



Public Safety, Corrections and the Judiciary Conference Committee on AB 74

Senator Holly J. Mitchell, Chair and Assemblymember Philip Y. Ting, Vice Chair

Members: Senator Richard D. Roth, Senator Jim Nielsen, Senator John M.W. Moorlach, Senator Nancy Skinner,
Assemblymember Kevin McCarty, Assemblymember Jay Obernolte, Assemblymember Chad Mayes, and Assemblymember Shirley N. Weber

Table of Contents
Public Safety, Corrections, and the Judiciary

<u>Item #</u>	<u>Title</u>	<u>Page</u>
<u>Public Safety, Corrections, and the Judiciary</u>		
0000	Various Departments	
Issue 1	Prison to Community Pipeline Package.....	3
Issue 2	Access to Justice Package.....	4
0250	Judicial Branch	
Issue 3	Pre-Trial Services Pilot.....	5
Issue 4	Trial Court Judgeships.....	6
Issue 5	Legal Aid for Renters in Landlord-Tenant Disputes.	7
0690	Office of Emergency Services	
Issue 6	Public Safety Power Shutdown Resiliency.....	8
Issue 7	Disaster Preparedness and Response.....	9
Issue 8	Internet Crimes Against Children.....	10
0820	Department of Justice (DOJ)	
Issue 9	Justice Human Resources.....	11
Issue 10	Armed & Prohibited Persons System (APPS).....	12
Issue 11	Implementation of CA Consumer Privacy Act of 2018.....	13
Issue 12	Bureau of Gambling Control (BGC) Cardroom and Third-Party Provider Workload.....	14
Issue 13	Implementation of Price Gouging Legislation.....	15
Issue 14	Audit on Hate Crimes.....	16
5225	Department of Corrections and Rehabilitation (CDCR)	
Issue 15	Division of Juvenile Justice (DJJ) Re-organization.....	17
Issue 16	DJJ Apprenticeship Pilot with California Conservation Corps.	18
Issue 17	Integrated Substance Use Disorder Treatment at all CDCR Facilities.....	19

Table of Contents
Public Safety, Corrections, and the Judiciary

5227 Issue 18	Board of State and Community Corrections (BSCC) California Violence Prevention and Intervention (CalVIP).....	20
8120 Issue 19	Commission on Peace Officer Standards and Training (POST) Increased Peace Officer Training.....	21
0000 Issue 20	Cannabis Tax Revenue Proposition 64 Tax Revenue.....	22

Various Departments

Issue	Description
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Issue 1: Prison to Community Pipeline Package

Governor had no proposal

Senate approved \$119 million General Fund in strategies to reduce recidivism and increase successful reentry. Contents include:

- Continuation, expansion or replication of rehabilitative programs offered by community based organizations that have previously demonstrated success with inmates in CDCR facilities and adopted placeholder trailer bill language that shapes the disbursement of funds, performance measures and method of selecting organizations. (\$15 million in 2019-20)
- Reentry support at \$85 million in 2019-20. Of this amount, \$10 million will be reappropriated from the 2018 Budget Act Adult Reentry Grant program (rehabilitation of property or buildings for housing offenders released from prison) to fund reentry housing support and warm handoff and \$5 million will be reappropriated to Amity Foundation for rehabilitation of property or buildings for housing the formerly incarcerated released from prison. (\$70 million new plus \$15 million reappropriated)
- Parolee population substance use treatment via the state's Specialized Treatment for Optimized Programming (\$12 million)
- CSU and UC to provide higher education services for formerly incarcerated (\$5.75 million). Please note that the higher education portions of this package were handled as part of higher education package issues.
- Parole preparation (\$5 million to fund a pilot program through UnCommon Law)
- Fund and adopt placeholder trailer bill language for a three-year pilot in which therapeutic communities are established within DJJ facilities (\$8 million per year).
- Reentry support for California's exonerated people through After Innocence (\$200,000 over three years)
- Reentry support to transgender, gender non-conforming, and intersex people (\$3 million)

Assembly had no proposal.

Conference issues are the entire package.

Various Departments

Issue	Description
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Issue 2: Access to Justice Package

Governor had no proposal.

