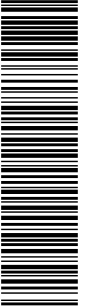


An act to amend Section 1233.1 of, to amend and renumber Sections 1233.4, 1233.5, 1233.6, and 1233.7 of, to add Section 1233.2 to, and to repeal Sections 1233.3, 1233.61, and 1233.12 of, the Penal Code, relating to corrections, and making an appropriation therefor.

SECURED  
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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1233.1 of the Penal Code is amended to read:

1233.1. After the conclusion of each calendar year, the ~~Director~~ Department of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council, shall calculate the ~~following for that calendar year:~~ following:

(a) The actual per capita cost to the state to incarcerate in a contract facility in a state prison and supervise on parole an offender who fails local supervision and is sent to prison.

(b) ~~The statewide probation failure rate shall be rate,~~ calculated as the total number of adult felony probationers statewide probationers, individuals on mandatory supervision, and individuals on postrelease community supervision, sent to state prison as a percentage of the average statewide adult felony probation probation, mandatory supervision, and postrelease community supervision population for that year.

(c) A felony probation baseline admission to prison rate for each county, calculated as an average of the annual felony probation admission to prison rate for calendar years 2021, 2022, and 2023.

(d) A mandatory supervision baseline admission to prison rate for each county, calculated as an average of the annual mandatory supervision admission to prison rate for calendar years 2021, 2022, and 2023.

(e) A postrelease community supervision baseline admission to prison rate for each county, calculated as an average of the annual postrelease community supervision admission to prison rate for calendar years 2021, 2022, and 2023.

(e)

(f) The probation failure rate for each county shall be calculated as the total number of adult felony probationers probationers, individuals on mandatory supervision, and individuals on postrelease community supervision, sent to state prison from that county, as a percentage of the county's average adult felony probation probation, mandatory supervision, and postrelease community supervision population for that year.

(d)

(g) An estimate of the number of adult felony probationers each county successfully prevented from being incarcerated in state prison. For each county, this estimate shall be calculated based on the reduction in the county's probation failure rate as calculated annually pursuant to subdivision (c) for that year and the county's probation failure rate from the previous year. this estimate shall be calculated as the actual number of individuals from felony probation admitted to state prison from each county in the previous calendar year subtracted from each county's felony probation baseline admission to prison rate, calculated pursuant to subdivision (c), multiplied by the average daily population of felony probation for each county in the previous calendar year.

(e)

(h) In calculating probation failure to prison rates for the state and individual counties, the number of adult felony probationers sent to state prison shall include those adult felony probationers sent to state prison for a revocation of probation, as well as adult felony probationers sent to state prison for a conviction of a new felony



offense. The calculation shall also include adult felony probationers who are sent to state prison for a conviction of a new crime and who simultaneously have their probation terms terminated.

~~(f) The statewide mandatory supervision failure to prison rate. The statewide mandatory supervision failure to prison rate shall be calculated as the total number of offenders supervised under mandatory supervision pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170, statewide, sent to prison in the previous calendar year as a percentage of the average statewide mandatory supervision population for that year.~~

~~(g)~~

(i) A mandatory supervision failure to prison rate for each county. Each county's mandatory supervision failure to prison rate shall be calculated as the number of offenders supervised under mandatory supervision pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170 sent to prison from that county in the previous calendar year as a percentage of the county's average mandatory supervision population for that year.

~~(h)~~

(j) An estimate of the number of felons on mandatory supervision each county successfully prevented from being incarcerated in state prison. For each county, ~~this estimate shall be calculated based on the reduction in the county's mandatory supervision failure to prison rate as calculated annually pursuant to subdivision (g) for that year and the county's mandatory supervision failure to prison rate from the previous year.~~ this estimate shall be calculated as the actual number of individuals from mandatory supervision admitted to state prison from each county in the previous calendar year subtracted from each county's mandatory supervision baseline admission to prison rate, calculated pursuant to subdivision (d), multiplied by the average daily population of mandatory supervision for each county in the previous calendar year.

