

AMENDED IN ASSEMBLY APRIL 23, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3116

Introduced by Assembly Member Brulte

February 23, 1996

~~An act to add Title 4.95 (commencing with Section 4498) to, and~~ *An act 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 amended, 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~~ \$25,400,000 from the General Fund for the preconstruction activities related to those prisons.

Existing law authorizes the Department of the Youth Authority to construct and establish various living units for the incarceration of juveniles.

This bill would authorize the department to construct and establish 10 new living units in various counties, and would appropriate \$142,495,000 from the 1996 Prison Construction Fund for those units.

(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 \$2,616,000,000 to provide for the acquisition, construction, renovation, remodeling, and deferred maintenance of state and local 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~~ *act* 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: ²/₃. 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



1 demanding that violent, serious, and repeat felons be
2 incarcerated with longer sentences.

3 (b) As a result of the passage of Proposition 184 and
4 other laws recently enacted, the inmate population of the
5 state prison system is projected to increase by
6 unprecedented numbers of inmates, with an average
7 annual increase of ~~17,000~~ *more than 15,000* inmates
8 during the next five years, creating a serious public safety
9 risk.

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

14 (d) To maintain public safety, avoid unwanted court
15 intervention, and address projected inmate population
16 growth, it is immediately necessary for the Department
17 of Corrections to construct new prisons, providing
18 permanent capacity to meet long-term inmate housing
19 needs.

20 (e) ~~Numerous—county~~ *Likewise, overcrowding is*
21 *projected to increase significantly during the next five*
22 *years at facilities maintained by the Department of the*
23 *Youth Authority, and funding for expanded capacity of*
24 *those facilities is needed to protect public safety.*

25 (f) *Numerous county adult and juvenile facilities*
26 *throughout California are dilapidated and overcrowded,*
27 *and expansion of available bed capacity is critical. Capital*
28 *improvements are necessary to protect the life and safety*
29 *of persons confined or employed in these facilities, and to*
30 *upgrade health and sanitary conditions to avoid*
31 *threatened closures or the imposition of court-ordered*
32 *sanctions.*

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



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

9 SEC. 4. The Department of Corrections is hereby
10 authorized to construct and establish a 2,124 cell
11 combination medium and maximum security prison,
12 together with a Level I support services facility, with the
13 ability to house 4,394 inmates through substantial double
14 occupancy in housing units, in the vicinity of Taft in Kern
15 County, to be known as California State Prison-Kern
16 County at Taft.

17 SEC. 5. The Department of Corrections is hereby
18 authorized to construct and establish a 2,124 cell
19 combination medium and maximum security prison,
20 together with a Level I support services facility, with the
21 ability to house 4,394 inmates through substantial double
22 occupancy in housing units, in Solano County, to be
23 known as California State Prison-Solano County II.

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

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

36 SEC. 7. The Department of Corrections is hereby
37 authorized to construct and establish a 2,500 cell
38 combination reception center, and medium security
39 prison, together with a Level I support services facility,
40 with the ability to house 5,100 inmates through substantial



1 double occupancy in housing units, on the grounds of the
2 Richard J. Donovan Correctional Facility at Rock
3 Mountain in San Diego County, to be known as California
4 State Prison-San Diego County II.

5 SEC. 8. The Department of Corrections is hereby
6 authorized to change the location for any project
7 authorized in Sections 2 to 7, inclusive, of this act to either
8 the vicinity of Needles in San Bernardino County or the
9 vicinity of California City in Kern County if design or
10 construction of the project is delayed or barred due to
11 litigation or any other means.

12 SEC. 9. The Department of Corrections is hereby
13 authorized to expand Intermountain Conservation Camp
14 in Lassen County from 80 beds to approximately 120 beds.

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

19 SEC. 11. The sum of ~~fifty-two million dollars~~
20 ~~(\$52,000,000)~~ *twenty-five million four hundred thousand*
21 *dollars (\$25,400,000)* is hereby appropriated from the
22 General Fund to the Department of Corrections for the
23 purposes of site studies and suitability reports,
24 environmental studies, master planning, architectural
25 programming, schematics, preliminary plans, and
26 working drawings for the prisons authorized in Sections
27 2 to 7, inclusive, of this act.