Senate approved \$170.5 million ongoing for the following:

- Restoration of the state appropriation limit (SAL) adjustment to the Trial Court Trust Fund from 2009 and prior and placeholder trailer bill language. The amount for 2019-20 would be \$90 million. The SAL would be provided for 2019-20, and establish the expectation that the SAL will be provided in future years as well.
- \$50 million General Fund and placeholder trailer bill language directing the courts to hire family law and civil court reporters to comply with recent court decisions that require indigent litigants are entitled to a court reporter and a transcript .
- \$10 million General Fund and adopt placeholder trailer bill language for court investigators and court room clerks.
- \$5 million for implementation of increases to the court reporter transcript rate.
- Adopt language authorizing a limited remote reporting pilot in Santa Clara Superior only.
- \$10 million General Fund for collaborative courts and adult diversion programs
- \$5 million General Fund for Equal Access Fund
- \$500,000 ongoing to the Equal Access Fund for the CA Commission on Access to Justice to operate independent of the State Bar and adopt placeholder trailer bill language establishing the independent Commission

Assembly had no proposal.

Conference issues are the entire package.

Issue	Description
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Issue 3: Pre-Trial Services Pilot

Governor proposed budget bill language outlining a pre-trial decision-making pilot. The language would include a \$75 million allocation to the Judicial Council to fund the implementation, operation, or evaluation of programs or efforts in at least ten courts related to pretrial decision-making.

Senate approved as proposed and adopted placeholder trailer bill language.

Assembly approved as budgeted and adopted placeholder budget bill and placeholder trailer bill language that includes the following: 1) funding for at least 10 courts, 2) stated goals of the pilot project, 3) permissible uses of funds, 4) authorization for funding to go to pre-trial services agencies, as defined, and 5) collection of specified data and the provision of a report to the Legislature.

Conference issues are the contents of budget and trailer bill language proposed by each house.

0250 Judicial Branch

Issue	Description
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Issue 4: Trial Court Judgeships

Governor proposed, in the May Revision, \$30.4 million General Fund in 2019-20 and \$36.5 million General Fund in 2020-21 and ongoing to allocate 25 of the 48 remaining trial court judgeships authorized by AB 159 (Jones), Chapter 722, Statutes of 2007.

Senate approved as budgeted and adopted placeholder trailer bill language.

Assembly approved as budgeted.

Conference issues are the details of Senate's trailer bill language.

Issue	Description
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Issue 5: Legal Aid for Renters in Landlord-Tenant Disputes

Governor proposed, in the May Revision, an additional \$20 million one-time General Fund for the Equal Access Fund. This funding would provide grants to nonprofit service organizations to assist specifically with landlord-tenant disputes, including legal assistance to prevent evictions, counseling, and renter education programs. These services include, but are not limited to: legal technical assistance, training, advice and consultation, and representation.

Senate approved as budgeted.

Assembly approved as budgeted and adopted placeholder budget bill language.

Conference issues are the details of the Assembly’s budget bill language.

Issue	Description
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Issue 6: Public Safety Power Shutdown Resiliency

Governor proposed \$75 million for state and local entities to respond to investor-owned utility (IOU)-led Public Safety Power Shutdowns (PSPS).

Senate approved \$37.5 million for this purpose, and approved \$37.5 million only upon the receipt of a report to the Legislature on how the funds have been and will be used.

Assembly approved the proposal and adopted provisional budget bill language requiring specified use of funds and reporting on the use of funds and outcomes achieved.

Conference issue is the timing to release the funds and the reporting requirements on the specified use of funds.

Issue	Description
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Issue 7: Disaster Preparedness and Response

Governor proposed \$7.3 million General Fund, \$874,000 federal fund, and 94 positions to support activities related to disaster planning, preparedness, and response. In addition, Cal OES requested \$20 million one-time General Fund to establish a Mission Tasking Fund to provide funding to state entities that have been mission tasked to perform response and recovery activities for declared disasters.

Senate approved \$6.6 million General Fund, \$874,000 federal fund, and 88 positions, and \$20 million one-time General Fund to establish the Mission Tasking Fund. The Senate rejected \$711,000 General Fund and six positions that would have established the Disaster Reserve Corps.

Assembly rejected the \$711,000 General Fund and six positions associated with the Statewide Disaster Reserve Corps and rejected six of the 12 positions and associated funding related to Mission Tasking. Adopted budget bill language to require Cal OES to report, along with the submission of the 2020-21 budget, on its use of funds for Mission Tasking provided in 2019-20. The Assembly approved the other proposed resources.

Conference issue is staffing and associated funding for the Mission Tasking Unit.

Issue	Description
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Issue 8: Internet Crimes Against Children

Governor had no proposal.

Senate had no proposal.

Assembly appropriated \$10 million ongoing for the California Internet Crimes Against Children Task Force, which is comprised of federal, state, and local law enforcement agencies.

