

AGENDA

ASSEMBLY BUDGET SUBCOMMITTEE NO. 5 PUBLIC SAFETY

ASSEMBLYMEMBER REGINALD B. JONES-SAWYER SR., CHAIR

THURSDAY, MAY 22, 2014
11:00AM - STATE CAPITOL ROOM 126

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VOTE ONLY ITEMS

0690 CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES

ISSUE 1: 2014 DROUGHT SUPPORT

The issue before the Subcommittee is the Governor's request to increase the Office of Emergency's budget by \$4.4 million to provide continued support for the State Operations Center and field operations throughout California. This request supports the state's workload in support of local governments

Staff Recommendation: Approve as Budgeted

ISSUE 2: VICTIM IDENTIFICATION NOTIFICATION EVERYWHERE (VINE)

The issue before the Subcommittee is the Governor's request to increase the Office of Emergency Services (OES) budget by \$1.8 million from the Victim-Witness Assistance Fund for FY 2014-15 and 2015-16, in support of the VINE program.

The VINE program affords crime victims and other concerned citizens the opportunity to call a toll-free number or log onto a secure web portal to receive real-time information regarding the custody status of offenders held in jail or prison. They can also register by phone, email, pager or TTD/TTY device when an offender is released, transferred, or has escaped. Operators assist callers who need help obtaining offender information or registering for notification. The service is of no charge to the public. Through the American Recovery and Reinvestment Act grant from the OES, the VINE Network was expanded into a statewide victim identification network, which allows any victim in the state to find where their offender is incarcerated.

Staff Recommendation: Reject proposal, without prejudice, noting that the proposed funding source appears to be inappropriate pursuant to the provisions of Penal Code Section §13835.2

8940 CALIFORNIA MILITARY DEPARTMENT

ISSUE 3: CALIFORNIA CADET CORPS

The issue before the Subcommittee is the Governor's proposal to redirect \$500,000 from within the California Military Department's budget in support of the Cadet Corp Program. Under this proposal, the California Military Department would redirect three existing positions to support the Cadet Corps Program's expansion.

Staff Recommendation: Approve as Budgeted

ISSUE 4: GOVERNOR'S MILITARY COUNCIL

The issue before the Subcommittee is the Governor's requested increase of \$85,000 to provide support for ongoing workload and operations as needed by the Governor's Military Council.

Staff Recommendation: Approve as Budgeted

ISSUE 5: NATIONAL GUARD ARMORIES

The issue before the Subcommittee is a proposal to accelerate the construction of the San Diego Readiness Center. The Governor's Five-Year infrastructure plan addressed the need to modernize this facility as a component of a five-year, \$63.9 million Military Department facility upgrade effort.

Staff Recommendation: Augment the Military Department's 2014-15 budget by \$790,000 (General Fund) in order to begin addressing the San Diego Readiness Center upgrade in FY 2014-15.

ISSUE 6: CALIFORNIA MILITARY MUSEUM

The issue before the Subcommittee is the Governor's proposed trailer bill language redirecting the annual \$100,000 (General Fund) appropriation to the private non-profit California Military Museum Foundation (foundation) annual \$100,000 General Fund appropriation to the CMD.

Staff Recommendation: Approve as Budgeted

5227 CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS

ISSUE 7: CITY LAW ENFORCEMENT GRANTS

The issue before the Subcommittee is the Governor's request to increase the City Law Enforcement Grants Program by \$12.5 million. The requested resources would increase existing grants for city police activities to \$40 million in fiscal year 2014-15.

Staff Recommendation: Approve as Budgeted

ISSUE 8: POST RELEASE COMMUNITY SUPERVISION

The issue before the Subcommittee is the Governor's proposal to allocate \$11.3 million in limited-term funding to county probation departments.

The proposed allocation would provide the level of support necessary for the supervision of a temporary increase in the average daily population of offenders on Post Release Community Supervision (PRCS). The increase in PRCS population is a result of the additional credit earnings for non-violent, non-sex second strikers ordered by the Three Judge Panel on February 10, 2014.