28 SEC. 12. The sum of one billion six hundred ~~sixty-six~~
29 ~~million eight hundred thousand dollars (\$1,666,800,000)~~
30 *ninety-three million four hundred thousand dollars*
31 *(\$1,693,400,000)* is hereby appropriated from the 1996
32 Prison Construction Fund, created by Section 7482 of the
33 Penal Code, to the Department of Corrections, as follows:

34 (a) The sum of two hundred ~~sixty-seven million dollars~~
35 ~~(\$267,000,000)~~ *seventy-one million three hundred*
36 *thousand dollars (\$271,300,000)* for the California State
37 Prison-Kern County at Delano II project authorized in
38 Section 2 of this act. This amount shall be available, as
39 necessary, for the purposes of site acquisition, site studies
40 and suitability reports, environmental studies, master



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

10 (b) The sum of two hundred ~~sixty-six million eight~~
 11 ~~hundred thousand dollars (\$266,800,000)~~ for the
 12 *seventy-one million one hundred thousand dollars*
 13 *(\$271,100,000)* for the California State Prison-Kern
 14 County at California City project authorized in Section 3
 15 of this act. This amount shall be available, as necessary, for
 16 the purposes of site acquisition, site studies and suitability
 17 reports, environmental studies, master planning,
 18 architectural programming, schematics, preliminary
 19 plans, working drawings, construction, and long lead and
 20 equipment items. A maximum of two million dollars
 21 (\$2,000,000) of the funds may be made available to Kern
 22 County for mitigation costs of local governments, and a
 23 maximum of two million dollars (\$2,000,000) of the funds
 24 may be made available to the Kern County
 25 Superintendent of Schools for mitigation costs of school
 26 districts.

27 (c) The sum of two hundred ~~seventy-nine million six~~
 28 ~~hundred thousand dollars (\$279,600,000)~~ for the
 29 *eighty-four million one hundred thousand dollars*
 30 *(\$284,100,000)* for the California State Prison-Kern
 31 County at Taft project authorized in Section 4 of this act.
 32 This amount shall be available, as necessary, for the
 33 purposes of site acquisition, site studies and suitability
 34 reports, environmental studies, master planning,
 35 architectural programming, schematics, preliminary
 36 plans, working drawings, construction, and long lead and
 37 equipment items. A maximum of two million dollars
 38 (\$2,000,000) of the funds may be made available to Kern
 39 County for mitigation costs of local governments, and a
 40 maximum of two million dollars (\$2,000,000) of the funds



1 may be made available to the Kern County
2 Superintendent of Schools for mitigation costs of school
3 districts.

4 (d) The sum of two hundred ~~seventy-nine million nine~~
5 ~~hundred thousand dollars (\$279,900,000)~~ for the
6 *eighty-four million three hundred thousand dollars*
7 *(\$284,300,000)* for the California State Prison-Solano
8 County II project authorized in Section 5 of this act. This
9 amount shall be available, as necessary, for the purposes
10 of site acquisition, site studies and suitability reports,
11 environmental studies, master planning, architectural
12 programming, schematics, preliminary plans, working
13 drawings, construction, and long lead and equipment
14 items. A maximum of two million dollars (\$2,000,000) of
15 the funds may be made available to Solano County for
16 mitigation costs of local governments, and a maximum of
17 two million dollars (\$2,000,000) of the funds may be made
18 available to the Solano County Superintendent of Schools
19 for mitigation costs of school districts.

20 (e) The sum of two hundred ~~forty-eight million dollars~~
21 ~~(\$258,000,000)~~ *sixty-two million seven hundred thousand*
22 *dollars (\$262,700,000)* for the Northern California
23 Reception Center project authorized in Section 6 of this
24 act. This amount shall be available, as necessary, for the
25 purposes of site acquisition, site studies and suitability
26 reports, environmental studies, master planning,
27 architectural programming, schematics, preliminary
28 plans, working drawings, construction, and long lead and
29 equipment items. A maximum of two million dollars
30 (\$2,000,000) of the funds may be made available to
31 Sacramento County for mitigation costs of local
32 governments, and a maximum of two million dollars
33 (\$2,000,000) of the funds may be made available to the
34 Sacramento County Superintendent of Schools for
35 mitigation costs of school districts.

36 (f) The sum of two hundred ~~eighty-seven million~~
37 ~~seven hundred thousand dollars (\$287,700,000)~~ for the
38 *ninety-two million one hundred thousand dollars*
39 *(\$292,100,000)* for the California State Prison-San Diego
40 County II project authorized in Section 7 of this act. This



1 amount shall be available, as necessary, for the purposes
 2 of site acquisition, site studies and suitability reports,
 3 environmental studies, master planning, architectural
 4 programming, schematics, preliminary plans, working
 5 drawings, construction, and long lead and equipment
 6 items. A maximum of two million dollars (\$2,000,000) of
 7 the funds may be made available to San Diego County for
 8 mitigation costs of local governments, and a maximum of
 9 two million dollars (\$2,000,000) of the funds may be made
 10 available to the San Diego County Superintendent of
 11 Schools for mitigation costs of school districts.

12 (g) The sum of two million eight hundred thousand
 13 dollars (\$2,800,000) for the Intermountain Conservation
 14 Camp expansion authorized in Section 9 of this act. This
 15 amount shall be available, as necessary, for the purposes
 16 of site acquisition, site studies and suitability reports,
 17 environmental studies, master planning, architectural
 18 programming, schematics, preliminary plans, working
 19 drawings, construction, and long lead and equipment
 20 items.