Conference issue is funding for the Internet Crimes Against Children Task Force.

Issue	Description
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Issue 9: Justice Human Resources

Governor proposed \$2.2 million (\$669,000 General Fund and \$1.5 million Special Fund) in 2019-20, \$2.3 million (\$713,000 General Fund and \$1.6 million Special Fund) in 2020-21, and \$659,000 (\$204,000 General Fund and \$455,000 Special Fund) in 2021-22 and ongoing for DOJ to develop and implement a cloud-based, secure software solution that will create a centralized employee information repository.

Senate rejected this proposal.

Assembly approved as budgeted.

Conference issues are whether to provide proposed funding for this software solution.

Issue	Description
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Issue 10: Armed & Prohibited Persons System (APPS)

Governor proposed 26.0 positions and following funding: (1) \$17.5 million General Fund for the APPS program, (2) \$12.1 million (\$6.8 million DROS Account and \$5.3 million Firearm Safety & Enforcement Special Fund (FS&E)) for the Dealer Record of Sale (DROS) Unit. A Spring Finance Letter requested that the General Fund be increased by \$575,000 and the FS&E Special Fund be decreased by \$575,000 to reflect an adjustment to the funding proposed in the Governor's Budget for APPS. This adjustment makes APPS entirely funded by the General Fund. Historically, APPS investigations has been entirely DROS-funded.

Senate covered only existing support for APPS investigation teams with \$11.9 million General Fund on a one-time basis in 2019-20. Adopted placeholder budget bill language that directs the DOJ to assess and report the Legislature related to the fund condition of the DROS Account. Continued to provide the DROS Section with \$12.1 million in support, but with \$5.3 million from the FS&E Special Fund and the remaining \$6.8 million from the DROS Account. Adopted placeholder trailer bill language to require reporting on APPS investigation team workload. Finally, adopted placeholder budget bill language allocating an additional \$3 million General Fund one-time to create a pilot grant program to support local law enforcement agencies who wish to carry out sweeps of APPS in their jurisdiction. Moreover, adopt budget bill language that would require participating jurisdictions to submit a report detailing the use of those funds and the efficacy of the program.

Assembly approved \$11.9 million to shift all existing support for APPS investigation teams to the General Fund and make corresponding reductions to the DROS and FS&E Accounts. Continued to provide the DROS Section with \$12.1 million in support, but with \$5.3 million from the FS&E Special Fund and the remaining \$6.8 million from the DROS Special Account. Adopted placeholder trailer bill language to require reporting on APPS investigation team workload. Finally, adopted placeholder budget bill language specifying that an additional \$3 million General Fund be allocated one-time to create a pilot grant program to support local law enforcement agencies who wish to carry out sweeps of APPS in their jurisdiction. Moreover, adopt budget bill language that would require participating jurisdictions to submit a report detailing the use of funds and efficacy of the program.

Conference issues are General Fund support for APPS starting in 2020-21 and ongoing since Senate approved one-time General Funds and Senate's budget bill language for assessing the health of the DROS fund.

Issue	Description
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Issue 11: Implementation of the CA Consumer Privacy Act of 2018

Governor proposes a permanent augmentation of 23.0 positions and \$1.8 million General Fund and \$2.9 million Unfair Competition Law Fund in 2019-20 and \$1.7 million General Fund and \$2.8 million Unfair Competition Law Fund in 2020-21 and ongoing, to implement and enforce the mandates of AB 375 (Chau), Chapter 55, Statutes of 2018, and SB 1121 (Dodd), Chapter 735, Statutes of 2018.

Senate rejected this proposal.

Assembly approved as budgeted.

Conference issues are 23.0 positions and proposed funding in 2019-20 and ongoing.

Issue	Description
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Issue 12: Bureau of Gambling Control and Third-Party Workload

Governor proposed, in the May Revision, a permanent Gambling Control Fund augmentation of \$4.4 million in 2019-20 and ongoing to retain 32.0 existing positions necessary to continue reducing the backlog, and maintaining ongoing workload, associated with California cardroom and third-party providers of proposition player services license (TPPPPS) applicants. Governor also proposed provisional language:

1. The Department of Finance may augment or reduce the amount in Schedule (2) of this item based on workload changes related to the processing of license applications, renewals, and background investigations for cardrooms and third-party providers. The Director of Finance shall not approve any augmentation or reduction unless the approval is made in writing to the Chairperson of the Joint Legislative Budget Committee not later than 30 days prior to the effective date of the approval, or not sooner than whatever lesser time the chairperson of the joint committee, or his or her designee, may determine.

