

AGENDA**ASSEMBLY BUDGET SUBCOMMITTEE NO. 5
ON PUBLIC SAFETY****ASSEMBLYMEMBER SHIRLEY N. WEBER, PH.D., CHAIR****THURSDAY, MAY 24, 2018
10:00 A.M. –STATE CAPITOL, ROOM 444**

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VOTE-ONLY CALENDAR

5225 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

The following California Department of Corrections and Rehabilitation proposal was originally heard in this Subcommittee on March 7, 2018.

VOTE-ONLY ISSUE 1: STANDARDIZED STAFFING

The Governor's budget includes \$4.4 million General Fund and 31.6 positions in 2018-19 to augment custody standardized staffing levels at multiple institutions.

Staff Recommendation: Approve as Budgeted.

The following California Department of Corrections and Rehabilitation proposal was originally heard in this Subcommittee on March 12, 2018 and May 21, 2018.

VOTE-ONLY ISSUE 2: MAY REVISION: JANITORIAL SERVICES

January Proposal

The January proposal requested a net augmentation of \$185,000 in 2018-19, which includes a reduction of \$12.9 million associated with the existing PRIDE contract and an increase of \$13.1 million for civil service staff to take over the janitorial services.

May Revision

The May Revise adjustment contains two components. First, there is a request for \$8 million in 2018-19 to restore partial year funding for the PRIDE contract. Secondly, the May Revise adjustment realigns the authority for contracting with the Prison Industry Authority to oversee the janitorial services from CDCR to Correctional Health Care Services, which has a net zero fiscal effect.

Staff Recommendation: Reject the Proposal and Adopt Placeholder Trailer Bill Language.

VOTE-ONLY ISSUE 3: TBL: CORRECTIONAL PEACE OFFICER ACADEMY

The proposed trailer bill language will amend Section 13603 of the Penal Code, increasing the hours of training for California Department of Corrections and Rehabilitation correctional peace officer cadets who start training on or after January 1, 2019, from 480 hours to 520 hours.

Staff Recommendation: Adopt Placeholder Trailer Bill Language.

VOTE-ONLY ISSUE 4: TBL: PRISON INDUSTRY AUTHORITY: VEHICLE PURCHASING AUTHORITY

The proposed trailer bill language will authorize the Prison Industry Authority to purchase vehicles necessary for operations.

Staff Recommendation: Adopt Trailer Bill Language.

VOTE-ONLY ISSUE 5: TBL: FACILITY MANAGEMENT AND CAPITAL OUTLAY PROPOSAL

The proposed trailer bill language will direct the California Department of Corrections and Rehabilitation to create a Facility and Capital Outlay Management plan.

Staff Recommendation: Adopt Placeholder Trailer Bill Language.

VOTE-ONLY ISSUE 6: TBL: AB 900 LEASE REVENUE APPROPRIATION AUTHORITY

The proposed trailer bill language will reduce the AB 900 Lease Revenue Appropriation authority by \$2.64 million.

Staff Recommendation: Approve Trailer Bill Language.

VOTE-ONLY ISSUE 7: PELICAN BAY STATE PRISON FACILITY D YARD

The Governor's budget proposes \$1.85 million General Fund in 2018-19, for the construction phase of the project to build a recreation yard for Facility D at Pelican Bay State Prison.

Staff Recommendation: Approve as Budgeted.

0690 OFFICE OF EMERGENCY SERVICES

The following Office of Emergency Services proposals were originally heard in this Subcommittee on April 2, 2018.

VOTE-ONLY ISSUE 8: CALIFORNIA EARLY EARTHQUAKE WARNING SYSTEM

The Governor's budget includes \$15.75 million General Fund and \$750,000 General Fund annually thereafter, to complete the build out of and provide continued staffing and operating costs for the California Early Earthquake Warning system and program.

Staff Recommendation

Staff recommends approving the proposal with placeholder trailer bill language that requires the Office of Emergency Services to submit a plan to this sub-committee by October 1, 2018 with the following:

- Financing options for the project, including a cost-benefit analysis of each option, and recommendations.
- A risk-analysis assessment of the public-private partnership in the proposal for the Legislature to consider, including but not limited to, issues of proprietorship.