21 (h) The sum of twenty-five million dollars
 22 (\$25,000,000) for the purposes, as necessary, of site studies
 23 and suitability reports, environmental studies, master
 24 planning, architectural programming, schematics, and
 25 preliminary plans for correctional facilities.

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

28
 29 ~~TITLE 4.95. COUNTY JUVENILE CORRECTIONAL~~
 30 ~~FACILITY CAPITAL EXPENDITURE AND YOUTH~~
 31 ~~VIOLENCE BOND ACT OF 1996~~

32
 33 ~~CHAPTER 1. GENERAL PROVISIONS~~

34
 35 ~~4498. This title shall be known and may be cited as the~~
 36 ~~County Juvenile Correctional Facility Capital~~
 37 ~~Expenditure and Youth Violence Bond Act of 1996.~~

38 ~~4498.02. The Legislature finds and declares all of the~~
 39 ~~following:~~



1 ~~(a) While the County Correctional Capital~~
2 ~~Expenditure Bond Act of 1986 and the County~~
3 ~~Correctional Facility Capital Expenditure and Youth~~
4 ~~Facility Bond Act of 1988 have provided eighty-five~~
5 ~~million dollars (\$85,000,000) for county juvenile facilities~~
6 ~~for remodeling to help ensure health and safety~~
7 ~~requirements, many problems remain.~~

8 ~~(b) Expansion of available bed capacity is critical.~~

9 ~~(c) Numerous county juvenile facilities throughout~~
10 ~~California are dilapidated and overcrowded.~~

11 ~~(d) Capital improvements are necessary to protect the~~
12 ~~life and safety of persons confined or employed in~~
13 ~~juvenile facilities and to upgrade the health and sanitary~~
14 ~~conditions of those facilities.~~

15 ~~(e) According to a survey conducted in accordance~~
16 ~~with Chapter 1519 of the Statutes of 1986, at least one~~
17 ~~hundred fifty million dollars (\$150,000,000) will be~~
18 ~~needed to build, expand, and remodel county juvenile~~
19 ~~facilities.~~

20 ~~(f) Due to fiscal constraints associated with the loss of~~
21 ~~local property tax revenues, counties are unable to~~
22 ~~finance the construction of adequate juvenile facilities.~~

23 ~~(g) Rural counties have not been able to use jails to~~
24 ~~detain minors since 1987.~~

25 ~~(h) Local juvenile facilities either are operating over~~
26 ~~capacity or must implement emergency release~~
27 ~~procedures, and the population of these facilities is still~~
28 ~~increasing. It is essential to the public safety that~~
29 ~~construction of new facilities proceed as expeditiously as~~
30 ~~possible to relieve overcrowding and to maintain public~~
31 ~~safety and security.~~

32 ~~(i) County juvenile facilities are threatened with~~
33 ~~closure or the imposition of court-ordered sanctions if~~
34 ~~health and safety deficiencies are not corrected~~
35 ~~immediately.~~

36 ~~4498.04. As used in this title, the following terms have~~
37 ~~the following meanings:~~

38 ~~(a) "Committee" means the 1996 County Juvenile~~
39 ~~Correctional Facility Capital Expenditure and Youth~~



1 ~~Violence Finance Committee created pursuant to~~
2 ~~Section 4498.16.~~

3 (b) ~~“Fund” means the 1996 County Juvenile~~
4 ~~Correctional Facility Capital Expenditure and Youth~~
5 ~~Violence Bond Fund created pursuant to Section 4498.06.~~

6 (e) ~~“County juvenile facilities” means county juvenile~~
7 ~~halls, juvenile homes, ranches, or camps, and other~~
8 ~~juvenile detention facilities.~~

9

10 CHAPTER 2. PROGRAM

11

12 4498.06. ~~The proceeds of bonds issued and sold~~
13 ~~pursuant to this chapter shall be deposited in the 1996~~
14 ~~County Juvenile Correctional Facility Capital~~
15 ~~Expenditure and Youth Violence Bond Fund, which is~~
16 ~~hereby created.~~

17 4498.08. (a) ~~Money in the fund, up to a limit of one~~
18 ~~hundred fifty million dollars (\$150,000,000), may be~~
19 ~~available for the construction, reconstruction,~~
20 ~~remodeling, and replacement of county juvenile~~
21 ~~facilities, and the performance of deferred maintenance~~
22 ~~on county juvenile facilities, but only for the purpose of~~
23 ~~reducing overcrowding and eliminating health, fire, and~~
24 ~~life safety hazards. However, deferred maintenance for~~
25 ~~facilities shall only include items with a useful life of at~~
26 ~~least 10 years.~~

