing these reports, the committee fails to take any action with*
27 *respect to each report within 30 days after submittal, this inaction*
28 *shall be deemed to be approval for purposes of this section, and*
29 *the department is authorized to proceed to design, construct, or*
30 *renovate prison housing units, support buildings, and programming*
31 *space for each institution for which a report has been approved.*

32 (3) *The department shall notify the Joint Legislative Budget*
33 *Committee 45 days prior to the submission of preliminary plans*
34 *to the board for each project authorized in this section. If after*
35 *providing these notifications, the committee fails to take any action*
36 *with respect to each report within 45 days after submittal, this*
37 *inaction shall be deemed to be approval for purposes of this*
38 *section, and the department is authorized to design, construct, or*
39 *renovate prison housing units, support buildings, and programming*
40 *space for each institution for which a report has been approved.*

1 (4) The Department of Corrections and Rehabilitation shall
2 report quarterly to the Joint Legislative Budget Committee on the
3 allocations from the appropriations in Section 15819.403 and the
4 anticipated deficit or savings. Each reentry program facility
5 authorized under subdivision (b) shall be considered to be a
6 separate project for reporting purposes pursuant to Sections 7000
7 and 7003.5 of the Penal Code. Each medical, mental health, or
8 dental building improvement authorized under subdivision (c)
9 shall be considered to be a separate project, except that building
10 improvements that have a related purpose and that are located at
11 the same prison may be considered one project, for reporting
12 purposes pursuant to Sections 7000 and 7003.5 of the Penal Code.

13 SEC. 2. Section 15819.401 of the Government Code is amended
14 to read:

15 15819.401. The scope and costs of the projects authorized by
16 this chapter shall be subject to approval and administrative
17 oversight by the State Public Works Board, including
18 augmentations, pursuant to ~~Sections~~ Section 13332.11 and
19 ~~13332.19~~. For purposes of this chapter, the availability of an
20 augmentation for each individual project allocation shall be
21 calculated based on the total applicable capital outlay
22 appropriation contained in Section 15819.403 and is not limited
23 to 20 percent of the individual project allocation.

24 SEC. 3. Section 15819.41 of the Government Code is amended
25 to read:

26 15819.41. (a) The Department of Corrections and
27 Rehabilitation shall complete site assessments at prison facilities
28 where it intends to construct or renovate additional prison housing
29 units, prison support buildings, and programming space in order
30 to add approximately 4,000 beds at existing prison facilities. The
31 department may use the funding provided in Section 28 of Chapter
32 7 of the Statutes of 2007 to complete the site assessments. After
33 completing these site assessments the department shall define the
34 scope and costs of each project pursuant to subdivision (d). This
35 authorization is in addition to the authorization in subdivision (a)
36 of Section 15891.40. Any new beds constructed shall be supported
37 by rehabilitative programming for inmates, including, but not
38 limited to, education, vocational programs, substance abuse
39 treatment programs, employment programs, and prerelease
40 planning. The Department of Corrections and Rehabilitation is

1 authorized to design, construct, or renovate prison housing units,
2 prison support buildings, and programming space in order to add
3 *approximately 4,000 beds at existing prison facilities. This*
4 *authorization is in addition to the authorization in subdivision (a)*
5 *of Section 15819.40. Any new beds constructed shall be supported*
6 *by rehabilitative programming for inmates, including, but not*
7 *limited to, education, vocational programs, substance abuse*
8 *treatment programs, employment programs, and prerelease*
9 *planning. The authority contained in this subparagraph together*
10 *with the funds appropriated in Section 15819.413 for this purpose,*
11 *shall constitute the scope and cost of a single capital outlay project*
12 *for purposes of calculating augmentations pursuant to Section*
13 *13332.11 as described in Section 15819.411.*

14 (b) The Department of Corrections and Rehabilitation is
15 authorized to design, ~~and construct, and establish~~ new, *or renovate*
16 *existing* buildings at facilities under the jurisdiction of the
17 department to provide medical, dental, and mental health treatment
18 or housing for *approximately 2,000 inmates. This authorization is*
19 *in addition to the authorization in subdivision (c) of Section*
20 *15819.40. The authority contained in this subparagraph together*
21 *with the funds appropriated in Section 15819.413 for this purpose,*
22 *shall constitute the scope and cost of a single capital outlay project*
23 *for purposes of calculating augmentations pursuant to Section*
24 *13332.11 as described in Section 15819.411.*

25 (c) The Department of Corrections and Rehabilitation is
26 authorized to construct, establish, and operate reentry program
27 facilities throughout the state that will house ~~up to an additional~~
28 *approximately 10,000 inmates pursuant to Section 6271.1 of the*
29 *Penal Code, and together with the funds appropriated in Section*
30 *15819.413 for this purpose, this shall constitute the scope and cost*
31 *of a single capital outlay project for purposes of calculating*
32 *augmentations pursuant to Section 13332.11 as described in*
33 *Section 15819.411.*

34 (d) (1) *The reporting requirements set forth in Sections 7000*
35 *to 7003.5, inclusive, of the Penal Code, shall apply separately to*
36 *each institution or facility. The scope and cost of the project for*
37 *each institution or facility shall be established by the State Public*
38 *Works Board individually. The amount of the total appropriations*
39 *in Section 15819.413 that is necessary for each project shall be*
40 *allocated to each institution or facility project. The appropriations*

1 may be allocated based on current estimates. These initial
2 allocations may be adjusted commensurate to changes that occur
3 during the progression of the projects. As allocations are made
4 or adjusted, the anticipated deficit or savings shall be continuously
5 traced and reported. Once the total appropriation has been
6 allocated, any augmentation necessary to fund an anticipated
7 deficit shall be based on the total applicable capital outlay
8 appropriation in Section 15819.413 and applied to each project
9 allocation as necessary.

10 (2) For each institution, the department shall report to the Joint
11 Legislative Budget Committee, identifying those projects that the
12 department proposes to undertake, and any support buildings, and
13 programming space to support approximately 4,000 new beds at
14 existing institutions. For each institution, the department shall
15 describe the scope, budget, schedule, number of beds by security
16 level, along with approximate square footage of prison support
17 buildings, and programming space to be constructed or renovated.
18 If after providing these reports, the committee fails to take any
19 action with respect to each report within 30 days after submittal,
20 this inaction shall be deemed to be approval for purposes of this
21 section, and the department is authorized to proceed to design,
22 construct, or renovate prison housing units, support buildings,
23 and programming space for each institution for which a report
24 has been approved.

25 (3) The Department of Corrections and Rehabilitation shall
26 notify the Joint Legislative Budget Committee 45 days prior to the
27 submission of preliminary plans to the board for each project
28 authorized in this section. If after providing these notifications,
29 the committee fails to take any action with respect to each report
30 within 45 days after submittal, this inaction shall be deemed to be
31 approval for purposes of this section, and the department is
32 authorized to design, construct, or renovate prison housing units,
33 support buildings, and programming space for each institution
34 for which a report has been approved.

35 (4) The Department of Corrections and Rehabilitation shall
36 report quarterly to the Joint Legislative Budget Committee on the
37 allocations from the appropriations in Section 15819.413 and the
38 anticipated deficit or savings. Each reentry program facility
39 authorized under subdivision (c) shall be considered to be a
40 separate project. Each medical, mental health, or dental building

1 *improvement authorized under subdivision (b) shall be considered*
2 *to be a separate project, except that building improvements that*
3 *have a related purpose and that are located at the same prison*
4 *may be considered one project, for reporting purposes pursuant*
5 *to Sections 7000 and 7003.5 of the Penal Code.*

6 *SEC. 4. Section 15819.411 of the Government Code is amended*
7 *to read:*

8 15819.411. The scope and costs of the projects authorized by
9 this chapter shall be subject to approval and administrative
10 oversight by the State Public Works Board, including
11 augmentations, pursuant to ~~Sections~~ *Section 13332.11* ~~and~~
12 ~~13332.19~~. *For purposes of this chapter, the availability of an*
13 *augmentation for each individual project allocation shall be*
14 *calculated based on the total applicable capital outlay*
15 *appropriation contained in Section 15819.413 and is not limited*
16 *to 20 percent of the individual project allocation.*

17 *SEC. 5. Section 15820.907 of the Government Code is amended*
18 *to read:*

19 15820.907. (a) Participating county matching funds for projects
20 funded under this chapter shall be a minimum of 25 percent of the
21 total project costs. The CSA may reduce matching fund
22 requirements for participating counties with a general population
23 below 200,000 upon petition by a participating county to the CSA
24 requesting a lower level of matching funds.

25 (b) The CDCR and CSA shall give funding preference to
26 counties that assist the state in siting reentry facilities, pursuant to
27 Section 6270. *The CSA shall, to the extent possible, ensure that*
28 *funds for the construction of new jail beds be coordinated with*
29 *CDCR's efforts to site new reentry facilities.*

30 (c) The CDCR and CSA shall give funding preference to
31 counties that assist the state in siting mental health day treatment
32 and crisis care, pursuant to Section 3073 of the Penal Code, and
33 to counties ~~who~~ *that* provide a continuum of care so that parolees
34 with mental health and substance abuse needs can continue to
35 receive services at the conclusion of their period of parole.

36 *SEC. 6. Section 1557 of the Penal Code is amended to read:*

37 1557. (a) This section shall apply when this state or a city,
38 county, or city and county employs a person to travel to a foreign
39 jurisdiction outside this state for the express purpose of returning
40 a fugitive from justice to this state when the Governor of this state,

1 in the exercise of the authority conferred by Section 2 of Article
2 IV of the United States Constitution, or by the laws of this state,
3 has demanded the surrender of the fugitive from the executive
4 authority of any state of the United States, or of any foreign
5 government.

6 (b) Upon the approval of the Governor, the State Controller
7 shall audit and pay out of the State Treasury as provided in
8 subdivision (c) or (d) the accounts of the person employed to bring
9 back the fugitive, including any money paid by that person for all
10 of the following:

11 (1) Money paid to the authorities of a sister state for statutory
12 fees in connection with the detention and surrender of the fugitive.

13 (2) Money paid to the authorities of the sister state for the
14 subsistence of the fugitive while detained by the sister state without
15 payment of which the authorities of the sister state refuse to
16 surrender the fugitive.

17 (3) Where it is necessary to present witnesses or evidence in
18 the sister state, without which the sister state would not surrender
19 the fugitive, the cost of producing the witnesses or evidence in the
20 sister state.

21 (4) Where the appearance of witnesses has been authorized in
22 advance by the Governor, who may authorize the appearance in
23 unusual cases where the interests of justice would be served, the
24 cost of producing witnesses to appear in the sister state on behalf
25 of the fugitive in opposition to his or her extradition.

26 (c) No amount shall be paid out of the State Treasury to a city,
27 county, or city and county except as follows:

28 (1) When a warrant has been issued by any magistrate after the
29 filing of a complaint or the finding of an indictment and its
30 presentation to the court and filing by the clerk, and the person
31 named therein as defendant is a fugitive from justice who has been
32 found and arrested in any state of the United States or in any
33 foreign government, the county auditor shall draw his or her
34 warrant and the county treasurer shall pay to the person designated
35 to return the fugitive, the amount of expenses estimated by the
36 district attorney to be incurred in the return of the fugitive.

37 (2) If the person designated to return the fugitive is a city officer,
38 the city officer authorized to draw warrants on the city treasury
39 shall draw his or her warrant and the city treasurer shall pay to that

1 person the amount of expenses estimated by the district attorney
2 to be incurred in the return of the fugitive.

3 (3) The person designated to return the fugitive shall make no
4 disbursements from any funds advanced without a receipt being
5 obtained therefor showing the amount, the purpose for which the
6 sum is expended, the place, the date, and to whom paid.

7 (4) A receipt obtained pursuant to paragraph (3) shall be filed
8 by the person designated to return the fugitive with the county
9 auditor or appropriate city officer or State Controller, as the case
10 may be, together with an affidavit by the person that the
11 expenditures represented by the receipts were necessarily made in
12 the performance of duty, and when the advance has been made by
13 the county or city treasurer to the person designated to return the
14 fugitive, and has thereafter been audited by the State Controller,
15 the payment thereof shall be made by the State Treasurer to the
16 county or city treasury that has advanced the funds.

17 (5) In every case where the expenses of the person employed
18 to bring back the fugitive as provided in this section, are less than
19 the amount advanced on the recommendation of the district
20 attorney, the person employed to bring back the fugitive shall
21 return to the county or city treasurer, as appropriate, the difference
22 in amount between the aggregate amount of receipts so filed by
23 him or her, as herein employed, and the amount advanced to the
24 person upon the recommendation of the district attorney.

25 (6) When no advance has been made to the person designated
26 to return the fugitive, the sums expended by him or her, when
27 audited by the State Controller, shall be paid by the State Treasurer
28 to the person so designated.

29 (7) Any payments made out of the State Treasury pursuant to
30 this section shall be made from appropriations for the fiscal year
31 in which those payments are made.

32 (d) Payments to state agencies will be made in accord with the
33 rules of the California Victim Compensation and Government
34 Claims Board. *No city, county, or other jurisdiction may file, and
35 the state may not reimburse, a claim pursuant to this section that
36 is presented to the Department of Corrections and Rehabilitation
37 or to any other agency or department of the state more than six
38 months after the close of the month in which the costs were
39 incurred.*

40 *SEC. 7. Section 2063 is added to the Penal Code, to read:*

- 1 2063. (a) *It is the intent of the Legislature that the Department*
2 *of Corrections and Rehabilitation shall regularly provide*
3 *operational and fiscal information to the Legislature to allow it*
4 *to better assess the performance of the department in critical areas*
5 *of operations, including to both evaluate the effectiveness of*
6 *department programs and activities, as well as assess how*
7 *efficiently the department is using state resources.*
- 8 (b) *No later than January 10 of each year, the Department of*
9 *Corrections and Rehabilitation shall provide to the Joint*
10 *Legislative Budget Committee operational and fiscal information*
11 *to be displayed in the Governor's proposed budget. This*
12 *information shall include data for the three most recently ended*
13 *fiscal years, and shall include, but is not limited to, the following:*
- 14 (1) *Per capita costs, average daily population, and offender to*
15 *staff ratios for each of the following:*
- 16 (A) *Adult inmates housed in state prisons.*
17 (B) *Adult inmates housed in Community Correctional Facilities*
18 *and out-of-state facilities.*
19 (C) *Adult parolees supervised in the community.*
20 (D) *Juvenile wards housed in state facilities.*
21 (E) *Juvenile parolees supervised in the community.*
- 22 (2) *Total expenditures and average daily population for each*
23 *adult and juvenile institution.*
- 24 (3) *Number of established positions and percent of those*
25 *positions vacant on June 30 for each of the following classifications*
26 *within the department:*
- 27 (A) *Correctional officer.*
28 (B) *Correctional sergeant.*
29 (C) *Correctional lieutenant.*
30 (D) *Parole agent.*
31 (E) *Youth correctional counselor.*
32 (F) *Youth correctional officer.*
33 (G) *Physician.*
34 (H) *Registered nurse.*
35 (I) *Psychiatrist.*
36 (J) *Psychologist.*
37 (K) *Dentist.*
38 (L) *Teacher.*
39 (M) *Vocational instructor.*
40 (N) *Licensed vocational nurse.*

1 (4) Average population of juvenile wards classified by board
2 category.

3 (5) Average population of adult inmates classified by security
4 level.

5 (6) Average population of adult parolees classified by
6 supervision level.

7 (7) Number of new admissions from courts, parole violators
8 with new terms, and parole violators returned to custody.

9 (8) Number of probable cause hearings, revocation hearings,
10 and parole suitability hearings conducted.

11 (9) For both adult and juvenile facilities, the number of budgeted
12 slots, actual enrollment, and average daily attendance for
13 institutional academic and vocational education and substance
14 abuse programs.

15 (10) Average population of mentally ill offenders classified by
16 Correctional Clinical Case Management System or Enhanced
17 Outpatient Program status, as well as information about mentally
18 ill offenders in more acute levels of care.

19 (c) No later than January 10 of each year, the Department of
20 Corrections and Rehabilitation shall provide to the Joint
21 Legislative Budget Committee a supplemental report containing
22 operational and fiscal information in addition to data provided in
23 subdivision (b). To the extent possible and relevant, the department
24 shall seek to keep the categories of information provided the same
25 each year so as to provide consistency. This report shall contain
26 information for the three most recently ended fiscal years, and
27 shall include, but is not limited to, data on the operational level
28 and outcomes associated with the following categories:

29 (1) Adult prison security operations, including use of
30 disciplinary measures and special housing assignments such as
31 placements in administrative segregation, Security Housing Units,
32 and sensitive needs yards, identifying these placements by offender
33 categories such as security level and mental health classification.

34 (2) Adult prison education and treatment programs, including
35 academic education, vocational training, prison industries,
36 substance abuse treatment, and sex offender treatment.

37 (3) Adult prison health care operations, including medical,
38 mental, and dental health.

- 1 (4) *Adult parole operations, including number of discharges*
2 *from parole supervision and provision of various treatment and*
3 *sanction programs.*
- 4 (5) *Board of Parole Hearings, including the total number of*
5 *parole suitability hearings scheduled for inmates serving life*
6 *sentences each year; the number of parole suitability hearings*
7 *postponed each year and the reasons for postponement, and the*
8 *backlog of parole suitability hearings.*
- 9 (5.1) *Board of Parole Hearings, including the total number of*
10 *adult parole revocation cases with probable cause hearings*
11 *scheduled each year; the percent of parole revocation cases with*
12 *probable cause hearings held within 10 business days, as well as*
13 *the percent of adult parole revocation cases completed within 35*
14 *calendar days.*
- 15 (6) *Juvenile institution security operations, including use of*
16 *disciplinary measures and special housing assignments such as*
17 *special management programs, as well as the impact of time that*
18 *adds or cuts the length of confinement.*
- 19 (7) *Juvenile institutional education and treatment programs,*
20 *including academic education, vocational training, substance*
21 *abuse treatment, and sex offender treatment.*
- 22 (8) *Juvenile institutional health care operations, including*
23 *medical, mental, and dental health.*
- 24 (9) *Juvenile parole operations, including the number of juvenile*
25 *parolees returned to state institutions and provision of various*
26 *treatment and sanction programs.*
- 27 (9.1) *Juvenile Parole Board, including juvenile parole*
28 *revocation hearings.*
- 29 (d) *To the extent any of the information in subdivision (b) or*
30 *(c) falls under the purview of the federally appointed receiver over*
31 *medical care services, the Department of Corrections and*
32 *Rehabilitation shall, to the best of its ability, coordinate with the*
33 *receiver in obtaining this information.*
- 34 SEC. 8. *Section 3007 is added to the Penal Code, to read:*
35 3007. *The Department of Corrections and Rehabilitation shall*
36 *require a research component for any sex offender treatment*
37 *contract funded by the department. The research component shall*
38 *enable the department's research unit or an independent contractor*
39 *to evaluate the effectiveness of each contract on reducing the rate*
40 *of recidivism of the participants in the program funded by a*

1 contract. The research findings shall be compiled annually in a
2 report due to the Legislature January 10 of each year.

3 SEC. 9. Section 4016.5 of the Penal Code is amended to read:

4 4016.5. A city or county shall be reimbursed by the Department
5 of Corrections and Rehabilitation for costs incurred resulting from
6 the detention of a state prisoner, a person sentenced or referred to
7 the state prison, or a parolee and from parole revocation
8 proceedings when the detention meets any of the following
9 conditions:

10 (a) The detention relates to a violation of the conditions of parole
11 or the rules and regulations of the ~~Director~~ Secretary of the
12 Department of Corrections and Rehabilitation and does not relate
13 to a new criminal charge.

14 (b) The detention is pursuant to (1) an order of the Board of
15 Prison Terms Parole Hearings under the authority granted by
16 Section 3060, or (2) an order of the Governor under the authority
17 granted by Section 3062 or (3) an exercise of a state parole or
18 correctional officer's peace officer powers as specified in Section
19 830.5.

20 (c) Security services and facilities are provided for hearings
21 which are conducted by the Board of ~~Prison Terms Parole~~
22 Hearings to revoke parole.

23 (d) The detention results from a new commitment, or a referral
24 pursuant to Section 1203.03, once the abstract of judgment has
25 been completed, the department's intake control unit has been
26 notified by the county that the prisoner is ready to be transported
27 pursuant to Section 1216, and the department is unable to accept
28 delivery of the prisoner. The reimbursement shall be provided for
29 each day starting on the day following the fifth working day after
30 the date of notification by the county, if the prisoner remains ready
31 to be delivered and the department is unable to receive the prisoner.
32 If a county delivers or attempts to deliver a person to the
33 department without the prior notification required by this
34 paragraph, the date of the delivery or attempted delivery shall be
35 recognized as the notification date pursuant to this paragraph. The
36 notification and verification required by the county for prisoners
37 ready to be transported, and reimbursement provided to the county
38 for prisoners that the department is unable to receive, shall be made
39 pursuant to procedures established by the department.

1 A city or county shall be reimbursed by the department from
2 funds appropriated in Item 5240-101-0001 of the Budget Act of
3 1998 for costs incurred pursuant to subdivisions (a), (b), and (c)
4 and from funds appropriated in Item 5240-001-0001 of that act
5 for costs incurred pursuant to subdivision (d).

6 The reimbursement required by this section shall be expended
7 for maintenance, upkeep, and improvement of jail conditions,
8 facilities, and services. Before the county is reimbursed by the
9 department, the total amount of all charges against that county
10 authorized by law for services rendered by the department shall
11 be first deducted from the gross amount of reimbursement
12 authorized by this section. The net reimbursement shall be
13 calculated and paid monthly by the department. The department
14 shall withhold all or part of the net reimbursement to a county
15 whose jail facility or facilities do not conform to minimum
16 standards for local detention facilities as authorized by Section
17 6030 only if the county is failing to make reasonable efforts to
18 correct differences, with consideration given to the resources
19 available for those purposes.

20 "Costs incurred resulting from the detention," as used in this
21 section, shall include the same cost factors as are utilized by the
22 Department of Corrections and Rehabilitation in determining the
23 cost of prisoner care in state correctional facilities.

24 *(e) No city, county, or other jurisdiction may file, and the state
25 may not reimburse, a claim pursuant to this section that is
26 presented to the Department of Corrections and Rehabilitation or
27 to any other agency or department of the state more than six
28 months after the close of the month in which the costs were
29 incurred.*

30 *SEC. 10. Section 4750 of the Penal Code is amended to read:*

31 4750. A city, county, or superior court shall be entitled to
32 reimbursement for reasonable and necessary costs connected with
33 state prisons or prisoners in connection with any of the following:

34 (a) Any crime committed at a state prison, whether by a prisoner,
35 employee, or other person.

36 With respect to a prisoner, "crime committed at a state prison"
37 as used in this subdivision, includes, but is not limited to, crimes
38 committed by the prisoner while detained in local facilities as a
39 result of a transfer pursuant to Section 2910 or 6253, or in

1 conjunction with any hearing, proceeding, or other activity for
2 which reimbursement is otherwise provided by this section.

