

AGENDA

ASSEMBLY BUDGET SUBCOMMITTEE NO. 5 ON PUBLIC SAFETY

ASSEMBLYMEMBER GIL CEDILLO, CHAIR

Thursday, May 31, 2012

UPON CALL OF THE CHAIR - STATE CAPITOL ROOM 447

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VOTE-ONLY

5225 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION**ISSUE 1: INTEGRATED SERVICES FOR MENTALLY ILL PAROLEES (ISMIP)****BACKGROUND**

Assembly Bill 900 (Solorio), Chapter 7, Statutes of 2007, authorized the California Department of Corrections and Rehabilitation (CDCR) to obtain day treatment and to contract for crisis care services for parolees with mental health problems. CDCR established and the Adult Parole Division implemented the ISMIP. The ISMIP Program provides varied levels of care, supportive/transitional housing, and an array of mental health rehabilitative services to assist with the development of independent living in the least restrictive environment possible. Parole Agents and Parole Outpatient Clinic (POC) staff refer parolees to contracted ISMIP providers for day treatment and crisis care services. Mental health treatment is provided by contracted providers when the parolee has Medi-Cal or other resources established. Medication management is provided by POC to non-benefited parolees enrolled in ISMIP, as well as individual or group therapy when unavailable from other funding sources outside of CDCR.

PROPOSAL

Trailer bill language is proposed to improve the existing ISMIP program strengthening the full spectrum of community services necessary to reduce recidivism and ensure a continuum of care for offenders with mental health needs by adding a focus on housing, collaboration with parole outpatient clinics, and ensuring providers work with county and regional services to help bridge services for parolees as they transition off of parole.

ISSUE 2: CDCR REORGANIZATION

BACKGROUND

CDCR's organizational structure has changed in recent years, primarily due to the absorption of budget cuts. This language codifies these reductions in executives at CDCR and makes several positions confirmable by the Senate. Including, the Executive Director of the Board of State and Community Corrections.

PROPOSAL

The Governor's May Revise includes trailer bill language to ensure that CDCR's current organizational structure is reflected in statute.

0690 CALIFORNIA EMERGENCY MANAGEMENT AGENCY

ISSUE 1: PROPOSITION 1B TRANSIT AND WATERBORNE GRANTS**BACKGROUND**

Proposition 1B, approved by voters in November 2006, allowed the state to sell \$20 billion in general obligation bonds to fund transportation projects to relieve congestion, facilitate goods movement, improve air quality, and enhance the safety and security of the state's transportation system. The proposed trailer language will ensure greater accountability of Proposition 1B expenditures associated with security improvements.

PROPOSAL

The Governor's May Revise includes trailer bill language to increase accountability in the dispensation of Proposition 1B funds dedicated to security improvements.

0820 DEPARTMENT OF JUSTICE

ISSUE 1: CRIME STATISTICS REPORTS**BACKGROUND**

In June 2008, the Commission on State Mandates (CSM) found that the state must reimburse local governments for specified costs associated with fulfilling certain reporting requirements under state law. (These requirements were subsequently amended in July 2009.) Specifically, CSM defined the following as state-reimbursable mandates:

- Hate Crimes. Reporting to DOJ information related to hate crimes.
- Homicides. Reporting to DOJ certain demographic information about victims of and persons charged with homicide.
- Firearms. Reporting to DOJ certain demographic information about persons charged with specified firearms offenses. This requirement was repealed on January 1, 2005.
- Domestic Violence. Producing a written incident report for each domestic violence-related call for assistance. (Two existing state-reimbursable mandates require the state to pay local governments for other costs associated with recording information related to domestic violence-related calls for assistance and reporting statistics to DOJ. These mandates have been suspended in recent years.)

PROPOSAL

The Governor's May Revise includes trailer bill language to repeal this mandate program.

LAO RECOMMENDATION

The LAO has recommended that the Legislature make several changes to the Governor's proposal related to this mandate. They have recommended that the Legislature maintain the two requirements related to the reporting of hate crime and homicide statistics. Because some federal funds that come to the state—including grants made directly to local entities—may be jeopardized if some local agencies do not report these statistics, and given that they represent a relatively modest state cost, it is their belief that it is in the best fiscal interest of the state to maintain these requirements. They have noted that the Legislature could make optional, rather than delete, the requirement that local law enforcement agencies produce domestic violence incident reports, thereby eliminating this state-reimbursable mandate.

