

**ASSEMBLY BILL**

**No. 3116**

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**Introduced by Assembly Member Brulte**

February 23, 1996

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An act to add Title 4.95 (commencing with Section 4498) to, and to add Chapter 19 (commencing with Section 7480) to Title 7 of, Part 3 of the Penal Code, relating to financing the construction of state and local correctional facilities by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 3116, as introduced, Brulte. Correctional facilities.

(1) Existing law authorizes the Department of Corrections to construct and establish prisons at various locations.

This bill would authorize the department to construct 4 new medium and maximum security prisons and 2 new reception centers throughout the state, and to expand a prison camp. The bill would appropriate \$52,000,000 from the General Fund for the preconstruction activities related to those prisons.

(2) Existing law contains various bond acts for the construction of new prisons and county juvenile facilities.

This bill would enact the County Juvenile Correctional Facility Capital Expenditure and Youth Violence Bond Act of 1996, which, if adopted by the voters, would authorize the

issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$150,000,000 to provide for the construction, reconstruction, remodeling, replacement, and deferred maintenance of county juvenile facilities.

This bill also would enact the “Three Strikes” Violent and Career Criminal Detention Bond Act of 1996, which, if adopted, would authorize the issuance of bonds in the amount of \$2,200,000,000 to provide for the acquisition, construction, renovation, remodeling, and deferred maintenance of state youth and adult correctional facilities, including the facilities authorized in (1) above and for the refinancing of interim debt, and to reimburse the General Fund.

This bill would provide for submission of the bond acts to the voters at the November 5, 1996, statewide general election.

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

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares all of  
2 the following:

3 (a) Public safety is a primary function and  
4 consideration of government. As evidenced by the  
5 overwhelming support for Proposition 184, the “Three  
6 Strikes Initiative,” on the November 8, 1994, general  
7 election ballot, the people of the State of California are  
8 demanding that violent, serious, and repeat felons be  
9 incarcerated with longer sentences.

10 (b) As a result of the passage of Proposition 184 and  
11 other laws recently enacted, the inmate population of the  
12 state prison system is projected to increase by  
13 unprecedented numbers of inmates, with an average  
14 annual increase of 17,000 inmates during the next five  
15 years, creating a serious public safety risk.

16 (c) The Legislature intends that convicted felons  
17 should serve their sentences as provided by law, and is  
18 committed to taking actions necessary to prevent the  
19 early release of any convicted felon.



1 (d) To maintain public safety, avoid unwanted court  
2 intervention, and address projected inmate population  
3 growth, it is immediately necessary for the Department  
4 of Corrections to construct new prisons, providing  
5 permanent capacity to meet long-term inmate housing  
6 needs.

7 (e) Numerous county juvenile facilities throughout  
8 California are dilapidated and overcrowded, and  
9 expansion of available bed capacity is critical. Capital  
10 improvements are necessary to protect the life and safety  
11 of persons confined or employed in these facilities, and to  
12 upgrade health and sanitary conditions to avoid  
13 threatened closures or the imposition of court-ordered  
14 sanctions.

15 SEC. 2. The Department of Corrections is hereby  
16 authorized to construct and establish a 2,124 cell  
17 combination medium and maximum security prison,  
18 together with a Level I support services facility, with the  
19 ability to house 4,394 inmates through substantial double  
20 occupancy in housing units, in the vicinity of Delano in  
21 Kern County, to be known as California State  
22 Prison-Kern County at Delano II.

23 SEC. 3. The Department of Corrections is hereby  
24 authorized to construct and establish a 2,124 cell  
25 combination medium and maximum security prison,  
26 together with a Level I support services facility, with the  
27 ability to house 4,394 inmates through substantial double  
28 occupancy in housing units, in the vicinity of California  
29 City in Kern County, to be known as California State  
30 Prison-Kern County at California City.

31 SEC. 4. The Department of Corrections is hereby  
32 authorized to construct and establish a 2,124 cell  
33 combination medium and maximum security prison,  
34 together with a Level I support services facility, with the  
35 ability to house 4,394 inmates through substantial double  
36 occupancy in housing units, in the vicinity of Taft in Kern  
37 County, to be known as California State Prison-Kern  
38 County at Taft.

39 SEC. 5. The Department of Corrections is hereby  
40 authorized to construct and establish a 2,124 cell



1 combination medium and maximum security prison,  
2 together with a Level I support services facility, with the  
3 ability to house 4,394 inmates through substantial double  
4 occupancy in housing units, in Solano County, to be  
5 known as California State Prison-Solano County II.

