

# SUPREME COURT COPY

In the Supreme Court of the State of California

In re C.H.,  
a Person Coming Under the Juvenile Court,

Case No. S183737

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiff and Respondent,

v.

C.H.,

Defendant and Appellant.

SUPREME COURT  
**FILED**

FEB 28 2011

Frederick K. Ohlrich Clerk

Deputy

Second Appellate District, Division Six Case No. B214707  
Ventura County Superior Court, Case No. 2005040811  
The Honorable Donald D. Coleman, Judge

## RESPONDENT'S MOTION FOR JUDICIAL NOTICE AND [PROPOSED] ORDER

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TO THE HONORABLE TANI CANTIL-SAKAUYE, CHIEF JUSTICE, AND THE ASSOCIATE JUSTICES OF THE SUPREME COURT OF CALIFORNIA:

Pursuant to Evidence Code sections 452, 453, and 459, and California Rules of Court, rule 8.252(a), respondent hereby requests this Court to take judicial notice of the attached legislative history materials. Exhibit A contains legislative history materials compiled in connection with Senate Bill No. 81 (Stats. 2007, Ch. 175), which led to the amendments of Welfare and Institutions Code sections 731, 736, 1731.5, and 1766,<sup>1</sup> the enactment of section 731.1, and the replacement of section 733. Exhibit B contains legislative history materials compiled in connection with Assembly Bill No. 191 (Stats. 2007, Ch. 257), which led to the amendments of sections 731, 731.1, 1731.5, 1766, and 1767.35. These materials are referred to in the attached declaration of Blythe J. Leszkay. Consideration of these documents is relevant and necessary to the Court's consideration of the issues addressed in the briefs on the merits. A copy of these documents has been served on opposing counsel. Therefore, respondent respectfully requests that this Motion for Judicial Notice be granted.

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<sup>1</sup> All further statutory references are to the Welfare and Institutions Code unless otherwise designated.

## DECLARATION OF BLYTHE J. LESZKAY

I, BLYTHE J. LESZKAY, hereby declare under penalty of perjury the following:

1. I am a Deputy Attorney General and a member of the Criminal Division of the California Attorney General's Office.
2. I am responsible for preparing the Respondent's Brief on the Merits in *In re C. H.*, case number S183737.
3. In the Respondent's Brief on the Merits, to be filed concurrently with the instant Motion, respondent sets forth and discusses the legislative history of sections 731, 731.1, 733, 736, 1731.5, 1766, and 1767.35. Respondent argues that the legislative history of these sections, among other things, shows that the Legislature intended to preserve a juvenile court's discretion to commit a minor to the Department of Juvenile Justice when that minor has committed a sex offense enumerated in Penal Code section 290.008, subdivision (c), even if that offense is not listed in section 707, subdivision (b). Prior to preparing the brief, I contacted Janet Raffalow and Joel Tochtermann, librarians in our office, for assistance in obtaining the legislative history relating to the above-referenced sections. They forwarded the results of their searches to me. I have attached a true and correct copy of the relevant legislative history documents that I received in connection with Senate Bill No. 81 as Exhibit A. I have attached a true and correct copy of the relevant legislative history

documents that I received in connection with Assembly Bill No. 191 as Exhibit B.

I declare under penalty of perjury and the laws of California and the United States of America that the foregoing is true and correct.

Executed this 25th day of February 2011, at Los Angeles, California.



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BLYTHE J. LESZKAY  
Deputy Attorney General

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**Exhibit A**

# CHAPTERS

2007

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Regular Session

DEC 10 2007

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Chapters 172-179



**DON PERATA**  
President of the Senate

**FABIAN NUÑEZ**  
Speaker of the Assembly

**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, 6120, 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 those 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 county 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 county 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 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 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 (a) 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 added 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.

(8) 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 investigatory 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 7003.

(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.

SBC. 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.

SBC. 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.

SBC. 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. 75. 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.

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

(h) 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 1953, 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 safely 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*

FRIDAY, FEBRUARY 8, 2008

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

An act to amend Sections 15819.40, 15819.401, 15819.41, 15819.411, and 15820.007 of the Government Code, to amend Sections 1557, 2016.5, 4750, 4758, 6005, 6051, 6126, 7040, and 7091.5 of, and to add Sections 2003, 3007, and 3050 to, the Penal Code, to amend Sections 208.5, 731, 736, 1741.5, 1766, 1767.5, and 1776 of, to amend and repeal Section 1798.5 of, to add Sections 741.1 and 1767.35 to, to add Chapter 15 (commencing with Section 1950) to Division 1.5 of, and to repeal and add Section 733 of, the Welfare and Institutions Code, relating to corrections, making an appropriation therefor, and declaring the agency thereof, to take effect immediately.

2007

- Jan. 17—Introduced. Read first time. To Com. on RLS, for assignment. In 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, Nays 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, Nays 4. Page 260.) To Senate.
- Jul. 20—In Senate. To unfinished business.
- Jul. 21—Urgency clause refused adoption. Senate refuses to concur in Assembly amendments. (Ayes 25, Nays 14. Page 1932.) Motion to reconsider made by Senator Romero. Reconsideration granted.
- Aug. 21—Urgency clause adopted. Senate concurs in Assembly amendments. (Ayes 36, Nays 3. Page 207.) 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.

SENATE RULES COMMITTEE  
Office of Senate Floor Analyses  
1020 N Street, Suite 524  
(916) 651-1520 Fax: (916) 327-4478

SB 81

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UNFINISHED BUSINESS

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Bill No: SB 81  
Author: Senate Budget and Fiscal Review Committee  
Amended: 7/19/07  
Vote: 27 - Urgency

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PRIOR VOTES NOT RELEVANT

ASSEMBLY FLOOR: 73-4, 7/19/07 - See last page for vote

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SUBJECT: Budget Act of 2007: corrections

SOURCE: Author

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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 (Solario), 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.

CONTINUED

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.

CONTINUED

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, Banoit, 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, Kernette, 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/OPPPOSITION: NONE RECEIVED

\*\*\*\* END \*\*\*\*

This SFA has NOT been filed.

SENATE RULES COMMITTEE

AB 194

Office of Senate Floor Analysis

1020 N Street, Suite 524

(916) 931-1520 Fax: (916) 927-4478 Version

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THIRD READING

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**Bill No:** AB 194  
**Author:** Assembly Budget Committee  
**Amended:** 7/20/07 in Senate  
**Vote:** 27 - Urgency

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**ASSEMBLY FLOOR:** Not relevant

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**SUBJECT:** Budget Act of 2007 : *Corrections*

**SOURCE:** Author

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**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, 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.

CONTINUED

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.

CONTINUED

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 Con.: Yes Local: No

~~SUPPORT: (Verified >)~~

~~OPPOSITION: (Verified >)~~

~~ARGUMENTS IN SUPPORT: >~~

~~ARGUMENTS IN OPPOSITION: >~~

CONTINUED

DLW:en 7/19/07 Senate Floor Analysis

SUPPORT/OPPPOSITION: SEE ABOVE

SUPPORT/OPPPOSITION: 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

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THIRD READING

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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*

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SUBJECT: Budget Act of 2007: trailer bill

SOURCE: Author

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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/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 VOICE: 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 in 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 \$86,500 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:

Janis Norman / BUDGET / (916) 319-2099

FN: 0002079

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

#### **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 \$5.5 million in 2007-08, growing to \$25 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 Division's 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



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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 assure legislative oversight of expenditure of \$300 million appropriated in AB 900 (Solisio), Chapter 7, Statutes of 2007, for infrastructure to support new inmate beds. This bill also authorizes the CDCR to expend these monies to support modifications to facilities 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-1075 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

SB 81

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September 1, 2007. Non-violent, non-serious offenders released to parole after September 1, 2007, will become the







SB 81  
Page 1

(Without Reference to File)

SENATE THIRD READING  
SB 81 (Committee on Budget and Fiscal Review)  
As Amended July 19, 2007  
2/3 Vote: Unanimous

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-107b 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 in 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

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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 \$50,000 annually.

6) Authorizes \$100 million in local 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 \$4.2 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 county facilities.

11) Codifies and modifies current year notification guidelines 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

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Page 3

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 (Salario), 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 Board shall review infill projects.

17) Outlines the two probation pilots to be administered by the CBA.

18) Requires local agencies to submit reimbursement claims for various activities, accomplished in conjunction with or on the behalf of the DDCR, 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 \$7.6 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.

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Page 4

Analysis Prepared by  
Norman / BUDGET / (916) 319-2099  
8002079

Jurana  
FBI



SENATE RULES COMMITTEE	SB 81
Office of Senate Floor Analysis	
1320 N Street, Suite 124	
(916) 441-1520 Fax: (916) 441-1178	

## THIRD READING

Bill No: SB 81  
 Author: Senate Budget and Fiscal Review Committee  
 Amended: As Introduced  
 Votes: 21

## WITHOUT REFERENCE TO COMMITTEES

SUBJECT : Budget Act of 2007: Trailer Bill

SOURCE : Author

BRIEF : 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

DATE: 9/17/07 Senate Floor Analysis

SUPPORT/OPPPOSITION: NONE RECEIVED

\*\*\* END \*\*\*

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 Schmitt 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, Ballin, Calderon, Cedillo,  
Coddill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez,  
Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado,  
Maldonado, Margitt, McClintock, Migden, Negrete McLeod, Oropeza,  
Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simatian,  
Steinberg, Tortakson, 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 Isaque Roberts.

PAULA K. BOSSETTO

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 15 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

**Exhibit B**

# CHAPTERS

2007

RECEIVED

Regular Session

DEC 10 2007

LIBRARY - SACRAMENTO  
ATTORNEY GENERAL

## Chapters 221-266



**DON PERATA**  
President of the Senate

**FABIAN NUÑEZ**  
Speaker of the Assembly

**GREGORY SCHMIDT**  
Secretary of the Senate

**E. DOTSON WILSON**  
Chief Clerk of the Assembly

Assembly Bill No. 191

CHAPTER 257

An act to amend Section 12838 of the Government Code, to amend Sections 731, 731.1, 1731.5, 1766, 1767.35, 1952, 1953, 1954, and 1955 of, and to add Sections 1953.5, 1954.1, and 1956 to, the Welfare and Institutions Code, and to amend Section 34 of Chapter 175 of the Statutes of 2007, relating to juveniles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 29, 2007. Filed with Secretary of State September 29, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 191, Committee on Budget. Juvenile justice.

(1) Existing law authorizes the Governor, upon recommendation of the Secretary of the Department of Corrections and Rehabilitation, to appoint an undersecretary of the department, subject to Senate confirmation.

This bill would authorize the Governor, upon recommendation of the secretary, to appoint 2 undersecretaries of the department, subject to Senate confirmation, as specified.

(2) Existing law authorizes 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 specified offense, and who remains confined in an institution operated by the division as of September 1, 2007. Existing law requires the court to set and convene a recall disposition hearing for the purpose of ordering an appropriate alternative disposition for the ward.

This bill would condition the authority of the court to recall the commitment of a ward upon the recommendation of the chief probation officer of the county. The bill would require the court to provide notice to the division of the recall disposition hearing, and would require the division to transport and deliver the ward to the custody of the probation department of the committing county, as specified. The bill would require the division to notify the Department of Finance and provide specified information when a county recalls a ward pursuant to these provisions.

(3) Existing law provides 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. Existing law requires the court to set and convene a parole disposition hearing, as specified, and provides that the division has no further jurisdiction over a ward who is released on parole under the supervision of a county pursuant to these provisions.

This bill would require the division to provide a specified written review of the ward's case to the probation department and the court of the committing county, and the ward's counsel, not less than 60 days prior to the scheduled parole consideration hearing, and would authorize the probation department to provide to the division a written plan for the reentry supervision of the ward. The bill would require that any ward who is granted parole pursuant to these provisions be placed on parole jurisdiction for up to 15 court days following his or her release, and would require the committing court to convene a reentry disposition hearing for the ward within 15 court days of the release of the ward from the division.

(4) Existing law provides, 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 county of commitment if the parolee is under the jurisdiction of the division for the commission of an offense other than those referenced above.

This bill would require the Division of Juvenile Parole Operations, if a ward subject to this provision is detained by the division for the purpose of initiating proceedings to suspend, cancel, or revoke the ward's parole, to notify the court and probation department of the committing county within 48 hours of the ward's detention that the ward is subject to parole violation proceedings. The bill would require the committing court, within 15 days of a parole violation notice, to conduct a reentry disposition hearing for the ward, and would authorize the ward to be detained by the division, provided that he or she is delivered to the custody of the probation department within a specified period prior to the reentry disposition hearing. The bill would require the court to consider specified factors at the hearing, at which the ward shall be entitled to representation by counsel, and to enter a disposition order consistent with these considerations and the protection of the public. The court would be required to fully inform the ward of the terms, conditions, responsibilities, and sanctions that are relevant to his or her reentry plan.

(5) Existing law 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. Existing law requires 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 then makes an allocation to each county from the Youthful Offender Block Grant Fund. Existing law provides for an annual increase in those amounts.

This bill would specify the total amounts to be transferred from the General Fund to the Youthful Offender Block Grant Fund for the 2009-10 fiscal year and, for each fiscal year, would require the Director of Finance to determine the total amount of the Youthful Offender Block Grant 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. The bill would specify the minimum block grant allocation for each county for each fiscal year, except that the allocation

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for any eligible county for wards whose commitment was recalled by the court pursuant to the provisions described in (1) above would be determined by the Department of Finance, as specified.

(6) Existing law requires the Corrections Standards Authority to allocate funding for 2 one-time probation pilot projects to test models for reducing the number of offenders coming to state prison. The authority is required to design and implement the pilot projects as specified.

This bill would relieve the authority of the duty to design and implement those pilot projects.

(7) This bill would make related conforming and technical changes.

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

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

SECTION 1. Section 12838 of the Government Code is amended to read:

12838. (a) There is hereby created in state government the Department of Corrections and Rehabilitation, to be headed by a secretary, who shall be appointed by the Governor, subject to Senate confirmation, and shall serve at the pleasure of the Governor. The Department of Corrections and Rehabilitation shall consist of Adult Operations, Adult Programs, Juvenile Justice, the Corrections Standards Authority, the Board of Parole Hearings, the State Commission on Juvenile Justice, the Prison Industry Authority, and the Prison Industry Board.

(b) The Governor, upon recommendation of the secretary, may appoint two undersecretaries of the Department of Corrections and Rehabilitation, subject to Senate confirmation. The undersecretaries shall hold office at the pleasure of the Governor. One undersecretary shall oversee program support and the other undersecretary shall oversee program operations for the department.

(c) The Governor, upon recommendation of the secretary, shall appoint three chief deputy secretaries, subject to Senate confirmation, who shall hold office at the pleasure of the Governor. One chief deputy secretary shall oversee adult operations, one chief deputy secretary shall oversee adult programs, and one chief deputy secretary shall oversee juvenile justice for the department.

(d) The Governor, upon recommendation of the secretary, shall appoint an assistant secretary, subject to Senate confirmation, who shall be responsible for health care policy for the department, and shall serve at the pleasure of the Governor.

(e) The Governor, upon recommendation of the secretary, shall appoint an Assistant Secretary for Victim and Survivor Rights and Services, and an Assistant Secretary for Correctional Safety, who shall serve at the pleasure of the Governor:

SEC. 2. Section 731 of the Welfare and Institutions Code, as amended by Chapter 175 of the Statutes of 2007, 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 and is not otherwise ineligible for commitment to the division under Section 733.

(b) The Division of Juvenile Facilities shall notify the Department of Finance when a county recalls a ward pursuant to Section 731.1. The division shall provide the department with the date the ward was recalled and the number of months the ward has served in a state facility. The division shall provide this information in the format prescribed by the department and within the timeframes established by the department.

(c) 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 Board of Parole Hearings to retain the ward on parole status for the period permitted by Section 1769.

SEC. 3. Section 731.1 of the Welfare and Institutions Code, as amended by Chapter 175 of the Statutes of 2007, is amended to read:

731.1. Notwithstanding any other law, the court committing a ward to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, upon the recommendation of the chief probation officer of the county, 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 on or after 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. The court shall provide to the division no less than 15 days advance notice of the recall hearing date, and the division shall transport and deliver the ward to the custody of the probation department of the committing county no less than five days prior to the scheduled date of the recall hearing. 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. The timing and procedure of the recall disposition hearing shall be consistent with the rules, rights, and procedures applicable to delinquency disposition hearings, as described in Article 17 (commencing with Section 675).

SEC. 4. Section 1731.5 of the Welfare and Institutions Code, as amended by Chapter 175 of the Statutes of 2007, 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 Board of Parole Hearings. 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 Board of Parole Hearings.

(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. 5. Section 1766 of the Welfare and Institutions Code, as amended by Chapter 175 of the Statutes of 2007, 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 Board of Parole Hearings, 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 following provisions shall apply to any ward eligible for release on parole on or after September 1, 2007, who was committed to the custody of the Division of Juvenile Facilities for an offense other than one described in subdivision (b) of Section 707 or paragraph (3) of subdivision (d) of Section 290 of the Penal Code:

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(1) The county of commitment shall supervise the reentry 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 or paragraph (3) of subdivision (d) of Section 290 of the Penal Code.