~~(i) The statewide postrelease community supervision failure to prison rate. The statewide postrelease community supervision failure to prison rate shall be calculated as the total number of offenders supervised under postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) of Part 3, statewide, sent to prison in the previous calendar year as a percentage of the average statewide postrelease community supervision population for that year.~~

~~(j)~~

(k) A postrelease community supervision failure to prison rate for each county. Each county's postrelease community supervision failure to prison rate shall be calculated as the number of offenders supervised under postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) of Part 3 sent to prison from that county in the previous calendar year as a percentage of the county's average postrelease community supervision population for that year.

~~(k)~~

(l) An estimate of the number of felons on postrelease community supervision each county successfully prevented from being incarcerated in state prison. For each county, ~~this estimate shall be calculated based on the reduction in the county's postrelease community supervision failure to prison rate as calculated annually pursuant to subdivision (i) for that year and the county's postrelease community supervision failure to prison rate from the previous year.~~ this estimate shall be calculated as the



actual number of individuals from postrelease community supervision admitted to state prison from each county in the previous calendar year subtracted from each county's postrelease community supervision baseline admission to prison rate, calculated pursuant to subdivision (e), multiplied by the average daily population of postrelease community supervision for each county from the previous calendar year.

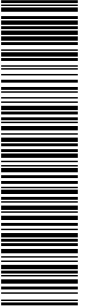
~~(l) The statewide return to prison rate. The statewide return to prison rate shall be calculated as the total number of offenders supervised by probation departments as felony probationers, or subject to mandatory supervision pursuant to subdivision (h) of Section 1170, or subject to postrelease community supervision, who were sent to prison, as a percentage of the average statewide adult felony probation, mandatory supervision, and postrelease community supervision population.~~

(m) The county return to prison rate. The combined individual county return to prison rate shall be calculated as the total number of offenders supervised by a county probation department as felony probationers, or subject to mandatory supervision pursuant to subdivision (h) of Section 1170, or subject to postrelease community supervision, who were sent to prison, as a percentage of the average adult felony probation, mandatory supervision, and postrelease community supervision population for that county.

SEC. 2. Section 1233.2 is added to the Penal Code, to read:

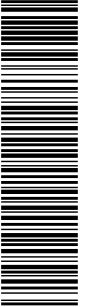
1233.2. (a) Beginning with the 2025–26 fiscal year, the amount of one hundred three million six hundred sixty-eight thousand ten dollars (\$103,668,010) is hereby annually appropriated from the General Fund to the State Community Corrections Performance Incentives Fund, established pursuant to Section 1233.5, for the community corrections program as a statewide performance maintenance payment. Funds shall be allocated by the Controller to counties according to the requirements of the program and pursuant to the following schedule:

Alameda	\$ 2,330,216
Alpine	\$ 168,800
Amador	\$ 197,308
Butte	\$ 351,445
Calaveras	\$ 432,151
Colusa	\$ 225,980
Contra Costa	\$ 5,606,841
Del Norte	\$ 168,800
El Dorado	\$ 294,130
Fresno	\$ 2,664,300
Glenn	\$ 188,356
Humboldt	\$ 890,805
Imperial	\$ 171,540
Inyo	\$ 187,451
Kern	\$ 1,282,194
Kings	\$ 933,353
Lake	\$ 392,522
Lassen	\$ 213,563
Los Angeles	\$ 31,577,019



Madera	\$ 1,044,486
Marin	\$ 833,952
Mariposa	\$ 168,800
Mendocino	\$ 500,078
Merced	\$ 871,819
Modoc	\$ 171,311
Mono	\$ 217,301
Monterey	\$ 253,591
Napa	\$ 278,323
Nevada	\$ 564,871
Orange	\$ 4,197,668
Placer	\$ 460,696
Plumas	\$ 373,623
Riverside	\$ 5,869,455
Sacramento	\$ 10,405,873
San Benito	\$ 238,189
San Bernardino	\$ 7,053,381
San Diego	\$ 2,473,762
San Francisco	\$ 2,583,106
San Joaquin	\$ 1,879,816
San Luis Obispo	\$ 1,116,156
San Mateo	\$ 992,398
Santa Barbara	\$ 1,195,901
Santa Clara	\$ 1,475,130
Santa Cruz	\$ 1,474,167
Shasta	\$ 432,159
Sierra	\$ 181,873
Siskiyou	\$ 239,996
Solano	\$ 681,311
Sonoma	\$ 901,241
Stanislaus	\$ 1,086,126
Sutter	\$ 622,956
Tehama	\$ 386,626
Trinity	\$ 168,800
Tulare	\$ 1,573,585
Tuolumne	\$ 322,723
Ventura	\$ 661,077
Yolo	\$ 1,270,110
Yuba	\$ 168,800

