

AMENDED IN SENATE SEPTEMBER 3, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 84

Introduced by Committee on Budget (~~Blumenfield~~Skinner (Chair), Bloom, ~~Bonilla~~ Campos, Chesbro, Daly, Dickinson, Gordon, Jones-Sawyer, Mitchell, Mullin, Muratsuchi, Nazarian, ~~Rendon~~, Stone, and Ting)

January 10, 2013

An act ~~relating to the Budget Act of 2013~~, to add Chapter 4 (commencing with Section 1234) to Title 8 of Part 2 of, and to add Title 14 (commencing with Section 14400) to Part 4 of, the Penal Code, relating to corrections, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 84, as amended, Committee on Budget. ~~Budget Act of 2013~~. *Public safety: Public safety performance incentives.*

(1) Existing law authorizes each county to establish a Community Corrections Performance Incentives Fund (CCPIF) and authorizes the state to annually allocate moneys in a State Corrections Performance Incentives Fund to be used for specified purposes relating to improving local probation supervision practices and capacities. Existing law requires community corrections programs to be developed by the chief probation officer, as advised by a Community Corrections Partnership. Existing law requires each county using CCPIF funds to identify and track specific outcome-based measures and to report to the Administrative Office of the Courts on the effectiveness of the programs funded by the CCPIF.

This bill would authorize each county to establish a Public Safety Performance Incentives Fund (PSPIF) and would authorize the state to annually allocate money into a Public Safety Performance Incentives Fund to be used for specified purposes relating to reducing crime and recidivism among criminal offenders, as specified. This bill would require the Director of Finance, to calculate a formula and recommend to the Legislature the amount of money that should be appropriated into a county PSPIF not to exceed \$315 million each year, as specified. The bill would also require each county program using PSPIF funds to identify and track specific outcome-based measures, as specified, and require counties receiving PSPIF funds to report to the Administrative Office of the Courts regarding the effectiveness of the crime reduction program funded by the PSPIF.

This bill would require, as a condition of receiving PSPIF funds, the board of supervisors and the chief probation officer of each county to develop and implement a crime reduction program.

(2) Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Existing law establishes the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, among other duties.

This bill would establish the California Public Safety Commission, a permanent, advisory agency in state government, to be composed of 18 members, as specified. The bill would require the commission to provide information and develop recommendations for the Legislature and the Governor to consider, to assist with prison population management options consistent with public safety, to assist with effective correctional practices and the effective allocation of public safety resources, to develop recommendations for the Legislature and the Governor to consider regarding criminal sentences and evidence-based programming for criminal offenders, and to develop recommendations for the Legislature and the Governor to consider sentencing credits.

The bill would require the administrative duties of the commission to be performed by commission staff physically sited in the Administrative Office of the Courts, and would deem the commission to be within the judicial branch of state government. The bill would specify that the commission is a criminal justice agency.

This bill would require each agency and department of state and local government to make its services, equipment, personnel, facilities, and

information available to the greatest practical extent to the commission in the execution of its functions. By increasing the duties of local governments, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(4) Existing constitutional provisions require that a statute that limits the right of access to the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

The bill would make findings to that effect regarding the need to keep confidential any information requested by the California Public Safety Commission and provided by an agency of state or local government in order for the commission to execute its functions.

(5) The bill would appropriate \$1,000,000 from the General Fund to the California Public Safety Commission for the establishment and funding of the commission. The bill would appropriate \$500,000 from the Public Safety Performance Incentives Fund to the Administrative Office of the Courts for the costs of implementing and administering the California Public Safety Performance Incentives program. The bill would appropriate \$180,000,000 from the General Fund to the Department of Finance to support evidence-based programs and practices that are likely to reduce the number of offenders admitted to state prison. The bill would also appropriate \$20,000,000 from the General Fund to the Judicial Council to support the administration and operation of court programs and practices known to reduce offender recidivism.