27 (b) ~~Expenditure of money in the fund shall be made~~
28 ~~only if county matching funds of 25 percent are provided~~
29 ~~as determined by the Legislature, except that this~~
30 ~~requirement may be modified or waived by the~~
31 ~~Legislature where it determines that it is necessary to~~
32 ~~facilitate the expeditious and equitable construction of~~
33 ~~local correctional facilities.~~

34 (c) ~~Notwithstanding Section 16305.7 of the~~
35 ~~Government Code, all interest or other increment~~
36 ~~resulting from the investment of moneys deposited in the~~
37 ~~fund shall be credited to the fund.~~

38 4498.10. ~~Money in the fund may only be expended for~~
39 ~~projects specified in this chapter as allocated in~~
40 ~~appropriations made by the Legislature.~~



CHAPTER 3. ~~FISCAL PROVISIONS~~

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

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

~~4498.16. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this title, the 1996 County Juvenile Correctional Facility Capital Expenditure and Youth Violence Finance Committee is hereby created. For purposes of this title, the finance committee is the "committee" as that term is used in the State General Obligation Bond Law. The committee consists of the Governor, the Controller, the Treasurer, the Director of Finance, or their designated representatives. A majority of the committee may act for the committee.~~

~~(b) For purposes of the State General Obligation Bond Law, the Board of Corrections is designated the "board."~~

~~4498.18. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter in order to carry out the purposes~~



1 specified in Section 4498.08 and, if so, the amount of bonds
2 to be issued and sold. Successive issues of bonds may be
3 authorized and sold to carry out those actions
4 progressively, and it is not necessary that all of the bonds
5 authorized to be issued be sold at any one time.

6 4498.20. There shall be collected each year and in the
7 same manner and at the same time as other state revenue
8 is collected, in addition to the ordinary revenues of the
9 state, a sum in an amount required to pay the principal
10 of, and interest on, the bonds each year, and it is the duty
11 of all officers charged by law with any duty in regard to
12 the collection of the revenue to do and perform each and
13 every act that is necessary to collect that additional sum.

14 4498.22. Notwithstanding Section 13340 of the
15 Government Code, there is hereby appropriated from
16 the General Fund in the State Treasury, for the purposes
17 of this chapter, an amount that will equal the following:

18 (a) The sum annually necessary to pay the principal of,
19 and interest on, bonds issued and sold pursuant to this
20 chapter, as the principal and interest become due and
21 payable.

22 (b) The sum that is necessary to carry out the
23 provisions of Section 4498.24, appropriated without
24 regard to fiscal years.

25 4498.24. For the purposes of carrying out this title, the
26 Director of Finance may authorize the withdrawal from
27 the General Fund of an amount or amounts not to exceed
28 the amount of the unsold bonds that have been
29 authorized by the committee to be sold for the purpose
30 of carrying out this chapter. Any amounts withdrawn
31 shall be deposited in the fund. Any money made available
32 under this section, plus any interest that the amounts
33 would have earned in the Pooled Money Investment
34 Account, shall be returned to the General Fund from
35 money received from the sale of bonds for the purpose of
36 carrying out this title.

37 4498.26. Notwithstanding any other provision of this
38 bond act, or of the State General Obligation Bond Law,
39 if the Treasurer sells bonds pursuant to this bond act that
40 include a bond counsel opinion to the effect that the



1 interest on the bonds is excluded from gross income for
2 federal tax purposes under designated conditions, the
3 Treasurer may maintain separate accounts for the bond
4 proceeds invested and the investment earnings on those
5 proceeds, and may use or direct the use of those proceeds
6 or earnings to pay any rebate, penalty, or other payment
7 required under federal law, or take any other action with
8 respect to the investment and use of those bond proceeds;
9 as may be required or desirable under federal law in
10 order to maintain the tax-exempt status of those bonds
11 and to obtain any other advantage under federal law on
12 behalf of the funds of this state.

13 4498.28. All money deposited in the fund that is
14 derived from premium and accrued interest on bonds
15 sold shall be reserved in the fund and shall be available for
16 transfer to the General Fund as a credit to expenditures
17 for bond interest.

18 4498.30. The bonds may be refunded in accordance
19 with Article 6 (commencing with Section 16780) of
20 Chapter 4 of Part 3 of Division 4 of Title 2 of the
21 Government Code.

22 4498.32. The board may request the Pooled Money
23 Investment Board to make a loan from the Pooled Money
24 Investment Account, in accordance with Section 16312 of
25 the Government Code, for the purposes of carrying out
26 the provisions of this chapter. The amount of the request
27 shall not exceed the amount of the unsold bonds that the
28 committee, by resolution, has authorized to be sold for the
29 purpose of carrying out this chapter. The board shall
30 execute any documents required by the Pooled Money
31 Investment Board to obtain and repay the loan. Any
32 amounts loaned shall be deposited in the funds to be
33 allocated by the board in accordance with this chapter.