(b) Beginning with the 2026–27 fiscal year and annually thereafter, the Department of Finance shall adjust each county’s allocation in the schedule in subdivision (a) by a rate commensurate with the sum of funds transferred to the Community Corrections Growth Special Account from the prior fiscal year divided by the funds transferred to the Community Corrections Subaccount from the prior



fiscal year. This amount shall be additive to the subsequent year's statewide performance maintenance payment.

SEC. 3. Section 1233.3 of the Penal Code is repealed.

~~1233.3. Annually, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council, shall calculate a statewide performance incentive payment for each eligible county for the most recently completed calendar year, as follows:~~

~~(a) For a county identified as having a return to prison rate less than 1.5 percent, the incentive payment shall be equal to 100 percent of the highest year of funding that a county received for the California Community Incentive Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal year, inclusive.~~

~~(b) For a county identified as having a return to prison rate of 1.5 percent or greater, but not exceeding 3.2 percent, the incentive payment shall be equal to 70 percent of the highest year of funding that a county received for the California Community Incentive Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal year, inclusive.~~

~~(c) For a county identified as having a return to prison rate of more than 3.2 percent, not exceeding 5.5 percent, the incentive payment shall be equal to 60 percent of the highest year of funding that a county received for the California Community Incentive Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal year, inclusive.~~

~~(d) For a county identified as having a return to prison rate of more than 5.5 percent, not exceeding 6.1 percent, the incentive payment shall be equal to 50 percent of the highest year of funding that a county received for the California Community Incentive Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal year, inclusive.~~

~~(e) For a county identified as having a return to prison rate of more than 6.1 percent, not exceeding 7.9 percent, the incentive payment shall be equal to 40 percent of the highest year of funding that a county received for the California Community Incentive Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal year, inclusive.~~

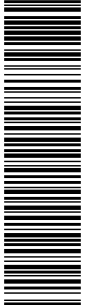
~~(f) A county that fails to provide information specified in Section 1231 to the Administrative Office of the Courts is not eligible for a statewide performance incentive payment.~~

~~(g) This section shall not be used to calculate incentive payments for the 2021–22 fiscal year.~~

SEC. 4. Section 1233.4 of the Penal Code is amended and renumbered to read:  
~~1233.4.~~

1233.3. The ~~Director~~ Department of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council, shall, for the most recently completed calendar year, annually calculate a county performance incentive payment for each eligible county. A county shall be eligible for compensation for each of the following:

(a) The estimated number of felons on probation that were successfully prevented from being incarcerated in the state prison as calculated in subdivision ~~(d)~~ (g) of Section



1233.1, multiplied by ~~35~~ 25 percent of the average of the state's actual per capita costs to incarcerate a prison felony offender in a contract facility, in a state prison and supervise an individual on parole, as defined in subdivision (a) of Section 1233.1.

(b) The estimated number of felons on mandatory supervision that were successfully prevented from being incarcerated in the state prison as calculated in subdivision ~~(h)~~ (j) of Section 1233.1, multiplied by ~~35~~ 25 percent of the average of the state's actual per capita costs to incarcerate a prison felony offender in a contract facility, in a state prison and supervise an individual on parole, as defined in subdivision (a) of Section 1233.1.

(c) The estimated number of felons on postrelease community supervision that were successfully prevented from being incarcerated in the state prison as calculated in subdivision ~~(k)~~ (l) of Section 1233.1, multiplied by ~~35~~ 25 percent of the average of the state's actual per capita costs to incarcerate a prison felony offender in a contract facility, in a state prison and supervise an individual on parole, as defined in subdivision (a) of Section 1233.1.

