

CPPCA Legislative Update
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The Legislature concluded its business in September, the Governor signed and/or vetoed all bills in October and the legislature will resume in full on January 7th.

We expect in excess of 2,000 new bills to be introduced in before the February 23rd bill introduction deadline. Our office will review all bills introduced or amended and refer to the Legislative Committee for review and position by the Association. CPPCA formally weighs in to support, oppose and request amendments on bills and budget items.

CPPCA will work closely with our partners in probation, counties, CDCR, and labor organizations such as PORAC. All bills may be viewed at www.leginfo.ca.gov

Budget Update -- The Legislative Analysts Office (LAO) projects a \$9.5 billion current year budget deficit. That means we are a projected \$9.5 billion of covering current year legal obligations. The Governor has directed all state agencies to submit a budget proposal with at least 10% reductions in overall spending. Local governments, law enforcement and all sectors of government and those who rely on government services are facing a critical budget shortfall. Largely fueled by a stagnant stock market, a stale job market and a declining housing market, most experts predict there is no near term end in sight.

Major issues update

- SB 81 (Committee on Budget) – Took effect September 1, 2007
 - **Youth who are non-committable to DJJ:** As of September 1, 2007, an adjudicated WIC 602 (delinquent) ward can no longer be committed to the state Division of Juvenile Justice (DJJ) unless he or she is found to have committed a serious and violent offense listed in Welfare and Institutions Code Section 707 (b)—the section listing crimes for which minors can be tried as adults. Non-707 (b) offenders must now be retained in county custody and programs. There is an exception for non 707 (b) "registerable" sex offenses which remain a basis for DJJ commitment, per the demands of this Administration; however, as drafted the only non-707 (b) sex offense that would qualify here for DJJ commitment is PC 647.6 child molest.
 - **Currently institutionalized DJJ wards:** Juvenile offenders currently in the DJJ population with non 707 (b) commitment offenses may be recalled by counties on an individual basis after 9/1/07 (new WIC 731.1). Approximately 900 wards in the current population would be eligible for this recall option. Upon recall, the local court must then convene a recall disposition hearing for the youth. Recalled wards become full county responsibility-- no violation returns to DJJ.
 - **DJJ parolees:** All non 707 (b) wards currently on the DJJ parole caseload become county probation responsibility if their parole is suspended or revoked by DJJ (new WIC 1767.35). Any ward recalled by a county under WIC 731.1 becomes full county probation responsibility—no return to DJJ. All non recalled, non 707(b) wards released by DJJ after 9/1/07 become full county probation responsibility (new WIC 1766(b)).

- **Payments to counties:** The Corrections Standards Authority (CSA) will administer a Youthful Offender Block Grant fund to be distributed to counties to cover the costs of custody and treatment for all non committable and non returnable non 707(b) wards, including parole supervision costs. The statewide amount for distribution is to be set by the state Department of Finance (DOF) based on \$117,000 times the number of non 707(b) wards committed or returned to DJJ in a baseline year. With forgiveness of sliding scale fees, this averages \$130,000 per ward. The block grant will also provide \$117,000 per year for each recalled ward. Another \$15,000 per ward is provided to counties for parole supervision of realigned cases. The Department of Finance presently estimates that the total statewide block grant for the first year (FY 07-08) will be \$ 24 million, rising to \$92 million within two years when the caseload is fully shifted from state to county government. The distribution formula is: counties will receive a share of the total state fund based on their share of all annual state felony juvenile adjudications (50% factor) and their share of the statewide at-risk youth population (age 10-17, 50% factor). (An earlier proposed formula based on past DJJ commitment rates was abandoned as penalizing counties already using alternatives to DJJ). Small county minimum grant is \$58,500 per year. There is a reserve fund of 5% to cover unanticipated county costs (counties must apply individually to CSA for these reserve funds). All counties must submit a Juvenile Justice Development Plan to CSA by 1/1/08 to qualify for block grants (new WIC 1961). The Budget Bill had provided that counties would also receive \$14.9 million in planning grants to identify appropriate programs, facility options and other elements for the shifted caseload, but the Governor, as a concession to Republicans who voted to break the budget deadlock, used his line-item veto to cut the planning grants along with \$700 million in other general fund expenditures.
- **Construction funds:** SB 81 authorizes up to \$100 million statewide in construction bond funds through Corrections Standards Authority for the design and construction of new or renovated county facilities for youthful offenders. The legislation is silent on the types of facilities and the specific populations to be served by the facilities, leaving it up to CSA to make the selection criteria and grant awards. There is a 25% county match requirement.
- **Local commitments of older juvenile wards:** WIC 208.5 is amended to clarify the authority of the local court to keep a juvenile court ward in a county camp, ranch or juvenile hall beyond the age of 18. Juvenile court wards age 18 (until 19) can already be placed in a camp or hall without separation from those under 18. Murkiness in the current statute has been removed, and the revision makes it clear that the court can order 19 and 20 year olds into custody in juvenile halls, camps and ranches, without separation, subject to pre-approval of these facilities for mixing older and younger wards by the Corrections Standards Authority. The goal here is to ensure the availability of a local custodial option for probation violators who are over 18, are under continuing juvenile jurisdiction and can no longer be violated back into DJJ institutions.
- **Juvenile Justice Commission:** The state Juvenile Justice Commission, dormant since reconstituted under "Corrections Reorganization" in 2005, has been revamped again as an oversight body for realignment. A new 12 member statewide commission of designated stakeholders must produce a Juvenile Operations Master Plan by 1/1/09 including standardized risk/needs assessments, standard data collection elements and recommended evidence-based programs (with cost breakdowns) for youthful offenders. The Commission is to be tri-chaired by the head of DJJ and representatives of CSAC (County Supervisors) and CPOC (Probation Chiefs). It will