34 4498.34. The Legislature hereby finds and declares
35 that, inasmuch as the proceeds from the sale of bonds
36 authorized by this title are not "proceeds of taxes" as that
37 term is used in Article XIII B of the California
38 Constitution, the disbursement of these proceeds is not
39 subject to the limitations imposed by that article.

40 SEC. 14.—



1 SEC. 13. The Department of the Youth Authority is
2 hereby authorized to construct and establish the
3 following:

4 (a) A 600-bed satellite institution with support services
5 and necessary infrastructure improvements at the
6 Heman G. Stark Youth Training School in San Bernardino
7 County.

8 (b) A 50-bed living unit with support services and
9 necessary infrastructure improvements at the Southern
10 Reception Center and Clinic in Los Angeles County.

11 (c) A 100-bed living unit with support services and
12 necessary infrastructure improvements at the O.H. Close
13 School in San Joaquin County.

14 (d) Two 100-bed living units with support services and
15 necessary infrastructure improvements at the Fred C.
16 Nelles School in Los Angeles County.

17 (e) A 100-bed living unit with support services and
18 necessary infrastructure improvements at the Preston
19 School of Industry in Amador County.

20 (f) A 100-bed living unit with support services and
21 necessary infrastructure improvements at the Dewitt
22 Nelson Training Center in San Joaquin County.

23 (g) Three 100-bed living units with support services
24 and necessary infrastructure improvements at the El
25 Paso de Robles School in San Luis Obispo County.

26 SEC. 14. The sum of one hundred forty-two million
27 four hundred ninety-five thousand dollars (\$142,495,000)
28 is hereby appropriated from the 1996 Prison Construction
29 Fund to the Department of the Youth Authority, as
30 follows:

31 (a) The sum of sixty-nine million one hundred
32 thousand dollars (\$69,100,000) for the 600-bed satellite
33 institution project, with support services and necessary
34 infrastructure improvements, at the Heman G. Stark
35 Youth Training School in San Bernardino County
36 authorized in subdivision (a) of Section 13 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.

3 (b) The sum of four million eight hundred sixty-one
4 thousand dollars (\$4,861,000) for the 50-bed living unit
5 project, with support services and necessary
6 infrastructure improvements, at the Southern Reception
7 Center and Clinic in Los Angeles County authorized in
8 subdivision (b) of Section 13 of this act. This amount shall
9 be available, as necessary, for the purposes of site
10 acquisition, site studies and suitability reports,
11 environmental studies, master planning, architectural
12 programming, schematics, preliminary plans, working
13 drawings, construction, and long lead and equipment
14 items.

15 (c) The sum of eight million one hundred thirty-four
16 thousand dollars (\$8,134,000) for the 100-bed living unit
17 project, with support services and necessary
18 infrastructure improvements, at the O.H. Close School in
19 San Joaquin County authorized in subdivision (c) of
20 Section 13 of this act. This amount shall be available, as
21 necessary, for the purposes of site acquisition, site studies
22 and suitability reports, environmental studies, master
23 planning, architectural programming, schematics,
24 preliminary plans, working drawings, construction, and
25 long lead and equipment items.

26 (d) The sum of fifteen million seven hundred sixteen
27 thousand dollars (\$15,716,000) for the two 100-bed living
28 units, with support services and necessary infrastructure
29 improvements, at the Fred C. Nelles School in Los
30 Angeles County authorized in subdivision (d) of Section
31 13 of this act. This amount shall be available, as necessary,
32 for the purposes of site acquisition, site studies and
33 suitability reports, environmental studies, master
34 planning, architectural programming, schematics,
35 preliminary plans, working drawings, construction, and
36 long lead and equipment items.

37 (e) The sum of ten million six hundred eighty-six
38 thousand dollars (\$10,686,000) for the 100-bed living unit
39 project, with support services and necessary
40 infrastructure improvements, at the Preston School of



1 *Industry in Amador County authorized in subdivision (e)*
2 *of Section 13 of this act. This amount shall be available, as*
3 *necessary, for the purposes of site acquisition, site studies*
4 *and suitability reports, environmental studies, master*
5 *planning, architectural programming, schematics,*
6 *preliminary plans, working drawings, construction, and*
7 *long lead and equipment items.*

8 *(f) The sum of ten million six hundred eighty-six*
9 *thousand dollars (\$10,686,000) for the 100-bed living unit*
10 *project, with support services and necessary*
11 *infrastructure improvements, at the Dewitt Nelson*
12 *Training Center in San Joaquin County authorized in*
13 *subdivision (f) of Section 13 of this act. This amount shall*
14 *be available, as necessary, for the purposes of site*
15 *acquisition, site studies and suitability reports,*
16 *environmental studies, master planning, architectural*
17 *programming, schematics, preliminary plans, working*
18 *drawings, construction and long lead and equipment*
19 *items.*