~~(d) This section shall not be used to calculate incentive payments for the 2021–22 fiscal year.~~

SEC. 5. Section 1233.5 of the Penal Code is amended and renumbered to read: ~~1233.5.~~

1233.4. If data of sufficient quality and of the types required for the implementation of this chapter are not available to the ~~Director~~ Department of Finance, the ~~Director~~ Department of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, and Judicial Council, shall use the best available data to estimate ~~the statewide performance incentive payments and county performance incentive payments~~ each county's Community Corrections Performance Incentives Fund grant allocation utilizing a methodology that is as consistent with that described in this chapter as is reasonably possible.

SEC. 6. Section 1233.6 of the Penal Code is amended and renumbered to read: ~~1233.6.~~

1233.5. (a) A statewide performance ~~incentive~~ maintenance payment calculated pursuant to Section ~~1233.3~~ 1233.2 and a county performance incentive payment calculated pursuant to Section ~~1233.4~~ 1233.3 for any calendar year shall be provided to a county in the following fiscal year. The total annual payment to a county shall be divided into four equal quarterly payments.

(b) The Department of Finance shall include an estimate of the total ~~statewide performance incentive~~ performance maintenance payments and county performance incentive payments to be provided to counties in the coming fiscal year as part of the Governor's proposed budget released no later than January 10 of each year. This estimate shall be adjusted by the Department of Finance, as necessary, to reflect the actual calculations of probation failure reduction incentive payments ~~and high performance grants completed by the Director of Finance~~, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council. This adjustment shall occur as part of standard budget revision processes completed by the Department of Finance in ~~April and May~~ of each year.

(c) There is hereby established, in the State Treasury, the State Community Corrections Performance Incentives Fund, which is continuously appropriated. Moneys



appropriated for purposes of statewide performance ~~incentive~~ maintenance payments and county performance incentive payments authorized in Sections 1230 to 1233.6, inclusive, shall be transferred into this fund from the General Fund. Any moneys transferred into this fund from the General Fund shall be administered by the Judicial Council and the share calculated for each county probation department shall be transferred to its Community Corrections Performance Incentives Fund authorized in Section 1230.

(d) For each fiscal year, the ~~Director~~ Department of Finance shall determine the total amount of the State Community Corrections Performance Incentives Fund and the amount to be allocated to each county, pursuant to ~~this section and~~ Sections 1230 to ~~1233.5, 1233.6,~~ inclusive, and shall report those amounts to the Controller. The Controller shall make an allocation from the State Community Corrections Performance Incentives Fund authorized in subdivision (c) to each county in accordance with the amounts provided.

(e) Notwithstanding Section 13340 of the Government Code, ~~commencing July 1, 2014, and each fiscal year thereafter, year,~~ the amount of one million dollars (\$1,000,000) is hereby continuously appropriated from the State Community Corrections Performance Incentives Fund to the Judicial Council for the costs of implementing and administering this program, pursuant to subdivision (c), and the 2011 realignment legislation addressing public safety.

(f) ~~This section does not apply to incentive payments made during the 2021–22 fiscal year.~~

(f) A county that fails to provide the information required in Section 1231 to the Judicial Council shall not be eligible for the statewide performance maintenance payment pursuant to Section 1233.2 or the county performance incentive payment pursuant to Section 1233.3.

SEC. 7. Section 1233.61 of the Penal Code is repealed.