6 SEC. 6. (a) The Department of Corrections is hereby  
7 authorized to construct and establish a 2,400 cell  
8 reception center, together with a Level I support services  
9 facility, with the ability to house 4,918 inmates through  
10 substantial double occupancy in housing units, in the  
11 vicinity of Sacramento in Sacramento County, to be  
12 known as the Northern California Reception Center.

13 (b) The provisions of Division 13 (commencing with  
14 Section 21000) of the Public Resources Code that require  
15 consideration of alternative sites for a proposed project  
16 and alternative uses for the site of a proposed project shall  
17 not apply to the project authorized by this section.

18 SEC. 7. The Department of Corrections is hereby  
19 authorized to construct and establish a 2,500 cell  
20 combination reception center, and medium security  
21 prison, together with a Level I support services facility,  
22 with the ability to house 5,100 inmates through substantial  
23 double occupancy in housing units, on the grounds of the  
24 Richard J. Donovan Correctional Facility at Rock  
25 Mountain in San Diego County, to be known as California  
26 State Prison-San Diego County II.

27 SEC. 8. The Department of Corrections is hereby  
28 authorized to change the location for any project  
29 authorized in Sections 2 to 7, inclusive, of this act to either  
30 the vicinity of Needles in San Bernardino County or the  
31 vicinity of California City in Kern County if design or  
32 construction of the project is delayed or barred due to  
33 litigation or any other means.

34 SEC. 9. The Department of Corrections is hereby  
35 authorized to expand Intermountain Conservation Camp  
36 in Lassen County from 80 beds to approximately 120 beds.

37 SEC. 10. Notwithstanding any provision of law, the  
38 inmate housing numbers stated in Sections 2 to 7,  
39 inclusive, and Section 9 of this act are not to be construed  
40 as inmate occupancy limitations.



1 SEC. 11. The sum of fifty-two million dollars  
2 (\$52,000,000) is hereby appropriated from the General  
3 Fund to the Department of Corrections for the purposes  
4 of site studies and suitability reports, environmental  
5 studies, master planning, architectural programming,  
6 schematics, preliminary plans, and working drawings for  
7 the prisons authorized in Sections 2 to 7, inclusive, of this  
8 act.

9 SEC. 12. The sum of one billion six hundred sixty-six  
10 million eight hundred thousand dollars (\$1,666,800,000)  
11 is hereby appropriated from the 1996 Prison Construction  
12 Fund, created by Section 7482 of the Penal Code, to the  
13 Department of Corrections, as follows:

14 (a) The sum of two hundred sixty-seven million dollars  
15 (\$267,000,000) for the California State Prison-Kern  
16 County at Delano II project authorized in Section 2 of this  
17 act. This amount shall be available, as necessary, for the  
18 purposes of site acquisition, site studies and suitability  
19 reports, environmental studies, master planning,  
20 architectural programming, schematics, preliminary  
21 plans, working drawings, construction, and long lead and  
22 equipment items. A maximum of two million dollars  
23 (\$2,000,000) of the funds may be made available to Kern  
24 County for mitigation costs of local governments, and a  
25 maximum of two million dollars (\$2,000,000) of the funds  
26 may be made available to the Kern County  
27 Superintendent of Schools for mitigation costs of school  
28 districts.

29 (b) The sum of two hundred sixty-six million eight  
30 hundred thousand dollars (\$266,800,000) for the  
31 California State Prison-Kern County at California City  
32 project authorized in Section 3 of this act. This amount  
33 shall be available, as necessary, for the purposes of site  
34 acquisition, site studies and suitability reports,  
35 environmental studies, master planning, architectural  
36 programming, schematics, preliminary plans, working  
37 drawings, construction, and long lead and equipment  
38 items. A maximum of two million dollars (\$2,000,000) of  
39 the funds may be made available to Kern County for  
40 mitigation costs of local governments, and a maximum of



1 two million dollars (\$2,000,000) of the funds may be made  
2 available to the Kern County Superintendent of Schools  
3 for mitigation costs of school districts.

4 (c) The sum of two hundred seventy-nine million six  
5 hundred thousand dollars (\$279,600,000) for the  
6 California State Prison-Kern County at Taft project  
7 authorized in Section 4 of this act. This amount shall be  
8 available, as necessary, for the purposes of site acquisition,  
9 site studies and suitability reports, environmental studies,  
10 master planning, architectural programming,  
11 schematics, preliminary plans, working drawings,  
12 construction, and long lead and equipment items. A  
13 maximum of two million dollars (\$2,000,000) of the funds  
14 may be made available to Kern County for mitigation  
15 costs of local governments, and a maximum of two million  
16 dollars (\$2,000,000) of the funds may be made available  
17 to the Kern County Superintendent of Schools for  
18 mitigation costs of school districts.

