

AGENDA

ASSEMBLY BUDGET SUBCOMMITTEE NO. 5 PUBLIC SAFETY

ASSEMBLYMEMBER REGINALD B. JONES-SAWYER SR., CHAIR

WEDNESDAY, MAY 13, 2015
1:30 P.M. - STATE CAPITOL ROOM 437

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VOTE ONLY ISSUES**2720 CALIFORNIA HIGHWAY PATROL**

ISSUE 1: REAPPROPRIATION - CALIFORNIA HIGHWAY PATROL ENHANCED RADIO SYSTEM

The California Highway Patrol (CHP) is requesting the reappropriation of \$5.4 million, from the Motor Vehicle Account, to address unforeseen delays in the construction of California Highway Patrol Enhanced Radio System (CHPERS) towers at the Leviathan Peak, Sacramento Mountain, Crestview Peak, Silver Peak, and Truckee Area Office sites.

This proposal would support CHP's mission to update deteriorating radio communications infrastructure and improve radio interoperability among various public safety agencies.

STAFF RECOMMENDATION

Approve as proposed.

5225 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

ISSUE 2: REAPPROPRIATION - CA MEN'S COLONY: CENTRAL KITCHEN REPLACEMENT

The CDCR is requesting the reappropriation of \$24 million (Public Buildings Construction Fund), to address delays in the of the previously approved Kitchen project at the California Men's Colony in San Luis Obispo. The requested reappropriation is necessary to address delays resulting from architectural issues and prison mission decisions.

Updated plans for the kitchen replacement will be submitted to the State Fire Marshal for review in the near future. Construction is expected to begin during the 2015-16 fiscal year.

STAFF RECOMMENDATION

Approve as proposed.

ITEMS TO BE HEARD

0690 OFFICE OF EMERGENCY SERVICES

ISSUE 1: YOUTH EMERGENCY TELEPHONE REFERRAL NETWORK AND HOMELESS YOUTH AND EXPLOITATION PROGRAM

The issue before the Subcommittee is an overview of the Youth Emergency Telephone Referral Network and Homeless Youth and Exploitation Programs

PANELISTS

- Paul Curtis, California Coalition for Youth
- John Bauters, Housing CA
- Taryn Heckers, California Youth Crisis Line
- Department of Justice
- Legislative Analyst's Office
- Public Comment

BACKGROUND

California is severely lacking in providing supports and services to runaway, homeless and sexually exploited youth. Findings from the California Homeless Youth Project show that only 20 out of the state's 58 counties have services of any kind for homeless youth, and only identified 53 programs of any kind serving unaccompanied homeless youth throughout the state from street outreach to transitional living programs. Over 200,000 unaccompanied minors, ages 12 to 17, and youth ages 18 to 24, experience homelessness each year in California. The State has two programs to support runaway, homeless and sexually exploited youth that receive a combined annual total of \$1.3 million.

Homeless Youth and Exploitation Program (HYEP)

In 2002, the former Governor's Office of Criminal Justice Planning (OCJP), the administrative agency for the Child Sexual Exploitation Intervention Program and the Homeless Youth Emergency Services Program, combined these two programs to create the HYEP Program. This programmatic change was made due to a formal recommendation by the State Advisory Committee (SAC) on Sexual Assault Victim Services, which pursuant to Penal Code (PC) Section 13836, provides oversight over grants administered by the former OCJP (the administrative duties are now under Cal

OES) for local rape, exploitation, and child sexual abuse victim counseling centers and prevention programs.

The HYEP encompasses the requirements of Welfare and Institutions Code Sections 13700, 13701, and 13703 and PC Section 13837. The HYEP is a comprehensive program to help homeless youth exit street life.

Services provided under this Program include: access to food, shelter, counseling, outreach services, referrals to other agencies, screening for basic health needs, and long-term stabilization planning. In addition, the program provides specialized services for youth involved in sexual exploitative activities.

The HYEP is expected to receive \$721,500 from the State Victim Witness Assistance Fund and \$356,000 from General Fund in 2015-16. This amount of funding supports four organizations, which per statute, must serve the counties of Los Angeles, San Diego, San Francisco, and Santa Clara.