1233.61. (a) ~~The Department of Finance shall increase to no more than two hundred thousand dollars (\$200,000) the award amount for any county whose statewide performance incentive payment and county performance incentive payment, as calculated pursuant to Sections 1233.3 and 1233.4, totals less than two hundred thousand dollars (\$200,000).~~

~~(b) The Department of Finance shall adjust the award amount up to two hundred thousand dollars (\$200,000) per county, to those counties that did not receive a statewide performance incentive payment and county performance incentive payment, as calculated pursuant to Sections 1233.3 and 1233.4.~~

~~(c) Any county receiving funding through subdivision (b) shall submit a report to the Judicial Council and the Chief Probation Officers of California describing how it plans on using the funds to enhance its ability to be successful under this chapter. Commencing January 1, 2014, a county that fails to submit this report by March 1 annually shall not receive funding pursuant to subdivision (b) in the subsequent fiscal year.~~

~~(d) A county that fails to provide the information specified in Section 1231 to the Judicial Council shall not be eligible for payment pursuant to this section.~~

~~(e) This section shall not be used to calculate incentive payments for the 2021–22 fiscal year.~~

SEC. 8. Section 1233.7 of the Penal Code is amended and renumbered to read:





~~1233.7. The~~

~~1233.6. (a) The Department of Finance shall increase to no more than two hundred thousand dollars (\$200,000) the award amount for any county whose statewide performance maintenance payment and county performance incentive payment, as calculated pursuant to Sections 1233.2 and 1233.3, totals less than two hundred thousand dollars (\$200,000).~~

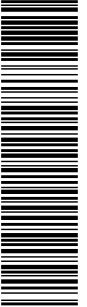
~~(b) A county that fails to provide the information specified in Section 1231 to the Judicial Council shall not be eligible for payment pursuant to this section.~~

~~(c) The moneys appropriated pursuant to this chapter shall be used to supplement, not supplant, any other state or county appropriation for a CPO or a probation department.~~

SEC. 9. Section 1233.12 of the Penal Code is repealed.

~~1233.12. (a) Notwithstanding Sections 1233.3 and 1233.4, in each of the 2022–23 and 2023–24 fiscal years, the amount of one hundred twenty-two million eight hundred twenty-nine thousand three hundred ninety-seven dollars (\$122,829,397) is hereby appropriated from the General Fund to the State Community Corrections Performance Incentives Fund, established pursuant to Section 1233.6, for the community corrections program. Funds shall be allocated by the Controller to counties according to the requirements of the program and pursuant to the following schedule:~~

Alameda	\$ 2,760,919
Alpine	\$ 200,000
Amador	\$ 233,777
Butte	\$ 416,404
Calaveras	\$ 512,027
Colusa	\$ 267,749
Contra Costa	\$ 6,643,176
Del Norte	\$ 200,000
El Dorado	\$ 348,495
Fresno	\$ 3,156,754
Glenn	\$ 223,171
Humboldt	\$ 1,055,456
Imperial	\$ 203,247
Inyo	\$ 222,098
Kern	\$ 1,519,187
Kings	\$ 1,105,869
Lake	\$ 465,073
Lassen	\$ 253,037
Los Angeles	\$ 37,413,530
Madera	\$ 1,237,543
Marin	\$ 988,095
Mariposa	\$ 200,000
Mendocino	\$ 592,510
Merced	\$ 1,032,961
Modoc	\$ 202,975
Mono	\$ 257,466

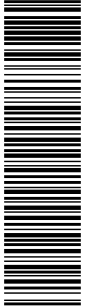


Monterey	\$ 300,463
Napa	\$ 329,767
Nevada	\$ 669,278
Orange	\$ 4,973,540
Placer	\$ 545,848
Plumas	\$ 442,681
Riverside	\$ 6,954,331
Sacramento	\$ 12,329,233
San Benito	\$ 282,215
San Bernardino	\$ 8,357,087
San Diego	\$ 2,930,998
San Francisco	\$ 3,060,552
San Joaquin	\$ 2,227,270
San Luis Obispo	\$ 1,322,460
San Mateo	\$ 1,175,827
Santa Barbara	\$ 1,416,944
Santa Clara	\$ 1,747,784
Santa Cruz	\$ 1,746,643
Shasta	\$ 512,037
Sierra	\$ 215,489
Siskiyou	\$ 284,355
Solano	\$ 807,241
Sonoma	\$ 1,067,821
Stanislaus	\$ 1,286,879
Sutter	\$ 738,100
Tehama	\$ 458,088
Trinity	\$ 200,000
Tulare	\$ 1,864,437
Tuolumne	\$ 382,373
Ventura	\$ 783,267
Yolo	\$ 1,504,870
Yuba	\$ 200,000

