

1 services to Medi-Cal and uninsured patients. County general  
2 purpose funds shall not include any other revenues, grants, or funds  
3 otherwise defined in this section. The imputed county low-income  
4 health amount shall be determined as follows and established in  
5 accordance with subdivision (c) of Section 17612.3.

6 (1) For each of the historical fiscal years, an amount determined  
7 to be the annual amount of county general fund contribution  
8 provided for health services to Medi-Cal beneficiaries and the  
9 uninsured, which does not include funds provided for nursing  
10 facility, mental health, and substance use disorder services, shall  
11 be determined through methodologies described in subdivision  
12 (ab).

13 (2) If a year-to-year percentage increase in the amount  
14 determined in paragraph (1) was present, an average annual  
15 percentage trend factor shall be determined.

16 (3) The annual amounts determined in paragraph (1) shall be  
17 averaged, and multiplied by the percentage trend factor, if  
18 applicable, determined in paragraph (2), for each fiscal year after  
19 the 2011–12 fiscal year through the applicable fiscal year.  
20 However, if the percentage trend factor determined in paragraph  
21 (2) is greater than the applicable percentage change for any year  
22 of the same period in the blended CPI trend factor, the percentage  
23 change in the blended CPI trend factor for that year shall be used.  
24 The resulting determination is the imputed county low-income  
25 health amount for purposes of Section 17612.3.

26 (m) “Imputed gains from other payers” means the  
27 predetermined, county-specific amount of revenues in excess of  
28 costs generated from all other payers for health services that is  
29 assumed to be available to the county public hospital health system  
30 for services to Medi-Cal and uninsured patients, which shall be  
31 determined as follows and established in accordance with  
32 subdivision (c) of Section 17612.3.

33 (1) For each of the historical fiscal years, the gains from other  
34 payers shall be determined in accordance with methodologies  
35 described in subdivision (ab).

36 (2) The amounts determined in paragraph (1) shall be averaged,  
37 yielding the imputed gains from other payers.

38 (n) “Imputed other entity intergovernmental transfer amount”  
39 means the predetermined average historical amount of the public  
40 hospital health system county’s other entity intergovernmental

1 transfer amount, determined as follows and established in  
2 accordance with subdivision (c) of Section 17612.3.

3 (1) For each of the historical fiscal years, the other entity  
4 intergovernmental transfer amount shall be determined based on  
5 the records of the public hospital health system county.

6 (2) The annual amounts in paragraph (1) shall be averaged.

7 (o) "Medicaid demonstration revenues" means payments paid  
8 or payable to the county public hospital health system for the fiscal  
9 year pursuant to the Special Terms and Conditions of the federal  
10 Medicaid demonstration project authorized under Section 1115 of  
11 the federal Social Security Act entitled the "Bridge to Health Care  
12 Reform" (waiver number 11-W-00193/9), for uninsured care  
13 services from the safety net care pool or as incentive payments  
14 from the delivery system reform improvement pool, or pursuant  
15 to mechanisms that provide funding for similar purposes under  
16 the subsequent demonstration project. Medicaid demonstration  
17 revenues do not include the nonfederal share provided by county  
18 public hospital health systems as certified public expenditures,  
19 and are reduced by any intergovernmental transfer by county public  
20 hospital health systems or affiliated governmental entities that is  
21 for the nonfederal share of Medicaid demonstration payments to  
22 the county public hospital health system or payments to a Medi-Cal  
23 managed care plan for services rendered by the county public  
24 hospital health system, and any related fees imposed by the state  
25 on those transfers; and by any reimbursement of costs, or payment  
26 of administrative or other processing fees imposed by the state  
27 relating to payments or other Medicaid demonstration program  
28 functions. Medicaid demonstration revenues shall not include  
29 safety net care pool revenues for nursing facility, mental health,  
30 and substance use disorder services, as determined from the pro  
31 rata share of eligible certified public expenditures for such services,  
32 or revenues that are otherwise included as Medi-Cal revenues.

33 (p) "Medi-Cal beneficiaries" means individuals eligible to  
34 receive benefits under Chapter 7 (commencing with Section 14000)  
35 of Part 3, except for: individuals who are dual eligibles, as defined  
36 in paragraph (4) of subdivision (c) of Section 14132.275, and  
37 individuals for whom Medi-Cal benefits are limited to cost sharing  
38 or premium assistance for Medicare or other insurance coverage  
39 as described in Section 1396d(a) of Title 42 of the United States  
40 Code.

1 (q) "Medi-Cal costs" means the costs incurred by the county  
2 public hospital health system for providing Medi-Cal services to  
3 Medi-Cal beneficiaries during the fiscal year, which shall be  
4 determined in a manner consistent with the cost claiming protocols  
5 developed for Medi-Cal cost-based reimbursement for public  
6 providers and under Section 14166.8, and, in consultation with  
7 each county, shall be based on other cost reporting and statistical  
8 data necessary for an accurate determination of actual costs as  
9 required in Section 17612.4. Medi-Cal costs shall include all  
10 fee-for-service and managed care hospital and nonhospital  
11 components, managed care out-of-network costs, and related  
12 administrative costs. The Medi-Cal costs determined under this  
13 paragraph shall exclude costs incurred for nursing facility, mental  
14 health, and substance use disorder services.

15 (r) "Medi-Cal revenues" means total amounts paid or payable  
16 to the county public hospital health system for medical services  
17 provided under the Medi-Cal State Plan that are rendered to  
18 Medi-Cal beneficiaries during the state fiscal year, and shall include  
19 payments from Medi-Cal managed care plans for services rendered  
20 to Medi-Cal managed care plan members, Medi-Cal copayments  
21 received from Medi-Cal beneficiaries, but only to the extent  
22 actually received, supplemental payments for Medi-Cal services,  
23 and Medi-Cal disproportionate share hospital payments for the  
24 state fiscal year, but shall exclude Medi-Cal revenues paid or  
25 payable for nursing facility, mental health, and substance use  
26 disorder services. Medi-Cal revenues do not include the nonfederal  
27 share provided by county public hospital health systems as certified  
28 public expenditures. Medi-Cal revenues shall be reduced by all of  
29 the following:

30 (1) Intergovernmental transfers by the county public hospital  
31 health system or its affiliated governmental entities that are for the  
32 nonfederal share of Medi-Cal payments to the county public  
33 hospital health system, or Medi-Cal payments to a Medi-Cal  
34 managed care plan for services rendered by the county public  
35 hospital health system for the fiscal year.

36 (2) Related fees imposed by the state on the transfers specified  
37 in paragraph (1).

38 (3) Administrative or other fees, payments, or transfers imposed  
39 by the state, or voluntarily provided by the county public hospital

1 health systems or affiliated governmental entities, relating to  
2 payments or other Medi-Cal program functions for the fiscal year.

3 (s) "Newly eligible beneficiaries" means individuals who meet  
4 the eligibility requirements in Section 1902(a)(10)(A)(i)(VIII) of  
5 Title XIX of the federal Social Security Act (42 U.S.C. Sec.  
6 1396a(a)(10)(A)(i)(VIII)), and who meet the conditions described  
7 in Section 1905(y) of the federal Social Security Act (42 U.S.C.  
8 Sec. 1396d(y)) such that expenditures for services provided to the  
9 individual are eligible for the enhanced federal medical assistance  
10 percentage described in that section.

11 (t) "Other entity intergovernmental transfer amount" means the  
12 amount of intergovernmental transfers by a county public hospital  
13 health system or affiliated governmental entities, and accepted by  
14 the department, that are for the nonfederal share of Medi-Cal  
15 payments or Medicaid demonstration payments for the fiscal year  
16 to any Medi-Cal provider other than the county public hospital  
17 health system, or to a Medi-Cal managed care plan for services  
18 rendered by those other providers, and any related fees imposed  
19 by the state on those transfers.

20 (u) "Public hospital health system county" means a county in  
21 which a county public hospital health system is located.

22 (v) "Redirected amount" means the amount to be redirected in  
23 accordance with Section 17612.1, as calculated pursuant to  
24 subdivision (a) of Section 17612.3.

25 (w) "Special local health funds" means the amount of the  
26 following county funds received by the county public hospital  
27 health system for health services during the fiscal year:

28 (1) Assessments and fees restricted for health-related purposes.  
29 The amount of the assessment or fee for this purpose shall be the  
30 greater of subparagraph (A) or (B). If, because of restrictions and  
31 limitations applicable to the assessment or fee, the county public  
32 hospital health system cannot expend this amount, this amount  
33 shall be reduced to the amount actually expended.

34 (A) The amount of the assessment or fee expended by the county  
35 public hospital health system for the provision of health services  
36 to Medi-Cal and uninsured beneficiaries during the fiscal year.

37 (B) The amount of the assessment or fee multiplied by the  
38 average of the percentages of the amount of assessment or fees  
39 that were allocated to and expended by the county public hospital  
40 health system for health services to Medi-Cal and uninsured

1 beneficiaries during the historical fiscal years. The percentages  
2 for the historical fiscal years shall be determined by dividing the  
3 amount allocated in each fiscal year as described in subparagraphs  
4 (B) and (C) of paragraph (2) of subdivision (ab) by the actual  
5 amount of assessment or fee expended in the fiscal year.

6 (2) Funds available pursuant to the Master Settlement Agreement  
7 and related documents entered into on November 23, 1998, by the  
8 state and leading United States tobacco product manufacturers  
9 during a fiscal year. The amount of the tobacco settlement funds  
10 that may be used for this purpose shall be the greater of  
11 subparagraph (A) or (B), less any bond payments and other costs  
12 of securitization related to the funds described in this paragraph.

13 (A) The amount of the funds expended by the county public  
14 hospital health system for the provision of health services to  
15 Medi-Cal and uninsured beneficiaries during the fiscal year.

16 (B) The amount of the tobacco settlement funds multiplied by  
17 the average of the percentages of the amount of tobacco settlement  
18 funds that were allocated to and expended by the county public  
19 hospital health system for health services to Medi-Cal and  
20 uninsured beneficiaries during the historical fiscal years. The  
21 percentages for the historical fiscal years shall be determined by  
22 dividing the amount allocated in each fiscal year as described in  
23 subparagraphs (B) and (C) of paragraph (2) of subdivision (ab) by  
24 the actual amount of tobacco settlement funds expended in the  
25 fiscal year.

26 (x) "Subsequent demonstration project" means the federally  
27 approved Medicaid demonstration project implemented after the  
28 termination of the federal Medicaid demonstration project  
29 authorized under Section 1115 of the federal Social Security Act  
30 entitled the "Bridge to Health Care Reform" (waiver number  
31 11-W-00193/9), the extension of that demonstration project, or  
32 the material amendment to that demonstration project.

33 (y) "Uninsured costs" means the costs incurred by the public  
34 hospital health system county and its affiliated government entities  
35 for purchasing, providing, or ensuring the availability of services  
36 to uninsured patients during the fiscal year. Uninsured costs shall  
37 be determined in a manner consistent with the cost claiming  
38 protocols developed for the federal Medicaid demonstration project  
39 authorized under Section 1115 of the federal Social Security Act  
40 entitled the "Bridge to Health Care Reform" (waiver number

1 11-W-00193/9), including protocols pending federal approval, and  
2 under Section 14166.8, and, in consultation with each county, shall  
3 be based on any other cost reporting and statistical data necessary  
4 for an accurate determination of actual costs incurred. For this  
5 purpose, no reduction factor applicable to otherwise allowable  
6 costs under the demonstration project or the subsequent  
7 demonstration project shall apply. Uninsured costs shall exclude  
8 costs for nursing facility, mental health, and substance use disorder  
9 services.

10 (z) “Uninsured patients” means individuals who have no source  
11 of third-party coverage for the specific service furnished, as further  
12 defined in the reporting requirements established pursuant to  
13 Section 17612.4.

14 (aa) “Uninsured revenues” means self-pay payments made by  
15 or on behalf of uninsured patients to the county public hospital  
16 health system for the services rendered in the fiscal year, but shall  
17 exclude revenues received for nursing facility, mental health, and  
18 substance use disorder services. Uninsured revenues do not include  
19 the health realignment amount or imputed county low-income  
20 health amount and shall not include any other revenues, grants, or  
21 funds otherwise defined in this section.

22 (ab) “Historical allocation” means the allocation for the amounts  
23 in the historical years described in subdivisions (l), (m), and (w)  
24 for health services to Medi-Cal beneficiaries and uninsured  
25 patients. The allocation of those amounts in the historical years  
26 shall be done in accordance with a process to be developed by the  
27 department, in consultation with the counties, which includes the  
28 following required parameters:

29 (1) For each of the historical fiscal years, the Medi-Cal costs,  
30 uninsured costs, and costs of other entity intergovernmental transfer  
31 amounts, as defined in subdivisions (q), (t), and (y), and the  
32 Medicaid demonstration, Medi-Cal and uninsured revenues, and  
33 hospital fee direct grants with respect to the services as defined in  
34 subdivisions (k), (o), (r), and (aa), shall be determined. For these  
35 purposes, Medicaid demonstration revenues shall include  
36 applicable payments as described in subdivision (o) paid or payable  
37 to the county public hospital health system under the prior  
38 demonstration project defined in subdivision (c) of Section  
39 14166.1, under the Low Income Health Program (Part 3.6  
40 (commencing with Section 15909)), and under the Health Care

1 Coverage Initiative (Part 3.5 (commencing with Section 15900)),  
2 none of which shall include the nonfederal share of the Medicaid  
3 demonstration payments. The revenues shall be subtracted from  
4 the costs, yielding the initial low-income shortfall for each of the  
5 historical fiscal years.

6 (2) The following shall be applied in sequential order against,  
7 but shall not exceed in the aggregate, the initial low-income  
8 shortfall determined in paragraph (1) for each of the historical  
9 fiscal years:

10 (A) First, the county indigent care health realignment amount  
11 shall be applied 100 percent against the initial low-income shortfall.

12 (B) Second, special local health funds specifically restricted for  
13 indigent care shall be applied 100 percent against the initial  
14 low-income shortfall.

15 (C) Third, the sum of clauses (iv), (v), and (vi). Clause (iv) is  
16 the special local health funds, as defined in subdivision (w) and  
17 not otherwise identified as restricted special local health funds  
18 under subparagraph (B), clause (v) is the imputed county  
19 low-income health amount defined in subdivision (l), and clause  
20 (vi) is the one-time and carry-forward revenues as defined in  
21 subdivision (aj), all allocated to the historical low-income shortfall.  
22 These amounts shall be calculated as follows:

23 (i) Determine the sum of the special local health funds, as  
24 defined in subdivision (w) and not otherwise identified as restricted  
25 special local health funds under subparagraph (B), the imputed  
26 county low-income health amount defined in subdivision (l), and  
27 one-time and carry-forward revenues as defined in subdivision  
28 (aj).

29 (ii) Divide the historical total shortfall defined in subdivision  
30 (ah) by the sum in clause (i) to get the historical usage of funds  
31 percentage defined in subdivision (ai). If this calculation produces  
32 a percentage above 100 percent in a given historical fiscal year,  
33 then the historical usage of funds percentage in that historical fiscal  
34 year shall be deemed to be 100 percent.

35 (iii) Multiply the historical usage of funds percentage defined  
36 in subdivision (ai) and calculated in clause (ii) by each of the  
37 following funds:

38 (I) Special local health funds, as defined in subdivision (w) and  
39 not otherwise identified as restricted special local health funds  
40 under subparagraph (B).

- 1 (II) The imputed county low-income health amount defined in  
2 subdivision (I).
- 3 (III) One-time and carry-forward revenues as defined in  
4 subdivision (aj).
- 5 (iv) Multiply the product of subclause (I) of clause (iii) by the  
6 historical low-income shortfall percentage defined in subdivision  
7 (af) to determine the amount of special local health funds, as  
8 defined in subdivision (w) and not otherwise identified as restricted  
9 special local health funds under subparagraph (B), allocated to the  
10 historical low-income shortfall.
- 11 (v) Multiply the product of subclause (II) of clause (iii) by the  
12 historical low-income shortfall percentage defined in subdivision  
13 (af) to determine the amount of the imputed county low-income  
14 health amount defined in subdivision (I) allocated to the historical  
15 low-income shortfall.
- 16 (vi) Multiply the product of subclause (III) of clause (iii) by the  
17 historical low-income shortfall percentage defined in subdivision  
18 (af) to determine the amount of one-time and carry-forward  
19 revenues as defined in subdivision (aj) allocated to the historical  
20 low-income shortfall.
- 21 (D) Finally, to the extent that the process above does not result  
22 in completely allocating revenues up to the amount necessary to  
23 address the initial low-income shortfall in the historical years,  
24 gains from other payers shall be allocated to fund those costs only  
25 to the extent that such other payer gains exist.
- 26 (ac) "Gains from other payers" means the county-specific  
27 amount of revenues in excess of costs generated from all other  
28 payers for health services. For purposes of this subdivision, patients  
29 with other payer coverage are patients who are identified in all  
30 other financial classes, including, but not limited to, commercial  
31 coverage and dual eligible, other than allowable costs and  
32 associated revenues for Medi-Cal and the uninsured.
- 33 (ad) "New mandatory other entity intergovernmental transfer  
34 amounts" means other entity intergovernmental transfer amounts  
35 required by the state after July 1, 2013.
- 36 (ae) "Historical low-income shortfall" means, for each of the  
37 historical fiscal years described in subdivision (j), the initial  
38 low-income shortfall for Medi-Cal and uninsured costs determined  
39 in paragraph (1) of subdivision (ab), less amounts identified in  
40 subparagraphs (A) and (B) of paragraph (2) of subdivision (ab).



1 (af) “Historical low-income shortfall percentage” means, for  
2 each of the historical fiscal years described in subdivision (j), the  
3 historical low-income shortfall described in subdivision (ae)  
4 divided by the historical total shortfall described in subdivision  
5 (ah).

6 (ag) “Historical other shortfall” means, for each of the historical  
7 fiscal years described in subdivision (j), the shortfall for all other  
8 types of costs incurred by the public hospital health system that  
9 are not Medi-Cal or uninsured costs, and is determined as total  
10 costs less total revenues, excluding any costs and revenue amounts  
11 used in the calculation of the historical low-income shortfall, and  
12 also excluding those costs and revenues related to mental health  
13 and substance use disorder services. If the amount of historical  
14 other shortfall in a given historical fiscal year is less than zero,  
15 then the historical other shortfall for that historical fiscal year shall  
16 be deemed to be zero.

17 (ah) “Historical total shortfall” means, for each of the historical  
18 fiscal years described in subdivision (j), the sum of the historical  
19 low-income shortfall described in subdivision (ae) and the historical  
20 other shortfall described in subdivision (ag).

21 (ai) “Historical usage of funds percentage” means, for each of  
22 the historical fiscal years described in subdivision (j), the historical  
23 total shortfall described in subdivision (ah) divided by the sum of  
24 special local health funds as defined in subdivision (w) and not  
25 otherwise identified as restricted special local health funds under  
26 subparagraph (B) of paragraph (2) of subdivision (ab), the imputed  
27 county low-income health amount defined in subdivision (l), and  
28 one-time and carry-forward revenues as defined in subdivision  
29 (aj). If this calculation produces a percentage above 100 percent  
30 in a given historical fiscal year, then the historical usage of funds  
31 percentage in that historical fiscal year shall be deemed to be 100  
32 percent.

33 (aj) “One-time and carry-forward revenues” mean, for each of  
34 the historical fiscal years described in subdivision (j), revenues  
35 and funds that are not attributable to services provided or  
36 obligations in the applicable historical fiscal year, but were  
37 available and utilized during the applicable historical fiscal year  
38 by the public hospital health system.

39 *SEC. 37. Section 17613.1 of the Welfare and Institutions Code*  
40 *is amended to read:*

1 17613.1. (a) For the 2013–14 fiscal year and each fiscal year  
2 thereafter, for each county, the total amount that would be payable  
3 for the fiscal year from 1991 Health Realignment funds under  
4 ~~Sections 17603, 17604, Section 17603, as it read on January 1,~~  
5 ~~2012, Sections 17604 and 17606.20, as those sections read on~~  
6 ~~January 1, 2012, August 1, 2017,~~ and Section 17606.10, as it read  
7 on July 1, 2013, and deposited by the Controller into the local  
8 health and welfare trust fund health account of the county in the  
9 absence of this section, shall be determined.

10 (b) The redirected amount determined for the county pursuant  
11 to Section 17613.3 shall be divided by the total determined in  
12 subdivision (a).

13 (c) The resulting fraction determined in subdivision (b) shall  
14 be the percentage of 1991 Health Realignment funds under ~~Sections~~  
15 ~~17603, 17604, Section 17603, as it read on January 1, 2012,~~  
16 ~~Sections 17604 and 17606.20, as those sections read on January~~  
17 ~~1, 2012, August 1, 2017,~~ and Section 17606.10, as it read on July  
18 1, 2013, to be deposited each month into the Family Support  
19 Subaccount.

20 (d) The total amount deposited pursuant to subdivision (c) with  
21 respect to a county for a fiscal year shall not exceed the redirected  
22 amount determined pursuant to Section 17613.3, and shall be  
23 subject to the appeal processes, and judicial review as described  
24 in subdivision (d) of Section 17613.3.

25 (e) The Legislature finds and declares that this article is not  
26 intended to change the local obligation pursuant to Section 17000.

27 *SEC. 38. Section 17613.2 of the Welfare and Institutions Code*  
28 *is amended to read:*

29 17613.2. For purposes of this article, the following definitions  
30 apply:

31 (a) “Base year” means the fiscal year ending three years prior  
32 to the fiscal year for which the redirected amount is calculated.

33 (b) “Blended CPI trend factor” means the blended percent  
34 change applicable for the fiscal year that is derived from the  
35 nonseasonally adjusted Consumer Price Index for All Urban  
36 Consumers (CPI-U), United States City Average, for Hospital and  
37 Related Services, weighted at 75 percent, and for Medical Care  
38 Services, weighted at 25 percent, all as published by the United  
39 States Bureau of Labor Statistics, computed as follows:

1 (1) For each prior fiscal year within the period to be trended  
2 through the state fiscal year, the annual average of the monthly  
3 index amounts shall be determined separately for the Hospital and  
4 Related Services Index and the Medical Care Services Index.

5 (2) The year-to-year percentage changes in the annual averages  
6 determined in paragraph (1) for each of the Hospital and Related  
7 Services Index and the Medical Care Services Index shall be  
8 determined.

9 (3) A weighted average annual percentage change for each  
10 year-to-year period shall be calculated from the determinations  
11 made in paragraph (2), with the percentage changes in the Hospital  
12 and Related Services Index weighted at 75 percent, and the  
13 percentage changes in the Medical Care Services Index weighted  
14 at 25 percent. The resulting average annual percentage changes  
15 shall be expressed as a fraction, and increased by 1.00.

16 (4) The product of the successive year-to-year amounts  
17 determined in paragraph (3) shall be the blended CPI trend factor.

18 (c) “Calculated cost per person” is determined by dividing  
19 county indigent program costs by the number of indigent program  
20 individuals for the applicable fiscal year. If a county expands  
21 eligibility, the enrollment count is limited to those indigent program  
22 individuals who would have been eligible for services under the  
23 eligibility requirements in existence on July 1, 2013, except if  
24 approved as an exception allowed pursuant to paragraph (3) of  
25 subdivision (d).

26 (d) “Cost containment limit” means the county’s indigent  
27 program costs determined for the 2014–15 fiscal year and each  
28 subsequent fiscal year, to be adjusted as follows:

29 (1) (A) The county’s indigent program costs for the state fiscal  
30 year shall be determined as indigent program costs for purposes  
31 of this paragraph for the relevant fiscal period.

32 (B) The county’s calculated costs per person for the base year  
33 will be multiplied by the blended CPI trend factor and then  
34 multiplied by the county’s fiscal year indigent program individuals.  
35 The base year costs used shall not reflect any adjustments under  
36 this subdivision.

37 (C) The fiscal year amount determined in subparagraph (A)  
38 shall be compared to the trended amount in subparagraph (B). If  
39 the amount in subparagraph (B) exceeds the amount in  
40 subparagraph (A), the county will be deemed to have satisfied the

1 cost containment limit. If the amount in subparagraph (A) exceeds  
2 the amount in subparagraph (B), the calculation in paragraph (2)  
3 shall be performed.

4 (2) If a county's costs as determined in subparagraph (A) of  
5 paragraph (1) exceeds the amount determined in subparagraph (B)  
6 of paragraph (1), the following costs, as allocated to the county's  
7 indigent care program, shall be added to the cost and reflected in  
8 any containment limit:

9 (A) Costs related to state or federally mandated activities,  
10 requirements, or benefit changes.

11 (B) Costs resulting from a court order or settlement.

12 (C) Costs incurred as a result of a natural disaster or act of  
13 terrorism.

14 (3) If a county's costs as determined in subparagraph (A) of  
15 paragraph (1) exceed the amount determined in subparagraph (B)  
16 of paragraph (1), as adjusted by paragraph (2), the county may  
17 request that the department consider other costs as adjustments to  
18 the cost containment limit. These costs would require departmental  
19 approval.

20 (e) "County" for purposes of this article means the following  
21 counties: Fresno, Merced, Orange, Placer, Sacramento, San Diego,  
22 San Luis Obispo, Santa Barbara, Santa Cruz, Stanislaus, Tulare,  
23 and Yolo.

24 (f) "County indigent care health realignment amount" means  
25 the product of the health realignment amount times the health  
26 realignment indigent care percentage, as computed on a  
27 county-specific basis.

28 (g) "County savings determination process" means the process  
29 for determining the amount to be redirected in accordance with  
30 Section 17613.1, as calculated pursuant to subdivision (a) of  
31 Section 17613.3.

