

Introduced by Committee on Budget and Fiscal Review

January 8, 2021

An act ~~relating to the Budget Act of 2021~~, to amend Section 12838.4 of the Government Code, to amend Sections 851.93, 1203.425, 1233.3, 1233.4, 1233.6, 1233.61, 3042, 5007.3, 5075, 5075.6, 5076.1, 5076.2, 5076.3, 6031, 6258.1, 9001, 13602, 13603, and 13823.95, of, to amend and repeal Section 4530.5 of, to add Sections 1170.01, 2042.1, and 3041.6 to, to add and repeal Section 1233.11 of, and to repeal Article 4 (commencing with Section 2035) of Chapter 1 of Title 1 of Part 3 of, the Penal Code, and to amend Sections 209 and 730 of, and to add Section 1760.45 to, the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 145, as amended, Committee on Budget and Fiscal Review. ~~Budget Act of 2021~~-Public safety.

(1) Existing law, commencing July 1, 2022, subject to an appropriation in the annual Budget Act, requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, or their criminal conviction records, withheld from disclosure or modified, as specified. Under existing law, an arrest or conviction record is eligible for this relief if, among other criteria, the arrest or conviction occurred on or after January 1, 2021.

This bill would instead allow an arrest or conviction that occurred on or after January 1, 1973, to be considered for relief.

(2) Existing law, the California Community Corrections Performance Incentives Act of 2009, authorizes each county to establish a Community Corrections Performance Incentives Fund, and authorizes the state to annually allocate moneys into the State Community Corrections Performance Incentives Fund to be used for specified purposes relating to improving local probation supervision practices and capacities.

Existing law requires the Director of Finance, in consultation with certain entities, to annually calculate a statewide performance incentive payment and a county performance incentive payment, based upon specified performance metrics, for each eligible county, and to distribute those payments in the following fiscal year, as specified.

This bill would appropriate \$122,829,397 from the General Fund to the State Community Corrections Performance Incentives Fund to, in lieu of the above provisions, be allocated to counties, as specified, for the 2021–22 fiscal year.

(3) Existing law authorizes a court upon the recommendation of the district attorney of the county in which the defendant was sentenced, to recall the sentence of a defendant who has been committed to state prison or county jail and resentence that defendant to a lesser sentence, as specified. Existing law authorizes a district attorney to use their discretion in conducting prosecutions.

This bill would establish the County Resentencing Pilot Program to support and evaluate a collaborative approach to a district attorney's exercise of their discretion to petition to recall an individual's case for resentencing. The bill would designate a county's district attorney's office and public defender's office as pilot participants. The bill would authorize a participating district attorney's office to contract with a qualified community-based organization, as specified. The bill would require that each participating district attorney's office create and implement a written policy that states the factors, criteria, and processes to be used in evaluating an individual's case for a petition to recall the sentence. The bill would require that funding be used to for the purposes of resentencing individuals consistent with the requirements of the pilot program, including ensuring adequate staffing of deputy district attorneys, paralegals, deputy public defenders, and support staff. The bill would require participating district attorney's offices to keep data, as specified, and collect it using a template provided by an evaluator. The bill would require the evaluator to conduct its analysis in a manner

that allows for comparison between participating counties and assess, among other things, challenges in implementation, a cost study, and recidivism outcomes. The bill would require state agencies to cooperate with, and provide information to, the evaluator upon request. The bill would require the evaluator to provide 2 preliminary reports to the Legislature and a final report, at the end of the program.

(4) Existing law grants the Department of Corrections and Rehabilitation (CDCR) authority to operate the state prison system and gives the department jurisdiction over various state prisons and other institutions, including Deuel Vocational Institution. Existing law requires the department to identify 2 state-owned and -operated prisons for closure, as specified.

This bill would make the provisions authorizing the establishment and operation of Deuel Vocational Institution inoperative on October 1, 2021, and would repeal those provisions on July 1, 2022.

(5) Existing law establishes the Board of Parole Hearings that is composed of 17 commissioners appointed by the Governor, and subject to Senate confirmation, for staggered 3-year terms. Under existing law, the board conducts parole consideration hearings, parole rescission hearings, and parole progress hearings for adults, among other responsibilities. Existing law requires the board, when it performs its functions by meeting en banc in either public or executive sessions to decide matters of general policy, to have at least 7 members present.

This bill would increase the number of commissioners on the board to 21. The bill would also require the board to have at least a majority of commissioners holding office present on the date a matter of general policy is heard.

Existing law permits an inmate to be present and to ask and answer questions on their own behalf at all hearings for the purpose of reviewing an inmate's parole suitability, or the setting, postponing, or rescinding of parole.

This bill would authorize the board to conduct proceedings by videoconference and would require that all references to a participant's statutory right to meet, be present, appear, or to represent the interests of the people or another participant at a proceeding to be satisfied by the participant's appearance by videoconference at the proceeding.

Existing law authorizes the board to meet and transact business in panels. Existing law requires, in the event of a tie vote, that a matter be referred to a randomly selected committee comprised of a majority

of the commissioners specifically appointed to hear adult parole matters and who are holding office at the time.

This bill would instead require that matter be referred for an en banc review by the board, with the commissioners involved in the tie vote recused from the review. The bill would require the commissioners conducting the review to consider the full record that was before the panel that resulted in the tie vote, and would limit the review to that record.

Existing law requires the board to provide written notice at least 30 days before it meets to review or consider the parole suitability of any inmate sentenced to a life sentence to the judge of the superior court before whom the inmate was tried and convicted, the attorney who represented the defendant at trial, the district attorney of the county in which the offense was committed, and the law enforcement agency that investigated the case. Existing law authorizes the judge of the superior court before whom the inmate was tried and convicted to forward to the board any unprivileged information from the trial or sentencing proceeding regarding the inmate, witnesses, or victims, or other relevant persons, or any other information, that is pertinent to the question of whether the board should grant parole, as specified. Existing law requires the board to review and consider all information received from any person and to consider adjusting the conditions of parole to reflect comments or concerns.

This bill would eliminate the requirement that written notice of the parole suitability hearing be provided to the judge of the superior court before whom the inmate was tried and convicted, and would eliminate the authorization of that judge to send unprivileged information from the trial or sentencing proceeding to the board. The bill would require the board only to consider all relevant and reliable information received from any person, and to consider imposing special conditions of parole to reflect those comments or concerns.

(6) Existing law establishes the California Reentry and Enrichment (CARE) Grant program to provide grants to community-based organizations (CBOs) that provide rehabilitative services to incarcerated individuals. Existing law requires the CDCR to establish a steering committee to establish grant criteria, select grant recipients, and determine grant amounts and number of grants. Existing law requires that members of the steering committee serve without compensation, except for reimbursement for expenses.

This bill would require the CDCR, prior to the release of the grant application, to survey all adult prisons to determine which are able to support new programs by the grantees and to include a list of those prisons in the request for grant applications. The bill would also provide a \$100 per day compensation, up to a maximum of \$5,000 per member per year, for steering committee members who are not government employees who are continuing to receive their regular salary while participating in the committee as part of their job.

(7) Existing law prohibits the transfer of an inmate to a community correctional reentry facility unless certain conditions have been met, including that the inmate is not currently serving a sentence for a conviction of a violent felony, as defined, the inmate has less than one year left to serve in a correctional facility, and the inmate has not been convicted previously of an escape.

This bill would, instead, prohibit the transfer of an inmate to a community correctional reentry facility unless, among other conditions, the inmate does not have a current or prior conviction for an offense that requires registration as a sex offender, the inmate has less than 2 years left to serve in a correctional institution, and the inmate does not have a history, within the prior 10 years, of an escape.

(8) Existing law establishes the California Sex Offender Management Board under the jurisdiction of the CDCR to address issues, concerns, and problems related to the community management of sex offenders. The board consists of 17 members, as specified.

This bill would add the Executive Director of the Office of Youth and Community Restoration within the California Health and Human Services Agency, or a designee who has expertise in the treatment or supervision of juvenile sex offenders, and a licensed mental health professional with experience treating juvenile sex offenders and who can represent those who provide evaluation and treatment for juvenile sex offenders, who would be appointed by the Speaker of the Assembly, to the board, bringing the total membership to 19.

(9) Existing law establishes the Board of State and Community Corrections to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system, as specified. Existing law requires the board to inspect each local detention facility in the state at least biennially, including juvenile halls and similar facilities used for the confinement of any minor, as specified.

This bill would authorize any officer, employee, or agent of the board, as specified, to enter and inspect any area of a local detention facility, without notice, to conduct those inspections.

(10) Existing law authorizes the CDCR to use the training academy at Galt, the training center in Stockton, or a training academy established for the California City Correctional Center. Under existing law, a cadet who attends an academy is required to complete the specified course of training before they may be assigned as a peace officer. Existing law requires the department to provide 520 hours of training to each correctional peace officer cadet.

This bill would require the department to adhere to the training standards developed by the Commission on Correctional Peace Officer Standards and Training (CPOST) at all locations where training is provided. The bill would reduce the minimum number of hours of training the department is required to provide each correctional peace officer cadet who commences training on or after July 1, 2021, from 520 hours to 480 hours. The bill would require, commencing July 1, 2021, a new correctional officer to complete new employee orientation and on-the-job observational training totaling a minimum of 160 hours upon graduation from the academy.

(11) Existing law requires the Office of Emergency Services (OES) to establish a protocol for the examination and treatment of victims of sexual abuse and attempted sexual abuse, including child sexual abuse, and the collection and preservation of evidence therefrom. Existing law prohibits the costs incurred by a qualified health care professional, hospital, clinic, sexual assault forensic examination team, or other emergency medical facility for the medical evidentiary examination from being charged to a victim of the assault. Under existing law, the local law enforcement agency in whose jurisdiction the alleged offense was committed is required to reimburse the cost of a medical evidentiary examination within 60 days. Existing law authorizes the local law enforcement agency to seek reimbursement from OES, to be funded with specified federal funds, and to offset the cost of conducting the medical evidentiary examination of a sexual assault victim who is undecided at the time of an examination whether to report to law enforcement.

This bill would authorize the appropriate local law enforcement agency to seek reimbursement from OES, using the specified federal funds, for the cost of conducting the medical evidentiary examination of a sexual assault victim who has decided not to report the assault to

law enforcement at the time of the examination. The bill would also authorize local law enforcement to seek, and would require OES to pay at an established rate, reimbursement for the cost of conducting the medical evidentiary examination of a sexual assault victim who has determined, at the time of the examination, to report the assault to law enforcement.

(12) Existing law subjects a minor between 12 and 17 years of age, inclusive, who violates any federal, state, or local law or ordinance, and a minor under 12 years of age who is alleged to have committed specified serious offenses, to the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court. Existing law authorizes the court to commit a minor to a juvenile home, ranch, camp, or forestry camp. Existing law establishes the Division of Juvenile Justice within the CDCR to operate facilities to house specified juvenile offenders.

This bill would authorize a juvenile court to order placement of a ward at the Pine Grove Youth Conservation Camp if specified criteria are met, including if the county has entered into a contract with the Division of Juvenile Justice and the division has found the ward amenable. The bill would authorize the division to enter into contracts with counties to operate the Pine Grove Youth Conservation Camp through a state-local partnership, or other management arrangement, to train justice-involved youth in wildland firefighting, as specified.