Staff Recommendation: Approve the Staff Recommendation.

VOTE-ONLY ISSUE 9: TBL: 9-1-1 SUSTAINMENT

The Governor's Budget includes \$1.1 million and \$10.4 million local assistance State Emergency Telephone Number Account (SETNA) authority and 6 positions in 2018-19 to build out and support Next Generation 9-1-1 activities and maintain the 9-1-1 legacy system. This proposal includes trailer bill language that changes the current calculation of the SETNA surcharge rate to a fixed rate.

Staff Recommendation: Approve the Proposal and Adopt Placeholder Trailer Bill Language.

VOTE-ONLY ISSUE 10: TBL DISASTER RESPONSE-EMERGENCY OPERATIONS ACCOUNT

This proposal adopts placeholder trailer bill language related to the Disaster Response Emergency Operations Account (DREOA).

Staff Recommendation

Adopt placeholder trailer bill language that does the following:

- Clearly defines “response” activities as those that are immediate and deal with an ongoing or emerging crisis.
- Requires notification to JLBC when an extension past 120 days is requested. The additional notification should include estimated additional amount of time required and reasons for the additional time required.

Staff Recommendation: Approve the Staff Recommendation.

VOTE-ONLY ISSUE 11: DOMESTIC VIOLENCE AND SEXUAL ASSAULT SERVICES

The Subcommittee proposes a one-time augmentation of \$20 million for the Office of Emergency services to support services for individuals impacted by domestic violence and sexual assault. Specifically, \$10 million will go towards the Family Violence Prevention Program and \$10 million to the Rape Crisis Program.

Staff Recommendation: Approve the Proposal.

VOTE-ONLY ISSUE 12: SERVICES VICTIMS OF HUMAN TRAFFICKING

The Subcommittee proposes a one-time augmentation of \$10 million to the Office of Emergency Services to provide grants to organizations that provide comprehensive services to victims of human trafficking.

Staff Recommendation: Approve the Proposal.

VOTE-ONLY ITEM 13: INTERNET CRIMES AGAINST CHILDREN

The Subcommittee proposes a one-time \$1 million augmentation to the Office of Emergency Services, Internet Crimes Against Children Task Force.

Staff Recommendation: Approve the Proposal.

VOTE-ONLY ISSUE 14: FAMILY JUSTICE CENTERS

The Subcommittee proposes a one-time \$10 million augmentation to the Office of Emergency Services, Domestic Violence Victims Fund, to fund Family Justice Centers throughout the state.

Staff Recommendation: Approve the Proposal.

VOTE-ONLY ITEM 15: CHILDREN'S ADVOCACY CENTER

The Subcommittee proposes a one-time \$1.2 million allocation to the City of Covina's Children's Advocacy Center.

Staff Recommendation: Approve the Proposal and Adopt Budget Bill Language.

VOTE-ONLY ITEM 16: CITY OF RIALTO

The Subcommittee proposes a one-time \$1.7 million allocation to the City of Rialto for emergency equipment.

Staff Recommendation: Approve the Proposal and Adopt Budget Bill Language.

0820 DEPARTMENT OF JUSTICE

The following Department of Justice proposal was originally heard in this Subcommittee on May 16, 2018.

VOTE-ONLY ISSUE 17: Cybersecurity Investigation Teams

The DOJ Bureau of Investigation, requests \$5.6 million General Fund in FY 2018-19 and \$4.8 million General Fund in FY 2019-20 and ongoing, along with 19.0 permanent positions, to establish two investigative teams, one in the Northern California region and one in the Southern California region, focusing on cybercrimes, white collar crimes, and human trafficking crimes involving the use of technology.

LAO Recommendations

- LAO recommends that the Legislature modify the Governor's proposal to provide the requested resources on a three-year limited-term basis—specifically, \$5.6 million in 2018-19, and \$4.8 million in 2019-20 and 2020-21.
- Require the DOJ to submit a report by January 1, 2021 on various outcome measures, such as the number of cases investigated and the outcomes of such case.

Staff Recommendation: Adopt the LAO Recommendations and placeholder trailer bill language.