(2) Not less than 60 days prior to the scheduled parole consideration hearing of a ward described in this subdivision, the division shall provide to the probation department and the court of the committing county, and the ward's counsel, if known, the most recent written review prepared pursuant to Section 1720, along with notice of the parole consideration hearing date.

(3) Not less than 30 days prior to the scheduled parole consideration hearing of a ward described in this subdivision, the probation department of the committing county may provide the division with its written plan for the reentry supervision of the ward. At the parole consideration hearing, the Board of Parole Hearings shall, in determining whether the ward is to be released, consider a reentry supervision plan submitted by the county.

(4) Any ward described in this subdivision who is granted parole shall be placed on parole jurisdiction for up to 15 court days following his or her release. The board shall notify the probation department and the court of the committing county within 48 hours of a decision to release a ward.

(5) Within 15 court days of the release by the division of a ward described in this subdivision, the committing court shall convene a reentry disposition hearing for the ward. The purpose of the hearing shall be for the court to identify those conditions of probation that are appropriate under all the circumstances of the case. The court shall, to the extent it deems appropriate, incorporate a reentry plan submitted by the county probation department and reviewed by the board into its disposition order. At the hearing the ward shall be fully informed of the terms and conditions of any order entered by the court, including the consequences for any violation thereof. The procedure of the reentry disposition hearing shall otherwise be consistent with the rules, rights, and procedures applicable to delinquency disposition hearings as described in Article 17 (commencing with Section 675) of Chapter 2 of Part 1 of Division 2.

(6) The division shall have no further jurisdiction over a ward described in this subdivision who is released on parole by the board upon the ward's court appearance pursuant to paragraph (5).

(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. 6. Section 1767.35 of the Welfare and Institutions Code, as amended by Chapter 175 of the Statutes of 2007, is amended 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 or an offense described in paragraph (3) of subdivision (d) of Section 290 of the Penal Code.

(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 or paragraph (3) of subdivision (d) of Section 290 of the Penal Code. If a ward subject to this subdivision is detained by the Division of Juvenile Parole Operations for the purpose of initiating proceedings to suspend, cancel, or revoke the ward's parole, the division shall notify the court and probation department of the committing county within 48 hours of the ward's detention that the ward is subject to parole violation proceedings. Within 15 days of a parole violation notice from the division, the committing court shall conduct a reentry disposition hearing for the ward. Pending the hearing, the ward may be detained by the division, provided that the division shall deliver the ward to the custody of the probation department in the county of commitment not more than three judicial days nor less than two judicial days prior to the reentry disposition hearing. At the hearing, at which the ward shall be entitled to representation

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by counsel, the court shall consider the alleged violation of parole, the risks and needs presented by the ward, and the reentry disposition programs and sanctions that are available for the ward; and enter a disposition order consistent with these considerations and the protection of the public. The ward shall be fully informed by the court of the terms, conditions, responsibilities, and sanctions that are relevant to the reentry plan that is adopted by the court. Upon delivery to the custody of the probation department for local proceedings under this subdivision, the Division of Juvenile Facilities and the Board of Parole Hearings shall have no further jurisdiction or parole supervision responsibility for a ward subject to this subdivision. The procedure of the reentry disposition hearing, including the detention status of the ward in the event continuances are ordered by the court, shall be consistent with the rules, rights, and procedures applicable to delinquency disposition hearings, as described in Article 17 (commencing with Section 675) of Chapter 2 of Part 1 of Division 2.

SEC. 7. Section 1952 of the Welfare and Institutions Code, as amended by Chapter 175 of the Statutes of 2007, is amended to read:

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.

(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. The Corrections Standards Authority shall submit its recommendation to the Department of Finance for approval.

(b) 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.

SEC. 8. Section 1953 of the Welfare and Institutions Code, as amended by Chapter 175 of the Statutes of 2007, is amended to read:

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 multiplied by the ADP for the year for parolees who are supervised by the county of commitment pursuant to subdivision (b) of Section 1766.

SEC. 9. Section 1953.5 is added to the Welfare and Institutions Code, to read:

1953.5. For the 2009-10 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 2008-09 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 multiplied by the ADP for the year for parolees who are supervised by the county of commitment pursuant to subdivision (b) of Section 1766.

SEC. 10. Section 1954 of the Welfare and Institutions Code, as amended by Chapter 175 of the Statutes of 2007, is amended to read:

1954. For the 2010-11 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 2009-10 fiscal year, as described in subdivisions (a), (b), and (c) of Section 1953.5, adjusted to account for full-year impacts.

SEC. 11. Section 1954.1 is added to the Welfare and Institutions Code, to read:

1954.1. For each fiscal year, the Director of Finance shall determine the total amount of the Youthful Offender Block Grant and the allocation for each county, pursuant to Sections 1955 and 1956, 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.

SEC. 12. Section 1955 of the Welfare and Institutions Code, as amended by Chapter 175 of the Statutes of 2007, is amended to read:

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1955. (a) The allocation amount for each county from the Youthful Offender Block Grant Fund for offenders subject to Sections 733, 1766, and 1767.35 shall be distributed once annually 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) for the 2007-08 fiscal year, and a minimum block grant allocation of one hundred seventeen thousand dollars (\$117,000) for each fiscal year thereafter.

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

SEC. 13. Section 1956 is added to the Welfare and Institutions Code, to read:

1956. The allocation for any eligible county from the Youthful Offender Block Grant Fund for offenders subject to Section 731.1 shall be determined by the Department of Finance, consistent with the ADP methodology and fiscal parameters used in Sections 1952, 1953, and 1953.5, for the corresponding fiscal year.

SEC. 14. Section 34 of Chapter 175 of the Statutes of 2007 is amended to read:

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.

(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. 15. 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 history of first year bills.

No. 90

CALIFORNIA LEGISLATURE

AT SACRAMENTO

2007-08 REGULAR SESSION

# ASSEMBLY WEEKLY HISTORY

COMMENCING WITH AB 1 AND ENDING WITH AB 1921

FRIDAY, FEBRUARY 8, 2008

Assembly Convened December 4, 2006

HON. FABIAN NUÑEZ  
*Speaker*

HON. SALLY LIEBER  
*Speaker pro Tempore*

HON. KAREN BASS  
*Majority Floor Leader*

HON. MIKE VILLINES  
*Minority Floor Leader*

*Compiled Under the Direction of*  
E. DOTSON WILSON  
*Chief Clerk*

AMY LEACH  
*History Clerk*

ARTURO R. SALAICES  
*Assistant History Clerk*

*(Please Report Any Omissions or Errors to History Clerk Phone 319-2363)*

FRIDAY, FEBRUARY 8, 2008

## A.B. No. 190—Bass.

An act to add Section 22511.3 to the Vehicle Code, relating to vehicles.

## 2007

- Jan. 25—Read first time. To print.
- Jan. 26—From printer. May be heard in committee February 25.
- Feb. 9—Referred to Com. on HUM. S.
- Mar. 28—From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 5. Noes 1.) (March 27).
- April 18—In committee: Set, first hearing. Referred to APPR. suspense file.
- May 31—In committee: Hearing postponed by committee.

## 2008

- Jan. 14—From committee chair, with author's amendments: Amend, and re-refer to Com. on APPR. Read second time and amended. Re-referred to Com. on APPR. Re-referred to Com. on RLS. (Ayes 45. Noes 30. Page 3698.) Assembly Rule 56 suspended (TRANS.) Joint Rule 62(a), file notice waived. (Ayes 46. Noes 30. Page 3701.) From committee: Be re-referred to Com. on TRANS. Re-referred. (Ayes 10. Noes 0.) (January 14).
- Jan. 17—From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 12. Noes 0. Page 3755.) (January 17).
- Jan. 24—From committee: Do pass. (Ayes 15. Noes 0. Page 3814.) (January 24). Read second time. To third reading.
- Jan. 28—Read third time, passed, and to Senate. (Ayes 72. Noes 1. Page 3832.)
- Jan. 28—In Senate. Read first time. To Com. on RLS. for assignment.
- Feb. 7—Referred to Com. on T. & H.

## A.B. No. 191—Committee on Budget (Assembly Members Laird (Chair), Arambula, Beall, Berg, Brownley, Dymally, Feuer, Hayashi, Hernandez, Jones, Mullin, Ruskin, Swanson, and Wolk).

An act to amend Section 12838 of the Government Code, to amend Sections 731, 731.1, 1731.5, 1766, 1767.35, 1952, 1953, 1954, and 1955 of, and to add Sections 1953.5, 1954.1, and 1956 to, the Welfare and Institutions Code, and to amend Section 34 of Chapter 175 of the Statutes of 2007, relating to juveniles, and declaring the urgency thereof, to take effect immediately.

## 2007

- Jan. 25—Read first time. To print.
- Jan. 26—From printer. May be heard in committee February 25.
- April 19—Without reference to committee. Read second time. To third reading.
- May 3—Read third time, passed, and to Senate. (Ayes 44. Noes 1. Page 1291.)
- May 3—In Senate. Read first time. To Com. on RLS. for assignment.
- May 9—Referred to Com. on RLS.
- Jul. 16—Withdrawn from committee. Re-referred to Com. on APPR.
- Jul. 16—Withdrawn from committee. Ordered placed on second reading file.
- Jul. 17—Read second time. To third reading.
- Aug. 27—To inactive file on motion of Senator Perata.
- Sept. 4—From inactive file. To second reading.
- Sept. 5—Read second time. To third reading.
- Sept. 7—Read third time, amended, and returned to third reading. Read third time. Urgency clause adopted. Passed and to Assembly. (Ayes 37. Noes 0. Page 2439.)
- Sept. 7—In Assembly. Concurrence in Senate amendments pending. May be considered on or after September 9 pursuant to Assembly Rule 77.
- Sept. 10—Urgency clause adopted. Senate amendments concurred in. To enrollment. (Ayes 76. Noes 1. Page 3181.)
- Sept. 28—Enrolled and to the Governor at 3:45 p.m.
- Sept. 29—Approved by the Governor.
- Sept. 29—Chaptered by Secretary of State - Chapter 257, Statutes of 2007.

ASSEMBLY BILL

No. 191

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Introduced by Committee on Budget (Laird (Chair), Arambula, Beall, Berg, Brownley, Dymally, Feuer, Hayashi, Hernandez, Jones, Mullin, Ruskin, Swanson, and Wolk)

January 25, 2007

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An act relating to the Budget Act of 2007.

LEGISLATIVE COUNSEL'S DIGEST

AB 191, as introduced, Committee on Budget. 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.

0

AMENDED IN SENATE SEPTEMBER 7, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 191

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Introduced by Committee on Budget (Laird (Chair), Arambula, Beall, Berg, Brownley, Dymally, Feuer, Hayashi, Hernandez, Jones, Mullin, Ruskin, Swanson, and Wolk)

January 25, 2007

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*An act relating to the Budget Act of 2007. An act to amend Section 12838 of the Government Code, to amend Sections 731, 731.1, 1731.5, 1766, 1767.35, 1952, 1953, 1954, and 1955 of, and to add Sections 1953.5, 1954.1, and 1956 to, the Welfare and Institutions Code, and to amend Section 34 of Chapter 175 of the Statutes of 2007, relating to juveniles, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 191, as amended, Committee on Budget. ~~Budget Act of 2007.~~  
*Juvenile justice.*

*(1) Existing law authorizes the Governor, upon recommendation of the Secretary of the Department of Corrections and Rehabilitation, to appoint an undersecretary of the department, subject to Senate confirmation.*

*This bill would authorize the Governor, upon recommendation of the secretary, to appoint 2 undersecretaries of the department, subject to Senate confirmation, as specified.*

*(2) Existing law authorizes 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 specified offense, and who remains confined in an institution operated by the division as of September 1,*

2007. Existing law requires the court to set and convene a recall disposition hearing for the purpose of ordering an appropriate alternative disposition for the ward.

This bill would condition the authority of the court to recall the commitment of a ward upon the recommendation of the chief probation officer of the county. The bill would require the court to provide notice to the division of the recall disposition hearing, and would require the division to transport and deliver the ward to the custody of the probation department of the committing county, as specified. The bill would require the division to notify the Department of Finance and provide specified information when a county recalls a ward pursuant to these provisions.

(3) Existing law provides 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. Existing law requires the court to set and convene a parole disposition hearing, as specified, and provides that the division has no further jurisdiction over a ward who is released on parole under the supervision of a county pursuant to these provisions.

This bill would require the division to provide a specified written review of the ward's case to the probation department and the court of the committing county, and the ward's counsel, not less than 60 days prior to the scheduled parole consideration hearing, and would authorize the probation department to provide to the division a written plan for the reentry supervision of the ward. The bill would require that any ward who is granted parole pursuant to these provisions be placed on parole jurisdiction for up to 15 court days following his or her release, and would require the committing court to convene a reentry disposition hearing for the ward within 15 court days of the release of the ward from the division.

(4) Existing law provides, 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 county of commitment if the parolee is under the jurisdiction of the division for the commission of an offense other than those referenced above.

This bill would require the Division of Juvenile Parole Operations, if a ward subject to this provision is detained by the division for the purpose of initiating proceedings to suspend, cancel, or revoke the ward's parole, to notify the court and probation department of the committing county within 48 hours of the ward's detention that the ward is subject to parole violation proceedings. The bill would require

*the committing court, within 15 days of a parole violation notice, to conduct a reentry disposition hearing for the ward, and would authorize the ward to be detained by the division, provided that he or she is delivered to the custody of the probation department within a specified period prior to the reentry disposition hearing. The bill would require the court to consider specified factors at the hearing, at which the ward shall be entitled to representation by counsel, and to enter a disposition order consistent with these considerations and the protection of the public. The court would be required to fully inform the ward of the terms, conditions, responsibilities, and sanctions that are relevant to his or her reentry plan.*

*(5) Existing law 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. Existing law requires 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 then makes an allocation to each county from the Youthful Offender Block Grant Fund. Existing law provides for an annual increase in those amounts.*

*This bill would specify the total amounts to be transferred from the General Fund to the Youthful Offender Block Grant Fund for the 2009–10 fiscal year and, for each fiscal year, would require the Director of Finance to determine the total amount of the Youthful Offender Block Grant 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. The bill would specify the minimum block grant allocation for each county for each fiscal year, except that the allocation for any eligible county for wards whose commitment was recalled by the court pursuant to the provisions described in (1) above would be determined by the Department of Finance, as specified.*

*(6) Existing law requires the Corrections Standards Authority to allocate funding for 2 one-time probation pilot projects to test models for reducing the number of offenders coming to state prison. The authority is required to design and implement the pilot projects as specified.*

*This bill would relieve the authority of the duty to design and implement those pilot projects.*

*(7) This bill would make related conforming and technical changes.*

(8) *This bill would declare that it is to take effect immediately as an urgency statute.*

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

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

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

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

3 SECTION 1. *Section 12838 of the Government Code is*  
4 *amended to read:*

5 12838. (a) There is hereby created in state government the  
6 Department of Corrections and Rehabilitation, to be headed by a  
7 secretary, who shall be appointed by the Governor, subject to  
8 Senate confirmation, and shall serve at the pleasure of the  
9 Governor. The Department of Corrections and Rehabilitation shall  
10 consist of Adult Operations, Adult Programs, Juvenile Justice, the  
11 Corrections Standards Authority, the Board of Parole Hearings,  
12 the State Commission on Juvenile Justice, the Prison Industry  
13 Authority, and the Prison Industry Board.

14 (b) The Governor, upon recommendation of the secretary, may  
15 appoint an ~~Undersecretary~~ *two undersecretaries* of the Department  
16 of Corrections and Rehabilitation, subject to Senate confirmation.  
17 ~~The undersecretary~~ *undersecretaries* shall hold office at the  
18 pleasure of the Governor. *One undersecretary shall oversee*  
19 *program support and the other undersecretary shall oversee*  
20 *program operations for the department.*

21 (c) The Governor, upon recommendation of the secretary, shall  
22 appoint three chief deputy secretaries, subject to Senate  
23 confirmation, who shall hold office at the pleasure of the Governor.  
24 One chief deputy secretary shall oversee adult operations, one  
25 chief deputy secretary shall oversee adult programs, and one chief  
26 deputy secretary shall oversee juvenile justice for the department.

27 (d) The Governor, upon recommendation of the secretary, shall  
28 appoint an assistant secretary, subject to Senate confirmation, who  
29 shall be responsible for health care policy for the department, and  
30 shall serve at the pleasure of the Governor.

1 (e) The Governor, upon recommendation of the secretary, shall  
2 appoint an Assistant Secretary for Victim and Survivor Rights and  
3 Services, and an Assistant Secretary for Correctional Safety, who  
4 shall serve at the pleasure of the Governor.

5 *SEC. 2. Section 731 of the Welfare and Institutions Code, as*  
6 *amended by Chapter 175 of the Statutes of 2007, is amended to*  
7 *read:*

8 731. (a) If a minor is adjudged a ward of the court on the  
9 ground that he or she is a person described by Section 602, the  
10 court may order any of the types of treatment referred to in Sections  
11 727 and 730 and, in addition, may do any of the following:

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

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

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

21 (4) Commit the ward to the Department of Corrections and  
22 Rehabilitation, Division of Juvenile Facilities, if the ward has  
23 committed an offense described in subdivision (b) of Section 707  
24 and is not otherwise ineligible for commitment to the division  
25 under Section 733.