Additionally, the LAO has suggested not deleting other sections of the domestic violence reporting statutes that would be deleted under the Governor's proposal. Rather, maintaining the requirement that DOJ report domestic violence statistics (which is not a state reimbursable mandate), and making optional the provisions related to collection and reporting of domestic violence-related information.

Specifically, the LAO has recommended:

- Modifying the Governor's proposed trailer bill language to:
 1. leave intact the hate crime and homicide reporting requirements,
 2. make optional the requirements related to producing a written incident report for each domestic violence-related call for assistance,
 3. make optional the requirements that local law enforcement record certain information related to these calls and report domestic violence statistics to DOJ,
 4. leave intact the requirement that DOJ report domestic violence statistics, and
 5. direct the Commission on State Mandates to modify its parameters and guidelines for this mandate program to allow local governments to submit future claims only for the hate crime and homicide reporting requirements that would not be eliminated under our proposal.
- Modifying budget bill language to
 1. suspend just the portion of this mandate specifically related to the domestic violence incident reports and
 2. augment Item 8885-295-0001 by \$1.8 million to pay the costs accrued through 2010-11 associated with the hate crime and homicide reporting requirements that would not be repealed under this proposal.

ISSUE 2: ABBOTT SETTLEMENT

BACKGROUND

The DOJ, along with the federal government and the Department of Health Care Services, negotiated a settlement with Abbott Laboratories that will provide up to \$7.7 million for deposit into the False Claims Act Fund. The state is expected to receive approximately \$30.7 million in the settlement. A portion will benefit the General Fund through Medi-Cal, and the remainder will be deposited into the False Claims Act Fund, which will also benefit the General Fund.

The consumer protection settlement provides the state with the funds. In the complaint, it was noted that Abbott Laboratories had engaged in unfair and deceptive practices when it marketed one of its products, Depakote, for off-label uses. The drug Depakote is approved for treatment of seizure disorders, mania associated with bipolar disorder and prophylaxis of migraines, but the Attorneys General alleged Abbott Laboratories marketed the drug for treating unapproved uses, including schizophrenia, agitated dementia, and autism.

PROPOSAL

The Governor's May Revise includes a request to transfer \$7.7 million dollars from the False Claims Act fund to the General Fund.

ISSUE 3: DNA ID FUND**BACKGROUND**

On November 2, 2004, California voters overwhelmingly passed Proposition 69, the DNA Fingerprint, Unsolved Crime and Innocence Protection Act. Under this initiative any person who is convicted of a felony offense, pleads guilty to a misdemeanor sex offense, and/or was arrested for violent felony or sex crimes is now eligible for inclusion in the Forensic DNA Identification Database. Originally, under Proposition 69, an additional penalty of one dollar was levied for each ten dollars fine, penalty, or forfeiture collected by the courts for criminal offenses. Additional adjustments have been made to Government Code Section 76104.7 levying three dollars for every ten dollars. The May Revise requests that the three dollar amount be struck from Government Code Section 76104.7 and that four dollars be inserted in its place, essentially adding one dollar to the current penalty assessment.

Also included in this request was the removal of Budget Item 0820-011-0001. This item authorized the Controller, upon order of the Director of Finance, to transfer funds to the DNA Identification Fund. By increasing the amount levied against individuals specified above the need for a transfer from the General Fund to this account will not be necessary.

PROPOSAL

The Governor's May Revise includes a request that Government Code section 76104.7 be amended in order to add one dollar to the DNA penalty assessment. Additionally the May Revise has requested that Item 0820-011-0001 be eliminated.