3 (b) Any crime committed by a prisoner in furtherance of an
4 escape. Any crime committed by an escaped prisoner within 10
5 days after the escape and within 100 miles of the facility from
6 which the escape occurred shall be presumed to have been a crime
7 committed in furtherance of an escape.

8 (c) Any hearing on any return of a writ of habeas corpus
9 prosecuted by or on behalf of a prisoner.

10 (d) Any trial or hearing on the question of the sanity of a
11 prisoner.

12 (e) Any costs not otherwise reimbursable under Section 1557
13 or any other related provision in connection with any extradition
14 proceeding for any prisoner released to hold.

15 (f) Any costs incurred by a coroner in connection with the death
16 of a prisoner.

17 (g) Any costs incurred in transporting a prisoner within the host
18 county or as requested by the prison facility or incurred for
19 increased security while a prisoner is outside a state prison.

20 (h) Any crime committed by a state inmate at a state hospital
21 for the care, treatment, and education of the mentally disordered,
22 as specified in Section 7200 of the Welfare and Institutions Code.

23 (i) *No city, county, or other jurisdiction may file, and the state
24 may not reimburse, a claim pursuant to this section that is
25 presented to the Department of Corrections and Rehabilitation or
26 to any other agency or department of the state more than six
27 months after the close of the month in which the costs were
28 incurred.*

29 *SEC. 11. Section 4758 of the Penal Code is amended to read:*

30 4758. (a) A county shall be entitled to reimbursement for
31 reasonable and necessary costs incurred by the county with respect
32 to an inmate housed and treated at a state hospital in that county
33 pursuant to Section 2684, including, but not limited to, any trial
34 costs related to a crime committed at the hospital by an inmate
35 housed at the hospital.

36 (b) Where an inmate referred for treatment to a state hospital
37 pursuant to Section 2684 commits a crime during transportation
38 from prison to the hospital, or commits a crime during
39 transportation from the hospital to the prison, a county that

1 prosecutes the defendant shall be entitled to reimbursement for
2 the costs of prosecution.

3 *(c) No city, county, or other jurisdiction may file, and the state*
4 *may not reimburse, a claim pursuant to this section that is*
5 *presented to the Department of Corrections and Rehabilitation or*
6 *to any other agency or department of the state more than six*
7 *months after the close of the month in which the costs were*
8 *incurred.*

9 *SEC. 12. Section 6005 of the Penal Code is amended to read:*

10 6005. (a) Whenever a person confined to a correctional
11 institution under the supervision of the Department of ~~the Youth~~
12 ~~Authority~~ *Corrections and Rehabilitation* is charged with a public
13 offense committed within the confines of that institution and is
14 tried for that public offense, a city, county, or superior court shall
15 be entitled to reimbursement for reasonable and necessary costs
16 connected with that matter.

17 (b) The appropriate financial officer or other designated official
18 of a county or the city finance officer of a city incurring any costs
19 in connection with that matter shall make out a statement of all
20 the costs incurred by the county or city for the investigation, the
21 preparation for the trial, participation in the actual trial of the case,
22 all guarding and keeping of the person, and the execution of the
23 sentence of the person, properly certified to by a judge of the
24 superior court of the county. The statement may not include any
25 costs that are incurred by the superior court pursuant to subdivision
26 (c). The statement shall be sent to the department for its approval.
27 After the approval the department must cause the amount of the
28 costs to be paid out of the money appropriated for the support of
29 the department to the county treasurer of the county or the city
30 finance officer of the city incurring those costs.

31 (c) The superior court shall prepare a statement of all costs
32 incurred by the court for the preparation of the trial and the actual
33 trial of the case. The statement may not include any costs that are
34 incurred by the city or county pursuant to subdivision (a). The
35 statement shall be sent to the Administrative Office of the Courts
36 for approval and reimbursement.

37 *(d) No city, county, or other jurisdiction may file, and the state*
38 *may not reimburse, a claim pursuant to this section that is*
39 *presented to the Department of Corrections and Rehabilitation or*
40 *to any other agency or department of the state more than six*

1 months after the close of the month in which the costs were
2 incurred.

3 *SEC. 13. Section 6051 of the Penal Code is amended to read:*

4 6051. The Inspector General may conduct a management
5 review audit of any warden in the Department of Corrections and
6 Rehabilitation or superintendent in the ~~Department of the Youth~~
7 ~~Authority~~ Division of Juvenile Justice. The management review
8 audit shall include, but not be limited to, issues relating to
9 personnel, training, investigations, and financial matters. *Each*
10 *management review audit shall include an assessment of the*
11 *maintenance of the facility managed by the warden or*
12 *superintendent. The audit report shall be submitted to the secretary*
13 *of the agency, and the respective director department for evaluation*
14 *and for any response deemed necessary. Any Member of the*
15 *Legislature or the public may request and shall be provided with*
16 *a copy of any audit by the Inspector General, including a*
17 *management review audit or a special audit or review. A report*
18 *that involves potential criminal investigations or prosecution or*
19 *security practices and procedures shall be considered confidential,*
20 *and its disclosure shall not be required under this section.*

21 *SEC. 14. Section 6126 of the Penal Code is amended to read:*

22 6126. (a) (1) The Inspector General shall review departmental
23 policy and procedures, conduct audits of investigatory practices
24 and other audits, and conduct investigations of the Department of
25 Corrections and Rehabilitation, as requested by either the Secretary
26 of the Department of Corrections and Rehabilitation or a Member
27 of the Legislature, pursuant to the approval of the Inspector General
28 under policies to be developed by the Inspector General. The
29 Inspector General may, under policies developed by the Inspector
30 General, initiate an investigation or an audit on his or her own
31 accord.

32 (2) The Inspector General shall audit each warden of an
33 institution one year after his or her appointment, and shall audit
34 each correctional institution at least once every four years. *Each*
35 *audit shall include, but not be limited to, issues relating to*
36 *personnel, training, investigations, and financial matters. Each*
37 *audit shall include an assessment of the maintenance of the facility*
38 *managed by the warden. The audit report shall include the*
39 *Inspector General's assessment of facility maintenance. These*
40 *audit reports shall be provided to the Legislature and shall be made*

1 public. The requirements of this paragraph shall be phased in by
2 the Inspector General so that they are fully met by July 1, 2009.

3 (b) Upon completion of an investigation or audit, the Inspector
4 General shall provide a response to the requester.

5 (c) The Inspector General shall, during the course of an
6 investigatory audit, identify areas of full and partial compliance,
7 or noncompliance, with departmental investigatory policies and
8 procedures, specify deficiencies in the completion and
9 documentation of investigatory processes, and recommend
10 corrective actions, including, but not limited to, additional training
11 with respect to investigative policies, additional policies, or changes
12 in policy, as well as any other findings or recommendations that
13 the Inspector General deems appropriate.

14 (d) The Inspector General, pursuant to Section 6126.6, shall
15 review the Governor's candidates for appointment to serve as
16 warden for the state's adult correctional institutions.

17 (e) The Inspector General shall, in consultation with the
18 Department of Finance, develop a methodology for producing a
19 workload budget to be used for annually adjusting the budget of
20 the office of the Inspector General, beginning with the budget for
21 the ~~2005-06~~ 2005-06 fiscal year.

22 *SEC. 15. Section 7000 of the Penal Code is amended to read:*

23 7000. (a) The Department of Corrections and Rehabilitation
24 shall prepare plans for, and construct facilities and renovations
25 included within, its master plan for which funds have been
26 appropriated by the Legislature.

27 (b) "Master plan" means the department's "Facility
28 Requirements Plan," dated April 7, 1980, and any subsequent
29 revisions. ~~The plan shall include the department's plans to remove
30 temporary beds in dayrooms, gyms, and other areas.~~

31 *SEC. 16. Section 7003.5 of the Penal Code is amended to read:*

32 7003.5. (a) The department shall provide the Joint Legislative
33 Budget Committee with quarterly reports on the progress of funded
34 projects consistent with the requirements outlined in the State
35 Administrative Manual. This report shall include new prisons,
36 projects to construct inmate housing and other buildings at, or
37 within, existing prison facilities, prison medical, mental health,
38 and dental facilities, reentry facilities, and infrastructure projects
39 at existing prison facilities.

1 (b) On January 10 of each year, the department shall provide a
2 report to the Joint Legislative Budget Committee that includes the
3 status of each project that is part of the master plan, including
4 projects planned, projects in preliminary planning, working,
5 drawing and construction phases, and projects that have been
6 completed. The report shall include new prisons; projects to
7 construct inmate housing and other buildings at or within existing
8 prison facilities; prison medical, mental health, and dental facilities;
9 reentry facilities; and infrastructure projects at existing prison
10 facilities.

11 (c) This section applies to regular prison facilities; projects to
12 expand existing prison facilities; prison medical, mental health,
13 and dental facilities; reentry facilities; and infrastructure projects
14 at existing prison facilities, whether or not built or operated
15 exclusively by the department.

16 (d) *The report required in subdivision (b) shall include the*
17 *following information for adult and juvenile facilities:*

18 (1) *The department's plans to remove temporary beds in*
19 *dayrooms, gyms, and other areas, as well as plans to permanently*
20 *close or change the mission of the facilities.*

21 (2) *The department's plans to construct new facilities, including*
22 *reentry facilities.*

23 (3) *The department's plans to renovate existing facilities and*
24 *renovate, improve, or expand infrastructure capacity at existing*
25 *prison facilities.*

26 (4) *The scope of each project identified in the master plan.*

27 (5) *The budget for each project identified in the master plan.*

28 (6) *The schedule for each project identified in the master plan.*

29 (7) *A master schedule for the overall plan to deliver the*
30 *department's capital outlay program including planned versus*
31 *actual progress to date.*

32 (8) *Staffing plans for each project identified in the master plan,*
33 *including program, custody, facilities management, administration,*
34 *and health care.*

35 (9) *Total estimated cost of all projects in the master plan by*
36 *funding source, including planned versus actual expenditures to*
37 *date.*

38 (10) *Projected versus actual population plotted against*
39 *projected versus actual housing capacity in aggregate and by*
40 *security level.*

1 *SEC. 17. Section 7050 is added to the Penal Code, to read:*
2 7050. (a) (1) *Section 28 of Chapter 7 of the Statutes of 2007*
3 *contains an appropriation of three hundred million dollars*
4 *(\$300,000,000) for capital outlay to be allocated to renovate,*
5 *improve, or expand infrastructure capacity at existing prison*
6 *facilities. The funds appropriated by that section may be used for*
7 *land acquisition, environmental services, architectural*
8 *programming, engineering assessments, schematic design,*
9 *preliminary plans, working drawings, and construction.*
10 (2) *These funds may also be used to address deficiencies related*
11 *to utility systems owned by local government entities and serving*
12 *state prison facilities subject to the provisions of Section 54999*
13 *of the Government Code. The department shall report on any funds*
14 *to be expended for this purpose to the Joint Legislative Budget*
15 *Committee. If the committee fails to take any action with respect*
16 *to each notification within 20 days after submittal, this inaction*
17 *shall be deemed to be approval for purposes of this section.*
18 (3) *This subsection authorizes the scope and cost of a single*
19 *capital outlay project for purposes of calculating augmentations*
20 *pursuant to Section 13332.11.*
21 (b) *The scope and costs of the projects described in subdivision*
22 *(a) of this section shall be subject to approval and administrative*
23 *oversight by the State Public Works Board, including*
24 *augmentations, pursuant to Section 13332.11 of the Government*
25 *Code. The availability of an augmentation for each individual*
26 *project allocation shall be based on the total applicable capital*
27 *outlay appropriation contained in Section 28 of Chapter 7 of the*
28 *Statutes of 2007 and is not limited to 20 percent of the individual*
29 *project allocation. These requirements shall be applied separately*
30 *to each institution. All of the necessary infrastructure improvements*
31 *at each institution may be treated as one project such that there*
32 *would be one infrastructure improvement project at each*
33 *institution. The scope and cost of each infrastructure improvement*
34 *project shall be established by the board individually. The amount*
35 *of the total appropriation in Section 28 of Chapter 7 of the Statutes*
36 *of 2007 that is necessary for each infrastructure improvement*
37 *project shall be allocated by institution. The appropriation may*
38 *be allocated based on current estimates. These initial allocations*
39 *may be adjusted commensurate to changes that occur during the*
40 *progression of the projects. As allocations are made or adjusted,*

1 *the anticipated deficit or savings shall be continuously tracked*
2 *and reported. Once the total appropriation has been allocated,*
3 *any augmentation necessary to fund an anticipated deficit shall*
4 *be based on the total appropriation and allocated to each project*
5 *as necessary. The Joint Legislative Budget Committee shall be*
6 *notified 30 days prior to the establishment of scope, schedule, and*
7 *cost for each project by the board. The Department of Corrections*
8 *and Rehabilitation shall notify the Joint Legislative Budget*
9 *Committee 45 days prior to the submission of preliminary plans*
10 *to the board for each project. If, after providing these notifications*
11 *to the Joint Legislative Budget Committee, the committee fails to*
12 *take any action with respect to the notifications within the specified*
13 *time periods, this inaction will be deemed to be approval for*
14 *purposes of this section. The Department of Corrections and*
15 *Rehabilitation shall report on the allocations from the*
16 *appropriation in Section 28 of Chapter 7 of the Statutes of 2007*
17 *and the anticipated deficit or savings to the Joint Legislative*
18 *Budget Committee quarterly.*

19 *(c) The scope and costs of the projects described in subdivision*
20 *(a) shall be part of the Department of Corrections and*
21 *Rehabilitation's Master Plan, as defined in Section 7000.*

22 *(d) The reporting requirements set forth in Sections 7000 and*
23 *7003.5 shall apply separately to each project constructed or*
24 *renovated pursuant to this section. For all purposes other than*
25 *calculating augmentations pursuant to Section 13332.11 each*
26 *improvement authorized under subdivision (a) is considered a*
27 *separate project.*

28 *SEC. 18. Section 208.5 of the Welfare and Institutions Code*
29 *is amended to read:*

30 *208.5. (a) Notwithstanding any other ~~provision of~~ law, in any*
31 *case in which a minor who is detained in or committed to a county*
32 *institution established for the purpose of housing juveniles attains*
33 *~~the age of 18 years of age~~ prior to or during the period of detention*
34 *or confinement he or she may be allowed to come or remain in*
35 *contact with those juveniles until ~~the age of 19 years of age~~, at*
36 *which time he or she, upon the recommendation of the probation*
37 *officer, shall be delivered to the custody of the sheriff for the*
38 *remainder of the time he or she remains in custody, unless the*
39 *juvenile court orders continued detention in a juvenile facility. If*
40 *continued detention is ordered for a ward under the jurisdiction*

1 of the juvenile court who is 19 years of age or older but under 21
2 years of age, the detained person may be allowed to come into or
3 remain in contact with any other person detained in the institution
4 subject to the requirements of subdivision (b). The person shall be
5 advised of his or her ability to petition the court for continued
6 detention in a juvenile facility at the time of his or her attainment
7 of the age of 19 years of age. Notwithstanding any other provision
8 of law, the sheriff may allow ~~such a~~ the person to come into and
9 remain in contact with other adults in the county jail or in any other
10 county correctional facility in which he or she is housed.

11 (b) The county shall apply to the Corrections Standards
12 Authority for approval of a county institution established for the
13 purpose of housing juveniles as a suitable place for confinement
14 before the institution is used for the detention or commitment of
15 an individual under the jurisdiction of the juvenile court who is
16 19 years of age or older but under 21 years of age where the
17 detained person will come into or remain in contact with persons
18 under 18 years of age who are detained in the institution. The
19 authority shall review and approve or deny the application of the
20 county within 30 days of receiving notice of this proposed use. In
21 its review, the authority shall take into account the available
22 programming, capacity, and safety of the institution as a place for
23 the combined confinement and rehabilitation of individuals under
24 the jurisdiction of the juvenile court who are over 19 years of age
25 and those who are under 19 years of age.

26 SEC. 19. Section 731 of the Welfare and Institutions Code is
27 amended to read:

28 731. (a) If a minor is adjudged a ward of the court on the
29 ground that he or she is a person described by Section 602, the
30 court may order any of the types of treatment referred to in Sections
31 727 and 730 and, in addition, may ~~order~~ do any of the following:

32 (1) Order the ward to make restitution, to pay a fine up to the
33 amount of two hundred fifty dollars (\$250) for deposit in the county
34 treasury if the court finds that the minor has the financial ability
35 to pay the fine, or to participate in uncompensated work programs
36 or the court may commit.

37 (2) Commit the ward to a sheltered-care facility or may order.

38 (3) Order that the ward and his or her family or guardian
39 participate in a program of professional counseling as arranged

1 and directed by the probation officer as a condition of continued
2 custody of that minor or may commit the ward.

3 (4) ~~Commit the minor ward to the Department of the Youth~~
4 ~~Authority Corrections and Rehabilitation, Division of Juvenile~~
5 ~~Facilities, if the ward has committed an offense described in~~
6 ~~subdivision (b) of Section 707.~~

7 (b) ~~A minor ward committed to the Department of the Youth~~
8 ~~Authority Division of Juvenile Facilities~~ may not be held in
9 physical confinement for a period of time in excess of the
10 maximum period of imprisonment ~~which that~~ could be imposed
11 upon an adult convicted of the offense or offenses ~~which that~~
12 brought or continued the minor under the jurisdiction of the
13 juvenile court. ~~A minor ward committed to the Department of the~~
14 ~~Youth Authority Division of Juvenile Facilities~~ also may not be
15 held in physical confinement for a period of time in excess of the
16 maximum term of physical confinement set by the court based
17 upon the facts and circumstances of the matter or matters ~~which~~
18 ~~that~~ brought or continued the ~~minor ward~~ under the jurisdiction
19 of the juvenile court, which may not exceed the maximum period
20 of adult confinement as determined pursuant to this section. This
21 section does not limit the power of the ~~Youth Authority Juvenile~~
22 ~~Parole Board~~ to retain the ~~minor ward~~ on parole status for the
23 period permitted by Section 1769.

24 *SEC. 20. Section 731.1 is added to the Welfare and Institutions*
25 *Code, to read:*

26 *731.1. Notwithstanding any other law, the court committing a*
27 *ward to the Department of Corrections and Rehabilitation, Division*
28 *of Juvenile Facilities, may recall that commitment in the case of*
29 *any ward whose commitment offense was not an offense listed in*
30 *subdivision (b) of Section 707, unless the offense was a sex offense*
31 *set forth in paragraph (3) of subdivision (d) of Section 290 of the*
32 *Penal Code, and who remains confined in an institution operated*
33 *by the division as of September 1, 2007. Upon recall of the ward,*
34 *the court shall set and convene a recall disposition hearing for*
35 *the purpose of ordering an alternative disposition for the ward*
36 *that is appropriate under all of the circumstances prevailing in*
37 *the case. Pending the recall disposition hearing, the ward shall*
38 *be detained or housed in the manner and place, consistent with*
39 *the requirements of law, as may be directed by the court in its*
40 *order of recall.*

1 *SEC. 21. Section 733 of the Welfare and Institutions Code is*
2 *repealed.*

3 ~~733. No ward of the juvenile court who is under the age of 11~~
4 ~~years, and no ward of the juvenile court who is suffering from any~~
5 ~~contagious, infectious, or other disease which would probably~~
6 ~~endanger the lives or health of the other inmates of any state school~~
7 ~~shall be committed to the Department of the Youth Authority.~~

8 *SEC. 22. Section 733 is added to the Welfare and Institutions*
9 *Code, to read:*

10 733. *A ward of the juvenile court who meets any condition*
11 *described below shall not be committed to the Department of*
12 *Corrections and Rehabilitation, Division of Juvenile Facilities:*

13 *(a) The ward is under 11 years of age.*

14 *(b) The ward is suffering from any contagious, infectious, or*
15 *other disease that would probably endanger the lives or health of*
16 *the other inmates of any facility.*

17 *(c) The ward has been or is adjudged a ward of the court*
18 *pursuant to Section 602, and the most recent offense alleged in*
19 *any petition and admitted or found to be true by the court is not*
20 *described in subdivision (b) of Section 707, unless the offense is*
21 *a sex offense set forth in paragraph (3) of subdivision (d) of Section*
22 *290 of the Penal Code. This subdivision shall be effective on and*
23 *after September 1, 2007.*

24 *SEC. 23. Section 736 of the Welfare and Institutions Code is*
25 *amended to read:*

26 736. ~~(a) The~~ *Except as provided in Section 733, the*
27 *Department of Corrections and Rehabilitation, Division of Juvenile*
28 *Justice Facilities, shall accept a person ward committed to it*
29 *pursuant to this article if it the Chief Deputy Secretary for the*
30 *Division of Juvenile Justice believes that the person ward can be*
31 *materially benefited benefitted by its the division's reformatory*
32 *and educational discipline, and if it the division has adequate*
33 *facilities, staff, and programs to provide that care. A person ward*
34 *subject to this section shall not be transported to any facility under*
35 *the jurisdiction of the Division of Juvenile Justice division until*
36 *the director thereof superintendent of the facility has notified the*
37 *committing court of the place to which that person ward is to be*
38 *transported and the time at which he or she can be received.*

39 *(b) To determine who is best served by the Division of Juvenile*
40 *Justice Facilities, and who would be better served by the State*

1 Department of Mental Health, the Chief Deputy Secretary ~~of~~ for
2 the Division of Juvenile Justice and the Director of the State
3 Department of Mental Health shall, at least annually, confer and
4 establish policy with respect to the types of cases that should be
5 the responsibility of each department.

6 *SEC. 24. Section 1731.5 of the Welfare and Institutions Code*
7 *is amended to read:*

8 1731.5. (a) After certification to the Governor as provided in
9 this article, a court may commit to the ~~authority~~ *Division of*
10 *Juvenile Facilities* any person ~~convicted of a public offense who~~
11 ~~comes within paragraphs (1), (2), and (3), or paragraphs (1), (2),~~
12 ~~and (4), below: who meets all of the following:~~

13 (1) *Is convicted of an offense described in subdivision (b) of*
14 *Section 707 or paragraph (3) of subdivision (d) of Section 290 of*
15 *the Penal Code.*

16 ~~(1)~~

17 (2) *Is found to be less than 21 years of age at the time of*
18 *apprehension.*

19 ~~(2)~~

20 (3) *Is not sentenced to death, imprisonment for life, with or*
21 *without the possibility of parole, whether or not pursuant to Section*
22 *190 of the Penal Code, imprisonment for 90 days or less, or the*
23 *payment of a fine, or after having been directed to pay a fine,*
24 *defaults in the payment thereof, and is subject to imprisonment*
25 *for more than 90 days under the judgment.*

26 ~~(3)~~

27 (4) *Is not granted probation.*

28 ~~(4) Was probation, or was granted probation and that probation~~
29 ~~is revoked and terminated.~~

30 (b) ~~The Youth Authority~~ *Division of Juvenile Facilities* shall
31 accept a person committed to it pursuant to this article if it believes
32 that the person can be materially benefited by its reformatory and
33 educational discipline, and if it has adequate facilities to provide
34 that care.