(13) 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 2021.~~

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

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

- 1 SECTION 1. Section 12838.4 of the Government Code is
- 2 amended to read:
- 3 12838.4. The Board of Parole Hearings is hereby created. The
- 4 Board of Parole Hearings shall be comprised of ~~14~~ 21
- 5 commissioners, who shall be appointed by the Governor, subject
- 6 to Senate confirmation, for three-year terms. The Board of Parole
- 7 Hearings hereby succeeds to, and is vested with, all the powers,
- 8 duties, responsibilities, obligations, liabilities, and jurisdiction of
- 9 the following entities, which shall no longer exist: Board of Prison

1 Terms, Narcotic Addict Evaluation Authority, and Youthful
2 Offender Parole Board. For purposes of this article, the above
3 entities shall be known as “predecessor entities.”

4 *SEC. 2. Section 851.93 of the Penal Code is amended to read:*

5 851.93. (a) (1) On a monthly basis, the Department of Justice
6 shall review the records in the statewide criminal justice databases,
7 and based on information in the state summary criminal history
8 repository, shall identify persons with records of arrest that meet
9 the criteria set forth in paragraph (2) and are eligible for arrest
10 record relief.

11 (2) A person is eligible for relief pursuant to this section, if the
12 arrest occurred on or after January 1, ~~2021~~, 1973, and meets any
13 of the following conditions:

14 (A) The arrest was for a misdemeanor offense and the charge
15 was dismissed.

16 (B) The arrest was for a misdemeanor offense, there is no
17 indication that criminal proceedings have been initiated, at least
18 one calendar year has elapsed since the date of the arrest, and no
19 conviction occurred, or the arrestee was acquitted of any charges
20 that arose, from that arrest.

21 (C) The arrest was for an offense that is punishable by
22 imprisonment pursuant to paragraph (1) or (2) of subdivision (h)
23 of Section 1170, there is no indication that criminal proceedings
24 have been initiated, at least three calendar years have elapsed since
25 the date of the arrest, and no conviction occurred, or the arrestee
26 was acquitted of any charges arising, from that arrest.

27 (D) The person successfully completed any of the following,
28 relating to that arrest:

29 (i) A prefiling diversion program, as defined in Section 851.87,
30 administered by a prosecuting attorney in lieu of filing an
31 accusatory pleading.

32 (ii) A drug diversion program administered by a superior court
33 pursuant to Section 1000.5, or a deferred entry of judgment
34 program pursuant to Section 1000 or 1000.8.

35 (iii) A pretrial diversion program, pursuant to Section 1000.4.

36 (iv) A diversion program, pursuant to Section 1001.9.

37 (v) A diversion program described in Chapter 2.8 (commencing
38 with Section 1001.20), Chapter 2.8A (commencing with Section
39 1001.35), Chapter 2.81 (commencing with Section 1001.40),
40 Chapter 2.9 (commencing with Section 1001.50), Chapter 2.9A

1 (commencing with Section 1001.60), Chapter 2.9B (commencing
2 with Section 1001.70), Chapter 2.9C (commencing with Section
3 1001.80), Chapter 2.9D (commencing with Section 1001.81), or
4 Chapter 2.92 (commencing with Section 1001.85), of Title 6.

5 (b) (1) The department shall grant relief to a person identified
6 pursuant to subdivision (a), without requiring a petition or motion
7 by a party for that relief if the relevant information is present in
8 the department’s electronic records.

9 (2) The state summary criminal history information shall
10 include, directly next to or below the entry or entries regarding the
11 person’s arrest record, a note stating “arrest relief granted,” listing
12 the date that the department granted relief, and this section. This
13 note shall be included in all statewide criminal databases with a
14 record of the arrest.

15 (3) Except as otherwise provided in subdivision (d), an arrest
16 for which arrest relief has been granted is deemed not to have
17 occurred, and a person who has been granted arrest relief is released
18 from any penalties and disabilities resulting from the arrest, and
19 may answer any question relating to that arrest accordingly.

20 (c) On a monthly basis, the department shall electronically
21 submit a notice to the superior court having jurisdiction over the
22 criminal case, informing the court of all cases for which a
23 complaint was filed in that jurisdiction and for which relief was
24 granted pursuant to this section. Commencing on August 1, 2022,
25 for any record retained by the court pursuant to Section 68152 of
26 the Government Code, except as provided in subdivision (d), the
27 court shall not disclose information concerning an arrest that is
28 granted relief pursuant to this section to any person or entity, in
29 any format, except to the person whose arrest was granted relief
30 or a criminal justice agency, as defined in Section 851.92.

31 (d) Relief granted pursuant to this section is subject to the
32 following conditions:

33 (1) Arrest relief does not relieve a person of the obligation to
34 disclose an arrest in response to a direct question contained in a
35 questionnaire or application for employment as a peace officer, as
36 defined in Section 830.

37 (2) Relief granted pursuant to this section has no effect on the
38 ability of a criminal justice agency, as defined in Section 851.92,
39 to access and use records that are granted relief to the same extent

1 that would have been permitted for a criminal justice agency had
2 relief not been granted.

3 (3) This section does not limit the ability of a district attorney
4 to prosecute, within the applicable statute of limitations, an offense
5 for which arrest relief has been granted pursuant to this section.

6 (4) Relief granted pursuant to this section does not affect a
7 person's authorization to own, possess, or have in the person's
8 custody or control a firearm, or the person's susceptibility to
9 conviction under Chapter 2 (commencing with Section 29800) of
10 Division 9 of Title 4 of Part 6, if the arrest would otherwise affect
11 this authorization or susceptibility.

12 (5) Relief granted pursuant to this section does not affect any
13 prohibition from holding public office that would otherwise apply
14 under law as a result of the arrest.

15 (6) Relief granted pursuant to this section does not affect the
16 authority to receive, or take adverse action based on, criminal
17 history information, including the authority to receive certified
18 court records received or evaluated pursuant to Section 1522,
19 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
20 pursuant to any statutory or regulatory provisions that incorporate
21 the criteria of those sections.

22 (e) This section does not limit petitions, motions, or orders for
23 arrest record relief, as required or authorized by any other law,
24 including, but not limited to, Sections 851.87, 851.90, 851.91,
25 1000.4, and 1001.9.

26 (f) The department shall annually publish statistics for each
27 county regarding the total number of arrests granted relief pursuant
28 to this section and the percentage of arrests for which the state
29 summary criminal history information does not include a
30 disposition, on the OpenJustice Web portal, as defined in Section
31 13010.

32 (g) This section shall be operative commencing July 1, 2022,
33 subject to an appropriation in the annual Budget Act.

34 *SEC. 3. Section 1170.01 is added to the Penal Code, to read:*

35 *1170.01. (a) The County Resentencing Pilot Program (pilot)*
36 *is hereby established to support and evaluate a collaborative*
37 *approach to exercising prosecutorial resentencing discretion*
38 *pursuant to paragraph (1) of subdivision (d) of Section 1170.*
39 *Participants in the pilot shall include a county district attorney's*

1 office, a county public defender's office, and may include a
2 community-based organization in each county pilot site.

3 (b) Each participating district attorney's office shall do all of
4 the following:

5 (1) Develop and implement a written policy which, at minimum,
6 outlines the factors, criteria, and processes that shall be used to
7 identify, investigate, and recommend individuals for recall and
8 resentencing. The district attorney's office may take into account
9 any input provided by the participating public defender's office
10 or a qualified contracted community-based organization in
11 developing this policy.

12 (2) Identify, investigate, and recommend the recall and
13 resentencing of incarcerated persons consistent with its written
14 policy.

15 (3) Direct all funding provided for the pilot be used for the
16 purposes of resentencing individuals pursuant to the pilot,
17 including, but not limited to, ensuring adequate staffing of deputy
18 district attorneys, paralegals, and data analysts who will
19 coordinate obtaining records and case files, support data entry,
20 assist in the preparation and filing of pleadings, coordinate with
21 victim services, and any other tasks required to complete the
22 processing and facilitation of resentencing recommendations and
23 to comply with the requirements of the pilot.

24 (c) A participating district attorney's office may contract with
25 a qualifying community-based organization for the duration of the
26 pilot. The community-based organization shall have experience
27 working with currently or formerly incarcerated individuals and
28 their support networks, and shall have expertise in at least two of
29 the following areas:

30 (1) Supporting and developing prerelease and reentry plans.

31 (2) Family reunification services.

32 (3) Referrals to postrelease wraparound programs, including,
33 but not limited to, employment, education, housing, substance use
34 disorder, and mental health service programs.

35 (4) Restorative justice programs.

36 (d) Nothing in this section shall be construed to limit the
37 discretion or authority granted to prosecutors under paragraph
38 (1) of subdivision (d) of Section 1170.

39 (e) All funding provided to a participating public defender's
40 office shall be used for the purposes of supporting the resentencing

1 of individuals pursuant to the pilot, including, but not limited to,
2 ensuring adequate staffing of deputy public defenders and other
3 support staff to represent incarcerated persons under consideration
4 for resentencing, identifying and recommending incarcerated
5 persons to the district attorney's office for resentencing
6 consideration, and developing reentry and release plans. A
7 participating public defender's office may provide input to the
8 county district attorney's office regarding the factors, criteria,
9 and processes to be used by the district attorney in their exercise
10 of discretion under paragraph (1) of subdivision (d) of Section
11 1170.

12 (f) Each participating district attorney's office shall utilize the
13 same template developed by the evaluator to identify and track
14 specific measures consistent with the goals of this section. The
15 template shall be finalized no later than October 1, 2021. The
16 measures shall include, but not be limited to, the following:

17 (1) A summary of expenditures by each entity receiving funds.

18 (2) A summary of any implementation delays or challenges, as
19 well as steps being taken to address them.

20 (3) The total number of people incarcerated in state prison on
21 the first day of each reporting year for convictions obtained in the
22 reporting county.

23 (4) The factors and criteria used to identify cases to be
24 considered for prosecutor-initiated resentencing.

25 (5) The total number of cases considered by a pilot participant
26 for prosecutor-initiated resentencing. For each case, information
27 collected shall include the date the case was considered, along
28 with the defendant's race, ethnicity, gender, age at commitment,
29 categories of controlling offenses, date of prison admission, earliest
30 possible release date or minimum eligible parole date, and date
31 of birth.

32 (6) The total number of prosecutor-initiated resentencing
33 recommendations by the pilot participant to the court for recall
34 of sentence, date of referral, and information on the defendant's
35 race, ethnicity, gender, age at commitment, groups of controlling
36 offenses, age at time of recall consideration, time served, and time
37 remaining.

38 (7) The total number of prosecutor-initiated resentencing
39 recommendations by the pilot participant in which the court
40 responded, the date the court considered each case referred, how

1 *many cases the court considered, and information on the*
2 *defendant's race, ethnicity, gender, age at commitment, groups of*
3 *controlling offenses, age at time of recall consideration, time*
4 *served, and time remaining.*

5 *(8) The total number of prosecutor-initiated resentencing*
6 *recommendations denied by the court, and for each case the date*
7 *of the denial and the reasons for the denial, and information on*
8 *the defendant's race, ethnicity, gender, age at commitment, groups*
9 *of controlling offenses, age at time of recall consideration, time*
10 *served, and time remaining.*

11 *(9) The total number of people who were resentenced, the date*
12 *of resentencing, and information on the defendant's race, ethnicity,*
13 *gender, age at commitment, groups of controlling offenses, age at*
14 *time of recall consideration, time served, and time remaining.*

15 *(10) The total number of people released from state prison due*
16 *to prosecutor-initiated resentencing by the pilot participant, how*
17 *many were released from state prison and the date of release, and*
18 *information on the defendant's race, ethnicity, gender, age at*
19 *commitment, groups of controlling offenses, age at time of recall*
20 *consideration, time served, and time remaining.*

21 *(g) The participating district attorneys' offices shall provide*
22 *the data listed in subdivision (f) to the evaluator on a quarterly*
23 *basis.*

24 *(h) To the extent possible, the evaluation of data reported by*
25 *the participating district attorneys' offices shall be conducted in*
26 *a manner that allows for comparison between the pilot participant*
27 *sites. This includes, but is not limited to, collection and reporting*
28 *of data at the individual case level using the same definitions. Each*
29 *pilot participant shall provide any information necessary to the*
30 *evaluator's completion of its analysis.*

31 *(i) Notwithstanding any other law, state entities, including, but*
32 *not limited to, the Department of Corrections and Rehabilitation,*
33 *the State Department of Social Services, and the Department of*
34 *Child Support Services, shall provide any information needed for*
35 *the completion of the evaluator's analysis.*

36 *(j) The evaluator shall do all of the following:*

37 *(1) For each case considered by a pilot participant, calculate*
38 *the time served by an individual and the time remaining on their*
39 *sentence.*

1 (2) Analyze the data and prepare two preliminary reports and
2 a final report to the Legislature. The first preliminary report shall
3 be submitted to the Legislature on or before October 1, 2022. The
4 second preliminary report shall be submitted to the Legislature
5 on or before October 1, 2023. The final report shall be submitted
6 to the Legislature on or before January 31, 2025.