ITEMS TO BE HEARD

5225 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION**ISSUE 1: MEDICAL PAROLE CHANGES****BACKGROUND**

SB 1399 (Leno), Chapter 405, Statutes of 2010, provided that, as specified, any prisoner who the head physician for the institution where the prisoner is located determines, as provided, is permanently medically incapacitated with a medical condition that renders the prisoner permanently unable to perform activities of basic daily living, and results in the prisoner requiring 24-hour care, and that incapacitation did not exist at the time of sentencing, shall be granted medical parole, if the Board of Parole Hearings determines that the conditions under which the prisoner would be released would not reasonably pose a threat to public safety. Those provisions do not apply to any prisoner sentenced to death or life in prison without possibility of parole or to any inmate who is serving a sentence for which parole pursuant to this bill is prohibited by any initiative statute. The bill provided that the Board of Parole Hearings or the Division of Adult Parole Operations shall have the authority to impose any reasonable conditions on prisoners subject to parole pursuant to this bill, including, but not limited to, the requirement that parolees submit to electronic monitoring.

PROPOSAL

Trailer bill language is proposed to expand the Medical Parole Program in order to score savings associated with the heightened costs of housing incapacitated inmates.

PANEL

- ❖ California Correctional Health Care Services – Please be prepared to address the following in your testimony:
 - Provide an overview of the existing Medical Parole Program.
 - How many inmates have been impacted by the current program?
 - Provide a profile of the population this program captures/doesn't capture.
- ❖ Legislative Analyst's Office
- ❖ Department of Finance
- ❖ Public Comment

0250 JUDICIAL BRANCH

The Governor's budget contains the following proposals relative to trial court funding (note: because of the May Revise proposals, the Branch is no longer included in the trigger reduction described below):

1. \$50 million for the Trial Court Trust Fund from civil court fee increases. These funds would be available to offset the ongoing impact of reductions in funding for trial court operations contained in previous budget acts.
2. Provisional Language that would grant the Judicial Council the authority to allocate the continuing budget reductions across the branch and to redirect funding from other court fund sources, as the Judicial Council deems appropriate.
3. A trigger reduction of \$125 million if the Governor's tax proposal is not approved in November. While the Branch would determine how to implement this reduction, it is the equivalent of court closures equal to three days per month.

ISSUE 1: EMPLOYEE RETIREMENT CONTRIBUTION**BACKGROUND**

The majority of state employees currently pay eight percent of their retirement contribution. Judicial Branch employees of the Judicial Council, Courts of Appeal, Habeas Corpus Resource Center and Supreme Court typically contribute five percent, with the entire contribution being covered for a small group of employees. Increasing the contribution for state court employees from five percent to eight percent makes their contribution consistent with other state employees. Staff notes that because Judicial Branch employees are included in a larger group of state miscellaneous employees, the savings to the Branch from this proposal may be well under \$4 million. In addition, there are other benefits that are inconsistent between the Judicial Branch and other state employees. For instance, most Executive Branch employees are afforded annual Merit Salary Adjustments, while Judicial Branch Employees are not.

PROPOSAL

The May Revise proposes a reduction of \$4 million General Fund to reflect a shift in employee retirement contributions for employees of the Judicial Council, Courts of Appeal, Habeas Corpus Resource Center, and Supreme Court. Trailer bill language is proposed to reflect this change.

ISSUE 2: RESTRUCTURE TRIAL COURT FUNDING**BACKGROUND**

During the mid-1990's there were significant reforms in the Judicial Branch—court unification and the state assumption of funding responsibility for trial courts. Prior to state funding, many small courts were in financial crisis and needed emergency state funding to keep their doors open. One of the goals of state funding was to promote equal access to justice so that a citizen's access to court services was not dependent on the financial health of an individual county. Trial courts have benefitted financially, as the state has been able to stabilize and increase funding.

Since 2007-08, state General Fund support for the Judicial Branch has been reduced by \$653 million ongoing. However, the Administration, the Legislature and the Judicial Council have mitigated these reductions through a mix of permanent and one-time offsets, including transfers from special funds, fee increases, and use of trial court reserves. Overall expenditures for the trial courts have remained relatively flat as illustrated below. Beginning in 2013-14, because of reliance on one-time reductions and the loss of reserves and fund balances, trial courts will need to achieve reductions through operational changes and efficiencies.