20 *(g) The sum of twenty-three million three hundred*
21 *twelve dollars (\$23,312,000) for the three 100-bed living*
22 *units, with support services and necessary infrastructure*
23 *improvements, at the El Paso de Robles School in San Luis*
24 *Obispo County authorized in subdivision (g) of Section*
25 *13 of this act. This amount shall be available, as necessary,*
26 *for the purposes of site acquisition, site studies, and*
27 *suitability reports, environmental studies, master*
28 *planning, architectural programming, schematics,*
29 *preliminary plans, working drawings, construction, and*
30 *long lead and equipment items.*

31 *SEC. 15. Chapter 19 (commencing with Section 7480)*
32 *is added to Title 7 of Part 3 of the Penal Code, to read:*

33

34 CHAPTER 19. "THREE STRIKES" VIOLENT AND CAREER
35 CRIMINAL DETENTION BOND ACT OF 1996

36

37 7480. This chapter shall be known and may be cited
38 as the "Three Strikes" Violent and Career Criminal
39 Detention Bond Act of 1996.



1 7481. The State General Obligation Bond Law is
2 adopted for the purpose of the issuance, sale, and
3 repayment of, and otherwise providing with respect to,
4 the bonds authorized to be issued by this chapter, and the
5 provisions of that law are included in this chapter as
6 though set out in full in this chapter, except that,
7 notwithstanding anything in the State General
8 Obligation Bond Law, the maximum maturity of the
9 bonds shall not exceed 20 years from the date of each
10 respective series. The maturity of each respective series
11 shall be calculated from the date of that series.

12 7482. There is in the State Treasury the 1996 Prison
13 Construction Fund which is hereby created. The
14 proceeds of the sale of bonds authorized by this chapter
15 shall be deposited in the 1996 Prison Construction Fund.

16 ~~7483. (a) Moneys in the 1996 Prison Construction~~
17 ~~Fund shall be used for the following purposes:~~

18 ~~(1) The~~

19 7483. (a) *Of the moneys in the 1996 Prison*
20 *Construction Fund, two billion sixty-six million dollars*
21 *(\$2,066,000,000) shall be used for the acquisition,*
22 *construction, renovation, remodeling, and deferred*
23 *maintenance pursuant to Section 16727 of the*
24 *Government Code, of state youth and adult correctional*
25 *facilities.*

26 ~~(2)~~

27 *(b) The money identified in subdivision (a) may also*
28 *be used for the following purposes:*

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

34 ~~(3)~~

35 *(2) The refinancing of interim debt incurred for any*
36 *of the purposes specified in this section.*

37 ~~(4) To reimburse the General Fund for the~~
38 ~~appropriation made, in Section 12 of the act enacting this~~
39 ~~act, for the planning and design of new state adult~~
40 ~~correctional facilities.~~



1 ~~(b)~~

2 (c) Upon request of the Department of Corrections
 3 and upon approval of the Director of Finance,
 4 appropriations or augmentations to appropriations for
 5 the Department of Corrections or the Department of the
 6 Youth Authority made from the 1984 Prison Construction
 7 Fund established by Section 7202, the 1986 Prison
 8 Construction Fund established by Section 7302, the 1988
 9 Prison Construction Fund established by Section 7402, or
 10 the 1990 Prison Construction Fund established by Section
 11 7422, or any combination thereof, may be funded from
 12 the 1996 Prison Construction Fund. If appropriations are
 13 so carried forward, "fund" means the 1984 Prison
 14 Construction Fund, the 1986 Prison Construction Fund,
 15 the 1988 Prison Construction Fund, the 1990 Prison
 16 Construction Fund, the 1996 Prison Construction Fund,
 17 or any combination thereof, as is appropriate.

18 (d) *Of the moneys in the 1996 Prison Construction*
 19 *Fund, one hundred fifty million dollars (\$150,000,000)*
 20 *shall be used for the construction, reconstruction,*
 21 *remodeling, and replacement of county juvenile*
 22 *facilities, and the performance of deferred maintenance*
 23 *on county juvenile facilities, but only for the purpose of*
 24 *reducing overcrowding and eliminating health, fire, and*
 25 *life safety hazards. However, deferred maintenance for*
 26 *facilities shall only include items with a useful life of at*
 27 *least 10 years.*

28 (1) *Expenditure shall be made only if county*
 29 *matching funds of 25 percent are provided as determined*
 30 *by the Legislature, except that this requirement may be*
 31 *modified or waived by the Legislature where it*
 32 *determines that it is necessary to facilitate the expeditious*
 33 *and equitable construction of local correctional facilities.*

34 (2) *As used in this subdivision, "county juvenile*
 35 *facilities" means county juvenile halls, juvenile homes,*
 36 *ranches or camps, and other juvenile detention facilities.*

37 (e) *Of the moneys in the 1996 Prison Construction*
 38 *Fund, four hundred million dollars (\$400,000,000) shall be*
 39 *used for the construction, reconstruction, remodeling,*
 40 *and replacement of county adult correctional facilities,*