Youth Emergency Telephone Referral Network

The Youth Emergency Telephone Referral Network, now called the California Youth Crisis Line (CYCL), is the only 24-hour statewide, toll free comprehensive source for referrals, information and crisis counseling for youth, parents, law enforcement, and community members concerned about the youth of California. The Crisis Line has been in operation since 1986. Professionally-trained staff and volunteer counselors respond to 20,000 calls annually with crisis intervention counseling and resource referrals to service providers in the caller's local community. The Crisis Line has access to more than **5,500 free or low-cost resources for youth and families** across California. The CYCL is expected to receive \$150,000 in federal Victim of Crime Act Funds and \$114,000 from the General Fund in 2015-16, for a total of \$264,000. In 2002, the CYCL received over \$338,000 in state funding.

QUESTIONS FOR HYEP AND CYCL

- 1) Please provide a brief overview of your program.

ISSUE 2: REGIONAL RAILROAD ACCIDENT PREPAREDNESS AND IMMEDIATE RESPONSE - TRAILER BILL LANGUAGE

The issue before the Subcommittee is the Administration's proposed Trailer Bill Language on Regional Railroad Accident Preparedness and Immediate Response.

PANELISTS

- Office of Emergency Services
- Don Maddy, Executive Director, BNSF Railway Company
- Legislative Analyst's Office
- Public Comment

BACKGROUND

The Proposed Trailer Bill Language would do the following:

This bill would create the Regional Railroad Accident Preparedness and Immediate Response Force in the Office of Emergency Services, consisting of specified representatives, and would designate this force as being responsible for providing regional and onsite response capabilities in the event of a release of hazardous materials from a rail car or a railroad accident involving a rail car. This bill would require the office to develop a state regional railroad accident preparedness and immediate response plan, in consultation with specified entities, and requires the plan to become an annex to the state emergency plan. This bill would require the force and the Office of Spill Prevention and Response to coordinate in their respective authorities and responsibilities to avoid any duplication of effort, ensure cooperation, and promote the sharing of information regarding the risk of discharge of petroleum by rail into state waters.

This bill would require the director to establish a schedule of fees to determine the amount of a fee to be paid by a person owning hazardous materials that are transported by rail in California. The bill would require that the fees be fair, as required by the federal Hazardous Materials Transportation Act, and state the intent of the Legislature that the schedule of fees reflect the proportionate risks to both the public safety and the environment resulting from a release of hazardous materials and the expense of preparing to respond to those risks. The bill would authorize the director to exempt from the fee a shipment of hazardous materials that meets certain criteria and prohibit the collection of fees in excess of the reasonable regulatory costs to the state.

The bill would also require every person who operates a railroad that transports hazardous materials by rail car to register with the board and to remit the fees to the board pursuant to the Fee Collection Procedures Law. The bill would create the Regional Railroad Accident Preparedness and Immediate Response Fund in the State Treasury and would require that all revenues, interest, penalties, and other amounts collected pursuant to the bill's requirements be deposited into the fund, less refunds and reimbursement to the board for expenses incurred in the administration and collection of the fee. The bill would require that moneys in the fund, upon appropriation by the Legislature, be used by the director for specified purposes. This bill would limit the amount available for appropriation from the fund to \$10,000,000 in any calendar year.

To review actual language proposal, please visit the following link:

http://www.dof.ca.gov/budgeting/trailer_bill_language/corrections_and_general_government/documents/203RegionalRailroadAccidentPreparednessandImmediateResponse.pdf

QUESTIONS

- 1) Please provide a brief overview of the request and explain the necessity.

0250 JUDICIAL BRANCH

ISSUE 3: NATIVE AMERICAN HERITAGE DAY TRAILER BILL LANGUAGE

The issue before the Subcommittee is the Administration's proposed Trailer Bill Language on Native American Heritage Day.

PANELISTS

- Judicial Branch
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

Existing law designates state holidays. Existing law adopts those state holidays, with certain exceptions, as judicial holidays.

This bill would additionally exclude Native American Day from the list of judicial holidays.