(b) Notwithstanding Sections 1233.3 and 1233.4, for the 2024–25 fiscal year, the amount of one hundred sixteen million one hundred forty-four thousand nine hundred dollars (\$116,144,900) is hereby appropriated from the General Fund to the State Community Corrections Performance Incentives Fund, established pursuant to Section 1233.6, for the community corrections program. Funds shall be allocated by the Controller to counties according to the requirements of the program and based on the amounts identified in subdivision (a) being reduced by 5.5 percent. For any county that would receive less than \$200,000 after applying a 5.5 percent reduction, the county's allocation shall be increased to \$200,000.

(c) The total annual payment to each county, as provided for in subdivisions (a) and (b) shall be divided into four equal quarterly payments.

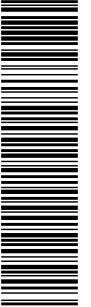
(d) A county that fails to provide the information required in Section 1231 to the Judicial Council shall not be eligible for payment pursuant to this section.



(e) ~~This section shall remain in effect only until January 1, 2026, and as of that date is repealed.~~

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## LEGISLATIVE COUNSEL'S DIGEST

Bill No.  
as introduced, \_\_\_\_\_.  
General Subject: Community corrections: performance incentives.

Existing law, the California Community Corrections Performance Incentives Act of 2009, authorizes each county to establish a Community Corrections Performance Incentives Fund, and provides annual payments to the counties for purposes relating to improving local probation supervision practices and capacities. Existing law continuously appropriates the State Community Corrections Performance Incentives Fund for these incentive payments.

Existing law, as part of those annual payments, requires the Director of Finance, in consultation with certain entities, to annually calculate a statewide performance incentive payment and a county performance incentive payment for each eligible county. Existing law requires the director to calculate those payments based on, among other things, the cost to the state to incarcerate in a contract facility and supervise on parole an offender who fails local supervision and is sent to prison.

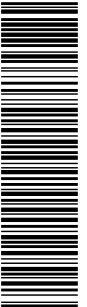
This bill would instead make that calculation based on the actual per capita cost to the state to incarcerate in a state prison and supervise on parole an offender who fails local supervision and is sent to prison.

Existing law also requires that calculation to be based on an estimate of the number of felons on probation, mandatory supervision, and postrelease community supervision each county successfully prevented from being incarcerated in state prison, determined based on the reduction in the county's probation and mandatory supervision failure rate as calculated annually for that year and the county's failure rate from the previous year.

This bill would instead calculate that estimate based on the actual number of individuals under one of those forms of supervision admitted to state prison from each county in the previous calendar year subtracted from each county's baseline admission to prison rate for those forms of supervision, as specified, multiplied by the average daily population of those forms of supervision for each county in the previous calendar year.

Existing law additionally requires the Director of Finance to calculate a statewide performance incentive payment for each county using a formula based on the county's return to prison rate and the county's highest year of funding that the county received from the California Community Incentive Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal year, inclusive, as specified.

This bill would repeal those provisions. The bill would additionally, beginning with the 2025–26 fiscal year, appropriate \$103,668,010 to the State Community Corrections Performance Incentives Fund from the General Fund, to be distributed to counties, as specified. The bill would require this amount be adjusted each year by a rate commensurate with the sum of the funds transferred to Community Corrections



Growth Special Account from the prior fiscal year divided by the funds transferred to the Community Corrections Subaccount from the prior fiscal year.

Existing law additionally requires the Director of Finance to calculate a statewide performance incentive payment based on the number of felons on probation, mandatory supervision, or postrelease community supervision that were successfully prevented from being incarcerated in the state prison, multiplied by 35% of the state's costs to incarcerate a prison felony offender in a contract facility, as specified.

This bill would instead multiply that number by 25% of the average of the state's actual per capita cost to incarcerate a prison felony offender in a state prison and supervise an individual on parole.

By changing the distribution of continuously appropriated funds, this bill would make an appropriation.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