VOTE-ONLY ISSUE 18: ARMED AND PROHIBITED PERSONS SYSTEM

The Subcommittee proposes \$5.3 million in 2018-19 and \$4.4 million ongoing to support 26 positions, to continue efforts to reduce the Armed and Prohibited Persons System backlog.

Staff Recommendation: Approve the Proposal and Adopt Budget Bill Language.

VOTE-ONLY ISSUE 19: STATE OFFICER-INVOLVED SHOOTING INVESTIGATION TEAM

The Subcommittee proposes \$9.7 million in 2018-19 and \$8.7 ongoing to create an independent review unit in the Department of Justice, consisting of three teams located in three regions of the state. The teams will investigate officer involved shootings at the request from a local law enforcement agency or the district attorney.

Staff Recommendation: Approve the Proposal and Adopt Placeholder Trailer Bill Language

VOTE-ONLY ISSUE 20: SEXUAL ASSAULT KITS

The Subcommittee proposes a one-time \$1 million appropriation to the Department of Justice, to support activities related to the disposition of sexual assault kits.

Staff Recommendation: Approve the Proposal and Adopt Budget Bill Language

VOTE-ONLY ISSUE 21: BUREAU OF ENVIRONMENTAL JUSTICE

The Subcommittee proposes \$3.5 million in 2018-19 and ongoing for the Department of Justice's Bureau of Environmental Justice, to protect people and communities that endure a disproportionate share of environmental pollution, through investigation and enforcement of violations of environmental laws.

Staff Recommendation: Approve the Proposal

VOTE-ONLY ISSUE 22: ECRIME UNIT WEBSITE

The Subcommittee proposes one-time \$150,000 allocation to the Department of Justice to fund a technical website contract to update a database related to confidential law enforcement information for electronic warrants.

Staff Recommendation: Approve the Proposal

VOTE-ONLY ITEM 23: JUVENILE COURT AND PROBATION STATISTICAL SYSTEM**Background**

Per Penal Code section 13010.5, the DOJ is mandated to collect data pertaining to the juvenile justice system for criminal history and statistical purposes. The Juvenile Court and Probation Statistical System (JCPSS) is the primary statewide database of information collected from county probation departments on all juvenile probation referrals, court actions and final dispositions. The system collects and compiles data on the number of juveniles referred to a Probation Department, pursuant to Welfare & Institutions Code sections 601 and/or 602. The system also maintains data on a defined universe of data elements for each individual juvenile whose identifying information is entered into the system. Counties submit data into the JCPSS on a monthly basis, via either a manual data entry or the web enabled uploading process. The deficiencies of the JCPSS data system were fully documented by the California Juvenile Justice Data Working Group, in its 2016 report to the Legislature (“Rebuilding California’s Juvenile Justice Data System”).

Staff Recommendation

Adopt placeholder trailer bill language requiring the following:

- The Department of Justice to produce a plan for upgrading or replacing the JCPSS juvenile justice data system, including costs and options for modernization that will result in a capacity for recidivism related analysis.
- That the plan should be developed in coordination with key stakeholders and experts, to identify the goals, options and costs related to system replacement. This could be achieved by to identify the goals, options and costs related to system replacement. This could be achieved by the appointment of an advisory group or committee (including perhaps members of the JJ Data Working Group), or by designating specific agencies and organizations to cooperate with DOJ in plan development.
- That the plan should be produced and returned to the Legislature by March 1, 2019.

Staff Recommendation: Approve the Staff Recommendation.

0250 JUDICIAL BRANCH

VOTE-ONLY ISSUE 24: SFL: SAN JOAQUIN: NEW STOCKTON COURTHOUSE

The proposal extends the liquidation period for the construction phase of this project to June 30, 2019. Construction of the project is completed but there may be a delay in payments for design modifications made during the construction. The extension of the liquidation is necessary so the Judicial Council can continue to make payments on this project.

Staff Recommendation: Approve the Spring Finance Letter.