(dollars in millions)

Trial Court Reductions	2008-09	2009-10	2010-11	2011-12
Unallocated Reduction	\$92.2	\$268.6	\$55	\$320
One-time Reduction		(100)	(30)	
Total	\$92.2	\$268.6	\$55	\$320
Offsets				
	2008-09	2009-10	2010-11	2011-12
Use of Local Reserves	\$92.2	\$71	\$25	\$0
Transfer From other Funds		130	130	233.0
Fee Increases		46.7	113.2	107.1
Use of Fund Reserve		3	36	69.4
Total	\$92.2	\$250.7	\$304.2	\$409.5

(dollars in millions)

Trial Court Expenditures				
2007-08	2008-09	2009-10	2010-11	2011-12 (Est.)
\$3,316	\$3,321	\$3,362	\$3,559	\$3,552

At the end of 2010–11, trial courts possessed combined reserves of \$562 million, but only around half was unrestricted and available for use by the trial courts to address their budget reductions. The Legislative Analyst's Office has previously pointed out that the actual level of reserve balances, particularly unrestricted funds, currently varies across trial courts. Some courts possess enough funds in their reserves to cover a large share of their annual expenditures and would probably be able to draw on these reserves—rather than make additional operational changes—to absorb additional budget reductions. Other courts lack a significant amount of unrestricted funds and might have difficulty absorbing further budgetary reductions.

Even with the current level of trial court reserves and the relatively flat annual expenditures by trial courts, funding issues have driven significant impacts on trial court services. Under Government Code Section 68106, courts must provide written notice to the public and to the Judicial Council at least 60 days before instituting any plan to reduce costs by designating limited services days. The Judicial Council, in turn, must post all such notices on its Web site within 15 days of receipt. Since Section 68106 became operative on October 19, 2010, and as of last month, the Judicial Council has received notices from 25 counties, which detail the reductions in court staffing and services implemented by these counties.

For example, some counties have had to close courtrooms including:

- San Diego Superior Court, which has reduced the number of assigned judges regularly used by the court and reduced four full-time trial courtrooms.
- San Joaquin Superior Court, which closed courtrooms at the Lodi and Tracy branches and reassigned to other court branches the civil limited, traffic, small claims, domestic violence, civil harassment, and juvenile traffic cases.
- Ventura Superior Court, which closed two civil courtrooms at the East County branch and relocated two civil judges to Ventura.

Other courts have closed entire court branches, including Butte, San Joaquin, and San Luis Obispo Counties, which have closed one court branch each, and San Diego, Sonoma and Stanislaus Counties, which have both closed two court branches.

Budget cuts have also impacted the availability of civil case self-help and family law assistance services, including:

- Alameda Superior Court, which has eliminated self-help services at two court locations and reduced hours in providing services at another court.
- Riverside Superior Court, which decreased family law facilitator assistance in order to provide more civil self-help services. Additionally, one of the court's justice partners reduced by half family law assistance at two court locations and eliminated self-help assistance at another location.
- Sacramento Superior Court, which reduced domestic violence workshops from five to three days per week, eliminated trial setting and notice of motion workshops, closed the computer room where litigants prepared child and spousal support calculations, prepared legal forms, and obtained family law and probate information, and reduced the number of litigants served annually from 40,500 to 33,900 due to reduced staff resources.

Efforts to reduce trial court expenditures have led to staffing reductions, including:

- San Joaquin Superior Court, which recently laid off 42 employees.
- San Francisco Superior Court, which recently laid off 75 employees.
- Los Angeles Superior Court, which previously laid off 329 employees.

PROPOSAL

The May Revision proposes a one-time decrease of \$300 million General Fund to reflect the use of local trial court reserves to support trial court operations and trailer bill language to eliminate trial court reserves at the local level and authorize the Judicial Council to retain three percent of total estimated trial court expenditures for emergencies. Ongoing General Fund support for trial courts will be reduced by \$71 million.

The Administration also proposes to establish a working group to conduct an evaluation of the state's progress in achieving the goals outlined in the reform legislation, including the ability of trial courts to provide equal access to justice, is appropriate. The working group will conduct a statewide analysis of workload metrics, staffing standards, and other relevant data necessary to support a more uniform and efficient administrative system for the judiciary.