7 (3) As part of the evaluation, the evaluator shall conduct, at
8 minimum, four assessments, as follows:

9 (A) An implementation assessment shall be conducted to
10 determine if pilot activities were implemented as intended. This
11 assessment shall include semi-structured in-depth interviews with
12 all relevant stakeholders, including, but not limited to,
13 representatives from the district attorney agencies, public defender
14 agencies and community-based organizations participating in the
15 pilot jurisdictions. The assessment shall document the different
16 strategies the pilot sites used, the development and implementation
17 of the written resentencing policies and procedures, which cases
18 were prioritized for resentencing and the referral process, and
19 factors that facilitated or hindered implementation.

20 (B) A cost study that shall estimate the resources required to
21 implement the pilot activities, to include both new expenditures
22 on personnel and other goods and services, and the reallocation
23 of resources from prior activities to the pilot activities. The
24 assessment shall include total cost and cost per case.

25 (C) An assessment of the estimated amount of time by which an
26 individual's earliest possible release date or minimum eligible
27 parole date was advanced due to prosecutor-initiated resentencing,
28 including a descriptive analysis of the process of cases from initial
29 recommendation to final resentencing outcomes to document points
30 of attrition in the process and allow for comparison between
31 individuals based on age, gender, race, offense, and county. This
32 assessment shall include a description of recidivism outcomes for
33 individuals released from prison, based on definitions created in
34 collaboration with pilot participants. This assessment shall include
35 a calculation of the total number of days of incarceration avoided,
36 and amount of time by which the person's earliest possible release
37 date or minimum eligible parole date was advanced due to
38 prosecutor-initiated resentencing for those individuals released
39 from prison using data maintained by the Department of
40 Corrections and Rehabilitation data systems.

1 (D) An assessment which compares, to the extent feasible,
2 records at the individual case level with county or state
3 administrative data files that capture utilization of government
4 benefit and social service programs, such as Temporary Assistance
5 for Needy Families, Supplemental Nutrition Assistance Program,
6 and other government cash or in-kind social services, and
7 court-ordered child support and visitation. The evaluator shall
8 document changes in these indicators at the individual case level
9 during the evaluation period, in order to determine whether any
10 observed changes can be attributed to the pilot. The evaluator
11 shall combine the descriptive information on outcomes from the
12 third and fourth evaluation components with the cost analysis
13 findings from the second component to estimate the potential for
14 cost savings to state and local governments from the pilot activities.
15 The evaluator shall, using the data collected from the pilot,
16 estimate the potential for cost savings to state and local
17 governments from the pilot activities.

18 (k) The pilot term shall begin on September 1, 2021, and end
19 on September 1, 2024. The evaluation term shall begin on
20 September 1, 2021, and end on January 31, 2025.

21 SEC. 4. Section 1203.425 of the Penal Code is amended to
22 read:

23 1203.425. (a) (1) (A) Commencing July 1, 2022, and subject
24 to an appropriation in the annual Budget Act, on a monthly basis,
25 the Department of Justice shall review the records in the statewide
26 criminal justice databases, and based on information in the state
27 summary criminal history repository and the Supervised Release
28 File, shall identify persons with convictions that meet the criteria
29 set forth in subparagraph (B) and are eligible for automatic
30 conviction record relief.

31 (B) A person is eligible for automatic conviction relief pursuant
32 to this section if they meet all of the following conditions:

33 (i) The person is not required to register pursuant to the Sex
34 Offender Registration Act.

35 (ii) The person does not have an active record for local, state,
36 or federal supervision in the Supervised Release File.

37 (iii) Based upon the information available in the department's
38 record, including disposition dates and sentencing terms, it does
39 not appear that the person is currently serving a sentence for an
40 offense and there is no indication of pending criminal charges.

1 (iv) Except as otherwise provided in subclause (III) of clause
2 (v), there is no indication that the conviction resulted in a sentence
3 of incarceration in the state prison.

4 (v) The conviction occurred on or after January 1, ~~2021~~, 1973,
5 and meets either of the following criteria:

6 (I) The defendant was sentenced to probation and, based upon
7 the disposition date and the term of probation specified in the
8 department's records, appears to have completed their term of
9 probation without revocation.

10 (II) The defendant was convicted of an infraction or
11 misdemeanor, was not granted probation, and, based upon the
12 disposition date and the term specified in the department's records,
13 the defendant appears to have completed their sentence, and at
14 least one calendar year has elapsed since the date of judgment.

15 (2) (A) Except as specified in subdivision (b), the department
16 shall grant relief, including dismissal of a conviction, to a person
17 identified pursuant to paragraph (1) without requiring a petition
18 or motion by a party for that relief if the relevant information is
19 present in the department's electronic records.

20 (B) The state summary criminal history information shall
21 include, directly next to or below the entry or entries regarding the
22 person's criminal record, a note stating "relief granted," listing the
23 date that the department granted relief and this section. This note
24 shall be included in all statewide criminal databases with a record
25 of the conviction.

26 (C) Except as otherwise provided in paragraph (4) and in Section
27 13555 of the Vehicle Code, a person granted conviction relief
28 pursuant to this section shall be released from all penalties and
29 disabilities resulting from the offense of which the person has been
30 convicted.

31 (3) Commencing July 1, 2022, and subject to an appropriation
32 in the annual Budget Act, on a monthly basis, the department shall
33 electronically submit a notice to the superior court having
34 jurisdiction over the criminal case, informing the court of all cases
35 for which a complaint was filed in that jurisdiction and for which
36 relief was granted pursuant to this section. Commencing on August
37 1, 2022, for any record retained by the court pursuant to Section
38 68152 of the Government Code, except as provided in paragraph
39 (4), the court shall not disclose information concerning a conviction
40 granted relief pursuant to this section or Section 1203.4, 1203.4a,

1 1203.41, or 1203.42, to any person or entity, in any format, except
2 to the person whose conviction was granted relief or a criminal
3 justice agency, as defined in Section 851.92.

4 (4) Relief granted pursuant to this section is subject to the
5 following conditions:

6 (A) Relief granted pursuant to this section does not relieve a
7 person of the obligation to disclose a criminal conviction in
8 response to a direct question contained in a questionnaire or
9 application for employment as a peace officer, as defined in Section
10 830.

11 (B) Relief granted pursuant to this section does not relieve a
12 person of the obligation to disclose the conviction in response to
13 a direct question contained in a questionnaire or application for
14 public office, or for contracting with the California State Lottery
15 Commission.

16 (C) Relief granted pursuant to this section has no effect on the
17 ability of a criminal justice agency, as defined in Section 851.92,
18 to access and use records that are granted relief to the same extent
19 that would have been permitted for a criminal justice agency had
20 relief not been granted.

21 (D) Relief granted pursuant to this section does not limit the
22 jurisdiction of the court over a subsequently filed motion to amend
23 the record, petition or motion for postconviction relief, or collateral
24 attack on a conviction for which relief has been granted pursuant
25 to this section.

26 (E) Relief granted pursuant to this section does not affect a
27 person's authorization to own, possess, or have in the person's
28 custody or control a firearm, or the person's susceptibility to
29 conviction under Chapter 2 (commencing with Section 29800) of
30 Division 9 of Title 4 of Part 6, if the criminal conviction would
31 otherwise affect this authorization or susceptibility.

32 (F) Relief granted pursuant to this section does not affect a
33 prohibition from holding public office that would otherwise apply
34 under law as a result of the criminal conviction.

35 (G) Relief granted pursuant to this section does not affect the
36 authority to receive, or take adverse action based on, criminal
37 history information, including the authority to receive certified
38 court records received or evaluated pursuant to Section 1522,
39 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or

1 pursuant to any statutory or regulatory provisions that incorporate
2 the criteria of those sections.

3 (H) Relief granted pursuant to this section does not make eligible
4 a person who is otherwise ineligible to provide, or receive payment
5 for providing, in-home supportive services pursuant to Article 7
6 (commencing with Section 12300) of Chapter 3 of Part 3 of
7 Division 9 of the Welfare and Institutions Code, or pursuant to
8 Section 14132.95, 14132.952, or 14132.956 of the Welfare and
9 Institutions Code.

10 (I) In a subsequent prosecution of the defendant for any other
11 offense, the prior conviction may be pleaded and proved and shall
12 have the same effect as if the relief had not been granted.

13 (5) This section shall not limit petitions, motions, or orders for
14 relief in a criminal case, as required or authorized by any other
15 law, including, but not limited to, Sections 1203.4 and 1204.4a.

16 (6) Commencing July 1, 2022, and subject to an appropriation
17 in the annual Budget Act, the department shall annually publish
18 statistics for each county regarding the total number of convictions
19 granted relief pursuant to this section and the total number of
20 convictions prohibited from automatic relief pursuant to
21 subdivision (b), on the OpenJustice Web portal, as defined in
22 Section 13010.

23 (b) (1) The prosecuting attorney or probation department may,
24 no later than 90 calendar days before the date of a person's
25 eligibility for relief pursuant to this section, file a petition to
26 prohibit the department from granting automatic relief pursuant
27 to this section, based on a showing that granting that relief would
28 pose a substantial threat to the public safety.

29 (2) The court shall give notice to the defendant and conduct a
30 hearing on the petition within 45 days after the petition is filed.

31 (3) At a hearing on the petition pursuant to this subdivision, the
32 defendant, the probation department, the prosecuting attorney, and
33 the arresting agency, through the prosecuting attorney, may present
34 evidence to the court. Notwithstanding Sections 1538.5 and 1539,
35 the hearing may be heard and determined upon declarations,
36 affidavits, police investigative reports, copies of state summary
37 criminal history information and local summary criminal history
38 information, or any other evidence submitted by the parties that
39 is material, reliable, and relevant.

1 (4) The prosecutor or probation department has the initial burden
2 of proof to show that granting conviction relief would pose a
3 substantial threat to the public safety. In determining whether
4 granting relief would pose a substantial threat to the public safety,
5 the court may consider any relevant factors including, but not
6 limited to, either of the following:

7 (A) Declarations or evidence regarding the offense for which a
8 grant of relief is being contested.

9 (B) The defendant's record of arrests and convictions.

10 (5) If the court finds that the prosecutor or probation department
11 has satisfied the burden of proof, the burden shifts to the defendant
12 to show that the hardship of not obtaining relief outweighs the
13 threat to the public safety of providing relief. In determining
14 whether the defendant's hardship outweighs the threat to the public
15 safety, the court may consider any relevant factors including, but
16 not limited to, either of the following:

17 (A) The hardship to the defendant that has been caused by the
18 conviction and that would be caused if relief is not granted.