VOTE-ONLY ISSUE 25: SFL: RIVERSIDE COUNTY NEW MID-COUNTY CIVIL COURTHOUSE

The proposal amends Item 0250-301-3138 to correct a technical error that resulted in the incorrect project identification number and title being used for the working drawings phase of this project.

Staff Recommendation: Approve the Spring Finance Letter.

VOTE-ONLY ISSUE 26: JUDICIAL BRANCH FUNDING

The Governor's budget proposes an increase in funding to support various proposals, nearly all of which is ongoing, including:

- \$75 million discretionary funding for allocation to trial courts by the Judicial Council (JC).
- \$47.9 million for allocation to certain trial courts that are comparatively underfunded relative to other trial courts.

Staff Recommendation

Staff recommends approving the proposal to allocate \$47.9 million to various underfunded courts. Staff further recommends adopting budget bill language and approving the \$75 million discretionary funding, broken down in the following manner:

- \$15 million to fund court reporters in family court proceedings.
- \$30 million to trial courts, according to the Judicial Council's Workload Allocation Funding Methodology (WAFM) model that was modified and subsequently approved by the Judicial Council on January 12, 2018, for the purposes of reducing court backlogs and increasing court operating hours as needed.
- \$30 million in discretionary funding to the Judicial Council.

Staff Recommendation: Adopt Staff Recommendation, Budget Bill Language, and Placeholder Trailer Bill Language.

VOTE-ONLY ISSUE 27: TBL: CY PRES**Background**

The cy pres doctrine, in the context of class action settlements, permits a court to distribute unclaimed or non-distributable portions of a class action settlement fund to the “next best” class of beneficiaries for the aggregate, indirect, prospective benefit of the class. AB 103 (Committee on Budget, Chapter 17, Statutes of 2017), was a budget trailer bill that amended Section 384 of the Code of Civil Procedure, which governs the distribution of residual funds from class action litigation. Prior to AB 103, there were three entities that these residue funds could be distributed to: (1) “nonprofit organizations or foundations to support projects that will benefit the class or similarly situated persons, or that promote the law consistent with the objectives and purposes of the underlying cause of action,” (2) child advocacy programs, or (3) nonprofit organizations providing civil legal services to the indigent class. There was no requirement that any one group receive any minimum or maximum of the available funds. AB 103 mandates that 25 percent of the funds be distributed to the Equal Access Fund of the Judicial Branch, and 25 percent be distributed to the Trial Court Improvement and Modernization Fund for collaborative courts or grants for Sargent Shriver Civil Counsel. The remaining 50 percent is distributed to the three groups listed above, which includes the possibility for legal aid to receive additional funding on top of the 25 percent earmark. While the current formula under AB 103 was intended to provide a stable funding source for legal aid, the money generated under cy pres is neither consistent nor reliable. The lack of steady revenue can cause a reduction of additional resources for organizations intended to benefit the class or similarly situated persons.

Staff Recommendation

Adopt placeholder trailer bill language that includes the following:

- Reestablishes California’s previous cy pres rule without specific earmarks to the organizations previously listed.
- Requires attorneys to disclose to the court their connection or relationship to a cy pres recipient that creates the appearance of impropriety.
- Requires the California Research Bureau, beginning January 1, 2024, to publish a report every five years on cases awarding cy pres distributions.

Staff Recommendation: Adopt the Staff Recommendation

VOTE-ONLY ISSUE 28: TRAFFIC TICKETS AND LICENSE SUSPENSIONS**Background**

A traffic ticket is a citation to appear in traffic court. The citation requires a ticket recipient to appear in court on, or before a specific date. A person that receives a traffic citation does not need to appear in court if they pay the full amount of the fine. Until recently, when people with traffic tickets failed to pay the fine, the court notified DMV of the failure to pay. The passage AB 103 (Committee on Budget), Chapter 17, Statutes of 2017, eliminated the ability for the courts and DMV to suspend an individual's license based on a failure to pay the traffic fine. AB 103 went into effect on June 27, 2017. Courts retain the power to notify DMV of a failure to appear (FTA) in court and DMV will continue to suspend driver's licenses on receipt of such information.

