

Introduced by Senator CannellaFebruary 21, 2014

An act to add Chapter 6.4 (commencing with Section 30030) to Division 3 of Title 3 of the Government Code, relating to criminal justice realignment, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1359, as introduced, Cannella. 2013 Realignment Legislation addressing justice reinvestment.

(1) Existing law, the 2011 Realignment Legislation addressing public safety and related statutes, requires that certain specified felonies be punished by a term of imprisonment in a county jail for 16 months, or 2 or 3 years, and provides for postrelease community supervision by county officials for persons convicted of certain specified felonies upon release from prison or county jail. As part of the realignment of public safety services to local agencies, existing law establishes the Local Revenue Fund 2011 into which specified tax revenues are deposited and are continuously appropriated for the provision of public safety services, as defined.

This bill, the 2014 Realignment Legislation addressing justice reinvestment, would establish the Realignment Reinvestment Fund in the State Treasury as a continuously appropriated fund. The bill would require the Director of Finance, in consultation with the Legislative Analyst, to annually calculate the net savings to the state for the prior fiscal year and an estimate of the net current fiscal year savings resulting from the 2011 Realignment Legislation addressing public safety, as specified. The bill would require the Controller to transfer \$441,834,000 from the General Fund to the Realignment Reinvestment Fund for the 2014–15 fiscal year, thereby making an appropriation. The bill would,

beginning in the 2015–16 fiscal year, and each fiscal year thereafter, require the Controller to transfer an amount equal to the estimate of net current fiscal year savings resulting from the 2011 Realignment Legislation addressing public safety, adjusted by the difference between the preceding year’s estimate and the calculated prior fiscal year net savings, thereby making an appropriation.

The bill would require the Controller to annually allocate moneys in the Realignment Reinvestment Fund to each county for deposit in the county’s Realignment Reinvestment Services Account pursuant to a multiplier, which the bill would require the Controller to calculate in consultation with the Board of State and Community Corrections by dividing the total number of felons sentenced to county jails in a county during the preceding fiscal year by the total number of felons sentenced to county jails statewide during the preceding fiscal year.

The bill would require a Realignment Reinvestment Services Account to be established in each county treasury and would require the county auditor to allocate the moneys in the Realignment Reinvestment Services Account within 30 days of deposit. The bill would require the moneys to implement a comprehensive, locally run, supplemental community-based corrections plan, as specified. The bill would require the supplemental community-based corrections plan to be developed by the membership of each county’s local Community Corrections Partnership and one additional member representing a city within the county and appointed by the California Police Chiefs Association. The bill would require each county or city and county to annually report to the county board of supervisors and the Board of State and Community Corrections on the programs funded pursuant to these provisions, as specified. By imposing additional duties on local officials, this bill would impose a state-mandated local program.

The bill would require that moneys allocated from a Realignment Reinvestment Services Account be expended exclusively for services included in the county’s supplemental community-based corrections plan, and not used to supplant any existing funding for law enforcement services or programs or activities included in the supplemental community-based corrections plan. The bill would require that funds received pursuant to its provisions be expended or encumbered no later than June 30 the following year, and would require unspent moneys to be remitted for deposit in the Realignment Reinvestment Fund.

(2) 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.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. This act shall be known and may be cited as the
2 2014 Realignment Legislation addressing justice reinvestment.

3 SEC. 2. The Legislature finds and declares all of the following:

4 (a) The Legislature is committed to reducing recidivism among
5 criminal offenders, ensuring that local governments have adequate
6 funding to achieve this goal, and facilitating the responsible
7 implementation of the criminal justice polices contained in the
8 2011 Realignment Legislation addressing public safety.

9 (b) California must continue to reinvest its criminal justice
10 resources to support community-based corrections programs,
11 evidence-based practices, and local correctional facilities in order
12 to achieve improved public safety returns on this state's substantial
13 investment in its criminal justice system.