35 (c) Any person ~~under the age of~~ *18 years of age* who is not
36 committed to the ~~authority~~ *division* pursuant to this section may
37 be transferred to the authority by the ~~Director~~ *Secretary of the*
38 *Department of Corrections and Rehabilitation* with the approval
39 of the ~~Director of the Youth Authority~~ *Chief Deputy Secretary for*
40 *the Division of Juvenile Justice.* In sentencing a person under the

1 age of 18 years of age, the court may order that the person shall
2 be transferred to the custody of the ~~Youth Authority Division of~~
3 ~~Juvenile Facilities~~ pursuant to this subdivision. ~~When-If~~ the court
4 makes this order and the ~~Youth Authority division~~ fails to accept
5 custody of the person, the person shall be returned to court for
6 resentencing. The transfer shall be solely for the purposes of
7 housing the inmate, allowing participation in the programs
8 available at the institution by the inmate, and allowing ~~Youth~~
9 ~~Authority division~~ parole supervision of the inmate, who, in all
10 other aspects shall be deemed to be committed to the Department
11 of Corrections and Rehabilitation and shall remain subject to the
12 jurisdiction of the ~~Director of Corrections and the Board of Prison~~
13 ~~Terms Secretary of the Department of Corrections and~~
14 ~~Rehabilitation and the Juvenile Parole Board.~~ Notwithstanding
15 subdivision (b) of Section 2900 of the Penal Code, the ~~Director of~~
16 ~~the Department of Corrections secretary,~~ with the concurrence of
17 the ~~Director of the Youth Authority chief deputy secretary,~~ may
18 designate a facility under the jurisdiction of the ~~Director of the~~
19 ~~Youth Authority chief deputy secretary~~ as a place of reception for
20 any person described in this subdivision.

21 The ~~Director of the Youth Authority chief deputy secretary~~ shall
22 have the same powers with respect to an inmate transferred
23 pursuant to this subdivision as if the inmate had been committed
24 or transferred to the ~~Youth Authority Division of Juvenile Facilities~~
25 either under the Arnold-Kennick Juvenile Court Law or subdivision
26 (a).

27 The duration of the transfer shall extend until any of the
28 following occurs:

29 (1) The ~~Director of the Youth Authority chief deputy secretary~~
30 orders the inmate returned to the Department of Corrections and
31 Rehabilitation.

32 (2) The inmate is ordered discharged by the ~~Board of Prison~~
33 ~~Terms Juvenile Parole Board.~~

34 (3) The inmate reaches the age of 18 years of age. However, if
35 the inmate's period of incarceration would be completed on or
36 before the inmate's 21st birthday, the ~~Director of the Youth~~
37 ~~Authority chief deputy secretary~~ may continue to house the inmate
38 until the period of incarceration is completed.

39 SEC. 25. Section 1766 of the Welfare and Institutions Code is
40 amended to read:

1 1766. (a) ~~When~~ *Subject to Sections 733 and 1767.35, and*
2 *subdivision (b) of this section, if a person has been committed to*
3 *the Department of Corrections and Rehabilitation, Division of*
4 *Juvenile Facilities, the Board of Juvenile Parole Hearings may*
5 *Board, according to standardized review and appeal procedures*
6 *established by the board in policy and regulation and subject to*
7 *the powers and duties enumerated in subdivision (a) of Section*
8 *1719, may do any of the following:*

9 (1) Permit the ward his or her liberty under supervision and
10 upon conditions it believes are best designed for the protection of
11 the public.

12 (2) Order his or her confinement under conditions it believes
13 best designed for the protection of the public pursuant to the
14 purposes set forth in Section 1700, except that a person committed
15 to the division pursuant to Sections 731 or 1731.5 may not be held
16 in physical confinement for a total period of time in excess of the
17 maximum periods of time set forth in Section 731. Nothing in this
18 subdivision limits the power of the board to retain the minor or
19 the young adult on parole status for the period permitted by
20 Sections 1769, 1770, and 1771.

21 (3) Order reconfinement or renewed release under supervision
22 as often as conditions indicate to be desirable.

23 (4) Revoke or modify any parole or disciplinary appeal order.

24 (5) Modify an order of discharge if conditions indicate that such
25 modification is desirable and when that modification is to the
26 benefit of the person committed to the division.

27 (6) Discharge him or her from its control when it is satisfied
28 that discharge is consistent with the protection of the public.

29 (b) *The county of commitment shall supervise the parole of any*
30 *ward released on parole on or after September 1, 2007, who was*
31 *committed to the custody of the division for committing an offense*
32 *other than those described in subdivision (b) of Section 707. The*
33 *division shall have no further jurisdiction over a ward who is*
34 *released on parole under the supervision of a county pursuant to*
35 *this section. Upon receipt of the ward by the county, the court shall*
36 *set and convene a parole disposition hearing for the purpose of*
37 *identifying and ordering those parole conditions that are*
38 *appropriate under all of the circumstances prevailing in the case*
39 *and best designed for the protection of the public.*

40 (b)

- 1 (c) Within 60 days of intake, the division shall provide the court
2 and the probation department with a treatment plan for the ward.
3 (e)
- 4 (d) A ward shall be entitled to an appearance hearing before a
5 panel of board commissioners for any action that would result in
6 the extension of a parole consideration date pursuant to subdivision
7 (d) of Section 5076.1 of the Penal Code.
8 (f)
- 9 (e) The department shall promulgate policies and regulations
10 to implement this section.
11 (e)
- 12 (f) Commencing on July 1, 2004, and annually thereafter, for
13 the preceding fiscal year, the department shall collect and make
14 available to the public the following information:
- 15 (1) The total number of ward case reviews conducted by the
16 division and the board, categorized by guideline category.
- 17 (2) The number of parole consideration dates for each category
18 set at guideline, above guideline, and below guideline.
- 19 (3) The number of ward case reviews resulting in a change to
20 a parole consideration date, including the category assigned to the
21 ward, the amount of time added to or subtracted from the parole
22 consideration date, and the specific reason for the change.
- 23 (4) The percentage of wards who have had a parole consideration
24 date changed to a later date, the percentage of wards who have
25 had a parole consideration date changed to an earlier date, and the
26 average annual time added or subtracted per case.
- 27 (5) The number and percentage of wards who, while confined
28 or on parole, are charged with a new misdemeanor or felony
29 criminal offense.
- 30 (6) Any additional data or information identified by the
31 department as relevant.
32 (f)
- 33 (g) As used in subdivision ~~(e)~~ (f), the term "ward case review"
34 means any review of a ward that changes, maintains, or appreciably
35 affects the programs, treatment, or placement of a ward.
- 36 *SEC. 26. Section 1767.3 of the Welfare and Institutions Code*
37 *is amended to read:*
- 38 1767.3. (a) ~~The Youth Authority Board~~ *The Juvenile Parole*
39 *Board* may suspend, cancel, or revoke any parole and may order
40 returned to custody ~~of the department, as specified in Section~~

1 1767.35, any person committed to it who is on parole under the
2 jurisdiction of the Division of Juvenile Parole Operations.

3 (b) The written order of the ~~director~~ Chief Deputy Secretary for
4 the Division of Juvenile Justice is a sufficient warrant for any peace
5 officer to return to the custody of the department any person
6 committed to it who is on parole or who has been permitted his or
7 her liberty on condition under the jurisdiction of the Division of
8 Juvenile Parole Operations.

9 (c) The written order of the ~~Director of the Youth Authority~~
10 Chief Deputy Secretary for the Division of Juvenile Justice is a
11 sufficient warrant for any peace officer to return to the custody of
12 the department, pending further proceedings before the Youth
13 Authority Board or the Board of Prison Terms Juvenile Parole
14 Board, any person committed to, or in the custody of, the
15 department who is on parole or who has been permitted his or her
16 liberty on condition under the jurisdiction of the Division of
17 Juvenile Parole Operations, or for any peace officer to return to
18 the custody of the department any person who has escaped from
19 the custody of the department Division of Juvenile Facilities or
20 from any institution or facility in which he or she has been placed
21 by the department division.

22 (d) All peace officers shall execute the orders in like manner as
23 a felony warrant.

24 SEC. 27. Section 1767.35 is added to the Welfare and
25 Institutions Code, to read:

26 1767.35. Commencing on September 1, 2007, any parolee
27 under the jurisdiction of the Division of Juvenile Parole Operations
28 shall be returned to custody upon the suspension, cancellation, or
29 revocation of parole as follows:

30 (a) To the custody of the Division of Juvenile Facilities if the
31 parolee is under the jurisdiction of the division for the commission
32 of an offense described in subdivision (b) of Section 707.

33 (b) To the county of commitment if the parolee is under the
34 jurisdiction of the division for the commission of an offense not
35 described in subdivision (b) of Section 707.

36 SEC. 28. Section 1776 of the Welfare and Institutions Code is
37 amended to read:

38 1776. Whenever an alleged parole violator is detained in a
39 county detention facility pursuant to a valid exercise of the powers
40 of the ~~Youth Authority~~ Department of Corrections and

1 *Rehabilitation* as specified in Sections 1753, 1755, and 1767.3 and
2 when such detention is initiated by the ~~Youth Authority~~
3 *Department of Corrections and Rehabilitation* and is related solely
4 to a violation of the conditions of parole and is not related to a new
5 criminal charge, the county shall be reimbursed for the costs of
6 such detention by the Department of the ~~Youth Authority~~
7 *Department of Corrections and Rehabilitation*. Such
8 reimbursement shall be expended for maintenance, upkeep, and
9 improvement of juvenile hall and jail conditions, facilities, and
10 services. Before the county is reimbursed by the department, the
11 total amount of all charges against that county authorized by law
12 for services rendered by the department shall be first deducted
13 from the gross amount of the reimbursement authorized by this
14 section. Such net reimbursement shall be calculated and paid
15 monthly by the department. The department shall withhold all or
16 part of such net reimbursement to a county whose juvenile hall or
17 jail facility or facilities do not conform to minimum standards for
18 local detention facilities as authorized by Section 6030 of the Penal
19 Code or Section 210 of this code.

20 "Costs of such detention," as used in this section, shall include
21 the same cost factors as are utilized by the Department of
22 *Corrections and Rehabilitation* in determining the cost of prisoner
23 care in state correctional facilities.

24 *No city, county, or other jurisdiction may file, and the state may*
25 *not reimburse, a claim pursuant to this section that is presented*
26 *to the Department of Corrections and Rehabilitation or to any*
27 *other agency or department of the state more than six months after*
28 *the close of the month in which the costs were incurred.*

29 *SEC. 29. Section 1798.5 of the Welfare and Institutions Code*
30 *is amended to read:*

31 1798.5. (a) Commencing July 1, 2005, there is hereby
32 established within the Department of Corrections and
33 Rehabilitation the State Commission on Juvenile Justice. ~~The~~
34 ~~commission shall advise the Secretary of the Department of~~
35 ~~Corrections and Rehabilitation and the Chief Deputy Secretary of~~
36 ~~Juvenile Justice of the department. The purpose of the commission~~
37 ~~is to provide comprehensive oversight, planning, and coordination~~
38 ~~of efforts leading to the improvement of juvenile justice among~~
39 ~~state and local agencies, which enhance the partnership and~~

1 *performance of state and local agencies in effectively preventing*
2 *and responding to juvenile crime.*

3 (b) The commission shall be composed of ~~11~~ 12 members, one
4 of whom shall be the Chief Deputy Secretary of Juvenile Justice
5 for the department, or his or her designee, who shall be designated
6 as the chairperson. One member shall be appointed by the Senate
7 Rules Committee. One member shall be appointed by the Speaker
8 of the Assembly. One member shall be a judge of the juvenile
9 court designated by the chairperson of the Judicial Council. The
10 remaining seven members shall be appointed by the Governor after
11 consultation with, and with the advice of, the secretary of the
12 department, and with the advice and consent of the Senate. The
13 gubernatorial appointments *and shall include all of the following:*

14 (1) *The Chief Deputy Secretary of Juvenile Justice of the*
15 *Department of Corrections and Rehabilitation, who shall serve as*
16 *cochair.*

17 (2) *A representative of counties, designated by the statewide*
18 *organization representing counties, who shall serve as cochair.*

19 ~~(1)~~

20 (3) *A chief probation officer, designated by the statewide*
21 *organization representing chief probation officers, who shall serve*
22 *as cochair.*

23 ~~(2)~~

24 (4) *A county sheriff, designated by the statewide organization*
25 *representing sheriffs.*

26 ~~(3)~~

27 (5) *A manager or administrator of a county local detention*
28 *facility for juveniles, appointed by the Governor.*

29 ~~(4)~~

30 (6) *A rank and file representative from state or local juvenile*
31 *corrections, appointed by the Speaker of the Assembly.*

32 ~~(5)~~

33 (7) *A representative from a community-based organization*
34 *serving at-risk youth, appointed by the Senate Committee on Rules.*

35 ~~(6) Two members of the public, at least one of whom shall~~
36 ~~represent~~

37 (8) *An individual who represents the interests of crime victims,*
38 *appointed by the Speaker of the Assembly.*

39 (c) ~~The terms of the members appointed by the Governor shall~~
40 ~~expire as follows: three on July 1, 2007, and four on July 1, 2008.~~

1 ~~The terms of the members appointed by the Senate Rules~~
2 ~~Committee and the Speaker of the Assembly shall expire on July~~
3 ~~1, 2008. The term of the member appointed by the Chairperson of~~
4 ~~the Judicial Council shall expire on July 1, 2007. Successor~~
5 ~~members shall hold office for terms of three years, each term to~~
6 ~~commence on the expiration date of the predecessor. Any~~
7 ~~appointment to a vacancy that occurs for any reason other than~~
8 ~~expiration of the term shall be for the remainder of the unexpired~~
9 ~~term. Members are eligible for reappointment.~~

10 ~~(d) The commission shall select a vice chairperson from among~~
11 ~~its members. Six members of the board shall constitute a quorum.~~

12 ~~(e) If any member appointed by the Governor is not in~~
13 ~~attendance for three consecutive meetings the commission may~~
14 ~~recommend to the Governor that the member be removed and the~~
15 ~~Governor may make a new appointment, with the advice and~~
16 ~~consent of the Senate, for the remainder of the term.~~

17 ~~(9) A judge of the juvenile court, appointed by the chairperson~~
18 ~~of the Judicial Council.~~

19 ~~(10) A director of a county human services agency, appointed~~
20 ~~by the statewide organization representing county welfare~~
21 ~~directors.~~

22 ~~(11) An attorney with expertise in the area of juvenile justice~~
23 ~~policy, appointed by the Senate Committee on Rules.~~

24 ~~(12) A director of a county mental health agency, appointed by~~
25 ~~the statewide organization representing county mental health~~
26 ~~directors.~~

27 ~~(c) This section shall remain in effect only until January 1, 2009,~~
28 ~~and as of that date is repealed, unless a later enacted statute, that~~
29 ~~is enacted before January 1, 2009, deletes or extends that date.~~

30 ~~SEC. 30. Chapter 1.5 (commencing with Section 1950) is added~~
31 ~~to Division 2.5 of the Welfare and Institutions Code, to read:~~

32
33 *CHAPTER 1.5. YOUTHFUL OFFENDER BLOCK GRANT PROGRAM*

34
35 *Article 1. General Provisions*

36
37 *1950. The purpose of this chapter is to enhance the capacity*
38 *of local communities to implement an effective continuum of*
39 *response to juvenile crime and delinquency.*

1 1951. (a) There is hereby established the Youthful Offender
2 Block Grant Fund.

3 (b) Allocations from the Youthful Offender Block Grant Fund
4 shall be used to enhance the capacity of county probation, mental
5 health, drug and alcohol, and other county departments to provide
6 appropriate rehabilitative and supervision services to youthful
7 offenders subject to Sections 731.1, 733, 1766, and 1767.35.
8 Counties, in expending the Youthful Offender Block Grant
9 allocation, shall provide all necessary services related to the
10 custody and parole of the offenders.

11 (c) The county of commitment is relieved of obligation for any
12 payment to the state pursuant to Section 912, 912.1, or 912.5 for
13 each offender who is not committed to the custody of the state
14 solely pursuant to subdivision (c) of Section 733, and for each
15 offender who is supervised by the county of commitment pursuant
16 to subdivision (b) of Section 1766 or subdivision (b) of Section
17 1767.35.

18 1952. For the 2007–08 fiscal year, all of the following shall
19 apply:

20 (a) An amount equal to the total of all of the following shall be
21 transferred from the General Fund to the Youthful Offender Block
22 Grant Fund:

23 (1) One hundred seventeen thousand dollars (\$117,000) per
24 ward multiplied by the average daily population (ADP) for the
25 year for wards who are not committed to the custody of the state
26 pursuant to subdivision (c) of Section 733, and Sections 731.1 and
27 1767.35.

28 (2) Fifteen thousand dollars (\$15,000) per parolee multiplied
29 by the ADP for the year for parolees who are supervised by the
30 county of commitment pursuant to subdivision (b) of Section 1766
31 or subdivision (b) of Section 1767.35.

32 (3) An amount equal to 5 percent of the total of paragraphs (1)
33 and (2). This amount shall be reserved by the Controller for
34 distribution by the Department of Finance, upon recommendation
35 of the Corrections Standards Authority, in collaboration with the
36 Division of Juvenile Facilities, for unforeseen circumstances
37 associated with the implementation of the act that added this
38 chapter. This amount is a one-time allocation and shall not be
39 built into the base described in subdivision (a) of Section 1953
40 unless the Department of Finance finds a continuation of

1 unforeseen circumstances. A county that wishes to seek funds from
2 this reserved amount shall submit a request to the Corrections
3 Standards Authority that outlines the unusual circumstances that
4 exist in the county and why the county's Youthful Offender Block
5 Grant is inadequate to meet the county financial needs to
6 accommodate and supervise youthful offenders pursuant to the act
7 that added this chapter.

8 (b) The Director of Finance shall determine the total amount
9 of the block grant, pursuant to the formula specified in subdivision
10 (a), and the allocation for each county, pursuant to Section 1955,
11 and shall report those findings to the Controller. The Controller
12 shall make an allocation from the Youthful Offender Block Grant
13 Fund to each county in accordance with the report.

14 (c) Any portion of the funds described in paragraph (3) of
15 subdivision (a) that is unused during the 2007-08 fiscal year shall
16 revert to the General Fund.

17 1953. For the 2008-09 fiscal year, the total of the following
18 amounts shall be transferred from the General Fund to the Youthful
19 Offender Block Grant Fund:

20 (a) The amount transferred to the Youthful Offender Block Grant
21 Fund for the 2007-08 fiscal year, as described in subdivision (a)
22 of Section 1952, adjusted to account for full-year impacts.

23 (b) One hundred seventeen thousand dollars (\$117,000) per
24 ward multiplied by the ADP for the year for wards who are not
25 committed to the custody of the state pursuant to subdivision (c)
26 of Section 733, and Sections 731.1 and 1767.35.

27 (c) Fifteen thousand dollars (\$15,000) per parolee based on
28 ADP for the year for parolees who are supervised by the county
29 of commitment pursuant to subdivision (b) of Section 1766.

30 1954. For the 2009-10 fiscal year, and each year thereafter,
31 an amount shall be transferred from the General Fund to the
32 Youthful Offender Block Grant Fund equal to that amount
33 transferred to the Youthful Offender Block Grant Fund for the
34 2008-09 fiscal year, as described in subdivisions (a), (b), and (c)
35 of Section 1953, adjusted to account for full-year impact.

36 1955. (a) The allocation amount for each county from the
37 Youthful Offender Block Grant Fund shall be distributed as
38 follows:

39 (1) Fifty percent based on the number of the county's juvenile
40 felony court dispositions, according to the most recent data

1 compiled by the Department of Justice, calculated as a percentage
2 of the state total.

3 (2) Fifty percent based on the county's population of minors
4 from 10 to 17 years of age, inclusive, according to the most recent
5 data published by the Department of Justice, calculated as a
6 percentage of the state total.

7 (b) Each county shall receive a minimum block grant allocation
8 of fifty-eight thousand five hundred dollars (\$58,500).

9 (c) Commencing with the 2008-09 fiscal year, allocations shall
10 be available to counties that have met the requirements of Section
11 1961.

12

13

Article 2. Performance and Accountability

14

15 1960. The Legislature finds and declares that local youthful
16 offender justice programs, including both custodial and
17 noncustodial corrective services, are better suited to provide
18 rehabilitative services for certain youthful offenders than
19 state-operated facilities. Local communities are better able than
20 the state to provide these offenders with the programs they require,
21 in closer proximity to their families and communities, including,
22 but not limited to, all of the following:

23 (a) Implementing risk and needs assessment tools and
24 evaluations to assist in the identification of appropriate youthful
25 offender dispositions and reentry plans.

26 (b) Placements in secure and semisecure youthful offender
27 rehabilitative facilities and in private residential care programs,
28 with or without foster care waivers, supporting specialized
29 programs for youthful offenders.

30 (c) Nonresidential dispositions such as day or evening treatment
31 programs, community service, restitution, and drug-alcohol and
32 other counseling programs based on an offender's assessed risks
33 and needs.

34 (d) House arrest, electronic monitoring, and intensive probation
35 supervision programs.

36 (e) Reentry and aftercare programs based on individual
37 aftercare plans for each offender who is released from a public
38 or private placement or confinement facility.

1 (f) Capacity building strategies to upgrade the training and
2 qualifications of juvenile justice and probation personnel serving
3 the juvenile justice caseload.

4 (g) Regional program and placement networks, including direct
5 brokering and placement locating networks to facilitate
6 out-of-county dispositions for counties lacking programs or
7 facilities.

8 1960.5. (a) The State Commission on Juvenile Justice, pursuant
9 to Section 1798.5, shall develop a Juvenile Justice Operational
10 Master Plan. On or before January 1, 2009, the commission shall
11 develop and make available for implementation by the counties
12 the following strategies:

13 (1) Risk and needs assessment tools to evaluate the
14 programming and security needs of all youthful offenders and
15 at-risk youth.

16 (2) Juvenile justice universal data collection elements, which
17 shall be common to all counties.

18 (3) Criteria and strategies to promote a continuum of
19 evidence-based responses to youthful offenders.

20 (b) In drafting the Juvenile Justice Operational Master Plan,
21 the commission shall take into consideration both of the following:

22 (1) Evidence-based programs and risk and needs assessment
23 tools currently in use by the counties.

24 (2) The costs of implementing these strategies.

25 (c) On or before May 1, 2008, the commission shall provide an
26 interim report to the Legislature, which shall include the status of
27 the work of the commission and the strategies it has identified to
28 date.