(6) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2013.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) The State of California has invested billions of dollars in*
4 *prison construction and other initiatives to improve prison health*
5 *care and related conditions of correctional care.*

6 *(b) The State of California has achieved comprehensive criminal*
7 *justice reform over the course of the last four years. All of these*
8 *measures have contributed to reducing the number of offenders*
9 *sent to or kept in state prison.*

10 *(c) In 2011, California enacted Assembly Bill 109 (realignment),*
11 *under which lower risk felons and parolees are incarcerated in*
12 *county jails instead of in state prison. Realignment alone reduced*
13 *California's prison population by almost 25,000 inmates in less*
14 *than one year.*

15 *(d) California cannot safely sustain early releases of prison*
16 *inmates, especially as its local law enforcement agencies are fully*
17 *engaged in implementing realignment. California cannot meet an*
18 *arbitrary standard and deadline of December 31, 2013, for*
19 *reducing its prison inmate population by nearly 10,000 in a manner*
20 *consistent with public safety, fiscal prudence, and long-term*
21 *sustainability.*

22 *(e) California has made remarkable, historic progress in*
23 *reducing its inmate population over the last four years. Continued*
24 *substantive investments in ensuring a set of durable solutions to*
25 *safeguard a reduced and stabilized prison population require relief*
26 *from the December 31, 2013, prison population reduction deadline*
27 *imposed by the federal courts.*

28 *(f) The additional state commitments authorized by this act*
29 *provide an immediately deployable remedy to further reduce new*
30 *prison admissions through more effective local criminal justice*
31 *practices and programs, which will avoid the risk of early release*
32 *of prison inmates ordered by the federal courts and improve public*
33 *safety in both the near and short term.*

34 *(g) This act, together with legal and administrative solutions*
35 *relating to the safe and effective management of California's prison*
36 *population secured by the executive branch, will provide balanced*
37 *and durable solutions to prison overcrowding that are cost*
38 *effective, protect public safety, and provide an immediate and*

1 viable blueprint for the state, in consultation with stakeholders,
2 to assess the state prison system, including capacity needs, prison
3 population levels, recidivism rates, and factors affecting crime
4 levels.

5 (h) The startup funding and ongoing incentive-based grant
6 program to support local governments which are contained in this
7 act ensure that state and local partners have the resources and
8 time necessary to develop additional thoughtful, balanced, and
9 effective long-term solutions consistent with, and complementary
10 to, the recent criminal justice reforms of realignment. The
11 long-term opportunity contained in this legislation will support
12 the state's efforts to effectively and safely manage its prison
13 population.

14 (i) This act will support the state and its local government and
15 justice partners in working towards safer communities, truer
16 offender accountability, and further success in the implementation
17 of realignment.

18 SEC. 2. Chapter 4 (commencing with Section 1234) is added
19 to Title 8 of Part 2 of the Penal Code, to read:

20

21 CHAPTER 4. CALIFORNIA PUBLIC SAFETY PERFORMANCE
22 INCENTIVES

23

24 1234. (a) This chapter shall be known, and may be cited, as
25 the Public Safety Performance Incentive Act of 2013.

26 (b) The Legislature finds and declares all of the following:

27 (1) The State of California has invested billions of dollars in
28 prison construction and other initiatives to improve providing
29 prison health care and related conditions of correctional care.

30 (2) California has achieved comprehensive criminal justice
31 reform over the course of the last four years.

32 (3) California has made historic progress in reducing its inmate
33 population over the last four years, and enacting evidence-based
34 criminal justice reforms that promote improved public safety
35 programs and practices. Continued substantive investments in
36 ensuring a set of durable solutions to safeguard a reduced and
37 stabilized prison population while ensuring and promoting public
38 safety justify relief from the December 31, 2013, prison population
39 reduction deadline imposed by the federal courts.

1 (4) *The additional state commitments authorized by this chapter*
2 *provide an immediately deployable and durable remedy to further*
3 *reduce new prison admissions through more effective local criminal*
4 *justice practices and programs, which will avoid the risk of early*
5 *release of prison inmates ordered by the federal courts and improve*
6 *public safety in both the near and short term.*

7 (5) *The startup funding and ongoing incentive-based grant*
8 *program to support local governments contained in this chapter*
9 *are intended to support local criminal justice partners with the*
10 *resources and time necessary to develop additional thoughtful,*
11 *balanced, and effective long-term solutions consistent with, and*
12 *complementary to, the recent criminal justice reforms of*
13 *realignment. The long-term opportunity contained in this chapter*
14 *will also support California's efforts to effectively and safely*
15 *manage its prison population.*

16 (6) *This chapter will support California and its local government*
17 *and justice partners in working towards safer communities, true*
18 *offender accountability, further success in the implementation of*
19 *realignment, and a stabilized and effective state prison system.*

20 1234.1. (a) *Each county may establish in each county treasury*
21 *a Public Safety Performance Incentives Fund, to receive all*
22 *amounts allocated to that county for purposes of implementing*
23 *this chapter.*

