

Introduced by Senator De LeónFebruary 7, 2013

An act to amend Sections 1230 and 1230.1 of the Penal Code, relating to community corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 199, as introduced, De León. Probation: community corrections.

Existing law authorizes each county to establish a Community Corrections Performance Incentives Fund to receive state moneys to implement a community corrections program consisting of a system of felony probation supervision services to, among other things, manage and reduce offender risk while under felony probation supervision and upon reentry from jail into the community. Existing law requires a community corrections program to be implemented by probation and advised by a local Community Corrections Partnership, consisting of specified members, including, but not limited to, the sheriff and a chief of police. Existing law requires a Community Corrections Partnership to recommend a local plan to the county board of supervisors for the implementation of public safety realignment.

This bill would add a rank-and-file deputy sheriff or a rank-and-file police officer, and a rank-and-file probation officer or a deputy probation officer, each to be appointed by a local labor organization, to the membership of a Community Corrections Partnership. The bill would require the vote of the rank-and-file deputy sheriff or rank-and-file police officer, and the rank-and-file probation officer or a deputy probation officer, on the local plan.

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

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

1 SECTION 1. Section 1230 of the Penal Code is amended to
2 read:

3 1230. (a) Each county is hereby authorized to establish in each
4 county treasury a Community Corrections Performance Incentives
5 Fund (CCPIF), to receive all amounts allocated to that county for
6 purposes of implementing this chapter.

7 (b) In any fiscal year for which a county receives moneys to be
8 expended for the implementation of this chapter, the moneys,
9 including any interest, shall be made available to the CPO of that
10 county, within 30 days of the deposit of those moneys into the
11 fund, for the implementation of the community corrections program
12 authorized by this chapter.

13 (1) The community corrections program shall be developed and
14 implemented by probation and advised by a local Community
15 Corrections Partnership.

16 (2) The local Community Corrections Partnership shall be
17 chaired by the CPO and comprised of the following membership:

18 (A) The presiding judge of the superior court, or his or her
19 designee.

20 (B) A county supervisor or the chief administrative officer for
21 the county or a designee of the board of supervisors.

22 (C) The district attorney.

23 (D) The public defender.

24 (E) The sheriff.

25 (F) *A rank-and-file deputy sheriff or a rank-and-file police*
26 *officer, appointed by the local labor organization.*

27 ~~(F)~~

28 (G) A chief of police.

29 (H) *A rank-and-file probation officer or a deputy probation*
30 *officer, appointed by the local labor organization.*

31 ~~(G)~~

32 (I) The head of the county department of social services.

33 ~~(H)~~

34 (J) The head of the county department of mental health.

35 ~~(I)~~

36 (K) The head of the county department of employment.

37 ~~(J)~~

1 (L) The head of the county alcohol and substance abuse
2 programs.

3 ~~(K)~~

4 (M) The head of the county office of education.

5 ~~(L)~~

6 (N) A representative from a community-based organization
7 with experience in successfully providing rehabilitative services
8 to persons who have been convicted of a criminal offense.

9 ~~(M)~~

10 (O) An individual who represents the interests of victims.

11 (3) Funds allocated to probation pursuant to this act shall be
12 used to provide supervision and rehabilitative services for adult
13 felony offenders subject to probation, and shall be spent on
14 evidence-based community corrections practices and programs,
15 as defined in subdivision (d) of Section 1229, which may include,
16 but are not limited to, the following:

17 (A) Implementing and expanding evidence-based risk and needs
18 assessments.

19 (B) Implementing and expanding intermediate sanctions that
20 include, but are not limited to, electronic monitoring, mandatory
21 community service, home detention, day reporting, restorative
22 justice programs, work furlough programs, and incarceration in
23 county jail for up to 90 days.

24 (C) Providing more intensive probation supervision.

25 (D) Expanding the availability of evidence-based rehabilitation
26 ~~programs~~ *programs*, including, but not limited to, drug and alcohol
27 treatment, mental health treatment, anger management, cognitive
28 behavior programs, and job training and employment services.

29 (E) Evaluating the effectiveness of rehabilitation and supervision
30 programs and ensuring program fidelity.

31 (4) The CPO shall have discretion to spend funds on any of the
32 above practices and programs consistent with this act but, at a
33 minimum, shall devote at least 5 percent of all funding received
34 to evaluate the effectiveness of those programs and practices
35 implemented with the funds provided pursuant to this chapter. A
36 CPO may petition the Administrative Office of the Courts to have
37 this restriction waived, and the Administrative Office of the Courts
38 shall have the authority to grant ~~such a~~ *that* petition, if the CPO
39 can demonstrate that the department is already devoting sufficient
40 funds to the evaluation of these programs and practices.

1 (5) Each probation department receiving funds under this chapter
2 shall maintain a complete and accurate accounting of all funds
3 received pursuant to this chapter.

4 SEC. 2. Section 1230.1 of the Penal Code is amended to read:

5 1230.1. (a) Each county local Community Corrections
6 Partnership established pursuant to subdivision (b) of Section 1230
7 shall recommend a local plan to the county board of supervisors
8 for the implementation of the 2011 public safety realignment.

9 (b) The plan shall be voted on by an executive committee of
10 each county's Community Corrections Partnership consisting of
11 the chief probation officer of the county as chair, a chief of police,
12 the sheriff, *a rank-and-file deputy sheriff or a rank-and-file police*
13 *officer*, ~~the District Attorney, district attorney, the Public Defender,~~
14 *public defender*, the presiding judge of the superior court, or his
15 or her designee, *a rank-and-file probation officer or a deputy*
16 *probation officer*, and one department representative listed in either
17 subparagraph ~~(G), (H), (I), (J), or (K)~~ (L) of paragraph (2) of
18 subdivision (b) of Section 1230, as designated by the county board
19 of supervisors for purposes related to the development and
20 presentation of the plan.

21 (c) The plan shall be deemed accepted by the county board of
22 supervisors unless the board rejects the plan by a vote of four-fifths
23 of the board, in which case the plan goes back to the Community
24 Corrections Partnership for further consideration.

25 (d) Consistent with local needs and resources, the plan may
26 include recommendations to maximize the effective investment
27 of criminal justice resources in evidence-based correctional
28 sanctions and programs, including, but not limited to, day reporting
29 centers, drug courts, residential multiservice centers, mental health
30 treatment programs, electronic and GPS monitoring programs,
31 victim restitution programs, counseling programs, community
32 service programs, educational programs, and work training
33 programs.

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- 2 **CORRECTIONS:**
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