LAO RECOMMENDATION

The LAO has found that given the state's fiscal situation, the Governor's proposal to utilize \$300 million of local trial court reserves to offset additional General Fund reductions to the trial courts merits approval. However, they note that the proposal will likely result in most, if not all, trial court reserves being depleted. The depletion of reserves could have differing impacts on individual courts depending on the level of reserves they had maintained, the degree to which they relied on their reserves to implement multi-year budget reductions, and what changes they choose to implement if they had planned to utilize their reserves in the budget year. These changes could include, for example, court closures, staff reductions, and reduced clerk hours.

The LAO recommends rejection of the Administration's proposal to eliminate the authority of local courts to retain reserves and to instead establish a statewide reserve. While this proposal could potentially further the goals of statewide trial court realignment, it is a significant policy change that raises numerous questions related to the respective role of the local court and the Judicial Council in setting fiscal and program priorities. Instead, the LAO recommends that the evaluation of whether courts should maintain local reserves be part of the working group proposed by the Governor to evaluate the state's progress in achieving the goals of state trial court realignment. This evaluation could help the Legislature determine what policy changes, such as the Governor's proposed elimination of local reserves, could improve the overall efficiency and effectiveness of the judicial branch.

ISSUE 3: USE OF TRIAL COURT CONSTRUCTION FUNDS**BACKGROUND**

The Judicial Branch has two primary court construction funds, the State Court Facilities Construction Fund (SCFCF), which receives approximately \$130 million from fees and penalty assessments to support trial court construction projects, and the Immediate and Critical Needs Account (ICNA), which receives approximately \$321 million from various civil and criminal fines and fees to support 41 trial court construction projects that were deemed to be immediate and critical by the Judicial Council (the AOC submitted a revised court construction funding plan to the Judicial Council in December that resulted in the cancelation of two, one-courtroom projects [Alpine and Sierra]). In the current year, the following actions were taken related to these two funds:

- Transferred \$310.3 million from the ICNA to the GF.
- Loaned \$350 million from the SCFCF to the GF, to be repaid with interest.
- Loaned \$90 million from the ICNA to the GF, to be repaid with interest.
- Provided authority to the AOC to allow for redirection of \$130 million from the SCFCF and ICNA to offset the reduction to trial court funding.

In response to fiscal constraints, at its December 2011 meeting, the Judicial Council also directed the Office of Court Construction and Management to reduce costs on all proposed court projects by four percent. At its April 2012 meeting, the Judicial Council subsequently approved a more comprehensive plan to reevaluate the court facilities program to achieve additional cost savings. This reevaluation will include consideration of options such as reducing square footage, undertaking renovations instead of new construction, evaluating lease options, and using lower-cost construction methods, where practical.

The Governor's May Revise proposal would redirect \$240 million, in 2012-13, from the ICNA. To achieve this, design activities will be delayed for up to 38 court construction projects while the Judicial Council reviews local trial court operations, court construction standards, and the pace of future court construction to ensure operational efficiencies can be reflected in the design of new trial courts.

The following table outlines the potential impact of this proposal:

All Active Court Projects	Current Phase	Status in 2012-13
1. El Dorado County: New Placerville Courthouse	Acquisition	Will not proceed to Preliminary Plans
2. Fresno County: Renovate Fresno County Courthouse	Preliminary Plans	Will not proceed to Working Drawings
3. Glenn County: Renovation and Addition to the Willows Courthouse	Preliminary Plans	Will not proceed to Working Drawings
4. Imperial County, New El Centro Family Courthouse	Preliminary Plans	Will not proceed to Working Drawings
5. Inyo County: New Independence Courthouse	Acquisition	Will not proceed to Preliminary Plans
6. Kern County: New Delano Courthouse	Acquisition	Will not proceed to Preliminary Plans
7. Kern County: New Mojave Courthouse	Acquisition	Will not proceed to Preliminary Plans
8. Lake County, New Lakeport Courthouse	Preliminary Plans	Will not proceed to Working Drawings
9. Los Angeles County, New Southeast LA Courthouse	Acquisition	Will not proceed to Preliminary Plans
10. Los Angeles County: New Eastlake Courthouse	Acquisition	Will not proceed to Preliminary Plans
11. Los Angeles County: New Glendale Courthouse	Acquisition	Will not proceed to Preliminary Plans
12. Los Angeles County: New Mental Health Courthouse	Acquisition	Will not proceed to Preliminary Plans
13. Los Angeles County: New Santa Clarita Courthouse	Acquisition	No Change
14. Mendocino County: New Ukiah Courthouse	Acquisition	Will not proceed to Preliminary Plans
15. Merced County: New Los Banos Courthouse	Preliminary Plans	Will not proceed to Working Drawings