26 (b) *The Division of Juvenile Facilities shall notify the*  
27 *Department of Finance when a county recalls a ward pursuant to*  
28 *Section 731.1. The division shall provide the department with the*  
29 *date the ward was recalled and the number of months the ward*  
30 *has served in a state facility. The division shall provide this*  
31 *information in the format prescribed by the department and within*  
32 *the timeframes established by the department.*

33 (b)

34 (c) A ward committed to the Division of Juvenile Facilities may  
35 not be held in physical confinement for a period of time in excess  
36 of the maximum period of imprisonment that could be imposed  
37 upon an adult convicted of the offense or offenses that brought or  
38 continued the minor under the jurisdiction of the juvenile court.  
39 A ward committed to the Division of Juvenile Facilities also may  
40 not be held in physical confinement for a period of time in excess

1 of the maximum term of physical confinement set by the court  
2 based upon the facts and circumstances of the matter or matters  
3 that brought or continued the ward under the jurisdiction of the  
4 juvenile court, which may not exceed the maximum period of adult  
5 confinement as determined pursuant to this section. This section  
6 does not limit the power of the ~~Juvenile Parole Board of Parole~~  
7 *Hearings* to retain the ward on parole status for the period  
8 permitted by Section 1769.

9 *SEC. 3. Section 731.1 of the Welfare and Institutions Code, as*  
10 *amended by Chapter 175 of the Statutes of 2007, is amended to*  
11 *read:*

12 731.1. Notwithstanding any other law, the court committing a  
13 ward to the Department of Corrections and Rehabilitation, Division  
14 of Juvenile Facilities, *upon the recommendation of the chief*  
15 *probation officer of the county*, may recall that commitment in the  
16 case of any ward whose commitment offense was not an offense  
17 listed in subdivision (b) of Section 707, unless the offense was a  
18 sex offense set forth in paragraph (3) of subdivision (d) of Section  
19 290 of the Penal Code, and who remains confined in an institution  
20 operated by the division ~~as of~~ *on or after* September 1, 2007. Upon  
21 recall of the ward, the court shall set and convene a recall  
22 disposition hearing for the purpose of ordering an alternative  
23 disposition for the ward that is appropriate under all of the  
24 circumstances prevailing in the case. *The court shall provide to*  
25 *the division no less than 15 days advance notice of the recall*  
26 *hearing date, and the division shall transport and deliver the ward*  
27 *to the custody of the probation department of the committing county*  
28 *no less than five days prior to the scheduled date of the recall*  
29 *hearing. Pending the recall disposition hearing, the ward shall be*  
30 *detained or housed in the manner and place, consistent with the*  
31 *requirements of law, as may be directed by the court in its order*  
32 *of recall. The timing and procedure of the recall disposition*  
33 *hearing shall be consistent with the rules, rights, and procedures*  
34 *applicable to delinquency disposition hearings, as described in*  
35 *Article 17 (commencing with Section 675).*

36 *SEC. 4. Section 1731.5 of the Welfare and Institutions Code,*  
37 *as amended by Chapter 175 of the Statutes of 2007, is amended*  
38 *to read:*

1 1731.5. (a) After certification to the Governor as provided in  
2 this article, a court may commit to the Division of Juvenile  
3 Facilities any person who meets all of the following:

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

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

9 (3) Is not sentenced to death, imprisonment for life, with or  
10 without the possibility of parole, whether or not pursuant to Section  
11 190 of the Penal Code, imprisonment for 90 days or less, or the  
12 payment of a fine, or after having been directed to pay a fine,  
13 defaults in the payment thereof, and is subject to imprisonment  
14 for more than 90 days under the judgment.

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

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

21 (c) Any person under 18 years of age who is not committed to  
22 the division pursuant to this section may be transferred to the  
23 authority by the Secretary of the Department of Corrections and  
24 Rehabilitation with the approval of the Chief Deputy Secretary for  
25 the Division of Juvenile Justice. In sentencing a person under 18  
26 years of age, the court may order that the person shall be transferred  
27 to the custody of the Division of Juvenile Facilities pursuant to  
28 this subdivision. If the court makes this order and the division fails  
29 to accept custody of the person, the person shall be returned to  
30 court for resentencing. The transfer shall be solely for the purposes  
31 of housing the inmate, allowing participation in the programs  
32 available at the institution by the inmate, and allowing division  
33 parole supervision of the inmate, who, in all other aspects shall be  
34 deemed to be committed to the Department of Corrections and  
35 Rehabilitation and shall remain subject to the jurisdiction of the  
36 Secretary of the Department of Corrections and Rehabilitation and  
37 the Juvenile Parole Board of *Parole Hearings*. Notwithstanding  
38 subdivision (b) of Section 2900 of the Penal Code, the secretary,  
39 with the concurrence of the chief deputy secretary, may designate

1 a facility under the jurisdiction of the chief deputy secretary as a  
2 place of reception for any person described in this subdivision.

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

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

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

12 (2) The inmate is ordered discharged by the Juvenile Parole  
13 Board of Parole Hearings.

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

18 SEC. 5. Section 1766 of the Welfare and Institutions Code, as  
19 amended by Chapter 175 of the Statutes of 2007, is amended to  
20 read:

21 1766. (a) Subject to Sections 733 and 1767.35, and subdivision  
22 (b) of this section, if a person has been committed to the  
23 Department of Corrections and Rehabilitation, Division of Juvenile  
24 Facilities, the Juvenile Parole Board of Parole Hearings, according  
25 to standardized review and appeal procedures established by the  
26 board in policy and regulation and subject to the powers and duties  
27 enumerated in subdivision (a) of Section 1719, may do any of the  
28 following:

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

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

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

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

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

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

9 (b) *The following provisions shall apply to any ward eligible*  
10 *for release on parole on or after September 1, 2007, who was*  
11 *committed to the custody of the Division of Juvenile Facilities for*  
12 *an offense other than one described in subdivision (b) of Section*  
13 *707 or paragraph (3) of subdivision (d) of Section 290 of the Penal*  
14 *Code:*

15 (b)

16 (1) The county of commitment shall supervise the parole reentry  
17 of any ward released on parole on or after September 1, 2007, who  
18 was committed to the custody of the division for committing an  
19 offense other than those described in subdivision (b) of Section  
20 707 or paragraph (3) of subdivision (d) of Section 290 of the Penal  
21 Code. ~~The division shall have no further jurisdiction over a ward~~  
22 ~~who is released on parole under the supervision of a county~~  
23 ~~pursuant to this section. Upon receipt of the ward by the county,~~  
24 ~~the court shall set and convene a parole disposition hearing for the~~  
25 ~~purpose of identifying and ordering those parole conditions that~~  
26 ~~are appropriate under all of the circumstances prevailing in the~~  
27 ~~case and best designed for the protection of the public.~~

28 (2) *Not less than 60 days prior to the scheduled parole*  
29 *consideration hearing of a ward described in this subdivision, the*  
30 *division shall provide to the probation department and the court*  
31 *of the committing county, and the ward's counsel, if known, the*  
32 *most recent written review prepared pursuant to Section 1720,*  
33 *along with notice of the parole consideration hearing date.*

34 (3) *Not less than 30 days prior to the scheduled parole*  
35 *consideration hearing of a ward described in this subdivision, the*  
36 *probation department of the committing county may provide the*  
37 *division with its written plan for the reentry supervision of the*  
38 *ward. At the parole consideration hearing, the Board of Parole*  
39 *Hearings shall, in determining whether the ward is to be released,*  
40 *consider a reentry supervision plan submitted by the county.*

1 (4) Any ward described in this subdivision who is granted parole  
2 shall be placed on parole jurisdiction for up to 15 court days  
3 following his or her release. The board shall notify the probation  
4 department and the court of the committing county within 48 hours  
5 of a decision to release a ward.

6 (5) Within 15 court days of the release by the division of a ward  
7 described in this subdivision, the committing court shall convene  
8 a reentry disposition hearing for the ward. The purpose of the  
9 hearing shall be for the court to identify those conditions of  
10 probation that are appropriate under all the circumstances of the  
11 case. The court shall, to the extent it deems appropriate,  
12 incorporate a reentry plan submitted by the county probation  
13 department and reviewed by the board into its disposition order.  
14 At the hearing the ward shall be fully informed of the terms and  
15 conditions of any order entered by the court, including the  
16 consequences for any violation thereof. The procedure of the  
17 reentry disposition hearing shall otherwise be consistent with the  
18 rules, rights, and procedures applicable to delinquency disposition  
19 hearings as described in Article 17 (commencing with Section 675)  
20 of Chapter 2 of Part 1 of Division 2.

21 (6) The division shall have no further jurisdiction over a ward  
22 described in this subdivision who is released on parole by the  
23 board upon the ward's court appearance pursuant to paragraph  
24 (5).

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

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

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

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

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

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

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

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

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

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

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

17 *SEC. 6. Section 1767.35 of the Welfare and Institutions Code,*  
18 *as amended by Chapter 175 of the Statutes of 2007, is amended*  
19 *to read:*

20 1767.35. Commencing on September 1, 2007, any parolee  
21 under the jurisdiction of the Division of Juvenile Parole Operations  
22 shall be returned to custody upon the suspension, cancellation, or  
23 revocation of parole as follows:

24 (a) To the custody of the Division of Juvenile Facilities if the  
25 parolee is under the jurisdiction of the division for the commission  
26 of an offense described in subdivision (b) of Section 707 or an  
27 offense described in paragraph (3) of subdivision (d) of Section  
28 290 of the Penal Code.

29 (b) To the county of commitment if the parolee is under the  
30 jurisdiction of the division for the commission of an offense not  
31 described in subdivision (b) of Section 707 or paragraph (3) of  
32 subdivision (d) of Section 290 of the Penal Code. If a ward subject  
33 to this subdivision is detained by the Division of Juvenile Parole  
34 Operations for the purpose of initiating proceedings to suspend,  
35 cancel, or revoke the ward's parole, the division shall notify the  
36 court and probation department of the committing county within  
37 48 hours of the ward's detention that the ward is subject to parole  
38 violation proceedings. Within 15 days of a parole violation notice  
39 from the division, the committing court shall conduct a reentry  
40 disposition hearing for the ward. Pending the hearing, the ward

1 may be detained by the division, provided that the division shall  
2 deliver the ward to the custody of the probation department in the  
3 county of commitment not more than three judicial days nor less  
4 than two judicial days prior to the reentry disposition hearing. At  
5 the hearing, at which the ward shall be entitled to representation  
6 by counsel, the court shall consider the alleged violation of parole,  
7 the risks and needs presented by the ward, and the reentry  
8 disposition programs and sanctions that are available for the ward,  
9 and enter a disposition order consistent with these considerations  
10 and the protection of the public. The ward shall be fully informed  
11 by the court of the terms, conditions, responsibilities, and sanctions  
12 that are relevant to the reentry plan that is adopted by the court.  
13 Upon delivery to the custody of the probation department for local  
14 proceedings under this subdivision, the Division of Juvenile  
15 Facilities and the Board of Parole Hearings shall have no further  
16 jurisdiction or parole supervision responsibility for a ward subject  
17 to this subdivision. The procedure of the reentry disposition  
18 hearing, including the detention status of the ward in the event  
19 continuances are ordered by the court, shall be consistent with  
20 the rules, rights, and procedures applicable to delinquency  
21 disposition hearings, as described in Article 17 (commencing with  
22 Section 675) of Chapter 2 of Part 1 of Division 2.

23 SEC. 7. Section 1952 of the Welfare and Institutions Code, as  
24 amended by Chapter 175 of the Statutes of 2007, is amended to  
25 read:

26 1952. For the 2007–08 fiscal year, all of the following shall  
27 apply:

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

31 (1) One hundred seventeen thousand dollars (\$117,000) per  
32 ward multiplied by the average daily population (ADP) for the  
33 year for wards who are not committed to the custody of the state  
34 pursuant to subdivision (c) of Section 733, and Sections 731.1 and  
35 1767.35.

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

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

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

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

28 *SEC. 8. Section 1953 of the Welfare and Institutions Code, as*  
29 *amended by Chapter 175 of the Statutes of 2007, is amended to*  
30 *read:*

31 1953. For the 2008-09 fiscal year, the total of the following  
32 amounts shall be transferred from the General Fund to the Youthful  
33 Offender Block Grant Fund:

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

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

1 (c) Fifteen thousand dollars (\$15,000) per parolee based on  
2 multiplied by the ADP for the year for parolees who are supervised  
3 by the county of commitment pursuant to subdivision (b) of Section  
4 1766.

5 SEC. 9. Section 1953.5 is added to the Welfare and Institutions  
6 Code, to read:

7 1953.5. For the 2009-10 fiscal year, the total of the following  
8 amounts shall be transferred from the General Fund to the Youthful  
9 Offender Block Grant Fund:

10 (a) The amount transferred to the Youthful Offender Block Grant  
11 Fund for the 2008-09 fiscal year, as described in subdivision (a)  
12 of Section 1952, adjusted to account for full-year impacts.

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

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

20 SEC. 10. Section 1954 of the Welfare and Institutions Code,  
21 as amended by Chapter 175 of the Statutes of 2007, is amended  
22 to read:

23 1954. For the ~~2009-10~~ 2010-11 fiscal year, and each year  
24 thereafter, an amount shall be transferred from the General Fund  
25 to the Youthful Offender Block Grant Fund equal to that amount  
26 transferred to the Youthful Offender Block Grant Fund for the  
27 ~~2008-09~~ 2009-10 fiscal year, as described in subdivisions (a), (b),  
28 and (c) of Section ~~1953~~ 1953.5, adjusted to account for full-year  
29 impact impacts.

30 SEC. 11. Section 1954.1 is added to the Welfare and Institutions  
31 Code, to read:

32 1954.1: For each fiscal year, the Director of Finance shall  
33 determine the total amount of the Youthful Offender Block Grant  
34 and the allocation for each county, pursuant to Sections 1955 and  
35 1956, and shall report those findings to the Controller. The  
36 Controller shall make an allocation from the Youthful Offender  
37 Block Grant Fund to each county in accordance with the report.

38 SEC. 12. Section 1955 of the Welfare and Institutions Code,  
39 as amended by Chapter 175 of the Statutes of 2007, is amended  
40 to read:

1 1955. (a) The allocation amount for each county from the  
2 Youthful Offender Block Grant Fund for offenders subject to  
3 Sections 733, 1766, and 1767.35 shall be distributed once annually  
4 as follows:

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

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

13 (b) Each county shall receive a minimum block grant allocation  
14 of fifty-eight thousand five hundred dollars (\$58,500) for the  
15 2007-08 fiscal year, and a minimum block grant allocation of one  
16 hundred seventeen thousand dollars (\$117,000) for each fiscal  
17 year thereafter.

18 (c) Commencing with the 2008-09 fiscal year, allocations shall  
19 be available to counties that have met the requirements of Section  
20 1961.

21 *SEC. 13. Section 1956 is added to the Welfare and Institutions*  
22 *Code, to read:*

23 *1956. The allocation for any eligible county from the Youthful*  
24 *Offender Block Grant Fund for offenders subject to Section 731.1*  
25 *shall be determined by the Department of Finance, consistent with*  
26 *the ADP methodology and fiscal parameters used in Sections 1952,*  
27 *1953, and 1953.5, for the corresponding fiscal year.*

28 *SEC. 14. Section 34 of Chapter 175 of the Statutes of 2007 is*  
29 *amended to read:*

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

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

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

24 *SEC. 15. This act is an urgency statute necessary for the*  
25 *immediate preservation of the public peace, health, or safety within*  
26 *the meaning of Article IV of the Constitution and shall go into*  
27 *immediate effect. The facts constituting the necessity are:*

28 *In order to make the necessary statutory changes to implement*  
29 *the Budget Act of 2007 at the earliest time possible, it is necessary*  
30 *that this act take effect immediately.*

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**SENATE RULES COMMITTEE**

**AB 191**

Office of Senate Floor Analysis

1020 N Street, Suite 534

(916) 651-1520

Fax: (916) 327-4478

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**THIRD READING**

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**Bill No:** AB 191  
**Author:** Assembly Budget Committee  
**Amended:** 9/7/07 in Senate  
**Vote:** 27 - Urgency

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**ASSEMBLY FLOOR:** Not relevant

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**SUBJECT:** Budget Act of 2007; trailer bill

**SOURCE:** Author

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**DIGEST:** This bill makes modifications to the juvenile justice reform contained in SB 81 (Senate Budget and Fiscal Review Committee), Chapter 175, Statutes of 2007, relation to corrections.

**ANALYSIS:**

**Juvenile Justice Reform Modifications.** This bill makes various modifications to the juvenile justice reform contained in SB 81 (Senate Budget and Fiscal Review Committee). Specifically, this bill:

1. Makes conforming changes to ensure that none of the juvenile justice reforms contained in the SB 81 affect juveniles adjudicated of a sex offense as set forth in paragraph (3) of subdivision (d) of Section 290 of the Penal Code.
2. Clarifies the process in which youth currently incarcerated in a Division of Juvenile Facilities (DJF) facility for a non-707(b) offense may be recalled by a county and placed under local supervision, including transportation responsibilities.

**CONTINUED**

3. Clarifies and defines a process for transitioning youth that are currently incarcerated in a DJP facility for a non-707(b) offense from state parole to local probation.
4. Clarifies and defines a process for transitioning youth currently on state parole after being incarcerated in a DJP facility for a non-707(b) offense from state parole to local probation if a ward is detained by state parole for a parole violation.
5. Clarifies the block grant funding formula for youthful offenders that are recalled by the counties from DJP facilities and transferred from state parole to county probation.
6. Makes technical changes to adjust the block grant funding for the two month delay included in SB 31 (Senate Budget and Fiscal Review Committee).