14 (c) Realigning low-level felony offenders who do not have prior
15 convictions for serious, violent, or sex offenses to locally run,
16 community-based corrections programs, which are strengthened
17 through community-based punishment, evidence-based practices,
18 improved supervision strategies, and enhanced secured capacity,
19 has the potential to improve public safety outcomes for adult felons
20 and facilitate their reintegration back into society. However, local
21 governments have indicated that current resources provided by the
22 state to achieve these goals are inadequate. This lack of resources
23 has resulted in an increase in criminal activity throughout the state
24 which may indicate that realignment is failing to achieve its stated
25 goals. As a result, community-based corrections programs require
26 additional funding to meet the level of need and provide an
27 appropriate level of service for offender populations shifted as a

1 result of the 2011 Realignment Legislation addressing public
2 safety.

3 (d) By enacting the 2011 Realignment Legislation addressing
4 public safety, the Legislature affirmed its commitment to justice
5 reinvestment and stated that the purpose of justice reinvestment
6 is to manage and allocate criminal justice populations more
7 cost-effectively, generating savings that can be reinvested in
8 evidence-based strategies that increase public safety while holding
9 offenders accountable.

10 (e) In order to properly implement the 2011 Realignment
11 Legislation addressing public safety, it is the intent of the
12 Legislature to fully commit to justice reinvestment by using
13 identified state savings generated by the 2011 Realignment
14 Legislation addressing public safety and any other necessary funds
15 to provide local governments with maximum flexibility and
16 adequate funding to manage these new offenders in the manner
17 that is in the best interest of public safety, most appropriate to each
18 county, and consistent with principles of justice reinvestment.

19 SEC. 3. Chapter 6.4 (commencing with Section 30030) is added
20 to Division 3 of Title 3 of the Government Code, to read:

21

22 CHAPTER 6.4. REALIGNMENT REINVESTMENT FUND

23

24 30030. (a) (1) The Realignment Reinvestment Fund is hereby
25 established in the State Treasury. Moneys in the fund are
26 continuously appropriated and shall be used exclusively for the
27 purposes of this chapter.

28 (2) (A) Beginning in 2015, on or after July 1, and no later than
29 August 31 of each year, the Director of Finance shall, in
30 consultation with the Legislative Analyst, annually calculate both
31 of the following:

32 (i) The net savings to the state for the immediately preceding
33 fiscal year.

34 (ii) An estimate of the net savings resulting from the 2011
35 Realignment Legislation addressing public safety.

36 (B) Provided there are savings, the calculations shall be made
37 for each fiscal year by subtracting the amount calculated pursuant
38 to subparagraph (D) from the amount calculated pursuant to
39 subparagraph (C) for each fiscal year.

1 (C) The sum of all expenditure reductions and cost avoidances,
2 less cost increases, affecting the Department of Corrections and
3 Rehabilitation in the fiscal year for which the calculation is being
4 made that are a result of the 2011 Realignment Legislation
5 addressing public safety.

6 (D) The amount of funding allocated to local governments in
7 the fiscal year for which the calculation is being made through the
8 Law Enforcement Services Account pursuant to Chapter 6.3
9 (commencing with Section 30025), less the sum of the following:

10 (i) The amount of funding allocated for that fiscal year through
11 the Trial Court Security Subaccount.

12 (ii) The amount of funding allocated for that fiscal year through
13 the Enhancing Law Enforcement Activities Subaccount.

14 (3) For the 2014–15 fiscal year, the Controller shall transfer
15 four hundred forty-one million eight hundred thirty-four thousand
16 dollars (\$441,834,000) from the General Fund to the Realignment
17 Reinvestment Fund for allocation pursuant to paragraph (5).

18 (4) Beginning with the 2015–16 fiscal year, and each fiscal year
19 thereafter, the Controller shall transfer an amount equal to the
20 difference between the amount identified in subparagraph (A) and
21 the amount identified in subparagraph (B) from the General Fund
22 to the Realignment Reinvestment Fund for allocation pursuant to
23 paragraph (5).

24 (A) The estimate of net savings for the current fiscal year
25 calculated pursuant to clause (ii) of subparagraph (A) of paragraph
26 (2).