1 *and the performance of deferred maintenance on county*
2 *adult correctional facilities, but only for the purpose of*
3 *reducing overcrowding and eliminating health, fire, and*
4 *life safety hazards. However, deferred maintenance for*
5 *facilities shall only include items with a useful life of at*
6 *least 10 years.*

7 *(1) Expenditure shall be made only if county*
8 *matching funds of 25 percent are provided as determined*
9 *by the Legislature, except that this requirement may be*
10 *modified or waived by the Legislature where it*
11 *determines that it is necessary to facilitate the expeditious*
12 *and equitable construction of local correctional facilities.*

13 *(2) As used in this subdivision, "county adult*
14 *correctional facilities" means county jail facilities.*

15 7484. The 1996 Violent and Career Criminal
16 Detention Bond Committee is hereby created. The
17 committee shall consist of the Controller, the Treasurer,
18 and the Director of Finance, or their designated
19 representatives. A majority may act for the committee.
20 The Treasurer shall chair the committee. That committee
21 shall be the "committee" as that term is used in the State
22 General Obligation Bond Law.

23 When funds are appropriated to the Department of
24 Corrections, the Department of Corrections is the 'board'
25 for the purpose of the State General Obligation Bond Law
26 and this chapter. When funds are appropriated to the
27 Department of the Youth Authority, the Department of
28 the Youth Authority is the "board" for the purpose of the
29 State General Obligation Bond Law and this chapter.
30 When funds are appropriated to the Board of
31 Corrections, the Board of Corrections is the "board" for
32 the purpose of the State General Obligation Bond Law
33 and this chapter.

34 7485. The committee is hereby authorized and
35 empowered to create a debt or debts, liability or
36 liabilities, of the State of California, in the aggregate
37 principal amount of two billion ~~two hundred million~~
38 ~~dollars (\$2,200,000,000)~~ *six hundred sixteen million*
39 *dollars (\$2,616,000,000)*, exclusive of refunding bonds, or
40 so much thereof as is necessary, which may be issued and



1 sold to provide a fund to be used for carrying out the
2 purposes specified in Section 7483, and to be used to
3 reimburse the General Obligation Bond Expense
4 Revolving Fund pursuant to Section 16724.5 of the
5 Government Code.

6 7486. The committee may determine whether or not
7 it is necessary or desirable to issue any bonds authorized
8 under this chapter, and if so, the amount of bonds then to
9 be issued and sold. The committee may authorize the
10 Treasurer to sell all or any part of the bonds herein
11 authorized at such time or times as may be fixed by the
12 Treasurer.

13 7487. (a) All bonds herein authorized, which shall
14 have been duly sold and delivered as herein provided,
15 shall constitute valid and legally binding general
16 obligations of the State of California, and the full faith and
17 credit of the State of California is hereby pledged for the
18 punctual payment of both the principal thereof and
19 interest thereon.

20 (b) There shall be collected annually in the same
21 manner and at the same time as other state revenue is
22 collected, that sum, in addition to the ordinary revenues
23 of the state, that is required to pay the principal of, and
24 interest on, those bonds, and it is hereby made the duty
25 of all officers charged by law with any duty in regard to
26 the collection of that revenue to do and perform each and
27 every act that shall be necessary to collect that additional
28 sum.

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

33 (d) All money deposited in the fund pursuant to any
34 provision of law requiring repayments to the state that is
35 financed by the proceeds of the bonds authorized by this
36 chapter shall be available for transfer to the General
37 Fund. When transferred to the General Fund, that
38 money shall be applied as a reimbursement to the
39 General Fund on account of the principal of, and interest



1 on, the bonds which have been paid from the General
2 Fund.

3 7488. Notwithstanding Section 13340 of the
4 Government Code, there is hereby appropriated from
5 the General Fund in the State Treasury for the purpose
6 of this chapter an amount that will equal the following:

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

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

13 7489. For the purpose of carrying out this chapter, the
14 Director of Finance may authorize, by executive order,
15 the withdrawal from the General Fund of an amount or
16 amounts not to exceed the amount of the unsold bonds
17 that the committee has authorized, by resolution, to be
18 sold for the purpose of carrying out this chapter. Any
19 amounts withdrawn shall be deposited in the fund and
20 shall be disbursed by the committee in accordance with
21 this chapter. Any money made available under this
22 section to the board shall be returned by the board to the
23 General Fund from moneys received from the sale of
24 bonds sold for the purpose of carrying out this chapter.
25 Those withdrawals from the General Fund shall be
26 returned to the General Fund with interest at the rate
27 that would otherwise have been earned by those sums in
28 the Pooled Money Investment Account.