32 (h) "Department" means the State Department of Health Care  
33 Services.

34 (i) "Health realignment amount" means the amount that, in the  
35 absence of this article, would be payable to a county under Sections  
36 ~~17603, 17604~~, Section 17603, as it read on January 1, 2012,  
37 Sections 17604 and 17606.20, as those sections read on ~~January~~  
38 ~~1, 2012~~, August 1, 2017, and Section 17606.10, as it read on July  
39 1, 2013, for the fiscal year that is deposited by the Controller into  
40 the local health and welfare trust fund health account of the county.

1 (j) “Health realignment indigent care percentage” means the  
2 county-specific percentage determined in accordance with the  
3 following, and established in accordance with the procedures  
4 described in subdivision (c) of Section 17613.3:

5 (1) Each county shall identify the portion of that county’s health  
6 realignment amount that was used to provide health services to  
7 the indigent, including the indigent program individuals, for each  
8 of the historical fiscal years, along with verifiable data in support  
9 thereof.

10 (2) The amounts identified in paragraph (1) shall be expressed  
11 as a percentage of the health realignment amount of that county  
12 for each fiscal year of the historical fiscal years.

13 (3) The average of the percentages determined in paragraph (2)  
14 shall be the county’s health realignment indigent care percentage.

15 (4) To the extent a county does not provide the information  
16 required in paragraph (1) or the department determines that the  
17 information required is insufficient, the amount under this  
18 subdivision shall be considered to be 85 percent.

19 (k) All references to “health services” or “health care services,”  
20 unless specified otherwise, shall exclude mental health and  
21 substance use disorder services.

22 (l) “Historical fiscal years” means the fiscal years 2008–09 to  
23 2011–12, inclusive.

24 (m) “Imputed county low-income health amount” means the  
25 predetermined, county-specific amount of county general purpose  
26 funds assumed, for purposes of the calculation in Section 17613.3,  
27 to be available to the county for services to indigent program  
28 individuals. The imputed county low-income health amount shall  
29 be determined as set forth below and established in accordance  
30 with subdivision (c) of Section 17613.3.

31 (1) For each of the historical fiscal years, an amount shall be  
32 determined as the annual amount of county general fund  
33 contribution provided for health services to the indigent, which  
34 does not include funds provided for mental health and substance  
35 use disorder services, through a methodology to be developed by  
36 the department, in consultation with the California State  
37 Association of Counties.

38 (2) If a year-to-year percentage increase in the amount  
39 determined in paragraph (1) was present, an average annual  
40 percentage trend factor shall be determined.

1 (3) The annual amounts determined in paragraph (1) shall be  
2 averaged and multiplied by the percentage trend factor, if  
3 applicable, determined in paragraph (2), for each fiscal year after  
4 the 2011–12 fiscal year through the applicable fiscal year.  
5 Notwithstanding the foregoing, if the percentage trend factor  
6 determined in paragraph (2) is greater than the applicable  
7 percentage change for any year of the same period in the blended  
8 CPI trend factor, the percentage change in the blended CPI trend  
9 factor for that year shall be used. The resulting determination is  
10 the imputed county low-income health amount for purposes of  
11 Section 17613.3.

12 (n) “Indigent program costs” means the costs incurred by the  
13 county for purchasing, providing, or ensuring the availability of  
14 services to indigent program individuals during the fiscal year.  
15 The costs for mental health and substance use disorder services  
16 shall not be included in these costs.

17 (o) “Indigent program individuals” means all individuals  
18 enrolled in a county indigent health care program at any point  
19 throughout the fiscal year. If a county does not enroll individuals  
20 into an indigent health care program, indigent program individuals  
21 shall mean all individuals who used services offered through the  
22 county indigent health care program in the fiscal year.

23 (p) “Indigent program revenues” means self-pay payments made  
24 by or on behalf of indigent program individuals to the county for  
25 the services rendered in the fiscal year, but shall exclude revenues  
26 received for mental health and substance use disorder services.

27 (q) “Redirected amount” means the amount to be redirected in  
28 accordance with Section 17613.1, as calculated pursuant to  
29 subdivision (a) of Section 17613.3.

30 (r) “Special local health funds” means the amount of the  
31 following county funds received by the county for health services  
32 to indigent program individuals during the fiscal year and shall  
33 include funds available pursuant to the Master Settlement  
34 Agreement and related documents entered into on November 23,  
35 1998, by the state and leading United States tobacco product  
36 manufacturers during a fiscal year. The amount of the tobacco  
37 settlement funds to be used for this purpose shall be the greater of  
38 paragraph (1) or (2), less any bond payments and other costs of  
39 securitization related to the funds described in this subdivision.

1 (1) The amount of the funds expended by the county for the  
2 provision of health services to indigent program individuals during  
3 the fiscal year.

4 (2) The amount of the tobacco settlement funds multiplied by  
5 the average of the percentages of the amount of tobacco settlement  
6 funds that were allocated to and expended by the county for health  
7 services to indigent program individuals during the historical fiscal  
8 years.

9 *SEC. 39. Section 34 of Chapter 37 of the Statutes of 2013 is*  
10 *amended to read:*

11 Sec. 34. (a) At least 30 days prior to enrollment of beneficiaries  
12 into the Coordinated Care Initiative, the Director of Finance shall  
13 estimate the amount of net General Fund savings obtained from  
14 the implementation of the Coordinated Care Initiative. This  
15 estimate shall take into account any net savings to the General  
16 Fund achieved through the tax imposed pursuant to Article 5  
17 (commencing with Section 6174) of Chapter 2 of Part 1 of Division  
18 2 of the Revenue and Taxation Code Article 5 (commencing with  
19 Section 6174).

20 (b) (1) By January 10 for each fiscal year after implementation  
21 of the Coordinated Care Initiative, for as long as the Coordinated  
22 Care Initiative remains operative, the Director of Finance shall  
23 estimate the amount of net General Fund savings obtained from  
24 the implementation of the Coordinated Care Initiative.

25 (2) Savings shall be determined under this subdivision by  
26 comparing the estimated costs of the Coordinated Care Initiative,  
27 ~~as approved by the federal government,~~ *defined in paragraph (3)*  
28 *of subdivision (c),* and the estimated costs of the program if the  
29 Coordinated Care Initiative were not operative. The determination  
30 shall also include any net savings to the General Fund achieved  
31 through the tax imposed pursuant to Article 5 (commencing with  
32 Section 6174) of Chapter 2 of Part 1 of Division 2 of the Revenue  
33 and Taxation Code.

34 (3) The estimates prepared by the Director of Finance, in  
35 consultation with the Director of Health Care Services, shall be  
36 provided to the Legislature.

37 (c) (1) Notwithstanding any other law, if, at least 30 days prior  
38 to enrollment of beneficiaries into the Coordinated Care Initiative,  
39 the Director of Finance estimates pursuant to subdivision (a) that  
40 the Coordinated Care Initiative will not generate net General Fund

1 savings, then the activities to implement the Coordinated Care  
2 Initiative shall be suspended immediately and the Coordinated  
3 Care Initiative shall become inoperative July 1, 2014.

4 (2) If the Coordinated Care Initiative becomes inoperative  
5 pursuant to this subdivision, the Director of Health Care Services  
6 shall provide any necessary notifications to any affected entities.

7 (3) For purposes of ~~this subdivision~~ *subdivision (b)*, *this*  
8 *subdivision*, and subdivision (d) only, “Coordinated Care Initiative”  
9 means all of the following statutes and any amendments to the  
10 following:

11 (A) Sections 14132.275, 14183.6, and 14301.1 of the Welfare  
12 and Institutions Code, as amended by this act.

13 (B) Sections 14132.276, 14132.277, 14182.16, 14182.17,  
14 14182.18, and 14301.2 of the Welfare and Institutions Code.

15 (C) Article 5.7 (commencing with Section 14186) of Chapter  
16 7 of Part 3 of Division 9 of the Welfare and Institutions Code.

17 (D) Title 23 (commencing with Section 110000) of the  
18 Government Code.

19 (E) Section 6531.5 of the Government Code.

20 (F) Section 6253.2 of the Government Code, as amended by  
21 this act.

22 (G) Sections 12300.5, 12300.6, 12300.7, 12302.6, 12306.15,  
23 12330, 14186.35, and 14186.36 of the Welfare and Institutions  
24 Code.

25 (H) Sections 10101.1, 12306, and 12306.1 of the Welfare and  
26 Institutions Code, as amended by this act.

27 (I) The amendments made to Sections 12302.21 and 12302.25  
28 of the Welfare and Institutions Code, as made by Chapter 439 of  
29 the Statutes of 2012.

30 (d) (1) Notwithstanding any other law, and beginning in 2015,  
31 if the Director of Finance estimates pursuant to subdivision (b)  
32 that the Coordinated Care Initiative will not generate net General  
33 Fund savings, the Coordinated Care Initiative shall become  
34 inoperative January 1 of the following calendar year, except as  
35 follows:

36 (A) Section 12306.15 of the Welfare and Institutions Code shall  
37 become inoperative as of July 1 of that same calendar year.

38 (B) For any agreement that has been negotiated and approved  
39 by the Statewide Authority, the Statewide Authority shall continue  
40 to retain its authority pursuant to Section 6531.5 and Title 23



1 (commencing with Section 110000) of the Government Code and  
2 Sections 12300.5, 12300.6, 12300.7, and 12302.6 of the Welfare  
3 and Institutions Code, and shall remain the employer of record for  
4 all individual providers covered by the agreement until the  
5 agreement expires or is subject to renegotiation, whereby the  
6 authority of the Statewide Authority shall terminate and the county  
7 shall be the employer of record in accordance with Section  
8 12302.25 of the Welfare and Institutions Code and may establish  
9 an employer of record pursuant to Section 12301.6 of the Welfare  
10 and Institutions Code.

11 (C) For an agreement that has been assumed by the Statewide  
12 Authority that was negotiated and approved by a predecessor  
13 agency, the Statewide Authority shall cease being the employer  
14 of record and the county shall be reestablished as the employer of  
15 record for purposes of bargaining and in accordance with Section  
16 12302.25 of the Welfare and Institutions Code, and may establish  
17 an employer of record pursuant to Section 12301.6 of the Welfare  
18 and Institutions Code.

19 (2) If the Coordinated Care Initiative becomes inoperative  
20 pursuant to this subdivision, the Director of Health Care Services  
21 shall provide any necessary notifications to any affected entities.

22 (e) *It is the intent of the Legislature that this section apply*  
23 *retroactively to all actions taken by the Department of Finance,*  
24 *including the estimates and determinations required by Section*  
25 *34 of Chapter 37 of the Statutes of 2013 prior to the operative date*  
26 *of the act that added this subdivision.*

27 SEC. 40. (a) *Notwithstanding the rulemaking provisions of*  
28 *the Administrative Procedure Act (Chapter 3.5 (commencing with*  
29 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*  
30 *Code), the State Department of Social Services may implement*  
31 *and administer Sections 12301.61, 12306, 12306.1, 12306.16, and*  
32 *12306.17 of the Welfare and Institutions Code, which are added*  
33 *by this act, and Section 10101.1 of the Welfare and Institutions*  
34 *Code, which is amended by this act, through all-county letters or*  
35 *similar instructions until regulations are adopted.*

36 (b) *The department shall adopt emergency regulations*  
37 *implementing the sections specified in subdivision (a) no later than*  
38 *January 1, 2019. The department may readopt any emergency*  
39 *regulation authorized by this section that is the same as, or*  
40 *substantially equivalent to, any emergency regulation previously*

1 adopted pursuant to this section. The initial adoption of regulations  
2 pursuant to this section and one re-adoption of emergency  
3 regulations shall be deemed to be an emergency and necessary  
4 for the immediate preservation of the public peace, health, safety,  
5 or general welfare. Initial emergency regulations and the one  
6 re-adoption of emergency regulations authorized by this section  
7 shall be exempt from review by the Office of Administrative Law.  
8 The initial emergency regulations and the one re-adoption of  
9 emergency regulations authorized by this section shall be submitted  
10 to the Office of Administrative Law for filing with the Secretary  
11 of State, and each shall remain in effect for no more than 180 days,  
12 by which time final regulations shall be adopted.

13 SEC. 41. If the Commission on State Mandates determines that  
14 this act contains costs mandated by the state, reimbursement to  
15 local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.

18 SEC. 42. This act is a bill providing for appropriations related  
19 to the Budget Bill within the meaning of subdivision (e) of Section  
20 12 of Article IV of the California Constitution, has been identified  
21 as related to the budget in the Budget Bill, and shall take effect  
22 immediately.

23 SECTION 1. ~~It is the intent of the Legislature to enact statutory~~  
24 ~~changes relating to the Budget Act of 2017.~~

AMENDED IN SENATE JUNE 8, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 103**

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**Introduced by ~~Assembly Member Ting~~ Committee on Budget  
(Assembly Members Ting (Chair), Arambula, Bloom, Caballero,  
Chiu, Cooper, Cristina Garcia, Jones-Sawyer, Limón, McCarty,  
Medina, Mullin, Muratsuchi, O'Donnell, Rubio, Mark Stone,  
Weber, and Wood)**

January 10, 2017

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*An act relating to the Budget Act of 2017, to amend Sections 384 and 1010.6 of the Code of Civil Procedure, to amend Sections 11040, 11041, 11042, 11045, 24000, 69580, 69592, 69594, and 69600 of, to add Sections 15007, 15820.948, 68514, and 69614.4 to, to add Article 9 (commencing with 70500) to Chapter 5.7 of Title 8 of, to add Chapter 17.8 (commencing with Section 7310) to Division 7 of Title 1 of, to add Chapter 16 (commencing with Section 27770) to Part 3 of Division 2 of Title 3 of, to add and repeal Section 12532 of, and to repeal Section 11043 of, the Government Code, to add Section 329 to the Military and Veterans Code, to amend Sections 1170.18, 1370, 1370.6, 1372, 1463.007, 1464, 1557, 2801, 2808, 3453, 5075, 6031, 6031.1, 29800, 29805, 30680, and 30900 of, to add Sections 1170.127 and 4032 to, to repeal Sections 1203.6 and 1464.2 of, and to repeal and add Section 1203.5 of, the Penal Code, to add and repeal Section 10340.1 of the Public Contract Code, to amend Sections 13365, 13365.2, 40509, and 40509.5 of the Vehicle Code, and to amend Sections 209, 1982, 4100, 4358.5, 7228, and 7234 of, and to repeal and add Sections 270 and 271 of, the Welfare and Institutions Code, relating to public safety, making an appropriation therefor, to take effect immediately, bill related to the budget.*

## LEGISLATIVE COUNSEL'S DIGEST

AB 103, as amended, ~~Fin~~ ~~Committee on Budget. Budget Act of 2017.~~ *Public safety: omnibus.*

(1) *Existing law requires a court, prior to the entry of any judgment in a class action, to determine the total amount that will be payable to all class members. The court is also required to set a date when the parties are to report to the court the total amount that was actually paid to the class members. After the report is received, the court is required to amend the judgment to direct the defendant to pay the sum of the unpaid residue, plus interest, to nonprofit organizations or foundations to support projects that will benefit the class or similarly situated persons, or that promote the law consistent with the underlying cause of action, or to child advocacy programs, or to nonprofit organizations providing civil legal services to the indigent. Existing law excepts class actions brought against public entities and public employees from these provisions.*

*This bill would require that whenever a judgment, including any consent judgment, decree, or settlement agreement that has been approved by the court, in a class action provides for the payment of money to members of the class, any unpaid cash residue or unclaimed or abandoned class member funds be distributed in accordance with its provisions, unless the court makes a specific finding. The bill would require the court to set a date when the parties must submit a report to the court regarding a plan for the distribution of these funds. The bill would require that at least 25% of the unpaid cash residue or unclaimed or abandoned class member funds generally attributable to California residents, plus any accrued interest that has not otherwise been distributed, be transmitted to the State Treasury for deposit in the Trial Court Improvement and Modernization Fund, subject to appropriation by the Legislature to the Judicial Council to fund trial court operations. The bill would further require that at least 25% of these funds be transmitted to the Equal Access Fund of the Judicial Branch, to be distributed as specified. The bill would require that the balance of these funds, if any, plus interest be distributed generally as previously required, as described above. The bill would also except any cause of action brought against public entities and public employees from these provisions.*

(2) *Existing law authorizes a trial court to adopt local rules permitting electronic filing and service of documents, subject to rules*

*adopted by the Judicial Council and other specified conditions. Existing law also authorizes the court, in any action in which a party has agreed to accept electronic service, or in which the court has ordered electronic service, as specified, to electronically serve any document issued by the court that is not required to be personally served, in the same manner that parties electronically serve documents.*

*This bill would require a system for the electronic filing and service of documents to be accessible to individuals with disabilities. The bill would require a trial court that contracts with an entity for the provision of a system for the electronic filing and service of documents to include certain requirements in its contract with the entity, including a requirement that the entity test and verify that the entity's system is accessible. The bill would require the Judicial Council to adopt uniform rules to implement these requirements and to submit reports to the Legislature, as specified.*

*(3) Existing federal law authorizes the United States Attorney General to enter into contracts or agreements with a state, or a political subdivision of a state, for detention or incarceration space or facilities. Existing federal law authorizes the United States Attorney General to enter into an agreement with a state, or a political subdivision of a state, to authorize an officer or employee of that state or political subdivision to, among other things, detain aliens in the United States.*

*Existing law, commonly known as the TRUST Act, prohibits a law enforcement official, as defined, from detaining an individual on the basis of a United States Immigration and Customs Enforcement hold after that individual becomes eligible for release from custody, unless, at the time that the individual becomes eligible for release from custody, certain conditions are met, including, among other things, that the individual has been convicted of specified crimes.*

*This bill would prohibit a city or county or local law enforcement agency from, on or after June 15, 2017, entering into a contract with the federal government or any federal agency to house or detain an adult noncitizen in a locked detention facility for purposes of civil immigration custody. The bill would prohibit a city or county or local law enforcement agency that entered into a contract of that nature on or before June 15, 2017, from modifying or renewing that contract so as to expand the maximum number of contract beds that may be used to house or detain an adult noncitizen for purposes of civil immigration custody.*

*This bill would similarly prohibit a city or county or local law enforcement agency from, on or after June 15, 2017, entering into a contract with the federal government or any federal agency to house or detain an accompanied or unaccompanied minor that is in the custody of or detained by specified federal agencies in a locked detention facility. The bill would prohibit a city or county or local law enforcement agency that entered into a contract of that nature on or before June 15, 2017, from modifying or renewing that contract so as to expand the maximum number of contract beds that may be used to house or detain an accompanied or unaccompanied minor in a locked detention facility. The bill would provide this prohibition does not apply to temporary housing of any accompanied or unaccompanied minor in less restrictive settings when the State Department of Social Services certifies that the contract is necessary based on changing conditions of the population in need and if the housing contract meets 2 requirements.*

*(4) Existing law requires certain state agencies to obtain written consent from the Attorney General before employing legal counsel in any judicial proceeding.*

*This bill would, instead, require certain state agencies to obtain the written consent of the Attorney General before employing in-house counsel to represent those agencies in any judicial or administrative adjudicative proceeding and before contracting with outside counsel. The bill would otherwise generally authorize a state agency to employ in-house counsel for any purpose, except that it would require a state agency to use the Attorney General for the purpose of delivering approving legal opinions on bonds or other evidence of indebtedness, unless the Attorney General waives that requirement.*

*(5) Existing law sets forth the duties and responsibilities of the Attorney General and provides that he or she has charge, as attorney, of all legal matters in which the state is interested, except as specified.*

*This bill would require, until July 1, 2027, the Attorney General, or his or her designee, to engage in reviews of county, local, or private locked detention facilities in which noncitizens are being housed or detained for purposes of civil immigration proceedings in California, as specified. The bill would require the Department of Justice to provide, during the budget process, updates and information to the Legislature and the Governor, including a written summary of findings, if appropriate, regarding the progress of these reviews and any relevant findings. The bill would also require the Attorney General, or his or her designee, on or before March 1, 2019, to conduct a review of these*

*facilities and to provide, on or before March 1, 2019, the Legislature and the Governor with a comprehensive report outlining the findings of that review. The bill would require the comprehensive report to be posted on the Attorney General's Internet Web site and otherwise made available to the public upon its release to the Legislature and the Governor.*

*(6) Existing law creates the Department of Justice, which is under the direction and control of the Attorney General. Existing law establishes the California Secure Choice Retirement Savings Program, which is administered by the California Secure Choice Retirement Savings Investment Board. Existing law requires the board, prior to opening the program for enrollment, to make a report to the Governor and Legislature affirming that certain prerequisites and requirements have been met, including that the United States Department of Labor has finalized a regulation setting forth a safe harbor for savings arrangements established by states for nongovernmental employees and that the program is structured to meet the criteria of the regulation. The federal Employee Retirement Income Security Act, commonly known as ERISA, regulates employee benefit plans, as defined, and generally supercedes state law, except as specified.*

*This bill would require, in connection with potential litigation involving the California Secure Choice Retirement Savings Program, that the state be represented by attorneys who possess a comprehensive knowledge of ERISA and have at least 10 years of experience litigating claims related to ERISA in federal trial and appellate courts. The bill would require the Department of Justice, if it does not have sufficient attorneys with these characteristics, to enter into contracts with qualified attorneys to secure their services.*

*(7) Existing law authorizes the Board of State and Community Corrections or the Department of Corrections and Rehabilitation, the State Public Works Board, and a participating county, as defined, to acquire, design, and construct an adult local criminal justice facility, as defined, and provides funding for those purposes. Existing regulations of the Board of State and Community Corrections specify the number of visits that inmates held in certain types of correctional facilities are required to be provided.*

*This bill would require that specified conditional funding to a participating county for the construction or renovation of a local jail facility or adult local criminal justice facility be used to construct or renovate a facility that meets or surpasses the minimum number of*

weekly visits as specified in regulations through the use of in-person visitation space. The bill would require a scope change to be submitted to include in-person visitation, as specified, for any proposals submitted previous to these requirements that only provided for video visitation.

Existing law provides that a county jail is kept by the sheriff of the county in which the jail is situated and is to be used for specified purposes, including for the confinement of persons sentenced to imprisonment in a county jail upon a criminal conviction. Existing regulations of the Department of Corrections and Rehabilitation specify the number of visits that inmates held in certain types of correctional facilities may be allowed.

This bill would prohibit a local detention facility, as defined, that provided in-person visitation as of January 1, 2017, from converting to only video visitation. The bill would prohibit a local detention facility from charging for visitation when visitors are onsite and participating in either in-person or video visitation. The bill would require a local detention facility that does not offer in-person visitation to provide the first hour of remote video visitation each week free of charge.

(8) Existing law requires a probation officer to be appointed in each county. Existing law requires the probation officer to be nominated by the juvenile justice commission and appointed by the judge of the juvenile court. Existing law allows the probation officer to revoke or terminate the appointment of a deputy or assistant probation officer with the written approval of the juvenile justice commission.

This bill would revise and recast these provisions. The bill would require each county to appoint a chief probation officer. The bill would establish the duties and obligations of that office, as specified. The bill would require the presiding judge, in a county with 2 judges, or a majority of the judges, in a county with more than 2 judges, to appoint the chief probation officer upon nomination of the juvenile justice commission. The bill would allow the chief probation officer to revoke and terminate the appointment of a deputy or assistant probation officer without the written approval of the juvenile justice commission. The bill would delete the creation of the office of adult probation officer.

(9) Existing law establishes the Judicial Council and requires it to perform various duties regarding the oversight and management of the courts, including, among others, reporting to the Legislature on specific accounting and case management programs.