24 (b) *Notwithstanding any other law, in any fiscal year for which*
25 *a county receives moneys to be expended for the implementation*
26 *of this chapter, the moneys, including any interest earned on*
27 *moneys received by a county, shall be made available to the board*
28 *of supervisors, the chief probation officer, and the superior court*
29 *of that county within 30 days of the deposit of those moneys into*
30 *the fund, for the implementation of the crime reduction program*
31 *authorized by this chapter.*

32 (1) *A crime reduction program shall be developed and*
33 *implemented by the board of supervisors and the chief probation*
34 *officer of each county.*

35 (2) *Funds allocated to the board and to the chief probation*
36 *officer pursuant to this chapter shall be used for programs that*
37 *maximize the county's effectiveness in reducing recidivism among*
38 *criminal offenders subject to custody or supervision in its*
39 *jurisdiction, which may include, but are not limited to, the*
40 *following:*

1 (A) *Expanding the availability of evidence-based rehabilitation*
2 *programs, including, but not limited to, mental health treatment,*
3 *drug and alcohol treatment, anger management programs,*
4 *cognitive behavior programs, reentry courts, and job training and*
5 *employment services.*

6 (B) *Implementing and expanding evidence-based risk and needs*
7 *assessment, including, but not limited to, the development of*
8 *offender case management plans.*

9 (C) *Implementing and expanding intermediate sanctions for*
10 *offenders that include, but are not limited to, electronic monitoring,*
11 *mandatory community service, home detention, day reporting,*
12 *restorative justice programs, and work furlough programs.*

13 (D) *Providing more intensive supervision by counties.*

14 (E) *Evaluating the effectiveness of rehabilitation and supervision*
15 *programs and ensuring program fidelity.*

16 (F) *Implementing and expanding evidence-based supervision,*
17 *services, and programs known to reduce recidivism and crime*
18 *among offenders subject to the custody of the sheriff.*

19 (G) *Implementing and expanding evidence-based policing*
20 *programs and practices known to reduce crime.*

21 (H) *Implementing evidence-based prosecutorial programs and*
22 *practices that reduce the number of offenders sent to state prison,*
23 *such as community-based prosecution programs, education,*
24 *training, administration, and operation of programs and practices*
25 *that are known to reduce recidivism.*

26 (3) *Each board of supervisors and the chief probation officer*
27 *receiving funds under this chapter shall maintain a complete and*
28 *accurate accounting of all funds received.*

29 (4) *Five percent of all funding allocated to a county under this*
30 *chapter shall be allocated to the superior court of that county to*
31 *implement evidence-based court practices that are known to*
32 *improve outcomes among criminal offenders and reduce recidivism.*

33 1234.2. *In any fiscal year for which a county receives moneys*
34 *pursuant to this chapter, the moneys, including any interest earned*
35 *on moneys received by a county, shall be allocated as follows:*

36 (a) *The chief probation officer shall receive an allocation*
37 *reflecting reductions in the county's admission-to-prison rate*
38 *achieved for persons subject to felony probation, mandatory*
39 *supervision, and postrelease community supervision.*

1 (b) The board of supervisors shall receive an allocation
2 reflecting reductions in the county's admission-to-prison rate
3 achieved for persons other than those described in subdivision
4 (a).

5 (c) The superior court shall receive 5 percent of the allocations
6 awarded pursuant to subdivisions (a) and (b).

7 1234.3. (a) Programs funded pursuant to this chapter shall
8 identify and track specific outcome-based measures consistent
9 with the goals of this chapter.

10 (b) The Administrative Office of the Courts, in consultation with
11 the California State Association of Counties and the Chief
12 Probation Officers of California, shall specify and define minimum
13 required outcome-based measures, which shall include, but not
14 be limited to, all of the following:

15 (1) The number of persons who are being provided with
16 programs, services, or supervision through programs operated
17 by, or contracted for, the county in accordance with evidence-based
18 practices.

19 (2) A descriptive list of all programs or services receiving
20 funding pursuant to this chapter.

21 (3) The number and percentage of persons receiving programs
22 or services pursuant to this chapter who successfully complete
23 program or service goals or successfully complete a period of
24 local supervision.

25 (c) The board of supervisors of each county receiving funding
26 pursuant to this chapter shall provide an annual written report to
27 the Administrative Office of the Courts evaluating the effectiveness
28 of the crime reduction program, including, but not limited to, the
29 data described in subdivision (b).