Staff Recommendation

Adopt placeholder trailer bill language that includes, at a minimum, the following provisions:

- Requires that after a person who has an FTA satisfies the order of the court to appear, the court shall lift any driver's license hold. The court shall not issue a bench warrant for a failure to appear.
- Requires the court to mail a courtesy warning notice to the defendant at least 20 days before sending a notice to the Department of Motor Vehicles (DMV) that the defendant failed to appear in court, when the court seeks to notify DMV of a failure to appear, pursuant to specified law.

Staff Recommendation: Adopt Placeholder Trailer Bill Language.

VOTE-ONLY ISSUE 29: JUDGESHIPS

The Subcommittee proposes \$4 million General Fund in 2018-19 and ongoing and placeholder trailer bill language to fund 4 judgeships in the Corona Courthouse in Riverside County.

Staff Recommendation: Approve the Proposal and Adopt Placeholder Trailer Bill Language.

VOTE-ONLY ISSUE 30: JUDICIAL BRANCH CAPITAL OUTLAY**January Proposal**

In January, the Administration proposed using lease revenue bonds backed by the General Fund, rather than the Immediate and Critical Needs Account, to finance the construction of ten trial court projects totaling approximately \$1.3 billion by 2019-20. Under the Administration's January proposal, the 2018-19 budget would provide the judicial branch with:

- (1) The authority to sell \$343 million in lease-revenue bonds to begin to finance the construction of five projects in 2018-19, and;
- (2) \$32.2 million to complete pre-construction design activities for three of the five projects proposed to move into construction in 2019-20.

May Revision Proposal

The Judicial Branch requests \$972 million additional lease revenue fund authority for the specified court construction projects.

Staff Recommendation

Approve the proposed funding and adopt placeholder trailer bill language and placeholder budget bill language that will require a reassessment of the immediate, critical, and high need projects before the final selection of projects.

Staff Recommendation: Approve the Staff Recommendation

VOTE-ONLY ISSUE 31: EQUAL ACCESS FUND

The Subcommittee proposes \$20 million General Fund in 2018-19 and \$10 million ongoing thereafter for the Equal Access Fund.

Staff Recommendation: Approve the Proposal.

VOTE-ONLY ISSUE 32: COURT TRANSCRIPT FEES FOR INDIGENT PEOPLE

The Subcommittee proposes one-time \$100,000 allocation to the Transcript Reimbursement Fund to cover the costs of transcripts for low-income, indigent, and other qualifying clients.

Staff Recommendation: Approve the Proposal.

VOTE-ONLY ISSUE 33: COUNTY LAW LIBRARIES

The Subcommittee proposes a one-time \$16.5 million allocation for County Law Libraries.

Staff Recommendation: Approve the Proposal and Adopt Budget Bill Language.

VOTE-ONLY ISSUE 34: INDIAN CHILD WELFARE ACT

The Subcommittee proposes a one-time allocation of \$1.2 million to the State Bar's Trust Fund Program to provide legal representation to tribes in dependency cases where the Indian Child Welfare Act applies.

Staff Recommendation: Approve the Proposal and Adopt Placeholder Budget Bill Language.

8940 CALIFORNIA MILITARY DEPARTMENT

VOTE-ONLY ISSUE 35: STARBASE YOUTH PROGRAM

The Subcommittee proposes one-time \$1.7 million allocation to the California Military Department, to expand the STARBASE youth program at the Joint Forces Training Base in Los Alamitos.

Staff Recommendation: Approve the Proposal.

5227 BOARD OF STATE AND COMMUNITY CORRECTIONS

VOTE-ONLY ISSUE 36: YOUTH REINVESTMENT FUND

The Subcommittee proposes \$100 million in 2018-19 to establish the Youth Reinvestment Fund (YRF), to be administered by the Board of State and Community Corrections. The YRF will go towards improving outcomes of vulnerable youth populations using trauma-informed, community-based, and health-based interventions. Specifically, the funding will provide \$75 million to fund local diversion programs for at-risk youth over a 3 year period, \$15 million to fund social workers in public defender offices to support youth, and \$10 million to fund Tribal Diversion Programs for Native American youth.

Staff Recommendation: Approve the proposal and adopt placeholder trailer bill language and placeholder budget bill language.