To review actual language proposal, please visit the following link:

http://www.dof.ca.gov/budgeting/trailer_bill_language/corrections_and_general_government/documents/200201202NativeAmericanHeritageDayExtensionofFeeIncreasesandRecidivismReductionFundEncumbran.pdf

QUESTIONS

- 1) Please provide a brief overview of the request and explain the necessity.

ISSUE 4: EXTENSION OF FEE INCREASES TRAILER BILL LANGUAGE

The issue before the Subcommittee is the Administration's proposed Trailer Bill Language on the Extension of Fee Increases.

PANELISTS

- Judicial Branch
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

- 1) Existing law imposes a supplemental fee of \$40 for filing first papers in certain civil proceedings, until July 1, 2015, subject to reduction if the amount of the General Fund appropriation to the Trial Court Trust Fund is decreased from the amount appropriated in the 2013–14 fiscal year.

This bill would delete the repeal date for the supplemental fee, thereby extending that fee indefinitely.

- 2) Existing law, until July 1, 2015, requires a \$1,000 fee to be paid on behalf of all plaintiffs, and by each defendant, intervenor, respondent, or adverse party to a civil action that is designated or determined to be a complex case, after which existing law requires a fee of \$550 to be paid. Existing law, until July 1, 2015, imposes a limitation of \$18,000 on the total amount of complex fees collected from all defendants, intervenors, respondents, or other adverse parties appearing in a complex case, after which existing law imposes a limitation of \$10,000.

This bill would delete the repeal date associated with the \$1,000 complex case fee and \$18,000 total fee limitation, thereby extending that higher fee rate and limitation indefinitely.

- 3) Under existing law, the uniform fee for filing any specified motion, application, order to show cause, or any other paper requiring a hearing subsequent to the first paper is \$60 until July 1, 2015, at which time that fee is reduced to \$40.

This bill would delete the repeal date associated with the \$60 filing fee, thereby extending the \$60 filing fee indefinitely.

To review actual language proposal, please visit the following link:

http://www.dof.ca.gov/budgeting/trailer_bill_language/corrections_and_general_government/documents/200201202NativeAmericanHeritageDayExtensionofFeeIncreasesandRecidivismReductionFundEncumbran.pdf

QUESTIONS

- 1) Please provide a brief overview of the request and explain the necessity.

ISSUE 5: RECIDIVISM REDUCTION FUND TRAILER BILL LANGUAGE

The issue before the Subcommittee is the Administration's proposed Trailer Bill Language on the Recidivism Reduction Fund Trailer Bill Language.

PANELISTS

- Judicial Branch
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

Existing law, in the Budget Act of 2014, appropriates \$15,000,000 for the establishment or ongoing operation and staffing of programs known to reduce recidivism and enhance public safety by means of a competitive grant program developed and administered by the Judicial Council. Existing law, the Budget Act of 2014, authorizes these funds to be expended until June 30, 2017, after which any unexpended funds revert to the General Fund.

This bill would allow these funds to be encumbered, in addition to being expended, until June 20, 2017, thereby making an appropriation.

To review actual language proposal, please visit the following link:

http://www.dof.ca.gov/budgeting/trailer_bill_language/corrections_and_general_government/documents/200201202NativeAmericanHeritageDayExtensionofFeeIncreasesandRecidivismReductionFundEncumbran.pdf

QUESTIONS

- 1) Please provide a brief overview of the request and explain the necessity.

0820 DEPARTMENT OF JUSTICE

ISSUE 6: ELECTRONIC RECORDING AUTHORIZATION TRAILER BILL LANGUAGE

The issue before the Subcommittee is proposed Trailer Bill Language on Electronic Recording Authorization.