19 (d) The sum of two hundred seventy-nine million nine  
20 hundred thousand dollars (\$279,900,000) for the  
21 California State Prison-Solano County II project  
22 authorized in Section 5 of this act. This amount shall be  
23 available, as necessary, for the purposes of site acquisition,  
24 site studies and suitability reports, environmental studies,  
25 master planning, architectural programming,  
26 schematics, preliminary plans, working drawings,  
27 construction, and long lead and equipment items. A  
28 maximum of two million dollars (\$2,000,000) of the funds  
29 may be made available to Solano County for mitigation  
30 costs of local governments, and a maximum of two million  
31 dollars (\$2,000,000) of the funds may be made available  
32 to the Solano County Superintendent of Schools for  
33 mitigation costs of school districts.

34 (e) The sum of two hundred fifty-eight million dollars  
35 (\$258,000,000) for the Northern California Reception  
36 Center project authorized in Section 6 of this act. This  
37 amount shall be available, as necessary, for the purposes  
38 of site acquisition, site studies and suitability reports,  
39 environmental studies, master planning, architectural  
40 programming, schematics, preliminary plans, working



1 drawings, construction, and long lead and equipment  
2 items. A maximum of two million dollars (\$2,000,000) of  
3 the funds may be made available to Sacramento County  
4 for mitigation costs of local governments, and a maximum  
5 of two million dollars (\$2,000,000) of the funds may be  
6 made available to the Sacramento County  
7 Superintendent of Schools for mitigation costs of school  
8 districts.

9 (f) The sum of two hundred eighty-seven million  
10 seven hundred thousand dollars (\$287,700,000) for the  
11 California State Prison-San Diego County II project  
12 authorized in Section 7 of this act. This amount shall be  
13 available, as necessary, for the purposes of site acquisition,  
14 site studies and suitability reports, environmental studies,  
15 master planning, architectural programming,  
16 schematics, preliminary plans, working drawings,  
17 construction, and long lead and equipment items. A  
18 maximum of two million dollars (\$2,000,000) of the funds  
19 may be made available to San Diego County for  
20 mitigation costs of local governments, and a maximum of  
21 two million dollars (\$2,000,000) of the funds may be made  
22 available to the San Diego County Superintendent of  
23 Schools for mitigation costs of school districts.

24 (g) The sum of two million eight hundred thousand  
25 dollars (\$2,800,000) for the Intermountain Conservation  
26 Camp expansion authorized in Section 9 of this act. This  
27 amount shall be available, as necessary, for the purposes  
28 of site acquisition, site studies and suitability reports,  
29 environmental studies, master planning, architectural  
30 programming, schematics, preliminary plans, working  
31 drawings, construction, and long lead and equipment  
32 items.

33 (h) The sum of twenty-five million dollars  
34 (\$25,000,000) for the purposes, as necessary, of site studies  
35 and suitability reports, environmental studies, master  
36 planning, architectural programming, schematics, and  
37 preliminary plans for correctional facilities.

38 SEC. 13. Title 4.95 (commencing with Section 4498)  
39 is added to Part 3 of the Penal Code, to read:

40



1 TITLE 4.95. COUNTY JUVENILE CORRECTIONAL  
2 FACILITY CAPITAL EXPENDITURE AND YOUTH  
3 VIOLENCE BOND ACT OF 1996

4  
5  
6

CHAPTER 1. GENERAL PROVISIONS

7 4498. This title shall be known and may be cited as the  
8 County Juvenile Correctional Facility Capital  
9 Expenditure and Youth Violence Bond Act of 1996.

10 4498.02. The Legislature finds and declares all of the  
11 following:

12 (a) While the County Correctional Capital  
13 Expenditure Bond Act of 1986 and the County  
14 Correctional Facility Capital Expenditure and Youth  
15 Facility Bond Act of 1988 have provided eighty-five  
16 million dollars (\$85,000,000) for county juvenile facilities  
17 for remodeling to help ensure health and safety  
18 requirements, many problems remain.

19 (b) Expansion of available bed capacity is critical.

20 (c) Numerous county juvenile facilities throughout  
21 California are dilapidated and overcrowded.

22 (d) Capital improvements are necessary to protect the  
23 life and safety of persons confined or employed in  
24 juvenile facilities and to upgrade the health and sanitary  
25 conditions of those facilities.

26 (e) According to a survey conducted in accordance  
27 with Chapter 1519 of the Statutes of 1986, at least one  
28 hundred fifty million dollars (\$150,000,000) will be  
29 needed to build, expand, and remodel county juvenile  
30 facilities.