16. Nevada County: New Nevada City Courthouse	Acquisition	No Change
17. Placer County: New Tahoe Area Courthouse	Acquisition	Will not proceed to Preliminary Plans
18. Plumas County: New Quincy Courthouse	Acquisition	Will not proceed to Preliminary Plans
19. Riverside County, New Indio Family/Juvenile	Preliminary Plans	Will not proceed to Working Drawings
20. Riverside County: New Hemet Courthouse	Acquisition	Will not proceed to Preliminary Plans
21. Sacramento County: New Sacramento Criminal Courthouse	Acquisition	Will not proceed to Preliminary Plans
22. San Joaquin County: New Stockton Courthouse	Preliminary Plans	Will not proceed to Working Drawings
23. Santa Barbara County: New Santa Barbara Criminal Courthouse	Acquisition	Will not proceed to Preliminary Plans
24. Santa Clara County: New Family Justice Center	Preliminary Plans	Will not proceed to Working Drawings
25. Shasta County, New Redding Courthouse	Acquisition	Will not proceed to Preliminary Plans
26. Siskiyou County: New Yreka Courthouse	Acquisition	Will not proceed to Preliminary Plans
27. Sonoma County, New Santa Rosa Criminal Courthouse	Acquisition	Will not proceed to Preliminary Plans
28. Stanislaus County: New Modesto Courthouse	Acquisition	Will not proceed to Preliminary Plans
29. Tehama County, New Red Bluff Courthouse	Preliminary Plans	Will not proceed to Working Drawings
30. Tuolumne County: New Sonora Courthouse	Acquisition	Will not proceed to Preliminary Plans
31. San Diego Courthouse: New San Diego Courthouse	Preliminary Plans	Will proceed to Working Drawings
32. Butte County, New North County Courthouse	Working Drawings	Will proceed to Construction with PL

33. Kings County: New Hanford Courthouse	Working Drawings	Will proceed to Construction with PL
34. Sutter County, New Yuba City Courthouse	Working Drawings	Will proceed to Construction with PL
35. Yolo County, New Woodland Courthouse	Working Drawings	Will proceed to Construction with PL
36. Solano County, Renovation to Fairfield Courthouse	Working Drawings	Will proceed to Construction with PL
37. San Joaquin County: Renovation and Addition to the Juvenile Justice Center	Working Drawings	Will proceed to Construction with PL
38. Monterey County, New South Monterey County Courthouse	Preliminary Plans	Will not finish Preliminary Plans and will not proceed to Working Drawings - Project is being reassessed by JC.

PROPOSAL

The May Revision proposes a decrease of \$240 million General Fund to reflect the one-time (\$50 million ongoing) redirection of court construction funds for trial court operations. Trailer bill language is proposed to allow for this redirection.

ISSUE 4: COURTHOUSE PROJECTS: REAPPROPRIATIONS**BACKGROUND**

SB12 X2 (Steinberg), Chapter 10, Statutes of 2009, authorized funding for 19 courthouse projects (listed in the table below), that expires on June 30, 2012. Funding for subsequent design phases will be requested, as appropriate, should the evaluation review (outlined in Issue 4– *Use of Trial Court Construction Funds*) support the need to continue.