19 (B) Declarations or evidence regarding the defendant's good
20 character.

21 (6) If the court grants a petition pursuant to this subdivision,
22 the court shall furnish a disposition report to the Department of
23 Justice pursuant to Section 13151, stating that relief pursuant to
24 this section was denied, and the department shall not grant relief
25 pursuant to this section.

26 (7) A person denied relief pursuant to this section may continue
27 to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If
28 the court subsequently grants relief pursuant to one of those
29 sections, the court shall furnish a disposition report to the
30 Department of Justice pursuant to Section 13151, stating that relief
31 was granted pursuant to the applicable section, and the department
32 shall grant relief pursuant to that section.

33 (c) At the time of sentencing, the court shall advise a defendant,
34 either orally or in writing, of the provisions of this section and of
35 the defendant's right, if any, to petition for a certificate of
36 rehabilitation and pardon.

37 *SEC. 5. Section 1233.3 of the Penal Code is amended to read:*

38 1233.3. Annually, the Director of Finance, in consultation with
39 the Department of Corrections and Rehabilitation, the Joint
40 Legislative Budget Committee, the Chief Probation Officers of

1 California, and the Judicial Council, shall calculate a statewide
2 performance incentive payment for each eligible county for the
3 most recently completed calendar year, as follows:

4 (a) For a county identified as having a return to prison rate less
5 than 1.5 percent, the incentive payment shall be equal to 100
6 percent of the highest year of funding that a county received for
7 the California Community Incentive Grant Program from the ~~2011~~
8 ~~=12~~ 2011–12 fiscal year to the 2014–15 fiscal year, inclusive.

9 (b) For a county identified as having a return to prison rate of
10 1.5 percent or greater, but not exceeding 3.2 percent, the incentive
11 payment shall be equal to 70 percent of the highest year of funding
12 that a county received for the California Community Incentive
13 Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal
14 year, inclusive.

15 (c) For a county identified as having a return to prison rate of
16 more than 3.2 percent, not exceeding 5.5 percent, the incentive
17 payment shall be equal to 60 percent of the highest year of funding
18 that a county received for the California Community Incentive
19 Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal
20 year, inclusive.

21 (d) For a county identified as having a return to prison rate of
22 more than 5.5 percent, not exceeding 6.1 percent, the incentive
23 payment shall be equal to 50 percent of the highest year of funding
24 that a county received for the California Community Incentive
25 Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal
26 year, inclusive.

27 (e) For a county identified as having a return to prison rate of
28 more than 6.1 percent, not exceeding 7.9 percent, the incentive
29 payment shall be equal to 40 percent of the highest year of funding
30 that a county received for the California Community Incentive
31 Grant Program from the 2011–12 fiscal year to the 2014–15 fiscal
32 year, inclusive.

33 (f) A county that fails to provide information specified in Section
34 1231 to the Administrative Office of the Courts is not eligible for
35 a statewide performance incentive payment.

36 (g) *This section shall not be used to calculate incentive payments*
37 *for the 2021–22 fiscal year.*

38 *SEC. 6. Section 1233.4 of the Penal Code is amended to read:*
39 1233.4. The Director of Finance, in consultation with the
40 Department of Corrections and Rehabilitation, the Joint Legislative

1 Budget Committee, the Chief Probation Officers of California,
2 and the Judicial Council, shall, for the most recently completed
3 calendar year, annually calculate a county performance incentive
4 payment for each eligible county. A county shall be eligible for
5 compensation for each of the following:

6 (a) The estimated number of felons on probation that were
7 successfully prevented from being incarcerated in the state prison
8 as calculated in subdivision (d) of Section 1233.1, multiplied by
9 35 percent of the state's costs to incarcerate a prison felony
10 offender in a contract facility, as defined in subdivision (a) of
11 Section 1233.1.

12 (b) The estimated number of felons on mandatory supervision
13 that were successfully prevented from being incarcerated in the
14 state prison as calculated in subdivision (h) of Section 1233.1,
15 multiplied by 35 percent of the state's costs to incarcerate a prison
16 felony offender in a contract facility, as defined in subdivision (a)
17 of Section 1233.1.

18 (c) The estimated number of felons on postrelease community
19 supervision that were successfully prevented from being
20 incarcerated in the state prison as calculated in subdivision (k) of
21 Section 1233.1, multiplied by 35 percent of the state's costs to
22 incarcerate a prison felony offender in a contract facility, as defined
23 in subdivision (a) of Section 1233.1.

24 (d) *This section shall not be used to calculate incentive payments*
25 *for the 2021–22 fiscal year.*

26 *SEC. 7. Section 1233.6 of the Penal Code is amended to read:*

27 1233.6. (a) A statewide performance incentive payment
28 calculated pursuant to Section 1233.3 and a county performance
29 incentive payment calculated pursuant to Section 1233.4 for any
30 calendar year shall be provided to a county in the following fiscal
31 year. The total annual payment to a county shall be divided into
32 four equal quarterly payments.

33 (b) The Department of Finance shall include an estimate of the
34 total statewide performance incentive payments and county
35 performance incentive payments to be provided to counties in the
36 coming fiscal year as part of the Governor's proposed budget
37 released no later than January 10 of each year. This estimate shall
38 be adjusted by the Department of Finance, as necessary, to reflect
39 the actual calculations of probation failure reduction incentive
40 payments and high performance grants completed by the Director

1 of Finance, in consultation with the Department of Corrections
2 and Rehabilitation, the Joint Legislative Budget Committee, the
3 Chief Probation Officers of California, and the Judicial Council.
4 This adjustment shall occur as part of standard budget revision
5 processes completed by the Department of Finance in April and
6 May of each year.

7 (c) There is hereby established, in the State Treasury, the State
8 Community Corrections Performance Incentives Fund, which is
9 continuously appropriated. Moneys appropriated for purposes of
10 statewide performance incentive payments and county performance
11 incentive payments authorized in Sections 1230 to 1233.6,
12 inclusive, shall be transferred into this fund from the General Fund.
13 Any moneys transferred into this fund from the General Fund shall
14 be administered by the Judicial Council and the share calculated
15 for each county probation department shall be transferred to its
16 Community Corrections Performance Incentives Fund authorized
17 in Section 1230.

18 (d) For each fiscal year, the Director of Finance shall determine
19 the total amount of the State Community Corrections Performance
20 Incentives Fund and the amount to be allocated to each county,
21 pursuant to this section and Sections 1230 to 1233.5, inclusive,
22 and shall report those amounts to the Controller. The Controller
23 shall make an allocation from the State Community Corrections
24 Performance Incentives Fund authorized in subdivision (c) to each
25 county in accordance with the amounts provided.

26 (e) Notwithstanding Section 13340 of the Government Code,
27 commencing July 1, 2014, and each fiscal year thereafter, the
28 amount of one million dollars (\$1,000,000) is hereby continuously
29 appropriated from the State Community Corrections Performance
30 Incentives Fund to the Judicial Council for the costs of
31 implementing and administering this program, pursuant to
32 subdivision (c), and the 2011 realignment legislation addressing
33 public safety.

34 (f) *This section does not apply to incentive payments made*
35 *during the 2021–22 fiscal year.*

36 *SEC. 8. Section 1233.61 of the Penal Code is amended to read:*

37 1233.61. (a) The Department of Finance shall increase to no
38 more than two hundred thousand dollars (\$200,000) the award
39 amount for any county whose statewide performance incentive
40 payment and county performance incentive payment, as calculated

1 pursuant to Sections 1233.3 and 1233.4, totals less than two
2 hundred thousand dollars (\$200,000).

3 (b) The Department of Finance shall adjust the award amount
4 up to two hundred thousand dollars (\$200,000) per county, to those
5 counties that did not receive a statewide performance incentive
6 payment and county performance incentive payment, as calculated
7 pursuant to Sections 1233.3 and 1233.4.

8 (c) Any county receiving funding through subdivision (b) shall
9 submit a report to the Judicial Council and the Chief Probation
10 Officers of California describing how it plans on using the funds
11 to enhance its ability to be successful under this chapter.
12 Commencing January 1, 2014, a county that fails to submit this
13 report by March 1 annually shall not receive funding pursuant to
14 subdivision (b) in the subsequent fiscal year.

15 (d) A county that fails to provide the information specified in
16 Section 1231 to the Judicial Council shall not be eligible for
17 payment pursuant to this section.

18 (e) *This section shall not be used to calculate incentive payments*
19 *for the 2021–22 fiscal year.*

20 *SEC. 9. Section 1233.11 is added to the Penal Code,*
21 *immediately following Section 1233.10, to read:*

22 *1233.11. (a) Notwithstanding Sections 1233.3 and Section*
23 *1233.4, for the 2021–22 fiscal year, the amount of one hundred*
24 *twenty-two million, eight hundred twenty-nine thousand, three*
25 *hundred ninety-seven dollars (\$122,829,397) is hereby*
26 *appropriated from the General Fund to the State Community*
27 *Corrections Performance Incentives Fund, established pursuant*
28 *to Section 1233.6, for the community corrections program. Funds*
29 *shall be allocated by the Controller to counties according to the*
30 *requirements of the program and pursuant to the following*
31 *schedule:*

32		
33	<i>Alameda</i>	<i>\$ 2,760,919</i>
34	<i>Alpine</i>	<i>\$ 200,000</i>
35	<i>Amador</i>	<i>\$ 233,777</i>
36	<i>Butte</i>	<i>\$ 416,404</i>
37	<i>Calaveras</i>	<i>\$ 512,027</i>
38	<i>Colusa</i>	<i>\$ 267,749</i>
39	<i>Contra Costa</i>	<i>\$ 6,643,176</i>
40	<i>Del Norte</i>	<i>\$ 200,000</i>

1	<i>El Dorado</i>	\$ 348,495
2	<i>Fresno</i>	\$ 3,156,754
3	<i>Glenn</i>	\$ 223,171
4	<i>Humboldt</i>	\$ 1,055,456
5	<i>Imperial</i>	\$ 203,247
6	<i>Inyo</i>	\$ 222,098
7	<i>Kern</i>	\$ 1,519,187
8	<i>Kings</i>	\$ 1,105,869
9	<i>Lake</i>	\$ 465,073
10	<i>Lassen</i>	\$ 253,037
11	<i>Los Angeles</i>	\$ 37,413,530
12	<i>Madera</i>	\$ 1,237,543
13	<i>Marin</i>	\$ 988,095
14	<i>Mariposa</i>	\$ 200,000
15	<i>Mendocino</i>	\$ 592,510
16	<i>Merced</i>	\$ 1,032,961
17	<i>Modoc</i>	\$ 202,975
18	<i>Mono</i>	\$ 257,466
19	<i>Monterey</i>	\$ 300,463
20	<i>Napa</i>	\$ 329,767
21	<i>Nevada</i>	\$ 669,278
22	<i>Orange</i>	\$ 4,973,540
23	<i>Placer</i>	\$ 545,848
24	<i>Plumas</i>	\$ 442,681
25	<i>Riverside</i>	\$ 6,954,331
26	<i>Sacramento</i>	\$ 12,329,233
27	<i>San Benito</i>	\$ 282,215
28	<i>San Bernardino</i>	\$ 8,357,087
29	<i>San Diego</i>	\$ 2,930,998
30	<i>San Francisco</i>	\$ 3,060,552
31	<i>San Joaquin</i>	\$ 2,227,270
32	<i>San Luis Obispo</i>	\$ 1,322,460
33	<i>San Mateo</i>	\$ 1,175,827
34	<i>Santa Barbara</i>	\$ 1,416,944
35	<i>Santa Clara</i>	\$ 1,747,784
36	<i>Santa Cruz</i>	\$ 1,746,643
37	<i>Shasta</i>	\$ 512,037
38	<i>Sierra</i>	\$ 215,489
39	<i>Siskiyou</i>	\$ 284,355
40	<i>Solano</i>	\$ 807,241