27 (B) A prior fiscal year adjustment that is the result of subtracting
28 the preceding year's estimate calculated pursuant to clause (ii) of
29 subparagraph (A) of paragraph (2) from the current year calculation
30 pursuant to clause (i) of subparagraph (A) of paragraph (2).

31 (5) The Controller shall annually allocate moneys in the
32 Realignment Reinvestment Fund to each county and city and
33 county, for deposit in the county's or city and county's
34 Realignment Reinvestment Services Account, as follows:

35 (A) The Controller, in consultation with the Board of State and
36 Community Corrections, shall annually calculate a multiplier for
37 each county or city and county by dividing the total number of
38 felons sentenced to jail in that county or city and county pursuant
39 to subdivision (h) of Section 1170 of the Penal Code during the
40 preceding fiscal year by the total number of felons sentenced to

1 county jails statewide pursuant to subdivision (h) of Section 1170
2 of the Penal Code during the preceding fiscal year.

3 (B) The allocation for each county or city and county shall be
4 the product of the multiplier calculated for that county or city and
5 county in subparagraph (A) and the unencumbered balance of the
6 Realignment Reinvestment Fund immediately prior to the annual
7 allocations being made.

8 (b) There shall be established in each county or city and county
9 treasury a Realignment Reinvestment Services Account to receive
10 all amounts allocated to a county or city and county for purposes
11 of implementing this chapter.

12 (c) (1) In any fiscal year for which a county or city and county
13 receives moneys to be expended for the implementation of this
14 chapter, the county or city and county auditor shall allocate the
15 moneys in the Realignment Reinvestment Services Account within
16 30 days of the deposit of those moneys into the fund. The moneys
17 shall be allocated to implement a comprehensive, locally run
18 supplemental community-based corrections plan, including, but
19 not limited to, mental health programs, substance abuse programs,
20 transitional housing programs, job placement programs, improved
21 supervision strategies, community-based punishment programs,
22 increased law enforcement staffing in cities and counties, county
23 jail construction, maintenance, and operation, assessment and
24 criminal prosecution of realigned offenders, and supervision or
25 aftercare for offenders sentenced to imprisonment pursuant to
26 subdivision (h) of Section 1170 of the Penal Code.

27 (2) The supplemental community-based corrections plan shall
28 be developed by the membership of each county's or city and
29 county's local Community Corrections Partnership, as established
30 pursuant to Section 1230 of the Penal Code. For purposes of this
31 section, the local Community Corrections Partnership shall include
32 one additional member representing a city within the county, or
33 representing the city and county, and appointed by the California
34 Police Chiefs Association. If a plan has been previously approved
35 by a county's or city and county's local Community Corrections
36 Partnership, the plan shall be reviewed annually and modified as
37 needed. The plan or modified plan shall be submitted to the Board
38 of State and Community Corrections no later than May 1 of each
39 year.

- 1 (A) The supplemental community-based corrections plan shall
2 include, but not be limited to, all of the following components:
- 3 (i) An assessment of existing law enforcement, probation,
4 education, mental health, health, social services, drug and alcohol,
5 and other services resources that specifically target realigned
6 offenders and their families.
 - 7 (ii) An identification and prioritization of the neighborhoods
8 and other areas in the community that face a significant public
9 safety risk from realigned offenders and associated crimes,
10 including gang activity, burglary, robbery, vandalism, controlled
11 substances sales, firearm-related violence, and substance abuse.
 - 12 (iii) A local action strategy that provides a continuum of
13 responses to crime and demonstrates a collaborative and integrated
14 approach for implementing a system of swift, certain, and
15 graduated responses for realigned offenders.
 - 16 (iv) Programs identified in clause (iii) that are proposed to be
17 funded pursuant to this subparagraph, including the projected
18 amount of funding for each program.
 - 19 (v) An accounting of the number of new crimes or violations
20 committed by realigned offenders.
- 21 (B) Programs proposed to be funded shall satisfy all of the
22 following requirements:
- 23 (i) Be based on evidence-based programs and approaches that
24 have been demonstrated to be effective in reducing crime.
 - 25 (ii) Employ information sharing systems to ensure that county
26 and city actions are fully coordinated and designed to provide data
27 for measuring the success of programs and strategies.
- 28 (C) The plan shall also identify the specific objectives of the
29 programs proposed for funding and specified outcome measures
30 to determine the effectiveness of the programs and contain an
31 accounting for all program participants, including those who do
32 not complete the programs. Outcome measures of the programs
33 proposed to be funded shall include, but not be limited to, all of
34 the following:
- 35 (i) The rate of arrests per 100,000 of the population.
 - 36 (ii) The rate of successful completion of probation and
37 postrelease community supervision.
 - 38 (iii) The rate of successful completion of restitution and
39 court-ordered community service responsibilities.