30 1234.4. Commencing no later than 18 months following the
31 initial receipt of funding pursuant to this chapter, and annually
32 thereafter, the Administrative Office of the Courts, in consultation
33 with the Department of Corrections and Rehabilitation, the
34 Department of Finance, the California State Association of
35 Counties, and the Chief Probation Officers of California, shall
36 submit to the Governor and the Legislature a comprehensive report
37 on the implementation of this chapter. The report shall include,
38 but not be limited to, all of the following information for each
39 county:

1 (a) *The effectiveness of the crime reduction program based on*
2 *the reports of outcome-based measures required by Section 1234.3.*

3 (b) *Admissions to prison or jail as a percentage of the total*
4 *county population between 18 and 25 years of age for the year for*
5 *which the report is being made.*

6 (c) *The rate of felony convictions as a percentage of the total*
7 *county population between 18 and 25 years of age.*

8 (d) *The impact of the moneys allocated pursuant to this chapter*
9 *to enhance public safety by reducing the incidence of criminal*
10 *activity and admissions to prison or jail for the year for which the*
11 *report is being made.*

12 (e) *Any recommendations regarding resource allocations or*
13 *additional collaboration with other state, regional, federal, or*
14 *local entities for improvements to this program.*

15 1234.5. *The Director of Finance, in consultation with the*
16 *Department of Corrections and Rehabilitation, the Joint Legislative*
17 *Budget Committee, the California State Association of Counties,*
18 *and the Administrative Office of the Courts, shall do all of the*
19 *following:*

20 (a) *Calculate a statewide baseline admission-to-prison rate*
21 *based on the percentage of the total statewide population between*
22 *18 and 25 years of age admitted to state prison during the 2012*
23 *calendar year and the first eight months of the 2013 calendar year.*

24 (b) *For each county, calculate a baseline admission-to-prison*
25 *rate based on the percentage of the total county population between*
26 *18 and 25 years of age admitted to state prison during the 2012*
27 *calendar year and the first eight months of the 2013 calendar year.*

28 (c) *Develop a proposed methodology for identifying the number*
29 *of annual prison admissions for each county compared to the*
30 *county's baseline rate, established pursuant to subdivision (b),*
31 *that is attributable to offenders who were on felony probation,*
32 *mandatory supervision, or postrelease community supervision at*
33 *the time of the offense resulting in the prison admission. The*
34 *Department of Finance shall present this proposed methodology*
35 *to the Legislature no later than May 15, 2014.*

36 1234.6. *After the conclusion of each calendar year beginning*
37 *with 2014, the Director of Finance, in consultation with the*
38 *Department of Corrections and Rehabilitation, the Joint Legislative*
39 *Budget Committee, the California State Association of Counties,*

1 *and the Administrative Office of the Courts, shall calculate the*
2 *following for the immediately preceding calendar year:*

3 *(a) The statewide admission-to-prison rate. The statewide*
4 *admission-to-prison rate shall be calculated as the total number*
5 *of admissions to prison in the preceding year as a percentage of*
6 *the total statewide population between 18 and 25 years of age.*

7 *(b) The admission-to-prison rate for each county. Each county's*
8 *admission-to-prison rate shall be calculated as the total number*
9 *of admissions to prison from the county for the preceding year as*
10 *a percentage of the total county population between 18 and 25*
11 *years of age.*

12 *(c) An estimate of the reduction in the number of prison*
13 *admissions each county successfully achieved. This number shall*
14 *include estimates of the amount of the total reduction that is*
15 *attributable to reductions in offenders sent to prison from each of*
16 *the following categories: felony probationers, offenders subject*
17 *to mandatory supervision, and offenders subject to postrelease*
18 *community supervision. For each county, this estimate shall be*
19 *calculated based on the reduction in the county's*
20 *admission-to-prison rate as calculated annually pursuant to*
21 *subdivision (b) and the county's prison admissions compared to*
22 *the county's baseline rate as calculated pursuant to subdivision*
23 *(c) of Section 1234.5.*

24 *1234.7. No later than May 15, 2014, and by every May 15*
25 *thereafter, the Department of Finance, in consultation with the*
26 *Legislative Analyst's Office, shall develop and present to the*
27 *Governor and the Legislature a formula for calculating the*
28 *reduction in prison-admission incentive payment for each eligible*
29 *county pursuant to Section 1234.9. That formula shall reflect the*
30 *following elements, calculated according to the amount proposed*
31 *to be appropriated to the Public Safety Performance Incentives*
32 *Fund in the budget year:*