31 (f) Due to fiscal constraints associated with the loss of  
32 local property tax revenues, counties are unable to  
33 finance the construction of adequate juvenile facilities.

34 (g) Rural counties have not been able to use jails to  
35 detain minors since 1987.

36 (h) Local juvenile facilities either are operating over  
37 capacity or must implement emergency release  
38 procedures, and the population of these facilities is still  
39 increasing. It is essential to the public safety that  
40 construction of new facilities proceed as expeditiously as



1 possible to relieve overcrowding and to maintain public  
2 safety and security.

3 (i) County juvenile facilities are threatened with  
4 closure or the imposition of court-ordered sanctions if  
5 health and safety deficiencies are not corrected  
6 immediately.

7 4498.04. As used in this title, the following terms have  
8 the following meanings:

9 (a) "Committee" means the 1996 County Juvenile  
10 Correctional Facility Capital Expenditure and Youth  
11 Violence Finance Committee created pursuant to  
12 Section 4498.16.

13 (b) "Fund" means the 1996 County Juvenile  
14 Correctional Facility Capital Expenditure and Youth  
15 Violence Bond Fund created pursuant to Section 4498.06.

16 (c) "County juvenile facilities" means county juvenile  
17 halls, juvenile homes, ranches, or camps, and other  
18 juvenile detention facilities.

19

20

CHAPTER 2. PROGRAM

21

22 4498.06. The proceeds of bonds issued and sold  
23 pursuant to this chapter shall be deposited in the 1996  
24 County Juvenile Correctional Facility Capital  
25 Expenditure and Youth Violence Bond Fund, which is  
26 hereby created.

27 4498.08. (a) Money in the fund, up to a limit of one  
28 hundred fifty million dollars (\$150,000,000), may be  
29 available for the construction, reconstruction,  
30 remodeling, and replacement of county juvenile  
31 facilities, and the performance of deferred maintenance  
32 on county juvenile facilities, but only for the purpose of  
33 reducing overcrowding and eliminating health, fire, and  
34 life safety hazards. However, deferred maintenance for  
35 facilities shall only include items with a useful life of at  
36 least 10 years.

37 (b) Expenditure of money in the fund shall be made  
38 only if county matching funds of 25 percent are provided  
39 as determined by the Legislature, except that this  
40 requirement may be modified or waived by the



1 Legislature where it determines that it is necessary to  
2 facilitate the expeditious and equitable construction of  
3 local correctional facilities.

4 (c) Notwithstanding Section 16305.7 of the  
5 Government Code, all interest or other increment  
6 resulting from the investment of moneys deposited in the  
7 fund shall be credited to the fund.

8 4498.10. Money in the fund may only be expended for  
9 projects specified in this chapter as allocated in  
10 appropriations made by the Legislature.

11

12 CHAPTER 3. FISCAL PROVISIONS

13

14 4498.12. Bonds in the total amount of one hundred  
15 fifty million dollars (\$150,000,000), exclusive of refunding  
16 bonds, or so much thereof as is necessary, may be issued  
17 and sold to provide a fund to be used for carrying out the  
18 purposes expressed in this title and to be used to  
19 reimburse the General Obligation Bond Expense  
20 Revolving Fund pursuant to Section 16724.5 of the  
21 Government Code. The bonds, when sold, shall be and  
22 constitute a valid and binding obligation of the State of  
23 California, and the full faith and credit of the State of  
24 California is hereby pledged for the punctual payment of  
25 both principal of, and interest on, the bonds as the  
26 principal and interest become due and payable.

27 4498.14. The bonds authorized by this title shall be  
28 prepared, executed, issued, sold, paid, and redeemed as  
29 provided in the State General Obligation Bond Law  
30 (Chapter 4 (commencing with Section 16720) of Part 3 of  
31 Division 4 of Title 2 of the Government Code), and all of  
32 the provisions of that law apply to the bonds and to this  
33 chapter and are hereby incorporated in this chapter as  
34 though set forth in full in this title.

35 4498.16. (a) Solely for the purpose of authorizing the  
36 issuance and sale, pursuant to the State General  
37 Obligation Bond Law, of the bonds authorized by this  
38 title, the 1996 County Juvenile Correctional Facility  
39 Capital Expenditure and Youth Violence Finance  
40 Committee is hereby created. For purposes of this title,



1 the finance committee is the “committee” as that term is  
2 used in the State General Obligation Bond Law. The  
3 committee consists of the Governor, the Controller, the  
4 Treasurer, the Director of Finance, or their designated  
5 representatives. A majority of the committee may act for  
6 the committee.