Under 2011 Realignment, inmates with non-violent and non-serious offenses are released onto PRCS under the jurisdiction of counties. While the initial intent was to retain these offenders on parole until they otherwise would have been released, law enforcement concurs that it is in the best interest of public safety for these offenders to be under the supervision of one jurisdiction for the length of their supervision term. Therefore, offenders eligible for PRCS will immediately begin their supervision under the jurisdiction of county probation.

Staff Recommendation: Approve as Budgeted

ISSUE 9: \$500 MILLION REQUEST FOR NEW COUNTY JAIL CONSTRUCTION

The issue before the subcommittee is the \$500 million in bond authority for new county jail construction and associated Trailer Bill Language.

Staff Recommendation: Adopt funding with accompanying placeholder Trailer Bill Language giving priority to proposals with a significant focus on program space, classrooms, mental health and medical space.

5225 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

ISSUE 10: BASIC CORRECTIONAL ACADEMY EXPANSION

The Governor's budget proposal included a \$61.7 million (General Fund) augmentation and 147 positions to increase the CDCR's recruitment and training of Correctional Officers. Specifically, the proposed funding increase would expand CDCR's Basic Correctional Officer Academy capacity from 720 to 3,400 per year. This augmentation would allow CDCR to fill an increasing number of vacancies in its correctional officer classification due to retirements and other attrition. In order to expedite meet this goal, the Administration proposes shifting from a 16-week academy to a 12-week academy, with the final four weeks of training provided at an institution.

Staff Recommendation: Approve proposal with provisional language requiring the reversion of any savings resulting from an inability to meet the goal of graduating 3,400 correctional officers per year.

ISSUE 11: DRUG AND CONTRABAND INTERDICTION

The Governor's budget for 2014-15 proposes an augmentation of \$14 million (General Fund) and 81 positions to expand CDCR's interdiction program. Under the proposal, these levels would increase to \$18.5 million and 148 positions in 2015-16. The proposal consists of four separate initiatives aimed at deterring the smuggling of drugs and contraband into prison and deterring inmates from using drugs.

The Subcommittee rejected this proposal "without prejudice" on 3/19/2014.

**Staff Recommendation:
Conform to action taken on 5/21/2014 by Senate Budget Subcommittee #5**

ISSUE 12: CALIFORNIA MEN'S COLONY: CENTRAL KITCHEN REPLACEMENT – UPDATED REQUEST

The issue before the Subcommittee is the Governor's requested \$8.7 million augmentation to support recently identified cost increases associated with the design and construction of the California Men's Colony: Central Kitchen Replacement project. The request also includes a request for additional time to expend previously appropriated funds.

Staff Recommendation: Approve as Budgeted

ISSUE 13: AMENDMENTS TO CHAPTER 42, STATUTES OF 2012 (SB 1022 – JAIL CONSTRUCTION)

The issue before the Subcommittee is the Governor's request to amend Government Code Sections 15820.92 through 15820.924 to ensure the compatibility of funding for all recently approved jail-bond programs.

Staff Recommendation: Approve placeholder Trailer Bill Language

ISSUE 14: AMENDMENTS TO CHAPTER 7, STATUTES OF 2007 (AB 900 – PRISON/JAIL/REENTRY CONSTRUCTION)

The issue before the Subcommittee is the Governor's request to authorize the use of unexpended bond authority (from 2007) to support the design and construction of CDCR construction projects intended to address directives outlined in the Plata v. Brown case on inmate medical care.

Staff Recommendation: Approve placeholder Trailer Bill Language

ISSUE 15: ADULT AND JUVENILE POPULATION UPDATE

The issue before the Subcommittee is the Governor's request to modify the 2013-14 and 2014-15 budgets as follows:

- Increase the 2013-14 budget by \$5.3 million and the 2014-15 budget by \$4.2 million to reflect changes in adult inmate and parolee populations. .
- Decreases the 2013-14 budget by \$271,000 and the 2014-15 budget by \$258,000 to reflect changes in the juvenile ward population.