33 *(a) A specified amount assigned to each reduction in the number*
34 *of prison admissions attributable to the county as calculated*
35 *pursuant to subdivision (c) of Section 1234.6.*

36 *(b) For any fiscal year, in lieu of the amount described in*
37 *subdivision (a), a county may elect to receive a high-performance*
38 *grant if (1) the county achieves an admission-to-prison rate that*
39 *is 25 percent below the baseline statewide admission-to-prison*
40 *rate calculated pursuant to Section 1234.5, and (2) achieves an*

1 admission-to-prison rate below the statewide admission-to-prison
2 rate calculated pursuant to subdivision (a) of Section 1234.6. The
3 high-performance grant shall take into account the size of the
4 county's total population between 18 and 25 years of age.

5 (c) If eligible for a high-performance grant pursuant to
6 subdivision (b), the board of supervisors and CPO shall indicate
7 to the Administrative Office of the Courts, by a date designated
8 by the Administrative Office of the Courts, whether the county
9 chooses to receive the high-performance grant pursuant to
10 subdivision (b) or the reduction in prison-admission incentive
11 payment calculated pursuant to subdivision (a).

12 (d) The incentive payments provided for in this section shall be
13 administered by the Administrative Office of the Courts. The
14 Administrative Office of the Courts shall seek to ensure that each
15 qualifying county that submits a qualifying application receive a
16 proportionate share of the funding available based on the
17 population of adults 18 to 25 years of age, inclusive, in each of
18 the counties eligible for the incentive payments.

19 (e) A county that fails to provide the information specified in
20 Section 1234.3 to the Administrative Office of the Courts is not
21 eligible for payment pursuant to this chapter.

22 (f) For the 2014–15 fiscal year, the Department of Finance, in
23 consultation with the Department of Corrections and
24 Rehabilitation, the Joint Legislative Budget Committee, the
25 California Association of Counties, and the Administrative Office
26 of the Courts, shall develop a proposed allocation for the Public
27 Safety Incentives Performance program authorized by this chapter
28 that includes a combination of initial funding, to be distributed
29 consistent with the requirements of this chapter, as well as the
30 performance incentive for individual counties for the months of
31 October 2013 to April 2014, inclusive, consistent with the formula
32 developed pursuant to this section. The Department of Finance
33 shall present this proposed allocation to the Legislature no later
34 than May 15, 2014.

35 1234.8. If all the data specified by this chapter are not available
36 to the Director of Finance, the Director of Finance, in consultation
37 with the Department of Corrections and Rehabilitation, the Joint
38 Legislative Budget Committee, and the Administrative Office of
39 the Courts, shall use the best available data to estimate reduction
40 in prison-admission incentive payments and high-performance

1 grants utilizing a methodology that is as consistent with that
2 described in this chapter as is reasonably possible.

3 1234.9. (a) Reduction in prison-admission incentive payments
4 and high-performance grants calculated for any calendar year
5 shall be provided to a county in the following fiscal year. The total
6 annual payment to each county shall be divided into four equal
7 quarterly payments.

8 (b) The Department of Finance shall include an estimate of the
9 total reduction in prison-admission incentive payments and
10 high-performance grants to be provided to counties in the coming
11 fiscal year as part of the Governor's proposed budget released no
12 later than January 10 of each year. This estimate shall be adjusted
13 by the Department of Finance, as necessary, to reflect the actual
14 calculations of prison-admission incentive payments and
15 high-performance grants awarded by the Director of Finance, in
16 consultation with the Department of Corrections and
17 Rehabilitation, the Joint Legislative Budget Committee, the
18 California State Association of Counties, the Chief Probation
19 Officers of California, and the Administrative Office of the Courts.
20 This adjustment shall occur as part of standard budget revision
21 processes completed by the Department of Finance in April and
22 May of each year.

23 (c) Moneys appropriated for purposes of providing reduction
24 in prison-admission incentive payments and high-performance
25 grants authorized by this chapter shall be transferred to the Public
26 Safety Performance Incentives Fund from the General Fund. Any
27 moneys transferred to this fund from the General Fund shall be
28 administered by the Administrative Office of the Courts, and the
29 share calculated for each county shall be transferred to its Public
30 Safety Performance Incentives Fund.