PANELISTS

- Department of Justice
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

Existing Law, the Electronic Recordings Delivery Act of 2004, authorizes a county recorder, upon approval by resolution of the board of supervisors and system certification by the Attorney General, to establish an electronic recording delivery system for the delivery for recording of specified digitized and digital electronic records, subject to specified conditions, including system certification, regulation, and oversight by the Attorney General. Existing law requires participating counties to pay for the direct cost of regulation and oversight by the Attorney General, and authorizes those counties to impose fees to cover those costs. Existing law also authorizes the Attorney General to charge a fee directly vendor seeking approval of software and other services as part of an electronic recording delivery system. Fees paid to the Attorney General under these provisions are deposited in the Electronic Recording Authorization Account, which is in the Special Deposit fund and is continuously appropriated to the Attorney general for these purposes.

This bill would redesignate the Electronic Recording Authorization Account in the Special Deposit fund as the Electronic Recording Authorization Fund in the state Treasury.

To review actual language proposal, please visit the following link:

http://www.dof.ca.gov/budgeting/trailer_bill_language/corrections_and_general_government/documents/205ElectronicRecordingFundAuthorization.pdf

QUESTIONS

- 1) Please provide a brief overview of the request and explain the necessity.

5196 2011- STATE AND LOCAL REALIGNMENT**ISSUE 7: ENHANCING LAW ENFORCEMENT ACTIVITIES GROWTH SPECIAL ACCOUNT TRAILER BILL LANGUAGE**

The issue before the Subcommittee is proposed Trailer Bill Language on the allocation of 2011 Public Safety Realignment funding growth.

PANELISTS

- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

The Enhancing Law Enforcement Activities Growth Special Account is within the Enhancing Law Enforcement Activities Subaccount in the Law Enforcement Services Account within the Local Revenue Fund 2011. The Enhancing Law Enforcement Activities Subaccount is funded from Vehicle License Fees and, if sufficient revenue is received to exceed base funding of \$489.9 million, growth funds are transferred to the Growth Special Account.

Current law specifies that certain programs within the subaccount shall receive a portion of the growth funds. Additionally, current law specifies that growth funds shall be distributed by August 25th each year with certain allocations being determined based on a schedule provided by the Department of Finance.

This bill would delete the requirement that funds be allocated by on August 25 of each year. This bill would also specify that each growth allocation from the Enhancing Law Enforcement Activities Growth Special Account shall utilize the same allocation schedules calculated for the base allocations from the same fiscal year to which the growth is attributed.

To review actual language proposal, please visit the following link:

http://www.dof.ca.gov/budgeting/trailer_bill_language/corrections_and_general_government/documents/2072011PublicSafetyRealignment_000.pdf

QUESTIONS

- 1) Please provide a brief overview of the request and explain the necessity.

5227 BOARD OF STATE AND COMMUNITY CORRECTIONS**ISSUE 8: SUNSET DATE FOR LOCAL INMATE WELFARE FUND PILOT TRAILER BILL LANGUAGE**

The issue before the Subcommittee is proposed Trailer Bill Language on the Sunset Date for Local Inmate Welfare Fund Pilot.

PANELISTS

- Board of State and Community Corrections
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

Until January 1, 2015, law established a pilot program in 15 counties that allows the sheriff to expend money from the local inmate welfare fund to provide indigent inmates, after release from custody, assistance with the reentry process for up to 30 days after the inmate's release. Assistance provided could include work placement, counseling, obtaining proper identification, education and housing.

This pilot program was previously established through Chapter 233, Statutes of 2012 (AB 1445-Mitchell).

This bill would reinstate these provisions with a January 1, 2018 sunset date.

To review actual language proposal, please visit the following link:

http://www.dof.ca.gov/budgeting/trailer_bill_language/corrections_and_general_government/documents/208209ClarificationofTermsandConditionsofProbationandLocalInmateWelfareFundPilot.pdf

QUESTIONS

- 1) Please provide a brief overview of the request and explain the necessity.

**ISSUE 9: CLARIFICATION OF TERMS AND CONDITIONS OF PROBATION FOR OFFENDERS WHO
ABSCOND DURING THEIR PERIOD OF PROBATION (PEOPLE V. LEIVA) TRAILER BILL LANGUAGE**

The issue before the Subcommittee is proposed Trailer Bill Language to Clarify Terms and Conditions of Probation for Offenders who Abscond During their period of Probation (People v. Leiva) Trailer Bill Language.

