

THE 2005-2006 STATE BUDGET

Public Safety

JUDICIARY

The mission of the Judicial Branch is to resolve disputes arising under the law and to interpret and apply the law consistently, impartially, and independently to protect the rights and liberties guaranteed by the Constitutions of California and the United States, in a fair, accessible, effective, and efficient manner.

The Governor's Budget combines the budgets of the Judiciary and the State Trial Court Funding as the Judicial Branch beginning in 2005-06.

MAJOR PROVISIONS

COLA for the Courts

The Governor's budget includes additional funding for the Judicial Branch of \$88.4 million in 2004-05 and \$92.6 million in 2005-06 to reflect additional costs of court operations beginning in the current year and continuing as baseline costs in the budget year. These costs are related to court employee salaries and benefits, court employee retirement, court security and court services contracted with the counties.

Beginning in the budget year, the Governor's budget proposes an additional \$97.4 million in funding in support of increased costs to the courts. Funding is increased by a growth factor equal to the increase in the State Appropriations Limit pursuant to the provisions of trailer bill language adopted as part of the 2004-05 Budget.

DEPARTMENT OF JUSTICE

The constitutional office of the Attorney General, as chief law officer of the state, has the responsibility to see that the laws of California are uniformly and adequately enforced. This responsibility is fulfilled through the diverse programs of the Department of Justice.

The Department of Justice is responsible for providing skillful and efficient legal services on behalf of the people of California. The Attorney General represents the people in all matters before the Appellate and Supreme Courts of California and the United States; serves as legal counsel to State officers, boards and commissions and departments; represents the people in actions to protect the

environment and to enforce consumer, antitrust and civil rights laws; and assists district attorneys in the administration of justice. The Department also coordinates efforts to address the statewide narcotic enforcement problem; assists local law enforcement in the investigation and analysis of crimes; provides person and property identification and information services to criminal justice agencies; supports the telecommunications and data processing needs of the California criminal justice community; and pursues projects designed to protect the people of California from fraudulent, unfair and illegal activities.

MAJOR PROVISIONS

Proposition 69 Implementation

The Governor's budget proposes an increase of \$11 million (35.2 positions) in 2004-05 and \$11.2 million (45.6 positions) in 2005-06 in support of additional workload in the collection and processing of additional DNA samples of persons arrested and convicted of crimes pursuant to the provisions of Proposition 69 approved by the voters in November 2004. The General Fund will loan the DNA Identification Fund \$7 million to support the start up of this program.

KEY PROVISIONS

- **Criminal Law Workload.** The Governor's budget proposes \$1.1 million (7.1 positions) to address workload in the Criminal Law Division.
- **Abusive Tax Shelter Litigation.** The Governor's budget proposes \$721,000 (4.6 positions) to address litigation in support of the Franchise Tax Board's efforts to end the use of abusive tax shelters.
- **Criminal Justice Database Upgrade.** The Governor's budget proposes \$4 million to fund the upgrade of the Criminal Justice Information System. This system includes information on persons and property of interest to law enforcement and other regulatory agencies.
- **Violent Crime Information Database Upgrade.** The Governor's budget proposes \$1.8 million to upgrade the Violent Crime Information Database. This system includes information on violent and sex offender for access to law enforcement agencies, regulatory agencies and the public.
- **Forensic Services.** The Governor's budget proposes an increase of \$1.5 million for the purchase of additional equipment for the Department's forensic services program. This is in addition to a \$1.7 million increase in funding (12.4 positions) to address backlog in forensic workload.

CALIFORNIA GAMBLING CONTROL COMMISSION

The California Gambling Control Commission, under the Gambling Control Act has jurisdiction over the operation, concentration, and supervision of gambling establishments, and over all persons or things having to do with the operations of gambling establishments in the State of California. There are approximately 100 cardrooms and 53 tribal casinos in current operation.

The focus of the commission is to act as the regulatory body over gambling activities in the State, setting policy, establishing regulations, issuing license, serving as the adjudicator for the license denials and any other related items that may come before the Commission. The Commission's objective is to assure the licenses and permits are not issued to or held by unqualified or disqualified persons or by those whose operations are conducted in a manner that is adverse to the public health, safety, or welfare.

In addition, the Commission, under Tribal State Gaming Compacts, is responsible for: administering the gaming device license draw process; accounting for all gaming device license fees; and ensuring the allocation of gaming devices among California Indian tribes does not exceed the allowable number provide in the Compacts. Moreover, the Commission serves as the trustee for the Revenue Sharing Trust Fund and administrator of the Special Distribution Fund.

KEY PROVISIONS

Tribal Gaming Compact Workload. The Governor's budget proposes an increase of \$2.2 million (22.1 positions) in 2004-05 and \$4.8 million (43.1 positions) in 2005-06 to address increased workload resulting from the new Tribal Gaming Compacts adopted in 2004. The workload includes the development and implementation of a state testing laboratory, field testing program, and auditing activities to ensure compliance with the new compacts and gambling laws.