Second Undersecretary. This bill establishes in law a second Undersecretary at the Department of Corrections and Rehabilitation.

Probation Pilot Projects. This bill modifies the probation pilot projects to ensure that they are designed and implemented locally instead of by the Corrections Standards Authority.

FISCAL EFFECT. Appropriation: No Fiscal Com.: Yes Local: No

DLW:cm 97787 Senate Floor Analysis

SUPPORT/OPOSITION: NONE RECEIVED

\*\*\* END \*\*\*

SENATE RULES COMMITTEE  
Office of Senate Floor Analysis  
1020 N Street, Suite 524  
(916) 551-1320 Fax: (916) 327-4478

AB 191

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**THIRD READING**

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Bill No: AB 191  
Author: Assembly Budget Committee  
Amended: 9/20/07  
Vote: 27 - Urgency

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**ASSEMBLY FLOOR:** Not relevant

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**SUBJECT:** Budget Act of 2007; trailer bill

**SOURCE:** Author

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**DIGEST:** This bill makes modifications to the juvenile justice reform contained in SB 81 (Senate Budget and Fiscal Review Committee), Chapter 475, Statutes of 2007, relation to corrections.

**ANALYSIS:**

**Juvenile Justice Reform Modifications.** This bill makes various modifications to the juvenile justice reform contained in SB 81 (Senate Budget and Fiscal Review Committee). Specifically, this bill:

1. Makes conforming changes to ensure that none of the juvenile justice reforms contained in the SB 81 affect juveniles adjudicated of a sex offense as set forth in paragraph (3) of subdivision (d) of Section 290 of the Penal Code.
2. Clarifies the process in which youth currently incarcerated in a Division of Juvenile Facilities (DJF) facility for a non-707(b) offense may be recalled by a county and placed under local supervision, including transportation responsibilities.

CONTINUED

3. Clarifies and defines a process for transitioning youth that are currently incarcerated in a DJJ facility for a non-707(b) offense from state parole to local probation.
4. Clarifies and defines a process for transitioning youth currently on state parole after being incarcerated in a DJJ facility for a non-707(c) offense from state parole to local probation if a ward is detained by state parole for a parole violation.
5. Clarifies the block grant funding formula for youthful offenders that are recalled by the counties from DJJ facilities and transferred from state parole to county probation.
6. Makes technical changes to adjust the block grant funding for the two month delay included in SB 81 (Senate Budget and Fiscal Review Committee).

Second Undersecretary. This bill establishes in law a second Undersecretary at the Department of Corrections and Rehabilitation.

Probation Pilot Projects. This bill modifies the probation pilot projects to ensure that they are designed and implemented locally instead of by the Corrections Standards Authority.

FISCAL EFFECT: Appropriations: No Fiscal Comm: No Local: No

DLW:cm 9/6/07 Senate Floor Analyses

SUPPORT/OPPPOSITION: NONE RECEIVED

END \*\*\*

SENATE RULES COMMITTEE  
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AB 191

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THIRD READING

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Bill No: AB 191  
Author: Assembly Budget Committee  
Amended: As introduced  
Vote: 21

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ASSEMBLY FLOOR: 44-1, 5/3/07 - See last page for vote

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SUBJECT: Budget Act of 2007: trailer bill

SOURCE: Author

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DIGEST: This bill expresses the intent of the Legislature to enact statutory changes related to the Budget Act.

ANALYSIS: This bill is to be a vehicle for a budget trailer bill.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

ASSEMBLY FLOOR:

AYES: Bass, Beall, Bang, Brownley, Caballero, Charles Calderon, Carter, Coto, Davis, De La Torre, De Leon, DeSaulnier, Dymally, Eng, Evans, Fener, Galgiani, Hancock, Hayashi, Hernandez, Huffinan, Jones, Karnette, Kirkorian, Laird, Lane, Levine, Lieber, Lieu, Ma, Mendoza, Mullin, Nava, Pata, Pomarino, Price, Richardson, Salas, Saldana, Solari, Swanson, Tatro, Volk, Nunez

NOES: Garcia

NO VOTE RECORDED: Adams, Aghazarian, Anderson, Arambula, Benoit, Berryhill, Blakeslee, Cook, DeVore, Duvall, Emmerson, Fuller,

CONTINUED

Gaines, Carrick, Horton, Houston, Luff, Jeffries, Keene, La Malfa,  
Mazo, Matsushita, Nello, Plescia, Sharon Ranner, Ruskin, Silva, Smith,  
Soto, Spitzer, Strickland, Tran, Villines, Walters, Vacany

DLW/cm 9/25/07 Senate Floor Analyses

SUPPORT/OPPPOSITION: NONE RECEIVED

\*\*\* END \*\*\*

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THIRD READING

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Bill No: AB 191  
Author: Villines (R)  
Amended: 7/26/07 in Senate  
Vote: 27 - Urgency

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ASSEMBLY FLOOR: Not relevant

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SUBJECT: Budget Act of 2007; supplemental

SOURCE: Author

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DIGEST: This bill makes necessary modifications to the Budget Bill as proposed in AB 209 (Villines). This bill amends the Budget Conference Report and, together with the Conference Report, will serve as the Budget Act for the 2007-08 fiscal year.

NOTE: Relative to SB 78, approved by the Assembly on July 19, the changes proposed by the Senate Republicans are underscored in this analysis.

ANALYSIS:

Education (K-12).

1. Provides approximately \$2.1 million for STAR testing of 2<sup>nd</sup> graders.
2. Restores \$1 million for operations of the State Board of Education.
3. Transfers \$250 million from the School Facilities Emergency Repair Account back to the Proposition 98 Reversion Account, and requires return of reversion funds to the Emergency Repair Account if

CONTINUED

determined by Director of the Department of Finance (DOF) to be necessary to cover approved grants.

4. Provides \$250 million in Proposition 98 reversion funds for Home-to-School Transportation (HTS) program, which reduces Proposition 98 funding by the same amount.
5. Provides approximately \$99 million in available Public Transportation Account spillover funds for the HTS program (thereby reducing a like amount of Proposition 98 funding for HTS).
6. Provides \$215.5 million for deferred maintenance programs from available Proposition 98 reversion funding and reduces a like amount of Proposition 98 funding from the deferred maintenance budget item.
7. Reduces Proposition 98 reversion funds for community day school deficiencies from \$4.1 million to \$100,000 and redirects savings for the following programs -- \$2 million for the California School Information Services (CSIS) program, \$1 million for the Chief Business Officer Training program, and \$1 million for Personnel Management Assistance Teams.
8. Provides \$18 million in Proposition 98 reversion funds -- previously proposed in a separate budget trailer bill -- for the Charter School Facility Grant program in 2006-07.
9. Reverts an additional \$38.4 million in K-12 funds to the Proposition 98 Reversion Account.
10. Deletes unnecessary budget language related to the English language tutoring program.

#### Higher Education

1. Redirects \$4 million from one-time Proposition 98 funds that the Budget Conference Committee appropriated for part-time faculty health insurance at the community colleges and \$1.5 million proposed for the Construction College Pilot Program and instead allocates these funds for scheduled maintenance and special repairs. This action increases one-time funding for scheduled maintenance to \$13.6 million.

CONTINUED

2. Deletes \$1 million augmentation for the Public Library Foundation.
3. Eliminates funding (\$6 million) for the Institute for Labor Studies at the University of California/UC.
4. Rescinds \$1.5 million augmentation for research at UC's Scripps Institute.
5. Cuts \$7 million in funding from the UC under the auspices of discontinuing support for the UC Mexico research and academic programs in Mexico City. [Staff notes that the provision strikes from the budget bill grants authority for the UC to expend \$7 million on its Mexico City facility. As it relates to the facility itself, the UC spends significantly less General Fund on the site (approximately \$500,000 in debt service payments). In total, the UC allocates approximately \$4 million in operational support, including faculty research grants, for use at this site.

As a result, deleting the Budget Bill Language associated with this item and scoring \$7 million in savings appears to jeopardize the UC's debt service obligations on its Mexico City facility, and result in an unallocated reduction of \$3 million to UC's budget and a \$4 million reduction to UC's research budget.]

Department of Mental Health (DMH). Reduces by \$12 million GF the amount available for Mental Health Managed Care which represented a 5 percent rate restoration. Also modifies Provision 7 budget bill language, permitting the DCF to augment the DMH budget in the event that more vacant positions are filled than were originally proposed or salary increases in excess of those originally proposed for filled and vacant positions are ordered by a federal court.

Managed Risk Medical Insurance Board. Reduces the Managed Risk Medical Insurance Program by approximately \$8.3 million GF and makes an associated increase in Proposition 99 funds related to the Access for Infants and Mothers program.

CONTINUED

Department of Social Services

1. Transitional Housing Program -- reduces by \$10 million GF associated with assumed savings from slower than anticipated current year implementation.
2. Reduces \$123 million in GF associated with SSI/SSP cost-of-living adjustment (COLA) implementation being changed permanently from January 1 to June 1.
3. Reduces the TANF reserve by a total of \$84 million and adds budget language requiring the Director of DCF to approve unanticipated expenditures made necessary by changes in caseload or grant costs and report to the JLBC within 30 days of such an expenditure adjustment.
4. Reduces CalWORKs by \$10 million and replaces with a like amount of EIP funding.
5. Reduces CalWORKs by \$300 million GF to reflect savings associated with restricting CalWORKs safety net grants, imposing full family sanctions, and eliminating grants for children of CalWORKs ineligible parents.
6. Reduces funding by \$93 million GF in estimated savings resulting from implementing San Diego County Project 100 Percent program statewide.
7. Reduces the single allocation funding for county welfare departments by \$45 million GF.
8. Reduces funding for the Adult Protective Services program by \$12 million GF.
9. Eliminates \$9.4 million GF for county computer equipment replacement.
10. Increases funding by \$12 million associated with implementing semi-annual reporting automation.

Employment Development Department. Reduces funding for Job Service Centers by \$27.1 million -- and shifts the savings to the General Fund.

CONTINUED

Reduces the appropriation for the Employment Training Panel (ETP) by \$10 million, also for General Fund savings.

Department of Industrial Relations. Decreases General Fund support by \$25,000, increases Car Wash Worker Fund support by \$100,000, for new workload in the Division of Labor Standards Enforcement.

Department of Alcohol and Drug Programs. Eliminates all funding for both Proposition 36 and the Substance Abuse Offender Treatment Program. Also increases funding by \$50 million GF for Drug Courts. It is not known whether the overall funding reduction will impact the state's ability to meet the federally required funding maintenance of effort for substance abuse programs.

Community Services and Development. Reduces the Naturalization Services Program by \$2 million GF, leaving \$3 million GF.

Department of Parks and Recreation (DPR). Includes budget language requiring the prioritization of the \$26.6 million appropriated to the DPR from the Harbors and Watercraft Revolving Fund, for boating related capital outlay and beach erosion activities rather than operations and maintenance.

California Coastal Commission. Reduces the appropriation for webcasting Commission meetings by \$150,000 GF to zero.

State Water Resources Control Board. Provides \$1.3 million in GF support in lieu of fee adjustment for waste discharge permits.

State Air Resources Board. Provides \$6 million in Motor Vehicle Account and 7.7 positions to continue development of the Hydrogen Highway. In addition, reduces the appropriation for environmental litigation by \$1 million in Air Pollution Control Fund and increases the appropriation for Global Warming Act of 2006 activities by \$1.9 million.

California Integrated Waste Management Board. Reduces the appropriation for Global Warming Act of 2006 implementation by \$118,000 in special funds and eliminates budget bill language requiring the board to develop methane emission standards for landfills.

Agricultural Labor Relations Board. Reduces the appropriation for the ALRB by \$5 million GF to \$115,000.

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Department of Corrections and Rehabilitation. Provides \$30 million GF for the Mentally Ill Offenders Crime Reduction (MIO CR) and eliminates \$10 million GF for two probation pilot projects. Eliminates the remaining \$10 million GF for probation pilot projects. Reduces by \$24 million funding to support maintenance, information technology, and facilities for the Department of Corrections and Rehabilitation. Reduces by \$10.2 million funding for dental positions at the Department of Corrections and Rehabilitation to comply with the Payee Account by assuming a higher level of dental savings in the budget year.

Department of Justice. Deletes \$1 million for the Attorney General to pursue climate change litigation.

Department of Finance.

1. Provides an additional \$4.5 million GF for continued development of options for a replacement to the current legacy budget systems.
2. Provides \$3 million GF for local assistance programs.
3. Makes various modifications associated with the transferring of some DCF personnel, effective January 1, 2008, to the Office of the Chief Information Officer.

Office of the State Chief Information Officer. Reduces overall funding by \$550,000 GF by making various funding shifts, effective January 1, within the OCIO, DCF, and the State and Consumer Services Agency (SCSA). Trailer bill language expands on the functions and responsibilities of the Office of the Chief Information Officer (OCIO), establish the Office of Information Security and Privacy Protection at the SCSA, and maintain a smaller information technology consulting unit at DCF.

California Highway Patrol. Provides \$7 million from the Motor Vehicle Account to support local anti-gang efforts.

Department of General Services. Provides an additional \$900,000 GF for capital repairs. Deletes \$3.4 million (Service Revolving Fund) and thereby eliminates funding to "green" state owned and occupied buildings by making them more energy efficient. Additionally assumes a \$1.5 million GF reduction in associated with green building costs.

CONTINUED

Office of Emergency Services. Appropriates \$100 million (Proposition 1B) for Mass Transit Security.

Department of Transportation. Shifts Capital Outlay Support workload associated Proposition 1B from 10 percent contractors / 90 percent state staff to 100 percent contractors, at a net cost of about \$48 million (special funds and bond funds). Deletes \$201 million payable from the Trade Corridors Improvement Fund and deletes \$201 million payable from the State-Local Partnership Program Account -- both Proposition 1B programs. Note, the Proposition 1B budget trailer bill increases Prop 1B funding for local streets and roads by \$350 million. Amends appropriation items to incorporate the new "State Route 99 Account" created in the Proposition 1B implementation trailer bill.

High Speed Rail Authority. Reduces budget bill funding from by the Public Transportation Account by \$40 million -- to the level requested by the Governor. Note, the transportation budget trailer bill includes a legislative augmentation to the High Speed Rail Authority of \$15.6 million from Proposition 1B bond funds.

California African American Museum. Reduces the Science Center Budget by \$1.8 million General Fund by deleting first year funding for the California African American Museum expansion project.

State Controller. Reduces budget by \$2.4 GF, including \$1.4 million for auditors, which would result in reduced revenues of approximately \$10.5 million GF.

New Control Section 9.0. Authorizes the Director of DCF to transfer funds from the Proposition 98 Reversion Account for the Home-to-School Transportation (HHS) program to the School Facilities Emergency Repair Account if funds are determined necessary. If Proposition 98 reversion funds for HHS program are reduced, the director shall increase funds for the program from the Public Transportation Account to ensure that HHS funding is consistent with the total amount appropriated in the budget act.

New Control Section 11.13. Provides departments clarity on notifications between the DCF and the Office of the State Chief Information Officer.

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New Control Section 24.80. Adds this control section to provide one-time General Fund relief of \$400 million by using Public Transportation Account funds to reimburse the General Fund for the cost of payments made in prior fiscal years for public transportation related general obligation bond expenditures. (Note: SB 76, as amended July 19, provides \$400 million of one-time relief.)

New Control Section 29.50. Adds this control section specifying legislative intent that in preparing the 2005-06 budget, the DOP, not include any funding for the tobacco levy, (a) discretionary plus adjustments to State departments, the University of California, or California State University, and (b) SF capital outlay, beyond the minimal amount of \$50 million for emergencies and contingencies.

New Control Sections 31.60 and 31.70. Adds these control sections requiring the Director of DOP abolish at least 6,000 permanent vacant positions by June 30, 2006, with the goal of achieving \$50 million in SF savings and \$450 million special fund savings. Control Section 31.70 allows the Director of DOP restore up to one half of the funding cut in Control Section 31.60. The control section specifies the Director shall not abolish any positions directly involved in public safety or 24-hour care. The control section prohibits the Director from abolishing positions authorized for UC, CSU, the Legislature or LCR, the BSA, the Judiciary, the State Compensation Insurance Fund, PERA, STRS, or the State Lottery.

Control Section 35.50. Modifies this control section to conform additional revenues in the budget.

Reduces by 50 Percent the Medi-Cal Managed Care Rate Increase. The Governor's budget proposed, and the Assembly adopted, an increase of \$214.3 million (\$107.1 million General Fund) to provide an increase to the capitated rates paid to health care plans participating in the Medi-Cal Managed Care Program. This increase was also adopted in Senate Budget Subcommittee #3.

This bill proposes a reduction of \$106.2 million (\$53.1 million General Fund), or 50 percent, to this reimbursement rate adjustment. Specifically, this bill deletes the Administration's proposal to continue to fund some health plans at their existing reimbursement rate for one year only. The Administration is changing their methodology for calculating Medi-Cal Managed Care Program rates and as such, desires to hold harmless some

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plans from a potential reduction in their existing rate for this fiscal year only since it is a transition year. The proposed policy by the Administration to provide a "hold harmless provision" is consistent with past practices and would assist in ensuring the continuity of care for Medi-Cal enrollees by contracting with financially stable plans.