*This bill would require the Judicial Council, beginning on October 1, 2018, to annually report on revenue and collections for each court and county for the previous fiscal year, as specified.*

*(10) Existing law specifies the number of judges for the superior court of each county. Existing law allocates additional judgeships to the various counties in accordance with uniform standards for factually determining additional need in each county, as updated and approved by the Judicial Council, based on specified criteria, including, among others, workload standards that represent the average amount of time of bench and nonbench work required to resolve each case type.*

*This bill would reallocate 2 vacant judgeships from the Superior Court of the County of Santa Clara to the Superior Court of the County of Riverside and 2 vacant judgeships from the Superior Court of the County of Alameda to the Superior Court of the County of San Bernardino. The bill would require the Judicial Council to determine which specific vacancies would be transferred between counties pursuant to this provision and to take all necessary steps to effectuate each transfer. The bill would provide that the term of the judgeships would begin on January 2, 2018, and that a court in which a vacant judgeship is reallocated shall not have its funding allocation reduced, shifted, or transferred as a result of the reallocation. The bill would make conforming changes.*

*(11) Existing law authorizes the Judicial Council to dispose of surplus court facilities pursuant to a specified process that requires, among other things, the Judicial Council to consult with the county where the court facility is located, offer the facility to the county at a fair market value before offering it to another state or local government agency, and deposit the funds received from a sale into the State Court Facilities Construction Fund. Existing law imposes specified requirements on local entities with regard to the construction of new court facilities, or the alteration, remodeling, or relocation of court facilities, as specified. Existing law imposes specified requirements on the sale or lease of real property by the board of supervisors of a county, as prescribed.*

*Existing law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect, unless*

*the project is exempt from the act. CEQA provides for various exemptions from the requirements of the act.*

*This bill would authorize the Administrative Director of the Courts to transfer specified court facility property to the County of San Diego under prescribed circumstances, and would exempt the transfer from the procedures described above. With regard to the demolition project and further development of that property by the County of San Diego, the bill would, among other things, authorize the use of existing environmental impact reports, as specified, for purposes of CEQA. The bill would prescribe the circumstances under which the Board of Supervisors of the County of San Diego may enter into leases for subsequent improvements of the property.*

*(12) Existing law establishes the Military Department, which includes the office of the Adjutant General, the California National Guard, the State Military Reserve, the California Cadet Corps, and the Naval Militia. Existing law provides that specified military members are deemed state employees for purposes of workers' compensation.*

*This bill would establish the Military Department Workers' Compensation Fund, and would provide that all moneys in the fund are continuously appropriated to the Military Department for workers' compensation claims that are wholly or partially reimbursed by the federal government for personnel within the Military Department, as specified. By creating a continuously appropriated fund, this bill would make an appropriation.*

*(13) Existing law, the Three Strikes Reform Act of 2012, passed by the voters as Proposition 36 at the November 6, 2012, statewide general election, amended the Three Strikes Law and provided for lower sentences in specified circumstances, including when the current crime is not a serious or violent crime. The act provided a means by which a person serving an indeterminate term of imprisonment can be resentenced in conformance with the provisions of the act.*

*Existing law, the Safe Neighborhoods and Schools Act, enacted by Proposition 47, as approved by the voters at the November 4, 2014, statewide general election, reduced the penalties for various crimes. Under the provisions of the act, a person currently convicted of a felony or felonies who would have been guilty of a misdemeanor under the act if the act had been in effect at the time of the conviction may petition or apply to have the sentence reduced in accordance with the act. That act requires that this petition or application be filed before November 4, 2017, or at a later date upon a showing of good cause.*

*This bill would authorize a person who is committed to a state hospital after being found not guilty by reason of insanity to petition the court to have the maximum term of commitment reduced to what it would have been had Proposition 36 or Proposition 47 been in effect at the time of the original determination, as specified. The bill would require the petitioner to show that he or she would have been eligible to have his or her sentence reduced under the relevant proposition and to file the petition prior to January 1, 2021, or at a later date with a showing of good cause.*

*(14) Existing law identifies the state hospitals over which the State Department of State Hospitals has jurisdiction, including, among others, Atascadero State Hospital and Coalinga State Hospital.*

*This bill would provide the department with jurisdiction over the Admission, Evaluation, and Stabilization (AES) Center in the County of Kern, and other AES Centers as defined by regulation. The bill would also authorize the Director of State Hospitals to adopt emergency regulations to implement this provision and would declare that the adoption of emergency regulations under this provision is deemed to address an emergency, for purposes of the Administrative Procedure Act. The bill would provide the department with jurisdiction over any county jail treatment facility under contract with the State Department of State Hospitals to provide competency restoration services. The bill would also make other technical and conforming changes.*

*(15) Existing law creates the State Penalty Fund into which moneys collected by the courts from the imposition of fines, forfeitures, or penalties on criminal offenses are deposited. Once a month, certain percentages of money in that fund are transferred into other funds.*

*This bill would repeal the authority for these transfers to other funds and instead require the Department of Finance to provide a schedule to the Controller for all transfers of funds made available by the Budget Act from the State Penalty Fund in the current fiscal year. The bill would, upon the order of the Department of Finance, allow sufficient funds to be transferred by the Controller from the General Fund for cashflow needs of the State Penalty Fund, as provided.*

*(16) Existing law authorizes, if certain conditions are met, reimbursement for expenses or payment of specified costs incurred by a person employed by the state, or a city, county, or city and county, to travel to a jurisdiction outside of the state for the purpose of returning a fugitive from justice to this state.*

*This bill would establish reimbursement rates for meals and incidental expenses for persons transporting fugitives for return to certain local government jurisdictions, as specified.*

*(17) Existing law establishes the Prison Industry Authority within the Department of Corrections and Rehabilitation under the direction of the Prison Industry Board. Existing law grants the board specified powers, including the ability to review and approve the annual budget for the authority, in order to ensure that the solvency of the Prison Industries Revolving Fund is maintained. Existing law states that the purpose of the authority is, among other things, to operate a work program for prisoners which will ultimately be self-supporting by generating sufficient funds from the sale of products and services to pay all the expenses of the program.*

*This bill would specify that the above provisions do not require immediate cash availability for funding retiree health care and pension liabilities above amounts established in the Budget Act, or as determined by the Board of Administration of the Public Employees' Retirement System, or the Director of Finance for the fiscal year. The bill would prohibit the authority from establishing cash reserves to support funding retiree health care and pension liabilities above these amounts.*

*(18) Existing law generally requires all persons released from prison to be subject to postrelease community supervision by a local probation department for a period of 3 years immediately following release. Existing law requires that postrelease community supervision include specified conditions, including that the person inform the supervising county agency of the person's place of residence, employment, education, or training and of any pending or anticipated changes to the place of residence, employment, education, or training.*

*This bill would define "residence" for these purposes as one or more locations at which a person regularly resides, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, a house, apartment building, motel, hotel, homeless shelter, and recreational or other vehicle. The bill would require, if the person has no residence, that he or she inform the supervising county agency that he or she is transient. The bill would also require the person to inform the supervising county agency of any change in residence, or the establishment of a new residence if the person was previously transient, within 5 working days of the change.*

(19) Existing law establishes the Board of Parole Hearings, which is composed of 14 commissioners appointed by the Governor, and subject to Senate confirmation, for staggered 3-year terms.

This bill would instead provide that the board is composed of 15 commissioners. The bill would also revise the term of office for existing commissioners, as specified, so that 5 commissioners would commence a new term on July 1 of each year.

(20) Existing law requires the Board of State and Community Corrections to inspect local detention facilities biennially and requires the inspection to include specified components, including, among others, a fire suppression preplanning inspection. Existing law requires a report of each facility's inspection to be furnished to the official in charge of the local detention facility.

This bill would require inspections of local detention facilities to be conducted, at a minimum, biennially. The bill would additionally require the inspections to address components relating to the availability of visitation and relating to the receipt of state funds for jail construction. The bill would require that reports made pursuant to the above-described provisions to be posted on the board's Internet Web site.

Existing law requires the Board of State and Community Corrections to conduct a biennial inspection of each jail, juvenile hall, lockup, or special purpose juvenile hall that, during the preceding calendar year, was used for confinement for more than 24 hours of any minor and requires the board to issue a notice of its findings, as specified.

This bill would require the board to post all reports and notices of findings it prepares pursuant to this provision on its Internet Web site.

(21) Existing law prohibits a person who has been convicted of a felony or who is addicted to the use of any narcotic drug from owning, purchasing, receiving, or possessing a firearm. Under existing law, a violation of this prohibition is punishable as a felony.

This bill would prohibit a person who has an outstanding warrant for a felony from owning, purchasing, receiving, or possessing a firearm. A violation of this prohibition would be punishable as a felony. Because a violation of this prohibition would be a crime, this bill would impose a state-mandated local program.

Existing law also generally prohibits a person who has been convicted of certain misdemeanors from owning, purchasing, receiving, or possessing a firearm within 10 years of the conviction. Under existing law, a violation of this prohibition is a crime punishable by

*imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding \$1,000, or by both that imprisonment and fine. Existing law, as a result of Proposition 63, an initiative measure approved by the voters at the November 8, 2016, statewide general election, codifies these provisions in separate, nonconflicting, identically numbered sections.*

*This bill would prohibit a person who has an outstanding warrant for certain misdemeanors from owning, purchasing, receiving, or possessing a firearm. A violation of this prohibition would be a crime, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding \$1,000, or by both that imprisonment and fine. Because a violation of this prohibition would be a crime, this bill would impose a state-mandated local program.*

*(22) Existing law prohibits, with some exceptions, the possession of an assault weapon that does not have a fixed magazine including those weapons with a detachable magazine that can be removed readily from the firearm with the use of a tool. Existing law exempts from that prohibition such a weapon that was lawfully possessed by the owner starting at any time from January 1, 2001, to December 31, 2016, and is registered by that owner with the Department of Justice before January 1, 2018, but not before the effective date of specified regulations to be adopted by the department.*

*This bill would extend the deadline to register a weapon in order to be exempted from the prohibition from January 1, 2018, to July 1, 2018.*

*(23) Existing law generally requires state agencies to obtain at least 3 competitive bids for each contract for services. Under existing law, this requirement does not apply under certain circumstances.*

*This bill, until June 30, 2018, would authorize the State Department of State Hospitals to enter into an agreement for continued operation of the existing central utility plant at the Metropolitan State Hospital without having to comply with the competitive bidding requirements described above.*

*(24) Existing law authorizes any county or court to implement a comprehensive collection program as a separate revenue collection activity, and requires the program to meet certain criteria, one of which is that the program engages in specified activities in collecting fines or penalties, including initiating driver's license suspension or hold actions when appropriate.*

*This bill would instead limit the program to initiating a driver's license suspension or hold actions only for a failure to appear in court.*

*Existing law authorizes the court to notify the Department of Motor Vehicles when a person has failed to pay a fine or bail, with respect to various violations relating to vehicles, and requires the department to suspend a person's driver's license upon receipt of the notice, as specified.*

*The bill would repeal the authority of the court to notify the department of a failure to pay a fine or bail, thereby deleting the requirement for the department to suspend a person's driver's license upon receipt of that notice.*

*(25) Existing law requires the Department of Corrections and Rehabilitation, Division of Juvenile Justice, and the Chief Probation Officers of California, in consultation with the Board of State and Community Corrections, formerly known as the Corrections Standards Authority, to provide annual reports to the Department of Finance, with information sorted by county, with the names of discharged wards, under specified circumstances.*

*This bill would remove the requirement that the information include the name of a discharged ward and would instead require that the information include the identifying information, as defined, of a discharged ward, as specified. The bill would require the board, instead of the Chief Probation Officers of California, to provide an annual report and would remove the requirement of a consultation. The bill would also remove obsolete references to the authority under these provisions.*

*Existing law requires, in each fiscal year, that funds be allocated to each county probation department from the Juvenile Reentry Grant Special Account on an average daily population basis per discharged ward transferred to a local juvenile facility for violating a condition of court-ordered supervision during the previous fiscal year, as specified.*

*This bill would prohibit a county from receiving the above-described funding if it does not submit data under the provisions relating to the board's annual report.*

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

*This bill would provide that no reimbursement is required by this act for a specified reason.*

*(27) 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 2017.

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

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

1     SECTION 1. (a) *The Legislature finds and declares that the*  
2 *provision of probation services is an essential element in the*  
3 *administration of criminal justice and the juvenile delinquency*  
4 *systems. The safety of the public is enhanced by a research-based*  
5 *approach that promotes positive behavior change while also*  
6 *enforcing laws to provide community safety as outlined in statute.*  
7 *The Legislature recognizes that the role and responsibility of*  
8 *probation departments has enhanced significantly due to public*  
9 *safety reforms, including, but not limited to, the Community*  
10 *Corrections Performance Incentive Grant Program, established*  
11 *in Chapter 608 of the Statutes of 2009, and 2011 Realignment*  
12 *Legislation addressing public safety, established in Chapter 15 of*  
13 *the Statutes of 2011, which made funding investments in local*  
14 *probation departments and increased the responsibility for*  
15 *probation departments to supervise more offenders including those*  
16 *on mandatory supervision and postrelease community supervision.*  
17 *In addition to a core mission of supervising felony probationers,*  
18 *to address the more serious level of offenders probation*  
19 *departments were tasked with supervising, the state made*  
20 *investments in evidence-informed rehabilitation strategies and*  
21 *supervision for probation departments throughout the state. County*  
22 *probation departments have played a critical role in helping the*  
23 *state meet its federally mandated reduction in the prison population*  
24 *by utilizing probation's successful track record in supervision,*  
25 *community corrections, effective offender reentry, and*  
26 *evidence-informed rehabilitation services. Further reforms to the*  
27 *justice system which were enacted by the voters in California*  
28 *continue to place emphasis on services to supervised populations*  
29 *in the community, placing probation's mission at the center of*  
30 *community corrections.*

31     (b) *The Legislature additionally recognizes probation's*  
32 *instrumental role in California's juvenile justice system because*  
33 *of its work in supervision and services provided to youth involved*



1 in the justice system through supervising juveniles in the  
2 community, administering programming to address juveniles'  
3 criminogenic behavior, providing secure and effective detention  
4 services, utilizing evidence-informed strategies that change  
5 behavior, and ensuring successful reentry into communities. The  
6 Legislature and voters of California have delegated to probation  
7 all responsibility and services for juveniles except for the  
8 Department of Corrections and Rehabilitation, Division of Juvenile  
9 Justice. This includes historic reforms such as Chapter 175 of the  
10 Statutes of 2007, which realigned most of the juvenile system  
11 responsibilities to probation.

12 (c) The decisions made in the state budget process have had  
13 significant impact on the duties performed by probation. When  
14 probation services are unavailable at the local level there is a  
15 negative impact on recidivism which can require a more expensive  
16 solution at the state level in the form of incarceration. We have  
17 also seen more probation services for justice-involved youth as  
18 the state realigned the population away from the most expensive  
19 part of the system. These factors are not only driven by fiscal  
20 realities of state and local budgets but policies that are intended  
21 to improve the quality of life in our communities. The Legislature  
22 recognizes that such an important role should be clear and  
23 articulated with other core county department duties in order to  
24 establish the proper function and structure of probation. For these  
25 reasons the Legislature delegates the following duties to the chief  
26 probation officer to carry out in the county for the purposes of  
27 managing local juvenile facilities, preventing crime and  
28 delinquency, reducing recidivism, restoring victims, and promoting  
29 healthy families and communities through the community  
30 supervision and the enforcement of court orders and other criminal  
31 statutes. These duties are specific and exclusive to the primary  
32 areas of responsibility that exist for probation and are intended  
33 to emphasize the important role of probation within the criminal  
34 justice system in California. This is not intended to limit or diminish  
35 the importance of other duties currently delegated in whole or in  
36 part to probation elsewhere in code.

37 SEC. 2. It is the intent of the Legislature in enacting  
38 amendments to Section 1170.18 of, and adding Section 1170.127  
39 to, the Penal Code, to allow people who are committed to the State  
40 Department of State Hospitals upon a finding of not guilty by

1 *reason of insanity pursuant to Section 1026 of the Penal Code for*  
2 *an offense that would otherwise fall within the resentencing*  
3 *provisions of Section 1170.126 or 1170.18 of the Penal Code, as*  
4 *enacted by Proposition 36 of the 2012 statewide general election*  
5 *or Proposition 47 of the 2014 statewide general election, to petition*  
6 *the original committing court for relief under those sections. This*  
7 *act is intended to nullify the holding in People v. Dobson, 245*  
8 *Cal.App.4th 310 (2016).*

9 *SEC. 3. In enacting amendments to Sections 6031 and 6031.1*  
10 *of the Penal Code, and Section 209 of the Welfare and Institutions*  
11 *Code, it is the intent of the Legislature that the Board of State and*  
12 *Community Corrections be encouraged to consider adding the*  
13 *maximum number of beds each facility is leasing to the federal*  
14 *government, including the current occupancy rate and the entity*  
15 *to which the beds are being leased, to the Jail Profile Survey.*

16 *SEC. 4. Section 384 of the Code of Civil Procedure is amended*  
17 *to read:*

18 ~~384. (a) It is the intent of the Legislature in enacting this~~  
19 ~~section policy of the State of California to ensure that the unpaid~~  
20 ~~residuals cash residue and unclaimed or abandoned funds in class~~  
21 ~~action litigation are distributed, to the fullest extent possible, in a~~  
22 ~~manner designed either to further the purposes of the underlying~~  
23 ~~class action or causes of action, or to promote justice for all~~  
24 ~~Californians. The Legislature finds that the use of funds collected~~  
25 ~~by the State Bar pursuant to this section for these purposes is in~~  
26 ~~the public interest, is a proper use of the funds, and is consistent~~  
27 ~~with essential public and governmental purposes.~~

28 ~~(b) (1) Except as provided in subdivision (c), prior to the entry~~  
29 ~~of any judgment whenever a judgment, including any consent~~  
30 ~~judgment, decree, or settlement agreement that has been approved~~  
31 ~~by the court, in a class action established pursuant to Section 382,~~  
32 ~~the court shall determine the total amount that will be payable to~~  
33 ~~all class members, if all class members are paid the amount to~~  
34 ~~which they are entitled pursuant to the judgment. The provides for~~  
35 ~~the payment of money to members of the class, any unpaid cash~~  
36 ~~residue or unclaimed or abandoned class member funds shall be~~  
37 ~~distributed in accordance with this section unless for good cause~~  
38 ~~shown the court makes a specific finding that an alternative~~  
39 ~~distribution would better serve the public interest or the interest~~  
40 ~~of the class. If not specified in the judgment, the court shall also~~

1 set a date when the parties shall *submit a* report to the court the  
2 ~~total amount that was actually paid to the class members. After~~  
3 ~~the report is received, the court shall amend the judgment to direct~~  
4 ~~the defendant to pay the sum of the unpaid residue, plus interest~~  
5 ~~on that sum at the legal rate of interest from the date of entry of~~  
6 ~~the initial judgment, to regarding a plan for the distribution of any~~  
7 ~~moneys pursuant to this section.~~

8 (2) *The court shall make any orders necessary and appropriate*  
9 *for the payment, administration, supervision, and accounting of*  
10 *any unpaid cash residue or unclaimed or abandoned class member*  
11 *funds.*

12 (3) *Any unpaid cash residue or unclaimed or abandoned class*  
13 *member funds generally attributable to California residents, plus*  
14 *any accrued interest that has not otherwise been distributed*  
15 *pursuant to order of the court, shall be transmitted as follows:*

16 (A) *Twenty-five percent to the State Treasury for deposit in the*  
17 *Trial Court Improvement and Modernization Fund, established*  
18 *in Section 77209 of the Government Code, and subject to*  
19 *appropriation in the annual Budget Act for the Judicial Council*  
20 *to provide grants to trial courts for new or expanded collaborative*  
21 *courts or grants for Sargent Shriver Civil Counsel.*

22 (B) *Twenty-five percent to the State Treasury for deposit into*  
23 *the Equal Access Fund of the Judicial Branch, to be distributed*  
24 *in accordance with Sections 6216 to 6223, inclusive, of the*  
25 *Business and Professions Code, except that administrative costs*  
26 *shall not be paid to the State Bar or the Judicial Council from this*  
27 *sum.*

28 (C) *Fifty percent to one or more of the following: nonprofit*  
29 *organizations or ~~foundations~~ foundations, to support projects that*  
30 *will benefit the class or similarly situated persons, further the*  
31 *objectives and purposes of the underlying class action or cause of*  
32 *action, or that promote the law consistent with the objectives and*  
33 *purposes of the underlying class action or cause of action, to*  
34 *action; child advocacy ~~programs,~~ programs; or to nonprofit*  
35 *organizations providing civil legal services to the indigent.*  
36 *Notwithstanding subparagraph (B), additional funds may be*  
37 *allocated by the court to the Equal Access Fund of the Judicial*  
38 *Branch, to be distributed in accordance with Sections 6216 to*  
39 *6223, inclusive, of the Business and Professions Code. ~~The~~*

1 (4) *The court shall ensure that the distribution of the balance*  
2 *of any unpaid-residual cash residue or unclaimed or abandoned*  
3 *class member funds derived from multistate or national cases*  
4 *brought under California law shall provide substantial or*  
5 *commensurate benefit to California-consumers: consumers that is*  
6 *roughly proportional to the number of California class members*  
7 *or amounts available from the judgment to California class*  
8 *members in the multistate or national class.*

9 (c) This section shall not apply to any class action or cause of  
10 action brought against any public entity, as defined in Section  
11 811.2 of the Government Code, or against any public employee,  
12 as defined in Section 811.4 of the Government Code. However,  
13 this section shall not be construed to abrogate any equitable cy  
14 pres remedy ~~which~~ that may be available in any class action with  
15 regard to all or part of the ~~residue: cash residue or unclaimed or~~  
16 ~~abandoned class member funds.~~

17 SEC. 5. Section 1010.6 of the Code of Civil Procedure is  
18 amended to read:

19 1010.6. (a) A document may be served electronically in an  
20 action filed with the court as provided in this section, in accordance  
21 with rules adopted pursuant to subdivision (e).

22 (1) For purposes of this section:

23 (A) "Electronic service" means service of a document, on a  
24 party or other person, by either electronic transmission or electronic  
25 notification. Electronic service may be performed directly by a  
26 party, by an agent of a party, including the party's attorney, or  
27 through an electronic filing service provider.

28 (B) "Electronic transmission" means the transmission of a  
29 document by electronic means to the electronic service address at  
30 or through which a party or other person has authorized electronic  
31 service.

32 (C) "Electronic notification" means the notification of the party  
33 or other person that a document is served by sending an electronic  
34 message to the electronic address at or through which the party or  
35 other person has authorized electronic service, specifying the exact  
36 name of the document served, and providing a hyperlink at which  
37 the served document may be viewed and downloaded.

38 (2) If a document may be served by mail, express mail, overnight  
39 delivery, or facsimile transmission, electronic service of the

1 document is authorized when a party has agreed to accept service  
2 electronically in that action.

3 (3) In any action in which a party has agreed to accept electronic  
4 service under paragraph (2), or in which the court has ordered  
5 electronic service under subdivision (c) or (d), the court may  
6 electronically serve any document issued by the court that is not  
7 required to be personally served in the same manner that parties  
8 electronically serve documents. The electronic service of  
9 documents by the court shall have the same legal effect as service  
10 by mail, except as provided in paragraph (4).

11 (4) (A) Electronic service of a document is complete at the time  
12 of the electronic transmission of the document or at the time that  
13 the electronic notification of service of the document is sent.  
14 However, any period of notice, or any right or duty to do any act  
15 or make any response within any period or on a date certain after  
16 the service of the document, which time period or date is prescribed  
17 by statute or rule of court, shall be extended after service by  
18 electronic means by two court days, but the extension shall not  
19 apply to extend the time for filing any of the following:

20 (i) A notice of intention to move for new trial.

21 (ii) A notice of intention to move to vacate judgment under  
22 Section 663a.

23 (iii) A notice of appeal.

24 (B) This extension applies in the absence of a specific exception  
25 provided by any other statute or rule of court.

26 (b) A trial court may adopt local rules permitting electronic  
27 filing of documents, subject to rules adopted pursuant to  
28 subdivision (e) and the following conditions:

29 (1) A document that is filed electronically shall have the same  
30 legal effect as an original paper document.

31 (2) (A) When a document to be filed requires the signature, not  
32 under penalty of perjury, of an attorney or a self-represented party,  
33 the document shall be deemed to have been signed by that attorney  
34 or self-represented party if filed electronically.

35 (B) When a document to be filed requires the signature, under  
36 penalty of perjury, of any person, the document shall be deemed  
37 to have been signed by that person if filed electronically and if a  
38 printed form of the document has been signed by that person before  
39 or on the same day as, the date of filing. The attorney or person  
40 filing the document represents, by the act of filing, that the

1 declarant has complied with this section. The attorney or person  
2 filing the document shall maintain the printed form of the document  
3 bearing the original signature and make it available for review and  
4 copying upon the request of the court or any party to the action or  
5 proceeding in which it is filed.

6 (3) Any document that is electronically filed with the court after  
7 the close of business on any day shall be deemed to have been  
8 filed on the next court day. "Close of business," as used in this  
9 paragraph, means 5 p.m. or the time at which the court will not  
10 accept filing at the court's filing counter, whichever is earlier.

11 (4) The court receiving a document filed electronically shall  
12 issue a confirmation that the document has been received and filed.  
13 The confirmation shall serve as proof that the document has been  
14 filed.

15 (5) Upon electronic filing of a complaint, petition, or other  
16 document that must be served with a summons, a trial court, upon  
17 request of the party filing the action, shall issue a summons with  
18 the court seal and the case number. The court shall keep the  
19 summons in its records and may electronically transmit a copy of  
20 the summons to the requesting party. Personal service of a printed  
21 form of the electronic summons shall have the same legal effect  
22 as personal service of an original summons. If a trial court plans  
23 to electronically transmit a summons to the party filing a complaint,  
24 the court shall immediately, upon receipt of the complaint, notify  
25 the attorney or party that a summons will be electronically  
26 transmitted to the electronic address given by the person filing the  
27 complaint.

28 (6) The court shall permit a party or attorney to file an  
29 application for waiver of court fees and costs, in lieu of requiring  
30 the payment of the filing fee, as part of the process involving the  
31 electronic filing of a document. The court shall consider and  
32 determine the application in accordance with Article 6  
33 (commencing with Section 68630) of Chapter 2 of Title 8 of the  
34 Government Code and shall not require the party or attorney to  
35 submit any documentation other than that set forth in Article 6  
36 (commencing with Section 68630) of Chapter 2 of Title 8 of the  
37 Government Code. Nothing in this section shall require the court  
38 to waive a filing fee that is not otherwise waivable.

39 (7) A fee, if any, charged by the court, an electronic filing  
40 manager, or an electronic filing service provider to process a

1 payment for filing fees and other court fees shall not exceed the  
2 costs incurred in processing the payment.

3 (c) If a trial court adopts rules conforming to subdivision (b),  
4 it may provide by order that all parties to an action file and serve  
5 documents electronically in a class action, a consolidated action,  
6 a group of actions, a coordinated action, or an action that is deemed  
7 complex under Judicial Council rules, provided that the trial court's  
8 order does not cause undue hardship or significant prejudice to  
9 any party in the action.

10 (d) (1) Notwithstanding subdivision (b), the Orange County  
11 Superior Court may, by local rule and until July 1, 2014, establish  
12 a pilot project to require parties to specified civil actions to  
13 electronically file and serve documents, subject to the requirements  
14 set forth in paragraphs (1), (2), (4), (5), and (6) of subdivision (b),  
15 rules adopted pursuant to subdivision (e), and the following  
16 conditions:

17 (A) The court shall have the ability to maintain the official court  
18 record in electronic format for all cases where electronic filing is  
19 required.