CALIFORNIA DEPARTMENT OF CORRECTIONS

The mission of the California Department of Corrections (CDC) is the control, care, and treatment of men and women who have been convicted of serious crimes or those admitted to the civil narcotic program, and entrusted to the Department's Institution, Health Care Services, Inmate Education and Community Correctional Programs.

CDC is organized into five programs: Institutional Program, Health Care Services Program, Inmate Education Program, Community Correctional Program and Central Administration Program.

MAJOR PROVISIONS

Population Adjustment

The Governor's budget proposes the addition of \$210.6 million (\$207.5 million General Fund and 1,378.3 positions) in 2004-05 and \$281.7 million (\$280.2 million General Fund and 2,071.3 positions) in 2005-06 to address additional workload and costs associated with increased population. The adjusted population estimate is associated with an increased rate of transfer of inmates from county custody to the state, and the miscalculation of the Department's ability to fully implement the parole reform programs intended to reduce the inmate populations adopted as part of the Budget Act of 2004.

KEY PROVISIONS

- **Plata Settlement.** The Governor's budget proposes \$30.1 million in the budget year to improve medical services to inmates and to comply with other provisions of the settlement of the Plata litigation.
- **Additional Baseline Funding.** The Governor's Budget proposes \$9.8 million in additional funding to support staffing of posted positions that require backfilling as a result of the use of sick leave by the originally scheduled employees.

BOARD OF CORRECTIONS

The Board of Corrections works in a partnership with city and county officials to develop and maintain standards for the construction and operation of local jails and juvenile detention facilities, as well as standards for the employment and training of local corrections and probation personnel, and regularly assists local correctional facilities and programs in their efforts to remain in compliance with these standards. The Board also administers the allocation of funds to counties for the federal Violent Offender Incarceration/Truth in Sentencing Grant Program, the Juvenile Hall/Camp Restoration Program, the Mentally Ill Offender Crime Reduction Grant Program, and the federal Juvenile Justice and Delinquency Prevention Grant Program. The Juvenile Justice Prevention Act requires each county to have Board of Corrections approval of their respective comprehensive multi-agency juvenile justice plans, which examine graduated sanctions for at-risk youth, prior to accepting funds under this Act. The Board conducts special studies in penology and corrections relative to the public safety of California's communities.

The Board is composed of fifteen members, twelve appointed by the Governor and confirmed by the Senate, and representing specific elements of local juvenile and adult criminal justice systems and the public. Statutory members are the Secretary of the Youth and Adult Correctional Agency, who acts as Chair of the Board, and the directors of the Departments of Corrections and Youth Authority. The Board meets bimonthly and all meetings are open to the public.

MAJOR PROVISIONS

Juvenile Justice Crime Prevention Grants.

The Governor's budget proposes to reduce the funding for the Juvenile Justice Crime Prevention Act grants by seventy five percent. This program provides a means for counties to use innovative programs to prevent further delinquency by at-risk juveniles. Currently state funding for this program is tied to matching funding for the Citizens' Option for Public Safety Program (COPS). The Administration proposes to de-link the funding formula by providing continuing full funding for COPS.

BOARD OF PRISON TERMS

The Board of Prison Terms is California's adult parole authority and sets the terms and conditions of parole. The Board conducts parole consideration hearings for eligible inmates serving life sentences and parolees charged with violating parole. The Board issues warrants and determines whether paroles should be considered for discharge from parole. The Board issues warrants and determines whether parolees should be considered for discharge from parole. Hearings and also conducted for mentally disordered offenders, sexually violent predators, and serious offenders.

In addition, at the request of the Governor, the Board investigates applications and forwards recommendations for pardons and commutations of sentence, including those involving the death penalty. It also has the discretions to recommend to the court that a prisoner be re-sentenced in situations calling for compassionate release.

MAJOR PROVISIONS

Valdivia Remedial Plan.

The Governor's Budget proposes to augment the Board's budget by \$2.5 million in 2004-05 and \$6.9 million in 2005-06 to provide additional staffing and resources needed to provide an increased number of parole revocation hearings that will be required to be held pursuant to the settlement of the *Valdivia* litigation.

An augmentation of \$6.5 million in the current year has been proposed to pay for attorney fees associated with this case. This case relates to the timing and procedures entitled to a parolee that is being returned to prison due to activities that result in violations in the terms of that person's parole.

DEPARTMENT OF YOUTH AUTHORITY

The California Youth Authority will protect society from the consequences of criminal activity by providing youthful offender rehabilitation through education, employment training, treatment and parole services that provide a continuum of care and assist with the reintegration of youthful offenders into society.

MAJOR PROVISIONS

Population Adjustment

The Governor's Budget proposes a decrease of \$1.6 million resulting from a projected decrease in ward and parolee population in the current year and \$11.5 million decrease in the budget year.

The Administration is exploring options to transfer responsibility for parole supervision from the state to counties as part of its Juvenile Justice Reform proposal. This could result in savings of up to \$41 million annually.