self-repeal in 2009. This was a Sen. Machado requirement to hold counties accountable for expenditures of juvenile justice block grant funds provided by the state.

Source: Commonwheel

- AB 191 (Committee on Budget) – Cleanup legislation related to SB 81 – took effect September 29, 2007
 - Clarifies such things as ensuring the minimum block grant grows to \$117,000 in year 2;
 - Non-707(b) wards being paroled out of DJJ are first placed on parole for 15 days giving us notice and time to set a local hearing for further disposition;
 - Clarifies DJJ shall detain the non-707(b) parolees in the process of awaiting a hearing on their revocation and shall transport to the locals within specified time frames;
 - Clarifies that the non-707(b) sex offenders will NOT be placed onto probation upon release but will stay on parole;
 - Clarifies the recall process shall be started by the Chief Probation Officer and the money attached to the recall process will be prorated based on commitment time.

- **“Street Crime Prevention Act” – Submitted to the Attorney General for November 2008 Statewide ballot** – Given the \$10 billion deficit facing the state, several law enforcement organizations and members of the legislature have drafted and submitted the Street Crime Prevention Act. http://ag.ca.gov/cms_attachments/initiatives/pdfs/i745_07-0076_a1s.pdf Summary below:

Law Enforcement Funding:

- Reenacts COPS program and adds \$6 million annually (Total - \$125 million)
- Reenacts Juvenile COPS program and adds \$6 million annually (Total - \$125 million)
- Establishes the Safe Neighborhoods Program and appropriates \$250 million adjusted annually for cost of living as provided within this Act as follows:
 1. \$50 million in new funding to county sheriffs for jails (measure eliminates booking fees).
 2. \$25 million in new funding to district attorneys for vertical and gang prosecution programs.
 3. \$10 million in new funds to support multi-agency regional gang task forces.
 4. \$5 million in new funds for state-wide gang enforcement training programs for officers.
 5. \$5 million in new funds for GANG-Coplink statewide implementation of gang database.
 6. \$65 million in new funding to counties for intensified probation supervision for the most at-risk juvenile offenders, including programmatic support.
 7. \$15 million in new funding to match local expenditures to operate enforcement run after-school recreational programs.
 8. \$25 million in new funding to rural police chiefs for front line personnel.
 9. \$10 million in new funding to local agencies for Section 8 housing compliance.
 10. \$15 million in new funding to fund DISARM searches of high-risk parolees.
 11. \$2 million in new funding to fund the Early Intervention and Rehabilitation Commission.

- Reenacts CALMET program making permanent \$29.5 million annually for interventions to fight the proliferation of methamphetamines
- Reenacts rural and small county sheriff grants making permanent \$18.5 million in annual small county grant programs
- Reenacts Central Coast Rural Crime Prevention Program making permanent its annual funding.
- Reenacts the Juvenile Camp Program making permanent \$202 million in annual funding.
- Reenacts the Department of Juvenile Justice program making permanent \$92 million annually.
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Increased Punishment:

- Amends 10-20 Life to penalize not only offenders who personally use firearms in the commission of certain felonies but their accomplices as well (AB 1631)
- Adds a 10 year penalty to the sentence of dangerous felons who carry loaded or concealed firearms in public places (SB 1545 as amended 4/17/06)
- Authorizes admission of sworn statements by witnesses to gang crimes who die or are unavailable to testify at the time of prosecution. (AB 268)
- Enhances penalties for individuals providing contraband to gang members in prison (AB 676)
- Amends STEP Act to impose a 10 year penalty enhancement on all gang offenders who commit violent felonies, including those with indeterminate sentences (AB 894)
- Requires convicted gang offenders to register with local law enforcement each year for five years following their release from custody (AB 1630)
- Increases penalties for possession for sale and sale of methamphetamines to the same level as those for cocaine (SB 591/SB 628)
- Adds gang felonies to list of offenses making a juvenile eligible to be tried as an adult
- Strengthens the law with respect to civil gang injunctions
- Increases penalties for multiple acts of graffiti (AB 1628)
- Requires that offenders previously convicted of car theft or joy riding be subject to a felony penalty for any subsequent car theft or joy riding offense (SB 1503, 4/5/06)
- Imposes a 10 year penalty enhancement for a felony committed by any person who was previously deported for commission of a felony in the State of California
- Amends the authorization for scheduling lifer parole hearings so that denial of parole can be followed by a subsequent hearing in one, to as many as seven years
- Use a gun and lose a car – when gun is in car and registered owner is involved
- Prohibits bail for violent felonies or STEP Act violations if defendant is in US illegally.
- Own recognizance reform proposal.