Senate adopted placeholder trailer bill language on cardrooms. Approved funding for two-year limited-term positions. To ensure that it approaches its backlog strategically and that it is accountable for its use of resources, directed the bureau to establish a formal plan by November 2019 for completing its review of the remaining pending applications. To ensure that it fairly charges applicants for the costs of their background investigations, directed the bureau to establish and implement policies by July 2019 that require staff to properly and equitably report and bill the time they spend conducting such investigations.

Assembly approved funding for two-year limited term positions. To ensure that it approaches its backlog strategically and that it is accountable for its use of resources, directed the bureau to establish a formal plan by November 2019 for completing its review of the remaining pending applications. To ensure that it fairly charges applicants for the costs of their background investigations, directed the bureau to establish and implement policies by July 2019 that require staff to properly and equitably report and bill the time they spend conducting such investigations.

Conference issues are Senate’s trailer bill language.

Issue	Description
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Issue 13: Implementation of Price Gouging Legislation

Governor requested spending authority of \$365,000 Unfair Competition Law Fund and two positions in 2019-20, and \$352,000 in 2020-21 and ongoing, for the DOJ to implement AB 1919 (Wood), Chapter 631, Statutes of 2018, which expands the scope of laws related to enforcement against price gouging in times of disaster to include rental housing and resources..

Senate rejected this proposal.

Assembly approved as budgeted.

Conference issues are spending authority of \$365,000 Unfair Competition Law Fund and two positions in 2019-20 and \$352,000 in 2020-21 and ongoing.

Issue	Description
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Issue 14: Audit on Hate Crimes

Governor proposed \$797,000 General Fund and five positions in 2019-20, and \$693,000 in 2020-21 and ongoing, to address recommendations identified in a 2018 California State Auditor Report on Hate Crimes.

Senate rejected this proposal.

Assembly approved as budgeted.

Conference issues are \$797,000 General Fund and five positions in 2019-20, and \$693,000 in 2020-21 and ongoing.

Issue	Description
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Issue 15: Division of Juvenile Justice (DJJ) Re-organization

Governor proposed shifting the DJJ away from the California Department of Corrections and Rehabilitation and into the Health and Human Services Agency. The new department will be called the Department of Youth and Community Restoration.

Senate approved as proposed and adopted placeholder trailer bill language shifting all juvenile justice grants and programs to the new department by January 1, 2021 as well as instituting the name change effective January 1, 2020. As well, the Senate funded and adopted placeholder budget bill language for a three-year pilot in which therapeutic communities are established within DJJ facilities (\$8 million per year).

Assembly approved as budgeted and adopted placeholder trailer bill language that does the following:

Creates an advisory body convened by the Director of the Division of Juvenile Justice (later known as the Director of the Department of Youth and Community Restoration) and the Secretary of the Health and Human Services Agency, on or before August 1, 2019, made up of specified experts and stakeholders to provide input and recommendations based on analysis of research and data on related to: (1) the transfer of the Division of Juvenile Justice; and, (2) policies, programs, and best practices that promote a commitment to improving youth outcomes, reduce youth detention, and reduce recidivism. The advisory body shall select two chairs, who would be re-selected every two years, from their membership.

Conference issues are the contents of the trailer bill language proposed by each house.

5225 Department of Corrections and Rehabilitation (CDCR)

Issue	Description
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Issue 16: DJJ Apprenticeship Pilot with California Conservation Corps.

Governor proposed \$344,000 General Fund and 2.4 positions beginning in 2019-20 and ongoing and also includes 2.0 ongoing positions for the California Conservation Corps and \$1.1 million one-time General Fund in 2019-20 and \$581,000 ongoing GF beginning in 2020-21, (which includes \$876,000 in 2019-20 and \$376,000 ongoing for certified local conservation corps). Requested resources will support the implementation of the DJJ Apprenticeship Conservation Corps pilot program to present DJJ youth with skill-building and job-readiness opportunities that provide pathways to conservation careers upon return to their communities.

Senate approved funding and positions, but for five years.

Assembly approved as budgeted.

Conference issues are the length of funding for proposed resources.

5225 Department of Corrections and Rehabilitation (CDCR)

Issue	Description
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Issue 17: Integrated Substance Use Disorder Treatment at all CDCR Facilities

Governor proposed, in the May Revision, \$71.3 million General Fund and 280.2 positions in 2019-20, growing to \$161.9 million General Fund with an additional 150.8 positions in 2020-21, and growing to \$164.8 million General Fund in 2021-22 and ongoing, for the Integrated Substance Use Disorder Treatment Program (ISUDT). This would make the total funding and positions \$165 million General Fund annually and 431 positions by 2021-22.