29 1961. On or before January 1, 2008, each county shall prepare
30 and submit to the Corrections Standards Authority for approval
31 a Juvenile Justice Development Plan for youthful offenders who
32 have not committed an offense described in subdivision (b) of
33 Section 707 and are in the custody of the county commencing
34 September 1, 2007. The plan shall include both of the following:

35 (a) A description of the programs, placements, services, or
36 strategies to be funded by the block grant allocation pursuant to
37 this chapter, including, but not limited to, the programs, tools, and
38 strategies outlined in Section 1960.

1 (b) A description of any regional agreements or arrangements
2 to be supported by the block grant allocation pursuant to this
3 chapter.

4 (c) A description of how these new programs coordinate with
5 programs under Chapter 353 of the Statutes of 2000 (A.B. 1913).

6 1962. (a) The Corrections Standards Authority, in consultation
7 with the Division of Juvenile Facilities, may provide technical
8 assistance to counties, including, but not limited to, regional
9 workshops, prior to issuing any Request for Proposal.

10 (b) The Corrections Standards Authority may monitor and
11 inspect any programs or facilities supported by block grant funds
12 allocated pursuant to this chapter and may enforce violations of
13 grant requirements with suspensions or cancellations of grant
14 funds.

15

16 Article 3. Local Youthful Offender Rehabilitative Facility
17 Construction Grants

18

19 1970. For the purposes of this article, "participating county"
20 means any county, or regional consortium of counties, within the
21 state that has been certified to the State Public Works Board by
22 the Correction Standards Authority as having satisfied all of the
23 requirements set forth in Section 1975 for financing a local youthful
24 offender rehabilitative facility pursuant to this article.

25 1971. (a) The Department of Corrections and Rehabilitation,
26 a participating county, and the State Public Works Board are
27 authorized to acquire, design, renovate, or construct a local
28 youthful offender rehabilitative facility approved by the Correction
29 Standards Authority pursuant to Section 1975, or a site or sites
30 owned by, or subject to a lease or option to purchase held by a
31 participating county. The ownership interest of a participating
32 county in the site or sites for a local youthful offender rehabilitative
33 facility shall be determined by the board to be adequate for
34 purposes of its financing in order to be eligible under this article.

35 (b) Notwithstanding Section 15815 of the Government Code, a
36 participating county may acquire, design, renovate, or construct
37 the local youthful offender rehabilitative facility in accordance
38 with its local contracting authority. Notwithstanding Section 14951
39 of the Government Code, the participating county may assign an
40 inspector during the construction of the project.

1 (c) The department, a participating county, and the board shall
2 enter a construction agreement for the project that shall provide,
3 at a minimum, all of the following:

4 (1) Performance expectations of the parties related to the
5 acquisition, design, renovation, or construction of the local
6 youthful offender rehabilitative facility.

7 (2) Guidelines and criteria for use and application of the
8 proceeds of revenue bonds, notes, or bond anticipation notes issued
9 by the board to pay for the cost of the approved local youthful
10 offender rehabilitative facility project.

11 (3) Ongoing maintenance and staffing responsibilities for the
12 term of the financing.

13 (d) The construction agreement shall include a provision that
14 the participating county agrees to indemnify, defend, and hold
15 harmless the State of California for any and all claims and losses
16 arising out of the acquisition, design, renovation, and construction
17 of the local youthful offender rehabilitative facility. The
18 construction agreement may also contain additional terms and
19 conditions that facilitate the financing by the board.

20 (e) The scope and cost of the approved local youthful offender
21 rehabilitative facility project shall be subject to approval and
22 administrative oversight by the board.

23 (f) For purposes of compliance with the California
24 Environmental Quality Act (Division 13 (commencing with Section
25 21000) of the Public Resources Code), neither the board nor the
26 department, shall be deemed a lead or responsible agency. The
27 participating county shall be the lead agency.

28 1972. Upon the receipt by a participating county of responsive
29 construction bids, the board and the department may borrow funds
30 for project costs after the project has been certified pursuant to
31 Section 1970 from the Pooled Money Investment Account pursuant
32 to Sections 16312 and 16313, or from any other appropriate
33 source. In the event any of the revenue bonds, notes, or bond
34 anticipation notes authorized by this chapter are not sold, the
35 department shall commit a sufficient amount of its support
36 appropriation to repay any loans made for an approved project.

37 1973. (a) The board may issue up to one hundred million
38 dollars (\$100,000,000) in revenue bonds, notes, or bond
39 anticipation notes, to finance the acquisition, design, renovation,
40 or construction, and a reasonable construction reserve, of

1 approved local youthful offender rehabilitative facilities described
2 in Section 197J.

3 (b) Proceeds from the revenue bonds, notes, or bond anticipation
4 notes may be utilized to reimburse a participating county for the
5 costs of acquisition, preliminary plans, working drawings, and
6 construction for approved projects.

7 (c) Notwithstanding Section 13340 of the Government Code,
8 funds derived pursuant to this section are continuously
9 appropriated for purposes of this article.

10 (d) This section shall become inoperative on June 30, 2017. No
11 projects shall be commenced after that date, but projects already
12 commenced may be financed through the issuance of bonds
13 pursuant to this article.

14 1974. With the consent of the board, the department, and a
15 participating county are authorized to enter into leases or
16 subleases, as lessor or lessee, for any property or approved project
17 and are further authorized to enter into contracts or other
18 agreements for the use, maintenance, and operation of the local
19 youthful offender rehabilitative facility in order to facilitate the
20 financing authorized by this article. In those leases, subleases, or
21 other agreements, the participating county shall agree to indemnify,
22 defend, and hold harmless the State of California for any and all
23 claims and losses accruing and resulting from or arising out of
24 the participating county's use and occupancy of the local youthful
25 offender rehabilitative facility.

26 1975. (a) The authority shall adhere to its duly adopted
27 regulations for the approval or disapproval of local youthful
28 offender rehabilitative facilities. The authority also shall consider
29 cost-effectiveness in determining approval or disapproval. No state
30 moneys shall be encumbered in contracts let by a participating
31 county until final architectural plans and specifications have been
32 approved by the authority, and subsequent construction bids have
33 been received. The review and approval of plans, specifications,
34 or other documents by the authority are for the purpose of ensuring
35 proper administration of moneys and determination of whether
36 the project specifications comply with law and regulation. The
37 authority may require changes in construction materials to enhance
38 safety and security if materials proposed at the time of final plans
39 and specifications are not essential and customary as used
40 statewide for facilities of the same security level. Participating

- 1 counties are responsible for the acquisition, design, construction,
2 staffing, operation, repair, and maintenance of the project.
- 3 (b) The authority shall establish minimum standards and funding
4 schedules and procedures, which shall take into consideration,
5 but not be limited to, all of the following:
- 6 (1) Certification by a participating county of project site control
7 through either fee simple ownership of the site or comparable
8 long-term possession of the site, and right of access to the project
9 sufficient to ensure undisturbed use and possession.
- 10 (2) Documentation of need for the project.
- 11 (3) A written project proposal.
- 12 (4) Submittal of a staffing plan for the project, including
13 operational cost projections and documentation that the local
14 youthful offender rehabilitative facility will be able to be safely
15 staffed and operated within 90 days of completion.
- 16 (5) Submittal of architectural drawings, which shall be approved
17 by the authority for compliance with minimum youthful offender
18 rehabilitation facility standards and which also shall be approved
19 by the State Fire Marshal for compliance with fire safety and life
20 safety requirements.
- 21 (6) Documentation evidencing the filing by a participating
22 county of a final notice of determination on its environmental
23 impact report.
- 24 (7) Provisions intended to maintain the tax-exempt status of the
25 bonds, notes, or bond anticipation notes issued by the board.
- 26 1976. Participating county matching funds for projects funded
27 under this article shall be a minimum of 25 percent of the total
28 project costs. The authority may reduce matching fund
29 requirements for participating counties with a general population
30 below 200,000 upon petition by a participating county to the
31 authority requesting a lower level of matching funds.
- 32 SEC. 31. It is the intent of the Legislature in enacting Sections
33 18 to 27, inclusive, 29, and 30 of this act that those provisions
34 shall not result in an unfunded, reimbursable state mandate.
35 Specifically, the authority for counties to receive wards who
36 otherwise would be committed to the custody and supervision of
37 the Department of Corrections and Rehabilitation, Division of
38 Juvenile Facilities, shall not constitute a higher level of service
39 or new program in excess of the programmatic funding included
40 in this act.

1 It is the intent of the Legislature that the state has provided
2 funding for an adequate level of care for youthful offenders
3 received by the county pursuant to this act, and that each county
4 shall be limited in its expenditures to funds specifically made
5 available for these purposes.

6 SEC. 32. (a) Pursuant to applicable provisions of law, the
7 Department of General Services, in coordination with the
8 Department of Technology Services, shall amend any contracts
9 that provide telephone services to wards and inmates in state
10 facilities in order to limit the amount of state concession fees as
11 follows:

12 (1) The concession fees shall be reduced to nineteen million
13 five hundred thousand dollars (\$19,500,000) for the 2007-08 fiscal
14 year.

15 (2) The concession fees shall be reduced to thirteen million
16 dollars (\$13,000,000) for the 2008-09 fiscal year.

17 (3) The concession fees shall be reduced to six million five
18 hundred thousand dollars (\$6,500,000) for the 2009-10 fiscal
19 year.

20 (4) The concession fees shall be reduced to zero for the 2010-11
21 fiscal year and thereafter.

22 (b) Rates shall be reduced in response to reductions in
23 concession fees.

24 SEC. 33. The funds appropriated by subdivision (b) of Section
25 28 of Chapter 7 of the Statutes of 2007 shall be used for the
26 following services:

27 (a) Developing prison-to-employment programs.

28 (b) Expanding substance abuse programs for inmates and
29 parolees.

30 (c) Developing and implementing risk assessments and needs
31 assessments for inmates.

32 (d) Establishing and funding day treatment services for mentally
33 ill parolees.

34 (e) Expanding educational and vocational programs for inmates.

35 SEC. 34. The Corrections Standards Authority shall allocate
36 funding for two one-time probation pilot projects. Each pilot
37 project shall be funded at five million dollars (\$5,000,000) and
38 shall be provided to one county probation department. The funds
39 shall be available for expenditure by the county probation
40 departments for a period of three years. The overall purpose of

1 *the pilot projects is to test models for reducing the number of*
2 *offenders coming to state prison. The pilot projects shall be*
3 *designed and implemented by the Corrections Standards Authority*
4 *as put forward in subdivisions (a) and (b) of this section.*

5 *(a) One pilot project shall be provided to one county probation*
6 *department in a large, urban county. The funding for the pilot*
7 *project may be used to fund prevention or supervision services for*
8 *probationers. The pilot project shall target 18 to 25 year-old,*
9 *inclusive, probationers with known gang affiliations. The pilot*
10 *project should target probationers within a jurisdiction or*
11 *jurisdictions within a county that are known gang "hot spots."*
12 *The grantee county probation department shall work with other*
13 *local law enforcement agencies, as necessary to coordinate the*
14 *project and enhance services to the gang "hot spot." The*
15 *Corrections Standards Authority shall require that the county*
16 *probation department provide a report and evaluation of this pilot*
17 *project.*

18 *(b) One pilot project shall be provided to the Alameda County*
19 *Probation Department. The funding for the pilot project may be*
20 *used to fund efforts to de-escalate community conflict and*
21 *encourage mediation among probationers and other at-risk*
22 *populations. The funding may also be used for employment*
23 *development and education programs. The pilot project must*
24 *include collaborative efforts with community-based organizations*
25 *and service providers. The pilot project shall target probationers*
26 *and other at-risk populations. The Corrections Standards Authority*
27 *shall require that the county probation department provide a report*
28 *and evaluation of this pilot project.*

29 *SEC. 35. The provisions of this act are severable. If any*
30 *provision of this act or its application is held invalid, that invalidity*
31 *shall not affect other provisions or applications that can be given*
32 *effect without the invalid provision or application.*

33 *SEC. 36. If the Commission on State Mandates determines that*
34 *this act contains costs mandated by the state, reimbursement to*
35 *local agencies and school districts for those costs shall be made*
36 *pursuant to Part 7 (commencing with Section 17500) of Division*
37 *4 of Title 2 of the Government Code.*

38 *SEC. 37. Sections 18 to 27, inclusive, 29, and 30 of this act*
39 *shall become operative on September 1, 2007.*

1 *SEC. 38. This act is an urgency statute necessary for the*
2 *immediate preservation of the public peace, health, or safety within*
3 *the meaning of Article IV of the Constitution and shall go into*
4 *immediate effect. The facts constituting the necessity are:*

5 *In order to make the necessary statutory changes to implement*
6 *the Budget Act of 2007 at the earliest time possible, it is necessary*
7 *that this act take effect immediately.*

8 ~~SECTION 1. It is the intent of the Legislature to make statutory~~
9 ~~changes relating to the Budget Act of 2007.~~

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photocopied from the files of the

Assembly Rules Committee,
Office of Floor Analyses.

(Without Reference to File)

SENATE THIRD READING
SB 81 (Committee on Budget and Fiscal Review)
As Amended July 19, 2007
2/3 vote. Urgency

SENATE VOTE: Vote not relevant

SUMMARY: Makes various statutory changes to implement various programmatic, clarifying, and technical changes to implement various public safety components of the 2007-08 Budget package. Specifically, this bill:

- 1) Prohibits the intake of youthful offenders adjudicated for non-violent, non-serious offenses (non-707b offenses) to the state Division of Juvenile Facilities within the California Department of Corrections and Rehabilitation (CDCR) on September 1, 2007. These youth would remain in county care and custody. Juvenile sex offenders are excluded from this change and will not be impacted by this bill.
- 2) Provides counties with the option to take a portion or all of the current youthful offender population with the Division of Juvenile Facilities.
- 3) Requires all non-violent, non-serious offenders released to parole after September 1, 2007 to become the responsibility of the counties.
- 4) Provides that the projected impact of the reforms in #1), #2), and #3) above is a reduced Average Daily Population in state juvenile institutions by 199 offenders in the budget year. This number is expected to grow to approximately 700 offenders by 2009-10. The reforms result is a projected reduction in the Average Daily Population on parole by about 190 parolees in the budget year. This number is expected to grow to approximately 570 in 2009-10.
- 5) Authorizes a new annual block grant to the counties to support local programs for the care and custody of the non-violent, non-serious offenders that will no longer be in the custody of the state. The block grants will be continuously appropriated and automatically transferred to the counties based on a schedule established by the Department of Finance. Total available to counties, including the savings from not paying the "sliding scale" fees to the state would be over \$140,000 per offender per year. The funds will be distributed to the counties through a formula that weights equally the county's juvenile population and juvenile felony adjudication rate. All counties will receive a minimum of \$58,500 annually.
- 6) Authorizes \$100 million in lease revenue bonds for the construction of new local facilities for youthful offenders. These funds will be allocated by the Corrections Standards Authority (CSA).
- 7) Requires the State Commission on Juvenile Justice to develop a Juvenile Justice Operational Master Plan that will develop and make available for implementation by the counties a common risk and needs assessment tool, universal data collection elements, and criteria and strategies for implementing evidence-based programs. This bill also modifies the membership of the State Commission on Juvenile Justice.

- 8) Provides \$4.9 million in local assistance planning grants to assist counties in preparing to serve the additional youthful offenders that will remain at the county level under this bill. Every county will receive a planning grant of at least \$50,000.
- 9) Provides \$10 million for competitive grants to counties for the development of local programs for specialized populations of youthful offenders, as well as regional approaches to the care and custody of youthful offenders.
- 10) Requires the CSA, to the extent possible, to coordinate the funding for local jail construction with the construction of reentry facilities.
- 11) Codifies and modifies current year notification guideline for the CDCR to ensure better legislative assessment of CDCR's operational and fiscal performance.
- 12) Requires any contract for sex offender treatment to possess a research component.
- 13) Reduces the cost to families of inmates attempting to maintain consistent contact with offenders, by phasing out state concession fees for the state prison telephone contract over a four-year period.
- 14) Specifies that the \$300 million General Fund appropriation within AB 900 (Solorio), Chapter 7, Statutes of 2007, shall be utilized for the improvement and expansion of state and locally owned infrastructure to support the existing capacity and expansion of adult prison institutions,
- 15) Ensures the \$50 million appropriation within AB 900 be utilized for in-prison rehabilitative services.
- 16) Provides technical clean-up to the notification requirements of AB 900, as well as clarifies the method in which the Public Works Boards shall review infill projects.
- 17) Outlines the two probation pilots to be administered by the CSA.
- 18) Requires local agencies to submit reimbursement claims for various activities, accomplished in conjunction with or on the behalf of the CDCR, within six months after the cost was incurred.
- 19) Requires the Inspector General to perform facility maintenance audits in conjunction with the review of a warden or superintendent of a Department of Correction facility.
- 20) Declares that this bill take effect immediately as an urgency statute.

FISCAL EFFECT:

- 1) Annual debt service payment for up to \$100 million in lease-revenue bonds to finance the acquisition, design, renovation, or construction of local youth rehabilitative facilities. Future annual payments of approximately \$7.8 million.

- 2) GF revenue reduction of \$6.5 million in budget year due to reduced state concession fees for the state prison telephone contract. Total reduction will occur over a four year period resulting in a loss of \$26 million.

Analysis Prepared by: Janus Norman / BUDGET / (916) 319-2099 FN: 0002079

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SENATE RULES COMMITTEE

SB 81

Office of Senate Floor Analyses

1020 N Street, Suite 524

(916) 651-1520 Fax: (916) 327-4478

UNFINISHED BUSINESS

Bill No: SB 81
Author: Senate Budget and Fiscal Review Committee
Amended: 7/19/07
Vote: 27 - Urgency

PRIOR VOTES NOT RELEVANT

ASSEMBLY FLOOR: 73-4, 7/19/07 - See last page for vote

SUBJECT: Budget Act of 2007: corrections

SOURCE: Author

DIGEST: This bill makes statutory changes necessary to implement the Budget Act of 2007 relating to corrections.

ANALYSIS: Prison Construction. This bill creates new reporting requirements for the California Department of Corrections and Rehabilitation (CDCR) to ensure legislative oversight of the construction of approximately 16,000 new infill prison beds and 16,000 new re-entry beds authorized by AB 900 (Solorio), Chapter 7, Statutes of 2007.

Coordination of Jail Construction and Re-Entry Construction. This bill directs the CDCR to coordinate the allocation of bond funds authorized by AB 900 (Solorio), Chapter 7, Statutes of 2007, for new jail beds with the siting of new re-entry facilities in local communities.

Local Reimbursement Claims. This bill limits cities, counties or other jurisdictions from filing a reimbursable claim with the CDCR or any other agency more than six months after the close of the month in which the costs were incurred.

CONTINUED

Performance Metrics. This bill requires the CDCR to report various performance metrics related to the operation of the state corrections system annually.

Sex Offender Treatment Contracts. This bill requires a research component for any sex offender treatment contract funded by the CDCR.

Facility Maintenance Audit. This bill requires each management review audit of any warden or superintendent in the CDCR that is conducted by the Inspector General include an assessment of the maintenance of the facility managed by the warden or superintendent.

Prison Infrastructure. This bill requires reporting requirements for the CDCR to ensure legislative oversight of expenditure of \$300 million appropriated in AB 900 (Solorio), Chapter 7, Statutes of 2007, for infrastructure to support new infill beds. This bill also authorizes the CDCR to expend these monies to support modifications to utilities owned by local governments that support prison facilities.

Juvenile Justice Reform. This bill will stop the intake of youthful offenders adjudicated for non-violent, non-serious offenses (non-707b offenses) to the state Division of Juvenile Facilities within the CDCR on September 1, 2007. These youth will remain in county care and custody. Juvenile sex offenders are excluded from this change and will not be impacted by this bill. This bill does not require that non-violent, non-serious youthful offenders currently incarcerated at the Division of Juvenile Facilities be returned to their local jurisdiction. However, counties may choose to take some or all of the youthful offenders back into county care and custody early. Non-violent, non-serious youthful offenders on parole would continue to be on state parole. However, if a non-violent, non-serious parolee violates their parole conditions they would become a county responsibility after September 1, 2007. Non-violent, non-serious offenders released to parole after September 1, 2007, will become the responsibility of the counties. This change is projected to reduce the Average Daily Population in state juvenile institutions by 199 offenders in the budget year. This number is expected to grow to approximately 700 offenders by 2009-10. This change is also projected to reduce the Average Daily Population on parole by about 190 parolees in the budget year. This number is expected to grow to approximately 570 in 2009-10.

This bill authorizes a new annual block grant to the counties to support local programs for the care and custody of the non-violent, non-serious offenders that will no longer be in the custody of the state. The block grants will be automatically transferred to the counties based on a schedule established by the Department of Finance. These grants will not be subject to the annual budget process, and will be continuously appropriated. The amount of the block grant is tied to the reduction in the state youthful offender population. The total grant amount available to the counties to care for the non-violent, non-serious offenders that will no longer be committed to the state is \$117,000 per ward per year. The counties will also receive \$15,000 per parolee per year for the wards no longer eligible for commitment to the state. Total available funds to counties, including the savings from not paying the "sliding scale" fees to the state, would be over \$140,000 per offender per year. These amounts should fully compensate counties for costs of care and custody of the offenders. The funds will be distributed to the counties through a formula that weights equally the county's juvenile population and juvenile felony adjudication rate. All counties will receive a minimum of \$58,500 annually. The total fiscal impact of these grants is approximately \$24 million in the budget year.

This bill also authorizes \$100 million in lease revenue bonds for the construction of new local facilities for youthful offenders. These funds will be allocated by the Corrections Standards Authority.

This bill requires the State Commission on Juvenile Justice to develop a Juvenile Justice Operational Master Plan that will develop, and make available for implementation by the counties, a common risk and needs assessment tool, universal data collection elements, and criteria and strategies for implementing evidence-based programs. This bill also modifies the membership of the State Commission on Juvenile Justice.

In order to assist counties in preparing to serve the additional youthful offenders that will stay at the county level under this bill, the 2007-08 budget bill also includes \$4.9 million so that every county will receive a planning grant of at least \$50,000. The 2007-08 budget bill also includes \$10 million for competitive grants to counties for the development of local programs for specialized populations of youthful offenders, as well as regional approaches to the care and custody of youthful offenders.

Inmate Phone Concession Fee. This bill directs a four year phase out of the concession on inmate phone calls. This concession currently generates \$26 million in revenue for the General Fund.

Corrections Rehabilitation Funding. This bill directs the CDCR to expend \$50 million General Fund appropriated in AB 900 (Solorio), Chapter 7, Statutes of 2007 to fund the following activities:

1. Developing prison to employment plans.
2. Expanding substance abuse programs for inmates and parolees.
3. Developing and implementing a risk/needs assessment for inmates.
4. Establishing and funding day treatment and services for mentally ill parolees.
5. Expanding educational and vocational programs.