The revised adult inmate population estimate is 134,215 in 2013-14 and 136,530 in 2014-15. The revised adult parolee population estimate is 47,247 in 2013-14 and 41,866 in 2014-15. The revised juvenile ward population estimate is 707 in 2013-14 and 656 in 2014-15.

Staff Recommendation: Approve as Budgeted

ISSUE 16: UPDATED RECIDIVISM REDUCTION FUND PROPOSALS

The issue before the Subcommittee is the Governor's request to increase the amount available in the Recidivism Reduction Fund, created by Chapter 310, Statutes of 2013 (SB 105), by \$9.9 million.

This would increase the total amount available in the Recidivism Reduction Fund to \$91 million for 2014-15. The Governor is proposing to allocate \$865,000 of this increase for the California Leadership Academy and \$9 million for reentry programs in the community that target the mental health population.

Staff Recommendation: Reject all proposed Recidivism Reduction Fund allocations, without prejudice, noting that portions of the Assembly's Recidivism Reduction plan are consistent with the Administration's proposals.

ISSUE 17: UPDATE ON CHAPTER 310, STATUTES OF 2013 (SB 105 – THREE-JUDGE PANEL POPULATION ORDER)

The issue before the Subcommittee is the Governor's request to decrease CDCR's budget by \$26.8 million to reflect revisions in the projected adult inmate contract beds need for fiscal year 2014-15.

Staff Recommendation: Approve placeholder language

ISSUE 18: CALIFORNIA HEALTHCARE FACILITY STAFFING

The issue before the Subcommittee is the Governor's request to increase funding for the California Health Care Facility by \$12.5 million and 104.9 positions to address security, staffing and operational issues identified by the court appointed Receiver as the basis for suspending the intake of new patient-inmates in January 2014.

Staff Recommendation: Approve as Budgeted

ISSUE 19: CONVERSION OF LICENSED HEALTH CARE BEDS

The issue before the Subcommittee is the Governor's request to decrease CDCR's budget by \$1.9 million and 13.0 positions in 2014-15 and \$5.6 million and 39.8 positions in 2015-16 and ongoing.

The requested reduction accounts for the downgrading of 420 General Acute Care Hospital or Intermediate Care Facility licensed beds to Correctional Treatment Center beds.

The requested conversion is part of the court-appointed Receiver's overall plan for delivering health care services, including utilizing community facilities for inmates that have more acute health care needs. Trailer Bill Language is proposed to effectuate this change.

Staff Recommendation: Approve as Budgeted

ISSUE 20: COMPLIANCE WITH THE FEBRUARY 10, 2014 THREE-JUDGE PANEL ORDER

The issue before the Subcommittee is the Governor's request to decrease the CDCR's budget by \$2.9 million to reflect the Administration's intent to comply with the additional population reduction strategies ordered by the court. These resource requests reflect the Department's intent to expand medical parole; implement an elderly parole program; establish a parole process for non-violent, non-sex second strikers that have served 50 percent of their sentence; and reduce the hearing preparation timeline.

Staff Recommendation: Approve as Budgeted

ISSUE 21: COMMUNITY CORRECTIONS PERFORMANCE INCENTIVE GRANT (SB 678)

The issue before the Subcommittee is the Governor's request to transfer \$3.5 million in General Fund savings, attributable to county recidivism reduction efforts, to the State Community Corrections Performance Incentives Fund.

Pursuant to Penal Code section 1233.6(a) probation failure reduction incentive payments and high performance grants calculated for any calendar year shall be provided to counties in the following fiscal year. Penal Code section 1233.6(c) provides that moneys are budgeted for purposes of providing probation revocation incentive payments and high performance grants authorized in Penal Code section 1230 to 1233.6, inclusive, shall be deposited into this fund. Any moneys deposited into this fund shall be administered by the Administrative Office of the Courts (AOC) and the share calculated for each county probation department shall be transferred to its Community Corrections Performance Incentives Fund authorized in Section 1230.