Senate approved item as budgeted.

Assembly provided \$16 million General Fund in 2019-20 and \$48 million in 2020-21 and 2021-22 to implement an ISUDT program in seven facilities for three years beginning in 2019- 20.

- Adopted budget bill language allowing the administration to augment the amount provided for the pilot by no more than 20 percent with prior notification to the Joint Legislative Budget Committee.
- Adopted trailer bill language to require semi-annual reports from the California Department of Corrections and Rehabilitation (CDCR) and the California Correctional Health Care Services (CCHCS). These reports shall provide: (1) updates on the program’s implementation and costs; (2) a summary of cognitive behavioral therapy oversight and fidelity assessments; and, (3) the effect of the program on substance use in the facilities, inmate health, and reentry outcomes.
- Required CDCR to contract for an independent evaluation of the program, which shall be provided to CDCR, CCHCS, and the Legislature no later than January 2022.

Conference issues Differences of \$55.3 million General Fund in 2019-20, \$114 million in 2020-21, \$117 million in 2021-22, and \$165 million in 2022-23 and ongoing, as well as the length of program approval, and details of budget and trailer bill language.

5227 Board of State and Community Corrections (BSCC)

Issue

Description

Issue 18: California Violence Intervention and Prevention Program (CalVIP) Funding

Governor proposed in January to include \$9 million General Fund ongoing for the CalVIP program. The May Revision then included a one-time General Fund augmentation of \$18 million (one-year) to support additional grants to eligible cities and community-based organizations. The total funding would be \$27 million in 2019-20 and \$9 million in 2020-21 and ongoing.

Senate approved as budgeted, with an additional \$3 million General Fund one-time to bring the total to \$30 million in 2019-20, and \$9 million in 2020-21 and ongoing.

Assembly approved the January and May Revision proposals as budgeted.

Conference issues \$3 million General Fund difference for 2019-20.

8120 Commission on Peace Officer Standards and Training (POST)

Issue	Description
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Issue 19: Increased Peace Officer Training

Governor proposed \$34.9 million General Fund and 11 positions in 2019-20 and ongoing to restore POST to prior levels of funding. The resources will be used for administration, additional training, and increased funding for local assistance and reimbursement provided to local law enforcement agencies.

Senate approved as budgeted.

Assembly approved the proposal subject to: (1) the adoption of legislation that changes the current standard for when law enforcement officers can use deadly force to a “necessary” standard; and, (2) the adoption of budget bill and placeholder trailer bill language with reporting requirements and subject to the following specifications:

- \$3 million ongoing for POST administrative activities to support increased workload, improve existing databases, replace and modernize technological equipment.
- \$8.9 million one-time to develop new course materials and curriculum as well as to purchase necessary materials or equipment to support the training of law enforcement officers on meeting the new necessary standard related to the use of deadly force. This includes, but is not limited to, training in de-escalation and cultural competence and sensitivity. No more than \$3 million can be used for the purchase of equipment.
- \$3 million one-time to update existing training curriculum that is relevant to supporting the training of law enforcement officers on the new standard related to use of deadly force.
- \$20 million one-time for local assistance and reimbursement funding for providing law enforcement with new or updated training associated with understanding and meeting the new standard related to the use of deadly force.

Conference issues are the contents of the trailer bill language proposed by each house.

Issue	Description
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Issue 20: Proposition 64 Tax Revenue

Governor allocated Proposition 64 tax revenue funds as follows: 1) \$119.3 million for 8,158 additional child care slots, for competitive grants to develop and implement new youth programs, and grants to support youth access to natural or cultural resources, 2) \$39.8 million for clean-up, remediation, and enforcement of environmental impacts created by illegal cannabis cultivation, and 3) \$39.8 million for public safety-related activities.

Senate took no action.

Assembly rejected the Governor’s proposal for using Proposition 64 funding for child care slots (action detailed on Issue 1 on the Education section of the agenda), and 2) rejected the Governor’s Proposition 64 proposals for prevention of environmental degradation and for law enforcement and instead provided: a) \$10.1 million for the Campaign Against Marijuana Planting program; b) \$15.5 million for local law enforcement grants; c) \$10 million for statewide enforcement; and d) \$500,000 for the establishment of the California Cannabis Interagency Team.

Conference issue is the use of Proposition 64 tax revenue as outlined in the Assembly’s action.