20 (B) The court and the parties shall have access to more than one  
21 electronic filing service provider capable of electronically filing  
22 documents with the court or to electronic filing access directly  
23 through the court. The court may charge fees of no more than the  
24 actual cost of the electronic filing and service of the documents.  
25 Any fees charged by an electronic filing service provider shall be  
26 reasonable. The court, an electronic filing manager, or an electronic  
27 filing service provider shall waive any fees charged if the court  
28 deems a waiver appropriate, including in instances where a party  
29 has received a fee waiver.

30 (C) The court shall have a procedure for the filing of  
31 nonelectronic documents in order to prevent the program from  
32 causing undue hardship or significant prejudice to any party in an  
33 action, including, but not limited to, unrepresented parties.

34 (D) A court that elects to require electronic filing pursuant to  
35 this subdivision may permit documents to be filed electronically  
36 until 12 a.m. of the day after the court date that the filing is due,  
37 and the filing shall be considered timely. However, if same day  
38 service of a document is required, the document shall be  
39 electronically filed by 5 p.m. on the court date that the filing is  
40 due. Ex parte documents shall be electronically filed on the same

1 date and within the same time period as would be required for the  
2 filing of a hard copy of the ex parte documents at the clerk's  
3 window in the participating county. Documents filed on or after  
4 12 a.m., or filed upon a noncourt day, will be deemed filed on the  
5 soonest court day following the filing.

6 (2) If a pilot project is established pursuant to paragraph (1),  
7 the Judicial Council shall conduct an evaluation of the pilot project  
8 and report to the Legislature, on or before December 31, 2013, on  
9 the results of the evaluation. The evaluation shall review, among  
10 other things, the cost of the program to participants,  
11 cost-effectiveness for the court, effect on unrepresented parties  
12 and parties with fee waivers, and ease of use for participants.

13 (e) The Judicial Council shall adopt uniform rules for the  
14 electronic filing and service of documents in the trial courts of the  
15 state, which shall include statewide policies on vendor contracts,  
16 privacy, and access to public records, and rules relating to the  
17 integrity of electronic service. These rules shall conform to the  
18 conditions set forth in this section, as amended from time to time.

19 (f) The Judicial Council shall, on or before July 1, 2014, adopt  
20 uniform rules to permit the mandatory electronic filing and service  
21 of documents for specified civil actions in the trial courts of the  
22 state, which shall be informed by any study performed pursuant  
23 to paragraph (2) of subdivision (d) and which shall include  
24 statewide policies on vendor contracts, privacy, access to public  
25 records, unrepresented parties, parties with fee waivers, hardships,  
26 reasonable exceptions to electronic filing, and rules relating to the  
27 integrity of electronic service. These rules shall conform to the  
28 conditions set forth in this section, as amended from time to time.

29 (g) (1) Upon the adoption of uniform rules by the Judicial  
30 Council for mandatory electronic filing and service of documents  
31 for specified civil actions in the trial courts of the state, as specified  
32 in subdivision (f), a superior court may, by local rule, require  
33 mandatory electronic filing, pursuant to paragraph (2).

34 (2) A superior court that elects to adopt mandatory electronic  
35 filing shall do so pursuant to the requirements and conditions set  
36 forth in this section, including, but not limited to, paragraphs (1),  
37 (2), (4), (5), (6), and (7) of subdivision (b), and subparagraphs (A),  
38 (B), and (C) of paragraph (1) of subdivision (d), and pursuant to  
39 the rules adopted by the Judicial Council, as specified in  
40 subdivision (f).



1     (h) (1) *The Judicial Council shall adopt uniform rules to*  
2 *implement this subdivision as soon as practicable, but no later*  
3 *than June 30, 2019.*

4     (2) *Any system for the electronic filing and service of documents,*  
5 *including any information technology applications, Internet Web*  
6 *sites, and Web-based applications, used by an electronic service*  
7 *provider or any other vendor or contractor that provides an*  
8 *electronic filing and service system to a trial court, regardless of*  
9 *the case management system used by the trial court, shall satisfy*  
10 *both of the following requirements:*

11     (A) *The system shall be accessible to individuals with*  
12 *disabilities, including parties and attorneys with disabilities, in*  
13 *accordance with Section 508 of the federal Rehabilitation Act of*  
14 *1973 (29 U.S.C. Sec. 794d), as amended, the regulations*  
15 *implementing that act set forth in Part 1194 of Title 36 of the Code*  
16 *of Federal Regulations and Appendices A, C, and D of that part,*  
17 *and the federal Americans with Disabilities Act of 1990 (42 U.S.C.*  
18 *Sec. 12101 et seq.).*

19     (B) *The system shall comply with the Web Content Accessibility*  
20 *Guidelines 2.0 at a Level AA success criteria.*

21     (3) *A vendor or contractor that provides an electronic filing*  
22 *and service system to a trial court shall comply with paragraph*  
23 *(2) as soon as practicable, but no later than June 30, 2019.*  
24 *Commencing on the operative date of this subdivision, the vendor*  
25 *or contractor shall provide an accommodation to an individual*  
26 *with a disability in accordance with subparagraph (D) of*  
27 *paragraph (4).*

28     (4) *A trial court that contracts with an entity for the provision*  
29 *of a system for electronic filing and service of documents shall*  
30 *require the entity, in the trial court's contract with the entity, to*  
31 *do all of the following:*

32     (A) *Test and verify that the entity's system complies with this*  
33 *subdivision and provide the verification to the Judicial Council*  
34 *no later than June 30, 2019.*

35     (B) *Respond to, and resolve, any complaints regarding the*  
36 *accessibility of the system that are brought to the attention of the*  
37 *entity.*

38     (C) *Designate a lead individual to whom any complaints*  
39 *concerning accessibility may be addressed and post the individual's*  
40 *name and contact information on the entity's Internet Web site.*

1 (D) Provide to an individual with a disability, upon request, an  
2 accommodation to enable the individual to file and serve  
3 documents electronically at no additional charge for any time  
4 period that the entity is not compliant with paragraph (2) of this  
5 subdivision. Exempting an individual with a disability from  
6 mandatory electronic filing and service of documents shall not be  
7 deemed an accommodation unless the person chooses that as an  
8 accommodation. The vendor or contractor shall clearly state in  
9 its Internet Web site that an individual with a disability may request  
10 an accommodation and the process for submitting a request for  
11 an accommodation.

12 (5) A trial court that provides electronic filing and service of  
13 documents directly to the public shall comply with this subdivision  
14 to the same extent as a vendor or contractor that provides  
15 electronic filing and services to a trial court.

16 (6) (A) The Judicial Council shall submit four reports to the  
17 appropriate committees of the Legislature relating to the trial  
18 courts that have implemented a system of electronic filing and  
19 service of documents. The first report is due by June 30, 2018; the  
20 second report is due by December 31, 2019; the third report is  
21 due by December 31, 2021; and the fourth report is due by  
22 December 31, 2023.

23 (B) The Judicial Council's reports shall include all of the  
24 following information:

25 (i) The name of each court that has implemented a system of  
26 electronic filing and service of documents.

27 (ii) A description of the system of electronic filing and service.

28 (iii) The name of the entity or entities providing the system.

29 (iv) A statement as to whether the system complies with this  
30 subdivision and, if the system is not fully compliant, a description  
31 of the actions that have been taken to make the system compliant.

32 (7) An entity that contracts with a trial court to provide a system  
33 for electronic filing and service of documents shall cooperate with  
34 the Judicial Council by providing all information, and by  
35 permitting all testing, necessary for the Judicial Council to prepare  
36 its reports to the Legislature in a complete and timely manner.

37 SEC. 6. Chapter 17.8 (commencing with Section 7310) is added  
38 to Division 7 of Title 1 of the Government Code, to read:

1  
2                    *CHAPTER 17.8. HOUSING CONTRACTS*  
3

4        7310. (a) *A city, county, city and county, or local law*  
5 *enforcement agency that does not, as of June 15, 2017, have a*  
6 *contract with the federal government or any federal agency to*  
7 *detain adult noncitizens for purposes of civil immigration custody,*  
8 *is prohibited from entering into a contract with the federal*  
9 *government or any federal agency, to house or detain in a locked*  
10 *detention facility noncitizens for purposes of civil immigration*  
11 *custody.*

12        (b) *A city, county, city and county, or local law enforcement*  
13 *agency that, as of June 15, 2017, has an existing contract with the*  
14 *federal government or any federal agency to detain adult*  
15 *noncitizens for purposes of civil immigration custody, shall not*  
16 *renew or modify that contract in such a way as to expand the*  
17 *maximum number of contract beds that may be utilized to house*  
18 *or detain in a locked detention facility noncitizens for purposes of*  
19 *civil immigration custody.*

20        7311. (a) *A city, county, city and county, or local law*  
21 *enforcement agency that does not, as of June 15, 2017, have a*  
22 *contract with the federal government or any federal agency to*  
23 *house or detain any accompanied or unaccompanied minor in the*  
24 *custody of or detained by the federal Office of Refugee Resettlement*  
25 *or the United States Immigration and Customs Enforcement is*  
26 *prohibited from entering into a contract with the federal*  
27 *government or any federal agency to house minors in a locked*  
28 *detention facility.*

29        (b) *A city, county, city and county, or local law enforcement*  
30 *agency that, as of June 15, 2017, has an existing contract with the*  
31 *federal government or any federal agency to house or detain any*  
32 *accompanied or unaccompanied minor in the custody of or*  
33 *detained by the federal Office of Refugee Resettlement or the*  
34 *United States Immigration and Customs Enforcement shall not*  
35 *renew or modify that contract in such a way as to expand the*  
36 *maximum number of contract beds that may be utilized to house*  
37 *minors in a locked detention facility.*

38        (c) *This section does not apply to temporary housing of any*  
39 *accompanied or unaccompanied minor in less restrictive settings*  
40 *when the State Department of Social Services certifies a necessity*

1 for a contract based on changing conditions of the population in  
2 need and if the housing contract meets the following requirements:

3 (1) It is temporary in nature and nonrenewable on a long-term  
4 or permanent basis.

5 (2) It meets all applicable federal and state standards for that  
6 housing.

7 SEC. 7. Section 11040 of the Government Code is amended to  
8 read:

9 ~~11040. (a) This article does not affect the right of any state  
10 agency or employee to employ counsel in any matter of the state,  
11 after first having obtained the written consent of the Attorney  
12 General.~~

13 ~~(b)~~

14 11040. (a) It is the intent of the Legislature that overall  
15 efficiency and economy in state government be enhanced by  
16 employment of the Attorney General as counsel for the  
17 representation of state agencies and employees in judicial and other  
18 administrative adjudicative proceedings.

19 The Legislature finds that it is in the best interests of the people  
20 of the State of California that the Attorney General be provided  
21 with the resources needed to develop and maintain the Attorney  
22 General's capability to provide competent legal representation of  
23 state agencies and employees in any judicial or administrative  
24 adjudicative proceeding.

25 (b) As used in this article:

26 (1) "In-house counsel" means an attorney authorized to practice  
27 law in the State of California who is a state employee, including  
28 an excluded or exempt employee, other than an employee of the  
29 Office of the Attorney General.

30 (2) "Outside counsel" means an attorney authorized to practice  
31 law in the State of California who is not a state employee, including  
32 an excluded or exempt employee.

33 (c) Except with respect to employment by the state officers and  
34 agencies specified by title or name in Section 11041 or when  
35 specifically waived by statute other than Section 11041, a state  
36 agency shall obtain the written consent of the Attorney General  
37 is required prior to employment of counsel for representation of  
38 any state before doing either of the following:

39 (1) Employing in-house counsel to represent a state agency or  
40 employee in any judicial or administrative adjudicative proceeding.

1 (2) *Contracting with outside counsel.*

2 (d) *Except as limited by paragraph (1) of subdivision (c), a state*  
3 *agency may employ in-house counsel for any purpose. This*  
4 *subdivision shall apply retroactively to the employment of any*  
5 *in-house counsel by any state agency before the operative date of*  
6 *the act adding this subdivision.*

7 (e) *This article does not prohibit a state agency from obtaining*  
8 *legal services from the Attorney General for any purpose.*

9 (f) *Consistent with subdivision (d), and except as may conflict*  
10 *with contrary authorization by statute, a state agency may employ*  
11 *in-house counsel for advice or other legal work related to bonds*  
12 *or other evidences of indebtedness, but shall engage the Attorney*  
13 *General, alone or with other counsel as may be authorized by*  
14 *statute, for the purpose of delivering any approving legal opinion*  
15 *on bonds or other evidences of indebtedness and advice related*  
16 *to the approving legal opinion. The Attorney General may waive*  
17 *the requirement under this subdivision.*

18 *SEC. 8. Section 11041 of the Government Code is amended to*  
19 *read:*

20 11041. (a) ~~Sections Section 11042 and 11043 do~~ *does not*  
21 *apply to the Regents of the University of California, the Trustees*  
22 *of the California State University, Legal Division of the*  
23 *Department of Transportation, Division of Labor Standards*  
24 *Enforcement of the Department of Industrial Relations, Workers'*  
25 *Compensation Appeals Board, Public Utilities Commission, State*  
26 *Compensation Insurance Fund, Legislative Counsel Bureau,*  
27 *Inheritance Tax Department, Secretary of State, State Lands*  
28 *Commission, Alcoholic Beverage Control Appeals Board (except*  
29 *when the board affirms the decision of the Department of Alcoholic*  
30 *Beverage Control), State Department of Education, and Treasurer*  
31 *with respect to bonds, nor to any other state agency which, by law*  
32 *enacted after Chapter 213 of the Statutes of 1933, is authorized to*  
33 *employ legal counsel.*

34 (b) *The Trustees of the California State University shall pay the*  
35 *cost of employing legal counsel from their existing resources.*

36 *SEC. 9. Section 11042 of the Government Code is amended to*  
37 *read:*

38 11042. (a) ~~No state agency, commissioner, or officer agency~~  
39 *shall employ any legal in-house counsel other than the Attorney*  
40 *General, or one of his assistants or deputies, to act on behalf of*

1 *the state agency or its employees in any ~~matter~~ judicial or*  
2 *administrative adjudicative proceeding in which the ~~agency,~~*  
3 *~~commissioner, or officer~~ agency is interested, or is a party as a*  
4 *result of office or official ~~duties, duties, or contract with outside~~*  
5 *counsel for any purpose, unless the agency has first obtained the*  
6 *written consent of the Attorney General pursuant to Section 11040.*

7 *(b) The Attorney General may provide written consent for a*  
8 *state agency to employ in-house counsel to represent the agency*  
9 *or its employees in any judicial or administrative adjudicative*  
10 *proceeding in whatever manner the Attorney General deems most*  
11 *effective and consistent with the intent of this article. However, a*  
12 *state agency shall obtain written consent for the use of outside*  
13 *counsel for a matter or matters for which the outside counsel is*  
14 *to be engaged before the execution of each contract with the*  
15 *outside counsel for the matter or matters.*

16 *SEC. 10. Section 11043 of the Government Code is repealed.*

17 ~~11043. Except as to the State agencies and laws specified in~~  
18 ~~Section 11041, whenever any law authorizes any State agency to~~  
19 ~~employ legal counsel other than the Attorney General, it shall be~~  
20 ~~construed to refer to the Attorney General. The Attorney General~~  
21 ~~may assign to the State agency assistants or deputies from his staff,~~  
22 ~~under such terms as he deems necessary to conduct the legal~~  
23 ~~business of or render legal counsel to the agency.~~

24 *SEC. 11. Section 11045 of the Government Code is amended*  
25 *to read:*

26 *11045. (a) (1) Whenever a state agency requests the consent*  
27 *of the Attorney General to ~~employ~~ contract with outside counsel,*  
28 *as required by ~~Section 11040, Sections 11040 and 11042,~~ the state*  
29 *agency shall within five business days of the date the request is*  
30 *transmitted to the Attorney General provide the designated*  
31 *representative of State Employees Bargaining Unit 2 with written*  
32 *notification of the request. The notice shall include the items*  
33 *enumerated in subdivision (d).*

34 *(2) All state agencies, other than the office of the Attorney*  
35 *General, that are not required to obtain the consent to *contract**  
36 *with outside counsel required by *paragraph (2) of subdivision (c)**  
37 *of ~~Section 11040, 11040 and Section 11042,~~ shall provide written*  
38 *notice of any proposed contract for outside ~~legal~~ counsel to the*  
39 *designated representative of State Employees Bargaining Unit 2*  
40 *five business days ~~prior to~~ before execution of the contract by the*

1 state agency. The notice shall include the items required by  
2 subdivision (d). In the event of an emergency that requires the  
3 immediate employment of outside counsel, the state agency shall  
4 provide the written notice no later than five business days after  
5 the contract with outside counsel is signed.

6 (3) Whenever the Attorney General determines the need to  
7 employ outside ~~legal~~ counsel pursuant to subdivision (b) of Section  
8 12520, the Attorney General shall give written notice to the  
9 designated representative of State Employees Bargaining Unit 2  
10 within 10 days of that determination. The notice shall include the  
11 items enumerated in subdivision (d).

12 (b) The Attorney General shall provide the designated  
13 representative of State Employees Bargaining Unit 2 with a written  
14 report, at least monthly, of all consents granted to every state  
15 agency pursuant to Section 11040.

16 (c) Notwithstanding the above notice requirements, whenever  
17 any state agency submits a proposed contract for outside counsel  
18 to the Department of General Services pursuant to Section 10335  
19 of the Public Contract Code, the agency shall provide a copy of  
20 the contract to the designated representative of State Employees  
21 Bargaining Unit 2.

22 (d) "Written notice" within the meaning of this section shall  
23 include, but not be limited to, all of the following:

24 (1) A copy of the complaint or other pleadings, if any, that gave  
25 rise to the litigation or matter for which a contract is being sought,  
26 or other identifying information.

27 (2) The justification for the contract, pursuant to subdivision  
28 (b) of Section 19130.

29 (3) The nature of the legal services to be performed.

30 (4) The estimated hourly wage to be paid under the contract.

31 (5) The estimated length of the contract.

32 (6) The identity of the person or entity that is entering into the  
33 contract with the state.

34 (e) "State agency," as used in this section, means every state  
35 office, department, division, bureau, board, or commission,  
36 including the Board of Directors of the State Compensation  
37 Insurance Fund, but does not include the Regents of the University  
38 of California, the Trustees of the California State University, the  
39 Legislature, the courts, or any agency in the judicial branch of  
40 government.

1 (f) (1) The notice requirements of this section do not apply to  
2 contracts for expert witnesses or consultations in connection with  
3 a confidential investigation or to any confidential component of a  
4 pending or active legal action.

5 (2) The exemption authorized in paragraph (1) shall only apply  
6 as long as necessary to protect the confidentiality of the  
7 investigation or the confidential component of a pending or active  
8 legal action.

9 (3) Disclosures made pursuant to this section are deemed to be  
10 privileged communications for purposes of subdivision (c) of  
11 Section 912 of the Evidence Code, and shall not be construed to  
12 be a waiver of any privilege or exemption provided by law,  
13 including, but not limited to, the lawyer-client privilege, as  
14 described in Section 952 of the Evidence Code, or attorney work  
15 product, as described in Chapter 4 (commencing with Section  
16 2018.010) of Title 4 of Part 4 of the Code of Civil Procedure.

17 (g) If the provisions of this section are in conflict with the  
18 provisions of a memorandum of understanding or other written  
19 agreement reached pursuant to Section 3517 or 3517.5, the  
20 memorandum of understanding or agreement shall be controlling  
21 without further legislative action, except that if any provision of  
22 the memorandum of understanding or other agreement requires  
23 the expenditure of funds, the provisions may not become effective  
24 unless approved by the Legislature.

25 *SEC. 12. Section 12532 is added to the Government Code, to*  
26 *read:*

27 *12532. (a) Until July 1, 2027, the Attorney General, or his or*  
28 *her designee, shall engage in reviews of county, local, or private*  
29 *locked detention facilities in which noncitizens are being housed*  
30 *or detained for purposes of civil immigration proceedings in*  
31 *California, including any county, local, or private locked detention*  
32 *facility in which an accompanied or unaccompanied minor is*  
33 *housed or detained on behalf of, or pursuant to a contract with,*  
34 *the federal Office of Refugee Resettlement or the United States*  
35 *Immigration and Customs Enforcement. The order and number of*  
36 *facilities to be reviewed shall be determined by the Department of*  
37 *Justice. The Attorney General, or his or her designee, shall have*  
38 *authority over which facilities may be reviewed and when. The*  
39 *Department of Justice shall provide, during the budget process,*  
40 *updates and information to the Legislature and the Governor,*



1 *including a written summary of findings, if appropriate, regarding*  
2 *the progress of these reviews and any relevant findings.*

3 *(b) The Attorney General, or his or her designee, shall, on or*  
4 *before March 1, 2019, conduct a review of county, local, or private*  
5 *locked detention facilities in which noncitizens are being housed*  
6 *or detained for purposes of civil immigration proceedings in*  
7 *California, including any county, local, or private locked detention*  
8 *facility in which an accompanied or unaccompanied minor is*  
9 *housed or detained on behalf of, or pursuant to a contract with,*  
10 *the federal Office of Refugee Resettlement or the United States*  
11 *Immigration and Customs Enforcement. The order and number of*  
12 *facilities to be reviewed shall be determined by the Department of*  
13 *Justice.*

14 *(1) This review shall include, but not be limited to, the following:*

15 *(A) A review of the conditions of confinement.*

16 *(B) A review of the standard of care and due process provided*  
17 *to the individuals described in subdivision (a).*

18 *(C) A review of the circumstances around their apprehension*  
19 *and transfer to the facility.*

20 *(2) The Attorney General, or his or her designee, shall provide,*  
21 *on or before March 1, 2019, the Legislature and the Governor*  
22 *with a comprehensive report outlining the findings of the review*  
23 *described in this subdivision, which shall be posted on the Attorney*  
24 *General's Internet Web site and otherwise made available to the*  
25 *public upon its release to the Legislature and the Governor. The*  
26 *Department of Justice shall provide, during the budget process,*  
27 *updates and information to the Legislature and the Governor,*  
28 *including a written summary of findings, if appropriate, regarding*  
29 *the progress of the review described in this subdivision and any*  
30 *relevant findings.*

31 *(c) The Attorney General, or his or her designee, shall be*  
32 *provided all necessary access for the observations necessary to*  
33 *effectuate reviews required pursuant to this section, including, but*  
34 *not limited to, access to detainees, officials, personnel, and records.*

35 *(d) This section shall become inoperative on July 1, 2027, and,*  
36 *as of January 1, 2028, is repealed.*

37 *SEC. 13. Section 15007 is added to the Government Code, to*  
38 *read:*

39 *15007. For potential litigation involving the California Secure*  
40 *Choice Retirement Savings Program (Title 21 (commencing with*

1 Section 100000), the state shall be represented by attorneys who  
2 possess a comprehensive knowledge of the Employee Retirement  
3 Income Security Act of 1974 (29 U.S.C. Sec. 1001 et seq.) (ERISA)  
4 and have at least 10 years of experience litigating claims related  
5 to ERISA in federal trial and appellate courts. If the Department  
6 of Justice does not have sufficient attorneys who possess these  
7 characteristics, it shall enter into contracts with qualified attorneys  
8 to secure their services.

9 SEC. 14. Section 15820.948 is added to the Government Code,  
10 to read:

11 15820.948. (a) Notwithstanding any other law, any funding  
12 conditionally awarded by the Board of State and Community  
13 Corrections pursuant to Chapter 3.11 (commencing with Section  
14 15820.90), Chapter 3.12 (commencing with Section 15820.91),  
15 Chapter 3.13 (commencing with Section 15820.92), or Chapter  
16 3.131 (commencing with Section 15820.93), to a participating  
17 county for the construction or renovation of a local jail facility or  
18 adult local criminal justice facility after the effective date of the  
19 legislation that added this section, shall be used to construct or  
20 renovate a facility that meets or surpasses the minimum number  
21 of weekly visits as specified by Section 1062 of Title 15 of the  
22 California Code of Regulations through the use of in-person  
23 visitation space.

24 (b) For any proposals previously submitted to the board  
25 pursuant to the funding authority referenced in subdivision (a)  
26 that only provided for video visitation, the board shall require the  
27 participating county to submit a scope change to include in-person  
28 visitation prior to the board's approval of the conditional award.

29 (c) For purposes of this section, the following definitions shall  
30 apply:

31 (1) "In-person visit" means an on-site visit that may include  
32 barriers. In-person visits include interactions in which an inmate  
33 has physical contact with a visitor, the inmate is able to see a  
34 visitor through a barrier, or the inmate is otherwise in a room  
35 with a visitor without physical contact. "In-person visit" does not  
36 include an interaction between an inmate and a visitor through  
37 the use of an on-site, two-way, audio-video terminal.

38 (2) "Video visitation" means interaction between an inmate  
39 and a member of the public through the means of an audio-visual

1 *communication device when the member of the public is located*  
2 *at a local detention facility or at a remote location.*

3 *SEC. 15. Section 24000 of the Government Code is amended*  
4 *to read:*

5 24000. The officers of a county are:

6 (a) A district attorney.

7 (b) A sheriff.

8 (c) A county clerk.

9 (d) A controller.

10 (e) An auditor, who shall be ex officio controller.

11 (f) A treasurer.

12 (g) A recorder.

13 (h) A license collector.

14 (i) A tax collector, who shall be ex officio license collector.

15 (j) An assessor.

16 (k) A superintendent of schools.

17 (l) A public administrator.

18 (m) A coroner.

19 (n) A surveyor.

20 (o) Members of the board of supervisors.