31 (d) For each fiscal year, the Director of Finance shall, in its
32 budget recommendation described in subdivision (a), recommend
33 an amount, not to exceed three hundred fifteen million dollars
34 (\$315,000,000), to be appropriated by statute from the General
35 Fund to be transferred to the Public Safety Performance Incentives
36 Fund pursuant to this chapter. The amount to be allocated to each
37 county pursuant to this chapter shall be reported to the Controller.
38 The Controller shall, pursuant to statute, make an allocation from
39 the Public Safety Performance Incentives Fund to each county in
40 accordance with that law.

1 (e) The amount of five hundred thousand dollars (\$500,000) is
2 hereby allocated from the Public Safety Performance Incentives
3 Fund to the Administrative Office of the Courts for the costs of
4 implementing and administering this program. These funds shall
5 be available for encumbrance and expenditure until June 30, 2014.

6 1234.10. Each county receiving funding pursuant to this
7 chapter for any fiscal year shall submit a report to the
8 Administrative Office of the Courts describing the manner in which
9 the county plans to use the funds for that fiscal year to enhance
10 the county's ability to successfully implement this chapter. A county
11 that fails to submit this report by March 1 of each year is not
12 eligible to receive funding pursuant to this chapter in the
13 subsequent fiscal year.

14 1234.11. The moneys appropriated pursuant to this chapter
15 shall be used to supplement, not supplant, any other funds
16 appropriated by the state or allocated by a county for prison
17 recidivism reduction measures.

18 1234.12. The Administrative Office of the Courts, in
19 consultation with the California State Association of Counties and
20 the Chief Probation Officers of California, shall specify which
21 programs subject to this chapter are effective at reducing crime
22 and the state prison population and which programs are ineffective
23 in that regard.

24 SEC. 3. Title 14 (commencing with Section 14400) is added to
25 Part 4 of the Penal Code, to read:

26
27 **TITLE 14. CALIFORNIA PUBLIC SAFETY COMMISSION**

28
29 14400. The Legislature hereby finds and declares all of the
30 following:

31 (a) There are more than 1,000 felony sentencing laws and more
32 than 100 felony sentence enhancements across the California
33 Codes.

34 (b) Although determinate sentencing was designed to create
35 uniformity, today sentences for similar crimes can vary
36 significantly by county and courtroom depending on the charges
37 and enhancements filed by the district attorneys and the sentencing
38 choices made by judges regarding probation, jail, or prison.
39 Outcomes for offenders also vary depending upon availability of

1 *correctional resources at the local level, creating inequities along*
2 *county lines.*

3 *(c) States with sentencing commissions have reduced overall*
4 *crime rates by increasing penalties for the most dangerous*
5 *offenders and expanding options for community-based sanctions*
6 *for certain low-level, nonviolent offenders.*

7 *(d) In enacting this title, it is the intent of the Legislature to*
8 *enhance public safety, promote effective crime-reduction strategies,*
9 *base California's sentencing practices on principles of fairness,*
10 *justice, and accountability, and ensure that public resources and*
11 *taxpayer dollars are expended in a way that most successfully*
12 *protects the public from crime and reduces criminal recidivism.*

13 *14405. (a) There is hereby established the California Public*
14 *Safety Commission, a permanent, advisory agency in state*
15 *government.*

16 *(b) The commission shall do all of the following:*

17 *(1) Provide information and develop recommendations for the*
18 *Legislature and the Governor to consider in 2015 and each year*
19 *thereafter, to assist with prison population management options*
20 *consistent with public safety, effective correctional practices, and*
21 *the effective allocation of public safety resources.*

22 *(2) Develop recommendations for the Legislature and the*
23 *Governor to consider in 2015 and thereafter, regarding criminal*
24 *sentences and evidence-based programming for criminal offenders.*

25 *(3) No later than December 31, 2014, develop recommendations*
26 *for the Legislature and the Governor to consider sentencing credits.*

27 *14410. (a) The commission shall be composed of 18 members,*
28 *with a chairperson appointed by the Governor, comprised as*
29 *follows:*

30 *(1) One member shall be a sheriff from a county with a*
31 *population of one million or more, appointed by the Governor.*

32 *(2) One member shall be a sheriff from a county with a*
33 *population of less than one million, appointed by the Governor.*

34 *(3) One member shall be a district attorney from a county with*
35 *a population of one million or more, appointed by the Governor.*

36 *(4) One member shall be a district attorney from a county with*
37 *a population of less than one million, appointed by the Governor.*

38 *(5) One member shall be a county chief probation officer from*
39 *a county with a population of one million or more, appointed by*
40 *the Governor.*