Staff Recommendation: Approve as Budgeted

2720 CALIFORNIA HIGHWAY PATROL

ISSUE 22: TEEN SAFETY DRIVER PROGRAM

The issue before the Subcommittee is the Assembly's proposal to:

- 1) Allocate \$700,000 from the Motor Vehicle Account for CHP and direct CHP to study and plan for the implementation of a program to educate teen drivers on the dangers of distracted driving.
- 2) Adopt the following provisional language:

\$700,000 is hereby appropriated to the California Highway Patrol from the Motor Vehicle Account to study and begin planning for a program to educate provisional (teen drivers) on the dangers of distracted driving. The Department may utilize outside consultants as needed.

Staff Recommendation: Adopt Proposal

8120 CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

ISSUE 23: THE COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING EXPENDITURE PLAN

The issue before the subcommittee is the proposal to reduce expenditures from the Peace Officers' Training Fund to account for an unanticipated revenue shortfall.

The Governor's Budget includes a reduction of \$1.1 million in 2013-14 and \$6.6 million in 2014-15 intended to maintain solvency of the Peace Officers' Training Fund (POTF) through June 2015. The savings plan in effect from January 2014 to June 2015 includes suspending certain training cost reimbursements, reducing contracts, and postponing some symposia, workshops, and seminars conducted by the Commission.

Staff Recommendation: Provide a one-time \$6.4 million increase to allow continued support for Backfill and Plan IV Reimbursements and direct the Department to report back by February 1, 2015 with options for addressing this cost in future years.

0820 CALIFORNIA DEPARTMENT OF JUSTICE

ISSUE 24: BUREAU OF INVESTIGATIONS - SPECIAL OPERATIONS UNIT

The issue before the subcommittee is a proposal to provide the Department of Justice with a Motor Vehicle Account augmentation of \$9.4 million in 2014-15, \$7.7 million in 2015-16 and ongoing in support of the Bureau of Investigation's (BI) Special Operations Unit (SOU) and the statewide multijurisdictional task forces program.

CA DOJ helped pioneer and advance multijurisdictional task forces throughout California for more than 35 years. The task forces investigate major crimes and provide investigative services that are limited or non-existent within the local communities served. CA DOJ offers leadership through supervision and management of the teams, assists with investigations and arrests, provides a comprehensive policy and procedural manual, and provides audits or inspections of each team. CA DOJ is able to leverage statewide resources working collaboratively with local, state, and federal law enforcement and prosecutorial agencies. CA DOJ currently manages 17 task forces statewide that includes the participation of more than 150 local, state, and federal law enforcement agencies. Each task force is governed by a council comprised of the local chiefs, sheriffs, district attorneys, chief probation officers, and CA DOJ management. Such statewide coordination facilitates effective administration of resources; investigative deconfliction; and fosters better intelligence sharing, communication and coordination. The task force program established best practices now used by most investigative units: vertical prosecution, prosecutorial review of search warrant affidavits, joint training exercises, and the Drug Endangered Children protocol. These task forces also provide assistance concerning Realignment Post Release Community Supervision (PRCS) offenders. Due to budget cuts in recent years, the Task Force Program has been reduced from 55 teams to 17.

SPECIAL OPERATIONS UNIT

CA DOJ, Bureau of Investigation (BI) Special Operations Unit (SOU) is a unique and essential investigative team that uses the latest technology and advanced investigative techniques to investigate violent criminals and organized crime throughout the state. SOU has successfully assisted and directed several important investigations supporting both small and large police agencies.

SOU possesses unique technologically advanced equipment and has the expertise to deploy the equipment and teach other law enforcement agencies how to manage complex criminal investigations. BI currently only has one SOU team stationed in Fresno and is not able to meet the large demand for its assistance statewide. During the past year SOU conducted 23 separate investigations and was unable to assist with 25 additional requests that came from agencies statewide

Staff Recommendation: Adopt Proposal

0250 JUDICIAL BRANCH

ISSUE 25: GOVERNOR'S UPDATED JUDICIAL BRANCH BUDGET PROPOSAL

The issue before the subcommittee is the Governor's Updated Judicial Branch Budget Proposal. The Governor's proposal includes the following changes from the January proposal:

- A decrease of \$100 million (the increases proposed for Operation of Trial Courts in the Governor's Budget).
- An increase of \$86.3 million to reflect an augmentation equal to 5-percent of the amount appropriated for Operation of Trial Courts. The Administration has committed to support an additional 5-percent increase in the 2015-16 Governor's Budget.
- An increase of \$42.8 million to reflect increased costs for health benefit and retirement costs for trial court employees. Assuming progress towards meeting the standards set by the Public Employees' Pension Reform Act (PEPRA) for existing employees, the Administration is committed to funding future increases related to existing health benefits and retirement costs for trial court employees and retirees one year in arrears.
- An increase of \$30.9 million to reflect additional General Fund resources available to the Trial Court Trust Fund to address the potential revenue loss, to be allocated by the Department of Finance on an as-needed basis.
- An increase of \$2.3 million to reflect increased rent costs for the Supreme Court, Courts of Appeal, and the Administrative Office of the Courts.
- A technical adjustment to reduce excess expenditure authority in the Judicial Council's program budget.

Staff Recommendation:

- 1) **Adopt May Revise Augmentation.**
 - 2) **Adopt provisional language specifying that in 2014-15 \$11 million of the 5-percent increase appropriated for "Operation of the Trial Courts" be set aside for dependency court attorneys, growing to \$22 million in 2015-16, and further increasing to \$33 million in 2016-17 and on-going.**
 - 3) **Adopt placeholder Trailer Bill Language specifying accountability measures and reporting requirements.**
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0280 COMMISSION ON JUDICIAL PERFORMANCE

ISSUE 26: RENT INCREASE

The issue before the subcommittee is the Governor's proposal to provide the Commission on Judicial performance with a \$40,000 augmentation to support a rent increase. .

Staff Recommendation: Approve as Budgeted

9285 TRIAL COURT SECURITY

ISSUE 27: INCREASED SECURITY COSTS FOR NEW COURT CONSTRUCTION

The issue before the Subcommittee is the Governor's request to allocate \$1 million to support increased courthouse security costs associated with new court construction projects.

The 2011 Realignment realigned trial court security from the state to the counties. Proposition 30, passed by the voters in 2012, requires the state to provide annual funding for newly required activities that have an overall effect of increasing county costs in this realigned program. Proposed trailer bill language specifies the conditions counties must meet to request additional resources and the process for allocating approved funding.

Staff Recommendation: Approve as Budgeted

RECIDIVISM REDUCTION FUND

ISSUE 28: ASSEMBLY RECIDIVISM REDUCTION FUND PROPOSAL

The issue before the Subcommittee is the Assembly's proposed allocations from the Recidivism Reduction Fund created by Chapter 310, Statutes of 2013 (SB 105).

The Assembly Select Committee on Justice Reinvestment convened seven informational hearings in Sacramento, San Francisco and Los Angeles with the purpose of gaining a better understanding of the challenges negatively impacting California's criminal justice system at the local and state levels.

After hearing from stakeholders including: law enforcement, prosecutors, judges, crime victims, formerly-incarcerated individuals, academics, and numerous community based organizations, the following is submitted as the Assembly's proposal for utilizing the amounts available in the Recidivism Reduction Fund.

Recidivism Reduction Plan	
Funding for Collaborative Justice Courts.	\$20m
Funding to Community Based Organizations/ non-profits who run recidivism reduction programs in the community.	\$10m
Funding for Community Based Organizations/ non-profits who run recidivism reduction programs in prisons and jails.	\$10m
Funding for in-community reentry facilities focused on mental health populations.	\$25m
Expand Substance Abuse Treatment Program to 10 more CDCR facilities (add peer counseling and performance measures to the Administration's proposal).	\$11m
Planning grant for the California Leadership Academy.	\$0.8m
Funding to GO-Biz for Social Innovation Bond Programs.	\$9m
Establish clearinghouse of employers willing to hire felons.	\$0.3m
Inmate ID project (ID cards upon exit from prison).	\$2m
Restore the Incarcerated Individuals Program (IIP) and the Incarcerated Youth Offender (IYO) college programs at CDCR.	\$1m
Crime and recidivism reduction grants for the cities with the highest rate of serious crimes (Murder, Rape, Robbery, Motor Vehicle Theft).	\$2m
Repeal lifetime ban on CalWorks, CalFresh, and the California Conservation Corps for drug felons.	0
Total	\$91m