21 (p) A county veterinarian.

22 (q) A fish and game warden.

23 (r) A county librarian.

24 (s) A county health officer.

25 (t) An administrative officer.

26 (u) A director of finance.

27 (v) A road commissioner.

28 (w) A public guardian.

29 (x) *A chief probation officer.*

30 ~~(x)~~

31 (y) Such other officers as are provided by law.

32 *SEC. 16. Chapter 16 (commencing with Section 27770) is*  
33 *added to Part 3 of Division 2 of Title 3 of the Government Code,*  
34 *to read:*

35  
36 *CHAPTER 16. CHIEF PROBATION OFFICER*

37  
38 27770. (a) *A chief probation officer shall be appointed in every*  
39 *county. He or she shall be nominated by the juvenile justice*  
40 *commission or regional juvenile justice commission of the county*

1 *in the same manner as the presiding judge, in a county with two*  
2 *judges, or a majority of the judges, in a county with more than two*  
3 *judges, shall prescribe, and shall thereafter be appointed by the*  
4 *presiding judge or majority of judges. The salary for the position*  
5 *shall be established by the board of supervisors of the county. He*  
6 *or she may be removed for good cause as determined by the*  
7 *presiding judge or majority of judges.*

8 *(b) In counties with charters that provide for appointment and*  
9 *tenure of office for the chief probation officer, the provisions of*  
10 *the charter shall control as to those matters and, in counties that*  
11 *have established or hereafter establish merit or civil service*  
12 *systems governing the methods of appointment and the tenure for*  
13 *the chief probation officer, the provisions of the merit or civil*  
14 *service systems shall control as to those matters. In all other*  
15 *counties, appointment and tenure of the chief probation officer*  
16 *shall be controlled exclusively by the provisions of this code.*

17 *27771. (a) The chief probation officer shall perform the duties*  
18 *and discharge the obligations imposed on the office by law or by*  
19 *order of the superior court, including the following:*

20 *(1) Community supervision of offenders subject to the*  
21 *jurisdiction of the juvenile court pursuant to Section 602 or 1766*  
22 *of the Welfare and Institutions Code.*

23 *(2) Operation of juvenile halls pursuant to Section 852 of the*  
24 *Welfare and Institutions Code.*

25 *(3) Operation of juvenile camps and ranches established under*  
26 *Section 880 of the Welfare and Institutions Code.*

27 *(4) Community supervision of individuals subject to probation*  
28 *pursuant to conditions imposed under Section 1203 of the Penal*  
29 *Code.*

30 *(5) Community supervision of individuals subject to mandatory*  
31 *supervision pursuant to subparagraph (B) of paragraph (5) of*  
32 *subdivision (h) of Section 1170 of the Penal Code.*

33 *(6) Community supervision of individuals subject to postrelease*  
34 *community supervision pursuant to Section 3451 of the Penal*  
35 *Code.*

36 *(7) Administration of community-based corrections*  
37 *programming, including, but not limited to, programs authorized*  
38 *by Chapter 3 (commencing with Section 1228) of Title 8 of Part*  
39 *2 of the Penal Code.*

1 (8) *Serving as chair of the Community Corrections Partnership*  
2 *pursuant to Section 1230 of the Penal Code.*

3 (9) *Making recommendations to the court, including, but not*  
4 *limited to, pre-sentence investigative reports pursuant to Sections*  
5 *1203.7 and 1203.10 of the Penal Code.*

6 (b) *The chief probation officer may perform other duties that*  
7 *are consistent with those enumerated in subdivision (a) and may*  
8 *accept appointment to the Board of State and Community*  
9 *Corrections and collect the per diem authorized by Section 6025.1*  
10 *of the Penal Code.*

11 27772. (a) *Except as provided in Section 69906.5, the chief*  
12 *probation officer may appoint deputies, assistants, and other*  
13 *persons, and their compensation shall be established according*  
14 *to the provisions of the county's merit systems or civil service*  
15 *systems. If no merit systems or civil service systems exist in the*  
16 *county, the board of supervisors shall provide for appointment,*  
17 *removal, and compensation of this personnel.*

18 (b) *A deputy or assistant to the chief probation officer shall not*  
19 *have authority to act until his or her appointment has been*  
20 *approved by the juvenile justice commission or regional juvenile*  
21 *justice commission and by the presiding judge or majority of*  
22 *judges. The term of office of a deputy or assistant shall expire with*  
23 *the term of the chief probation officer who appointed the deputy*  
24 *or assistant, but the chief probation officer may revoke and*  
25 *terminate the appointment at any time.*

26 (c) *This section applies in any charter county with a charter*  
27 *establishing the office of chief probation officer or adult probation*  
28 *officer and provides for the appointment of the officer in*  
29 *accordance with general law, subject to the merit system provisions*  
30 *of the charter.*

31 27773. *The office of chief probation officer shall not be*  
32 *consolidated with any other office, nor shall the services provided*  
33 *by the chief probation officer be integrated with or reorganized*  
34 *into any other office or department of the county.*

35 SEC. 17. *Section 68514 is added to the Government Code, to*  
36 *read:*

37 68514. (a) *Beginning October 1, 2018, and annually thereafter,*  
38 *the Judicial Council shall report to the Department of Finance*  
39 *and to the Joint Legislative Budget Committee, the total amount*  
40 *of revenue collected in the prior fiscal year, by each court and*

1 county, from criminal fines and fees assessed related to infractions  
2 and misdemeanors. The report shall include, but not be limited to,  
3 the following information:

4 (1) Total nondelinquent revenue collected and the number of  
5 cases associated with those collections.

6 (2) Total delinquent revenue collected and the number of cases  
7 associated with those collections, as reported by each superior  
8 court and county pursuant to Section 1463.010 of the Penal Code.

9 (3) Total amount of fines and fees dismissed, discharged, or  
10 satisfied by means other than payment.

11 (4) A description of the collection activities used pursuant to  
12 Section 1463.007 of the Penal Code.

13 (5) The total amount collected per collection activity.

14 (6) The total number of cases by collection activity and the total  
15 number of individuals associated with those cases.

16 (7) Total administrative costs per collection activity.

17 (8) The percentage of fines or fees that are defaulted on.

18 (b) Judicial Council shall separately list the information  
19 required in subdivision (a) for fines and fees assessed in a year  
20 prior to the current reporting year that had outstanding balances  
21 in the current reporting year.

22 (c) To the extent a court or county cannot provide the  
23 information listed in subdivisions (a) and (b), the Judicial Council  
24 shall notify the Department of Finance and the Joint Legislative  
25 Budget Committee and shall provide a plan for how to obtain this  
26 information in the future. The Department of Finance may approve  
27 alternate metrics if a court or county does not have this  
28 information.

29 SEC. 18. Section 69580 of the Government Code is amended  
30 to read:

31 69580. In the County of Alameda there are ~~69~~ 67 judges of the  
32 superior court.

33 SEC. 19. Section 69592 of the Government Code is amended  
34 to read:

35 69592. In the County of Riverside there are ~~49~~ 51 judges of  
36 the superior court.

37 SEC. 20. Section 69594 of the Government Code is amended  
38 to read:

39 69594. In the County of San Bernardino there are ~~63~~ 65 judges  
40 of the superior court.



1 (d) "County property" means the county-owned city block in  
2 the City of San Diego bounded by West A Street to the north, Union  
3 Street to the west, West B Street to the south, and Front Street to  
4 the east.

5 (e) "Demolition project" means the demolition of any or all  
6 improvements on the San Diego property or the county property,  
7 and the construction of the inmate tunnel.

8 (f) "Development project" means the disposition and  
9 development of all or a portion of the San Diego property and the  
10 county property by the County of San Diego, or its successors,  
11 lessees, or agents, including any agreements therefor, in a manner  
12 consistent with the City of San Diego's General Plan and the San  
13 Diego Downtown Community Plan.

14 (g) "Improvements" means the existing courthouse building  
15 located on the San Diego property and the county property and  
16 the former county jail facility located on the San Diego property.

17 (h) "Inmate tunnel" means a tunnel that will transport inmates  
18 between the central jail and the San Diego Central Courthouse.

19 (i) "Judicial Council EIR" means the Environmental Impact  
20 Report dated December 2010, State Clearinghouse No.  
21 2000021015, certified by the Judicial Council in December 2010,  
22 as amended.

23 (j) "San Diego Central Courthouse" means the real property  
24 and improvements described in subdivision (d) of Section 70501.

25 (k) "San Diego property" means both the real property  
26 described in subdivision (a) of Section 70501 and the  
27 improvements.

28 70501. The Legislature finds and declares all of the following:

29 (a) The state owns two contiguous parcels of real property  
30 consisting of approximately 2.59 acres located in the City of San  
31 Diego on two city blocks bounded by West B Street on the north,  
32 Union Street on the west, Broadway on the south, and Front Street  
33 on the east. Two buildings are located on the real property. One  
34 of the buildings is a courthouse building that is used by the  
35 Superior Court of California, County of San Diego, as a trial court  
36 facility and by the County of San Diego for county offices. Only a  
37 portion of the existing courthouse building is located on the state  
38 property. The other building is a former county jail facility.

39 (b) A portion of the existing courthouse building is located on  
40 the adjacent county property. The state owns the portion of the



1 existing courthouse building that is located on the county property,  
2 but the County of San Diego owns fee title to the county property.

3 (c) The existing courthouse building will be replaced as part of  
4 an overall plan for consolidation and upgrade of the court facilities  
5 in the County of San Diego.

6 (d) The Judicial Council has constructed the new San Diego  
7 Central Courthouse on state-owned property in the downtown  
8 area of the City of San Diego that is bounded by West B Street on  
9 the north, State Street on the west, West C Street on the south, and  
10 Union Street on the east. The new San Diego Central Courthouse  
11 will fully replace all space occupied by the superior court in the  
12 existing courthouse building located on the San Diego property  
13 and the county property, and will improve and enhance the safety  
14 and efficiency of superior court operations.

15 (e) The Administrative Director of the Courts may, pursuant to  
16 Section 70502, convey the San Diego property to the County of  
17 San Diego for the public purpose of promoting public safety by  
18 facilitating the construction of the inmate tunnel.

19 (f) After acquisition of the San Diego property, the County of  
20 San Diego intends to perform the demolition project on all or a  
21 portion of the San Diego property and the county property, and  
22 perform the development project on all or a portion of the San  
23 Diego property and the county property.

24 70502. (a) (1) Notwithstanding any other law, the  
25 Administrative Director of the Courts is hereby authorized, on  
26 behalf of the state, to convey to the County of San Diego fee title  
27 to the San Diego property in exchange for the county's release of  
28 the Judicial Council and the state from all obligations related to  
29 the demolition project, the county's agreement to the condition in  
30 paragraph (2), and otherwise upon the terms and conditions, and  
31 subject to the reservations, the Judicial Council deems to be in the  
32 best interests of the state, for the public purpose of promoting  
33 public safety by facilitating the construction of the inmate tunnel.

34 (2) The Administrative Director of the Courts shall not convey  
35 any interest in the San Diego property to the County of San Diego  
36 unless the County of San Diego agrees that no new detention  
37 facility, or an expansion of the currently leased or contracted beds  
38 in a detention facility, will be constructed on any parcel of the San  
39 Diego property.

1 (b) Any sale, exchange, or lease of the San Diego property or  
2 the county property by the County of San Diego as part of a  
3 development project shall not constitute a disposition of surplus  
4 property under Article 8 (commencing with Section 54220) of  
5 Chapter 5 of Part 1 of Division 2 of Title 5.

6 (c) In connection with any conveyance of the San Diego property  
7 pursuant to the authority granted in subdivision (a), the  
8 Administrative Director of the Courts shall have the right and  
9 authority to enter into amendments of the existing written  
10 agreements in effect as of the operative date of this article, between  
11 the County of San Diego and the Judicial Council, that are  
12 necessary to reflect the terms of the conveyance described in  
13 subdivision (a).

14 (d) The conveyance of the San Diego property to the County of  
15 San Diego, on behalf of the state, shall not cause or result in any  
16 obligation of the County of San Diego to provide necessary and  
17 suitable facilities under Section 70311.

18 70503. The Board of Supervisors of the County of San Diego  
19 is authorized to approve a lease for any or all of the San Diego  
20 property and the county property, which actions shall not be  
21 subject to Article 8 (commencing with Section 25520) of Chapter  
22 5 of Part 2 of Division 2 of Title 3.

23 70504. (a) With respect to the Judicial Council EIR of the  
24 central courthouse project, the Legislature finds and declares all  
25 of the following:

26 (1) The County of San Diego's approval of the acquisition of  
27 the San Diego property or approval of the demolition project does  
28 not propose any substantial changes to the central courthouse  
29 project.

30 (2) The Judicial Council's approval of the conveyance of the  
31 San Diego property to the County of San Diego in exchange for  
32 the county's release of the Judicial Council and the state from all  
33 obligations related to the demolition project does not propose any  
34 substantial changes to the central courthouse project.

35 (3) There are no substantial changes in the circumstances under  
36 which approval of the conveyance of the San Diego property to  
37 the County of San Diego, the county's acquisition of the San Diego  
38 property, or approval of the demolition project will be undertaken  
39 that will require major revisions to the Judicial Council EIR due  
40 to the involvement of significant new environmental effects or a

1 *substantial increase in the severity of previously identified*  
2 *significant effects.*

3 (4) *There is no new information of substantial importance, as*  
4 *that phrase is described and used in Section 21166 of the Public*  
5 *Resources Code or Section 15162 of Title 14 of the California*  
6 *Code of Regulations, affecting the central courthouse project.*

7 (b) *Pursuant to subdivision (a), both of the following shall apply:*

8 (1) *The previously-certified Judicial Council EIR is hereby*  
9 *deemed adequate and approved for the Judicial Council's*  
10 *conveyance of the San Diego property to the County of San Diego*  
11 *and the County of San Diego's approval of the acquisition of the*  
12 *San Diego property and the demolition project.*

13 (2) *No subsequent or supplemental environmental impact report,*  
14 *addendum, or environmental documentation shall be required*  
15 *pursuant to the California Environmental Quality Act*  
16 *(CEQA)(Division 13 (commencing with Section 21000) of the*  
17 *Public Resources Code).*

18 70505. (a) *With respect to the city EIRs of the City of San*  
19 *Diego's General Plan and the San Diego Downtown Community*  
20 *Plan, which were conducted in compliance with CEQA, the*  
21 *Legislature finds and declares all of the following:*

22 (1) *Section 21083.3 of the Public Resources Code and Section*  
23 *15183 of Title 14 of the California Code of Regulations, for*  
24 *development projects consistent with a community plan, general*  
25 *plan, or zoning, shall be deemed to apply to any development*  
26 *project.*

27 (2) *There are no project-specific significant effects that are*  
28 *peculiar to a development project, the San Diego property, or the*  
29 *county property, there are no significant effects, including offsite*  
30 *and cumulative impacts, that were not analyzed in the city EIRs,*  
31 *and there are no new or more severe adverse effects than those*  
32 *discussed in the city EIRs.*

33 (b) *Pursuant to subdivision (a), the previously certified city*  
34 *EIRs are hereby deemed adequate and approved under CEQA for*  
35 *any development project, and no further environmental review*  
36 *shall be required pursuant to CEQA and its implementing*  
37 *regulations.*

38 70506. *The exemption from CEQA for existing facilities*  
39 *identified in Section 15301 of Title 14 of the California Code of*  
40 *Regulations shall be deemed to apply to any lease authorized by*

1 the Board of Supervisors of the County of San Diego for any or  
2 all of the improvements on the San Diego property and the county  
3 property.

4 70507. The demolition project shall be deemed to be a project  
5 that is separate and distinct from the development project. The  
6 demolition project and development project serve different  
7 purposes, have independent utility, and can be implemented  
8 independently.

9 70508. Any legal challenge that is brought against the County  
10 of San Diego with regard to the demolition project or the  
11 development project shall not result in a reconveyance of the San  
12 Diego property to the state.

13 SEC. 24. Section 329 is added to the Military and Veterans  
14 Code, to read:

15 329. The Military Department Workers' Compensation Fund  
16 is hereby created within the State Treasury. Notwithstanding  
17 Section 13340 of the Government Code, all moneys in the fund are  
18 continuously appropriated to the Military Department for purposes  
19 of subdivision (a).

20 (a) The moneys in the fund shall be expended for workers'  
21 compensation claims that are wholly or partially reimbursed by  
22 the federal government for personnel within the Military  
23 Department.

24 (b) The fund may receive and deposit any moneys received from  
25 the federal government for the sole purpose of paying workers'  
26 compensation claims of current employees or service members.

27 (c) Moneys in the fund may only be expended by the Military  
28 Department for workers' compensation claims.

29 SEC. 25. Section 1170.127 is added to the Penal Code, to read:

30 1170.127. (a) A person who is committed to a state hospital  
31 after being found not guilty by reason of insanity pursuant to  
32 Section 1026 may petition the court to have his or her maximum  
33 term of commitment, as established by Section 1026.5, reduced to  
34 the length it would have been had Section 1170.126 been in effect  
35 at the time of the original determination. Both of the following  
36 conditions are required for the maximum term of commitment to  
37 be reduced:

38 (1) The person would have met all of the criteria for a reduction  
39 in sentence pursuant to Section 1170.126 had he or she been found  
40 guilty.

1 (2) *The person files the petition for a reduction of the maximum*  
2 *term of commitment before January 1, 2021, or on a later date*  
3 *upon a showing of good cause.*

4 (b) *If a petitioner's maximum term of confinement is ordered*  
5 *reduced under this section, the new term of confinement must*  
6 *provide opportunity to meet requirements provided in subdivision*  
7 *(b) of Section 1026.5. If a petitioner's new maximum term of*  
8 *confinement ordered under this section does not provide sufficient*  
9 *time to meet requirements provided in subdivision (b) of Section*  
10 *1026.5, the new maximum term of confinement may be extended,*  
11 *not more than 240 days from the date the petition is granted, in*  
12 *order to meet requirements provided in subdivision (b) of Section*  
13 *1026.5.*

14 *SEC. 26. Section 1170.18 of the Penal Code is amended to*  
15 *read:*

16 1170.18. (a) A person who, on November 5, 2014, was serving  
17 a sentence for a conviction, whether by trial or plea, of a felony  
18 or felonies who would have been guilty of a misdemeanor under  
19 the act that added this section ("this act") had this act been in effect  
20 at the time of the offense may petition for a recall of sentence  
21 before the trial court that entered the judgment of conviction in  
22 his or her case to request resentencing in accordance with Sections  
23 11350, 11357, or 11377 of the Health and Safety Code, or Section  
24 459.5, 473, 476a, 490.2, 496, or 666 of the Penal Code, as those  
25 sections have been amended or added by this act.

26 (b) Upon receiving a petition under subdivision (a), the court  
27 shall determine whether the petitioner satisfies the criteria in  
28 subdivision (a). If the petitioner satisfies the criteria in subdivision  
29 (a), the petitioner's felony sentence shall be recalled and the  
30 petitioner resentenced to a misdemeanor pursuant to Sections  
31 11350, 11357, or 11377 of the Health and Safety Code, or Section  
32 459.5, 473, 476a, 490.2, 496, or 666 of the Penal Code, as those  
33 sections have been amended or added by this act, unless the court,  
34 in its discretion, determines that resentencing the petitioner would  
35 pose an unreasonable risk of danger to public safety. In exercising  
36 its discretion, the court may consider all of the following:

37 (1) The petitioner's criminal conviction history, including the  
38 type of crimes committed, the extent of injury to victims, the length  
39 of prior prison commitments, and the remoteness of the crimes.

1 (2) The petitioner's disciplinary record and record of  
2 rehabilitation while incarcerated.

3 (3) Any other evidence the court, within its discretion,  
4 determines to be relevant in deciding whether a new sentence  
5 would result in an unreasonable risk of danger to public safety.

6 (c) As used throughout this ~~Code~~, *code*, "unreasonable risk of  
7 danger to public safety" means an unreasonable risk that the  
8 petitioner will commit a new violent felony within the meaning  
9 of clause (iv) of subparagraph (C) of paragraph (2) of subdivision  
10 (e) of Section 667.

11 (d) A person who is resentenced pursuant to subdivision (b)  
12 shall be given credit for time served and shall be subject to parole  
13 for one year following completion of his or her sentence, unless  
14 the court, in its discretion, as part of its resentencing order, releases  
15 the person from parole. ~~Such~~ *The* person is subject to ~~Section~~  
16 ~~3000.08~~ parole supervision by the Department of Corrections and  
17 Rehabilitation *pursuant to Section 3000.08* and the jurisdiction of  
18 the court in the county in which the parolee is released or resides,  
19 or in which an alleged violation of supervision has occurred, for  
20 the purpose of hearing petitions to revoke parole and impose a  
21 term of custody.

22 (e) ~~Under no circumstances may resentencing under this section~~  
23 *Resentencing pursuant to this section shall not* result in the  
24 imposition of a term longer than the original sentence.

25 (f) A person who has completed his or her sentence for a  
26 conviction, whether by trial or plea, of a felony or felonies who  
27 would have been guilty of a misdemeanor under this act had this  
28 act been in effect at the time of the offense, may file an application  
29 before the trial court that entered the judgment of conviction in  
30 his or her case to have the felony conviction or convictions  
31 designated as misdemeanors.

32 (g) If the application satisfies the criteria in subdivision ~~(f)~~, *(f)*,  
33 the court shall designate the felony offense or offenses as a  
34 misdemeanor.

35 (h) ~~Unless requested by the applicant, no hearing is the applicant~~  
36 *requests a hearing, a hearing is not* necessary to grant or deny an  
37 application filed under ~~subsection (f)~~. *subdivision (f)*.

38 (i) ~~The provisions of this~~ *This section shall* does not apply to  
39 ~~persons~~ *a person* who ~~have~~ *has* one or more prior convictions for  
40 an offense specified in clause (iv) of subparagraph (C) of paragraph

1 (2) of subdivision (e) of Section 667 or for an offense requiring  
2 registration pursuant to subdivision (c) of Section 290.

3 (j) ~~Any~~ *Except as specified in subdivision (p), a petition or*  
4 *application under this section shall be filed on or before November*  
5 *4, 2022, or at a later date upon showing of good cause.*

6 (k) ~~Any~~ *A felony conviction that is recalled and resentenced*  
7 *under subdivision (b) or designated as a misdemeanor under*  
8 *subdivision (g) shall be considered a misdemeanor for all purposes,*  
9 *except that such resentencing shall not permit that person to own,*  
10 *possess, or have in his or her custody or control any a firearm or*  
11 *prevent his or her conviction under Chapter 2 (commencing with*  
12 *Section 29800) of Division 9 of Title 4 of Part 6.*

13 (l) *If the court that originally sentenced the petitioner is not*  
14 *available, the presiding judge shall designate another judge to rule*  
15 *on the petition or application.*

16 (m) ~~Nothing in this~~ *This section is intended to does not diminish*  
17 *or abrogate any rights or remedies otherwise available to the*  
18 *petitioner or applicant.*

19 (n) ~~Nothing in this and related sections is intended to~~  
20 *Resentencing pursuant to this section does not diminish or abrogate*  
21 *the finality of judgments in any case not falling that does not come*  
22 *within the purview of this act. section.*

23 (o) *A resentencing hearing ordered under this act section shall*  
24 *constitute a “post-conviction release proceeding” under paragraph*  
25 *(7) of subdivision (b) of Section 28 of Article I of the California*  
26 *Constitution (Marsy’s Law).*

27 (p) (1) *A person who is committed to a state hospital after being*  
28 *found not guilty by reason of insanity pursuant to Section 1026*  
29 *may petition the court to have his or her maximum term of*  
30 *commitment, as established by Section 1026.5, reduced to the*  
31 *length it would have been had the act that added this section been*  
32 *in effect at the time of the original determination. Both of the*  
33 *following conditions are required for the maximum term of*  
34 *commitment to be reduced.*

35 (A) *The person would have met all of the criteria for a reduction*  
36 *in sentence pursuant to this section had he or she been found guilty.*

37 (B) *The person files the petition for a reduction of the maximum*  
38 *term of commitment before January 1, 2021, or on a later date*  
39 *upon a showing of good cause.*

1     (2) If a petitioner's maximum term of confinement is ordered  
2 reduced under this subdivision, the new term of confinement must  
3 provide opportunity to meet requirements provided in subdivision  
4 (b) of Section 1026.5. If a petitioner's new maximum term of  
5 confinement ordered under this section does not provide sufficient  
6 time to meet requirements provided in subdivision (b) of Section  
7 1026.5, the new maximum term of confinement may be extended,  
8 not more than 240 days from the date the petition is granted, in  
9 order to meet requirements provided in subdivision (b) of Section  
10 1026.5.

11     SEC. 27. Section 1203.5 of the Penal Code is repealed.

12     ~~1203.5. The offices of adult probation officer, assistant adult~~  
13 ~~probation officer, and deputy adult probation officer are hereby~~  
14 ~~created. The probation officers, assistant probation officers, and~~  
15 ~~deputy probation officers appointed in accordance with Chapter~~  
16 ~~2 (commencing with Section 200) of Division 2 of Part 1 of the~~  
17 ~~Welfare and Institutions Code shall be ex officio adult probation~~  
18 ~~officers, assistant adult probation officers, and deputy adult~~  
19 ~~probation officers except in any county or city and county whose~~  
20 ~~charter provides for the separate office of adult probation officer.~~  
21 ~~When the separate office of adult probation officer has been~~  
22 ~~established he or she shall perform all the duties of probation~~  
23 ~~officers except for matters under the jurisdiction of the juvenile~~  
24 ~~court. Any adult probation officer may accept appointment as~~  
25 ~~member of the Board of Corrections and serve in that capacity in~~  
26 ~~addition to his or her duties as adult probation officer and may~~  
27 ~~receive the per diem allowance authorized in Section 6025.1.~~

28     SEC. 28. Section 1203.5 is added to the Penal Code, to read:

29     1203.5. The chief probation officers, assistant probation  
30 officers, and deputy probation officers appointed in accordance  
31 with Chapter 16 (commencing with Section 27770) of Part 3 of  
32 Division 2 of Title 3 of the Government Code shall be ex officio  
33 adult chief probation officers, assistant adult probation officers,  
34 and deputy adult probation officers except in any county or city  
35 and county whose charter provides for the separate office of adult  
36 probation officer. When the separate office of adult probation  
37 officer has been established he or she shall perform all the duties  
38 of probation officers except for matters under the jurisdiction of  
39 the juvenile court.