Probation Pilot Projects. This bill establishes two one-time probation pilot projects that will be administered by the Corrections Standards Authority.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

ASSEMBLY FLOOR:

AYES: Adams, Aghazarian, Arambula, Bass, Beall, Benoit, Berg, Berryhill, Blakeslee, Brownley, Caballero, Charles Calderon, Cook, Coto, Davis, De La Torre, De Leon, DeSaulnier, DeVore, Dymally, Emmerson, Eng, Evans, Feuer, Fuentes, Fuller, Galgiani, Garrick, Hancock, Hayashi, Hernandez, Horton, Huff, Huffman, Jeffries, Jones, Karnette, Keene, Krekorian, La Malfa, Laird, Leno, Levine, Lieber, Lieu, Ma, Maze, Mendoza, Mullin, Nakanishi, Nava, Niello, Parra, Portantino, Price, Richardson, Sharon Runner, Ruskin, Salas, Saldana, Silva, Smyth, Solorio, Soto, Spitzer, Strickland, Swanson, Torrico, Tran, Villines, Walters, Wolk, Nunez

NOES: Anderson, Gaines, Garcia, Plescia

NO VOTE RECORDED: Carter, Duvall, Houston

DLW:cm 7/20/07 Senate Floor Analyses

SUPPORT/OPPOSITION: NONE RECEIVED

**** END ****

This SFA has NOT been filed.

SENATE RULES COMMITTEE

AB 194

Office of Senate Floor Analyses

1020 N Street, Suite 524

(916) 651-1520 Fax: (916) 327-4478 Version:

THIRD READING

Bill No: AB 194
Author: Assembly Budget Committee
Amended: 7/20/07 in Senate
Vote: 27 - Urgency

ASSEMBLY FLOOR: Not relevant

SUBJECT: Budget Act of 2007 : *corrections*

SOURCE: Author

DIGEST: This bill makes statutory changes necessary to implement the Budget Act of 2007 relating to Corrections.

ANALYSIS:

Prison Construction. This bill creates new reporting requirements for the California Department of Corrections and Rehabilitation (CDCR) to ensure legislative oversight of the construction of approximately 16,000 new infill prison beds and 16,000 new re-entry beds authorized by AB 900 (Solorio), Chapter 7, Statutes of 2007.

Coordination of Jail Construction and Re-Entry Construction. This bill directs the CDCR to coordinate the allocation of bond funds authorized by AB 900 (Solorio), Chapter 7, Statutes of 2007, for new jail beds with the siting of new re-entry facilities in local communities.

Local Reimbursement Claims. This bill limits cities, counties or other jurisdictions from filing a reimbursable claim with the CDCR or any other agency more than six months after the close of the month in which the costs were incurred.

CONTINUED

Performance Metrics. This bill requires the CDCR to report various performance metrics related to the operation of the state corrections system annually.

Sex Offender Treatment Contracts. This bill requires a research component for any sex offender treatment contract funded by the CDCR.

Facility Maintenance Audit. This bill requires each management review audit of any warden or superintendent in the CDCR that is conducted by the Inspector General include an assessment of the maintenance of the facility managed by the warden or superintendent.

Prison Infrastructure. This bill requires reporting requirements for the CDCR to ensure legislative oversight of expenditure of \$300 million appropriated in AB 900 (Solorio), Chapter 7, Statutes of 2007, for infrastructure to support new infill beds. This bill also authorizes the CDCR to expend these monies to support modifications to utilities owned by local governments that support prison facilities.

Juvenile Justice Reform. This bill will stop the intake of youthful offenders adjudicated for non-violent, non-serious offenses (non-707b offenses) to the state Division of Juvenile Facilities within the CDCR on September 1, 2007. These youth will remain in county care and custody. Juvenile sex offenders are excluded from this change and will not be impacted by this bill. This bill does not require that non-violent, non-serious youthful offenders currently incarcerated at the Division of Juvenile Facilities be returned to their local jurisdiction. However, counties may choose to take some or all of the youthful offenders back into county care and custody early. Non-violent, non-serious youthful offenders on parole would continue to be on state parole. However, if a non-violent, non-serious parolee violates their parole conditions they would become a county responsibility after September 1, 2007. Non-violent, non-serious offenders released to parole after September 1, 2007, will become the responsibility of the counties. This change is projected to reduce the Average Daily Population in state juvenile institutions by 199 offenders in the budget year. This number is expected to grow to approximately 700 offenders by 2009-10. This change is also projected to reduce the Average Daily Population on parole by about 190 parolees in the budget year. This number is expected to grow to approximately 570 in 2009-10.

This bill authorizes a new annual block grant to the counties to support local programs for the care and custody of the non-violent, non-serious offenders that will no longer be in the custody of the state. The block grants will be automatically transferred to the counties based on a schedule established by the Department of Finance. These grants will not be subject to the annual budget process, and will be continuously appropriated. The amount of the block grant is tied to the reduction in the state youthful offender population. The total grant amount available to the counties to care for the non-violent, non-serious offenders that will no longer be committed to the state is \$117,000 per ward per year. The counties will also receive \$15,000 per parolee per year for the wards no longer eligible for commitment to the state. Total available funds to counties, including the savings from not paying the "sliding scale" fees to the state, would be over \$140,000 per offender per year. These amounts should fully compensate counties for costs of care and custody of the offenders. The funds will be distributed to the counties through a formula that weights equally the county's juvenile population and juvenile felony adjudication rate. All counties will receive a minimum of \$58,500 annually. The total fiscal impact of these grants is approximately \$24 million in the budget year.

This bill also authorizes \$100 million in lease revenue bonds for the construction of new local facilities for youthful offenders. These funds will be allocated by the Corrections Standards Authority.

This bill requires the State Commission on Juvenile Justice to develop a Juvenile Justice Operational Master Plan that will develop, and make available for implementation by the counties, a common risk and needs assessment tool, universal data collection elements, and criteria and strategies for implementing evidence-based programs. This bill also modifies the membership of the State Commission on Juvenile Justice.

In order to assist counties in preparing to serve the additional youthful offenders that will stay at the county level under this bill, the 2007-08 budget bill also includes \$4.9 million so that every county will receive a planning grant of at least \$50,000. The 2007-08 budget bill also includes \$10 million for competitive grants to counties for the development of local programs for specialized populations of youthful offenders, as well as regional approaches to the care and custody of youthful offenders.

Inmate Phone Concession Fee. This bill directs a four year phase out of the concession on inmate phone calls. This concession currently generates \$26 million in revenue for the General Fund.

Corrections Rehabilitation Funding. This bill directs the CDCR to expend \$50 million General Fund appropriated in AB 900 (Solorio), Chapter 7, Statutes of 2007 to fund the following activities:

1. Developing prison to employment plans.
2. Expanding substance abuse programs for inmates and parolees.
3. Developing and implementing a risk/needs assessment for inmates.
4. Establishing and funding day treatment and services for mentally ill parolees.
5. Expanding educational and vocational programs.

Probation Pilot Projects. This bill establishes two one-time probation pilot projects that will be administered by the Corrections Standards Authority.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

~~SUPPORT: (Verified >)~~

~~>~~

~~OPPOSITION: (Verified >)~~

~~>~~

~~ARGUMENTS IN SUPPORT: >~~

~~ARGUMENTS IN OPPOSITION: >~~

DLW:cm 7/19/07 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

SUPPORT/OPPOSITION: NONE RECEIVED

*** END ***

SENATE RULES COMMITTEE

SB 81

Office of Senate Floor Analyses

1020 N Street, Suite 524

(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: SB 81

Author: Senate Budget and Fiscal Review Committee

Amended: As introduced

Vote: *21 27 - Urgency*

Prior votes not relevant

WITHOUT REFERENCE TO COMMITTEE

Assembly Floor

SUBJECT: Budget Act of 2007: trailer bill

SOURCE: Author

DIGEST: This bill expresses the intent of the Legislature to enact statutory changes to the 2007 Budget Act.

ANALYSIS: SB 77 through SB 100, inclusive, are to be used as vehicles for statutory implementation for the 2007 Budget.

FISCAL EFFECT: Appropriation: No Fiscal Com.: ~~No~~ Local: No

DLW:cm 4/17/07 Senate Floor Analyses *YES*

SUPPORT/OPOSITION: NONE RECEIVED

**** **END** ****

(Without Reference to File)

SENATE THIRD READING
SB 81 (Committee on Budget and Fiscal Review)
As Amended July 19, 2007
2/3 vote. Urgency

SENATE VOTE: Vote not relevant

SUMMARY: Makes various statutory changes to implement various programmatic, clarifying, and technical changes to implement various public safety components of the 2007-08 Budget package. Specifically, this bill:

- 1) Prohibits the intake of youthful offenders adjudicated for non-violent, non-serious offenses (non-707b offenses) to the state Division of Juvenile Facilities within the California Department of Corrections and Rehabilitation (CDCR) on September 1, 2007. These youth would remain in county care and custody. Juvenile sex offenders are excluded from this change and will not be impacted by this bill.
- 2) Provides counties with the option to take a portion or all of the current youthful offender population with the Division of Juvenile Facilities.
- 3) Requires all non-violent, non-serious offenders released to parole after September 1, 2007 to become the responsibility of the counties.
- 4) Provides that the projected impact of the reforms in #1), #2), and #3) above is a reduced Average Daily Population in state juvenile institutions by 199 offenders in the budget year. This number is expected to grow to approximately 700 offenders by 2009-10. The reforms result is a projected reduction in the Average Daily Population on parole by about 190 parolees in the budget year. This number is expected to grow to approximately 570 in 2009-10.
- 5) Authorizes a new annual block grant to the counties to support local programs for the care and custody of the non-violent, non-serious offenders that will no longer be in the custody of the state. The block grants will be continuously appropriated and automatically transferred to the counties based on a schedule established by the Department of Finance. Total available to counties, including the savings from not paying the "sliding scale" fees to the state would be over \$140,000 per offender per year. The funds will be distributed to the counties through a formula that weights equally the county's juvenile population and juvenile felony adjudication rate. All counties will receive a minimum of \$58,500 annually.
- 6) Authorizes \$100 million in lease revenue bonds for the construction of new local facilities for youthful offenders. These funds will be allocated by the Corrections Standards Authority (CSA).
- 7) Requires the State Commission on Juvenile Justice to develop a Juvenile Justice Operational Master Plan that will develop and make available for implementation by the counties a common risk and needs assessment tool, universal data collection elements, and criteria and strategies for implementing evidence-based programs. This bill also modifies the membership of the State Commission on Juvenile Justice.

- 8) Provides \$4.9 million in local assistance planning grants to assist counties in preparing to serve the additional youthful offenders that will remain at the county level under this bill. Every county will receive a planning grant of at least \$50,000.
- 9) Provides \$10 million for competitive grants to counties for the development of local programs for specialized populations of youthful offenders, as well as regional approaches to the care and custody of youthful offenders.
- 10) Requires the CSA, to the extent possible, to coordinate the funding for local jail construction with the construction of reentry facilities.
- 11) Codifies and modifies current year notification guideline for the CDCR to ensure better legislative assessment of CDCR's operational and fiscal performance.
- 12) Requires any contract for sex offender treatment to possess a research component.
- 13) Reduces the cost to families of inmates attempting to maintain consistent contact with offenders, by phasing out state concession fees for the state prison telephone contract over a four-year period.
- 14) Specifies that the \$300 million General Fund appropriation within AB 900 (Solorio), Chapter 7, Statutes of 2007, shall be utilized for the improvement and expansion of state and locally owned infrastructure to support the existing capacity and expansion of adult prison institutions,
- 15) Ensures the \$50 million appropriation within AB 900 be utilized for in-prison rehabilitative services.
- 16) Provides technical clean-up to the notification requirements of AB 900, as well as clarifies the method in which the Public Works Boards shall review infill projects.
- 17) Outlines the two probation pilots to be administered by the CSA.
- 18) Requires local agencies to submit reimbursement claims for various activities, accomplished in conjunction with or on the behalf of the CDCR, within six months after the cost was incurred.
- 19) Requires the Inspector General to perform facility maintenance audits in conjunction with the review of a warden or superintendent of a Department of Correction facility.
- 20) Declares that this bill take effect immediately as an urgency statute.

FISCAL EFFECT:

- 1) Annual debt service payment for up to \$100 million in lease-revenue bonds to finance the acquisition, design, renovation, or construction of local youth rehabilitative facilities. Future annual payments of approximately \$7.8 million.

- 2) GF revenue reduction of \$6.5 million in budget year due to reduced state concession fees for the state prison telephone contract. Total reduction will occur over a four year period resulting in a loss of \$26 million.

Analysis Prepared by:

Janus Norman / BUDGET / (916) 319-2099

FN: 0002079

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Senate Republican
Fiscal Office

File Item #
SB 81 (Budget)
Oppose

Senate Floor: Vote Not Relevant (4/19/07)
Vote requirement: 27 (Urgency, Appropriation)
Version Date: RN 0724869

Quick Summary

This bill, an urgency measure, is the omnibus public safety trailer bill. This bill stops intake of non-serious, non-violent, non-sex offender juvenile wards from counties. This bill also makes several changes to AB 900 to require more reporting of prison construction activities and clarify legislative intent. This bill also reduces General Fund revenue over the next several years by reducing the inmate telephone surcharges, and makes other changes to implement the Budget Act.

The prediction of "Oppose" reflects dissatisfaction with the budget as a whole.

Fiscal Effect

DL 7/09

VERY MAJOR COSTS/SAVINGS/REVENUE DECREASES.

State. This bill authorizes the issuance of \$100 million in Lease Revenue Bonds in order to pay for the construction of juvenile detention facilities by counties.

This bill will result in costs of \$23.8 million in 2007-08, increasing for the two years following to \$91.5 million in 2009-10 to establish the Youthful Offender Block Grant Program. This will also result in the loss of revenue to the General Fund of \$1.8 million in 2007-08, growing to \$8.3 million in 2009-10.

This bill will also result in a loss of General Fund Revenue of \$6.5 million in 2007-08, growing to \$26 million in 2010-11 as a result of the gradual elimination of the concession fees for inmate and ward telephone calls.

Local. This bill will result in increased costs to counties for incarceration costs for juvenile wards no longer housed at Division of Juvenile Justice. It will also result in some savings in that counties will no longer have to pay sliding scale fees for housing these offenders at the Division of Juvenile Justice. Including not paying the sliding scale, this bill would propose funding of \$130,000 per offender.

Fiscal Comments >

This bill establishes the Youthful Offender Block Grant Program to pay for the cost of housing juvenile offenders at a local level instead of at the state. The estimated cost of these block grants is \$23.8 million in 2007-08, \$71.9 million in 2008-09, and \$91.5 million in 2009-10. These costs are offset by potential savings of not housing these offenders in Division of Juvenile Justice Facilities at a cost of \$216,000 per ward. These block grant levels are specified in statute and are not subject to appropriation in the annual Budget Act.

Fiscal Consultant: David Lewis

Analysis

Arguments in Support:

It currently costs over \$216,000 per ward to house juvenile offenders in the Division of Juvenile Justice. For this cost the state is currently subject to litigation that alleges inhumane conditions of confinement for juvenile wards in the *Farrell v. Schwarzenegger* litigation surrounding all aspects of confinement in juvenile facilities. Quite simply most counties do it better and for less cost. The offenders that will be diverted are non-serious, non-violent, non sex offenders wards who likely can be better served in their communities closer to their existing support systems.

It is only fair that the state provide funding for these juvenile wards that will no longer be housed in the Division of Juvenile Justice. These offenders have violated state law, and as such the state should pay their costs.

Offender families have not been convicted of crimes and should not have to pay a tax anytime they talk to their family members on the phone. It would be one thing if these costs were paid by the wards or inmates themselves, but these costs are shouldered by families, often by families with little money to begin with. This is clearly a tax for these families as the revenue goes directly to the General Fund.

Most of the remaining portions of the bill are technical in nature and conform to various proposals in the Budget Act and need to be passed to implement programs in the Budget Act.

Arguments in Opposition:

While Lease Revenue Bonds are convenient in that they do not need voter approval, this is a \$100 million bond issue for non-state facilities. Either the

funding should go before voters, or the costs should be done on a pay as you go basis. There is no clear need to use Lease Revenue bonds for this purpose.

Law Enforcement is a local responsibility, and the state has no control over the way local police and prosecutors do their jobs. As such locals should pay the cost of housing non-serious non-violent offenders, much as they do now for the 98 percent of juvenile offenders not sent to the state.

There is a reason that these non-serious non-violent offenders were sent to the state despite their status. Even though there appears to be a surplus of capacity statewide, this does not appear to be the case in each jurisdiction. In many counties, there is no surplus capacity and in fact offenders often are placed back on the streets due to a lack of capacity. Many counties are facing lawsuits similar to lawsuits against the Division of Juvenile Justice because of the lack of adequate programming. Some small counties have no juvenile detention facilities at all, and the number of offenders being discussed here makes it impractical for them to house these offenders. This is not reform, this is just a shift of responsibility from an entity with excess capacity to several systems with no capacity.

Additional reporting requirements in this bill could slow down the pace of construction for AB 900 and result in increased pressure by the courts to cap population.

Reducing concession fees will result in decreased General Fund revenue over the next several years making future budget decisions even more difficult.

Digest

Sections 1-4. Department of Corrections and Rehabilitation, Changes to the Infill Housing Program. This bill makes several changes to the infill housing program of AB 900. These changes make clarifying edits regarding the number of beds to be built in each phase, as well as adding additional reporting requirements to ensure adequate oversight by the Legislature in the approval process. This bill also clarifies how project overages will be calculated, thereby ensuring that when the projects exceed their totals, that the Legislature is not notified only after the entire appropriation is exhausted.

Section 5. Department of Corrections and Rehabilitation, Changes to Reentry Center Building Program. This bill requires that the Corrections Standards Authority ensure that plans for local construction are coordinated with CDCR's efforts to construct Reentry centers. This is largely a declaration of intent and makes no substantive changes to the construction programs in AB 900.

Sections 6, 9-12, 28. Department of Corrections and Rehabilitation, Six month limitation to submit local assistance claims. This bill prevents CDCR or any other state entity (Victim's Compensation and Government Claims Board) from reimbursing counties for costs submitted more than six months after the activity happened. This includes claims for costs of transporting fugitives, incarcerating parolees, and prosecution of crimes committed by prisoners or wards.

Section 7. Department of Corrections and Rehabilitation, Information to be presented in the Governor's Proposed Budget. This bill codifies the information CDCR is required to present as part of the Governor's Budget display. This information was agreed upon last year and included in the 2007-08 Governor's Budget as part of the budget display, and provides valuable information to the public and to lawmakers about the way the Department spends its money. This bill also codifies information the Department is required to submit in a supplemental report.

Section 8. Department of Corrections and Rehabilitation. Sex Offender Programs Research Requirements. This bill requires that all sex offender treatment contracts funded by the Department include a research component regarding effectiveness.

Section 13-14, Office of the Inspector General, Warden Performance Audits. This bill requires that the Office of the Inspector General include maintenance of the facility in any performance audits of wardens or superintendents.

Section 15-16, Department of Corrections and Rehabilitation, Capitol Outlay Reporting Requirements. This bill updates master planning and reporting requirements for CDCR Capitol Outlay projects.

Section 17, Department of Corrections and Rehabilitation, Infrastructure Improvement program. AB 900 appropriated \$300 million General Fund for infrastructure improvements at existing prisons to handle expanded populations. This bill clarifies that this funding can be used to address local communities infrastructure services if they provide these services to prisons. Also clarifies reporting requirements with regards to these projects and defines the projects for purposes of augmentations.

Sections 18-27, 30-31, 37. Department of Corrections and Rehabilitation, Division of Juvenile Justice Population Shift. Existing law allows counties to send juvenile offenders to the Division of Juvenile Justice for felony convictions. This bill would restrict the offenders that could be sent to the Division of Juvenile Justice to those offenders who commit offenses listed in Welfare and Institutions Code 707(b), or sex offenses. These are serious and/or violent offenses, where the more intensive state supervision is more

appropriate. Over the past 10 years the number of juvenile wards housed in the state system has declined from over 10,000 to just under 2,500. There are no clear reasons for this decline, though the institution of the sliding scale, whereby counties had to pay to house lower level offenders at the state, is certainly one reason, as well as the fact that the state has paid for expansion of local capacity.

Before and during this population decline at the Division of Juvenile Justice (previously the California Youth Authority), the level of programming provided at the state level declined dramatically, culminating in the *Farrell v. Schwarzenegger* litigation alleging inadequate conditions of confinement in all areas of the Divisions operations, including housing, treatment, education, and health care. Combined with the loss of economies of scale due to declining population, this lawsuit has led to spiraling costs at the Division, and each ward now costs approximately \$216,000 to house per year.

Many counties have done a better job of housing and treating juveniles committed for committing crimes. The Juvenile Justice Crime Prevention Act has led to increased services for juveniles, and keeping juveniles closer to their local communities appears to be conducive to rehabilitative programming. Most states have discarded the central prison like model currently in use in California, and have gone to decentralized programming that keeps juveniles closer to their support networks.

This bill would stop intake of all non-serious, non-violent, non-sex offender commitments, and instead these offenders would stay at a local level. When fully implemented in three years, this would result in the diversion of between 900 and 1,000 wards. Additionally, counties will be responsible for providing parole supervision for these offenders. In 2007-08 it is estimated that less than 300 offenders will be diverted.

In order to ensure that adequate services are available, the budget provides for planning grants to these communities of between \$50,000 and \$150,000 depending on the size of the county. There are also \$10 million in competitive grants to be awarded to those counties that desire to develop specialized programs, or to develop regional approaches to housing these wards.

This bill also appropriates \$100 million in Lease Revenue Bonds to build additional local juvenile facilities. Counties will be required to provide a 25 percent match to access this funding. A portion of the state funding previously used to house these offenders at the state level will be used as planning grants to offset local costs. These grants will be \$117,000 per ward, and the formula to be used for distribution uses the juvenile felony arrests, as well as the juvenile population for each county. Each county is guaranteed a minimum guarantee of \$58,500. These grants are specified in statute and will not be subject to budget negotiations.

Eventually, after this program has been fully implemented, and the Division of Juvenile Justice closes excess facilities this change will result in approximately \$70 million of annual savings. However, in the first year, this will cost the state \$77,000.

Section 29, Department of Corrections and Rehabilitation, State Commission on Juvenile Justice. This bill clarifies the role of the State Commission on Juvenile Justice, and expands the commission from 11 to 12 members. This commission was established as part of the reorganization of Youth and Adult Correctional Agency into the Department of Corrections and Rehabilitation, but has never met. This bill requires the commission to coordinate the partnership between state and local entities with regards to juvenile justice. This Commission sunsets on January 1, 2009. This bill also specifies the members of the commission to include:

- The Chief Deputy Secretary of the Juvenile Justice in CDCR, who is the cochair,
- A representative of counties, who is cochair,
- A chief probation officer, who is cochair,
- A county sheriff,
- A manager of a local detention facility appointed by the governor,
- A rank and file representative appointed by the Speaker of the Assembly,
- A representative from a community based organization, appointed by the Senate Committee on Rules,
- A representative of crime victims, appointed by the Speaker of the Assembly,
- A judge of the juvenile court appointed by the chairperson of the Judicial Council,
- A director of a county human services agency,
- An attorney, appointed by the Senate Committee on Rules,
- A director of a county mental health agency.