(dollars in millions)

Project	Amount
1. El dorado County: New Placerville Courthouse	\$1.1
2. Inyo County: New Inyo Courthouse	\$.7
3. Kern County: New Delano Courthouse	\$.7
4. Kern County: New Mojave Courthouse	\$.1
5. Los Angeles County: New Southeast Courthouse	\$21.1
6. Los Angeles County: New Santa Clarita Courthouse	\$1.2
7. Los Angeles County: New Glendale Courthouse	\$14.3
8. Los Angeles County: New Mental Health Courthouse	\$33.5
9. Los Angeles County: New Eastlake Juvenile Courthouse	\$13.8
10. Mendocino County: New Ukiah Courthouse	\$3.5
11. Nevada County: New Nevada City Courthouse	\$12.7
12. Placer County: New Tahoe Area Courthouse	\$2.8
13. Plumas County: New Quincy Courthouse	\$.7
14. Riverside County: New Hemet Courthouse	\$.4
15. Sacramento County: New Sacramento Courthouse	\$15.0

16. Santa Barbara County: New Santa Barbara Criminal Courthouse	\$8.6
17. Shasta County: New Redding Courthouse	\$7.0
18. Siskiyou County: New Yreka Courthouse	\$.4
19. Stanislaus County: New Modesto Courthouse	\$6.9

PROPOSAL

The May Revise proposes to reappropriate \$144.4 million, previously authorized in 2009, from the Immediate and Critical Needs Account (ICNA) for the acquisition phase of 19 courthouse projects.

ISSUE 5: COURTHOUSE PROJECTS: CONSTRUCTION**BACKGROUND**

While the court facility reevaluation efforts may result in cost and scope changes, the Administration recognized that some projects, specifically those that are in advanced stages of design, will likely not benefit from a major design reevaluation, as the cost of doing so may outweigh any potential cost savings. Therefore, the May Revise proposes funding and provisional language for the following projects that are in working drawings:

(dollars in millions)

Project	Amount
1. Butte County: New North County Courthouse	\$54.0
2. Kings County: New Hanford Courthouse	\$109.1
3. Sutter County: New Yuba City Courthouse	\$62.7
4. Yolo County: New Woodland Courthouse	\$139.0

PROPOSAL

The May Revise proposes 1) \$364.8 million in lease revenue bond authority for the construction phase of four courthouse projects, and 2) budget bill language specifying that funds shall not be expended until the Judicial Council has reconfirmed both the detail cost and scope of the projects, as approved by the Department of Finance.

Staff Recommendation: Hold Open

ISSUE 6: COURT APPOINTED COUNSEL PROGRAM**BACKGROUND**

California has a constitutional mandate to provide adequate legal services to indigents in criminal and juvenile matters before the Courts of Appeal. Private attorneys are appointed by the Courts of Appeal to provide representation to these appellants. Statewide, the attorneys are selected, trained, and mentored by five non-profit appellate projects that contract with the Courts of Appeal to oversee the attorneys' work on each individual case and ensure competency, efficiency, and cost-effectiveness. The appellate projects also recommend payment for each case based on the complexity of the case, the experience of the attorney, and the guidelines developed by the Judicial Council's Appellate Indigent Defense Oversight Advisory Committee.

The United States Constitution guarantees effective assistance of counsel for indigent parties in criminal proceedings. At the appellate level, the courts are required to provide indigent appellants with representation by counsel for all appeals from original convictions in criminal cases, juvenile dependency, and delinquent cases. Anyone unable to afford counsel has a right to have this counsel paid for by the state. The work of the appellate projects guides the process that accomplishes this goal.

The cost of the Courts of Appeals, Court Appointed Counsel Program has exceeded its authority in funding each of the past five fiscal years, with shortfalls ranging from \$2.1 million to \$7.5 million (as outlined in the table below). In each of these years the Legislature has approved deficiency funding to support this shortfall (2011-12 has been submitted for approval).

(dollars in millions)

Program Budget	2007-08	2008-09	2009-10	2010-11	2011-12
Authorized Expenditures	\$58.8	\$58.8	\$58.8	\$58.8	\$58.8
Actual Expenditures	\$60.9	\$66.3	\$63.9	\$64.0	\$63.5
Shortfall	\$2.1	\$7.5	\$5.1	\$5.2	\$4.7

PROPOSAL

The May Revision proposes \$4.7 million General Fund for the Court Appointed Counsel Program within the Court of Appeals. In addition, the following budget bill language is proposed to revert any unspent funding to the General Fund:

Of the funds appropriated in Schedule (2), \$63,557,000 is available for the Court Appointed Counsel Program and shall be used solely for this purpose. Any funds for the Court Appointed Counsel Program not expended by June 30, 2013, shall revert to the General Fund.