40     SEC. 29. Section 1203.6 of the Penal Code is repealed.



1 ~~1203.6. The adult probation officer shall be appointed and may~~  
2 ~~be removed for good cause in a county with two superior court~~  
3 ~~judges, by the presiding judge. In the case of a superior court of~~  
4 ~~more than two judges, a majority of the judges shall make the~~  
5 ~~appointment, and may effect removal.~~

6 ~~The salary of the probation officer shall be established by the~~  
7 ~~board of supervisors.~~

8 ~~The adult probation officer shall appoint and may remove all~~  
9 ~~assistants, deputies and other persons employed in the officer's~~  
10 ~~department, and their compensation shall be established, according~~  
11 ~~to the merit system or civil service system provisions of the county.~~  
12 ~~If no merit system or civil service system exists in the county, the~~  
13 ~~board of supervisors shall provide for appointment, removal, and~~  
14 ~~compensation of such personnel.~~

15 ~~This section is applicable in a charter county whose charter~~  
16 ~~establishes the office of adult probation officer and provides that~~  
17 ~~the officer shall be appointed in accordance with general law~~  
18 ~~subject to the merit system provisions of the charter.~~

19 *SEC. 30. Section 1370 of the Penal Code is amended to read:*

20 1370. (a) (1) (A) If the defendant is found mentally  
21 competent, the criminal process shall resume, the trial on the  
22 offense charged or hearing on the alleged violation shall proceed,  
23 and judgment may be pronounced.

24 (B) If the defendant is found mentally incompetent, the trial,  
25 the hearing on the alleged violation, or the judgment shall be  
26 suspended until the person becomes mentally competent.

27 (i) In the meantime, the court shall order that the mentally  
28 incompetent defendant be delivered by the sheriff to a ~~state hospital~~  
29 *State Department of State Hospitals facility, as defined in Section*  
30 *4100 of the Welfare and Institutions Code*, for the care and  
31 treatment of the mentally disordered, as directed by the State  
32 Department of State Hospitals, or to any other available public or  
33 private treatment facility, including a ~~county jail treatment facility~~  
34 ~~or the community-based residential treatment system established~~  
35 pursuant to Article 1 (commencing with Section 5670) of Chapter  
36 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code if  
37 the facility has a secured perimeter or a locked and controlled  
38 treatment facility, approved by the community program director  
39 that will promote the defendant's speedy restoration to mental

1 competence, or placed on outpatient status as specified in Section  
2 1600.

3 (ii) However, if the action against the defendant who has been  
4 found mentally incompetent is on a complaint charging a felony  
5 offense specified in Section 290, the prosecutor shall determine  
6 whether the defendant previously has been found mentally  
7 incompetent to stand trial pursuant to this chapter on a charge of  
8 a Section 290 offense, or whether the defendant is currently the  
9 subject of a pending Section 1368 proceeding arising out of a  
10 charge of a Section 290 offense. If either determination is made,  
11 the prosecutor shall so notify the court and defendant in writing.  
12 After this notification, and opportunity for hearing, the court shall  
13 order that the defendant be delivered by the sheriff to a ~~state~~  
14 ~~hospital~~, *State Department of State Hospitals facility*, as directed  
15 by the State Department of State Hospitals, or other secure  
16 treatment facility for the care and treatment of the mentally  
17 disordered unless the court makes specific findings on the record  
18 that an alternative placement would provide more appropriate  
19 treatment for the defendant and would not pose a danger to the  
20 health and safety of others.

21 (iii) If the action against the defendant who has been found  
22 mentally incompetent is on a complaint charging a felony offense  
23 specified in Section 290 and the defendant has been denied bail  
24 pursuant to subdivision (b) of Section 12 of Article I of the  
25 California Constitution because the court has found, based upon  
26 clear and convincing evidence, a substantial likelihood that the  
27 person's release would result in great bodily harm to others, the  
28 court shall order that the defendant be delivered by the sheriff to  
29 a ~~state hospital~~ *State Department of State Hospitals facility*, for  
30 the care and treatment of the mentally disordered, as directed by  
31 the State Department of State Hospitals, unless the court makes  
32 specific findings on the record that an alternative placement would  
33 provide more appropriate treatment for the defendant and would  
34 not pose a danger to the health and safety of others.

35 (iv) The clerk of the court shall notify the Department of Justice  
36 in writing of a finding of mental incompetence with respect to a  
37 defendant who is subject to clause (ii) or (iii) for inclusion in his  
38 or her state summary criminal history information.

39 (C) Upon the filing of a certificate of restoration to competence,  
40 the court shall order that the defendant be returned to court in

1 accordance with Section 1372. The court shall transmit a copy of  
2 its order to the community program director or a designee.

3 (D) A defendant charged with a violent felony may not be  
4 delivered to a ~~state hospital~~ *State Department of State Hospitals*  
5 *facility* or treatment facility pursuant to this subdivision unless the  
6 ~~state hospital~~ *State Department of State Hospitals facility* or  
7 treatment facility has a secured perimeter or a locked and controlled  
8 treatment facility, and the judge determines that the public safety  
9 will be protected.

10 (E) For purposes of this paragraph, “violent felony” means an  
11 offense specified in subdivision (c) of Section 667.5.

12 (F) A defendant charged with a violent felony may be placed  
13 on outpatient status, as specified in Section 1600, only if the court  
14 finds that the placement will not pose a danger to the health or  
15 safety of others. If the court places a defendant charged with a  
16 violent felony on outpatient status, as specified in Section 1600,  
17 the court shall serve copies of the placement order on defense  
18 counsel, the sheriff in the county where the defendant will be  
19 placed, and the district attorney for the county in which the violent  
20 felony charges are pending against the defendant.

21 (2) Prior to making the order directing that the defendant be  
22 committed to the State Department of State Hospitals or other  
23 treatment facility or placed on outpatient status, the court shall  
24 proceed as follows:

25 (A) The court shall order the community program director or a  
26 designee to evaluate the defendant and to submit to the court within  
27 15 judicial days of the order a written recommendation as to  
28 whether the defendant should be required to undergo outpatient  
29 treatment, or be committed to the State Department of State  
30 Hospitals or to any other treatment facility. A person shall not be  
31 admitted to a ~~state hospital~~ *State Department of State Hospitals*  
32 *facility* or other treatment facility or placed on outpatient status  
33 under this section without having been evaluated by the community  
34 program director or a designee. The community program director  
35 or designee shall evaluate the appropriate placement for the  
36 defendant between ~~the a State Department of State Hospitals, a~~  
37 ~~county jail treatment facility,~~ *Hospitals facility* or the  
38 community-based residential treatment system based upon  
39 guidelines provided by the State Department of State Hospitals.

1 (B) The court shall hear and determine whether the defendant  
2 lacks capacity to make decisions regarding the administration of  
3 antipsychotic medication. The court shall consider opinions in the  
4 reports prepared pursuant to subdivision (a) of Section 1369, as  
5 applicable to the issue of whether the defendant lacks capacity to  
6 make decisions regarding the administration of antipsychotic  
7 medication, and shall proceed as follows:

8 (i) The court shall hear and determine whether any of the  
9 following is true:

10 (I) The defendant lacks capacity to make decisions regarding  
11 antipsychotic medication, the defendant's mental disorder requires  
12 medical treatment with antipsychotic medication, and, if the  
13 defendant's mental disorder is not treated with antipsychotic  
14 medication, it is probable that serious harm to the physical or  
15 mental health of the patient will result. Probability of serious harm  
16 to the physical or mental health of the defendant requires evidence  
17 that the defendant is presently suffering adverse effects to his or  
18 her physical or mental health, or the defendant has previously  
19 suffered these effects as a result of a mental disorder and his or  
20 her condition is substantially deteriorating. The fact that a  
21 defendant has a diagnosis of a mental disorder does not alone  
22 establish probability of serious harm to the physical or mental  
23 health of the defendant.

24 (II) The defendant is a danger to others, in that the defendant  
25 has inflicted, attempted to inflict, or made a serious threat of  
26 inflicting substantial physical harm on another while in custody,  
27 or the defendant had inflicted, attempted to inflict, or made a  
28 serious threat of inflicting substantial physical harm on another  
29 that resulted in his or her being taken into custody, and the  
30 defendant presents, as a result of mental disorder or mental defect,  
31 a demonstrated danger of inflicting substantial physical harm on  
32 others. Demonstrated danger may be based on an assessment of  
33 the defendant's present mental condition, including a consideration  
34 of past behavior of the defendant within six years prior to the time  
35 the defendant last attempted to inflict, inflicted, or threatened to  
36 inflict substantial physical harm on another, and other relevant  
37 evidence.

38 (III) The people have charged the defendant with a serious crime  
39 against the person or property, involuntary administration of  
40 antipsychotic medication is substantially likely to render the

1 defendant competent to stand trial, the medication is unlikely to  
2 have side effects that interfere with the defendant's ability to  
3 understand the nature of the criminal proceedings or to assist  
4 counsel in the conduct of a defense in a reasonable manner, less  
5 intrusive treatments are unlikely to have substantially the same  
6 results, and antipsychotic medication is in the patient's best medical  
7 interest in light of his or her medical condition.

8 (ii) If the court finds any of the conditions described in clause  
9 (i) to be true, the court shall issue an order authorizing involuntary  
10 administration of antipsychotic medication to the defendant when  
11 and as prescribed by the defendant's treating psychiatrist at any  
12 facility housing the defendant for purposes of this chapter. The  
13 order shall be valid for no more than one year, pursuant to  
14 subparagraph (A) of paragraph (7). The court shall not order  
15 involuntary administration of psychotropic medication under  
16 subclause (III) of clause (i) unless the court has first found that the  
17 defendant does not meet the criteria for involuntary administration  
18 of psychotropic medication under subclause (I) of clause (i) and  
19 does not meet the criteria under subclause (II) of clause (i).

20 (iii) In all cases, the treating hospital, facility, or program may  
21 administer medically appropriate antipsychotic medication  
22 prescribed by a psychiatrist in an emergency as described in  
23 subdivision (m) of Section 5008 of the Welfare and Institutions  
24 Code.

25 (iv) If the court has determined that the defendant has the  
26 capacity to make decisions regarding antipsychotic medication,  
27 and if the defendant, with advice of his or her counsel, consents,  
28 the court order of commitment shall include confirmation that  
29 antipsychotic medication may be given to the defendant as  
30 prescribed by a treating psychiatrist pursuant to the defendant's  
31 consent. The commitment order shall also indicate that, if the  
32 defendant withdraws consent for antipsychotic medication, after  
33 the treating psychiatrist complies with the provisions of  
34 subparagraph (C), the defendant shall be returned to court for a  
35 hearing in accordance with subparagraphs (C) and (D) regarding  
36 whether antipsychotic medication shall be administered  
37 involuntarily.

38 (v) If the court has determined that the defendant has the  
39 capacity to make decisions regarding antipsychotic medication  
40 and if the defendant, with advice from his or her counsel, does not

1 consent, the court order for commitment shall indicate that, after  
2 the treating psychiatrist complies with the provisions of  
3 subparagraph (C), the defendant shall be returned to court for a  
4 hearing in accordance with subparagraphs (C) and (D) regarding  
5 whether antipsychotic medication shall be administered  
6 involuntarily.

7 (vi) A report made pursuant to paragraph (1) of subdivision (b)  
8 shall include a description of antipsychotic medication administered  
9 to the defendant and its effects and side effects, including effects  
10 on the defendant's appearance or behavior that would affect the  
11 defendant's ability to understand the nature of the criminal  
12 proceedings or to assist counsel in the conduct of a defense in a  
13 reasonable manner. During the time the defendant is confined in  
14 ~~a state hospital~~ *State Department of State Hospitals facility* or other  
15 treatment facility or placed on outpatient status, either the defendant  
16 or the people may request that the court review any order made  
17 pursuant to this subdivision. The defendant, to the same extent  
18 enjoyed by other patients in the ~~state hospital~~ *State Department of*  
19 *State Hospitals facility* or other treatment facility, shall have the  
20 right to contact the patients' rights advocate regarding his or her  
21 rights under this section.

22 (C) If the defendant consented to antipsychotic medication as  
23 described in clause (iv) of subparagraph (B), but subsequently  
24 withdraws his or her consent, or, if involuntary antipsychotic  
25 medication was not ordered pursuant to clause (v) of subparagraph  
26 (B), and the treating psychiatrist determines that antipsychotic  
27 medication has become medically necessary and appropriate, the  
28 treating psychiatrist shall make efforts to obtain informed consent  
29 from the defendant for antipsychotic medication. If informed  
30 consent is not obtained from the defendant, and the treating  
31 psychiatrist is of the opinion that the defendant lacks capacity to  
32 make decisions regarding antipsychotic medication based on the  
33 conditions described in subclause (I) or (II) of clause (i) of  
34 subparagraph (B), the treating psychiatrist shall certify whether  
35 the lack of capacity and any applicable conditions described above  
36 exist. That certification shall contain an assessment of the current  
37 mental status of the defendant and the opinion of the treating  
38 psychiatrist that involuntary antipsychotic medication has become  
39 medically necessary and appropriate.

1 (D) (i) If the treating psychiatrist certifies that antipsychotic  
2 medication has become medically necessary and appropriate  
3 pursuant to subparagraph (C), antipsychotic medication may be  
4 administered to the defendant for not more than 21 days, provided,  
5 however, that, within 72 hours of the certification, the defendant  
6 is provided a medication review hearing before an administrative  
7 law judge to be conducted at the facility where the defendant is  
8 receiving treatment. The treating psychiatrist shall present the case  
9 for the certification for involuntary treatment and the defendant  
10 shall be represented by an attorney or a patients' rights advocate.  
11 The attorney or patients' rights advocate shall be appointed to meet  
12 with the defendant no later than one day prior to the medication  
13 review hearing to review the defendant's rights at the medication  
14 review hearing, discuss the process, answer questions or concerns  
15 regarding involuntary medication or the hearing, assist the  
16 defendant in preparing for the hearing and advocating for his or  
17 her interests at the hearing, review the panel's final determination  
18 following the hearing, advise the defendant of his or her right to  
19 judicial review of the panel's decision, and provide the defendant  
20 with referral information for legal advice on the subject. The  
21 defendant shall also have the following rights with respect to the  
22 medication review hearing:

- 23 (I) To be given timely access to the defendant's records.
- 24 (II) To be present at the hearing, unless the defendant waives  
25 that right.
- 26 (III) To present evidence at the hearing.
- 27 (IV) To question persons presenting evidence supporting  
28 involuntary medication.
- 29 (V) To make reasonable requests for attendance of witnesses  
30 on the defendant's behalf.
- 31 (VI) To a hearing conducted in an impartial and informal  
32 manner.

33 (ii) If the administrative law judge determines that the defendant  
34 either meets the criteria specified in subclause (I) of clause (i) of  
35 subparagraph (B), or meets the criteria specified in subclause (II)  
36 of clause (i) of subparagraph (B), then antipsychotic medication  
37 may continue to be administered to the defendant for the 21-day  
38 certification period. Concurrently with the treating psychiatrist's  
39 certification, the treating psychiatrist shall file a copy of the  
40 certification and a petition with the court for issuance of an order

1 to administer antipsychotic medication beyond the 21-day  
2 certification period. For purposes of this subparagraph, the treating  
3 psychiatrist shall not be required to pay or deposit any fee for the  
4 filing of the petition or other document or paper related to the  
5 petition.

6 (iii) If the administrative law judge disagrees with the  
7 certification, medication may not be administered involuntarily  
8 until the court determines that antipsychotic medication should be  
9 administered pursuant to this section.

10 (iv) The court shall provide notice to the prosecuting attorney  
11 and to the attorney representing the defendant, and shall hold a  
12 hearing, no later than 18 days from the date of the certification, to  
13 determine whether antipsychotic medication should be ordered  
14 beyond the certification period.

15 (v) If, as a result of the hearing, the court determines that  
16 antipsychotic medication should be administered beyond the  
17 certification period, the court shall issue an order authorizing the  
18 administration of that medication.

19 (vi) The court shall render its decision on the petition and issue  
20 its order no later than three calendar days after the hearing and, in  
21 any event, no later than the expiration of the 21-day certification  
22 period.

23 (vii) If the administrative law judge upholds the certification  
24 pursuant to clause (ii), the court may, for a period not to exceed  
25 14 days, extend the certification and continue the hearing pursuant  
26 to stipulation between the parties or upon a finding of good cause.  
27 In determining good cause, the court may review the petition filed  
28 with the court, the administrative law judge's order, and any  
29 additional testimony needed by the court to determine if it is  
30 appropriate to continue medication beyond the 21-day certification  
31 and for a period of up to 14 days.

32 (viii) The district attorney, county counsel, or representative of  
33 a facility where a defendant found incompetent to stand trial is  
34 committed may petition the court for an order to administer  
35 involuntary medication pursuant to the criteria set forth in  
36 subclauses (II) and (III) of clause (i) of subparagraph (B). The  
37 order is reviewable as provided in paragraph (7).

38 (3) When the court orders that the defendant be committed to  
39 ~~the~~ a State Department of State Hospitals *facility* or other public  
40 or private treatment facility, the court shall provide copies of the



1 following documents prior to the admission of the defendant to  
2 the State Department of State Hospitals or other treatment facility  
3 where the defendant is to be committed:

4 (A) The commitment order, including a specification of the  
5 charges.

6 (B) A computation or statement setting forth the maximum term  
7 of commitment in accordance with subdivision (c).

8 (C) A computation or statement setting forth the amount of  
9 credit for time served, if any, to be deducted from the maximum  
10 term of commitment.

11 (D) State summary criminal history information.

12 (E) Arrest reports prepared by the police department or other  
13 law enforcement agency.

14 (F) Court-ordered psychiatric examination or evaluation reports.

15 (G) The community program director's placement  
16 recommendation report.

17 (H) Records of a finding of mental incompetence pursuant to  
18 this chapter arising out of a complaint charging a felony offense  
19 specified in Section 290 or a pending Section 1368 proceeding  
20 arising out of a charge of a Section 290 offense.

21 (I) Medical records.

22 (4) When the defendant is committed to a treatment facility  
23 pursuant to clause (i) of subparagraph (B) of paragraph (1) or the  
24 court makes the findings specified in clause (ii) or (iii) of  
25 subparagraph (B) of paragraph (1) to assign the defendant to a  
26 treatment facility other than a ~~state hospital~~ *State Department of*  
27 *State Hospitals facility* or other secure treatment facility, the court  
28 shall order that notice be given to the appropriate law enforcement  
29 agency or agencies having local jurisdiction at the site of the  
30 placement facility of any finding of mental incompetence pursuant  
31 to this chapter arising out of a charge of a Section 290 offense.

32 (5) When directing that the defendant be confined in a ~~state~~  
33 ~~hospital~~ *State Department of State Hospitals facility* pursuant to  
34 this subdivision, the court shall commit the patient to the State  
35 Department of State Hospitals.

36 (6) (A) If the defendant is committed or transferred to the State  
37 Department of State Hospitals pursuant to this section, the court  
38 may, upon receiving the written recommendation of the medical  
39 director of the ~~state hospital~~ *State Department of State Hospitals*  
40 *facility* and the community program director that the defendant be

1 transferred to a public or private treatment facility approved by  
2 the community program director, order the defendant transferred  
3 to that facility. If the defendant is committed or transferred to a  
4 public or private treatment facility approved by the community  
5 program director, the court may, upon receiving the written  
6 recommendation of the community program director, transfer the  
7 defendant to the State Department of State Hospitals or to another  
8 public or private treatment facility approved by the community  
9 program director. In the event of dismissal of the criminal charges  
10 before the defendant recovers competence, the person shall be  
11 subject to the applicable provisions of the Lanterman-Petris-Short  
12 Act (Part 1 (commencing with Section 5000) of Division 5 of the  
13 Welfare and Institutions Code). If either the defendant or the  
14 prosecutor chooses to contest either kind of order of transfer, a  
15 petition may be filed in the court for a hearing, which shall be held  
16 if the court determines that sufficient grounds exist. At the hearing,  
17 the prosecuting attorney or the defendant may present evidence  
18 bearing on the order of transfer. The court shall use the same  
19 standards as are used in conducting probation revocation hearings  
20 pursuant to Section 1203.2.

21 Prior to making an order for transfer under this section, the court  
22 shall notify the defendant, the attorney of record for the defendant,  
23 the prosecuting attorney, and the community program director or  
24 a designee.

25 (B) If the defendant is initially committed to ~~the~~ a State  
26 Department of State Hospitals *facility* or secure treatment facility  
27 pursuant to clause (ii) or (iii) of subparagraph (B) of paragraph (1)  
28 and is subsequently transferred to any other facility, copies of the  
29 documents specified in paragraph (3) shall be taken with the  
30 defendant to each subsequent facility to which the defendant is  
31 transferred. The transferring facility shall also notify the appropriate  
32 law enforcement agency or agencies having local jurisdiction at  
33 the site of the new facility that the defendant is a person subject  
34 to clause (ii) or (iii) of subparagraph (B) of paragraph (1).

35 (7) (A) An order by the court authorizing involuntary  
36 medication of the defendant shall be valid for no more than one  
37 year. The court shall review the order at the time of the review of  
38 the initial report and the six-month progress reports pursuant to  
39 paragraph (1) of subdivision (b) to determine if the grounds for  
40 the authorization remain. In the review, the court shall consider

1 the reports of the treating psychiatrist or psychiatrists and the  
2 defendant's patients' rights advocate or attorney. The court may  
3 require testimony from the treating psychiatrist and the patients'  
4 rights advocate or attorney, if necessary. The court may continue  
5 the order authorizing involuntary medication for up to another six  
6 months, or vacate the order, or make any other appropriate order.

7 (B) Within 60 days before the expiration of the one-year  
8 involuntary medication order, the district attorney, county counsel,  
9 or representative of any facility where a defendant found  
10 incompetent to stand trial is committed may petition the committing  
11 court for a renewal, subject to the same conditions and  
12 requirements as in subparagraph (A). The petition shall include  
13 the basis for involuntary medication set forth in clause (i) of  
14 subparagraph (B) of paragraph (2). Notice of the petition shall be  
15 provided to the defendant, the defendant's attorney, and the district  
16 attorney. The court shall hear and determine whether the defendant  
17 continues to meet the criteria set forth in clause (i) of subparagraph  
18 (B) of paragraph (2). The hearing on any petition to renew an order  
19 for involuntary medication shall be conducted prior to the  
20 expiration of the current order.

21 (8) For purposes of subparagraph (D) of paragraph (2) and  
22 paragraph (7), if the treating psychiatrist determines that there is  
23 a need, based on preserving his or her rapport with the patient or  
24 preventing harm, the treating psychiatrist may request that the  
25 facility medical director designate another psychiatrist to act in  
26 the place of the treating psychiatrist. If the medical director of the  
27 facility designates another psychiatrist to act pursuant to this  
28 paragraph, the treating psychiatrist shall brief the acting psychiatrist  
29 of the relevant facts of the case and the acting psychiatrist shall  
30 examine the patient prior to the hearing.

31 (b) (1) Within 90 days of a commitment made pursuant to  
32 subdivision (a), the medical director of the ~~state hospital~~ *State*  
33 *Department of State Hospitals facility* or other treatment facility  
34 to which the defendant is confined shall make a written report to  
35 the court and the community program director for the county or  
36 region of commitment, or a designee, concerning the defendant's  
37 progress toward recovery of mental competence and whether the  
38 administration of antipsychotic medication remains necessary. If  
39 the defendant is on outpatient status, the outpatient treatment staff  
40 shall make a written report to the community program director

1 concerning the defendant's progress toward recovery of mental  
2 competence. Within 90 days of placement on outpatient status, the  
3 community program director shall report to the court on this matter.  
4 If the defendant has not recovered mental competence, but the  
5 report discloses a substantial likelihood that the defendant will  
6 regain mental competence in the foreseeable future, the defendant  
7 shall remain in the ~~state hospital~~ *State Department of State*  
8 *Hospitals facility* or other treatment facility or on outpatient status.  
9 Thereafter, at six-month intervals or until the defendant becomes  
10 mentally competent, if the defendant is confined in a treatment  
11 facility, the medical director of the ~~hospital~~ *State Department of*  
12 *State Hospitals facility* or person in charge of the facility shall  
13 report in writing to the court and the community program director  
14 or a designee regarding the defendant's progress toward recovery  
15 of mental competence and whether the administration of  
16 antipsychotic medication remains necessary. If the defendant is  
17 on outpatient status, after the initial 90-day report, the outpatient  
18 treatment staff shall report to the community program director on  
19 the defendant's progress toward recovery, and the community  
20 program director shall report to the court on this matter at  
21 six-month intervals. A copy of these reports shall be provided to  
22 the prosecutor and defense counsel by the court.