1 (6) *One member shall be a county chief probation officer from*
2 *a county with a population of less than one million, appointed by*
3 *the Governor.*

4 (7) *One member shall be a public defender, appointed by the*
5 *Governor.*

6 (8) *One member shall be a criminal defense attorney, appointed*
7 *by the Governor.*

8 (9) *One member shall be a police chief from a city with a*
9 *population of one million or more, appointed by the Governor.*

10 (10) *One member shall be a police chief from a city with a*
11 *population of less than one million, appointed by the Governor.*

12 (11) *One member shall be an expert on criminal sentencing and*
13 *criminal justice policy associated with a university or nationally*
14 *recognized public policy organization, appointed by the Governor.*

15 (12) *One member, who shall serve as a nonvoting member, shall*
16 *be a superior court judge from a county with a population of one*
17 *million or more, appointed by the Chief Justice of the California*
18 *Supreme Court.*

19 (13) *One member, who shall serve as a nonvoting member, shall*
20 *be a superior court judge from a county with a population of one*
21 *million or less, appointed by the Chief Justice of the California*
22 *Supreme Court.*

23 (14) *One member shall be an expert in criminal rehabilitation,*
24 *appointed by the Attorney General.*

25 (15) *One member shall be a representative of a prison inmate*
26 *advocacy organization, appointed by the Senate Committee on*
27 *Rules.*

28 (16) *One member shall be a private citizen, appointed by the*
29 *Speaker of the Assembly.*

30 (17) *One member shall be the chair of the Senate Committee*
31 *on Public Safety, to the extent that appointment is consistent with*
32 *his or her legislative duties.*

33 (18) *One member shall be the chair of the Assembly Committee*
34 *on Public Safety, to the extent that appointment is consistent with*
35 *his or her legislative duties.*

36 (b) *On July 1, 2015, the terms of the commission members*
37 *appointed pursuant to paragraphs (1), (3), (5), (7), (8), and (9) of*
38 *subdivision (a), shall expire. On July 1, 2016, the terms of the*
39 *commission members appointed pursuant to paragraphs (2), (4),*
40 *(6), (10), (11), and (12) of subdivision (a), shall expire. On July*

1 *1, 2017, the terms of the commission members appointed pursuant*
2 *to paragraphs (13), (14), (15), (16), (17), and (18) shall expire.*
3 *Successor members shall hold office for terms of three years, each*
4 *term to commence on the expiration date of the predecessor*
5 *incumbent. Any appointment to a vacancy that occurs for any*
6 *reason other than the expiration of the term shall be for the*
7 *remainder of the unexpired term. Members are eligible for*
8 *reappointment.*

9 *(c) The members of the commission shall serve without*
10 *compensation, but shall be reimbursed for all necessary expenses*
11 *incurred in the performance of their duties.*

12 *14415. (a) Upon request from the commission, each agency*
13 *and department of state and local government shall make its*
14 *services, equipment, personnel, facilities, and information available*
15 *to the greatest practicable extent to the commission in the execution*
16 *of its functions. Information that is privileged under state or federal*
17 *law is exempted from this section.*

18 *(b) Notwithstanding any other law, any information obtained*
19 *by the commission pursuant to subdivision (a) is confidential, shall*
20 *not be subject to the California Public Records Act (Chapter 3.5*
21 *(commencing with Section 6250) of Division 7 of Title 1 of the*
22 *Government Code), and shall be maintained in a manner that*
23 *meets the highest standards of privacy and shall not be disclosed*
24 *other than for the purpose for which it was acquired. In order to*
25 *promote the free exchange of information between the commission*
26 *and state and local agencies, including state and local law*
27 *enforcement, to enable the commission to effectively make its*
28 *recommendations, it is necessary that the information obtained by*
29 *the commission pursuant to subdivision (a) be confidential.*

30 *(c) The commission has the authority to enter partnerships or*
31 *joint agreements with organizations and agencies from California*
32 *and other jurisdictions, including academic departments, private*
33 *associations, and other sentencing commissions, to perform*
34 *research needed to carry out its duties.*

35 *14420. (a) The Governor shall appoint an executive director*
36 *of the commission who shall be exempt from civil service.*

37 *(b) The administrative duties of the commission shall be*
38 *conducted by commission staff physically sited in the*
39 *Administrative Office of the Courts. All the commission's decisions,*
40 *analyses, recommendations, and other duties shall be independent*

1 of the Administrative Office of the Courts and shall not be
2 represented by the commission as those of the Administrative Office
3 of the Courts.