1	<i>Sonoma</i>	\$ 1,067,821
2	<i>Stanislaus</i>	\$ 1,286,879
3	<i>Sutter</i>	\$ 738,100
4	<i>Tehama</i>	\$ 458,088
5	<i>Trinity</i>	\$ 200,000
6	<i>Tulare</i>	\$ 1,864,437
7	<i>Tuolumne</i>	\$ 382,373
8	<i>Ventura</i>	\$ 783,267
9	<i>Yolo</i>	\$ 1,504,870
10	<i>Yuba</i>	\$ 200,000

11
 12 *(b) The total annual payment to each county, as scheduled in*
 13 *subdivision (a), shall be divided into four equal quarterly payments.*

14 *(c) A county that fails to provide the information required in*
 15 *Section 1231 to the Judicial Council shall not be eligible for*
 16 *payment pursuant to this section.*

17 *(d) This section shall remain in effect only until July 1, 2022,*
 18 *and as of that date is repealed.*

19 *SEC. 10. Section 2042.1 is added to the Penal Code, to read:*
 20 *2042.1. This article shall become inoperative on October 1,*
 21 *2021, and, as of July 1, 2022, is repealed.*

22 *SEC. 11. Section 3041.6 is added to the Penal Code, to read:*
 23 *3041.6. The Board of Parole Hearings may conduct*
 24 *proceedings by videoconference. All references in this article and*
 25 *Article 4 of Chapter 7 (commencing with Section 2960) of this title*
 26 *to a participant’s statutory right to meet, be present, appear, or*
 27 *to represent the interests of the people or another participant at*
 28 *a proceeding shall be satisfied by the participant’s appearance by*
 29 *videoconference at the proceeding.*

30 *SEC. 12. Section 3042 of the Penal Code is amended to read:*
 31 *3042. (a) (1) At least 30 days before the Board of Parole*
 32 *Hearings meets to review or consider the parole suitability of any*
 33 *inmate sentenced to a life sentence, the board shall send written*
 34 *notice thereof to each of the following persons: ~~the judge of the~~*
 35 *superior court before whom the inmate was tried and convicted,*
 36 *the attorney who represented the defendant at trial, the district*
 37 *attorney of the county in which the offense was committed, the*
 38 *law enforcement agency that investigated the case, ~~and~~ and, if the*
 39 *inmate was convicted of the murder of a peace officer, the law*

1 enforcement agency that employed the peace officer at the time
2 of the murder.

3 (2) If the inmate was convicted of the murder of a firefighter,
4 the board or the Department of Corrections and Rehabilitation
5 shall also send the written notice described in paragraph (1) to the
6 fire department that employed the firefighter at the time of the
7 murder, if that fire department registers with the board to receive
8 that notification and provides the appropriate contact information.

9 (b) The Board of Parole Hearings shall record all of those
10 hearings and transcribe recordings of those hearings within 30
11 days of any hearing. Those transcripts, including the transcripts
12 of all prior hearings, shall be filed and maintained in the office of
13 the Board of Parole Hearings and shall be made available to the
14 public no later than 30 days from the date of the hearing. An inmate
15 shall not be released on parole until 60 days from the date of the
16 hearing have elapsed.

17 (c) At any hearing, the presiding hearing officer shall state ~~his~~
18 ~~or her~~ *their* findings and supporting reasons on the record.

19 (d) Any statements, recommendations, or other materials
20 considered shall be incorporated into the transcript of the hearing,
21 unless the material is confidential in order to preserve institutional
22 security and the security of others who might be endangered by
23 disclosure.

24 ~~(e) (1) The written notice to the judge of the superior court~~
25 ~~before whom the inmate was tried and convicted shall be sent by~~
26 ~~United States mail.~~

27 ~~(2) The judge receiving this written notice may forward to the~~
28 ~~board any unprivileged information from the trial or sentencing~~
29 ~~proceeding regarding the inmate, witnesses, or victims, or other~~
30 ~~relevant persons, or any other information, that is pertinent to the~~
31 ~~question of whether the board should grant parole or under what~~
32 ~~conditions parole should be granted. The judge may also, in his or~~
33 ~~her discretion, include information given to him or her by victims,~~
34 ~~witnesses, or other persons that bear on the question of the inmate's~~
35 ~~suitability for parole.~~

36 ~~(3)~~

37 (e) The board shall review and consider all *relevant and reliable*
38 information received from the judge or any other any person and
39 shall consider adjusting the *imposing special* conditions of parole

1 to reflect the comments or concerns raised by this information, as
2 appropriate.

3 (f) This section does not limit the type or content of information
4 ~~the judge or any other~~ any person may forward to the board for
5 consideration under any other law.

6 (g) Any person who receives notice under subdivision (a) who
7 is authorized to forward information for consideration in a parole
8 suitability hearing for a person sentenced to a life sentence under
9 this section, may forward that information ~~either by facsimile or~~
10 by electronic mail. The Department of Corrections and
11 Rehabilitation shall establish procedures for receiving the
12 information by ~~facsimile or~~ electronic mail pursuant to this
13 subdivision.

14 *SEC. 13. Section 4530.5 of the Penal Code is amended to read:*

15 4530.5. (a) For the purposes of punishing escapes or attempts
16 to escape under Section 4530, a person is deemed confined in a
17 “state prison” if ~~he is~~ they are an adult prisoner confined in the
18 Deuel Vocational Institution.

19 (b) *This section shall become inoperative on October 1, 2021,*
20 *and, as of July 1, 2022, is repealed.*

21 *SEC. 14. Section 5007.3 of the Penal Code is amended to read:*

22 5007.3. (a) (1) The department shall establish the California
23 Reentry and Enrichment (CARE) Grant program to provide grants
24 to community based organizations (CBOs) that provide
25 rehabilitative services to incarcerated individuals.

26 (2) Grants shall be awarded by the steering committee
27 established pursuant to subdivision (b) based on the following
28 criteria:

29 (A) The steering committee shall prioritize the continuation,
30 expansion, or replication of rehabilitative programs that have
31 previously demonstrated success with incarcerated individuals
32 within a correctional environment. This subparagraph does not
33 disqualify a relatively new CBO that has programming that shows
34 promise from applying for, or receiving, a grant.

35 (B) Grants shall be awarded to fund programs that provide
36 insight-oriented restorative justice and offender accountability
37 programs that can demonstrate that the approach has produced, or
38 will produce, positive outcomes in department facilities, including,
39 but not limited to:

40 (i) Increasing empathy and mindfulness.

1 (ii) Increasing resilience and reducing the impacts of stress and
2 trauma.

3 (iii) Reducing violence in the form of physical aggression, verbal
4 aggression, anger, and hostility.

5 (iv) Successfully addressing and treating the symptoms of
6 post-traumatic stress disorder.

7 (v) Victim impacts and understanding.

8 (C) To the extent that the information is available, applicants
9 shall provide evaluations and surveys, including qualitative and
10 quantitative information, from current and former program
11 participants and any program evaluation data conducted by an
12 outside research organization.

13 (b) The department shall establish a CARE Grant program
14 steering committee, which shall establish grant criteria, select grant
15 recipients, and determine grant amounts and the number of grants.
16 Members of the steering committee shall be chosen as a result of
17 consultation with the Senate and Assembly, as follows:

18 (1) One member shall be an educator or trainer in the field of
19 criminal justice, with specific knowledge and experience working
20 with adult offenders.

21 (2) One member shall be a researcher with specific expertise
22 evaluating the effectiveness of rehabilitative treatment for adult
23 offenders.

24 (3) Two members shall be representatives for community based
25 organizations with experience working with the department on
26 CBO-led programs. The CBO representative is ineligible to apply
27 for a grant and shall not receive any compensation from another
28 nonprofit/CBO that receives a CARE grant.

29 (4) Two members shall have firsthand knowledge of
30 rehabilitative CBO- or department-led programming through active
31 participation and completion of courses within the preceding five
32 years. These members are ineligible to apply for a grant and shall
33 not receive any compensation from another nonprofit or CBO that
34 receives a CARE grant.

35 (5) Two members shall be representatives of the Division of
36 Rehabilitative Programs within the department who have had
37 experience working directly with CBO programs.

38 (6) One member shall be a representative from the Division of
39 Adult Institutions to provide insight and knowledge of the most
40 effective CBO programs.

1 (7) One member shall be from the Office of the Inspector
2 General who is familiar with the work and objectives of the
3 California Rehabilitation Oversight Board.

4 ~~(e) Members of the steering committee shall serve without~~
5 ~~compensation, but may be reimbursed for travel and other~~
6 ~~necessary expenses.~~

7 (c) *Prior to the release of the grant application, the department*
8 *shall survey all adult prisons to determine which are able to*
9 *support new programs provided by the grantees. A list of prisons*
10 *that are able to add additional programs shall be clearly listed in*
11 *the request for applications. All prisons that agree to accept*
12 *additional programs, agree to facilitate and support the grantee*
13 *organizations in the provision of those programs. Once grant*
14 *applications are selected by the committee, should a prison*
15 *determine that the specific programs cannot safely or adequately*
16 *be provided in their particular prison, the Division of Adult*
17 *Institutions, Department of Corrections and Rehabilitation shall*
18 *provide detailed information, in writing, to the steering committee*
19 *on the specific reasons for being unable to offer the program.*

20 (d) *To the extent amendments are made to a contract, after the*
21 *contract is awarded, that result in a significant change in the level*
22 *of service provided by a grantee, the department shall submit the*
23 *contract amendment to the steering committee for approval prior*
24 *to executing the amendment.*

25 (e) *Each member of the steering committee shall receive one*
26 *hundred dollars (\$100) for each day in which that committee*
27 *member is engaged in the performance of official duties. The*
28 *performance of official duties includes all meetings, reviewing*
29 *draft application and scoring documents, reading and evaluating*
30 *grant applications, and any prison visits agreed to by the committee*
31 *to review grantee programs. Total compensation shall not exceed*
32 *five thousand dollars (\$5,000) per committee member, per year.*
33 *A government employee who is participating in the committee as*
34 *part of their job and is continuing to receive their regular salary*
35 *is not eligible for compensation. In addition to the compensation,*
36 *all members of the committee shall be reimbursed for necessary*
37 *traveling and other expenses incurred in the performance of official*
38 *duties. Any costs pursuant to this subdivision will be paid from*
39 *CARE grant funding appropriated in the annual Budget Act.*

40 SEC. 15. Section 5075 of the Penal Code is amended to read:

1 5075. (a) There is hereby created the Board of Parole Hearings.
2 Any reference to the Board of Prison Terms in this code or any
3 other law refers to the Board of Parole Hearings. As of July 1,
4 2005, the Board of Prison Terms is abolished.

5 (b) (1) The Governor shall appoint ~~17~~ 21 commissioners,
6 subject to Senate confirmation, pursuant to this section. These
7 commissioners shall be appointed and trained to hear only adult
8 matters. Except as specified in paragraph (3), commissioners shall
9 hold office for terms of three years, each term to commence on
10 the expiration date of the predecessor. An appointment to a vacancy
11 that occurs for any reason other than expiration of the term shall
12 be for the remainder of the unexpired term. Commissioners are
13 eligible for reappointment.