Eliminates Increases for Children's Health Care Enrollment and Outreach. The Governor's budget proposed, and the Assembly adopted, an increase of \$15.1 million (General Fund) to provide increases for county grants, certified application assistance, and toll free informational lines to increase the enrollment of eligible children into the Medi-Cal and Healthy Families Programs. This increase was also adopted in Senate Budget Subcommittee #3.

This bill proposes to eliminate this increase. As such, it is likely that tens of thousands of children would not become enrolled in the Medi-Cal or Healthy Families Programs as projected by the Administration. The Administration has consistently noted how efficacious these outreach efforts have been in enrolling eligible children in need of health care coverage.

Eliminates the Implementation of Senate Bill 437, Statutes of 2006. The Governor's budget proposed, and the Assembly adopted, an increase of \$15.1 million (General Fund) to implement SB 437 (Escobar, Chapter 328, Statutes of 2006, which provides for a simplified approach to enrolling eligible children into the Medi-Cal and Healthy Families Programs. This increase was also adopted in Senate Budget Subcommittee #3.

This bill proposes to eliminate this increase. As such, implementation would not proceed as proposed by the Administration and as such, it is likely that thousands of children would not become enrolled in the Medi-Cal or Healthy Families Programs as projected by the Administration.

Eliminates Necessary Funding for Counties to Operate Medi-Cal Administration. The Governor's budget proposed, and the Assembly adopted, an increase of \$18.4 million (General Fund) for counties to conduct Medi-Cal eligibility processing for the state, including Medi-Cal redeterminations. This increase was also adopted in Senate Budget Subcommittee #3. This increase is a baseline adjustment proposed in order to maintain the Medi-Cal Program's integrity as it pertains to eligibility, including deleting individuals who are no longer eligible for the program.

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This bill proposes to eliminate this increase. As such, some individuals could remain on Medi-Cal when program rules would normally provide and other individuals could be delayed from being enrolled in Medi-Cal and potentially suffer additional health care consequences from the lack of appropriate medical care.

Department of Developmental Services—A new Developmental Center. This bill deletes Budget Bill Language which would direct the Director of the Department of Developmental Services (DDS) to test, lease or purchase two mobile clinics, using existing Wellness Funds, to be specifically utilized to provide a range of health and medical services as determined by the DDS in working with consumer groups.

The Budget Bill language had been drafted in full partnership with the Administration and was provided to ensure the protection of the public health and welfare of people with developmental disabilities. It was approved by the Assembly as part of their budget package on July 20, 2007, and was also approved by Senate Budget Subcommittee #3.

Deletes General Fund Support for Minor Consent. The Governor's budget proposed, and the Assembly adopted, an increase of \$18.9 million (General Fund) to exempt the Minor Consent Program from the requirements of the Federal Deficit Reduction Act (DRA) of 2005. This adjustment was also approved by Senate Budget Subcommittee #3.

This adjustment was provided by the Administration to account for the fact that California would no longer claim federal funds for this program if the DRA provisions are not applied. Specifically, the Minor Consent Program enables minors to obtain birth control assistance and treatment for sexually transmitted disease. The Administration proposed to operate this program as a "state-only" program because application of the DRA requirements would serve as a barrier for minors to obtain medically needed services.

This bill proposes to eliminate the Governor's increase of \$18.9 million (General Fund) and assumes that the requirements of the DRA are applied to the Minor Consent Program.

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FISCAL EFFECT: Appropriation: Yes Fiscal Com: Yes Local: No

DLW:om 7/25/07 Senate Floor Analysis

SUPPORT/DISPOSITION: NONE RECEIVED

\*\*\*END\*\*\*

**THIS SEA HAS NOT BEEN FILLED**

[REDACTED]

AB 191

**THIRD READING**

[REDACTED]

AB 191  
Assembly Budget Committee  
12/10/07 in Senate  
27 - Urgency  
*Villines (C)*

**ASSEMBLY FLOOR:** Not relevant

**LEGISLATION:** Budget Act of 2007, ~~and~~ bill

**SOURCE:** Author

**PURPOSE:** This bill makes necessary modifications to the Budget Bill as proposed in SB 97 (Conference Committee Report). This bill amends the Budget Conference Report and, together with the Conference Report, will serve as the Budget Act for the 2007-08 fiscal year.

**ANALYSIS:** The changes in this bill provide approximately \$1.33 billion in appropriations below the level in SB 97 (Budget Conference Report). When combined with updated minor revenue estimates, the changes in this bill result in a final General Fund reserve of \$3.4 billion, or approximately \$1.3 billion better than the adjusted May Revise reserve.

- 1. **Education.** Makes the following changes: (a) provides approximately \$2.1 million for STAR testing of 2<sup>nd</sup> graders, (b) provides an additional \$1 million for operations of the State Board of Education, (c) transfers \$250 million from the School Facilities Emergency Repair Account back to the Proposition 98 Reversion Account, and requires return of reversion funds to the Emergency Repair Account if determined by Director of the Department of Finance (DOF) to be necessary to cover approved grants, (d) provides \$250 million in Proposition 98 reversion funds for Home-to-School Transportation (HTS) program, which

**CONTINUED**

reduces Proposition 98 funding by the same amount, (c) provides approximately \$99 million in available Public Transportation Account and other funds for the FTS program (thereby reducing a like amount of Proposition 98 funding for FTS), (d) provides \$80 million for deferred maintenance programs from available Proposition 98 general funding and reduces a like amount of Proposition 98 funding from the deferred maintenance budget item, and (e) revises unnecessary budget language related to English language tutoring.

2. Department of Mental Health (DMH). Reduces by \$12 million GF associated with mental health managed care since these funds are not required. Modifies Provision 7 budget bill language, permitting DMH to augment the DMH budget in the event that more vacant positions are filled than were originally proposed or salary increases in excess of those originally proposed for filled and vacant positions are ordered by a federal court.
3. Managed Risk Medical Insurance Board. Reduces the Managed Risk Medical Insurance Program by approximately \$8.3 million GF and makes an associated increase in Proposition 99 funds related to the Access for Infants and Mothers program.
4. Department of Social Services. Makes the following changes: (a) Transitional Housing Program, reduces by \$10 million GF associated with assumed savings from slower than anticipated current year implementation, (b) reduces \$124 million in GF associated with SSI/SSP cost-of-living adjustment (COLA) implementation being changed permanently from January 1 to June 1, (c) reduces the TANF reserve by a total of \$84 million and adds budget language requiring the Director of the Department of Finance to approve unanticipated expenditures made necessary by changes in caseload or grant costs and report to the JLDC within 30 days of such an expenditure adjustment, (d) reduces Cal Works by \$10 million and replaces with a like amount of ETP funding, and (e) reduces funding by \$12 million associated with savings as a result of deleting semi-annual reporting automation.
5. Employment Development Department. Reduces the appropriation for the Employment Training Panel (ETP) by \$10 million.
6. Department of Alcohol and Drug Programs. Adjusts funding in the budget year in order to provide a total of (a) \$100 million GF for

CONTINUED

Proposition 26, and (b) \$30 million GF for the Substance Abuse Offender Treatment Program.

7. State Water Resources Control Board. Provides \$13 million in GF support in lieu of fee adjustment for waste discharge permits.
8. State Air Resources Board. Provides \$6 million in Motor Vehicle Account and 7.7 positions to continue development of the Hydrogen Highway. And deletes
9. Department of Parks and Recreation. Includes budget language specifying legislative intent to prioritize funds appropriated to the Department from the Harbor and Watercraft revolving fund, for boating related activities, as specified.
10. Department of Corrections and Rehabilitation. Provides \$30 million GF for the Mentally Ill Offender Crime Reduction (MIOCR) and reduces by \$10 million probation pilot projects.
11. Department of Finance. Makes various changes as follows: (a) provides an additional \$4.2 million GF for continued development of options for a replacement to the current legacy budget systems, (b) provides \$3 million GF for local assistance programs, and (c) makes various modifications associated with the transferring of some DCF personnel, effective January 1, 2008, to the Office of the Chief Information Officer.
12. Office of the State Chief Information Officer. Reduces overall funding by \$550,000 GF by making various funding shifts, effective January 1, within the OCIO, DCF, and the State and Consumer Services Agency. Trailer bill language will expand on the functions and responsibilities of the Office of the Chief Information Officer (OCIO), establish the Office of Information Security and Privacy Protection at the SCSA, and maintain a smaller information technology consulting unit at DCF.
13. Department of the California Highway Patrol. Provides \$7 million from the Motor Vehicle Account to support local anti-gang efforts.
14. Department of General Services. Provides an additional \$900,000 GF for capitol repairs.

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15. Office of Emergency Services. Appropriates \$100 million (Proposition 1B) for Mass Transit Security implementing program legislation is contained in the Transportation Bond trailer bill (SB 68 or AB 201).
  16. Department of Transportation. Deletes \$201 million payable from the Trade Standards Improvement Fund and deletes \$201 million payable from the State-Local Partnership Program Account -- both Proposition 1B programs. Note, the Proposition 1B budget trailer bill increases Prop 1B funding for local streets and roads by \$350 million. Amends appropriation items to incorporate the new "State Route 99 Account" created in the Proposition 1B implementation trailer bill.
  17. High Speed Rail Authority. Reduces budget bill funding from by the Public Transportation Account by \$40 million -- to the level requested by the Governor.
- Note: The transportation budget trailer bill includes a legislative augmentation to the High Speed Rail Authority of \$15.6 million from Proposition 1B bond funds.
18. California Gaming Control Commission. Provides \$900,000 and seven positions for the establishment of an audit and compliance unit to review and enforce the minimum internal control (MIC) standards adopted by gaming tribes pursuant to the terms of their respective gaming compacts.
  19. New Control Section 11.15. Provides departments clarity on notifications between the DOF and the Office of the State Chief Information Officer.
  20. New Control Section 24.89. Adds this control section to provide one-time General Fund relief of \$409 million by using Public Transportation Account funds to reimburse the General Fund for the cost of payments made in prior fiscal years for public transportation related general obligation bond expenditures.
  21. Control Section 35.30. Modifies this control section to conform additional revenues in the budget.

**INVESTMENT:** Appropriation: No Fiscal Com.: Yes Local: No

CONTINUED

**SUBJECT:** (Verified ✓)

v

**COMPOSITION:** (Verified ✓)

v

**ALTERNATIVE PROPOSITIONS:** v

**APPROPRIATE LEGISLATION:** v

[REDACTED]

[REDACTED]

SENATE FLOOR AMENDMENTS COMMITTEE ANALYSIS

Bill No: AB 191  
Author: Committee on Budget  
RN: 0725541  
Set: 1  
Submitted by: Adelman

SUBJECT OF BILL: Relating to the Budget Act of 2007.

Subject of Amendments: Budget trailer bill containing necessary modifications to the proposed budget bill.

Amendments are: Technical / Substantive / Re-writes Bill / New Bill

Were these amendments discussed in committee? No

Likely opposition to amendments? Unknown

Purpose of Amendments: These amendments make modifications to the Budget Bill as proposed in AB 203 (Billines). This bill amends the proposed Budget Bill and together with AB 203 will serve as the Budget Act for the 2007-08 fiscal year.

Urgency:

This bill has an urgency clause for immediate implementation.

[Note: Relative to SB 78, approved by the Assembly on July 19, the changes proposed by Senate Republicans are underscored in this analysis.]

1. Education, K-12: Makes the following changes: (a) provides approximately \$2.1 million for STAR testing of 2<sup>nd</sup> graders; (b) restores \$1 million for operations of the State Board of Education; (c) transfers \$250 million from the School Facilities Emergency Repair Account back to the Proposition 98 Reversion Account, and requires return of reversion funds to the Emergency Repair Account if determined by Director of Finance to be necessary to cover approved grants; (d) provides \$250 million in Proposition 98 reversion funds for Home-to-School Transportation (HTS) program, which reduces Proposition 98 funding by the same amount; (e) provides approximately \$99 million in

available Public Transportation Account rollover funds for the JETS program (thereby reducing a like amount of Proposition 98 funding for JETS). (f) provides \$13.5 million for deferred maintenance programs from available Proposition 98 reversion funding and reduces a like amount of Proposition 98 funding from the deferred maintenance budget item. (g) reduces Proposition 98 reversion funding for community day school districts from \$4.1 million to \$100,000 and redacts savings for the following programs: -- \$2 million for the California School Information Services (CSIS) program, \$1 million for the Chief Business Officer Training program, and \$1 million for Personnel Management Assistance Teams; (h) provides \$13 million in Proposition 98 reversion funds as previously proposed in a separate budget bill; (i) reverts an additional \$36.4 million in K-12 funds to the Proposition 98 Reversion Account; and (j) deletes unnecessary budget language related to the English language tutoring program.

2. **Higher Education:** (a) Redirects \$4 million from one-time Proposition 98 funds that the Budget Conference Committee appropriated for part-time faculty health insurance at the community colleges and \$1.5 million proposed for the Construction College Pilot Program and instead allocates these funds for scheduled maintenance and special repairs. This action increases one-time funding for scheduled maintenance to \$13.5 million. (b) Deletes \$1 million augmentation for the Public Library Foundation. (c) Eliminates funding of \$5 million for the Institute for Labor Studies at the University of California (ILS). (d) Reduces \$1.5 million augmentation for research at UC's Scripps Institute, and (e) Cuts \$7 million in funding from the UC under the auspices of discontinuing support for the UC-Mexico research and academic programs in Mexico City. [Staff notes that the provision stricken from the budget bill grants authority for the UC to expend \$7 million on its Mexico City facility. As it relates to the facility itself, the UC spends significantly less General Fund on the site (approximately \$500,000 in debt service payments). In total, the UC allocates approximately \$4 million in operational support, including faculty research grants, for use at this site. As a result, deleting the Budget Bill Language associated with this item and scoring \$7 million in savings appears to: (1) jeopardize the UC's debt service obligations on its Mexico City facility, and (2) result in an unallocated reduction of \$3 million to UC's budget and a \$4 million reduction to UC's research budget.]
3. **Department of Mental Health (DMH):** Reduces by \$12 million GP the amount available for Mental Health Managed Care which represented a 5 percent rate restoration. Also modifies Provision 7

budget bill language, permitting the Department of Finance to augment the IBIC budget in the event that more vacant positions are filled than were originally proposed or salary increases in excess of those originally proposed for filled and vacant positions are ordered by a general court.

4. Managed Risk Medical Insurance Board. Reduces the Managed Risk Medical Insurance Program by approximately \$8.3 million GF and makes an associated increase in Proposition 99 funds related to the Access for Infants and Mothers program.
5. Department of Social Services: (a) Transitional Housing Program - reduces by \$10 million GF associated with assumed savings from slower than anticipated current year implementation; (b) reduces \$123 million in GF associated with SSI/SSP cost-of-living adjustment (COLA) implementation being changed permanently from January 1 to June 1; (c) reduces the TANF reserve by a total of \$84 million and adds budget language requiring the Director of Finance to approve unanticipated expenditures made necessary by changes in caseload or grant costs and report to the IBIC within 30 days of such an expenditure adjustment; (d) reduces CalWORKs by \$10 million and replaces with a like amount of ETP funding; (e) reduces CalWORKs by \$300 million GF to reflect savings associated with restricting CalWORKs safety net grants, imposing full-family sanctions, and eliminating grants for children of CalWORKs ineligible parents; (f) reduces funding by \$15 million GF in estimated savings resulting from implementing San Diego County Probate 100 Percent program statewide; (g) reduces the single allocation funding for county welfare departments by \$45 million GF; (h) reduces funding for the Adult Protective Services program by \$12 million GF; (i) eliminates \$9.4 million GF for county computer equipment replacement; and (j) increases funding by \$12 million associated with implementing semi-annual reporting automation.
6. Employment Development Department. Reduces funding for Job Service Centers by \$27.1 million - and shifts the savings to the General Fund. Reduces the appropriation for the Employment Training Panel (ETP) by \$10 million, also for General Fund savings.
7. Department of Industrial Relations. Decreases General Fund support by \$385,000, increases Car Wash Worker Fund support by \$150,000, for new workload in the Division of Labor Standards Enforcement.

8. Department of Alcohol and Drug Programs. Eliminates all funding for the Proposition 56 and the Substance Abuse Offender Treatment Program. Also increases funding by 500 million GP for Drug Courts. It is not known whether the overall funding reduction will impact the state's ability to meet the federally required funding maintenance of effort for substance abuse programs.
9. Community Services and Development. Reduces the Naturalization Services Program by \$2 million GP, leaving \$3 million GP.
10. Department of Parks and Recreation. Reduces the appropriation for on-going Parks maintenance by \$15 million GP.
11. Department of Parks and Recreation. Includes budget language requiring the prioritization of the \$266 million appropriated to the Department from the Harbors and Watercraft Revolving Fund for boating-related canal outlay and beach erosion activities rather than operations and maintenance.
12. California Coastal Commission. Reduces the appropriation for webcasting Commission meetings by \$150,000 GP to zero.
13. State Water Resources Control Board. Provides \$1.3 million in GP support in lieu of fee adjustment for waste discharge permits.
14. State Air Resources Board. Provides \$6 million in Motor Vehicle Account and 7.7 positions to continue development of the Hydrogen Highway. In addition, reduces the appropriation for environmental litigation by \$1 million in Air Pollution Control Fund and increases the appropriation for Global Warming Act of 2006 activities by \$1.9 million.
15. California Integrated Waste Management Board. Reduces the appropriation for Global Warming Act of 2006 implementation by \$118,000 in special funds and eliminates budget fill language requiring the board to develop methane emission standards for landfills.
16. Agricultural Labor Relations Board. Reduces the appropriation for the ALRB by \$5 million GP to \$116,000.
17. Department of Corrections and Rehabilitation. Provides \$30 million GP for the Mentally Ill Offender Crime Reduction (MIOCR) and eliminates \$10 million GP for two probation pilot projects. Eliminates the remaining \$10 million GP for probation pilot projects. Reduces by \$24 million funding to support maintenance, information technology,

and facilities for the Department of Corrections and Rehabilitation. Reduces by \$100.3 million funding for dental positions at the Department of Corrections and Rehabilitation to comply with the Pay Law and by assuming a higher level salary savings in the budget year.