7 (b) For purposes of the State General Obligation Bond  
8 Law, the Board of Corrections is designated the “board.”

9 4498.18. The committee shall determine whether or  
10 not it is necessary or desirable to issue bonds authorized  
11 pursuant to this chapter in order to carry out the purposes  
12 specified in Section 4498.08 and, if so, the amount of bonds  
13 to be issued and sold. Successive issues of bonds may be  
14 authorized and sold to carry out those actions  
15 progressively, and it is not necessary that all of the bonds  
16 authorized to be issued be sold at any one time.

17 4498.20. There shall be collected each year and in the  
18 same manner and at the same time as other state revenue  
19 is collected, in addition to the ordinary revenues of the  
20 state, a sum in an amount required to pay the principal  
21 of, and interest on, the bonds each year, and it is the duty  
22 of all officers charged by law with any duty in regard to  
23 the collection of the revenue to do and perform each and  
24 every act that is necessary to collect that additional sum.

25 4498.22. Notwithstanding Section 13340 of the  
26 Government Code, there is hereby appropriated from  
27 the General Fund in the State Treasury, for the purposes  
28 of this chapter, an amount that will equal the following:

29 (a) The sum annually necessary to pay the principal of,  
30 and interest on, bonds issued and sold pursuant to this  
31 chapter, as the principal and interest become due and  
32 payable.

33 (b) The sum that is necessary to carry out the  
34 provisions of Section 4498.24, appropriated without  
35 regard to fiscal years.

36 4498.24. For the purposes of carrying out this title, the  
37 Director of Finance may authorize the withdrawal from  
38 the General Fund of an amount or amounts not to exceed  
39 the amount of the unsold bonds that have been  
40 authorized by the committee to be sold for the purpose



1 of carrying out this chapter. Any amounts withdrawn  
2 shall be deposited in the fund. Any money made available  
3 under this section, plus any interest that the amounts  
4 would have earned in the Pooled Money Investment  
5 Account, shall be returned to the General Fund from  
6 money received from the sale of bonds for the purpose of  
7 carrying out this title.

8 4498.26. Notwithstanding any other provision of this  
9 bond act, or of the State General Obligation Bond Law,  
10 if the Treasurer sells bonds pursuant to this bond act that  
11 include a bond counsel opinion to the effect that the  
12 interest on the bonds is excluded from gross income for  
13 federal tax purposes under designated conditions, the  
14 Treasurer may maintain separate accounts for the bond  
15 proceeds invested and the investment earnings on those  
16 proceeds, and may use or direct the use of those proceeds  
17 or earnings to pay any rebate, penalty, or other payment  
18 required under federal law, or take any other action with  
19 respect to the investment and use of those bond proceeds,  
20 as may be required or desirable under federal law in  
21 order to maintain the tax-exempt status of those bonds  
22 and to obtain any other advantage under federal law on  
23 behalf of the funds of this state.

24 4498.28. All money deposited in the fund that is  
25 derived from premium and accrued interest on bonds  
26 sold shall be reserved in the fund and shall be available for  
27 transfer to the General Fund as a credit to expenditures  
28 for bond interest.

29 4498.30. The bonds may be refunded in accordance  
30 with Article 6 (commencing with Section 16780) of  
31 Chapter 4 of Part 3 of Division 4 of Title 2 of the  
32 Government Code.

33 4498.32. The board may request the Pooled Money  
34 Investment Board to make a loan from the Pooled Money  
35 Investment Account, in accordance with Section 16312 of  
36 the Government Code, for the purposes of carrying out  
37 the provisions of this chapter. The amount of the request  
38 shall not exceed the amount of the unsold bonds that the  
39 committee, by resolution, has authorized to be sold for the  
40 purpose of carrying out this chapter. The board shall



1 execute any documents required by the Pooled Money  
2 Investment Board to obtain and repay the loan. Any  
3 amounts loaned shall be deposited in the funds to be  
4 allocated by the board in accordance with this chapter.

5 4498.34. The Legislature hereby finds and declares  
6 that, inasmuch as the proceeds from the sale of bonds  
7 authorized by this title are not “proceeds of taxes” as that  
8 term is used in Article XIII B of the California  
9 Constitution, the disbursement of these proceeds is not  
10 subject to the limitations imposed by that article.

11 SEC. 14. Chapter 19 (commencing with Section 7480)  
12 is added to Title 7 of Part 3 of the Penal Code, to read:

13

14 CHAPTER 19. “THREE STRIKES” VIOLENT AND CAREER  
15 CRIMINAL DETENTION BOND ACT OF 1996

16

17 7480. This chapter shall be known and may be cited  
18 as the “Three Strikes” Violent and Career Criminal  
19 Detention Bond Act of 1996.