14 (2) The terms of the commissioners shall expire as follows:

15 (A) ~~Five-Seven~~ shall expire on July 1, ~~2020~~. 2022.

16 (B) ~~Six-Seven~~ shall expire on July 1, ~~2021~~. 2023.

17 (C) ~~Six-Seven~~ shall expire on July 1, ~~2022~~. 2024.

18 ~~(3) The term for one of the commissioners whose position was~~
19 ~~created by the act that added this paragraph shall be for two years~~
20 ~~and shall begin on July 1, 2019. The term for the other~~
21 ~~commissioner whose position was created by the act that added~~
22 ~~this paragraph shall be for three years and shall begin on July 1,~~
23 ~~2019.~~

24 *(3) The terms of the four commissioners whose positions were*
25 *created by the act that increased the number of commissioners to*
26 *21 in paragraph (1) shall begin on July 1, 2021, and shall be as*
27 *follows: one commissioner's term shall be for one year, two*
28 *commissioners' terms shall be for two years, and one*
29 *commissioner's term shall be for three years.*

30 (4) The selection of persons and their appointment by the
31 Governor and confirmation by the Senate shall reflect as nearly
32 as possible a cross section of the racial, ~~sexual~~, *sexual orientation*,
33 *gender identity*, economic, and geographic features of the
34 population of the state.

35 ~~(c) The chair~~ *Governor may designate a chairperson* of the
36 ~~board shall be designated by the Governor~~ periodically. The
37 ~~Governor may~~ *shall* appoint an executive officer of the board,
38 subject to Senate confirmation, who shall hold office at the pleasure
39 of the Governor. The executive officer shall be the administrative
40 head of the board and shall exercise all duties and functions

1 necessary to ensure that the responsibilities of the board are
2 successfully discharged. The ~~secretary~~ *executive officer* shall be
3 the appointing authority for all civil service positions of
4 employment with the board.

5 (d) Each commissioner shall participate in hearings on each
6 workday, except if it is necessary for a commissioner to attend
7 training, en banc hearings or full board meetings, or other
8 administrative business requiring the participation of the
9 commissioner. For purposes of this subdivision, these hearings
10 include parole consideration hearings and parole rescission
11 hearings.

12 *SEC. 16. Section 5075.6 of the Penal Code is amended to read:*

13 5075.6. (a) Commissioners and deputy commissioners hearing
14 matters concerning adults under the jurisdiction of the Department
15 of Corrections and Rehabilitation shall have a broad background
16 in criminal justice and an ability for appraisal of adult offenders,
17 the crimes for which those persons are committed, and the
18 evaluation of an individual's progress toward reformation. Insofar
19 as practicable, commissioners and deputy commissioners shall
20 have a varied interest in adult correction work, public safety, and
21 shall have experience or education in the fields of corrections,
22 sociology, law, law enforcement, medicine, mental health, or
23 education. *In addition, insofar as practicable, commissioners and*
24 *deputy commissioners may have professional or lived experience*
25 *or educational background that may enhance the expertise of the*
26 *parole board, including, but not limited to, the areas of social*
27 *work, substance use disorder treatment, foster care, rehabilitation,*
28 *community reentry, or the effects of trauma and poverty.*

29 (b) All commissioners and deputy commissioners who conduct
30 hearings for the purpose of considering the parole suitability of
31 inmates, the setting of a parole release date for inmates, or the
32 revocation of parole for adult parolees, shall, within 60 days of
33 appointment and annually thereafter undergo a minimum of 40
34 hours of training in the following areas:

35 (1) Treatment and training programs provided to inmates at
36 Department of Corrections and Rehabilitation institutions,
37 including, but not limited to, educational, vocational, mental health,
38 medical, substance abuse, psychotherapeutic counseling, and sex
39 offender treatment programs.

40 (2) Parole services.

1 (3) Commissioner duties and responsibilities.

2 (4) Knowledge of laws and regulations applicable to conducting
3 parole hearings, including the rights of victims, witnesses, and
4 inmates.

5 *SEC. 17. Section 5076.1 of the Penal Code is amended to read:*

6 5076.1. (a) The board shall meet at each of the state prisons
7 and facilities under the jurisdiction of the Division of Adult
8 Institutions. Meetings shall be held at whatever times may be
9 necessary for a full and complete study of the cases of all inmates
10 whose matters are considered. Other times and places of meeting
11 may also be designated by the board. Each commissioner of the
12 board shall receive ~~his or her~~ *their* actual necessary traveling
13 expenses incurred in the performance of ~~his or her~~ *their* official
14 duties. Where the board performs its functions by meeting en banc
15 in either public or executive sessions to decide matters of general
16 policy, ~~at least seven members~~ *a majority of commissioners holding*
17 *office on the date the matter is heard* shall be present, and no action
18 shall be valid unless it is concurred in by a majority vote of those
19 present.

20 (b) The board may use deputy commissioners to whom it may
21 assign appropriate duties, including hearing cases and making
22 decisions. Those decisions shall be made in accordance with
23 policies approved by a majority of ~~the total membership of the~~
24 ~~board.~~ *commissioners holding office.*

25 (c) The board may meet and transact business in panels. Each
26 panel shall consist of two or more persons, subject to subdivision
27 (d) of Section 3041. No action shall be valid unless concurred in
28 by a majority vote of the persons present. In the event of a tie vote,
29 the matter shall be referred ~~to a randomly selected committee,~~
30 ~~comprised of a majority of the commissioners specifically~~
31 ~~appointed to hear adult parole matters and who are holding office~~
32 ~~at the time.~~ *for en banc review by the board. The commissioners*
33 *conducting the review shall consider the full record that was before*
34 *the panel that resulted in the tie vote. The review shall be limited*
35 *to the full record that was before the panel that resulted in the tie*
36 *vote. New evidence or comment shall not be considered in the en*
37 *banc proceeding. A commissioner who was involved in the tie vote*
38 *shall be recused from consideration of the matter in the en banc*
39 *review.*

1 (d) Consideration of parole release for persons sentenced to life
2 imprisonment pursuant to subdivision (b) of Section 1168 shall
3 be heard by a panel of two or more commissioners or deputy
4 commissioners, of which only one may be a deputy commissioner.
5 A recommendation for recall of a sentence under ~~subdivisions~~
6 *subdivision (d) and (e)* of Section 1170 shall be made by a ~~panel,~~
7 ~~a majority of whose commissioners are commissioners of the Board~~
8 ~~of Parole Hearings; panel of two or more commissioners or deputy~~
9 ~~commissioners, of which only one may be a deputy commissioner.~~

10 *SEC. 18. Section 5076.2 of the Penal Code is amended to read:*

11 5076.2. (a) Any rules and regulations, including any resolutions
12 and policy statements, promulgated by the Board of ~~Prison Terms,~~
13 ~~Parole Hearings,~~ shall be promulgated and filed pursuant to
14 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
15 3 of Title 2 of the Government Code, and shall, to the extent
16 practical, be stated in language that is easily understood by the
17 general public.

18 (b) The Board of ~~Prison Terms~~ *Parole Hearings* shall maintain,
19 publish and make available to the general public, a compendium
20 of its rules and regulations, including any resolutions and policy
21 statements, promulgated pursuant to this section.

22 (c) The exception specified in this subdivision to the procedures
23 specified in this section shall apply to the Board of ~~Prison Terms.~~
24 ~~The chairman~~ *Parole Hearings. The executive officer* may
25 specify an effective date that is any time more than 30 days after
26 the rule or regulation is filed with the Secretary of State. However,
27 no less than 20 days prior to that effective date, copies of the rule
28 or regulation shall be posted in conspicuous places throughout
29 each institution and shall be mailed to all persons or organizations
30 who request them.

31 *SEC. 19. Section 5076.3 of the Penal Code is amended to read:*

32 5076.3. The ~~Chairman~~ *executive officer* of the Board of ~~Prison~~
33 ~~Terms~~ *Parole Hearings* shall have the authority of a head of a
34 department set forth in subdivision (e) of Section 11181 of the
35 Government Code to issue subpoenas as provided in Article 2
36 (commencing with Section 11180) of Chapter 2 of Division 3 of
37 Title 2 of the Government Code. The board shall adopt regulations
38 on the policies and guidelines for the issuance of subpoenas.

39 *SEC. 20. Section 6031 of the Penal Code is amended to read:*

1 6031. (a) The Board of State and Community Corrections
 2 shall, at a minimum, inspect each local detention facility in the
 3 state biennially.

4 (b) *Any duly authorized officer, employee, or agent of the board*
 5 *may, upon presentation of proper identification, enter and inspect*
 6 *any area of a local detention facility, without notice, to conduct*
 7 *an inspection required by this section.*

8 *SEC. 21. Section 6258.1 of the Penal Code is amended to read:*
 9 6258.1. An inmate shall not be transferred to a community
 10 correctional reentry facility unless all of the following conditions
 11 are met:

12 (a) The inmate applies for a transfer to a community correctional
 13 reentry facility.

14 ~~(b) The inmate is not currently serving a sentence for conviction~~
 15 ~~of any offense described in subdivision (c) of Section 667.5.~~

16 (b) *The inmate does not have a current or prior conviction for*
 17 *an offense that requires registration as a sex offender pursuant to*
 18 *Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1.*

19 (c) The inmate has less than ~~one year~~ *two years* left to serve in
 20 a correctional facility.

21 ~~(d) The inmate has not been convicted previously~~ *does not have*
 22 *a history, within the prior 10 years, of an escape pursuant to*
 23 *Section 4532 of the Penal Code.*

24 (e) The department determines that the inmate would benefit
 25 from the transfer.

26 *SEC. 22. Section 9001 of the Penal Code is amended to read:*

27 9001. (a) The *California Sex Offender Management Board*
 28 *Board*, which is hereby created under the jurisdiction of the
 29 Department of Corrections and Rehabilitation, shall consist of ~~17~~
 30 *19* members. The membership of the board shall reflect, to the
 31 extent possible, representation of northern, central, and southern
 32 ~~California~~ *California*, as well as both urban and rural areas. Each
 33 appointee to the board, regardless of the appointing authority, shall
 34 have the following characteristics:

35 (1) Substantial prior knowledge of issues related to sex
 36 offenders, at least insofar as related to ~~his or her~~ *the appointee's*
 37 *own agency's practices.*

38 (2) Decisionmaking authority for, or direct access to those who
 39 have decisionmaking authority for, the agency or constituency ~~he~~
 40 ~~or she represents.~~ *represented.*

1 (3) A willingness to serve on the board and a commitment to
2 contribute to the board’s work.

3 (b) The membership of the board shall consist of the following
4 persons:

5 (1) State government agencies:

6 (A) The Attorney General or ~~his or her~~ a designee who shall be
7 an authority in policy areas pertaining to sex offenders and shall
8 have expertise in dealing with sex offender registration,
9 notification, and enforcement.

10 (B) ~~The~~ Secretary of the Department of Corrections and
11 Rehabilitation or ~~his or her~~ a designee who has expertise in parole
12 policies and practices.

13 (C) The Director of *the Division of Adult Parole Services* or ~~his~~
14 ~~or her~~ *Operations* or a designee.

15 (D) One California state judge, appointed by the Judicial
16 Council.

17 (E) The Director of State Hospitals or ~~his or her~~ a designee
18 who is a licensed mental health professional with recognized
19 expertise in the treatment of sex offenders.

20 (F) *The Executive Director of the Office of Youth and*
21 *Community Restoration within the California Health and Human*
22 *Services Agency* or a designee who has expertise in the treatment
23 *or supervision of juvenile sex offenders.*

24 (2) Local government agencies:

25 (A) Three members who represent law enforcement, appointed
26 by the Governor. One member shall possess investigative expertise
27 and one member shall have law enforcement duties that include
28 registration and notification responsibilities, and one shall be a
29 chief probation officer.