29 7490. The board may request the Pooled Money
30 Investment Board to make a loan from the Pooled Money
31 Investment Account, in accordance with Section 16312 of
32 the Government Code, for the purposes of carrying out
33 the provisions of this chapter. The amount of the request
34 shall not exceed the amount of the unsold bonds that the
35 committee has authorized, by resolution, to be sold for the
36 purpose of carrying out this chapter. The board shall
37 execute any documents required by the Pooled Money
38 Investment Board to obtain and repay the loan. Any
39 amounts loaned shall be deposited in the fund to be
40 allocated by the board in accordance with this chapter.



1 7491. Any bonds issued and sold pursuant to this
 2 chapter may be refunded by the issuance of refunding
 3 bonds in accordance with Article 6 (commencing with
 4 Section 16780) of Chapter 4 of Part 3 of Division 4 of Title
 5 2 of the Government Code. Approval by the electors of
 6 the state for the issuance of any bonds shall include the
 7 approval of the issuance of any bonds issued to refund any
 8 bonds originally issued or any previously issued refunding
 9 bonds.

10 7492. All proceeds from the sale of bonds, except those
 11 derived from premiums and accrued interest, shall be
 12 available for the purposes specified in Section 7483, but
 13 shall not be available for transfer to the General Fund to
 14 pay the principal of, and interest on, bonds. The money
 15 in the fund may be expended only as herein provided.

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

32 7494. Moneys in the fund may be expended only
 33 pursuant to appropriation by the Legislature.

34 7495. The Legislature hereby finds and declares that,
 35 inasmuch as the proceeds from the sale of bonds
 36 authorized by this chapter are not “proceeds of taxes” as
 37 that term is used in Article XIII B of the California
 38 Constitution, the disbursement of these proceeds is not
 39 subject to the limitations imposed by that article.



1 ~~SEC. 15. Section 13 of this act shall take effect upon~~
2 ~~the adoption by the voters of the County Juvenile~~
3 ~~Correctional Facility Capital Expenditure and Youth~~
4 ~~Violence Bond Act of 1996, as set forth in Section 13 of this~~
5 ~~act.~~

6 ~~SEC. 16. Section 13 of this act shall be submitted to the~~
7 ~~voters at the November 5, 1996, statewide general~~
8 ~~election in accordance with provisions of the~~
9 ~~Government Code and the Elections Code governing the~~
10 ~~submission of statewide measures to the voters.~~

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

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

30 ~~SEC. 18. Section 14~~

31 ~~SEC. 16. Section 15 of this act shall take effect upon~~
32 ~~the adoption by the voters of the "Three Strikes" Violent~~
33 ~~and Career Criminal Detention Bond Act of 1996, as set~~
34 ~~forth in Section 14 15 of this act.~~

35 ~~SEC. 19. Section 14~~

36 ~~SEC. 17. Section 15 of this act shall be submitted to the~~
37 ~~voters at the November 5, 1996, statewide general~~
38 ~~election in accordance with provisions of the~~
39 ~~Government Code and the Elections Code governing the~~
40 ~~submission of statewide measures to the voters.~~



1 ~~SEC. 20.~~—*and, notwithstanding any other provisions of*
2 *law, shall appear as the first proposition on the ballot.*

3 *SEC. 18.* Notwithstanding any other provision of law,
4 all ballots of the November 5, 1996, statewide general
5 election shall have printed thereon and in a square
6 thereof, the words: ““Three Strikes” Violent and Career
7 Criminal Detention Bond Act of 1996,” and in the same
8 square under those words, the following in 8-point type:
9 “This act provides for a bond issue of two billion ~~two~~
10 ~~hundred million dollars (\$2,200,000,000) to provide funds~~
11 ~~for the acquisition, construction, renovation, remodeling,~~
12 ~~and deferred maintenance of state correctional six~~
13 ~~hundred sixteen million dollars (\$2,616,000,000) to~~
14 ~~provide funds for construction of critically needed state~~
15 ~~adult and youth correctional facilities to house state~~
16 ~~criminal offenders, and construction of local adult and~~
17 ~~juvenile correctional facilities.”~~ Opposite the square,
18 there shall be left spaces in which the voters may place a
19 cross in the manner required by law to indicate whether
20 they vote for or against the act.

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

26 ~~SEC. 21.~~—

27 *SEC. 19.* This act is an urgency statute necessary for
28 the immediate preservation of the public peace, health,
29 or safety within the meaning of Article IV of the
30 Constitution and shall go into immediate effect. The facts
31 constituting the necessity are:

32 As of ~~January~~ *March* 1996, the state prison system was
33 housing approximately—~~135,000~~ *137,000* inmates in
34 facilities designed to house only 73,000. As a result of the
35 enactment of the “Three Strikes” law and other sentence
36 enhancement laws in 1994, the inmate population is
37 expected to increase to unprecedented levels. The annual
38 increase in the inmate population is projected to be ~~17,000~~
39 *more than 15,000* inmates during the next five years,
40 approximately two-thirds more than recent increases.



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