Section 32, Department of General Services, Inmate Telephone Contract. This bill requires the Department of General Services to amend contracts that provide telephone services to inmates and wards to limit concession fees as follows:

- \$19,500,000 for 2007-08,
- \$13,000,000 for 2008-09,
- \$6,500,000 for 2009-10,
- No concession fees for 2010-11 and thereafter,

These fees are General Fund Revenue, and currently provide \$26 million to the General Fund. These are fees that are paid by the receiver of any phone calls, as all calls made from state institutions are collect.

Section 33, Department of Corrections and Rehabilitation, Inmate Programming funding. AB 900 appropriated \$50 million General Fund for inmate programming. This bill restricts this funding to specified uses, consistent with the intent of AB 900.

Section 34, Corrections Standards Authority, One-Time Probation Pilots. This bill provides the statutory outline for two one-time probation pilots. The pilots include: 1) Prevention and supervision services for gang probationers in a large urban county; and, 2) An Alameda County Probation pilot aimed at de-escalating community conflict.

Section 35. Severability Clause

Section 36. Mandate Clause.

Section 38. Urgency Clause

Background

This bill is the public safety trailer bill to the 2007-08 budget.

Support & Opposition Received

None

Senate Republican Fiscal Office / *David Lewis*

The documents following this page were
photocopied from the

Governor's Chaptered Bill File

on this legislation.

ENROLLED BILL MEMORANDUM TO GOVERNOR

BILL: SB 81 **AUTHOR:** Budget **DATE:** 8/22/07 **DUE:** 9/4/07
SENATE: 30-6 **ASSEMBLY:** 73-4 **CONCURRENCE:** 36-3
PRESENTED BY: Chris Ryan **RECOMMEND:** Sign Veto

SUMMARY

This bill makes various statutory changes necessary to implement specified public safety components of the Budget Act of 2007. **(Urgency)**

SPONSOR: Author

SUPPORT: Department of Finance (Sign with Message)
Department of Corrections and Rehabilitation (CDCR)
State and Consumer Services Agency (Defer to CDCR)
Department of General Services (Defer to CDCR)

OPPOSITION: None Received

FISCAL IMPACT

This bill reflects various appropriations in the Budget Act of 2007, including: A decrease in General Fund (GF) revenue of \$6.5 million in 2007-08, growing to \$26 million in 2010-11 and ongoing, by limiting the amount of concession fees for inmate telephone services, an increase of \$23.8 million GF local assistance to fund the Youthful Offender Block Grant, a one-time increase of \$10 million GF to fund two one-time adult probation pilot projects that will test models for reducing the number of offenders coming to state prisons.

This bill also specifies how the \$50 million GF appropriated in AB 900 (Chapter 7, Statutes of 2007).

PREVIOUS ACTION/SIMILAR LEGISLATION

Each year, statutory changes necessary to implement the Budget Act are made through budget trailer bills.

NOTES



GOVERNOR ARNOLD SCHWARZENEGGER

AUG 24 2007

To the Members of the California State Senate:

I am signing Senate Bill 81, an important measure which enacts several public safety provisions of the Budget Act of 2007. However, there are a few flaws that will require the Legislature to work with my Administration to clean up in subsequent legislation.

First, as it relates to juvenile justice reform, this bill requires counties planning to use local facilities for the purposes of housing juvenile offenders between the ages of 19 and 21 to seek approval from the Corrections Standards Authority (CSA), which must act within 30 days of notification by the counties. In addition, this bill requires CSA to approve the counties' Juvenile Justice Development Plans, which must be submitted to CSA no later than January 1, 2008. It is unclear whether CSA should have an approval role in either of these situations, has the resources to meet the requirements, and can act within the specified timeframe. Therefore, CSA's role should be clarified in clean-up legislation.

In addition, I am directing the Office of Inspector General (OIG) to implement only a portion of the provisions (Sections 13 and 14) that would require the OIG to include specified information in audits of wardens and juvenile facility superintendents. The intent of the amendment to these sections was to require the OIG to include an assessment of facility maintenance as part of the warden evaluation process. I agree that facility maintenance in correctional institutions is a significant issue that should be reviewed. However, this measure appears to require the OIG to include specified new information in every audit, which would create an additional workload burden that cannot be managed within existing resources. Additionally, it is my understanding that evaluations of facility maintenance in the quadrennial audits can be performed within existing budgetary resources, which is consistent with the direction from the Legislature in this regard. Therefore, I am directing the OIG to comply with the original intent of these sections, and to address this drafting error by proposing future cleanup legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Schwarzenegger".

Arnold Schwarzenegger



DEPARTMENT OF CORRECTIONS
AND REHABILITATION

ENROLLED BILL
REPORT

| CONFIDENTIAL-Government Code §6254(l) | | |
|--|--|--|
| Department/Board: CORRECTIONS AND REHABILITATION | Author: Committee on Budget and Fiscal Review | Bill Number/Version Date: Senate Bill 81/ July 19, 2007 |
| Sponsor: <input type="checkbox"/> Admin Sponsored Proposal No. | Related Bill(s) AB 900 (Solario) (Ch. 7, Statutes of 2007) | Chaptering Order (if known) None <input type="checkbox"/> Attachment |
| Subject: Department of Corrections and Rehabilitation | | |

SUMMARY

Senate Bill (SB) 81 would make various statutory changes to implement specified public safety components of the 2007-08 Budget Act, including, but not limited to, the Administration's plan to move specified non-violent juvenile offenders into local facilities; shift juvenile parole responsibility for specified non-violent juvenile offenders to the county level; provide an annual block grant to the counties to support the care and custody of the juvenile offenders no longer in the custody of the State; and authorize lease revenue bonds for the construction of new local facilities for youthful offenders.

PURPOSE OF THE BILL

The purpose of SB 81 is to supplement the 2007-08 Budget Act for the implementation of specified requirements of Assembly Bill (AB) 900 (Solario), (Chapter 7, Statutes of 2007).

RECOMMENDATION AND SUPPORTING ARGUMENTS

SIGN THE BILL WITH SIGNING MESSAGE (ATTACHED).

Among other provisions supporting the implementation of the Public Safety and Offender Rehabilitation Services Act (AB 900), SB 81 includes important enabling language for the implementation of the Administration's proposal to realign the youthful offender population starting September 1, 2007. In addition, SB 81 includes block grants to the counties to

| | |
|--|---|
| Departments That May Be Affected Corrections and Rehabilitation/Inspector General/General Services/Finance/Technology, Services/Public Works Board/ Local Jails and County Probation | |
| <input type="checkbox"/> New / Increased Fee | <input checked="" type="checkbox"/> Governor's Appointment <input checked="" type="checkbox"/> Legislative Appointment <input checked="" type="checkbox"/> State Mandate <input checked="" type="checkbox"/> Urgency Clause |
| Dept/Board Position <input checked="" type="checkbox"/> Sign <input type="checkbox"/> Veto <input type="checkbox"/> Defer to: | |
| Department Secretary <i>James E. Tilton</i> JAMES E. TILTON, Secretary | Date <i>8/22/07</i> |

support the youthful offender population shift. However, there are a few provisions which must be amended in clean-up legislation, including the provision that would require the Corrections Standards Authority (CSA) to approve juvenile facilities for housing of juvenile offenders, and provisions for providing funding to CSA to implement provisions of the bill. For these reasons, the Department of Corrections and Rehabilitation (CDCR) recommends that the Governor include a signing message directing the Legislature to enact clean-up legislation on the provisions identified.

ANALYSIS

Prison In-fill:

- Existing law [Penal Code (PC) §7000(a)] states that the Department of Corrections and Rehabilitation (CDCR) shall prepare plans for, and construct facilities and renovations included within its master plan for which funds have been appropriated by the Legislature.
- Existing law [(PC §7000(b)] states that "master plan" means the Department's "Facility Requirements Plan," dated April 7, 1980, and any subsequent revisions. The plan shall include the Department's plans to remove temporary beds in dayrooms, gyms, and other areas.
- SB 81 removes the requirement that the Department's master plan include the plans to remove temporary beds in dayrooms, gyms, and other areas.
- Existing law [Government Code (GC) §15819.40] states the Department shall design, construct or renovate prison housing units, support buildings and programming space to add beds at specified prisons.
- SB 81 amends this section and adds PC §7050, authorizing the Department to use funds appropriated in AB 900 for capital outlay to be allocated to renovate, improve, or expand infrastructure capacity at existing prison facilities. The funds may be used for land acquisition, environmental services, architectural programming, engineering assessments, schematic design, preliminary plans, working drawings, and construction, as specified.
- SB 81 provides that the total funding amount allocated for the construction of in-fill housing shall constitute the scope of a single capital outlay project. This will benefit the Department by clearly stating that each specific project is not subject to the original cost of the project plus 20 percent, rather the entire funding amount is subject to original project costs plus 20 percent.
- SB 81 requires the Department to report to the Joint Legislative Budget Committee identifying those projects that the Department proposes to undertake, that include any support buildings, and programming space to support approximately 12,000 new beds at existing institutions. For each institution, the Department shall describe the scope, budget, schedule, number of beds by security level, along with the approximate square

footage of prison support buildings, and programming space to be constructed or renovated.

- This requires an additional level of oversight by the Legislature that may lead to projects being denied by the Legislature. AB 900 only required the Public Works Board (PWB) to recognize scope and cost of projects. This bill requires this information to be sent to the Legislature prior to PWB approval.
 - While the Department can meet this requirement for reporting, it is important to note that this new requirement will further add additional time to the process, and therefore delay the building of capacity that is so seriously needed to address the Department's extreme overcrowding within its State prison facilities. In addition, should any project be disapproved by the Legislature, the Department might have to, in some cases, start completely over on a project-by-project basis.
- SB 81 requires the Department to report quarterly to the Joint Legislative Budget Committee on the allocations from the appropriations and the anticipated deficit or savings.

Local Jail Capacity:

- Existing law (GC §15820.907) provides state financing for construction siting of county jails, subject to matching funds from counties, as specified. CDCR and the CSA are required to give funding preference to counties that assist the State in siting reentry facilities, as specified.
- SB 81 requires the CSA, to the extent possible, to ensure that funds for the construction of new jail beds be coordinated with the CDCR's efforts to site new reentry facilities. This provision is in keeping with the Department's goal of tying the construction of jail facilities to a county's willingness to site a reentry facility within their jurisdiction.

Local Juvenile Facilities:

- Existing law [Welfare and Institutions Code (WIC) §208.5] provides that, in any case in which a minor committed to a county juvenile facility attains 18 years of age prior to or during the period of confinement, he or she may be allowed to come into contact with juveniles until 19 years of age, at which time he or she, upon the recommendation of the probation officer, shall be delivered to the custody of the sheriff for the remainder of the time he or she remains in custody, unless the juvenile court orders continued detention in a juvenile facility.
- SB 81 amends this section, providing that if continued detention is ordered for a ward who is 19 years of age or older, but under 21 years of age, that he or she may be allowed to come into or remain in contact with any other person detained in the institution, as specified.

- SB 81 adds WIC §208.5(b) requiring the county to apply to the CSA for approval of a county institution established for the purpose of housing juveniles as a suitable place for confinement before the institution is used for the detention or commitment of an individual under the jurisdiction of the juvenile court who is 19 years of age or older, but under 21 years of age where the detained person will come into or remain in contact with persons under 18 years of age, who are detained in the institution.
- SB 81 further requires the CSA to review and approve or deny the application of the county within 30 days of receiving notice of this proposed use. In its review, the authority shall take into account the available programming, capacity, and safety of the institution as a place for the combined confinement and rehabilitation of individuals under the jurisdiction of the juvenile court who are over 19 years of age and those who are under 19 years of age.
- Currently, the CSA does not approve or deny local programs, policies or procedures. Under the current CSA structure and meeting schedule, it would be impossible for the CSA to make a determination of suitability within 30 days, as the CSA Board only meets every 60 days. Under SB 81, specified juvenile offenders would be required to be housed locally beginning September 1, 2007. All 58 counties must petition CSA to receive approval for their local facilities sometime after September 1, 2007. However, CSA would need time to develop the application/approval process for a county to petition the CSA for approval of their facility. The time needed to develop the application/approval process, in addition to the time involved in inspecting and certifying local facilities in 58 counties, would be substantial. Also, in the event that CSA denies a county's application, there is no provision under this proposal for specified juvenile offenders to continue to be housed within DJJ. If the CSA denies an application from a local juvenile hall, it is unclear if the local juvenile hall would accept custody of the ward and potentially operate as an unsuitable facility for the confinement of minors.

The Department has drafted alternative language to provide a mechanism for counties to self-report their intent to use local capacity for housing to the CSA, and that CSA shall so acknowledge. In a signing message, CDCR recommends that the Governor should direct the Legislature to enact clean-up legislation to amend this provision of the bill.

- WIC §731 generally provides that if a minor is adjudged a ward of the court for a law violation, as specified, the court may commit the minor to the DJJ.
- SB 81 would limit the type of offenders received by the DJJ, by amending WIC §731, specifying that if a minor is adjudged a ward of the court for a law violation, the court may commit the minor to the DJJ if the ward has committed a violation of WIC §707(b). The violations listed in WIC §707(b) total more than 30 serious and violent offenses including, but not limited to, murder, sex offenses, robbery, arson, and kidnapping.
- SB 81 adds W&I Code §731.1 allowing the court that committed a ward to the DJJ to recall that commitment in the case of any ward whose commitment offense was not listed in WIC §707(b), unless the offense was a sex offense as listed in PC §290(3)(d).

Upon recall of the ward, the court shall set and convene a recall disposition hearing for the purpose of ordering an alternative disposition for the ward that is appropriate under all of the prevailing circumstances.

- SB 81 repeals WIC §733 and adds new language to specify those wards who shall not be committed to the DJJ (effective on and after September 1, 2007), as follows:
 - Wards under the age of 11.
 - Wards suffering from any contagious, infectious, or other disease that may endanger the lives or health of other offenders in any facility.
 - Wards adjudged a ward of the court and the most recent offense alleged is not described in WIC §707(b), unless the offense is a violation of PC §290(3)(d) (sex offense).
- SB 81 provides counties with the option to take a portion or all of the current youthful offender population within the DJJ.
- SB 81 authorizes \$100 million in lease revenue bonds for the construction of new local facilities for youthful offenders. These funds will be allocated by the CSA. This is a new workload for CSA that they have not been funded for, and there is no appropriation in the bill for CSA to complete this work. Until CSA is funded, authorization for the \$100 million will not take place. CDCR has drafted language which would allow CSA to use up to 5 percent of the \$100 million for administrative purposes. In a signing message, CDCR recommends the Governor direct the Legislature to enact this clean-up provision.
- SB 81 requires the CSA to allocate \$10 million for two probation pilot projects (\$5 million each). One grant is to be made to the Alameda Probation Department and the other is to be made to a probation department in a large urban county. The CSA is required to design and implement the two pilot projects. CSA has been provided up to 3 percent of these funds (\$300,000) for administration of the grant program, which is adequate for CSA to meet the mandates of this provision.
- SB 81 requires all non-WIC §707(b) offenders released to parole after September 1, 2007, to become the responsibility of the counties.
- SB 81 states the Legislature's intent that the authority contained within the bill for counties to receive wards who would otherwise be committed to the custody and supervision of the DJJ shall not constitute a higher level of service or new program in excess of the programmatic funding included in this act. This provision appears to be an attempt to prevent counties from filing a mandate claim for reimbursement by the State of California.
- SB 81 additionally states the Legislature's intent that the State has provided funding for an adequate level of care for youthful offenders received by the county pursuant to this

act, and that each county shall be limited in its expenditures to funds specifically made available for those purposes.

State Juvenile Facilities:

- SB 81 amends WIC §1731.5, stating that the court may commit to the DJJ any person who meets all of the following criteria:
 - The ward is convicted of an offense described in WIC §707(b) or PC §290(3)(d).
 - The ward is found to be less than 21 years of age at the time of apprehension.
 - The ward is not sentenced to death, imprisonment for life, with or without the possibility of parole, as specified.
 - The ward is not granted probation.
 - The ward was granted probation, or was granted probation and that probation is revoked and terminated.
- SB 81 adds WIC §1767.35, stating that commencing September 1, 2007, any parolee under the jurisdiction of the Division of Juvenile Parole Operations (DJPO) shall be returned to the custody upon the suspension, cancellation, or revocation of parole as follows:
 - To the custody of the DJJ if the parolee is under the jurisdiction of the DJJ for commission of a WIC §707(b) offense.
 - To the county of commitment if the parolee is under the jurisdiction of the DJJ for the commission of a non-WIC §707(b) offense.
- SB 81, commencing September 1, 2007, provides that the county of commitment shall supervise the parole of any ward released on parole who was committed to the custody of the DJJ for committing a non-WIC §707(b) offense. SB 81 requires the court to set and convene a parole disposition hearing, as specified, and would provide that the DJJ shall have no further jurisdiction over the ward.

Youthful Offender Block Grants:

- Currently, the county of commitment is required to make specified payments to the State for each person committed to the DJJ, including a percentage of per capita institutional cost.
- SB 81 establishes the Youthful Offender Block Grant Program, commencing September 1, 2007, to enhance the capacity of county departments to provide appropriate rehabilitative and supervision services to youthful offenders, and requires the State Commission on Juvenile Justice to develop a Juvenile Justice Operational Master Plan for that purpose, as specified.

- SB 81 requires each county, on or before January 1, 2008, to prepare and submit to the CSA for approval a Juvenile Justice Development Plan for youthful offenders that includes a description of the programs, placements, services, or strategies to be funded by the block grant allocation. Again, resources were not provided to CSA to undertake this provision. CSA estimates it would need one-time funding of between \$150,000 to \$300,000 to meet this mandate. CDCR recommends the Governor, through a signing message, require the Legislature to allocate funding to CSA to implement this provision.
- SB 81 authorizes the CDCR, a participating county, as defined, and the PWB to enter into a construction agreement in order to acquire, design, renovate, or construct a local youthful offender rehabilitative facility approved by the CSA, as specified. This bill authorizes the board to issue up to \$100 million in revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, renovation, or construction of approved local youthful offender rehabilitative facilities and appropriates those funds for that purpose. This bill provides that these provisions become inoperative on June 30, 2017. As mentioned previously, the budget and this bill do not fund the added workload required of CSA to implement these provisions.
- SB 81 authorizes a new annual block grant to the counties to support local programs for the care and custody of the non-violent, non-serious offenders that will no longer be in the custody of the State. The block grants will be continuously appropriated and automatically transferred to the counties based on a schedule established by the Department of Finance. Total available to counties, including the savings from not paying the "sliding scale" fees to the state would be over \$140,000 per offender per year. The funds will be distributed to the counties through a formula that weighs equally the county's juvenile population and juvenile felony adjudication rate. All counties will receive a minimum of \$58,500 annually. This funding formula may actually benefit counties who have not committed large numbers of juveniles to the State, as the formula is based on a county's juvenile court disposition level, rather than commitments to DJJ, along with the population of minors between the ages of 10 to 17 within a county.

Telephone Concession Fees:

- SB 81 requires the Department of General Services (DGS), in coordination with the Department of Technology Services (DTS) to amend any contracts that provide telephone services to wards and inmates in State facilities to reduce the concession fees over several fiscal years that will ultimately result in no concession fees by FY 2010-11.
- The CDCR uses the Inmate/Ward Telephone Service (IWTS) Contract for inmate/ward domestic and collect-only telephone services.
- The language of SB 81 does not require action by the Department; rather, DGS and DTS will have to determine how the requirements of the bill may be implemented. However, it should be recognized that since the mid-1990s the concession fees generated by this program have been used to provide general fund revenue. Any reduction in these concession fees would increase the deficit the State of California is currently experiencing.

Administrative Requirements:

- SB 81 amends PC §4016.5, §4750, and §6005 and WIC §1776 stating no city, county, or other jurisdiction may file, and the State may not reimburse, a claim pursuant to these sections that is presented to the Department or to any other agency or department of the State more than six months after the close of the month in which the costs were incurred.
- Existing law (WIC §1798.5) establishes within the CDCR the State Commission on Juvenile Justice, comprising 11 members whom are appointed, as specified, by the Senate Committee on Rules, the Speaker of the Assembly, the chairperson of the Judicial Council, and the Governor, after consultation with, and with the advice of, the Secretary, and with the advice and consent of the Senate.
- SB 81 changes the composition of the State Commission on Juvenile Justice to 12 members, to include, among others, a representative of counties, a director of a county human services agency, an attorney with expertise in the area of juvenile justice policy, and a director of a county mental health agency, to be appointed by specified persons and entities, as described, and would abolish the Commission on January 1, 2009. However, before abolishment of the Commission, they would be required to develop a Juvenile Justice Operational Master Plan by January 1, 2009 and an interim plan by May 1, 2008.
- Existing law (PC §6051) authorizes the Inspector General to conduct a management review audit of any warden or superintendent. Existing law also requires the Inspector General to audit each warden and institution one year after appointment and every four years thereafter, as specified.
- SB 81 requires the management review audit to include an assessment of the maintenance of the facility managed by the warden, or superintendent, and issues relating to personnel, training, investigations, financial matters, and an assessment of the maintenance of the facility managed by the warden or superintendent, as specified.
- Facility maintenance is an ongoing issue for many institutions based on the plant operations vacancies. The vacancies are attributed to salaries being less than competitive with the private sector. In addition, the allowable funding through the maintenance budget line item each fiscal year is insufficient and wardens'/superintendents' requests for budget augmentation are frequently denied through the budget change proposal process, preventing or delaying needed upgrades. The Department does not believe that holding wardens/superintendents accountable for facility maintenance is necessarily fair, since wardens/superintendents have very little control over the amount of facility maintenance funding they receive. For several years now, the Department has not received adequate funding for maintenance of its state prisons/juvenile facilities, and as a result there are a significant number of facilities in various stages of disrepair.