4 (c) For the purposes of expenditures for the support of the
5 commission, including the expenses of the members of the
6 commission, the commission is deemed to be within the judicial
7 branch of state government, but the commission is not subject to
8 the control or direction of any officer or employee of the judicial
9 branch except in connection with the appropriation of funds
10 approved by the Legislature.

11 (d) The commission is a criminal justice agency within the
12 meaning of Section 13101.

13 (e) The commission's proceedings are subject to the open
14 meeting requirements of the Bagley-Keene Open Meeting Act
15 (Article 9 (commencing with Section 11120) of Chapter 1 of Part
16 1 of Division 3 of Title 2 of the Government Code).

17 SEC. 4. (a) There is hereby appropriated from the General
18 Fund the amount of one hundred eighty million dollars
19 (\$180,000,000) to the Department of Finance. The Department of
20 Finance shall allocate these funds to counties to support
21 evidence-based programs and practices that are likely to reduce
22 the number of offenders admitted to state prison, including, but
23 not limited to, mental health, substance abuse, and reentry
24 programs. The Department of Finance shall report its allocation
25 to the Joint Legislative Budget Committee. No later than September
26 30, 2013, the Department of Finance shall inform each county
27 board of supervisors of its presumptive grant amount. Each
28 county's presumptive grant amount shall be based on its population
29 of adults 18 to 25 years of age, inclusive. Each county board of
30 supervisors shall submit a proposal to the Department of Finance
31 no later than January 1, 2014, outlining how the county will employ
32 the county's presumptive grant to reduce the number of offenders
33 admitted to state prison. Each proposal shall allocate no less than
34 40 percent of the presumptive grant amount to the county's
35 probation department. Funding shall only be used for programs
36 that are likely to reduce the number of offenders sent to state
37 prison. The Department of Finance, in consultation with the Board
38 of State and Community Corrections, shall review each plan.
39 Counties that fail to submit a plan, whose plans do not allocate
40 40 percent of their presumptive grant amount to the probation

1 department, or counties whose plan is unlikely to reduce the
2 number of admissions to state prison will be ineligible for funding.
3 The Department of Finance shall seek to distribute these funds
4 proportionately to all eligible counties based on each county's
5 population of adults 18 to 25 years of age, inclusive, provided that
6 each county receiving funding shall receive a minimum of
7 twenty-five thousand dollars (\$25,000). The funds allocated to
8 each county shall be used only as described in the plan submitted
9 to the Department of Finance. No later than May 1, 2014, the
10 Department of Finance shall report to the Governor and the
11 Legislature on the allocation of these funds.

12 (b) There is hereby appropriated from the General Fund the
13 amount of twenty million dollars (\$20,000,000) to the Judicial
14 Council. No later than January 1, 2014, the Judicial Council shall
15 allocate these funds to superior courts to support the
16 administration and operation of court programs and practices
17 known to reduce offender recidivism, including, but not limited to,
18 collaborative courts, the use of risk and needs assessments at
19 sentencing, evidence-based practices, and programs that
20 specifically address the needs of mentally ill and drug addicted
21 offenders. Funds allocated pursuant to this section shall not
22 supplant existing funds for collaborative courts. Funds allocated
23 pursuant to this section may be used by the superior courts to pay
24 for court operations, case management, supervision, treatment,
25 testing, incarceration, data collection, reporting, or other costs
26 associated with the operation of collaborative courts, and may be
27 used to reimburse other agencies that incur costs associated with
28 the operation of collaborative courts. The Judicial Council shall
29 report to the Legislature and the Department of Finance on its
30 allocation of these funds to the superior courts no later than
31 January 15, 2014.

32 SEC. 5. The amount of one million dollars (\$1,000,000) is
33 hereby appropriated from the General Fund to the California
34 Public Safety Commission for the establishment and funding of
35 the commission.

36 SEC. 6. If the Commission on State Mandates determines that
37 this act contains costs mandated by the state, reimbursement to
38 local agencies and school districts for those costs shall be made
39 pursuant to Part 7 (commencing with Section 17500) of Division
40 4 of Title 2 of the Government Code.

1 *SEC. 7. This act is a bill providing for appropriations related*
2 *to the Budget Bill within the meaning of subdivision (e) of Section*
3 *12 of Article IV of the California Constitution, has been identified*
4 *as related to the budget in the Budget Bill, and shall take effect*
5 *immediately.*

6 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
7 ~~changes relating to the Budget Act of 2013.~~

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