30 (B) One member who represents prosecuting attorneys,
31 appointed by the Senate Committee on Rules. ~~He or she~~ *The*
32 *member* shall have expertise in dealing with adult sex offenders.

33 (C) One member who represents probation officers, appointed
34 by the Speaker of the Assembly.

35 (D) One member who represents criminal defense attorneys,
36 appointed by the Speaker of the Assembly.

37 (E) One member who is a county administrator, appointed by
38 the Governor.

39 (F) One member who is a city manager or ~~his or her~~ a designee,
40 appointed by the Speaker of the Assembly.

1 (3) Nongovernmental agencies:

2 (A) Two members who are licensed mental health professionals
3 with recognized experience in working with sex offenders and
4 who can represent, through their established involvement in a
5 formal statewide professional organization, those who provide
6 evaluation and treatment for adult sex offenders, appointed by the
7 Senate Committee on Rules.

8 (B) *One member who is a licensed mental health professional*
9 *with experience treating juvenile sex offenders and who can*
10 *represent those who provide evaluation and treatment for juvenile*
11 *sex offenders, appointed by the Speaker of the Assembly.*

12 ~~(B)~~

13 (C) Two members who are recognized experts in the field of
14 sexual assault and represent sexual assault victims, both adults and
15 children, and rape crisis centers, appointed by the Governor.

16 (c) The board shall appoint a chair from among the members
17 appointed pursuant to subdivision (b). The chair shall serve in that
18 capacity at the pleasure of the board.

19 (d) Each member of the board who is appointed pursuant to this
20 section shall serve without compensation.

21 (e) If a board member is unable to adequately perform ~~his or~~
22 ~~her the required~~ duties or is unable to attend more than three
23 meetings in a single 12-month period, ~~he or she the member~~ is
24 subject to removal from the board by a majority vote of the full
25 board.

26 (f) Any ~~vacancies~~ *vacancy* on the board as a result of the
27 removal of a member shall be filled by the appointing authority
28 of the removed member within 30 days of the vacancy.

29 (g) The board may create, at its discretion, subcommittees or
30 task forces to address specific issues. These may include board
31 members as well as invited experts and other participants.

32 (h) The board shall hire a coordinator who has relevant
33 experience in policy research. The board may hire other staff as
34 funding permits.

35 (i) In the course of performing its duties, the board shall, when
36 possible, make use of the available resources of research agencies
37 such as the Legislative Analyst's Office, the California Research
38 Bureau, the California State University system, including schools
39 of public policy and criminology, and other similar sources of
40 assistance.

1 (j) Staff support services for the board shall be provided by staff
2 of the Department of Corrections and Rehabilitation as directed
3 by the secretary.

4 *SEC. 23. Section 13602 of the Penal Code is amended to read:*

5 13602. (a) The Department of Corrections and Rehabilitation
6 ~~may use the~~ shall adhere to the training standards developed by
7 *CPOST at all locations where training is provided. The Department*
8 *of Corrections and Rehabilitation training academy at Galt or the*
9 ~~training center in Stockton. The academy at Galt shall be known~~
10 as the Richard A. McGee Academy. The training divisions, in
11 using the funds, shall endeavor to minimize costs of administration
12 so that a maximum amount of the funds will be used for providing
13 training and support to correctional peace officers while being
14 trained by the department.

15 ~~(b) Notwithstanding subdivision (a), and pursuant to Section~~
16 ~~13602.1, the Department of Corrections and Rehabilitation may~~
17 ~~use a training academy established for the California City~~
18 ~~Correctional Center. This academy, in using the funds, shall~~
19 ~~endeavor to minimize costs of administration so that a maximum~~
20 ~~amount of the funds will be used for providing training and support~~
21 ~~to correctional employees who are being trained by the department.~~

22 (e)

23 (b) Each new cadet who attends an academy shall complete the
24 course of training, pursuant to standards approved by the CPOST
25 before ~~he or she~~ they may be assigned to a post or job as a
26 *correctional peace officer. Commencing July 1, 2021, upon*
27 *graduation from an academy, each new correctional officer shall*
28 *complete new employee orientation and on-the-job observational*
29 *training as negotiated and approved by the CPOST, totaling a*
30 *minimum of 160 hours, before they may be assigned to a post as*
31 *a correctional officer. Every newly appointed first-line or*
32 *second-line supervisor in the Department of Corrections and*
33 *Rehabilitation shall complete the course of training, pursuant to*
34 *standards approved by the CPOST for that position.*

35 (d)

36 (c) The Department of Corrections and Rehabilitation shall
37 *provide a minimum of two weeks of training to each newly*
38 *appointed first-line supervisor and make every effort to provide*
39 *training prior to commencement of supervisory duties. If this*
40 *training is not completed within six months of appointment to that*

1 position, any first-line or second-line supervisor shall not perform
2 supervisory duties until the training is completed.

3 *SEC. 24. Section 13603 of the Penal Code is amended to read:*

4 13603. (a) The Department of Corrections and Rehabilitation
5 shall, until ~~January 1, 2019~~, *July 1, 2021*, provide ~~480~~ 520 hours
6 of training to each correctional peace officer cadet. The department
7 shall provide ~~520~~ *a minimum of 480* hours of training to each
8 correctional peace officer cadet who commences training on or
9 after ~~January 1, 2019~~. *July 1, 2021*. This training shall be completed
10 by the cadet prior to ~~his or her~~ *their* assignment to a post or position
11 as a correctional peace officer.

12 (b) The CPOST shall determine the on-the-job training
13 requirements for correctional peace officers.

14 ~~(c) The department shall provide a minimum of two weeks of~~
15 ~~training to each newly appointed first-line supervisor.~~

16 ~~(d)~~

17 (c) Training standards previously established pursuant to this
18 section shall remain in effect until training requirements are
19 established by the CPOST pursuant to Section 13602.

20 *SEC. 25. Section 13823.95 of the Penal Code is amended to*
21 *read:*

22 13823.95. (a) ~~No costs~~ *Costs* incurred by a qualified health
23 care professional, hospital, clinic, sexual assault forensic
24 examination team, or other emergency medical facility for a
25 medical evidentiary examination of a victim of a sexual assault,
26 as described in the protocol developed pursuant to Section 13823.5,
27 when the examination is performed pursuant to Sections 13823.5
28 and 13823.7, shall *not* be charged directly or indirectly to the victim
29 of the assault.

30 (b) (1) ~~Any~~ *A* victim of a sexual assault who seeks a medical
31 evidentiary examination, as that term is used in Section 13823.93,
32 shall be provided with a standardized medical evidentiary
33 examination, using the medical evidentiary examination report
34 forms and protocols for victims of sexual assault developed
35 pursuant to Section 13823.5. A victim of a sexual assault shall not
36 be required to participate or to agree to participate in the criminal
37 justice system, either prior to the examination or at any other time.
38 Pursuant to the requirements of the federal Violence Against
39 Women and Department of Justice Reauthorization Act of 2005,
40 and the federal Violence Against Women Reauthorization Act of

1 2013 through the federal Office of Violence Against Women,
2 standardized medical evidentiary examinations consistent with
3 Sections 13823.5 and 13823.7 shall be provided to sexual assault
4 victims who are undecided at the time of an examination whether
5 to report to law enforcement within the recommended timeframes
6 for collection of evidence. Mandated reporting laws, pursuant to
7 Section 11160, shall apply.

8 (2) Data from the medical evidentiary examination in paragraph
9 (1), with the patient's identity removed, may be collected for health
10 and forensic purposes in accordance with state and federal privacy
11 laws.

12 (c) The cost of a medical evidentiary examination performed
13 by a qualified health care professional, hospital, or other emergency
14 medical facility for a victim of a sexual assault shall be treated as
15 a local cost and charged to and reimbursed within 60 days by the
16 local law enforcement agency in whose jurisdiction the alleged
17 offense was committed.

18 (1) All medical evidentiary examinations are to be reimbursed
19 at the locally negotiated rate and shall not be subject to reduced
20 reimbursement rates based on patient history or other reasons.

21 (2) (A) The local law enforcement agency may seek
22 reimbursement, as provided in subdivision (d), to offset the cost
23 of conducting the medical evidentiary examination of a sexual
24 assault victim who is undecided at the time of an examination
25 whether to report to law enforcement or who has decided not to
26 report to law enforcement.

27 (B) *The local law enforcement agency may seek reimbursement,*
28 *as provided in subdivision (e), to offset the cost of conducting the*
29 *medical evidentiary examination of a sexual assault victim who*
30 *has determined, at the time of the examination, to report the assault*
31 *to law enforcement. This subparagraph does not permit a law*
32 *enforcement agency to reduce the existing locally negotiated rate*
33 *or rates for medical evidentiary examinations.*

34 (d) (1) The Office of Emergency Services shall use the
35 discretionary funds from federal grants awarded to the agency
36 pursuant to the federal Violence Against Women and Department
37 of Justice Reauthorization Act of 2005 and the federal Violence
38 Against Women Reauthorization Act of 2013 through the federal
39 Office of Violence Against Women, specifically, the STOP
40 (Services, Training, Officers, and Prosecutors) Violence Against

1 Women Formula Grant Program, to offset the cost of the medical
2 evidentiary examination.

3 (2) The Office of Emergency Services shall determine the
4 amount that may be reimbursed to offset the cost of a medical
5 evidentiary exam once every five years. Any increase to the amount
6 that may be reimbursed to offset the cost of a medical evidentiary
7 exam shall not exceed 50 percent of the reimbursement amount
8 most recently determined by the Office of Emergency Services.

9 (3) Notwithstanding paragraph (2), the Office of Emergency
10 Services may redetermine the amount that may be reimbursed to
11 offset the cost of a medical evidentiary exam, at any time, if the
12 federal government reduces the amount of the grants described in
13 paragraph (1).

14 (e) *The Office of Emergency Services shall determine the amount*
15 *that shall be reimbursed to offset the cost of medical evidentiary*
16 *examinations pursuant to subparagraph (B) of paragraph (2) of*
17 *subdivision (c). Reimbursements shall be provided from funds to*
18 *be made available upon appropriation for this purpose.*

19 SEC. 26. *Section 209 of the Welfare and Institutions Code is*
20 *amended to read:*

21 209. (a) (1) The judge of the juvenile court of a county, or, if
22 there is more than one judge, any of the judges of the juvenile
23 court shall, at least annually, inspect any jail, juvenile hall, or
24 special purpose juvenile hall that, in the preceding calendar year,
25 was used for confinement, for more than 24 hours, of any minor.

26 (2) The judge shall promptly notify the operator of the jail,
27 juvenile hall, or special purpose juvenile hall of any observed
28 noncompliance with minimum standards for juvenile facilities
29 adopted by the Board of State and Community Corrections under
30 Section 210. Based on the facility's subsequent compliance with
31 the provisions of subdivisions (d) and (e), the judge shall thereafter
32 make a finding whether the facility is a suitable place for the
33 confinement of minors and shall note the finding in the minutes
34 of the court.

35 (3) (A) The Board of State and Community Corrections shall
36 conduct a biennial inspection of each jail, juvenile hall, lockup, or
37 special purpose juvenile hall situated in this state that, during the
38 preceding calendar year, was used for confinement, for more than
39 24 hours, of any minor. The board shall promptly notify the
40 operator of any jail, juvenile hall, lockup, or special purpose

1 juvenile hall of any noncompliance found, upon inspection, with
2 any of the minimum standards for juvenile facilities adopted by
3 the Board of State and Community Corrections under Section 210
4 or 210.2.