18. Department of Justice. Deletes \$1 million for the Attorney General to pursue climate change litigation.
19. Department of Finance. Makes various changes as follows: (a) provides an additional \$4.3 million GF for continued development of options for a replacement to the current legacy budget systems; (b) provides \$3 million GF for local assistance programs; and (c) makes various modifications associated with the transferring of some DOF personnel, effective January 1, 2008, to the Office of the Chief Information Officer.
20. Office of the State Chief Information Officer. Reduces overall funding by \$50,000 GF by making various funding shifts, effective January 1, within the OCIO, DOF, and the State and Consumer Services Agency (SCSA). Trailer bill language would expand on the functions and responsibilities of the Office of the Chief Information Officer (OCIO), establish the Office of Information Security and Privacy Protection at the SCSA, and maintain a smaller information technology consulting unit at DOF.
21. California Highway Patrol. Provides \$7 million from the Motor Vehicle Account to support local anti-gang efforts.
22. Department of General Services. Provides an additional \$900,000 GF for capital repairs. Deletes \$3.4 million (Service Revolving Fund) and thereby eliminates funding to "green" state owned and occupied buildings by making them more energy efficient. Additionally assumes a \$1.5 million GF reduction in associated with green building costs.
23. Office of Emergency Services. Appropriates \$100 million (Proposition 1E) for Mass Transit Security.
24. Department of Transportation. Shifts Capital Outlay Support workload associated Proposition 1E, from 10 percent contractors / 90 percent state staff, to 100 percent contractors, at a net cost of about \$48 million (special funds and bond funds). Deletes \$201 million payable from the Trade Corridors Improvement Fund and deletes \$201 million payable from the State-Local Partnership Program Account - both Proposition 1B programs. Note, the Proposition 1B budget trailer bill increases Prop 1B funding for local streets and roads by \$150 million.

Amends appropriation items to incorporate the new "State Route 99 Account" created in the Proposition 1B implementation trailer bill.

25. High Speed Rail Authority: Reduces budget bill funding from by the Public Transportation Account by \$40 million - to the level requested by the Governor. Note: the transportation budget trailer bill includes a legislative amendment to the High Speed Rail Authority of \$15.6 million from Proposition 1B bond funds.
26. California African American Museum, Redness the Science Center  
Budget by \$1.6 million General Fund by deleting first-year funding for  
the California African American Museum expansion project.
27. State Controller: Reduces budget by \$24 GF, including \$1.4 million for auditors, which would result in reduced revenues of approximately \$10.5 million GF.
28. New Control Section 9.0: Authorizes the Director of Finance to transfer funds from the Proposition 98 Reversion Account for the Home-to-School Transportation (HST) program to the School Facilities Emergency Repair Account if funds are determined necessary. If Proposition 98 reversion funds for HST program are reduced, the director shall increase funds for the program from the Public Transportation Account to ensure that HST funding is consistent with the total amount appropriated in the budget act.
29. New Control Section 11.15: Provides departments clarity on notifications between the DCF and the Office of the State Chief Information Officer.
30. New Control Section 24.80: Adds this control section to provide one-time General Fund relief of \$309 million by using Public Transportation Account funds to reimburse the General Fund for the cost of payments made in prior fiscal years for public transportation related general obligation bond expenditures. [Note: SB 78 (as amended July 19) provided \$309 million of one-time GF relief.]
31. New Control Section 29.50: Adds this control section specifying legislative intent that in preparing the 2008-09 budget, the DCF, not include any funding for the following: (a) discretionary price adjustments to State departments, the University of California, or California State University; and (b) GF capital outlay, beyond the minimal amount of \$50 million for emergencies and contingencies.

32. New Control Sections 31.60 and 31.70. Add these control sections requiring the Director of Finance to abolish at least 6,000 permanent vacant positions by June 30, 2007, with the point of no return \$50 million in SF savings and \$20 million special fund savings. Control Section 31.70 allows the Director of Finance to reduce up to one-half of the funding on in Control Section 31.60. The control section specifies the Director shall not abolish any positions directly involved in public safety or 24-hour care. The control section prohibits the Director from abolishing positions authorized for UC, CSC, the Legislature or LCW, the BSA, the Judiciary, the State Compensation Insurance Fund, PERB, STRS, or the State Lottery.

33. Control Section 35.50. Modifies this control section to conform additional revenues in the budget.

34. Reduces by 50 Percent the Medi-Cal Managed Care Rate Increase. The Governor's budget proposed, and the Assembly adopted, an increase of \$214.1 million (\$107.1 million General Fund) to provide an increase to the capitated rates paid to health care plans participating in the Medi-Cal Managed Care Program. This increase was also adopted in Senate Budget Subcommittee #3.

This bill proposes a reduction of \$106.2 million (\$53.1 million General Fund), or 50 percent, to this reimbursement rate adjustment.

Specifically, this bill deletes the Administration's proposal to continue to fund some health plans at their existing reimbursement rate for one year only. The Administration is changing their methodology for calculating Medi-Cal Managed Care Program rates and in such a desire to hold harmless some plans from a potential reduction in their existing rate for this fiscal year only since it is a transition year. The proposed policy by the Administration to provide a "hold harmless provision" is consistent with past practices and would assist in ensuring the continuity of care for Medi-Cal enrollees by contracting with financially stable plans.

35. Eliminates Increases for Children's Health Care Enrollment and Outreach. The Governor's budget proposed, and the Assembly adopted, an increase of \$15.1 million (General Fund) to provide increases for county grants, certified application assistance, and toll free informational lines to increase the enrollment of eligible children into the Medi-Cal and Healthy Families Programs. This increase was also adopted in Senate Budget Subcommittee #3.

This bill proposes to eliminate this increase. As such, it is likely that tens of thousands of children would not become enrolled in the Medi-

Cal or Healthy Families Programs as projected by the Administration. The Administration has consistently noted how successful these outreach efforts have been in enrolling eligible children in need of health care coverage.

36. **Eliminates the Implementation of Senate Bill 437, Statutes of 2006.** The Governor's budget proposed, and the Assembly adopted, an increase of \$153 million (General Fund) to implement SB 437 (Assembly), Statutes of 2006, which provides for a simplified approach to enrolling eligible children into the Medi-Cal and Healthy Families Programs. This increase was also adopted in Senate Budget Subcommittee #3.

This bill proposes to eliminate this increase. As such, implementation would not proceed as proposed by the Administration and as such, it is likely that thousands of children would not become enrolled in the Medi-Cal or Healthy Families Programs as projected by the Administration.

37. **Eliminates Necessary Funding for Counties to Operate Medi-Cal Administration.** The Governor's budget proposed, and the Assembly adopted, an increase of \$18.4 million (General Fund) for counties to conduct Medi-Cal eligibility processing for the state, including Medi-Cal redeterminations. This increase was also adopted in Senate Budget Subcommittee #3. This increase is a baseline adjustment proposed in order to maintain the Medi-Cal Program's integrity as it pertains to eligibility, including deleting individuals who are no longer eligible for the program.

This bill proposes to eliminate this increase. As such, some individuals could remain on Medi-Cal longer than program rules would normally provide and other individuals could be delayed from being enrolled in Medi-Cal and potentially suffer additional health care consequences from the lack of appropriate medical care.

38. **Department of Developmental Services—Agnews Developmental Center.** This bill deletes Budget Bill Language which would direct the Director of the Department of Developmental Services (DDS) to rent, lease or purchase two mobile clinics using existing Wellness Funds, to be specifically outlined to provide a range of health and medical services as determined by the DDS in working with consumer groups.

The Budget Bill Language had been drafted in full partnership with the Administration and was provided to ensure the protection of the public health and welfare of people with developmental disabilities. It was

approved by the Assembly as part of their budget package on July 20, 2007, and was also approved by Senate Budget Subcommittee #3.

39. **Deficit General Fund Support for Minor Consent.** The Governor's budget proposed, and the Assembly adopted, an increase of \$18.9 million (General Fund) to exempt the Minor Consent Program from the requirements of the federal Deficit Reduction Act (DRA) of 2005. This adjustment was also approved by Senate Budget Subcommittee #3.

This adjustment was provided by the Administration to account for the fact that California would no longer claim federal funds for this program if the DRA provisions are not applied. Specifically, the Minor Consent Program enable minors to obtain birth control assistance and treatment for sexually transmitted disease. The Administration proposed to operate this program as a "state only" program because application of the DRA requirements would serve as a barrier for minors to obtain medically needed services.

This bill proposes to eliminate the Governor's increase of \$18.9 million (General Fund) and assumes that the requirements of the DRA are applied to the Minor Consent Program.

By: Senate Budget and Fiscal Review - (Daniel Alvarez)

Date: July 25, 2007

\*\*\* END \*\*\*

SENATE FLOOR AMENDMENTS COMMITTEE ANALYSIS

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Bill No: AB 191  
Author: Lamb  
RN: 0725293  
Ses: 1  
Submitted by: Ducheny

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SUBJECT OF BILL: Relating to the Budget Act of 2007.

Subject of Amendments: Budget trailer bill containing necessary modifications to the proposed budget bill.

Amendments are: Technical / Substantive / Re-write Bill / New Bill

Were these amendments discussed in committee? No

Likely opposition to amendments? Unknown

Purpose of Amendments: These amendments make necessary modifications to the Budget Bill as proposed in SB 77 (Conference Committee report). This bill amends the Budget Conference Report and together with the Conference Report will serve as the Budget Act for the 2007-08 fiscal year.

Urgency:

This bill has an urgency clause for immediate implementation.

The changes in this bill provide approximately \$1.33 billion in appropriations below the level in SB 77 (Budget Conference Report). When combined with updated minor revenue estimates, the changes in this bill result in a final General Fund reserve of \$1.4 billion, or approximately \$1.3 billion better than the adjusted May Revise reserve.

1. Education. Makes the following changes: (a) provides approximately \$2.1 million for STAR testing of 2<sup>nd</sup> graders; (b) provides an additional \$1 million for operations of the State Board of Education; (c) transfers \$250 million from the School Facilities Emergency Repair Account back to the Proposition 98 Reversion Account and requires return of reversion funds to the Emergency Repair Account if determined by Director of Finance to be necessary to cover approved grants; (d) provides \$250

million in Proposition 98 reversion funds for Home-to-School Transportation (HTS) program, which reduces Proposition 98 funding by the same amount; (b) provides approximately \$99 million in available Public Transportation Account spillover funds for the HTS program (thereby reducing a like amount of Proposition 98 funding for HTS); and (c) provides \$80 million for deferred maintenance programs from available Proposition 98 reversion funding and reduces a like amount of Proposition 98 funding from the deferred maintenance budget item; and (g) deletes unnecessary budget language related to English language tutoring.

2. **Department of Mental Health (DMH).** Reduces by \$12 million GF associated with mental health managed care since these funds are not required. And modifies Provision 7 budget bill language, permitting the Department of Finance to align the DMH budget in the event that more vacant positions are filled than were originally proposed or salary increases in excess of those originally proposed for filled and vacant positions are ordered by a federal court.
3. **Managed Risk Medical Insurance Board.** Reduces the Managed Risk Medical Insurance Program by approximately \$8.3 million GF and makes an associated increase in Proposition 99 funds related to the Access for Infants and Mothers program.
4. **Department of Social Services:** (a) Transitional Housing Program -- reduces by \$10 million GF associated with assumed savings from slower than anticipated current year implementation; (b) reduces \$123 million in GF associated with SSVSSP cost-of-living adjustment (COLA) implementation being changed permanently from January 1 to June 1; (c) reduces the TANF reserve by a total of \$84 million and adds budget language requiring the Director of Finance to approve unanticipated expenditures made necessary by changes in caseload or grant costs and report to the J.R.C. within 30 days of such an expenditure adjustment; (d) reduces CalWorks by \$10 million and replaces with a like amount of ETP funding; and (e) reduces funding by \$12 million associated with savings as a result of deleting semi-annual reporting automation.
5. **Employment Development Department.** Reduces the appropriation for the Employment Training Panel (ETP) by \$10 million.
6. **Department of Alcohol and Drug Programs.** Adjusts funding in the budget year in order to provide a total of (a) \$100 million GF for Proposition 36; and (b) \$20 million GF for the Substance Abuse Offender Treatment Program.

7. State Water Resources Control Board. Provides \$1.9 million in GF support in lieu of fee adjustment for waste discharge permits.
8. State Air Resources Board. Provides \$6 million in Motor Vehicle Account and 7.7 positions to continue development of the Hydrogen Highway. And deletes
9. Department of Parks and Recreation. Includes budget language specifying legislative intent to prioritize funds appropriated to the Department from the Harbors and Watercraft revolving fund, for boating related activities, as specified.
10. Department of Corrections and Rehabilitation. Provides \$50 million GF for the Mentally Ill Offender Crime Reduction (MIOCR) and reduces by \$10 million probation pilot projects.
11. Department of Finance. Makes various changes as follows: (a) provides an additional \$4.3 million GF for continued development of options for a replacement to the current legacy budget systems; (b) provides \$3 million GF for local assistance programs; and (c) makes various modifications associated with the transferring of some DOF personnel, effective January 1, 2008, to the Office of the Chief Information Officer.
12. Office of the State Chief Information Officer. Reduces overall funding by \$550,000 GF by making various funding shifts, effective January 1, within the OCIO, DOF, and the State and Consumer Services Agency (SCSA). Trailer bill language would expand on the functions and responsibilities of the Office of the Chief Information Officer (OCIO), establish the Office of Information Security and Privacy Protection at the SCSA, and maintain a smaller information technology consulting unit at DOF.
13. California Highway Patrol. Provides \$7 million from the Motor Vehicle Account to support local anti-gang efforts.
14. Department of General Services. Provides an additional \$900,000 GF for capital repairs.
15. Office of Emergency Services. Appropriates \$180 million (Proposition 1B) for Mass Transit Security; implementing program legislation is contained in the Transportation Bond trailer bill (SB 88 or AB 201).
16. Department of Transportation. Deletes \$201 million payable from the Trade Corridors Improvement Fund and deletes \$201 million payable

from the State Local Partnership Program Account -- both Proposition 1B programs. Note, the Proposition 1B budget trailer bill increases Prop 1B funding for local streets and roads by \$350 million. Amends appropriation items to incorporate the new "State Route 99 Account" created in the Proposition 1B implementation trailer bill.

17. High Speed Rail Authority. Reduces budget bill funding from by the Public Transportation Account by \$40 million -- to the level requested by the Governor. Note, the transportation budget trailer bill includes a legislative augmentation to the High Speed Rail Authority of \$13.6 million from Proposition 1B bond funds.

18. California Gambling Control Commission. Provides \$900,000 and seven positions for the establishment of an audit and compliance unit to review and enforce the minimum internal control (MIC) standards adopted by gaming tribes pursuant to the terms of their respective gaming compacts.

19. New Control Section 11.15. Provides departments clarity on notifications between the DGF and the Office of the State Chief Information Officer.

20. New Control Section 24.30. Adds this control section to provide one-time General Fund relief of \$409 million by using Public Transportation Account funds to reimburse the General Fund for the cost of payments made in prior fiscal years for public transportation related general obligation bond expenditures.

21. Control Section 35.50. Modifies this control section to conform additional revenues in the budget.

By: Senate Budget and Fiscal Review (Daniel Alvarez)

Date: July 19, 2007

\*\*\*\* END \*\*\*\*

**SENATE RULES COMMITTEE**

**AB 191**

Office of Senate Floor Analysis

1020 N Street, Suite 527

(916) 631-1520 Fax: (916) 327-4478

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**THIRD READING**

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**Bill No:** AB 191  
**Author:** Assembly Budget Committee  
**Amended:** As introduced  
**Vote:** 21

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**ASSEMBLY FLOOR:** 44-1, 5/3/07 - See last page for vote

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**SUBJECT:** Budget Act of 2007; trailer bill

**SOURCE:** Author

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**DIGEST:** This bill expresses the intent of the Legislature to enact statutory changes related to the Budget Act.

**ANALYSIS:** This bill is to be a vehicle for a budget trailer bill.

**FISCAL EFFECT:** Appropriation: No Fiscal Com: No Local: No

**ASSEMBLY FLOOR:**

**AYES:** Bass, Beall, Berg, Browley, Caballero, Charles Calderon, Carter, Coto, Davis, De La Torre, De Leon, DeSaulnier, Dymally, Eng, Evans, Fenex, Galeiani, Hancock, Hayashi, Hernandez, Huffman, Jones, Karnette, Kirkorian, Laird, Leno, Levine, Lieber, Lieu, Ma, Mendoza, Mullin, Nava, Parra, Portantino, Price, Richardson, Salas, Saldana, Solera, Swanson, Tamico, Walk, Nunes.