Prevention:

Public Safety Education and Disclosure Commission (9 members):

- Authorizes \$15 million in annual funding for the purpose of public safety education and disclosure including PSAs to deter crime and educate the public

Rehabilitation:

Early Intervention and Rehabilitation Commission (7 members):

- Requires commission to evaluate, recommend, and monitor Early Intervention and Rehabilitation programs with emphasis on accountability and disclosure

County Probation Supervision:

- Authorizes and makes permanent \$50 million annually for county probation programs to address case loads and provide intensified supervision of the most dangerous offenders on probation

Parolee Mentoring Program

- Authorizes \$10 million in annual funding for the purpose of funding prisoner reentry mentoring program to facilitate successful reentry of parolees to society

GPS Programs to Monitor Probationers:

- Authorizes up to \$25 million to provide funding for purchase of GPS tracking equipment to be used by counties (cases involving monitoring of gang offenders, sex offenders, and violent offenders will receive priority)

Parole Reform:

- Limits prospective offenders on parole to only those rights specifically outlined by the US Supreme Court and codifies regulations mandating reports regarding parolee misconduct.

Victims:

Crime Victims and Witnesses:

- Enhances funding for DOJ's Witness Protection Program by \$10 million annually
- Provides up to \$10 million annually in rewards for information leading to arrest or conviction of criminal offenders
- Reallocates \$24 million in driver training funds to support victim of crime programs and training for law enforcement (SB 153)

Jails:

Temporary Jail Facilities:

- Authorizes counties under a court ordered cap on jail population, with a majority vote of the board of supervisors, to use emergency jail facilities (SB 864)

CPPCA Legislative Update 2007 – CPPCA tracks dozens of bills. The full report and link to text may be viewed at CPPCA.org or by contacting our office. All bills and analysis may be viewed at leginfo.ca.gov.

SB 110 (Romero)	Sentencing	This bill creates and specifies the membership of the California Sentencing Commission, as specified, to implement a new sentencing system in California.	Concerns	Failed Passage
SB 511 (Alquist)	Interrogation: recording	This bill requires custodial interrogations of a person suspected of a homicide or a violent felony to be recorded.	Watch	Vetoed
SB 756 (Ridley-Thomas)	Criminal investigations: eyewitness identifications	This bill directs the Department of Justice, in consultation with the Commission on Peace Officer Standards and Training and specified others, to develop guidelines for policies and procedures with respect to the collection and handling of eyewitness evidence in criminal investigations by all law enforcement agencies in California.	Watch	Vetoed
SB 609 (Romero)	Criminal procedure: informants	This bill provides that a defendant cannot be convicted based on the uncorroborated testimony of an in-custody informant.	Watch	Vetoed
AB 687 (LaMalfa)	Crystal Creek Regional Boys Camp	This bill would, <i>notwithstanding these provisions</i> , authorize the director, with the concurrence of the Department of Forestry and Fire Protection, to lease to the County of Shasta, the Crystal Creek Regional -Boys' Camp located in Shasta County, for the purposes of operating a regional rehabilitative juveniles camp, subject to specified conditions, <i>including a condition that precludes the state from unilateral termination of the lease prior to the county fully recovering its investment in the property.</i>	Support	Signed by Governor
SB 172 (Alquist)	Crimes: Sex Offenses	This bill makes nonsubstantive, conforming changes to existing provisions. The bill makes clarifying changes to provisions related to the risk assessment tool to be used to identify sex offenders, and would make related technical changes.	Support	Signed by Governor

SB 959 (Romero)	Involuntary Home Detention	This bill would establish an involuntary home detention program, under which participants would be electronically monitored, as specified. This bill would declare that it is to take effect immediately as an urgency statute.	Support	Signed by Governor
SB 518 (Migden)	Juveniles: Youth Bill of Rights	This bill would enact the "Youth Bill of Rights" in connection with youth confined in a facility of the Division of Juvenile Facilities .	Neutral as Amended	Signed by Governor
SB 851 (Steinberg)	Mentally ill offenders	This bill would require the Department of Mental Health to provide in a report to the Legislature, submitted on or before May 1 of each year in which additional funding is provided, an evaluation of the effectiveness of the strategies for parolees in reducing homelessness, recidivism, involvement with local law enforcement, and other measures identified by the department.	Fiscal Concerns	Vetoed by Governor
AB 1165 (Maze)	Driving Under the Influence; Repeat Offense	This bill would additionally make it unlawful for a person who is on probation for a violation of either of the above driving under-the-influence offenses to operate a motor vehicle at any time with a blood-alcohol concentration of <i>0.01%</i> or greater, as measured by a preliminary alcohol screening test or other chemical test. The bill would impose additional sanctions on persons found to violate this prohibition.	Support in concept	Signed by Governor