- SB 81 adds PC §3007 requiring the Department to include a research component for any sex offender treatment contract funded by the Department. The research component enables the Department's research unit or an independent contractor to evaluate the effectiveness of each contract on reducing the rate of recidivism of the participants in the program funded by a contract. The research findings shall be compiled annually in a report due to the Legislature by January 10 of each year.
- SB 81 adds PC §2063 requiring the Department to provide operational and fiscal information to the Joint Legislative Budget Committee no later than January 10 each year, to be displayed in the Governor's proposed budget. This information shall include data for the three most recently ended fiscal years, but is not limited to, the following:
 - Per capita costs, average daily population, and offender to staff ratios, as specified.
 - Total expenditures and average daily population for each adult and juvenile institution.
 - Number of established positions and percent of those positions vacant on June 30, as specified.
 - Average population of juvenile wards, adult inmates, and adult parolees, as specified.
 - Number of new admissions from courts, parole violators with new terms, parole violators returned to custody, probable cause hearings, revocation hearings, and parole suitability hearings conducted.
 - Number of budgeted slots, actual enrollment, and average daily attendance for institutional academic and vocational education and substance abuse programs, for both adult and juvenile facilities.
 - Average population of mentally ill offenders classified by the Correctional Clinical Case Management System or Enhanced Outpatient Program status, as well as information about mentally ill offenders in more acute levels of care.
- In addition to the data provided above, SB 81 requires the Department, in coordination with the California Prison Health Care Receivership, to provide to the Joint Legislative Budget Committee a supplemental report containing operational and fiscal information, no later than January 10 of each year. This report shall contain information for the three most recently ended fiscal years, and shall include, but is not limited to, data on the operational level and outcomes associated with the following categories:
 - Adult and juvenile facility security operations, as specified.
 - Adult and juvenile education and treatment programs, as specified.
 - Adult and juvenile facility health care operations, as specified.
 - Adult and juvenile parole operations, as specified.
 - Adult and juvenile parole hearings, as specified.

- The Department has worked with the Legislature and the Legislative Analyst's Office for the past several years to provide performance measure information from various parts of Departmental operations. The Department concurs with these efforts to improve accountability, however, it is undesirable to place this language in statute, as many of these performance measures may change over time. In previous years, these performance measures have been contained in budget bill language (BBL), which is more appropriate as BBL can be modified every year to target the changing dynamics at place within the Department.
- Existing law, PC §7003.5(b) requires the Department to provide a report to the Joint Legislative Budget Committee on January 10 of each year that includes the status of each project that is part of the master plan including projects planned, projects in preliminary planning, working, drawing and construction phases, and projects that have been completed. The report shall include new prisons; projects to construct inmate housing and other buildings at or within existing prison facilities; prison medical, mental health, and dental facilities; reentry facilities; and infrastructure projects at existing prison facilities.
- SB 81 requires the report listed in PC §7003.5(b) to include the following information for adult and juvenile facilities:
 - The Department's plans to remove temporary beds in dayrooms, gyms, and other areas, as well as plans to permanently close or change the mission of the facilities.
 - The Department's plans to construct new facilities, including reentry facilities.
 - The Department's plans to renovate existing facilities and renovate, improve, or expand infrastructure capacity at existing prison facilities.
 - The scope of each project identified in the master plan.
 - The budget for each project identified in the master plan.
 - The schedule for each project identified in the master plan.
 - A master schedule for the overall plan to deliver the Department's capital outlay program including planned versus actual progress to date.
 - Staffing plans for each project identified in the master plan, including program, custody, facilities management, administration, and health care.
 - Total estimated cost of all projects in the master plan by funding source, including planned versus actual expenditures to date.
 - Projected versus actual population plotted against projected versus actual housing capacity in aggregate and by security level.

LEGISLATIVE HISTORY

AB 900 (Solario), Chapter 7, Statutes of 2007, was signed by Governor Schwarzenegger on May 3, 2007, and is known as the Public Safety and Offender Rehabilitation Services Act of 2007. AB 900 authorizes the Department to design, construct or renovate prison housing

units, prison support buildings and programming space; to acquire land, design, construct, and renovate reentry program facilities, and to construct and establish new facilities under the jurisdiction of the Department to provide medical, dental, and mental health treatment or housing. This bill authorized the Department, as specified, to enter into construction agreements to acquire, design and construct local jail facilities. This bill requires the Department to provide additional rehabilitation programs for inmates, as well as designing comprehensive assessment, planning, and reentry services for inmates.

AB 900 provides for the phased-in construction for state and local jail capacity. The second phase of construction will only take place once the Department meets certain specified benchmarks including construction, programming, and management of departmental functions.

In total, AB 900 appropriated \$7.4 billion in lease revenue financing for the construction of state and local facilities. In addition, \$300 million for state prison infrastructure needs and \$50 million for additional program needs was appropriated.

PROGRAM BACKGROUND

Over the past decade, the number of youthful offenders committed to the DJJ has declined from 10,114 in June 1996 to 2,824 in April 2007. The Governor's proposed 2007-08 budget estimates that the ward population will decline to about 2,500 wards by the end of the budget year. This dramatic decline is primarily the result of fewer juvenile court commitments to State facilities. The May Revision to the Governor's proposed 2007-08 budget reflects a further reduction in the ward population by an estimated 931 wards. Specifically, beginning September 1, 2007, the DJJ would stop accepting specified nonviolent juvenile offenders. In addition, any ward who was not committed for WIC §707(b) crimes (specified violent crimes) would have their sentences recalled for placement at the county level.

OTHER STATES' INFORMATION

Not Applicable.

FISCAL IMPACT

The Department estimates it will need at least an additional \$1.8 million to provide for additional, ongoing staff required to implement the additional reporting requirements and research components of the bill; the staffing required to implement the new responsibilities of CSA pertaining to local juvenile facilities; and various other requirements. CDCR will seek funding in order to implement the provisions of this bill.

ECONOMIC IMPACT

Unknown.

LEGAL IMPACT

Unknown.

APPOINTMENTS

SB 81 amends WIC §1798.5 changing the composition of the State Commission on Juvenile Justice from 11 to 12 members, and abolishes the Commission on January 1, 2009. Of the 12 members, the Governor must appoint a manager or administrator of a county local detention facility for juveniles; the Speaker of the Assembly must appoint a rank and file representative from State or local juvenile corrections, and an individual who represents the interests of crime victims; the Senate Committee on Rules must appoint a representative from a community-based organization serving at-risk youth, and an attorney with expertise in the area of juvenile justice policy; and the chairperson of the Judicial Council must appoint a judge of the juvenile court.

SUPPORT/OPPOSITION (as of July 25, 2007)

Support: None on file.

Opposition: None on file.

ARGUMENTS

Pro: SB 81 includes important enabling language for the implementation of the Administration's proposal to realign the youthful offender population starting September 1, 2007. In addition, SB 81 includes block grants to the counties to support the youthful offender population shift.

Con: SB 81 represents a shift in statewide responsibility of the CSA. Currently, the purpose of the CSA is defined as providing leadership and coordination in the field of local and state detention and corrections. SB 81 places the CSA in an enforcement role and could potentially place CSA in conflict with the realignment of juvenile offenders, in the event that CSA denies a county's application. If the CSA denies an application from a local juvenile hall, it is unclear if the juvenile hall would accept custody of the ward and potentially operate as an unsuitable facility for the confinement of minors. This bill also adds significant workload for CDCR to provide additional reports to the Legislature, and would add language to require the Inspector General to report on a warden's/superintendent's ability to address facility maintenance.

VOTES

Senate Floor Ayes: 36, Noes: 3 (Aanestad-R, Battin-R, McClintock-R)

Assembly Floor Ayes: 73, Noes: 4 (Anderson-R, Gaines-R, Garcia-R, Plescia-R)

LEGISLATIVE STAFF CONTACT

| CONTACT | Work |
|---|----------|
| James E. Tilton, Secretary | 323-6001 |
| K. W. Prunty, Undersecretary | 323-6001 |
| Stephen Kessler, Undersecretary | 323-6001 |
| Joyce Hayhoe, Asst. Secretary, Office of Legislation | 323-6006 |
| Steve Blankenship, Chief, Juvenile Operations, Office of Legislation | 445-4737 |
| Renee Hansen, Chief, Adult Operations, Office of Legislation | 323-3712 |
| Phyllis Dunstan, Chief, Admin., Office of Legislation | 445-4737 |

TO MEMBERS OF THE LEGISLATURE

Today I am signing SB 81, an important measure which enacts several public safety provisions of the Budget Act of 2007. However, there are a few serious flaws that I am directing the Legislature to clean up in subsequent legislation.

First, this bill would require counties who plan to use local facilities for the purposes of housing juvenile offenders between the ages of 19 and 21 to seek approval from the Corrections Standards Authority (CSA), who must act within 30 days of notification by the counties. However, CSA has not been provided funding for this added responsibility. In addition the CSA Board meets every other month so it is not possible for them to act within 30 days. I ask the Legislature to instead amend this provision to instead require counties to notify the CSA of their intent to utilize facilities for this purpose without the requirement that CSA approve a county's application. If and when the Legislature provides funding to CSA to perform facility inspection and certification, I will be more than happy to sign subsequent legislation.

In addition, there are other provisions of this bill that cannot be implemented by CSA without additional funding. These are:

- Allocation of \$100 million to local counties for construction of juvenile facilities;
- Approval of county Justice Development Plans.

Until the Legislature provides funding to CSA for these two components of SB 81, these provisions will not be implemented by CSA

Sincerely,

ARNOLD SCHWARZENEGGER
Governor

DEPARTMENT OF FINANCE ENROLLED BILL REPORT

AMENDMENT DATE: July 19, 2007
RECOMMENDATION: Sign With Message

BILL NUMBER: SB 81
AUTHOR: Senate Budget and Fiscal Review

ASSEMBLY: 73/4
SENATE: 25/14

BILL SUMMARY: Corrections

This bill, an urgency measure, would make various statutory changes necessary to implement the Budget Act of 2007.

FISCAL SUMMARY

The fiscal impacts of the provisions of this bill are reflected in various appropriations in the Budget Act of 2007. The more significant fiscal impacts are:

- A decrease in General Fund revenue of \$6.5 million in 2007-08, growing to \$26 million in 2010-11 and ongoing, by limiting the amount of concession fees for inmate telephone services.
- An increase of \$23.8 million General Fund local assistance to fund the Youthful Offender Block Grant. However, by reducing the number of juvenile offenders that are committed to the state, there is a reduction to the California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice's (DJJ) state operations item of \$25.5 million and a loss of sliding scale revenues received from counties of \$1.8 million, thereby resulting in a net fiscal impact of approximately \$95,000 in 2007-08. In the long-term, this bill will result in General Fund savings of approximately \$69 million by 2009-10.
- A one-time increase of \$10 million General Fund to fund two one-time adult probation pilot projects that will test models for reducing the number of offenders coming to state prisons.

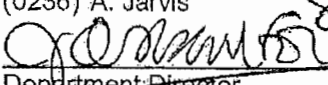
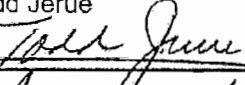

This bill would also specify how the \$50 million General Fund appropriated in Chapter 7, Statutes of 2007 (AB 900) to supplement funds for rehabilitation and treatment services for prison inmates and parolees is to be spent, and authorize the State Public Works Board to issue up to \$100 million in lease revenue bonds pursuant to the Local Youthful Offender Rehabilitative Facility Construction Grants.

COMMENTS

The Department of Finance recommends this measure be signed with a message directing the Office of the Inspector General to comply with the intent of the amendments relating to facility maintenance, and to propose future cleanup legislation that addresses the drafting problems in this measure. This bill would allow for full implementation of the Budget Act of 2007, and represents the budget agreement between the Administration and the Legislature.

The more significant policy changes include:

(Continued)

| | | | |
|---|----------------|---|----------------|
| Analyst/Principal (0236) A. Jarvis | Date 8/2/07 | Program Budget Manager Todd Jerue | Date 8/2/07 |
|  | |  | |
| Department Director | | | Date 8/6/07 |
|  | | | |

Senate Budget and Fiscal
Review

July 19, 2007

SB 81

COMMENTS (continued)

- **Juvenile Offenders:** This bill would amend law related to juvenile offenders in the state in order to shift non-violent offenders that are currently housed in CDCR, DJJ facilities to local jurisdictions and provide local jurisdictions with resources to provide appropriate services and housing through the Youthful Offender Block Grant and Local Youthful Offender Rehabilitative Facility Construction Grants. An average daily population of 166 institutionalized juvenile offenders and 158 parolees is projected to be transferred to local jurisdictions in 2007-08, growing to 709 institutionalized juvenile offenders and 570 parolees by full implementation in 2009-10.
- **Inmate Phone Fees:** This bill would require the Department of General Services, in coordination with the Department of Technology Services to amend contracts that provide telephone services to inmates and wards in state facilities in order to limit the amount of state concession fees, as specified. The purpose of this provision is to reduce collect calling fees that are incurred by families of CDCR inmates and wards.
- **Adult Probation Pilot Projects:** This bill would require the Corrections Standards Authority to design and implement two one-time adult probation pilot projects: one in Alameda County and one in a large urban county. The projects are to target probationers ages 18 to 25 with known gang affiliations. The overall purpose of the projects is to test models for reducing the number of offenders coming to state prison.

| Code/Department Agency or Revenue Type | (Fiscal Impact by Fiscal Year) | | | | | | | | | | Fund Code | |
|--|------------------------------------|----|----|------|---------------------|----|-----------|-----------|-----------|----|--------------|------|
| | SO | LA | CO | PROP | 2007-2008 | | 2008-2009 | | 2009-2010 | | | |
| | RV | 98 | FC | | FC | FC | FC | FC | FC | FC | | |
| 5225/Corr & Rehab | SO | No | | | See Fiscal Summary | | | | | | | 0001 |
| 5225/Corr & Rehab | LA | No | | | See Fiscal Summary | | | | | | | 0001 |
| 5225/Corr & Rehab | CO | No | | | See Fiscal Analysis | | | | | | | 0660 |
| 1523/Misc Rev P&M | RV | No | P | | -\$6,500 | P | | -\$13,000 | P | | -\$19,500 | 0001 |
| <u>Fund Code</u> | <u>Title</u> | | | | | | | | | | | |
| 0001 | General Fund | | | | | | | | | | | |
| 0660 | Public Buildings Construction Fund | | | | | | | | | | | |

SUGGESTED MESSAGE

SB 81

(as amended July 19, 2007)

I am signing Senate Bill No. 81, however, I am directing the Office of the Inspector General (OIG) to implement only a portion of the provisions of Section 13 and 14 of this measure until clean-up legislation can be enacted to remedy a drafting error. Sections 13 and 14 of this measure would require the OIG to include specified information in audits of wardens and juvenile facility superintendents. The intent of the amendment to these sections was to require the OIG to include an assessment of facility maintenance as part of the warden evaluation process. I agree that facility maintenance in correctional institutions is a significant issue that should be reviewed. However, this measure appears to require the OIG to include specified new information in every audit, which would create an additional workload burden that cannot be managed within existing resources. Additionally, it is my understanding that evaluations of facility maintenance would be better suited for inclusion in the quadrennial facility audits the OIG performs, because these audits focus on the conditions of the institutions themselves rather than individuals who have been appointed as wardens. The OIG indicates that including evaluations of facility maintenance in the quadrennial audits can be performed within existing budgetary resources, which is consistent with the direction from the Legislature in this regard. Therefore, though I am signing this measure, I am directing the OIG to comply with the original intent of these sections, and to address this drafting error by proposing future cleanup legislation.

STATE AND CONSUMER
SERVICES AGENCY

ENROLLED BILL
REPORT

| CONFIDENTIAL-Government Code §6254(l) | | |
|--|--|---|
| Department:/Board: GENERAL SERVICES | | Bill Number/Author: SB 81 (Committee on Budget and Fiscal Review) (7/19/07) |
| Sponsor: Committee on Budget and Fiscal Review <input type="checkbox"/> Admin Sponsored Proposal No. | Related Bills: See Legislative History Below | Chaptering Order (if known) <input type="checkbox"/> Attachment |
| Subject: Corrections | | |

SUMMARY

Among other things, this bill would require the Department of General Services (DGS), in coordination with the Department of Technology Services (DTS), to amend any contracts that provide telephone services to wards and inmates in State facilities in order to limit State concession fees, as specified. It would also enact other statutory changes related to the Department of Corrections and Rehabilitation (CDCR).

This enrolled bill report is limited to the provisions in Section 32 of the bill.

PURPOSE OF THE BILL

The purpose of this bill is to enact various CDCR-related statutory changes which are necessary to implement the Budget Act of 2007.

RECOMMENDATION AND SUPPORTING ARGUMENTS

DEFER TO DEPARTMENT OF CORRECTIONS AND REHABILITATION

The DGS is concerned about this bill's provision requiring the DGS to amend the existing Inmate-Ward Telephone Service contract to reduce the State's concession fee. The DGS has no objection to reducing the concession fee itself. Rather, the DGS is concerned that the language of the provision may undercut the DGS' bargaining position and hinder the DGS' ability to obtain fee reductions for

| | |
|--|---|
| Departments That May Be Affected | |
| Departments of Corrections and Rehabilitation, Finance, and Technology Services | |
| <input type="checkbox"/> New / Increased Fee | <input checked="" type="checkbox"/> Governor's Appointment <input checked="" type="checkbox"/> Legislative Appointment <input checked="" type="checkbox"/> State Mandate <input checked="" type="checkbox"/> Urgency Clause |
| Dept/Board Position <input type="checkbox"/> Sign <input type="checkbox"/> Veto <input checked="" type="checkbox"/> Defer to: Department of Corrections and Rehabilitation | Agency Secretary Position <input type="checkbox"/> Sign <input type="checkbox"/> Veto <input checked="" type="checkbox"/> Defer to: CDCR |
| Director /Chair Date <i>Walter Sweeney</i> 7/24/07 | Agency Secretary Date <i>Nappy Kester</i> 7/25/07 |

wards' and inmates' friends and families equivalent to the amount by which the concession fee is to be reduced.

Since the other provisions in the bill are directly under the purview of the CDCR, the DGS defers to the **Department of Corrections and Rehabilitation**. We have contacted the CDCR and they are completing an Enrolled Bill Report on this measure.

ANALYSIS

Existing law provides that:

- all contracts for the acquisition of telecommunications services and telecommunications goods, whether by lease or purchase, shall be made by, or under the supervision of, the DGS; and
- when it is in the best interest of the State, the DGS may negotiate amendments to the terms and conditions, including scope of work, of existing contracts for goods, services, information technology, and telecommunications, whether or not the original contract was the result of competition, on behalf of itself or another State agency.

Section 32 of this bill would provide that:

- pursuant to applicable provisions of law, the DGS, in coordination with DTS, shall amend any contracts that provide telephone services to wards and inmates in State facilities in order to limit the amount of State concession fees as follows:
 - for Fiscal Year 2007-08, \$19,500,000;
 - for Fiscal Year 2008-09, \$13,000,000;
 - for Fiscal Year 2009-10, \$ 6,500,000;
 - for Fiscal Year 2010-11 and thereafter, zero; and
- rates shall be reduced in response to reductions in concession fees.

Discussion:

The concession fees paid to the State by correctional telephone providers have long been controversial. Prisoners' rights groups have historically opposed the idea of the State accepting any concession fee.¹ Concession fees were only \$2.4 million in 1988-89,² but grew dramatically during the 1990s as the prison population rose dramatically, and the State sought increased concession fees from vendors for pay phones in prisons and youth correctional facilities, as well as highway rest stops, parks, and other State facilities. In addition, the Budget Act of 1990 directed the revenue, which had previously been deposited mainly in the Inmate Welfare Fund, to the General Fund.

During the late 1990s and early 2000s, the rapidly increasing fees drew increasingly hostile press coverage³ and criticism from the Legislature. In 2000, Governor Davis vetoed **SB 1978 (Hayden—2000)** (see attached veto message). In 2001, the Davis Administration made the decision to cap the concession fee revenue, which had exceeded \$33 million annually and continued to rise, at \$26 million per year, the amount the State was receiving when Governor Davis took office. The DGS renegotiated rates to lock in the \$26 million annual concession fee and provide significant rate reductions for wards

¹ Stephen Green, "Phone Use by Inmates Growing Source of Income," *Sacramento Bee*, May 5, 1990, Sec. A, p. 3.

² *Ibid.*

³ Deborah Solomon, "Heavy Tolls on Calls from Prison," *San Francisco Chronicle*, June 14, 1999, Sec. A, p. 1.; "A Cruel and Unusual Prison Phone Scam," *San Francisco Chronicle*, June 15, 1999, Sec. A, p. 24; M.S. Enkoji, "Collect Calls Take Toll on Inmates' Families," *Sacramento Bee*, April 26, 2002, Sec. A, p. 1; Todd Wallack, "No-Bid Contract for Jail Phones," *San Francisco Chronicle*, June 2, 2002, Sec. A, p. 1; "Gouging a Captive Audience," June 5, 2002, Sec. A, p. 24.

and inmates, effective February 2002. In 2004, the DGS conducted a successful competitive procurement, resulting in an award to MCI and additional rate reductions for 71 percent of inmate calls. The current Inmate-Ward Telephone Service contract runs from February 1, 2005, through January 31, 2009, with two one-year optional extensions. Since the contract was signed, MCI has been acquired by Verizon, which sold the former MCI's correctional division to Global Tel*Link. A contract amendment assigning the contract to Global Tel*Link was approved June 26, 2007.

The language of Section 32 of this bill is not well crafted. However, DGS cannot unilaterally impose contract changes, such as a reduction in telephone rates; they must be mutually agreed upon by the State and the contractor. Our concern is that the Legislature gives *specific* direction to DGS to reduce the concession fee but *vague* direction to obtain some unspecified telephone rate reduction "in response to reductions in concession fees." We presume the legislative intent is to reduce telephone rates for prisoners' families to the maximum extent feasible. If the contractor wanted to play hardball, they could refuse to sign DGS' proposed contract amendment and insist on a smaller rate reduction than DGS thinks would be a fair trade. The poorly crafted language could somewhat undercut DGS' bargaining position in such a case. The DGS has also had generally positive experiences negotiating with the new vendor, and is hopeful that the vendor will not attempt to take advantage of this poorly crafted language.

LEGISLATIVE HISTORY

AB 1300 (Price—2007) would require that wards be allowed to make telephone calls in a manner that do not impose undue financial burdens on their families, require that they be given the option of prepaid phone plans, and impose other requirements on the telephone system used for ward calls. It would require CDCR to maintain a toll-free telephone number that families and others may call to confirm visiting times, and to provide timely updates on interruptions and rescheduling of visiting days, times, and conditions. It would also impose other requirements and goals on CDCR with respect to wards' use of the telephone, communication with persons outside the institution, and rehabilitation.

SB 1537 (Polanco—2002) would have declared legislative intent to direct revenue from the then-existing prison pay phone contract to counties for the expansion of substance abuse treatment centers for parolees. It would also have set up a process for awarding funds to counties for that purpose. This bill was held in the Assembly Appropriations Committee.

SB 1978 (Hayden—2000) would have provided that any contract to provide telephone services to wards of the Youth Authority or to inmates in State prisons shall be negotiated and awarded in a manner to provide for the lowest reasonable costs to wards and inmates, and their families and loved ones, and to pay for expenses and reasonable costs of specified State agencies. It would have further provided that profits to the State shall not be a basis for awarding a contract. This bill was vetoed by Governor Davis (see attached veto message).

PROGRAM BACKGROUND

The DGS incorporates five operating divisions composed of 31 branches and offices that provide a broad range of business services to government. The DGS' functions include procurement and contracting for goods and services, real estate and design services for State buildings, telecommunications, fleet management, information services, publishing services, architectural services, energy efficiency programs, legal services and building maintenance.