Staff Recommendation:

- 1) Adopt Proposal to allocate \$91 million from the Recidivism Reduction Fund.
- 2) Adopt \$9 million (General Fund) in 2014-15 and \$36 million in 2015-16 and ongoing in support of repealing the lifetime CalWorks and CalFresh ban for drug felons.
- 3) Adopt Placeholder Trailer Bill Language necessary to implement proposal.

ISSUE 29 ADDITIONAL TRAILER BILL LANGUAGE

CROB Meetings: Would reduce the number of times the CROB meets from four times a year to two, and eliminate the March 15 report.

High Control Releases: Would allow CDCR to continue with existing release process for specified offenders subject to the provisions of PC 3060.7 with release dates that fall the day before a holiday or weekend who were sentenced on or after January 1, 1996, pursuant to the effective date of the original statute. Currently, offenders that are due to be released the day before a weekend or holiday are held up to two additional days to allow them to report to their parole agent within 48 hours of release.

Felony Disposition Data for YOBG: Requires the Department of Justice to annually provide the number of juvenile felony court dispositions by county for the previous calendar year. This information needs to be collected annually in order to provide for the timely allocation of YOBG funding.

Funding for the Administrative Office of the Courts for SB 678 and Realignment Data Collection: Specifies that the \$1m appropriation for the Administrative Office of the Courts for SB 678 and realignment data collection is an annual appropriation. Existing statute states that the current appropriation is available for encumbrance and expenditure only until June 30, 2014.

Alternative Custody for Female Jail Inmates: Allows sheriffs to place women with current non-violent, non-serious felonies on alternative custody, consistent with authority currently provided to CDCR.

Custody Credits for Electronic Monitoring/Work Furlough: Eliminates the discrepancy in credit earning eligibility at the local level, allowing participants in electronic monitoring and/or work furlough programs to earn credits at the same rate, whether their participation is voluntarily or involuntarily.

Presumption of Split Sentence: Requires a split sentence for realigned offenders, unless the court finds in the interest of justice that it is not appropriate in the particular case.

Mandatory Supervision Beginning Upon Release Technical Clean-Up: SB 76 amended 1170(h) to clarify that the period of mandatory supervision begins upon release from custody. While SB 76 applied the change to the section that becomes operative on January 1, 2014, SB 463 was subsequently chaptered to change the

operative date to January 1, 2017. This proposal applies the amendment in SB 76 to the section that is now operative until January 1, 2017 as well.

Statutory Allocations for Law Enforcement Services Account Programs: Develops statutory allocation percentages for the Law Enforcement Services Account in the Local Revenue Fund 2011 that currently require a Finance allocation schedule. This includes the Youthful Offender Block Grant and Juvenile Reentry Grant Special Accounts in the Juvenile Justice Subaccount and Juvenile Camps and Ranches, Juvenile Justice Crime Prevention Act, and Citizens' Option for Public Safety programs in the Enhancing Law Enforcement Activities Subaccount.

ELEAS Cleanup: Reduces the High Technology Theft Apprehension and Prosecution Program in order to correct identified errors.

Supplantation Cleanup: There remain specific statutory references relating to supplantation of funds that conflict with Proposition 30. Prop 30 states: "The funds deposited into a County Local Revenue Fund 2011 shall not be used by local agencies to supplant other funding for Public Safety Services." While Public Safety Services is a very broad category and should not be interpreted to mean that it is specific to each program funded by the Local Revenue Fund 2011, the underlying statutes for some realigned programs specifically prohibit supplantation. Prop 30 overrides those references, but the individual statutory references are confusing.

Staff Recommendation: Adopt Placeholder Trailer Bill Language.