PANELISTS

- Board of State and Community Corrections
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

The California Supreme Court decided the case of *People v. Leiva* (2013) 56 Cal.4th 498 on April 8, 2013. It held that summary revocation of probation allows the court to retain authority only to adjudicate a violation of probation that occurs during the court-imposed period of probation (as opposed to a violation that occurs after the court-imposed period of probation). It also held that the terms and conditions of probation do not remain in effect during summary revocation if the court-imposed period of probation has passed.

For decades prior to *People v. Leiva*, it was the law that the terms and conditions of probation remained in effect during any period of summary revocation, whether or not the original period of probation had run. The cases of *People v. Pipitone* (1984) 152 Cal.App.3d 1112, 1117 and *People v Barkins* (1978) 81 Cal.App.3d 30, 33, held that the terms and conditions of probation remain in effect even during summary revocation. Thus, in a case where a defendant absconded from supervision and was at large for years with an active warrant and probation summarily revoked, the terms and conditions of probation (e.g., search and seizure, restitution) remained in effect the entire time the probationer was at large.

This bill would Clarify in Penal Code Section 1203.2(a) that all terms and conditions of probation remain in effect during the tolling time period and reinstate existing case law practice. This will ensure that if a probationer absconds during the period of summary revocation, that they will be accountable for their court ordered conditions of probation including search and seizure, restitution payments, and requirements to attend programs.

To review actual language proposal, please visit the following link:

http://www.dof.ca.gov/budgeting/trailer_bill_language/corrections_and_general_government/documents/208209ClarificationofTermsandConditionsofProbationandLocalInmateWelfareFundPilot.pdf

QUESTIONS

- 1) Please provide a brief overview of the request and explain the necessity.

ISSUE 10: BOARD OF STATE AND COMMUNITY CORRECTIONS FUNDING SHIFT TRAILER BILL LANGUAGE

The issue before the Subcommittee is proposed Trailer Bill Language on the Board of State and Community Corrections Funding Shift.

PANELISTS

- Board of State and Community Corrections
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

Existing Law authorizes the State Public Works Board to issue revenue bonds, notes, or bond anticipation notes in the amounts of \$366 million and \$854 million, in two phases, to finance the acquisition, design, and construction of approved local jail facilities. Existing law also authorizes the State Public Works Board to issue revenue bonds, notes, or bond anticipation notes in the amounts of \$500 million to finance the acquisition, design, and construction of approved adult local criminal justice facilities, as defined. The revenues derived from these revenue bonds, notes, or bond anticipation notes are continuously appropriated for the purposes described above.

This bill would decrease the authorization for revenue bonds, notes, or bond anticipation notes in the first phase from \$366 million to \$341 million and increase the amount authorized in the second phase from \$854 million to \$870 million. This bill would also increase the authorization to be used for adult local criminal justice facilities from \$500 million to \$509 million.

To review actual language proposal, please visit the following link:

http://www.dof.ca.gov/budgeting/trailer_bill_language/natural_resources_and_capital_outlay/documents/800BSCCFundingShift_000.pdf

QUESTIONS

- 1) Please provide a brief overview of the request and explain the necessity.

7880

VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD

ISSUE 11: TECHNICAL CLEANUP - UPDATE TWO STATUTORY REFERENCES TO REFLECT THE BOARD'S PREVIOUSLY REVISED ORGANIZATION CODE TRAILER BILL LANGUAGE

The issue before the Subcommittee is proposed Trailer Bill Language to update two statutory references to reflect the Board's previously revised organization code.

PANELISTS

- Victim Compensation and Government Claims Board
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

Existing law relating to the California Victim Compensation and Government Claims Board cross-references an Item code number used in administering the annual Budget Act.

This bill makes a technical amendment to update the cross-reference to use the current Item code number.

To review actual language proposal, please visit the following link:

http://www.dof.ca.gov/budgeting/trailer_bill_language/corrections_and_general_government/documents/206211ShiftFundingfortheMissingChildrenRewardProgramtotheRestitutionFundandTechnicalCleanup.pdf

QUESTIONS

- 1) Please provide a brief overview of the request and explain the necessity.