23 (A) If the report indicates that there is no substantial likelihood  
24 that the defendant will regain mental competence in the foreseeable  
25 future, the committing court shall order the defendant to be returned  
26 to the court for proceedings pursuant to paragraph (2) of  
27 subdivision (c) no later than 10 days following receipt of the report.  
28 The court shall transmit a copy of its order to the community  
29 program director or a designee.

30 (B) If the report indicates that there is no substantial likelihood  
31 that the defendant will regain mental competence in the foreseeable  
32 future, the medical director of the ~~state hospital~~ *State Department*  
33 *of State Hospitals facility* or other treatment facility to which the  
34 defendant is confined shall do both of the following:

35 (i) Promptly notify and provide a copy of the report to the  
36 defense counsel and the district attorney.

37 (ii) Provide a separate notification, in compliance with  
38 applicable privacy laws, to the committing county's sheriff that  
39 transportation will be needed for the patient.

1 (2) If the court has issued an order authorizing the treating  
2 facility to involuntarily administer antipsychotic medication to the  
3 defendant, the reports made pursuant to paragraph (1) concerning  
4 the defendant's progress toward regaining competency shall also  
5 consider the issue of involuntary medication. Each report shall  
6 include, but is not limited to, all of the following:

7 (A) Whether or not the defendant has the capacity to make  
8 decisions concerning antipsychotic medication.

9 (B) If the defendant lacks capacity to make decisions concerning  
10 antipsychotic medication, whether the defendant risks serious harm  
11 to his or her physical or mental health if not treated with  
12 antipsychotic medication.

13 (C) Whether or not the defendant presents a danger to others if  
14 he or she is not treated with antipsychotic medication.

15 (D) Whether the defendant has a mental illness for which  
16 medications are the only effective treatment.

17 (E) Whether there are any side effects from the medication  
18 currently being experienced by the defendant that would interfere  
19 with the defendant's ability to collaborate with counsel.

20 (F) Whether there are any effective alternatives to medication.

21 (G) How quickly the medication is likely to bring the defendant  
22 to competency.

23 (H) Whether the treatment plan includes methods other than  
24 medication to restore the defendant to competency.

25 (I) A statement, if applicable, that no medication is likely to  
26 restore the defendant to competency.

27 (3) After reviewing the reports, the court shall determine whether  
28 or not grounds for the order authorizing involuntary administration  
29 of antipsychotic medication still exist and shall do one of the  
30 following:

31 (A) If the original grounds for involuntary medication still exist,  
32 the order authorizing the treating facility to involuntarily administer  
33 antipsychotic medication to the defendant shall remain in effect.

34 (B) If the original grounds for involuntary medication no longer  
35 exist, and there is no other basis for involuntary administration of  
36 antipsychotic medication, the order for the involuntary  
37 administration of antipsychotic medication shall be vacated.

38 (C) If the original grounds for involuntary medication no longer  
39 exist, and the report states that there is another basis for involuntary  
40 administration of antipsychotic medication, the court shall set a

1 hearing within 21 days to determine whether the order for the  
2 involuntary administration of antipsychotic medication shall be  
3 vacated or whether a new order for the involuntary administration  
4 of antipsychotic medication shall be issued. The hearing shall  
5 proceed as set forth in subparagraph (B) of paragraph (2) of  
6 subdivision (a).

7 (4) Any defendant who has been committed or has been on  
8 outpatient status for 18 months and is still hospitalized or on  
9 outpatient status shall be returned to the committing court where  
10 a hearing shall be held pursuant to the procedures set forth in  
11 Section 1369. The court shall transmit a copy of its order to the  
12 community program director or a designee.

13 (5) If it is determined by the court that no treatment for the  
14 defendant's mental impairment is being conducted, the defendant  
15 shall be returned to the committing court. The court shall transmit  
16 a copy of its order to the community program director or a  
17 designee.

18 (6) At each review by the court specified in this subdivision,  
19 the court shall determine if the security level of housing and  
20 treatment is appropriate and may make an order in accordance  
21 with its determination. If the court determines that the defendant  
22 shall continue to be treated in the ~~state hospital~~ *State Department*  
23 *of State Hospitals facility* or on an outpatient basis, the court shall  
24 determine issues concerning administration of antipsychotic  
25 medication, as set forth in subparagraph (B) of paragraph (2) of  
26 subdivision (a).

27 (c) (1) At the end of three years from the date of commitment  
28 or a period of commitment equal to the maximum term of  
29 imprisonment provided by law for the most serious offense charged  
30 in the information, indictment, or misdemeanor complaint, or the  
31 maximum term of imprisonment provided by law for a violation  
32 of probation or mandatory supervision, whichever is shorter, but  
33 no later than 90 days prior to the expiration of the defendant's term  
34 of commitment, a defendant who has not recovered mental  
35 competence shall be returned to the committing court. The court  
36 shall notify the community program director or a designee of the  
37 return and of any resulting court orders.

38 (2) Whenever a defendant is returned to the court pursuant to  
39 paragraph (1) or (4) of subdivision (b) or paragraph (1) of this  
40 subdivision and it appears to the court that the defendant is gravely

1 disabled, as defined in subparagraph (B) of paragraph (1) of  
2 subdivision (h) of Section 5008 of the Welfare and Institutions  
3 Code, the court shall order the conservatorship investigator of the  
4 county of commitment of the defendant to initiate conservatorship  
5 proceedings for the defendant pursuant to Chapter 3 (commencing  
6 with Section 5350) of Part 1 of Division 5 of the Welfare and  
7 Institutions Code. Hearings required in the conservatorship  
8 proceedings shall be held in the superior court in the county that  
9 ordered the commitment. The court shall transmit a copy of the  
10 order directing initiation of conservatorship proceedings to the  
11 community program director or a designee, the sheriff and the  
12 district attorney of the county in which criminal charges are  
13 pending, and the defendant's counsel of record. The court shall  
14 notify the community program director or a designee, the sheriff  
15 and district attorney of the county in which criminal charges are  
16 pending, and the defendant's counsel of record of the outcome of  
17 the conservatorship proceedings.

18 (3) If a change in placement is proposed for a defendant who  
19 is committed pursuant to subparagraph (B) of paragraph (1) of  
20 subdivision (h) of Section 5008 of the Welfare and Institutions  
21 Code, the court shall provide notice and an opportunity to be heard  
22 with respect to the proposed placement of the defendant to the  
23 sheriff and the district attorney of the county in which the criminal  
24 charges or revocation proceedings are pending.

25 (4) If the defendant is confined in a treatment facility, a copy  
26 of any report to the committing court regarding the defendant's  
27 progress toward recovery of mental competence shall be provided  
28 by the committing court to the prosecutor and to the defense  
29 counsel.

30 (d) With the exception of proceedings alleging a violation of  
31 mandatory supervision, the criminal action remains subject to  
32 dismissal pursuant to Section 1385. If the criminal action is  
33 dismissed, the court shall transmit a copy of the order of dismissal  
34 to the community program director or a designee. In a proceeding  
35 alleging a violation of mandatory supervision, if the person is not  
36 placed under a conservatorship as described in paragraph (2) of  
37 subdivision (c), or if a conservatorship is terminated, the court  
38 shall reinstate mandatory supervision and may modify the terms  
39 and conditions of supervision to include appropriate mental health  
40 treatment or refer the matter to a local mental health court, reentry

1 court, or other collaborative justice court available for improving  
2 the mental health of the defendant.

3 (e) If the criminal action against the defendant is dismissed, the  
4 defendant shall be released from commitment ordered under this  
5 section, but without prejudice to the initiation of any proceedings  
6 that may be appropriate under the Lanterman-Petris-Short Act  
7 (Part 1 (commencing with Section 5000) of Division 5 of the  
8 Welfare and Institutions Code).

9 (f) As used in this chapter, "community program director" means  
10 the person, agency, or entity designated by the State Department  
11 of State Hospitals pursuant to Section 1605 of this code and Section  
12 4360 of the Welfare and Institutions Code.

13 (g) For the purpose of this section, "secure treatment facility"  
14 shall not include, except for ~~state mental hospitals~~, *State*  
15 *Department of State Hospitals facilities*, state developmental  
16 centers, and correctional treatment facilities, any facility licensed  
17 pursuant to Chapter 2 (commencing with Section 1250) of, Chapter  
18 3 (commencing with Section 1500) of, or Chapter 3.2 (commencing  
19 with Section 1569) of, Division 2 of the Health and Safety Code,  
20 or any community board and care facility.

21 (h) Nothing in this section shall preclude a defendant from filing  
22 a petition for habeas corpus to challenge the continuing validity  
23 of an order authorizing a treatment facility or outpatient program  
24 to involuntarily administer antipsychotic medication to a person  
25 being treated as incompetent to stand trial.

26 *SEC. 31. Section 1370.6 of the Penal Code is amended to read:*

27 1370.6. (a) If a *mentally incompetent defendant is admitted*  
28 *to a county jail treatment facility is selected by the court* pursuant  
29 to Section 1370, the department shall provide restoration of  
30 competency treatment at the county jail treatment facility and shall  
31 provide payment to the county jail treatment facility for the  
32 reasonable costs of the bed during the restoration of competency  
33 treatment as well as for the reasonable costs of any necessary  
34 medical treatment not provided within the county jail treatment  
35 facility, unless otherwise agreed to by the department and the  
36 facility.

37 (1) If the county jail treatment facility is able to provide  
38 restoration of competency services, upon approval by the  
39 department and subject to funding appropriated in the annual  
40 Budget Act, the county jail treatment facility may provide those



1 services and the State Department of State Hospitals may provide  
2 payment to the county jail treatment facility for the reasonable  
3 costs of the bed during the restoration of competency treatment as  
4 well as the reasonable costs of providing restoration of competency  
5 services and for any necessary medical treatment not provided  
6 within the county jail treatment facility, unless otherwise agreed  
7 to by the department and the facility.

8 (2) Transportation to a county jail treatment facility for  
9 admission and from the facility upon the filing of a certificate of  
10 restoration of competency, or for transfer of a person to another  
11 county jail treatment facility or to a state hospital, shall be provided  
12 by the committing county unless otherwise agreed to by the  
13 department and the facility.

14 (3) In the event the State Department of State Hospitals and a  
15 county jail treatment facility are determined to be comparatively  
16 at fault for any claim, action, loss, or damage which results from  
17 their respective obligations under such a contract, each shall  
18 indemnify the other to the extent of its comparative fault.

19 (4) The six-month limitation in Section 1369.1 shall not apply  
20 to individuals deemed incompetent to stand trial who are being  
21 treated to restore competency within a county jail treatment facility  
22 pursuant to this section.

23 (b) If the community-based residential system is selected by the  
24 court pursuant to Section 1370, the State Department of State  
25 Hospitals shall provide reimbursement to the community-based  
26 residential treatment system for the cost of restoration of  
27 competency treatment as negotiated with the State Department of  
28 State Hospitals.

29 (c) The State Department of State Hospitals may provide  
30 payment to either a county jail treatment facility or a  
31 community-based residential treatment system directly through  
32 invoice, or through a contract, at the discretion of the department  
33 in accordance with the terms and conditions of the contract or  
34 agreement.

35 *SEC. 32. Section 1372 of the Penal Code is amended to read:*

36 1372. (a) (1) If the medical director of ~~the~~ a state hospital or  
37 other facility to which the defendant is committed, or the  
38 community program director, county mental health director, or  
39 regional center director providing outpatient services, determines  
40 that the defendant has regained mental competence, the director

1 shall immediately certify that fact to the court by filing a certificate  
2 of restoration with the court by certified mail, return receipt  
3 requested. For purposes of this section, the date of filing shall be  
4 the date on the return receipt.

5 (2) The court's order committing an individual to a ~~state hospital~~  
6 *State Department of State Hospitals facility* or other treatment  
7 facility pursuant to Section 1370 shall include direction that the  
8 sheriff shall redeliver the patient to the court without any further  
9 order from the court upon receiving from the state hospital or  
10 treatment facility a copy of the certificate of restoration.

11 (3) The defendant shall be returned to the committing court in  
12 the following manner:

13 (A) A patient who remains confined in a state hospital or other  
14 treatment facility shall be redelivered to the sheriff of the county  
15 from which the patient was committed. The sheriff shall  
16 immediately return the person from the state hospital or other  
17 treatment facility to the court for further proceedings.

18 (B) The patient who is on outpatient status shall be returned by  
19 the sheriff to court through arrangements made by the outpatient  
20 treatment supervisor.

21 (C) In all cases, the patient shall be returned to the committing  
22 court no later than 10 days following the filing of a certificate of  
23 restoration. The state shall only pay for 10 hospital days for patients  
24 following the filing of a certificate of restoration of competency.  
25 The State Department of State Hospitals shall report to the fiscal  
26 and appropriate policy committees of the Legislature on an annual  
27 basis in February, on the number of days that exceed the 10-day  
28 limit prescribed in this subparagraph. This report shall include,  
29 but not be limited to, a data sheet that itemizes by county the  
30 number of days that exceed this 10-day limit during the preceding  
31 year.

32 (b) If the defendant becomes mentally competent after a  
33 conservatorship has been established pursuant to the applicable  
34 provisions of the Lanterman-Petris-Short Act, Part 1 (commencing  
35 with Section 5000) of Division 5 of the Welfare and Institutions  
36 Code, and Section 1370, the conservator shall certify that fact to  
37 the sheriff and district attorney of the county in which the  
38 defendant's case is pending, defendant's attorney of record, and  
39 the committing court.

1 (c) When a defendant is returned to court with a certification  
2 that competence has been regained, the court shall notify either  
3 the community program director, the county mental health director,  
4 or the regional center director and the Director of Developmental  
5 Services, as appropriate, of the date of any hearing on the  
6 defendant's competence and whether or not the defendant was  
7 found by the court to have recovered competence.

8 (d) If the committing court approves the certificate of restoration  
9 to competence as to a person in custody, the court shall hold a  
10 hearing to determine whether the person is entitled to be admitted  
11 to bail or released on own recognizance status pending conclusion  
12 of the proceedings. If the superior court approves the certificate  
13 of restoration to competence regarding a person on outpatient  
14 status, unless it appears that the person has refused to come to  
15 court, that person shall remain released either on own recognizance  
16 status, or, in the case of a developmentally disabled person, either  
17 on the defendant's promise or on the promise of a responsible adult  
18 to secure the person's appearance in court for further proceedings.  
19 If the person has refused to come to court, the court shall set bail  
20 and may place the person in custody until bail is posted.

21 (e) A defendant subject to either subdivision (a) or (b) who is  
22 not admitted to bail or released under subdivision (d) may, at the  
23 discretion of the court, upon recommendation of the director of  
24 the facility where the defendant is receiving treatment, be returned  
25 to the hospital or facility of his or her original commitment or other  
26 appropriate secure facility approved by the community program  
27 director, the county mental health director, or the regional center  
28 director. The recommendation submitted to the court shall be based  
29 on the opinion that the person will need continued treatment in a  
30 hospital or treatment facility in order to maintain competence to  
31 stand trial or that placing the person in a jail environment would  
32 create a substantial risk that the person would again become  
33 incompetent to stand trial before criminal proceedings could be  
34 resumed.

35 (f) Notwithstanding subdivision (e), if a defendant is returned  
36 by the court to a hospital or other facility for the purpose of  
37 maintaining competency to stand trial and that defendant is already  
38 under civil commitment to that hospital or facility from another  
39 county pursuant to the Lanterman-Petris-Short Act (Part 1  
40 (commencing with Section 5000) of Division 5 of the Welfare and

1 Institutions Code) or as a developmentally disabled person  
2 committed pursuant to Article 2 (commencing with Section 6500)  
3 of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions  
4 Code, the costs of housing and treating the defendant in that facility  
5 following return pursuant to subdivision (e) shall be the  
6 responsibility of the original county of civil commitment.

7 *SEC. 33. Section 1463.007 of the Penal Code is amended to*  
8 *read:*

9 1463.007. (a) Notwithstanding any other ~~provision of law,~~  
10 ~~any~~ a county or court that operates a comprehensive collection  
11 program may deduct the costs of operating that program, excluding  
12 capital expenditures, from any revenues collected under that  
13 program. The costs shall be deducted before any distribution of  
14 revenues to other governmental entities required by any other  
15 ~~provision of law.~~ Any A county or court operating a comprehensive  
16 collection program may establish a minimum base fee, fine,  
17 forfeiture, penalty, or assessment amount for inclusion in the  
18 program.

19 (b) Once debt becomes delinquent, it continues to be delinquent  
20 and may be subject to collection by a comprehensive collection  
21 program. Debt is delinquent and subject to collection by a  
22 comprehensive collection program if any of the following  
23 conditions is met:

24 (1) A defendant does not post bail or appear on or before the  
25 date on which he or she promised to appear, or any lawful  
26 continuance of that date, if that defendant was eligible to post and  
27 forfeit bail.

28 (2) A defendant does not pay the amount imposed by the court  
29 on or before the date ordered by the court, or any lawful  
30 continuance of that date.

31 (3) A defendant has failed to make an installment payment on  
32 the date specified by the court.

33 (c) For the purposes of this section, a "comprehensive collection  
34 program" is a separate and distinct revenue collection activity that  
35 meets each of the following criteria:

36 (1) The program identifies and collects amounts arising from  
37 delinquent court-ordered debt, whether or not a warrant has been  
38 issued against the alleged violator.

39 (2) The program complies with the requirements of subdivision  
40 (b) of Section 1463.010.

1 (3) The program engages in each of the following activities:

2 (A) Attempts telephone contact with delinquent debtors for  
3 whom the program has a ~~phone~~ *telephone* number to inform them  
4 of their delinquent status and payment options.

5 (B) Notifies delinquent debtors for whom the program has an  
6 address in writing of their outstanding obligation within 95 days  
7 of delinquency.

8 (C) Generates internal monthly reports to track collections data,  
9 such as age of debt and delinquent amounts outstanding.

10 (D) Uses Department of Motor Vehicles information to locate  
11 delinquent debtors.

12 (E) Accepts payment of delinquent debt by credit card.

13 (4) The program engages in at least five of the following  
14 activities:

15 (A) Sends delinquent debt to the Franchise Tax Board's  
16 Court-Ordered Debt Collections Program.

17 (B) Sends delinquent debt to the Franchise Tax Board's  
18 Interagency Intercept Collections Program.

19 (C) Initiates driver's license suspension or hold actions when  
20 ~~appropriate~~: *appropriate for a failure to appear in court.*

21 (D) Contracts with one or more private debt collectors to collect  
22 delinquent debt.

23 (E) Sends monthly bills or account statements to all delinquent  
24 debtors.

25 (F) Contracts with local, regional, state, or national skip tracing  
26 or locator resources or services to locate delinquent debtors.

27 (G) Coordinates with the probation department to locate debtors  
28 who may be on formal or informal probation.

29 (H) Uses Employment Development Department employment  
30 and wage information to collect delinquent debt.

31 (I) Establishes wage and bank account garnishments where  
32 appropriate.

33 (J) Places liens on real property owned by delinquent debtors  
34 when appropriate.

35 (K) Uses an automated dialer or automatic call distribution  
36 system to manage telephone calls.

37 ~~(d) This section shall become operative on July 1, 2012.~~

38 *SEC. 34. Section 1464 of the Penal Code is amended to read:*

39 1464. (a) (1) Subject to Chapter 12 (commencing with Section  
40 76000) of Title 8 of the Government Code, and except as otherwise

1 provided in this section, there shall be levied a state penalty in the  
2 amount of ten dollars (\$10) for every ten dollars (\$10), or part of  
3 ten dollars (\$10), upon every fine, penalty, or forfeiture imposed  
4 and collected by the courts for all criminal offenses, including all  
5 offenses, except parking offenses as defined in subdivision (i) of  
6 Section 1463, involving a violation of a section of the Vehicle  
7 Code or any local ordinance adopted pursuant to the Vehicle Code.

8 (2) Any bail schedule adopted pursuant to Section 1269b or bail  
9 schedule adopted by the Judicial Council pursuant to Section 40310  
10 of the Vehicle Code may include the necessary amount to pay the  
11 penalties established by this section and Chapter 12 (commencing  
12 with Section 76000) of Title 8 of the Government Code, and the  
13 surcharge authorized by Section 1465.7, for all matters where a  
14 personal appearance is not mandatory and the bail is posted  
15 primarily to guarantee payment of the fine.

16 (3) The penalty imposed by this section does not apply to the  
17 following:

18 (A) Any restitution fine.

19 (B) Any penalty authorized by Chapter 12 (commencing with  
20 Section 76000) of Title 8 of the Government Code.

21 (C) Any parking offense subject to Article 3 (commencing with  
22 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

23 (D) The state surcharge authorized by Section 1465.7.

24 (b) Where multiple offenses are involved, the state penalty shall  
25 be based upon the total fine or bail for each case. When a fine is  
26 suspended, in whole or in part, the state penalty shall be reduced  
27 in proportion to the suspension.

28 (c) When any deposited bail is made for an offense to which  
29 this section applies, and for which a court appearance is not  
30 mandatory, the person making the deposit shall also deposit a  
31 sufficient amount to include the state penalty prescribed by this  
32 section for forfeited bail. If bail is returned, the state penalty paid  
33 thereon pursuant to this section shall also be returned.

34 (d) In any case where a person convicted of any offense, to  
35 which this section applies, is in prison until the fine is satisfied,  
36 the judge may waive all or any part of the state penalty, the  
37 payment of which would work a hardship on the person convicted  
38 or his or her immediate family.

39 (e) After a determination by the court of the amount due, the  
40 clerk of the court shall collect the penalty and transmit it to the

1 county treasury. The portion thereof attributable to Chapter 12  
2 (commencing with Section 76000) of Title 8 of the Government  
3 Code shall be deposited in the appropriate county fund and 70  
4 percent of the balance shall then be transmitted to the State  
5 Treasury, to be deposited in the State Penalty Fund, which is hereby  
6 created, and 30 percent to remain on deposit in the county general  
7 fund. The transmission to the State Treasury shall be carried out  
8 in the same manner as fines collected for the state by a county.

9 ~~(f) The moneys so deposited in the State Penalty Fund shall be~~  
10 ~~distributed as follows:~~

11 ~~(1) Once a month there shall be transferred into the Fish and~~  
12 ~~Game Preservation Fund an amount equal to 0.33 percent of the~~  
13 ~~state penalty funds deposited in the State Penalty Fund during the~~  
14 ~~preceding month, except that the total amount shall not be less~~  
15 ~~than the state penalty levied on fines or forfeitures for violation of~~  
16 ~~state laws relating to the protection or propagation of fish and~~  
17 ~~game. These moneys shall be used for the education or training of~~  
18 ~~department employees which fulfills a need consistent with the~~  
19 ~~objectives of the Department of Fish and Game.~~

20 ~~(2) Once a month there shall be transferred into the Restitution~~  
21 ~~Fund an amount equal to 32.02 percent of the state penalty funds~~  
22 ~~deposited in the State Penalty Fund during the preceding month.~~  
23 ~~Those funds shall be made available in accordance with Section~~  
24 ~~13967 of the Government Code.~~

25 ~~(3) Once a month there shall be transferred into the Peace~~  
26 ~~Officers' Training Fund an amount equal to 23.99 percent of the~~  
27 ~~state penalty funds deposited in the State Penalty Fund during the~~  
28 ~~preceding month.~~

29 ~~(4) Once a month there shall be transferred into the Driver~~  
30 ~~Training Penalty Assessment Fund an amount equal to 25.70~~  
31 ~~percent of the state penalty funds deposited in the State Penalty~~  
32 ~~Fund during the preceding month.~~

33 ~~(5) Once a month there shall be transferred into the Corrections~~  
34 ~~Training Fund an amount equal to 7.88 percent of the state penalty~~  
35 ~~funds deposited in the State Penalty Fund during the preceding~~  
36 ~~month. Money in the Corrections Training Fund is not continuously~~  
37 ~~appropriated and shall be appropriated in the Budget Act.~~

38 ~~(6) Once a month there shall be transferred into the Local Public~~  
39 ~~Prosecutors and Public Defenders Training Fund established~~  
40 ~~pursuant to Section 11503 an amount equal to 0.78 percent of the~~

1 state penalty funds deposited in the State Penalty Fund during the  
2 preceding month. The amount so transferred shall not exceed the  
3 sum of eight hundred fifty thousand dollars (\$850,000) in any  
4 fiscal year. The remainder in excess of eight hundred fifty thousand  
5 dollars (\$850,000) shall be transferred to the Restitution Fund.