1 (iv) Arrest, incarceration, and probation violation rates of
2 realigned offenders and other program participants.

3 (v) Quantification of the annual per capita costs of the program.

4 (D) To assess the effectiveness of programs funded pursuant to
5 this paragraph using the program outcome criteria specified in
6 subparagraph (C), the following periodic reports shall be submitted:

7 (i) Each county or city and county shall report, beginning
8 October 15, 2015, and annually each October 15 thereafter, to the
9 county board of supervisors and the Board of State and Community
10 Corrections, in a format specified by the board, on the programs
11 funded pursuant to this chapter and program outcomes as specified
12 in subparagraph (C).

13 (ii) The Board of State and Community Corrections shall
14 compile the local reports and, by March 15, 2016, and by March
15 15 of each year thereafter, make a report to the Governor and the
16 Legislature on program expenditures within each county and city
17 and county funded pursuant to this section and on the outcomes
18 as specified in subparagraph (C). A report submitted pursuant to
19 this clause shall be submitted in compliance with Section 9795 of
20 the Government Code.

21 (d) The Controller shall allocate funds to local jurisdictions for
22 public safety in accordance with this section as described in
23 subdivision (a).

24 (e) Funds allocated pursuant to subdivision (c) shall be expended
25 or encumbered in accordance with this chapter no later than June
26 30 of the following fiscal year. A local agency that has not met
27 the requirement of this subdivision shall remit unspent moneys in
28 the Realignment Reinvestment Services Account received after
29 January 1, 2015, to the Controller for deposit in the Realignment
30 Reinvestment Fund.

31 30031. (a) Moneys allocated from a Realignment Reinvestment
32 Services Account to a recipient entity shall be expended exclusively
33 for services included in the county’s or city and county’s
34 supplemental community-based corrections plan. These moneys
35 shall supplement existing services, and shall not be used to supplant
36 any existing funding for law enforcement services or programs or
37 activities included in the supplemental community-based
38 corrections plan provided by that entity.

1 (b) In no event shall any moneys allocated from the county's
2 or city and county's Realignment Reinvestment Services Account
3 be expended by a recipient entity to fund any of the following:

4 (1) Administrative overhead costs in excess of 1 percent of a
5 recipient entity's Realignment Reinvestment Services Account
6 allocation for that fiscal year.

7 (2) The costs of any capital project or construction project that
8 does not directly support programs or activities included in the
9 supplemental community-based corrections plan.

10 (c) For purposes of this section, both of the following shall
11 apply:

12 (1) A "recipient entity" is that entity that actually incurs the
13 expenditures of Realignment Reinvestment Services Account funds
14 allocated pursuant to subdivision (c) of Section 30300.

15 (2) Administrative overhead costs shall only be charged by the
16 recipient entity, as defined in paragraph (1), up to 1 percent of its
17 Realignment Reinvestment Services Account allocation.

18 30032. The moneys in the Realignment Reinvestment Services
19 Account established pursuant to subdivision (b) of Section 30300
20 in each county or city and county shall be expended exclusively
21 as required by this chapter. Moneys allocated from the account
22 shall not be transferred to, or commingled with, the moneys in any
23 other fund in the county or city and county treasury, except that
24 moneys may be transferred from the account to the county's or
25 city and county's general fund to the extent necessary to facilitate
26 the appropriation and expenditure of those transferred moneys in
27 the manner required by this chapter.

28 SEC. 4. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.