**NOES:** Garcia

**NO VOTE RECORDED:** Adams, Aghazarian, Anderson, Arambula, Benoit, Berryhill, Blakeslee, Cook, DeVore, Duvall, Emmerson, Fuller, Gaines, Garrick, Horton, Houston, Huff, Jeffries, Keene, La Malfa,

**CONTINUED**

Mace, Nakamishi, Nello, Pascoe, Sharon, Pomeroy, Rankin, Silva, Smith,  
Solo, Spitzer, Strickland, Tran, Villines, Walters, Waxman

BLW on 7/1/07 Senate Floor Analysis  
SUPPORTS/OPPOSES: NONE RECEIVED  
\*\*\* END \*\*\*

SENATE FLOOR ANALYSIS RESPONSE

CONSULTANT

THIRD READING / CONSENT / GO AHEAD

ROLL NO.:

AR 191

AGENCY:

2nd Lt. 12 80 Co. 1st

AMENDED:

1/1/81

Vote Required:

2-1

SEN. \_\_\_\_\_ CON. \_\_\_\_\_ Vote \_\_\_\_\_ Date \_\_\_\_\_

SEN. APPROV. CON. Vote \_\_\_\_\_ Date \_\_\_\_\_ / 21.3 / NONSENSE

SEN. FLOOR Vote \_\_\_\_\_ Date \_\_\_\_\_ / 1552 FLOOR Vote 14-1, Date \_\_\_\_\_

SUBJECT:

Buyer - 1st Lt.

SOURCE:

1st Lt.

DIRECT:

The bill requires the purchase of 1st Lt. and 2nd Lt. for the 1st Lt. and 2nd Lt. changes.

ANALYSIS:

FISCAL EFFECT: Appropriation: \_\_\_\_\_ Fiscal Committee: \_\_\_\_\_

SUPPORT: Verification Date \_\_\_\_\_

OPPOSITION: Verification Date \_\_\_\_\_

ARGUMENTS IN SUPPORT:

ARGUMENTS IN OPPOSITION:

SENATE FLOOR AMENDMENTS COMMITTEE ANALYSIS

Bill No: AB 191  
Author: Committee on Budget  
RN: 0727266  
Sec: 1  
Submitted by: Moreno Ducheny

**SUMMARY OF BILL:** An act relating to local government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Subject of Amendments:** Modifications to Budget Trailer Bill Related to Corrections.

**Amendments are:** Technical / Substantive / Re-write Bill / New Bill  
(underline applicable description)

**Were these amendments discussed in committee?** No  
If yes, were they defeated?

**Likely opposition to amendments?** Unknown  
If yes, from whom?

**Purpose of Amendments:**

1. **Juvenile Justice Reform Modifications.** This bill makes various modifications to the juvenile justice reform contained in the 2007 Corrections trailer bill (Chapter 175, Statutes of 2007). Specifically, it:
  - a. Makes conforming changes to ensure that none of the juvenile justice reforms contained in the 2007 Corrections trailer bill affect juveniles adjudicated of a sex offense as set forth in paragraph (3) of subdivision (d) of Section 260 of the Penal Code.
  - b. Clarifies the process in which youth currently incarcerated in a state Division of Juvenile Facilities (DJF) facility for a non-707(b) offense may be recalled by a county and placed under local supervision, including transportation responsibilities.
  - c. Clarifies and defines a process for transitioning youth that are currently incarcerated in a state DJF facility for a non-707(b) offense from state parole to local probation.
  - d. Clarifies and defines a process for transitioning youth currently on state parole after being incarcerated in a state DJF facility for a

non-707(b) offense from state parole to local probation if a ward is detained by state parole for a parole violation.

- e. Clarifies the block grant funding formula for youthful offenders that are recalled by the counties from state IOP facilities and transferred from state parole to county probation.
- f. Makes technical changes to adjust the block grant funding for the two-month delay included in the 2007 Corrections trailer bill.

2. **Second Undersecretary.** This bill establishes in law a second Undersecretary of the California Department of Corrections and Rehabilitation.

3. **Probation Pilot Projects.** This bill modifies the probation pilot projects to ensure that they are designed and implemented locally instead of by the Corrections Standards Authority.

Urgency

This bill has an urgency clause for immediate implementation.

By: Senate Budget and Fiscal Review--(Keely Martin Boster)  
Date: September 6, 2007

\*\*\*\* END \*\*\*\*

**CONCURRENCE IN SENATE AMENDMENTS**  
AB 191 (Budget Committee)  
As Amended September 7, 2007  
No Vote Urgency

**ASSEMBLY:** (May 3, 2007) **SENATE:** 44-1 (September 7, 2007)

(Note not relevant)

Original Committee Reference: BUDGET

**SUMMARY:** Makes changes to earlier legislation related to juvenile justice and corrections.

The Senate amendments delete the Assembly version of this bill, and instead:

- 1) Make various modifications to the juvenile justice reform contained in the 2007 Corrections trailer bill (Chapter 175, Statutes of 2007). Specifically, it:
  - a) Makes conforming changes to ensure that none of the juvenile justice reforms contained in the 2007 Corrections trailer bill affect juvenile adjudicators of a sex offense as set forth in paragraph (3) of subdivision (a) of Section 290 of the Penal Code;
  - b) Clarifies the process in which youth currently incarcerated in a state Division of Juvenile Facilities (DJF) facility for a non-707(b) offense may be recalled by a county and placed under local supervision, including transportation responsibilities;
  - c) Clarifies and defines a process for transitioning youth that are currently incarcerated in a state DJF facility for a non-707(b) offense from state parole to local probation;
  - d) Clarifies and defines a process for transitioning youth currently on state parole after being incarcerated in a state DJF facility for a non-707(b) offense from state parole to local probation if a ward is detained by state parole for a parole violation;
  - e) Clarifies the block grant funding formula for youthful offenders that are recalled by the counties from state DJF facilities and transferred from state parole to county probation; and,
  - f) Makes technical changes to adjust the block grant funding for the two-month delay included in the 2007 Corrections trailer bill.
- 2) Establish in law a second Undersecretary at the California Department of Corrections and Rehabilitation.
- 3) Modify the probation pilot projects to ensure that they are designed and implemented locally instead of by the Corrections Standards Authority.

AS PASSED BY THE ASSEMBLY, this bill was an intent bill to be used for the purpose of making statutory changes related to the Budget Act of 2007.

FISCAL EFFECT: No fiscal effect.

COMMENT: This is an annual Budget cleanup bill which is necessary to accurately implement the agreed to Budget package for 2007-08.

Analysis Prepared by: Chris Woods / BUDGET / (916) 319-2099

FN: 000355

File Item #  
AB 191 (Budget)  
Support

Assembly Floor Vote Not Relevant  
Vote requirement: 27 (Agency)  
Version date: As proposed to be amended

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**Quick Summary**

This bill's cleanup legislation that addresses technical issues with SB 81 the Omnibus Public Safety Trailer Bill and makes other technical adjustments related to the budget. These issues include: 1) Clarifying the role of the Corrections Standards Authority (CSA) in relation to two new probation pilot projects; 2) Requiring confirmation for the second undersecretary position in the Department of Corrections and Rehabilitation (DCR); and 3) Clarifying the change in law relative to juveniles committed to the Division of Juvenile Justice (DJJ).

**Fiscal Effect**

NO STATE COSTS

Fiscal Consultant: David Lewis

**Analysis**

**Arguments in Support:**

This bill makes largely technical changes to the already passed Omnibus Public Safety Trailer Bill, that are necessary to clarify the intent of that bill these include:

- 1) Clarifying the role of CSA with regard to the two new probation pilot projects will reduce costs, and result in more funding going to local probation departments instead of bureaucratic spending by a state agency.
- 2) The changes in this bill related to the placement of juvenile offenders clarifies that rejecting non 707B commitments at the Division of Juvenile Justice does not apply to sex offenders, which was not uniformly stated in SB 81.

Requiring confirmation of the Undersecretary for Program Support is consistent with the confirmation process for other undersecretaries.

### Arguments in Opposition:

These changes should have been addressed earlier. These are largely technical changes that were known before enactment of the budget and there really is no excuse for sending a bill with known flaws forward.

### Digest:

The bill removes a sentence requiring CSA to approve two new probation pilot projects. It is unnecessary for CSA to approve projects as these projects have already been developed and SB 81 clearly states what the projects will be. CSA had spent costs of over \$200,000 to review and approve the pilot projects.

This bill requires that the Undersecretary for Program Support established by CPCR be confirmed by the Senate. This is consistent with the confirmation process for other undersecretary positions, including the one that already existed in CPCR.

The bill clarifies which juvenile wards will not be eligible for commitment to DJJ under the policy change reflected in SB 81 which will result in the rejection of non-serious, non-violent offenders. It also clarifies that sex offenders are still eligible for commitment to DJJ.

The bill also clarifies who can initiate a recall petition to bring a juvenile offender back under local supervision for offenders who had already been committed to DJJ prior to enactment of SB 81. This bill states that the Chief Probation Officer of the county may initiate the recall through the courts. The bill also clarifies the funding mechanism for offenders that only have a portion of their sentence remaining after recall. These amendments address concerns of the Chief Probation Officers of California.

This bill requires DJJ to provide information to the Board of Parole Hearings (BPH) and the county probation department 60 days prior to a parole consideration hearing for those wards who will be returned to the counties for parole supervision. It also requires counties to submit supervision plans to BPH 30 days prior to the parole consideration date. It also clarifies the role of the court with regard to wards who are to parole into county supervision, and regarding parole revocation proceedings.

Because of delays in enactment of provisions related to non-serious non-violent offenders, this bill extends the time when the block grants to counties for housing these offenders will be permanently set from 2009-10 to 2010-11.

### Background

SB 81 stopped intake of all non-serious, non-violent, non-sex offender commitments, and instead diverted these offenders to local options. When fully implemented in three years, this will result in the diversion of between 900 and

1,000 parolees. 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. A portion of the state funding previously used to house these offenders at the state level will be used to offset local costs. These grants will be \$117,000 per ward. These grants are specified in statute and will not be subject to budget negotiations.

SB 51 also 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.

#### Related Legislation:

SB 51 (Budget) is the Omnibus Public Safety Trailer Bill.

#### Support & Opposition Received

None

Senate Republican Fiscal Office/Seren Taylor

File Item #  
AB 191 (Budget)  
Support

Assembly Floor Vote Not Relevant  
Vote requirement: 27 (Urgency)  
Version date:

Quick Summary:

This bill is cleanup legislation that addresses technical issues with SB 81 the Omnibus Public Safety Trailer Bill and makes other technical adjustments related to the budget. These issues include: 1) Clarifying the role of the Corrections Standards Authority (CSA) in relation to two new probation pilot projects; 2) Requiring confirmation for the second undersecretary position in the Department of Corrections and Rehabilitation (CDCR); and 3) Clarifying the change in law relative to juveniles committed to the Division of Juvenile Justice (DJJ).

Fiscal Effect:

NO STATE COSTS

Fiscal Consultant David Lewis

Analysis:

Arguments in Support:

This bill makes largely technical changes to the already passed Omnibus Public Safety Trailer Bill, that are necessary to clarify the intent of that bill. The bill:

- 1) Clarifying the role of CSA with regard to the two new probation pilot projects will reduce costs, and result in more funding going to local probation departments instead of bureaucratic spending by a state agency.
- 2) The changes in this bill related to the placement of juvenile offenders clarifies that respecting non 707B commitments at the Division of Juvenile Justice does not apply to sex offenders, which was not uniformly stated in SB 81.

Other agency undersecretary positions are subject to confirmation by the Senate, and it is appropriate that the person responsible for the support functions of the department, including the budget, be accountable to the legislature.

Arguments in Opposition:

These technical changes should have been addressed earlier. These are largely technical changes that were largely known before enactment of the budget and there really is no excuse for sending a bill with known flaws forward.

#### Digest

This bill removes a sentence requiring CSA to approve two new probation pilot projects. It is unnecessary for CSA to approve projects as these projects have already been developed and SB 81 clearly states what the projects will be. CSA had stated costs of over \$200,000 to review and approve the pilot projects.

This bill requires that the Undersecretary for Program Support established by CDCR be confirmed by the Senate. This is consistent with the confirmation process for other undersecretary positions, including the one that already existed in CDCR.

This bill clarifies which juvenile wards will not be eligible for commitment to DJJ under the policy change reflected in SB 81 which will result in the rejection of non-serious, non-violent offenders. It also clarifies that sex offenders are still eligible for commitment to DJJ.

This bill also clarifies who can initiate a recall petition to bring a juvenile offender back under local supervision for offenders who had already been committed to DJJ prior to enactment of SB 81. This bill states that the Chief Probation Officer of the county may initiate the recall through the courts. This bill also clarifies the funding mechanism for offenders that only have a portion of their sentence remaining after recall. These amendments address concerns of the Chief Probation Officers of California.

This bill requires DJJ to provide information to the Board of Parole Hearings (BPH) and the county probation department 60 days prior to a parole consideration hearing for those wards who will be returned to the counties for parole supervision. It also requires counties to submit supervision plans to BPH 30 days prior to the parole consideration date. It also clarifies the role of the court with regard to wards who are to parole into county supervision, and regarding parole revocation proceedings.

Because of delays in enactment of provisions related to non-serious non-violent offenders, this bill extends the time when the block grants to counties for housing these offenders will be permanently set from 2009-10 to 2010-11.

#### Background

SB 81 stopped intake of all non-serious, non-violent, non-sex offender commitments, and instead diverted these offenders to local options. When fully implemented in three years, this will 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 arrested. A portion of the state funding previously used to house these offenders at the state level will be used to offset local costs. These grants will be \$1,700 per ward. These grants are specified in statute and will not be subject to budget negotiations.

SB 81 also provides the statutory outline for two one-time probation pilots. The pilots include: 1) Probation and supervision services for gang probationers in a large urban county and, 2) An Alameda County Probation pilot aimed at de-escalating community conflict.

#### Related Legislation

SB 81 (Budget) is the Omnibus Public Safety Trailer Bill.

#### Support & Opposition Received

None

Senate Republican Fiscal Officer: Susan Taylor

Government Code 12838. (a) There is hereby created in state government the department of Corrections and Rehabilitation, to be headed by a secretary, who shall be appointed by the Governor, subject to Senate confirmation, and shall serve at the pleasure of the Governor. The Department of Corrections and Rehabilitation shall consist of Adult Operations, Adult Programs, Juvenile Justice, the Correctional Standards Council, the Board of Parole Hearing, the State Commission on Juvenile Justice, the Prison Industry Authority, and the Prison Industry Board.

(b) The Governor, upon recommendation of the secretary, may appoint two undersecretaries, two undersecretaries of the Department of Corrections and Rehabilitation, subject to Senate confirmation, who undersecretaries shall hold office at the pleasure of the Governor. One undersecretary shall oversee program support and the other undersecretary shall oversee program operations for the department.

(c) The Governor, upon recommendation of the secretary, shall appoint three chief deputy secretaries, subject to Senate confirmation, who shall hold office at the pleasure of the Governor. One chief deputy secretary shall oversee adult operations, one chief deputy secretary shall oversee adult programs, and one chief deputy secretary shall oversee juvenile justice for the department.

(d) The Governor, upon recommendation of the secretary, shall appoint an assistant secretary, subject to Senate confirmation, who shall be responsible for health care policy for the department, and shall serve at the pleasure of the Governor.

(e) The Governor, upon recommendation of the secretary, shall appoint an Assistant Secretary for Victim and Survivor Rights and Services, and an Assistant Secretary for Correctional Safety, who shall serve at the pleasure of the Governor.

Amendments to Statutes as Enacted and Amended by  
SB 11 (Ch. 76, Stats. 2007)

Juvenile Justice Provisions

Amendment 1. Amend Welfare and Institutions Code ("WIC") section 731 as follows:

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) or 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 and is otherwise determined to be eligible for commitment to this division under section 299.

(5) The Division of Juvenile Facilities shall notify the Department of Finance when a court recalls a ward pursuant to Section 731.1. The Division of Juvenile Facilities shall provide the Department of Finance with the date the ward was recalled and the number of months the ward has served in a state facility. The Division of Juvenile Facilities shall provide this information in the format prescribed by the Department of Finance and within the timeframes established by the Department of Finance.

Amendment 2. Amend WIC section 731.1 as follows:

731.1. (a) Notwithstanding any other law, the court committing a ward to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, upon the recommendation of the chief probation officer of the county, 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 of Juvenile Services on September 1, 2007. Upon receipt of the ward, the court shall have the ward's recall disposition pending for the purpose of ordering an alternate disposition for the ward that is appropriate under all of the circumstances prevailing in the case. The court shall provide the Division with no less than 10 days advance notice of the recall hearing date, and the ward shall be transported and delivered to the Division to be housed in the probation department of the county in which the ward is to be housed no later than five days prior to the scheduled date of the recall hearing. Pending the recall disposition hearing, the ward shall be detained for housing in the manner and places consistent with the requirements of law, as may be directed by the court in its order of recall. The timing and outcome of the recall disposition hearing shall be governed by the rules of procedure and procedures applicable to delinquent disposition hearings as described in Article 7 of Chapter 227 Part 1, Division 2 of the Code.

