

Assembly Bill No. 191

Passed the Assembly September 10, 2007

Chief Clerk of the Assembly

Passed the Senate September 7, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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 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:

(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 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:

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.

Approved _____, 2007

Governor