20 7481. The State General Obligation Bond Law is  
21 adopted for the purpose of the issuance, sale, and  
22 repayment of, and otherwise providing with respect to,  
23 the bonds authorized to be issued by this chapter, and the  
24 provisions of that law are included in this chapter as  
25 though set out in full in this chapter, except that,  
26 notwithstanding anything in the State General  
27 Obligation Bond Law, the maximum maturity of the  
28 bonds shall not exceed 20 years from the date of each  
29 respective series. The maturity of each respective series  
30 shall be calculated from the date of that series.

31 7482. There is in the State Treasury the 1996 Prison  
32 Construction Fund which is hereby created. The  
33 proceeds of the sale of bonds authorized by this chapter  
34 shall be deposited in the 1996 Prison Construction Fund.

35 7483. (a) Moneys in the 1996 Prison Construction  
36 Fund shall be used for the following purposes:

37 (1) The acquisition, construction, renovation,  
38 remodeling, and deferred maintenance pursuant to  
39 Section 16727 of the Government Code, of state youth and  
40 adult correctional facilities.



1 (2) To help mitigate capital costs of local government  
2 and school districts impacted by construction of state  
3 adult correctional facilities, provided that the cost of  
4 mitigation does not exceed 1 1/2 percent of the total  
5 facility cost.

6 (3) The refinancing of interim debt incurred for any  
7 of the purposes specified in this section.

8 (4) To reimburse the General Fund for the  
9 appropriation made, in Section 12 of the act enacting this  
10 act, for the planning and design of new state adult  
11 correctional facilities.

12 (b) Upon request of the Department of Corrections  
13 and upon approval of the Director of Finance,  
14 appropriations or augmentations to appropriations for  
15 the Department of Corrections or the Department of the  
16 Youth Authority made from the 1984 Prison Construction  
17 Fund established by Section 7202, the 1986 Prison  
18 Construction Fund established by Section 7302, the 1988  
19 Prison Construction Fund established by Section 7402, or  
20 the 1990 Prison Construction Fund established by Section  
21 7422, or any combination thereof, may be funded from  
22 the 1996 Prison Construction Fund. If appropriations are  
23 so carried forward, "fund" means the 1984 Prison  
24 Construction Fund, the 1986 Prison Construction Fund,  
25 the 1988 Prison Construction Fund, the 1990 Prison  
26 Construction Fund, the 1996 Prison Construction Fund,  
27 or any combination thereof, as is appropriate.

28 7484. The 1996 Violent and Career Criminal  
29 Detention Bond Committee is hereby created. The  
30 committee shall consist of the Controller, the Treasurer,  
31 and the Director of Finance, or their designated  
32 representatives. A majority may act for the committee.  
33 The Treasurer shall chair the committee. That committee  
34 shall be the "committee" as that term is used in the State  
35 General Obligation Bond Law.

36 When funds are appropriated to the Department of  
37 Corrections, the Department of Corrections is the 'board'  
38 for the purpose of the State General Obligation Bond Law  
39 and this chapter. When funds are appropriated to the  
40 Department of the Youth Authority, the Department of



1 the Youth Authority is the “board” for the purpose of the  
2 State General Obligation Bond Law and this chapter.  
3 When funds are appropriated to the Board of  
4 Corrections, the Board of Corrections is the “board” for  
5 the purpose of the State General Obligation Bond Law  
6 and this chapter.

7 7485. The committee is hereby authorized and  
8 empowered to create a debt or debts, liability or  
9 liabilities, of the State of California, in the aggregate  
10 principal amount of two billion two hundred million  
11 dollars (\$2,200,000,000), exclusive of refunding bonds, or  
12 so much thereof as is necessary, which may be issued and  
13 sold to provide a fund to be used for carrying out the  
14 purposes specified in Section 7483, and to be used to  
15 reimburse the General Obligation Bond Expense  
16 Revolving Fund pursuant to Section 16724.5 of the  
17 Government Code.

18 7486. The committee may determine whether or not  
19 it is necessary or desirable to issue any bonds authorized  
20 under this chapter, and if so, the amount of bonds then to  
21 be issued and sold. The committee may authorize the  
22 Treasurer to sell all or any part of the bonds herein  
23 authorized at such time or times as may be fixed by the  
24 Treasurer.

25 7487. (a) All bonds herein authorized, which shall  
26 have been duly sold and delivered as herein provided,  
27 shall constitute valid and legally binding general  
28 obligations of the State of California, and the full faith and  
29 credit of the State of California is hereby pledged for the  
30 punctual payment of both the principal thereof and  
31 interest thereon.