**Amendment 3. Amend WIC section 1766 as follows:**

**(As Revised September 4, 2007):**

1766. (a) Subject to Sections 733 and 1757-39, 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 1749, 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 721 or 1721.5 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.

(7) The following provisions shall apply to any ward eligible for release on parole on or after September 1, 2007 who was committed to the custody of the Division of Juvenile

facilities for an offense other than one described in subdivision (b) of Section 707 or paragraph (2) of subdivision (d) of Section 20 of the Penal Code.

(1) The county of commitment shall supervise the parole receipt of any ward released on parole on or after September 1, 2007, who was committed to the custody of the division for confinement or offense other than those described in subdivision (b) of Section 707 or paragraph (2) of subdivision (d) of Section 20 of the Penal Code.

(2) Not less than 30 days prior to the parole consideration hearing of any ward described in this subdivision, the division shall provide to the probation department the parole and probation department's parole and probation department's report mentioned pursuant to Section 5976.1 along with notice of the parole consideration hearing date.

(3) Not less than 30 days prior to the scheduled parole consideration hearing of any ward described in this subdivision, the probation department of the committing county shall provide the division with its action plan for the re-entry supervision of the ward. At the parole consideration hearing, the Board of Parole Hearings shall, in determining whether the ward is to be released, consider a re-entry supervision plan submitted by the county.

(4) Any ward subject to this subdivision who is granted parole shall be placed on parole supervision for up to 90 days following his or her release. The Board shall notify the probation department and the court of the committing county within 48 hours of a decision to release a ward.

(5) Within 45 court days of the release by the division of a ward described in this subdivision, the committing court shall convene a re-entry disposition hearing for the ward. The purpose of the hearing shall be for the court to identify those conditions of probation and supervision under all the circumstances of the case. The court shall, to the extent deemed appropriate, incorporate the action plan submitted by the county probation department and approved by the Board of Parole Hearings into its disposition order. At the hearing, the ward shall be notified of the terms and conditions of any order entered by the court, including the consequences for any violation thereof. The procedure of the re-entry disposition hearing shall otherwise be consistent with the rules, rights and procedures applicable to delinquency disposition hearings as described in Article 15 of Chapter 2 of Part I, Division 2 of the Code.

(6) Upon a ward's court appearance pursuant to paragraph (5), the Division shall have no further jurisdiction over a ward subject to this subdivision who is released on parole by the Board.

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.

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

(8) 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 5976.1 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 program, treatment, or placement of a ward.

**Amendment 4. Amend WIC section 1767.35 as follows (revised 9/5/07):**

**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 407 or an offense described in paragraph (3) of subdivision (d) of Section 290 of the Penal Code;**

**(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 407 or paragraph (3) of subdivision (d) of Section 290 of the Penal Code. If a ward subject to this subdivision is detained by the Division of Juvenile Parole Operations for the purpose of initiating proceedings to suspend, cancel or revoke the ward's parole, the division shall notify the court and probation department of the committing county that the ward is subject to parole violation proceedings within 48 hours of the ward's detention. Within 15 days of a parole violation notice from the division, the committing court shall conduct a re-entry disposition hearing for the ward. Pending the hearing, the ward may be detained by the division, provided that the division shall deliver the ward to the custody of the county probation department in the county of commitment no more than 3 judicial days nor less than 2 judicial days prior to the re-entry disposition hearing. At the hearing, at which the ward shall be entitled to representation by counsel, the court shall consider the alleged violation of parole, the risk and needs presented by the ward, the re-entry disposition programs and sanctions that are available for the ward, and enter a disposition order consistent with these considerations and the protection of the public. The ward**

shall be fully informed for the court of the terms, conditions, responsibilities and  
specifics that are relevant to the hearing plan that is submitted by the county. It is the duty  
of the court to be fully informed of the plan to be submitted to the court. In addition,  
the Director of Juvenile Facilities and the Board of Juvenile Corrections shall have no further  
input in the plan and shall not be held liable for any errors or omissions in the submission.  
The procedure of the hearing, deposition hearing, including the determination of the  
witnesses to be called, and the order by the court shall be consistent with the rules  
of the and procedures and rules of the deposition hearing as described in  
Article 17 of Chapter 2 of Part 1, Division 2 of this Code.

**Amendment 5. WIC section 1952.**

Section 1952 of the Welfare and Institutions Code is amended to read:

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 seven thousand four hundred dollars (\$17,000) 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 1753, and Sections 1761 and  
1763.25.

(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 (a) of Section 1767.25.

(3) An amount equal to 3 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 part of the base described in subdivision (a) of Section 1953 unless the  
Department of Finance finds a combination 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. The Corrections Standards Authority shall submit their  
recommendation to the Department of Finance for approval.

(4) 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 1953, 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.

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

**Amendment 6. Amend WIC § 1953 as follows (Revised 9/5/07):**

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 793, and Sections 731.1 and 1743.25.

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

Amendment 7. Add WIC section 1953.5 (Revised 9/5/07).

Section 1953.5 is added to the Welfare and Institutions Code, to read:

1953.5 For the 2008-10 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 2008-09 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 793, and Sections 731.1 and 1743.25.

(c) 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.

Amendment 8. WIC section 1954.

Section 1954 of the Welfare and Institutions Code is amended to read:

1954. For the 2009-10-2010-11 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 2008-09-2009-10 fiscal year, as described in subdivisions (a), (b), and (c) of Section 1952-1953.5, adjusted to account for full-year impact impacts.

Amendment 9. Add WIC section 1954.1.

Section 1954.1 is added to the Welfare and Institutions Code, to read:

1954.1 For each fiscal year, the Director of Finance shall determine the total amount of the Youthful Offender Block Grant and the allocation for each county, pursuant to Sections 1955 and 1956, 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.

**Amendment 10. Amend WIC § 1955 as follows:**

Section 1955 of the Welfare and Institutions Code is amended to read:

1955. (a) The allocation amount for each county from the Youthful Offender Block Grant Fund for offenders subject to Sections 733, 1766, and 1767.35 shall be distributed once annually 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) for the 2007-08 fiscal year, and a minimum block grant allocation of one hundred seventy thousand dollars (\$170,000) each year thereafter.

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

**Amendment 11. WIC section 1956.**

Section 1956 is added to the Welfare and Institutions Code to read:

1956. The allocation for any eligible county from the Youthful Offender Block Grant Fund for offenders subject to Section 733 shall be determined by the Department of Finance, consistent with the GDP methodology and fiscal parameters used in Sections 1962, 1963, and 1963.5 for the corresponding fiscal year.

**Amendment 12. Revise Section 54 of SB 81 as follows:**

**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.

**Additional Purely Technical Correction:**

**Amendment 13. WIC Sec. 24. 1731.5 (s) and (c) (2):**

Juvenile Parole Board should be changed to Board of Parole Hearings.

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Page 1

CONCURRENCE IN SENATE AMENDMENTS  
 AB 191 (Budget Committee)  
 As Amended September 7, 2007  
 2/3 vote. Urgency

ASSEMBLY:	(May 3, 2007)	SENATE:	44-1 (September 7, 2007)
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(vote not relevant)

Original Committee Reference: BUDGET

SUMMARY : Makes changes to earlier legislation related to juvenile justice and corrections.

The Senate amendments delete the Assembly version of this bill, and instead:

- 1) Make various modifications to the juvenile justice reform contained in the 2007 Corrections trailer bill (Chapter 175, Statutes of 2007). Specifically, it:
  - a) Makes conforming changes to ensure that none of the juvenile justice reforms contained in the 2007 Corrections trailer bill affect juveniles adjudicated of a sex offense as set forth in paragraph (3) of subdivision (d) of Section 290 of the Penal Code;
  - b) Clarifies the process in which youth currently incarcerated in a state Division of Juvenile Facilities (DJF) facility for a non-707(b) offense may be recalled by a county and placed under local supervision, including transportation responsibilities;
  - c) Clarifies and defines a process for transitioning youth that are currently incarcerated in a state DJF facility for a non-707(b) offense from state parole to local probation;
  - d) Clarifies and defines a process for transitioning youth currently on state parole after being incarcerated in a state DJF facility for a non-707(b) offense from state parole to local probation if a ward is detained by state parole for a parole violation;
  - e) Clarifies the block grant funding formula for youthful

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offenders that are recalled by the counties from state DJF facilities and transferred from state parole to county probation; and,

- f) Makes technical changes to adjust the block grant funding for the two month delay included in the 2007 Corrections trailer bill.
- 2) Establish in law a second Undersecretary at the California Department of Corrections and Rehabilitation.
- 3) Modify the probation pilot projects to ensure that they are designed and implemented locally instead of by the Corrections Standards Authority.

AS PASSED BY THE ASSEMBLY , this bill was an intent bill to be used for the purpose of making statutory changes related to the Budget Act of 2007.

FISCAL EFFECT : No fiscal effect.

COMMENTS : This is an annual Budget cleanup bill which is necessary to accurately implement the agreed to Budget package for 2007-08.

Analysis Prepared by : Chris Woods / BUDGET / (916) 319-2099

FN: 0003355

SENATE RULES COMMITTEE	AB 191
Office of Senate Floor Analyses	
1020 N Street, Suite 524	
(916) 651-1520	Fax: (916)
327-4478	

## THIRD READING

Bill No: AB 191  
 Author: Assembly Budget Committee  
 Amended: 9/7/07 in Senate  
 Vote: 27 - Urgency

ASSEMBLY FLOOR : Not relevant

SUBJECT : Budget Act of 2007: trailer bill

SOURCE : Author

DIGEST : This bill makes modifications to the juvenile justice reform contained in SB 81 (Senate Budget and Fiscal Review Committee), Chapter 175, Statutes of 2007, relation to corrections.

ANALYSIS :

Juvenile Justice Reform Modifications . This bill makes various modifications to the juvenile justice reform contained in SB 81 (Senate Budget and Fiscal Review Committee): Specifically, this bill:

1. Makes conforming changes to ensure that none of the juvenile justice reforms contained in the SB 81 affect juveniles adjudicated of a sex offense as set forth in paragraph (3) of subdivision (d) of Section 290 of the Penal Code.
2. Clarifies the process in which youth currently

CONTINUED

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incarcerated in a Division of Juvenile Facilities (DJF) facility for a non-707(b) offense may be recalled by a county and placed under local supervision, including transportation responsibilities.

3. Clarifies and defines a process for transitioning youth that are currently incarcerated in a DJF facility for a non-707(b) offense from state parole to local probation.

4. Clarifies and defines a process for transitioning youth currently on state parole after being incarcerated in a DJF facility for a non-707(b) offense from state parole to local probation if a ward is detained by state parole for a parole violation.

5. Clarifies the block grant funding formula for youthful offenders that are recalled by the counties from DJF facilities and transferred from state parole to county probation.

6. Makes technical changes to adjust the block grant funding for the two month delay included in SB 81 (Senate Budget and Fiscal Review Committee).

Second Undersecretary . This bill establishes in law a second Undersecretary at the Department of Corrections and Rehabilitation.

Probation Pilot Projects . This bill modifies the probation pilot projects to ensure that they are designed and implemented locally instead of by the Corrections Standards Authority.

FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes  
Local: No

DLW:cm 9/7/07 Senate Floor Analyses

SUPPORT/OPPOSITION: NONE RECEIVED

\*\*\*\* END \*\*\*\*

SENATE RULES COMMITTEE Office of Senate Floor Analyses 1020 N Street, Suite 524 (916) 651-1520 Fax: (916) 327-4478	AB 191
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THIRD READING

Bill No: AB 191  
 Author: Assembly Budget Committee  
 Amended: 7/26/07  
 Vote: 21

ASSEMBLY FLOOR : 44-1, 5/3/07 - See last page for vote

SUBJECT : Budget Act of 2007: trailer bill

SOURCE : Author

DIGEST : This bill expresses the intent of the Legislature to enact statutory changes related to the Budget Act.

ANALYSIS : This bill is to be a vehicle for a budget trailer bill.

FISCAL EFFECT : Appropriation: No Fiscal Com.: No  
 Local: No

ASSEMBLY FLOOR :

AYES: Bass, Beall, Berg, Brownley, Caballero, Charles  
 Calderon, Carter, Coto, Davis, De La Torre, De Leon,  
 DeSaulnier, Dymally, Eng, Evans, Feuer, Galgiani,  
 Hancock, Hayashi, Hernandez, Huffman, Jones, Karnette,  
 Krekorian, Laird, Leno, Levine, Lieber, Lieu, Ma,  
 Mendoza, Mullin, Navá, Parra, Portantino, Price,  
 Richardson, Salas, Saldana, Solorio, Swanson, Torrico,  
 Wolk, Nunez

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NOES: Garcia

NO VOTE RECORDED: Adams, Aghazarian, Anderson, Arambula,  
Benoit, Berryhill, Blakeslee, Cook, DeVore, Duvall,  
Emmerson, Fuller, Gaines, Garrick, Horton, Houston, Huff,  
Jeffries, Keene, La Malfa,  
Maze, Nakanishi, Niello, Plescia, Sharon Runner, Ruskin,  
Silva, Smyth, Soto, Spitzer, Strickland, Tran, Villines,  
Walters, Vacancy

DLW:cm 9/5/07 Senate Floor Analyses

SUPPORT/OPPOSITION: NONE RECEIVED.

\*\*\*\* END \*\*\*\*

## CONCURRENCE IN SENATE AMENDMENTS

AB 191 (Budget Committee)

As Amended September 7, 2007

2/3 vote. Urgency

ASSEMBLY: (May 3, 2007) SENATE: 44-1 (September 7, 2007)  
(vote not relevant)

Original Committee Reference: BUDGETSUMMARY: Makes changes to earlier legislation related to juvenile justice and corrections.The Senate amendments delete the Assembly version of this bill, and instead:

- 1) Make various modifications to the juvenile justice reform contained in the 2007 Corrections trailer bill (Chapter 175, Statutes of 2007). Specifically, it:
  - a) Makes conforming changes to ensure that none of the juvenile justice reforms contained in the 2007 Corrections trailer bill affect juveniles adjudicated of a sex offense as set forth in paragraph (3) of subdivision (d) of Section 290 of the Penal Code;
  - b) Clarifies the process in which youth currently incarcerated in a state Division of Juvenile Facilities (DJF) facility for a non-707(b) offense may be recalled by a county and placed under local supervision, including transportation responsibilities;
  - c) Clarifies and defines a process for transitioning youth that are currently incarcerated in a state DJF facility for a non-707(b) offense from state parole to local probation;
  - d) Clarifies and defines a process for transitioning youth currently on state parole after being incarcerated in a state DJF facility for a non-707(b) offense from state parole to local probation if a ward is detained by state parole for a parole violation;
  - e) Clarifies the block grant funding formula for youthful offenders that are recalled by the counties from state DJF facilities and transferred from state parole to county probation; and,
  - f) Makes technical changes to adjust the block grant funding for the two month delay included in the 2007 Corrections trailer bill.
- 2) Establish in law a second Undersecretary at the California Department of Corrections and Rehabilitation.
- 3) Modify the probation pilot projects to ensure that they are designed and implemented locally instead of by the Corrections Standards Authority.

AS PASSED BY THE ASSEMBLY, this bill was an intent bill to be used for the purpose of making statutory changes related to the Budget Act of 2007.

FISCAL EFFECT: No fiscal effect

COMMENTS: This is an annual Budget cleanup bill which is necessary to accurately implement the agreed to Budget package for 2007-08.

Analysis Prepared by: Chris Woods / BUDGET / (916) 319-2099

FN: 0003355

**In the Supreme Court of the State of California**

**In re C.H.,  
a Person Coming Under the Juvenile Court,**

Case No. S183737

**THE PEOPLE OF THE STATE OF  
CALIFORNIA,**

**Plaintiff and Respondent,**

**v.**

**C.H.,**

**Defendant and Appellant.**

**[PROPOSED] ORDER**

Respondent's Motion for Judicial Notice is hereby GRANTED.

\_\_\_\_\_  
The Honorable Tani Cantil-Sakauye  
Chief Justice of the California  
Supreme Court

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: *In re C.H., a Minor*  
No.: S183737

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 **February 25, 2011**, I served the attached **RESPONDENT'S MOTION FOR JUDICIAL NOTICE AND [PROPOSED] ORDER** 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 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Susan B. Gans-Smith  
Attorney at Law  
PMB #237  
1130 East Clark Avenue, Suite 150  
Santa Maria, CA 93455-5123

Honorable Joseph A. Lane, Clerk  
Court of Appeal of the State of California  
Second Appellate District, Division 6  
200 East Santa Clara Street  
Ventura, CA 93001

Ventura County District Attorney's Office  
Donna Thonis, Deputy District Attorney  
800 South Victoria Avenue  
Ventura, CA 93009

California Appellate Project (LA)  
520 S. Grand Ave., 4th Floor  
Los Angeles, CA 90071-2600

Superior Court of California  
County of Ventura  
Attn: Clerk's Office  
Hall of Justice  
P.O. Box 6489  
Ventura, CA 93009

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 **February 25, 2011**, at Los Angeles, California.

Marianne A. Siacunco  
\_\_\_\_\_  
Declarant

  
\_\_\_\_\_  
Signature