The DGS Procurement Division is responsible for procuring goods, information technology services, and telecommunications services for use by State agencies. It delegates purchasing authority to other State agencies and oversees their purchasing activities.

OTHER STATES' INFORMATION

DEFER TO DEPARTMENT OF CORRECTIONS AND REHABILITATION

FISCAL IMPACT

By mandating a reduction in the concession fee for the Inmate-Ward Telephone Service contract, this bill would result in a loss of General Fund revenue in these amounts:

- in Fiscal Year 2007-08, \$6.5 million;
- in Fiscal Year 2008-09, \$13 million;
- in Fiscal Year 2009-10, \$19.5 million; and
- in Fiscal Year 2010-11 and all subsequent fiscal years, \$26 million.

On other fiscal impacts, the DGS defers to the Department of Corrections and Rehabilitation.

ECONOMIC IMPACT

If the Inmate-Ward Telephone Service contractor agrees to a rate reduction commensurate with the reduction in the concession fee, this bill would result in cost savings to family members and others who accept collect calls from prisons and youth correctional facilities.

On other economic impacts, the DGS defers to the Department of Corrections and Rehabilitation.

LEGAL IMPACT

DEFER TO DEPARTMENT OF CORRECTIONS AND REHABILITATION

APPOINTMENTS

DEFER TO DEPARTMENT OF CORRECTIONS AND REHABILITATION

SUPPORT/OPPOSITION

This budget trailer bill was not heard in committee; therefore, there is no record of support and opposition.

ARGUMENTS

DEFER TO DEPARTMENT OF CORRECTIONS AND REHABILITATION

BILL NUMBER: SB 1978
VETOED DATE: 09/30/2000

To the Members of the Senate:

I am returning Senate Bill 1978 without my signature.

This bill requires any contracts to provide telephone service to state prison inmates and CYA wards to be negotiated without providing a commission to the State. This would result in a \$30 million loss in revenue.

During the budget process, I reached an agreement with the legislative leadership to extend the current payphone contract, cancel the current procurement solicitation, and direct the California Department of Corrections and the Youth Authority, in conjunction with the Department of General Services, to identify other viable alternatives to offer secure and reliable payphone services to inmates. I am directing these departments to conduct a procurement which provides an appropriate, yet lower rate structure. Revenues would continue to be shared between the vendor and the State. However, this approach will allow the State to control the phone rates charged to inmates rather than rely on market forces.

Sincerely,

GRAY DAVIS

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CORRECTIONS STANDARDS AUTHORITY

600 Bercut Drive
Sacramento, CA 95811
916-445-5073
www.cdcr.ca.gov/DivisionsBoards/CSA



October 11, 2007

Governor Arnold Schwarzenegger
Office of the Governor
State Capitol, 1st Floor
Sacramento, CA 95811

Dear Governor Schwarzenegger:

We, the board members of the Corrections Standards Authority (CSA) are writing this letter to share our concern about the Board's ability to effectively implement certain provisions of Senate Bill (SB) 81 without the resources needed to fulfill legislative requirements. As you know, SB 81 amends Assembly Bill 900, which was designed in part to assist with the realignment of the Division of Juvenile Justice (DJJ) of the California Department of Corrections and Rehabilitation (CDCR). The primary goal of the DJJ realignment is to increase the chances for juvenile offenders to successfully reintegrate into the community by moving them from state to local correctional facilities and programs.

The CSA conducted a regular Board meeting on Thursday, September 13, 2007. At that meeting, we were briefed on the status of implementing SB 81 and the direction you provided in your Signing Message, which underscored the need for resources. Following a discussion of possible options, we approved a motion to write you a letter expressing our strong and genuine desire to properly assist your Administration in implementing SB 81. In order to do so, it is imperative that the CSA be given sufficient resources to address the additional workload in SB 81. Specifically, the CSA has determined that a minimum of eight new positions are needed to fulfill our responsibilities on two major provisions in SB 81: 1) the additional on-site monitoring of local facilities when offenders are shifted to counties from DJJ facilities (some of which must occur within 30 days), and 2) the administration of \$100 million for local facility construction grants. It is our understanding that Secretary Tilton is planning to request resources through the Budget Change Proposal process.

We have been appointed by you and take our service in your Administration very seriously. We remain committed to the successful implementation of SB 81; however, to achieve this end, it is critical that the Board be given the necessary funds to hire additional staff. We thank you for your consideration.

Governor Arnold Schwarzenegger
Page 2
(Senate Bill 81)

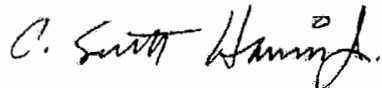
Respectfully submitted,

Mr. James E. Tilton
Mr. Bernard Warner
Mr. David Bacigalupo
Mr. Robert Hernandez
Mr. Ed Prieto
Mr. Gary Penrod

Ms. Linda Penner
Ms. Adele Arnold
Mr. John Ingrassia
Ms. Mimi Silbert
Ms. Kim Petersen
Ms. Carol Biondi

Ms. Pamala M. Gilyard
Mr. Cleotha Adams
Ms. Karrie Eckhardt
Mr. Travis Townsy
Mr. Max L. Scott
Mr. William Powers

Signed on Behalf of the Corrections Standards Authority Board Members



C. SCOTT HARRIS, JR.
Executive Director
Corrections Standards Authority

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|SENATE RULES COMMITTEE | SB 81|
|Office of Senate Floor Analyses |
|1020 N Street, Suite 524 |
|(916) 651-1520 Fax: (916) |
|327-4478 |
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UNFINISHED BUSINESS

Bill No: SB 81
 Author: Senate Budget and Fiscal Review Committee
 Amended: 7/19/07
 Vote: 27 - Urgency

PRIOR VOTES NOT RELEVANT

ASSEMBLY FLOOR : 73-4, 7/19/07 - See last page for vote

SUBJECT : Budget Act of 2007: corrections

SOURCE : Author

DIGEST : This bill makes statutory changes necessary to implement the Budget Act of 2007 relating to corrections.

ANALYSIS : Prison Construction . This bill creates new reporting requirements for the California Department of Corrections and Rehabilitation (CDCR) to ensure legislative oversight of the construction of approximately 16,000 new infill prison beds and 16,000 new re-entry beds authorized by AB 900 (Solario), Chapter 7, Statutes of 2007.

Coordination of Jail Construction and Re-Entry Construction . This bill directs the CDCR to coordinate the allocation of bond funds authorized by AB 900 (Solario), Chapter 7, Statutes of 2007, for new jail beds with the siting of new re-entry facilities in local communities.

Local Reimbursement Claims . This bill limits cities,
 CONTINUED

SB 81

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counties or other jurisdictions from filing a reimbursable claim with the CDCR or any other agency more than six months after the close of the month in which the costs were incurred.

Performance Metrics . This bill requires the CDCR to report various performance metrics related to the operation of the state corrections system annually.

Sex Offender Treatment Contracts . This bill requires a research component for any sex offender treatment contract funded by the CDCR.

Facility Maintenance Audit . This bill requires each management review audit of any warden or superintendent in the CDCR that is conducted by the Inspector General include an assessment of the maintenance of the facility managed by the warden or superintendent.

Prison Infrastructure . This bill requires reporting requirements for the CDCR to ensure legislative oversight of expenditure of \$300 million appropriated in AB 900 (Solorio), Chapter 7, Statutes of 2007, for infrastructure to support new infill beds. This bill also authorizes the CDCR to expend these monies to support modifications to utilities owned by local governments that support prison facilities.

Juvenile Justice Reform . This bill will stop the intake of youthful offenders adjudicated for non-violent, non-serious offenses (non-707b offenses) to the state Division of Juvenile Facilities within the CDCR on September 1, 2007. These youth will remain in county care and custody. Juvenile sex-offenders are excluded from this change and will not be impacted by this bill. This bill does not require that non-violent, non-serious youthful offenders currently incarcerated at the Division of Juvenile Facilities be returned to their local jurisdiction. However, counties may choose to take some or all of the youthful offenders back into county care and custody early.

Non-violent, non-serious youthful offenders on parole would continue to be on state parole. However, if a non-violent, non-serious parolee violates their parole conditions they would become a county responsibility after

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September 1, 2007. Non-violent, non-serious offenders released to parole after September 1, 2007, will become the

responsibility of the counties. This change is projected to reduce the Average Daily Population in state juvenile institutions by 199 offenders in the budget year. This number is expected to grow to approximately 700 offenders by 2009-10. This change is also projected to reduce the Average Daily Population on parole by about 190 parolees in the budget year. This number is expected to grow to approximately 570 in 2009-10.

This bill authorizes a new annual block grant to the counties to support local programs for the care and custody of the non-violent, non-serious offenders that will no longer be in the custody of the state. The block grants will be automatically transferred to the counties based on a schedule established by the Department of Finance. These grants will not be subject to the annual budget process, and will be continuously appropriated. The amount of the block grant is tied to the reduction in the state youthful offender population. The total grant amount available to the counties to care for the non-violent, non-serious offenders that will no longer be committed to the state is \$117,000 per ward per year. The counties will also receive \$15,000 per parolee per year for the wards no longer eligible for commitment to the state. Total available funds to counties, including the savings from not paying the "sliding scale" fees to the state, would be over \$140,000 per offender per year. These amounts should fully compensate counties for costs of care and custody of the offenders. The funds will be distributed to the counties through a formula that weights equally the county's juvenile population and juvenile felony adjudication rate. All counties will receive a minimum of \$58,500 annually. The total fiscal impact of these grants is approximately \$24 million in the budget year.

This bill also authorizes \$100 million in lease revenue bonds for the construction of new local facilities for youthful offenders. These funds will be allocated by the Corrections Standards Authority.

This bill requires the State Commission on Juvenile Justice to develop a Juvenile Justice Operational Master Plan that

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Page

will develop, and make available for implementation by the counties, a common risk and needs assessment tool, universal data collection elements, and criteria and strategies for implementing evidence-based programs. This bill also modifies the membership of the State Commission on Juvenile Justice.

In order to assist counties in preparing to serve the additional youthful offenders that will stay at the county level under this bill, the 2007-08 budget bill also includes \$4.9 million so that every county will receive a planning grant of at least \$50,000. The 2007-08 budget bill also includes \$10 million for competitive grants to counties for the development of local programs for specialized populations of youthful offenders, as well as regional approaches to the care and custody of youthful offenders.

Inmate Phone Concession Fee . This bill directs a four year phase out of the concession on inmate phone calls. This concession currently generates \$26 million in revenue for the General Fund.

Corrections Rehabilitation Funding . This bill directs the CDCR to expend \$50 million General Fund appropriated in AB 900 (Solorio), Chapter 7, Statutes of 2007 to fund the following activities:

1. Developing prison to employment plans.
2. Expanding substance abuse programs for inmates and parolees.
3. Developing and implementing a risk/needs assessment for inmates.
4. Establishing and funding day treatment and services for mentally ill parolees.
5. Expanding educational and vocational programs.

Probation Pilot Projects . This bill establishes two one-time probation pilot projects that will be administered by the Corrections Standards Authority.

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FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes
Local: No

ASSEMBLY FLOOR :
AYES: Adams, Aghazarian, Arambula, Bass, Beall, Benoit, Berg, Berryhill, Blakeslee, Brownley, Caballero, Charles Calderon, Cook, Coto, Davis, De La Torre, De Leon, DeSaulnier, DeVore, Dymally, Emerson, Eng, Evans, Feuer, Fuentes, Fuller, Galgiani, Garrick, Hancock, Hayashi, Hernandez, Horton, Huff, Huffman, Jeffries, Jones, Karnette, Keene, Krekorian, La Malfa, Laird, Leno,

Levlne, Lieber, Lieu, Ma, Maze, Mendoza, Mullin,
Nakanishi, Nava, Niello, Parra, Portantino, Price,
Richardson, Sharon Runner, Ruskin, Salas, Saldana, Silva,
Smyth, Solorio, Soto, Spitzer, Strickland, Swanson,
Torrico, Tran, Villines, Walters, Wolk, Nunez
NOES: Anderson, Gaines, Garcia, Plescia
NO VOTE RECORDED: Carter, Duvall, Houston

DLW:cm 7/20/07 Senate Floor Analyses

SUPPORT/OPPOSITION: NONE RECEIVED

**** END ****

(Without Reference to File)

SENATE THIRD READING
SB 81 (Committee on Budget and Fiscal Review)
As Amended July 19, 2007
2/3 vote. Urgency

SENATE VOTE :Vote not relevant

SUMMARY : Makes various statutory changes to implement various programmatic, clarifying, and technical changes to implement various public safety components of the 2007-08 Budget package. Specifically, this bill :

- 1) Prohibits the intake of youthful offenders adjudicated for non-violent, non-serious offenses (non-707b offenses) to the state Division of Juvenile Facilities within the California Department of Corrections and Rehabilitation (CDCR) on September 1, 2007. These youth would remain in county care and custody. Juvenile sex offenders are excluded from this change and will not be impacted by this bill.
- 2) Provides counties with the option to take a portion or all of the current youthful offender population with the Division of Juvenile Facilities.
- 3) Requires all non-violent, non-serious offenders released to parole after September 1, 2007 to become the responsibility of the counties.
- 4) Provides that the projected impact of the reforms in #1), #2), and #3) above is a reduced Average Daily Population in state juvenile institutions by 199 offenders in the budget year. This number is expected to grow to approximately 700 offenders by 2009-10. The reforms result is a projected reduction in the Average Daily Population on parole by about 190 parolees in the budget year. This number is expected to grow to approximately 570 in 2009-10.
- 5) Authorizes a new annual block grant to the counties to support local programs for the care and custody of the non-violent, non-serious offenders that will no longer be in the custody of the state. The block grants will be continuously appropriated and automatically transferred to the counties based on a

schedule established by the Department of Finance. Total available to counties, including the savings from not paying the "sliding scale" fees to the state would be over \$140,000 per offender per year. The funds will be distributed to the counties through a formula that weights equally the county's juvenile population and juvenile felony adjudication rate. All counties will receive a minimum of \$58,500 annually.

- 6) Authorizes \$100 million in lease revenue bonds for the construction of new local facilities for youthful offenders. These funds will be allocated by the Corrections Standards Authority (CSA).
- 7) Requires the State Commission on Juvenile Justice to develop a Juvenile Justice Operational Master Plan that will develop and make available for implementation by the counties a common risk and needs assessment tool, universal data collection elements, and criteria and strategies for implementing evidence-based programs. This bill also modifies the membership of the State Commission on Juvenile Justice.
- 8) Provides \$4.9 million in local assistance planning grants to assist counties in preparing to serve the additional youthful offenders that will remain at the county level under this bill. Every county will receive a planning grant of at least \$50,000.
- 9) Provides \$10 million for competitive grants to counties for the development of local programs for specialized populations of youthful offenders, as well as regional approaches to the care and custody of youthful offenders.
- 10) Requires the CSA, to the extent possible, to coordinate the funding for local jail construction with the construction of reentry facilities.
- 11) Codifies and modifies current year notification guideline for the CDCR to ensure better legislative assessment of CDCR's operational and fiscal performance.
- 12) Requires any contract for sex offender treatment to possess a research component.
- 13) Reduces the cost to families of inmates attempting to

maintain consistent contact with offenders, by phasing out state concession fees for the state prison telephone contract over a four-year period.

- 14) Specifies that the \$300 million General Fund appropriation within AB 900 (Solario), Chapter 7, Statutes of 2007, shall be utilized for the improvement and expansion of state and locally owned infrastructure to support the existing capacity and expansion of adult prison institutions,
- 15) Ensures the \$50 million appropriation within AB 900 be utilized for in-prison rehabilitative services.
- 16) Provides technical clean-up to the notification requirements of AB 900, as well as clarifies the method in which the Public Works Boards shall review infill projects.
- 17) Outlines the two probation pilots to be administered by the CSA.
- 18) Requires local agencies to submit reimbursement claims for various activities, accomplished in conjunction with or on the behalf of the CDCR, within six months after the cost was incurred.
- 19) Requires the Inspector General to perform facility maintenance audits in conjunction with the review of a warden or superintendent of a Department of Correction facility.
- 20) Declares that this bill take effect immediately as an urgency statute.

FISCAL EFFECT :

- 1) Annual debt service payment for up to \$100 million in lease-revenue bonds to finance the acquisition, design, renovation, or construction of local youth rehabilitative facilities. Future annual payments of approximately \$7.8 million.
- 2) GF revenue reduction of \$6.5 million in budget year due to reduced state concession fees for the state prison telephone contract. Total reduction will occur over a four year period resulting in a loss of \$26 million.

SB 81
Page 4

Analysis Prepared by:
Norman / BUDGET / (916) 319-2099
0002079

Janus
FN:


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|SENATE RULES COMMITTEE                | SB 81 |
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|1020 N Street, Suite 524             |      |
|(916) 651-1520                       |      |
|327-4478                             |      |
|                                     |      |
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THIRD READING

Bill No: SB 81
 Author: Senate Budget and Fiscal Review Committee
 Amended: As introduced
 Vote: 21

WITHOUT REFERENCE TO COMMITTEE

SUBJECT : Budget Act of 2007: trailer bill

SOURCE : Author

DIGEST : This bill expresses the intent of the Legislature to enact statutory changes to the 2007 Budget Act.

ANALYSIS : SB 77 through SB 100, inclusive, are to be used as vehicles for statutory implementation for the 2007 Budget.

FISCAL EFFECT : Appropriation: No Fiscal Com.: No
Local: No

DLW:cm 4/17/07 Senate Floor Analyses

SUPPORT/OPPPOSITION: NONE RECEIVED

**** END ****

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Senate Journal

CALIFORNIA LEGISLATURE

2007-08. REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, August 27, 2007

The Senate met at 12 p.m.
Hon. Don Perata, of the 9th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary Kipchoge Randall reading.

QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee—39.

Quorum present.

(NOTE: Senator Vincent will be excused this day due to illness.)

year. Another provision of this bill provides for substantial increase in these grants in 2008-09.

While I am sustaining the language regarding the out-year funding for the State Transit Assistance program, future year appropriations will be reviewed in light of future budget needs, and therefore may be subject to future redirection.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 24th day of August 2007 at 4:40 p.m., of the Governor's statement of the items of appropriation reduced or eliminated from SB 79 delivered to me personally by Jacque Roberts.

PAULA K. ROSSETTO
Assistant Secretary of the Senate

Governor's Office, State Capitol
August 24, 2007

To the Members of the California State Senate:

I am signing Senate Bill 81, an important measure which enacts several public safety provisions of the Budget Act of 2007. However, there are a few flaws that will require the Legislature to work with my Administration to clean up in subsequent legislation.

First, as it relates to juvenile justice reform, this bill requires counties planning to use local facilities for the purposes of housing juvenile offenders between the ages of 19 and 21 to seek approval from the Corrections Standards Authority (CSA), which must act within 30 days of notification by the counties. In addition, this bill requires CSA to approve the counties' Juvenile Justice Development Plans, which must be submitted to CSA no later than January 1, 2008. It is unclear whether CSA should have an approval role in either of these situations, has the resources to meet the requirements, and can act within the specified timeframe. Therefore, CSA's role should be clarified in clean-up legislation.

In addition, I am directing the Office of Inspector General (OIG) to implement only a portion of the provisions (Sections 13 and 14) that would require the OIG to include specified information in audits of wardens and juvenile facility superintendents. The intent of the amendment to these sections was to require the OIG to include an assessment of facility maintenance as part of the warden evaluation process. I agree that facility maintenance in correctional institutions is a significant issue that should be reviewed. However, this measure appears to require the OIG to include specified new information in every audit, which would create an additional workload burden that cannot be managed within existing resources. Additionally, it is my understanding that evaluations of facility maintenance in the quadrennial audits can be performed within existing budgetary resources, which is consistent with the direction from the Legislature in this regard. Therefore, I am directing the OIG to comply with

the original intent of these sections, and to address this drafting error by proposing future cleanup legislation.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

August 24, 2007

To the Members of the Senate:

I am sustaining the entire \$300 million for the Infill Incentives Grant Program established under the Proposition 1C Housing Bond. However, I do have concerns regarding the \$60 million appropriation for California Pollution Control Authority to fund brownfields cleanup under the CALReUSE program.

While Senate Bill 86 provides funds to the CALReUSE program, I request that clean-up legislation be authored to address a more direct linkage in that program to the production of new housing and to ensure that funds not allocated by CALReUSE or used by program recipients for this purpose be reverted to the Proposition 1C Infill Incentives Grant Program at the Department of Housing and Community Development.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

August 27, 2007

To the Members of the Senate:

I am signing Senate Bill 88 because this bill contains many provisions needed to implement programs authorized in the Proposition 1B transportation bond. This bill is a major step in delivering on the promise made to the voters to improve our infrastructure and increase public safety. However, I would like to see stronger accountability measures and authorizations for the Goods Movement and State-Local Partnership programs, and I encourage the Legislature to continue their work on these programs by passing additional legislation to ensure that Californians get the maximum benefits from these bonds. I also urge the Legislature to authorize more public-private partnerships and grant design-build authority to leverage the bond funds for goods movement.

I am directing my Administration to continue the accountability efforts outlined in Executive Order S-02-07 and in this bill. However, this bill appears to include a drafting error making the general reporting requirements for Local Streets and Roads under Article 1 applicable to the State Controller's Office. Separate and simplified oversight requirements for that program are included under Article 10. I encourage the Legislature to quickly enact corrective legislation.

As I noted in my signing message for the budget bill, I am sustaining the legislative augmentation of an additional \$139,000,000 provided for trade corridor emissions reductions to be expended in the budget year. The people who voted for Proposition 1B are demanding this action. I know that

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **In re Greg R. F. a Minor**

No.: **S191868**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business. On August 8, 2011, I served the attached:

RESPONDENT'S MOTION TO TAKE JUDICIAL NOTICE

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Lisa M. Romo
Attorney at Law
2342 Shattuck Ave.,
PMB 112
Berkeley, CA 94704

Diana Herbert, Clerk of the Court
California Court of Appeal
First Appellate District
350 McAllister Street
San Francisco, CA 94102

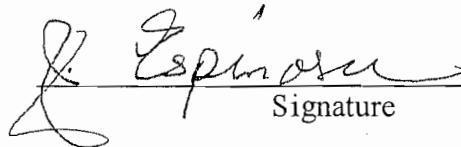
Sonoma County Superior Court
Hall of Justice
600 Administration Drive, #107-J
Santa Rosa, CA 95403-2818

First District Appellate Project
Attn: Executive Director
730 Harrison Street, Suite 201
San Francisco, CA 94107

The Honorable Jill Ravitch
District Attorney
Sonoma District Attorney's Office
600 Administration Drive, Room 212J
Santa Rosa, CA 95403

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 8 2011, at San Francisco, California.

J. Espinosa
Declarant



Signature