VOTE-ONLY ISSUE 37: CAL VIP

This Subcommittee proposes \$9.215 million in 2018-19 to reauthorize the California Violence Intervention and Prevention (CalVIP) program.

Staff Recommendation: Approve the Proposal and Adopt Placeholder Budget Bill Language.

VOTE-ONLY ISSUE 38: CITY OF STOCKTON

This Subcommittee proposes one-time allocation of \$3 million for a helicopter, to support the greater Stockton metropolitan area and augment its law enforcement and public safety capabilities.

Staff Recommendation: Approve the Proposal and Adopt Placeholder Budget Bill Language.

VOTE-ONLY ISSUE 39: REENTRY PROGRAMS

This Subcommittee proposes a one-time allocation of \$50 million in 2018-19, for community-based reentry programs and adopting placeholder trailer bill language to improve reentry outcomes.

Staff Recommendation: Approve the Proposal and Adopt Placeholder Trailer Bill Language.

VOTE-ONLY ISSUE 40: LOCAL POLICE DEPARTMENTS

The Subcommittee proposes a one-time \$3.75 million appropriation to the police departments in the cities of Fremont, Milpitas, Newark, San Jose, and Santa Clara to address car break-ins and theft. Each police department will receive \$750,000 for this purpose.

Staff Recommendation: Approve the Proposal and Adopt Budget Bill Language.

VOTE-ONLY ISSUE 41: BOYS AND GIRLS CLUB

This Subcommittee proposes a one-time \$46,000 appropriation to the City of Fullerton for the Boys and Girls Club Initiative.

Staff Recommendation: Approve the Proposal and Adopt Placeholder Budget Bill Language

VOTE-ONLY ISSUE 42: POMONA OATH

This Subcommittee proposes a one-time allocation of \$2 million to the City of Pomona for the Pomona Oath Initiative.

Staff Recommendation: Approve the Proposal and Adopt Placeholder Budget Bill Language.

VOTE-ONLY ISSUE 43: VETERANS TRANSITION CENTER

This Subcommittee proposes a one-time \$1.5 million appropriation to the Veterans Transition Center in Monterey County, to expand its Prison Outreach Program and create additional units for formerly incarcerated veterans.

Staff Recommendation: Approve the Proposal and Adopt Placeholder Budget Bill Language.

VOTE-ONLY ISSUE 44: TBL: CORONER'S FEE REVENUE SHIFT TO STATE PENALTY FUND

The Administration proposes trailer bill language to shift the coroner's fee to the State Penalty Fund, instead of the Peace Officer's Training Fund. The proposal would also, beginning July 1, 2019, require the Commission on Peace Officer Standards and Training to allocate from the State Penalty Fund to each city, county, district, or joint powers agency that has applied and qualified for aid.

Staff Recommendation: Adopt the Trailer Bill Language.

VOTE-ONLY ISSUE 45: ENCANTO RECREATIONAL CENTER

The Subcommittee proposes a one-time appropriation of \$50,000 to the San Diego Police Department, to fund the Encanto Recreation Center's summer events and programming.

Staff Recommendation: Approve the Proposal and Adopt Placeholder Budget Bill Language.

8120 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

VOTE-ONLY ISSUE 46: LAW ENFORCEMENT TRAINING

This Subcommittee proposes a one-time \$25 million augmentation to the Commission on Peace Officer Standards and Training for the following purposes:

- \$15 million for Use of Force and De-escalation Training
- \$5 million for Crisis Mental Health Training
- \$5 million in innovative grants administered by POST

The funding will support curriculum development, provide local assistance for participation in trainings, the purchase of equipment, and other costs associated with administering trainings.

Staff Recommendation: Approve the Proposal and adopt Placeholder Budget Bill Language and Placeholder Trailer Bill Language

VOTE-ONLY ISSUE 47: MODEL HATE CRIMES POLICY

This Subcommittee proposes a one-time \$45,000 General Fund augmentation to the POST budget, to update its model hate crimes policy and guidelines pursuant to Penal Code Section 13519.6.

Staff Recommendation: Approve the Proposal and Adopt Budget Bill Language.