5 *(B) Any duly authorized officer, employee, or agent of the board*
6 *may, upon presentation of proper identification, enter and inspect*
7 *any area of a local detention facility, without notice, to conduct*
8 *an inspection required by this paragraph.*

9 (4) If either a judge of the juvenile court or the board, after
10 inspection of a jail, juvenile hall, special purpose juvenile hall, or
11 lockup, finds that it is not being operated and maintained as a
12 suitable place for the confinement of minors, the juvenile court or
13 the board shall give notice of its finding to all persons having
14 authority to confine minors pursuant to this chapter and
15 commencing 60 days thereafter the facility shall not be used for
16 confinement of minors until the time the judge or board, as the
17 case may be, finds, after reinspection of the facility that the
18 conditions that rendered the facility unsuitable have been remedied,
19 and the facility is a suitable place for confinement of minors.

20 (5) The custodian of each jail, juvenile hall, special purpose
21 juvenile hall, and lockup shall make any reports as may be
22 requested by the board or the juvenile court to effectuate the
23 purposes of this section.

24 (b) (1) The Board of State and Community Corrections may
25 inspect any law enforcement facility that contains a lockup for
26 adults and that it has reason to believe may not be in compliance
27 with the requirements of subdivision (b) of Section 207.1 or with
28 the certification requirements or standards adopted under Section
29 210.2. A judge of the juvenile court shall conduct an annual
30 inspection, either in person or through a delegated member of the
31 appropriate county or regional juvenile justice commission, of any
32 law enforcement facility that contains a lockup for adults which,
33 in the preceding year, was used for the secure detention of any
34 minor. If the law enforcement facility is observed, upon inspection,
35 to be out of compliance with the requirements of subdivision (b)
36 of Section 207.1, or with any standard adopted under Section 210.2,
37 the board or the judge shall promptly notify the operator of the
38 law enforcement facility of the specific points of noncompliance.

39 (2) If either the judge or the board finds after inspection that
40 the facility is not being operated and maintained in conformity

1 with the requirements of subdivision (b) of Section 207.1 or with
2 the certification requirements or standards adopted under Section
3 210.2, the juvenile court or the board shall give notice of its finding
4 to all persons having authority to securely detain minors in the
5 facility, and, commencing 60 days thereafter, the facility shall not
6 be used for the secure detention of a minor until the time the judge
7 or the board, as the case may be, finds, after reinspection, that the
8 conditions that rendered the facility unsuitable have been remedied,
9 and the facility is a suitable place for the confinement of minors
10 in conformity with all requirements of law.

11 (3) The custodian of each law enforcement facility that contains
12 a lockup for adults shall make any report as may be requested by
13 the board or by the juvenile court to effectuate the purposes of this
14 subdivision.

15 (c) The board shall collect biennial data on the number, place,
16 and duration of confinements of minors in jails and lockups, as
17 defined in subdivision (g) of Section 207.1, and shall publish
18 biennially this information in the form as it deems appropriate for
19 the purpose of providing public information on continuing
20 compliance with the requirements of Section 207.1.

21 (d) Except as provided in subdivision (e), a juvenile hall, special
22 purpose juvenile hall, law enforcement facility, or jail shall be
23 unsuitable for the confinement of minors if it is not in compliance
24 with one or more of the minimum standards for juvenile facilities
25 adopted by the Board of State and Community Corrections under
26 Section 210 or 210.2, and if, within 60 days of having received
27 notice of noncompliance from the board or the judge of the juvenile
28 court, the juvenile hall, special purpose juvenile hall, law
29 enforcement facility, or jail has failed to file an approved corrective
30 action plan with the Board of State and Community Corrections
31 to correct the condition or conditions of noncompliance of which
32 it has been notified. The corrective action plan shall outline how
33 the juvenile hall, special purpose juvenile hall, law enforcement
34 facility, or jail plans to correct the issue of noncompliance and
35 give a reasonable timeframe, not to exceed 90 days, for resolution,
36 that the board shall either approve or deny. In the event the juvenile
37 hall, special purpose juvenile hall, law enforcement facility, or jail
38 fails to meet its commitment to resolve noncompliance issues
39 outlined in its corrective action plan, the board shall make a
40 determination of suitability at its next scheduled meeting.

1 (e) If a juvenile hall is not in compliance with one or more of
2 the minimum standards for juvenile facilities adopted by the Board
3 of State and Community Corrections under Section 210, and where
4 the noncompliance arises from sustained occupancy levels that are
5 above the population capacity permitted by applicable minimum
6 standards, the juvenile hall shall be unsuitable for the confinement
7 of minors if the board or the judge of the juvenile court determines
8 that conditions in the facility pose a serious risk to the health,
9 safety, or welfare of minors confined in the facility. In making its
10 determination of suitability, the board or the judge of the juvenile
11 court shall consider, in addition to the noncompliance with
12 minimum standards, the totality of conditions in the juvenile hall,
13 including the extent and duration of overpopulation as well as
14 staffing, program, physical plant, and medical and mental health
15 care conditions in the facility. The Board of State and Community
16 Corrections may develop guidelines and procedures for its
17 determination of suitability in accordance with this subdivision
18 and to assist counties in bringing their juvenile halls into full
19 compliance with applicable minimum standards. This subdivision
20 shall not be interpreted to exempt a juvenile hall from having to
21 correct, in accordance with subdivision (d), any minimum standard
22 violations that are not directly related to overpopulation of the
23 facility.

24 (f) In accordance with the federal Juvenile Justice and
25 Delinquency Prevention Act of 2002 (42 U.S.C. Sec. 5601 et seq.),
26 the Corrections Standards Authority shall inspect and collect
27 relevant data from any facility that may be used for the secure
28 detention of minors.

29 (g) All reports and notices of findings prepared by the Board
30 of State and Community Corrections pursuant to this section shall
31 be posted on the Board of State and Community Corrections’
32 internet website in a manner in which they are accessible to the
33 public.

34 *SEC. 27. Section 730 of the Welfare and Institutions Code, as*
35 *added by Section 27 of Chapter 337 of the Statutes of 2020, is*
36 *amended to read:*

37 730. (a) (1) When a minor is adjudged a ward of the court on
38 the ground that they are a person described by Section 602, the
39 court may order any of the types of treatment referred to in Section
40 727, and as an additional alternative, may commit the minor to a

1 juvenile home, ranch, camp, or forestry camp. If there is no county
2 juvenile home, ranch, camp, or forestry camp within the county,
3 the court may commit the minor to the county juvenile hall. In
4 addition, the court may also make any of the following orders:

5 (A) Order the ward to make restitution, to pay a fine up to two
6 hundred fifty dollars (\$250) for deposit in the county treasury if
7 the court finds that the minor has the financial ability to pay the
8 fine, or to participate in uncompensated work programs.

9 (B) Commit the ward to a sheltered-care facility.

10 (C) Order that the ward and the ward's family or guardian
11 participate in a program of professional counseling as arranged
12 and directed by the probation officer as a condition of continued
13 custody of the ward.

14 (D) *Order placement of the ward at the Pine Grove Youth*
15 *Conservation Camp if the ward meets the placement criteria, the*
16 *county has entered into a contract with the Division of Juvenile*
17 *Justice, either directly or through another county, the division has*
18 *found the ward amenable, and there is space and resources*
19 *available for the placement. The county probation department*
20 *shall receive approval from the division prior to transporting the*
21 *ward to the camp. The director of the division shall immediately*
22 *notify the county probation department if the ward is no longer*
23 *amenable for continued camp placement and coordinate the*
24 *immediate return of the ward to the county of jurisdiction.*

25 (2) A court shall not commit a juvenile to any juvenile facility
26 for a period that exceeds the middle term of imprisonment that
27 could be imposed upon an adult convicted of the same offense.

28 (b) When a ward described in subdivision (a) is placed under
29 the supervision of the probation officer or committed to the care,
30 custody, and control of the probation officer, the court may make
31 any and all reasonable orders for the conduct of the ward including
32 the requirement that the ward go to work and earn money for the
33 support of the ward's dependents or to effect reparation and in
34 either case that the ward keep an account of the ward's earnings
35 and report the same to the probation officer and apply these
36 earnings as directed by the court. The court may impose and require
37 any and all reasonable conditions that it may determine fitting and
38 proper to the end that justice may be done and the reformation and
39 rehabilitation of the ward enhanced.

1 (c) When a ward described in subdivision (a) is placed under
2 the supervision of the probation officer or committed to the care,
3 custody, and control of the probation officer, and is required as a
4 condition of probation to participate in community service or
5 graffiti cleanup, the court may impose a condition that if the minor
6 unreasonably fails to attend or unreasonably leaves prior to
7 completing the assigned daily hours of community service or
8 graffiti cleanup, a law enforcement officer may take the minor into
9 custody for the purpose of returning the minor to the site of the
10 community service or graffiti cleanup.

11 (d) When a minor is adjudged or continued as a ward of the
12 court on the ground that the ward is a person described by Section
13 602 by reason of the commission of rape, sodomy, oral copulation,
14 or an act of sexual penetration specified in Section 289 of the Penal
15 Code, the court shall order the minor to complete a sex offender
16 treatment program, if the court determines, in consultation with
17 the county probation officer, that suitable programs are available.
18 In determining what type of treatment is appropriate, the court
19 shall consider all of the following: the seriousness and
20 circumstances of the offense, the vulnerability of the victim, the
21 minor's criminal history and prior attempts at rehabilitation, the
22 sophistication of the minor, the threat to public safety, the minor's
23 likelihood of reoffending, and any other relevant information
24 presented. If ordered by the court to complete a sex offender
25 treatment program, the minor shall pay all or a portion of the
26 reasonable costs of the sex offender treatment program after a
27 determination is made of the ability of the minor to pay.

28 (e) This section shall become operative July 1, 2021.

29 *SEC. 28. Section 1760.45 is added to the Welfare and*
30 *Institutions Code, to read:*

31 *1760.45. The Department of Corrections and Rehabilitation,*
32 *Division of Juvenile Justice is hereby authorized to enter into*
33 *contracts with counties to meet the intent of the Legislature*
34 *expressed in Senate Bill 823 (Chapter 337 of the Statutes of 2020)*
35 *that the Pine Grove Youth Conservation Camp remain open*
36 *through a state-local partnership, or other management*
37 *arrangement, to train justice-involved youth in wildland firefighting*
38 *skills.*

39 *(a) The division may contract with one or more counties to*
40 *furnish training and rehabilitation programs, and necessary*

1 *services incident thereto, at Pine Grove, for persons 18 years of*
2 *age and older who are under the jurisdiction of the juvenile court*
3 *and supervision of a county probation department following*
4 *adjudication under Section 602 for a felony offense.*

5 *(b) Youth placed at Pine Grove pursuant to this section shall*
6 *be required to comply with the rules and regulations of the Division*
7 *of Juvenile Justice consistent with Division 6 of Title 9 of the*
8 *California Code of Regulations and with Section 1760.4.*

9 *(c) Placement of a youth at Pine Grove shall not be considered*
10 *a commitment to the Division of Juvenile Justice.*

11 *(d) The division shall establish camp eligibility criteria and*
12 *assess individual amenability for the initial and continued*
13 *placement at Pine Grove.*

14 *SEC. 29. This act is a bill providing for appropriations related*
15 *to the Budget Bill within the meaning of subdivision (e) of Section*
16 *12 of Article IV of the California Constitution, has been identified*
17 *as related to the budget in the Budget Bill, and shall take effect*
18 *immediately.*

19 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
20 ~~changes relating to the Budget Act of 2021.~~