32 (b) There shall be collected annually in the same  
33 manner and at the same time as other state revenue is  
34 collected, that sum, in addition to the ordinary revenues  
35 of the state, that is required to pay the principal of, and  
36 interest on, those bonds, and it is hereby made the duty  
37 of all officers charged by law with any duty in regard to  
38 the collection of that revenue to do and perform each and  
39 every act that shall be necessary to collect that additional  
40 sum.



1 (c) All money deposited in the fund that has been  
2 derived from premiums or accrued interest on bonds sold  
3 shall be available for transfer to the General Fund as a  
4 credit to expenditures for bond interest.

5 (d) All money deposited in the fund pursuant to any  
6 provision of law requiring repayments to the state that is  
7 financed by the proceeds of the bonds authorized by this  
8 chapter shall be available for transfer to the General  
9 Fund. When transferred to the General Fund, that  
10 money shall be applied as a reimbursement to the  
11 General Fund on account of the principal of, and interest  
12 on, the bonds which have been paid from the General  
13 Fund.

14 7488. Notwithstanding Section 13340 of the  
15 Government Code, there is hereby appropriated from  
16 the General Fund in the State Treasury for the purpose  
17 of this chapter an amount that will equal the following:

18 (a) That sum annually as will be necessary to pay the  
19 principal of, and the interest on, the bonds issued and sold  
20 pursuant to this chapter.

21 (b) That sum as is necessary to carry out the provisions  
22 of Section 7489, which sum is appropriated without  
23 regard to fiscal years.

24 7489. For the purpose of carrying out this chapter, the  
25 Director of Finance may authorize, by executive order,  
26 the withdrawal from the General Fund of an amount or  
27 amounts not to exceed the amount of the unsold bonds  
28 that the committee has authorized, by resolution, to be  
29 sold for the purpose of carrying out this chapter. Any  
30 amounts withdrawn shall be deposited in the fund and  
31 shall be disbursed by the committee in accordance with  
32 this chapter. Any money made available under this  
33 section to the board shall be returned by the board to the  
34 General Fund from moneys received from the sale of  
35 bonds sold for the purpose of carrying out this chapter.  
36 Those withdrawals from the General Fund shall be  
37 returned to the General Fund with interest at the rate  
38 that would otherwise have been earned by those sums in  
39 the Pooled Money Investment Account.



1 7490. The board may request the Pooled Money  
2 Investment Board to make a loan from the Pooled Money  
3 Investment Account, in accordance with Section 16312 of  
4 the Government Code, for the purposes of carrying out  
5 the provisions of this chapter. The amount of the request  
6 shall not exceed the amount of the unsold bonds that the  
7 committee has authorized, by resolution, to be sold for the  
8 purpose of carrying out this chapter. The board shall  
9 execute any documents required by the Pooled Money  
10 Investment Board to obtain and repay the loan. Any  
11 amounts loaned shall be deposited in the fund to be  
12 allocated by the board in accordance with this chapter.

13 7491. Any bonds issued and sold pursuant to this  
14 chapter may be refunded by the issuance of refunding  
15 bonds in accordance with Article 6 (commencing with  
16 Section 16780) of Chapter 4 of Part 3 of Division 4 of Title  
17 2 of the Government Code. Approval by the electors of  
18 the state for the issuance of any bonds shall include the  
19 approval of the issuance of any bonds issued to refund any  
20 bonds originally issued or any previously issued refunding  
21 bonds.

22 7492. All proceeds from the sale of bonds, except those  
23 derived from premiums and accrued interest, shall be  
24 available for the purposes specified in Section 7483, but  
25 shall not be available for transfer to the General Fund to  
26 pay the principal of, and interest on, bonds. The money  
27 in the fund may be expended only as herein provided.

28 Notwithstanding any other provision of this chapter or  
29 of the State General Obligation Bond Law, if the  
30 Treasurer sells bonds pursuant to this chapter that  
31 include a bond counsel opinion to the effect that the  
32 interest on the bonds is excluded from gross income for  
33 federal tax purposes under designated conditions, the  
34 Treasurer may maintain separate accounts for the bond  
35 proceeds invested and the investment earnings on those  
36 proceeds, and may use or direct the use of those proceeds  
37 or earnings to pay any rebate, penalty, or other payment  
38 required under federal law, or take any other action with  
39 respect to the investment and the use of those bond  
40 proceeds, as may be required or desirable under federal



1 law in order to maintain the tax-exempt status of those  
2 bonds and to obtain any other advantage under federal  
3 law on behalf of the funds of this state.

4 7494. Moneys in the fund may be expended only  
5 pursuant to appropriation by the Legislature.

6 7495. The Legislature hereby finds and declares that,  
7 inasmuch as the proceeds from the sale of bonds  
8 authorized by this chapter are not “proceeds of taxes” as  
9 that term is used in Article XIII B of the California  
10 Constitution, the disbursement of these proceeds is not  
11 subject to the limitations imposed by that article.

12 SEC. 15. Section 13 of this act shall take effect upon  
13 the adoption by the voters of the County Juvenile  
14 Correctional Facility Capital Expenditure and Youth  
15 Violence Bond Act of 1996, as set forth in Section 13 of this  
16 act.

17 SEC. 16. Section 13 of this act shall be submitted to the  
18 voters at the November 5, 1996, statewide general  
19 election in accordance with provisions of the  
20 Government Code and the Elections Code governing the  
21 submission of statewide measures to the voters.

22 SEC. 17. Notwithstanding any other provision of law,  
23 all ballots of the November 5, 1996, statewide general  
24 election shall have printed thereon and in a square  
25 thereof, the words: “County Juvenile Correctional  
26 Facility Capital Expenditure and Youth Violence Bond  
27 Act of 1996,” and in the same square under those words,  
28 the following in 8-point type: “This act provides for a bond  
29 issue of one hundred fifty million dollars (\$150,000,000) to  
30 provide funds for the construction, reconstruction,  
31 remodeling, replacement, and deferred maintenance of  
32 county juvenile correctional facilities.” Opposite the  
33 square, there shall be left spaces in which the voters may  
34 place a cross in the manner required by law to indicate  
35 whether they vote for or against the act.

36 Where the voting in the election is done by means of  
37 voting machines used pursuant to law in the manner that  
38 carries out the intent of this section, the use of the voting  
39 machines and the expression of the voters’ choice by  
40 means thereof are in compliance with this section.



1 SEC. 18. Section 14 of this act shall take effect upon  
2 the adoption by the voters of the “Three Strikes” Violent  
3 and Career Criminal Detention Bond Act of 1996, as set  
4 forth in Section 14 of this act.

5 SEC. 19. Section 14 of this act shall be submitted to the  
6 voters at the November 5, 1996, statewide general  
7 election in accordance with provisions of the  
8 Government Code and the Elections Code governing the  
9 submission of statewide measures to the voters.

10 SEC. 20. Notwithstanding any other provision of law,  
11 all ballots of the November 5, 1996, statewide general  
12 election shall have printed thereon and in a square  
13 thereof, the words: ““Three Strikes” Violent and Career  
14 Criminal Detention Bond Act of 1996,” and in the same  
15 square under those words, the following in 8-point type:  
16 “This act provides for a bond issue of two billion two  
17 hundred million dollars (\$2,200,000,000) to provide funds  
18 for the acquisition, construction, renovation, remodeling,  
19 and deferred maintenance of state correctional  
20 facilities.” Opposite the square, there shall be left spaces  
21 in which the voters may place a cross in the manner  
22 required by law to indicate whether they vote for or  
23 against the act.

24 Where the voting in the election is done by means of  
25 voting machines used pursuant to law in the manner that  
26 carries out the intent of this section, the use of the voting  
27 machines and the expression of the voters’ choice by  
28 means thereof are in compliance with this section.

29 SEC. 21. This act is an urgency statute necessary for  
30 the immediate preservation of the public peace, health,  
31 or safety within the meaning of Article IV of the  
32 Constitution and shall go into immediate effect. The facts  
33 constituting the necessity are:

34 As of January 1996, the state prison system was housing  
35 approximately 135,000 inmates in facilities designed to  
36 house only 73,000. As a result of the enactment of the  
37 “Three Strikes” law and other sentence enhancement  
38 laws in 1994, the inmate population is expected to  
39 increase to unprecedented levels. The annual increase in  
40 the inmate population is projected to be 17,000 inmates



1 during the next five years, approximately two-thirds  
2 more than recent increases. This phenomenal rate of  
3 growth is creating a serious public safety crisis.  
4 Additionally, local juvenile correctional facilities are  
5 operating over capacity or must implement emergency  
6 release procedures, and the population of these facilities  
7 is still increasing. The construction of new juvenile  
8 facilities and renovation of existing facilities must  
9 proceed as expeditiously as possible to relieve  
10 overcrowding and maintain public safety and security.  
11 The siting, design, and construction of new prisons at the  
12 earliest possible time is also immediately necessary to  
13 address current and future crisis levels of overcrowding  
14 and maintain public safety. To prevent the possibility of  
15 court-ordered releases of violent or repeat felons, it is  
16 necessary for this act to take effect immediately.