6 ~~(7) Once a month there shall be transferred into the~~  
7 ~~Victim-Witness Assistance Fund an amount equal to 8.64 percent~~  
8 ~~of the state penalty funds deposited in the State Penalty Fund~~  
9 ~~during the preceding month.~~

10 ~~(8) (A) Once a month there shall be transferred into the~~  
11 ~~Traumatic Brain Injury Fund, created pursuant to Section 4358 of~~  
12 ~~the Welfare and Institutions Code, an amount equal to 0.66 percent~~  
13 ~~of the state penalty funds deposited into the State Penalty Fund~~  
14 ~~during the preceding month. However, the amount of funds~~  
15 ~~transferred into the Traumatic Brain Injury Fund for the 1996-97~~  
16 ~~fiscal year shall not exceed the amount of five hundred thousand~~  
17 ~~dollars (\$500,000). Thereafter, funds shall be transferred pursuant~~  
18 ~~to the requirements of this section. Notwithstanding any other~~  
19 ~~provision of law, the funds transferred into the Traumatic Brain~~  
20 ~~Injury Fund for the 1997-98, 1998-99, and 1999-2000 fiscal years,~~  
21 ~~may be expended by the State Department of Mental Health, in~~  
22 ~~the current fiscal year or a subsequent fiscal year, to provide~~  
23 ~~additional funding to the existing projects funded by the Traumatic~~  
24 ~~Brain Injury Fund, to support new projects, or to do both.~~

25 ~~(B) Any moneys deposited in the State Penalty Fund attributable~~  
26 ~~to the assessments made pursuant to subdivision (i) of Section~~  
27 ~~27315 of the Vehicle Code on or after the date that Chapter 6.6~~  
28 ~~(commencing with Section 5564) of Part 1 of Division 5 of the~~  
29 ~~Welfare and Institutions Code is repealed shall be utilized in~~  
30 ~~accordance with paragraphs (1) to (8), inclusive, of this subdivision.~~

31 ~~(f) Notwithstanding any other law, the Director of Finance shall~~  
32 ~~provide a schedule to the Controller for all transfers of funds made~~  
33 ~~available by the Budget Act from the State Penalty Fund in the~~  
34 ~~current fiscal year.~~

35 ~~(g) Upon the order of the Department of Finance, sufficient~~  
36 ~~funds may be transferred by the Controller from the General Fund~~  
37 ~~for cashflow needs of the State Penalty Fund. A cashflow loan~~  
38 ~~made pursuant to this provision shall be short term and does not~~  
39 ~~constitute a General Fund expenditure. A cashflow loan and the~~



1 *repayment of a cashflow loan does not affect the General Fund*  
2 *reserve.*

3 *SEC. 35. Section 1464.2 of the Penal Code is repealed.*

4 ~~1464.2. Notwithstanding any other provision of law, an amount~~  
5 ~~of not more than two hundred fifty thousand dollars (\$250,000)~~  
6 ~~per fiscal year of the moneys otherwise required to be deposited~~  
7 ~~in the State Penalty Fund under subdivision (c) of Section 1464~~  
8 ~~shall be available, upon appropriation, for the exclusive trust~~  
9 ~~purposes authorized under Article 2 (commencing with Section~~  
10 ~~2930) of Chapter 5 of Division 2 of the Vehicle Code.~~

11 *SEC. 36. Section 1557 of the Penal Code is amended to read:*

12 1557. (a) This section shall apply when this state or a city,  
13 county, or city and county employs a person to travel to a foreign  
14 jurisdiction outside this state for the express purpose of returning  
15 a fugitive from justice to this state when the Governor of this state,  
16 in the exercise of the authority conferred by Section 2 of Article  
17 IV of the United States Constitution, or by the laws of this state,  
18 has demanded the surrender of the fugitive from the executive  
19 authority of any state of the United States, or of any foreign  
20 government.

21 (b) Upon the approval of the Governor, the Controller shall  
22 audit and pay out of the State Treasury as provided in subdivision  
23 (c) or (d) the accounts of the person employed to bring back the  
24 fugitive, including any money paid by that person for all of the  
25 following:

26 (1) Money paid to the authorities of a sister state for statutory  
27 fees in connection with the detention and surrender of the fugitive.

28 (2) Money paid to the authorities of the sister state for the  
29 subsistence of the fugitive while detained by the sister state without  
30 payment of which the authorities of the sister state refuse to  
31 surrender the fugitive.

32 (3) Where it is necessary to present witnesses or evidence in  
33 the sister state, without which the sister state would not surrender  
34 the fugitive, the cost of producing the witnesses or evidence in the  
35 sister state.

36 (4) Where the appearance of witnesses has been authorized in  
37 advance by the Governor, who may authorize the appearance in  
38 unusual cases where the interests of justice would be served, the  
39 cost of producing witnesses to appear in the sister state on behalf  
40 of the fugitive in opposition to his or her extradition.

1 (c) No amount shall be paid out of the State Treasury to a city,  
2 county, or city and county except as follows:

3 (1) When a warrant has been issued by any magistrate after the  
4 filing of a complaint or the finding of an indictment and its  
5 presentation to the court and filing by the clerk, and the person  
6 named therein as defendant is a fugitive from justice who has been  
7 found and arrested in any state of the United States or in any  
8 foreign government, the county auditor shall draw his or her  
9 warrant and the county treasurer shall pay to the person designated  
10 to return the fugitive, the amount of expenses estimated by the  
11 district attorney to be incurred in the return of the fugitive.

12 (2) If the person designated to return the fugitive is a city officer,  
13 the city officer authorized to draw warrants on the city treasury  
14 shall draw his or her warrant and the city treasurer shall pay to that  
15 person the amount of expenses estimated by the district attorney  
16 to be incurred in the return of the fugitive.

17 (3) The person designated to return the fugitive shall make no  
18 disbursements from any funds advanced without a receipt being  
19 obtained therefor showing the amount, the purpose for which the  
20 sum is expended, the place, the date, and to whom paid.

21 (4) A receipt obtained pursuant to paragraph (3) shall be filed  
22 by the person designated to return the fugitive with the county  
23 auditor or appropriate city officer or the Controller, as the case  
24 may be, together with an affidavit by the person that the  
25 expenditures represented by the receipts were necessarily made in  
26 the performance of duty, and when the advance has been made by  
27 the county or city treasurer to the person designated to return the  
28 fugitive, and has thereafter been audited by the Controller, the  
29 payment thereof shall be made by the State Treasurer to the county  
30 or city treasury that has advanced the funds.

31 (5) ~~In every case where~~ If the expenses of the person employed  
32 to bring back the fugitive ~~as provided in this section~~, are less than  
33 the amount advanced on the recommendation of the district  
34 attorney, the person employed to bring back the fugitive shall  
35 return to the county or city treasurer, as appropriate, the difference  
36 in amount between the aggregate amount of receipts so filed by  
37 him or her, ~~as herein employed~~, and the amount advanced to the  
38 person upon the recommendation of the district attorney.

39 (6) When no advance has been made to the person designated  
40 to return the fugitive, the sums expended by him or her, when

1 audited by the Controller, shall be paid by the State Treasurer to  
2 the person so designated.

3 (7) Any payments made out of the State Treasury pursuant to  
4 this section shall be made from appropriations for the fiscal year  
5 in which those payments are made.

6 ~~(d) Payments to state agencies will be made in accord with the~~  
7 ~~rules of the Department of General Services. No~~ A city, county,  
8 or other jurisdiction ~~may~~ shall not file, and the state ~~may~~ shall not  
9 reimburse, a claim pursuant to this section that is presented to the  
10 Department of Corrections and Rehabilitation or to any other  
11 agency or department of the state more than six months after the  
12 close of the month in which the costs were incurred.  
13 *Notwithstanding any other law, a person transporting a fugitive*  
14 *as authorized by the Governor pursuant to this section shall be*  
15 *reimbursed according to the rates in paragraphs (1) to (5),*  
16 *inclusive. Rates and rules for reimbursement of travel claims not*  
17 *specified in paragraphs (1) to (5), inclusive, shall be consistent*  
18 *with the rules of the Department of General Services.*

19 (1) *Reimbursement for breakfast is up to four dollars (\$4).*

20 (2) *Reimbursement for lunch is up to seven dollars and*  
21 *twenty-five cents (\$7.25).*

22 (3) *Reimbursement for dinner is up to twelve dollars (\$12).*

23 (4) *Reimbursement for incidental expenses is up to three dollars*  
24 *and seventy-five cents (\$3.75).*

25 (5) *Reimbursement for a meal for a prisoner, patient, ward, or*  
26 *fugitive is up to the amounts specified in paragraphs (1) to (3),*  
27 *inclusive.*

28 *SEC. 37. Section 2801 of the Penal Code is amended to read:*

29 2801. The purposes of the authority are:

30 (a) To develop and operate industrial, agricultural, and service  
31 enterprises employing prisoners in institutions under the  
32 jurisdiction of the Department of Corrections, which enterprises  
33 may be located either within those institutions or elsewhere, all as  
34 may be determined by the authority.

35 (b) To create and maintain working conditions within the  
36 enterprises as much like those which prevail in private industry as  
37 possible, to assure prisoners employed therein the opportunity to  
38 work productively, to earn funds, and to acquire or improve  
39 effective work habits and occupational skills.

1 (c) To operate a work program for prisoners which will  
2 ultimately be self-supporting by generating sufficient funds from  
3 the sale of products and services to pay all the expenses of the  
4 program, and one which will provide goods and services which  
5 are or will be used by the Department of Corrections, thereby  
6 reducing the cost of its operation.

7 *(1) This subdivision does not require immediate cash availability*  
8 *for funding retiree health care and pension liabilities above*  
9 *amounts established in the Budget Act, or as determined by the*  
10 *Board of Administration of the Public Employees' Retirement*  
11 *System, or the Director of Finance for the fiscal year.*

12 *(2) The Prison Industry Authority shall not establish cash*  
13 *reserves to support funding retiree health care and pension*  
14 *liabilities above the amounts specified in paragraph (1).*

15 SEC. 38. Section 2808 of the Penal Code is amended to read:

16 2808. The board, in the exercise of its duties, shall have all of  
17 the powers and do all of the things that the board of directors of a  
18 private corporation would do, except as specifically limited in this  
19 article, including, but not limited to, all of the following:

20 (a) To enter into contracts and leases, execute leases, pledge  
21 the equipment, inventory and supplies under the control of the  
22 authority and the anticipated future receipts of any enterprise under  
23 the jurisdiction of the authority as collateral for loans, and execute  
24 other necessary instruments and documents.

25 (b) To assure that all funds received by the authority are kept  
26 in commercial accounts according to standard accounting practices.

27 (c) To arrange for an independent annual audit.

28 (d) To review and approve the annual budget for the authority,  
29 in order to assure that the solvency of the Prison Industries  
30 Revolving Fund is maintained.

31 *(1) This subdivision does not require immediate cash availability*  
32 *for funding retiree health care and pension liabilities above*  
33 *amounts established in the Budget Act, or as determined by the*  
34 *Board of Administration of the Public Employees' Retirement*  
35 *System, or the Director of Finance for the fiscal year.*

36 *(2) The Prison Industry Authority shall not establish cash*  
37 *reserves to support funding retiree health care and pension*  
38 *liabilities above the amounts specified in paragraph (1).*

39 (e) To contract to employ a general manager to serve as the  
40 chief administrative officer of the authority. The general manager

1 shall serve at the pleasure of the chairperson. The general manager  
2 shall have wide and successful experience with a productive  
3 enterprise, and have a demonstrated appreciation of the problems  
4 associated with prison management.

5 (f) To apply for and administer grants and contracts of all kinds.

6 (g) To establish, notwithstanding any other provision of law,  
7 procedures governing the purchase of raw materials, component  
8 parts, and any other goods and services which may be needed by  
9 the authority or in the operation of any enterprise under its  
10 jurisdiction. Those procedures shall contain provisions for appeal  
11 to the board from any action taken in connection with them.

12 (h) To establish, expand, diminish, or discontinue industrial,  
13 agricultural and service enterprises under the authority's  
14 jurisdiction to enable it to operate as a self-supporting enterprise,  
15 to provide as much employment for inmates as is feasible, and to  
16 provide diversified work activities to minimize the impact on  
17 existing private industry in the state.

18 (i) To hold public hearings pursuant to subdivision (h) to provide  
19 an opportunity for persons or organizations who may be affected  
20 to appear and present testimony concerning the plans and activities  
21 of the authority. The authority shall assure adequate public notice  
22 of those hearings. No new industrial, agricultural, or service  
23 enterprise which involves a gross annual production of more than  
24 fifty thousand dollars (\$50,000) shall be established unless and  
25 until a hearing concerning the enterprise has been held by a  
26 committee of persons designated by the board including at least  
27 two board members. The board shall take into consideration the  
28 effect of a proposed enterprise on California industry and shall not  
29 approve the establishment of the enterprise if the board determines  
30 it would have a comprehensive and substantial adverse impact on  
31 California industry which cannot be mitigated.

32 (j) To periodically determine the prices at which activities,  
33 supplies, and services shall be sold.

34 (k) To report to the Legislature in writing, on or before February  
35 1 of each year, regarding:

36 (1) The financial activity and condition of each enterprise under  
37 its jurisdiction.

38 (2) The plans of the board regarding any significant changes in  
39 existing operations.

1 (3) The plans of the board regarding the development of new  
2 enterprises.

3 (4) A breakdown, by institution, of the number of prisoners at  
4 each institution, working in enterprises under the jurisdiction of  
5 the authority, said number to indicate the number of prisoners  
6 which are not working full time.

7 *SEC. 39. Section 3453 of the Penal Code is amended to read:*

8 3453. Postrelease community supervision shall include the  
9 following conditions:

10 (a) The person shall be informed of the conditions of release.

11 (b) The person shall obey all laws.

12 (c) The person shall report to the supervising county agency  
13 within two working days of release from custody.

14 (d) The person shall follow the directives and instructions of  
15 the supervising county agency.

16 (e) The person shall report to the supervising county agency as  
17 directed by that agency.

18 (f) The person, and his or her residence and possessions, shall  
19 be subject to search at any time of the day or night, with or without  
20 a warrant, by an agent of the supervising county agency or by a  
21 peace officer.

22 (g) The person shall waive extradition if found outside the state.

23 (h) (1) The person shall inform the supervising county agency  
24 of the person's place of ~~residence, employment, education, or~~  
25 ~~training~~. *residence and shall notify the supervising county agency*  
26 *of any change in residence, or the establishment of a new residence*  
27 *if the person was previously transient, within five working days of*  
28 *the change.*

29 (2) *For purposes of this section, "residence" means one or*  
30 *more locations at which a person regularly resides, regardless of*  
31 *the number of days or nights spent there, such as a shelter or*  
32 *structure that can be located by a street address, including, but*  
33 *not limited to, a house, apartment building, motel, hotel, homeless*  
34 *shelter, and recreational or other vehicle. If the person has no*  
35 *residence, he or she shall inform the supervising county agency*  
36 *that he or she is transient.*

37 (i) (1) The person shall inform the supervising county agency  
38 of ~~any pending or anticipated changes in residence, employment,~~  
39 ~~education, or training.~~ *the person's place of employment, education,*  
40 *or training. The person shall inform the supervising agency of any*

1 *pending or anticipated change in employment, education, or*  
2 *training.*

3 (2) If the person enters into new employment, he or she shall  
4 inform the supervising county agency of the new employment  
5 within three business days of that entry.

6 (j) The person shall immediately inform the supervising county  
7 agency if he or she is arrested or receives a citation.

8 (k) The person shall obtain the permission of the supervising  
9 county agency to travel more than 50 miles from the person's place  
10 of residence.

11 (l) The person shall obtain a travel pass from the supervising  
12 county agency before he or she may leave the county or state for  
13 more than two days.

14 (m) The person shall not be in the presence of a firearm or  
15 ammunition, or any item that appears to be a firearm or  
16 ammunition.

17 (n) The person shall not possess, use, or have access to any  
18 weapon listed in Section 16140, subdivision (c) of Section 16170,  
19 Section 16220, 16260, 16320, 16330, or 16340, subdivision (b)  
20 of Section 16460, Section 16470, subdivision (f) of Section 16520,  
21 or Section 16570, 16740, 16760, 16830, 16920, 16930, 16940,  
22 17090, 17125, 17160, 17170, 17180, 17190, 17200, 17270, 17280,  
23 17330, 17350, 17360, 17700, 17705, 17710, 17715, 17720, 17725,  
24 17730, 17735, 17740, 17745, 19100, 19200, 19205, 20200, 20310,  
25 20410, 20510, 20610, 20611, 20710, 20910, 21110, 21310, 21810,  
26 22010, 22015, 22210, 22215, 22410, 24310, 24410, 24510, 24610,  
27 24680, 24710, 30210, 30215, 31500, 32310, 32400, 32405, 32410,  
28 32415, 32420, 32425, 32430 32435, 32440, 32445, 32450, 32900,  
29 33215, 33220, 33225, or 33600.

30 (o) (1) Except as provided in paragraph (2) and subdivision  
31 (p), the person shall not possess a knife with a blade longer than  
32 two inches.

33 (2) The person may possess a kitchen knife with a blade longer  
34 than two inches if the knife is used and kept only in the kitchen of  
35 the person's residence.

36 (p) The person may use a knife with a blade longer than two  
37 inches, if the use is required for that person's employment, the use  
38 has been approved in a document issued by the supervising county  
39 agency, and the person possesses the document of approval at all  
40 times and makes it available for inspection.

1 (q) The person shall waive any right to a court hearing prior to  
2 the imposition of a period of “flash incarceration” in a city or  
3 county jail of not more than 10 consecutive days for any violation  
4 of his or her postrelease supervision conditions.

5 (r) The person shall participate in rehabilitation programming  
6 as recommended by the supervising county agency.

7 (s) The person shall be subject to arrest with or without a warrant  
8 by a peace officer employed by the supervising county agency or,  
9 at the direction of the supervising county agency, by any peace  
10 officer when there is probable cause to believe the person has  
11 violated the terms and conditions of his or her release.

12 (t) The person shall pay court-ordered restitution and restitution  
13 fines in the same manner as a person placed on probation.

14 *SEC. 40. Section 4032 is added to the Penal Code, to read:*

15 *4032. (a) For purposes of this section, the following definitions*  
16 *shall apply:*

17 *(1) “In-person visit” means an on-site visit that may include*  
18 *barriers. In-person visits include interactions in which an inmate*  
19 *has physical contact with a visitor, the inmate is able to see a*  
20 *visitor through a barrier, or the inmate is otherwise in a room*  
21 *with a visitor without physical contact. “In-person visit” does not*  
22 *include an interaction between an inmate and a visitor through*  
23 *the use of an on-site, two-way, audio-video terminal.*

24 *(2) “Video visitation” means interaction between an inmate*  
25 *and a member of the public through the means of an audio-visual*  
26 *communication device when the member of the public is located*  
27 *at a local detention facility or at a remote location.*

28 *(3) “Local detention facility” has the same meaning as defined*  
29 *in Section 6031.4.*

30 *(b) A local detention facility that offered in-person visitation as*  
31 *of January 1, 2017, may not convert to video visitation only.*

32 *(c) A local detention facility shall not charge for visitation when*  
33 *visitors are onsite and participating in either in-person or video*  
34 *visitation. For purposes of this subdivision, “onsite” is defined as*  
35 *at the location where the inmate is housed.*

36 *(d) If a local detention facility offered video visitation only as*  
37 *of January 1, 2017, on-site video visitation shall be offered free*  
38 *of charge, and the first hour of remote video visitation per week*  
39 *shall be offered free of charge.*

40 *SEC. 41. Section 5075 of the Penal Code is amended to read:*



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

6 (b) (1) The Governor shall appoint ~~14~~ 15 commissioners,  
7 subject to Senate confirmation, pursuant to this section. These  
8 commissioners shall be appointed and trained to hear only adult  
9 matters. ~~The terms of the commissioners shall expire as follows:~~  
10 ~~eight on July 1, 2007, and nine on July 1, 2008.~~ *Successor Except*  
11 *as specified in paragraph (2), commissioners shall hold office for*  
12 *terms of three years, each term to commence on the expiration*  
13 *date of the predecessor. Any appointment to a vacancy that occurs*  
14 *for any reason other than expiration of the term shall be for the*  
15 *remainder of the unexpired term. Commissioners are eligible for*  
16 *reappointment.* ~~The~~

17 (2) (A) *The term for the commissioner whose position was*  
18 *created by the act that added this paragraph shall begin on July*  
19 *1, 2017.*

20 (B) *Two commissioners whose terms begin on July 1, 2017,*  
21 *shall be appointed for a term of one year. One of these*  
22 *commissioners may, but is not required to, be the commissioner*  
23 *whose position was created by the act that added this paragraph.*

24 (C) *Three commissioners, as selected by the Governor, whose*  
25 *terms began on July 1, 2016, shall serve a reduced term of two*  
26 *years.*

27 (D) *Terms of office subsequent to those described in*  
28 *subparagraphs (B) and (C) shall be governed by paragraph (1).*

29 (3) *The selection of persons and their appointment by the*  
30 *Governor and confirmation by the Senate shall reflect as nearly*  
31 *as possible a cross section of the racial, sexual, economic, and*  
32 *geographic features of the population of the state.*

33 (c) The chair of the board shall be designated by the Governor  
34 periodically. The Governor may appoint an executive officer of  
35 the board, subject to Senate confirmation, who shall hold office  
36 at the pleasure of the Governor. The executive officer shall be the  
37 administrative head of the board and shall exercise all duties and  
38 functions necessary to insure that the responsibilities of the board  
39 are successfully discharged. The secretary shall be the appointing

1 authority for all civil service positions of employment with the  
2 board.

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

10 *SEC. 42. Section 6031 of the Penal Code is amended to read:*

11 6031. ~~(a)~~ The Board of *State and Community Corrections* shall  
12 *shall, at a minimum*, inspect each local detention facility in the  
13 state biennially.

14 ~~(b) This section shall become operative on July 1, 1997.~~

15 *SEC. 43. Section 6031.1 of the Penal Code is amended to read:*

16 6031.1. (a) Inspections of local detention facilities shall shall,  
17 *at a minimum*, be made biennially. Inspections of privately operated  
18 work furlough facilities and programs shall be made biennially  
19 unless the work furlough administrator requests an earlier  
20 inspection. Inspections shall include, but not be limited to, the  
21 following:

22 (a)

23 (1) Health and safety inspections conducted pursuant to Section  
24 101045 of the Health and Safety Code.

25 (b)

26 (2) Fire suppression preplanning inspections by the local fire  
27 department.

28 (c)

29 (3) Security, rehabilitation programs, recreation, treatment of  
30 persons confined in the facilities, and personnel training by the  
31 staff of the Board of *State and Community Corrections*.

32 (4) *The types and availability of visitation, including, but not*  
33 *limited to, the mode of visitation, visitation hours, time inmates*  
34 *are allowed for visitation, and any restrictions on inmate visitation.*

35 (5) *Whether the county in which the facility is located received*  
36 *state funding for jail construction pursuant to Chapter 7 of the*  
37 *Statutes of 2007, Chapter 42 of the Statutes of 2012, Chapter 37*  
38 *of the Statutes of 2014, or Chapter 34 of the Statutes of 2016. For*  
39 *counties that received funding, whether the county and facility are*

1 *in compliance with the applicable requirements and restrictions*  
2 *of that funding.*

3 **Reports**

4 (b) Reports of each facility's inspection shall be furnished to  
5 the official in charge of the local detention facility or, in the case  
6 of a privately operated facility, the work furlough administrator,  
7 the local governing body, the grand jury, and the presiding judge  
8 of the superior court in the county where the facility is located.  
9 These reports shall set forth the areas wherein the facility has  
10 complied and has failed to comply with the minimum standards  
11 established pursuant to Section 6030.

12 (c) All reports completed pursuant to this section shall be posted  
13 on the Board of State and Community Corrections' Internet Web  
14 site in a manner in which they are accessible to the public.

15 SEC. 44. Section 29800 of the Penal Code is amended to read:

16 29800. (a) (1) Any person who has been convicted ~~of~~ of, or  
17 has an outstanding warrant for, a felony under the laws of the  
18 United States, the State of California, or any other state,  
19 government, or country, or of an offense enumerated in subdivision  
20 (a), (b), or (d) of Section 23515, or who is addicted to the use of  
21 any narcotic drug, and who owns, purchases, receives, or has in  
22 possession or under custody or control any firearm is guilty of a  
23 felony.

24 (2) Any person who has two or more convictions for violating  
25 paragraph (2) of subdivision (a) of Section 417 and who owns,  
26 purchases, receives, or has in possession or under custody or  
27 control any firearm is guilty of a felony.

28 (b) Notwithstanding subdivision (a), any person who has been  
29 convicted of a felony or of an offense enumerated in Section 23515,  
30 when that conviction results from certification by the juvenile court  
31 for prosecution as an adult in an adult court under Section 707 of  
32 the Welfare and Institutions Code, and who owns or has in  
33 possession or under custody or control any firearm is guilty of a  
34 felony.

35 (c) Subdivision (a) shall not apply to a person who has been  
36 convicted of a felony under the laws of the United States unless  
37 either of the following criteria is satisfied:

38 (1) Conviction of a like offense under California law can only  
39 result in imposition of felony punishment.

1 (2) The defendant was sentenced to a federal correctional facility  
2 for more than 30 days, or received a fine of more than one thousand  
3 dollars (\$1,000), or received both punishments.

4 *SEC. 45. Section 29805 of the Penal Code, as amended*  
5 *November 8, 2016, by initiative Proposition 63, Section 11.2, is*  
6 *amended to read:*

7 29805. Except as provided in Section 29855 or subdivision (a)  
8 of Section 29800, any person who has been convicted ~~of~~ *of, or has*  
9 *an outstanding warrant for*, a misdemeanor violation of Section  
10 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, Section  
11 171b, paragraph (1) of subdivision (a) of Section 171c, 171d,  
12 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247,  
13 273.5, 273.6, 417, 417.6, 422, 626.9, 646.9, or 830.95, subdivision  
14 (a) of former Section 12100, as that section read at any time from  
15 when it was enacted by Section 3 of Chapter 1386 of the Statutes  
16 of 1988 to when it was repealed by Section 18 of Chapter 23 of  
17 the Statutes of 1994, Section 17500, 17510, 25300, 25800, 30315,  
18 or 32625, subdivision (b) or (d) of Section 26100, or Section 27510,  
19 or Section 8100, 8101, or 8103 of the Welfare and Institutions  
20 Code, any firearm-related offense pursuant to Sections 871.5 and  
21 1001.5 of the Welfare and Institutions Code, Section 490.2 if the  
22 property taken was a firearm, or of the conduct punished in  
23 subdivision (c) of Section 27590, and who, within 10 years of the  
24 ~~conviction~~, *conviction, or if the individual has an outstanding*  
25 *warrant*, owns, purchases, receives, or has in possession or under  
26 custody or control, any firearm is guilty of a public offense, which  
27 shall be punishable by imprisonment in a county jail not exceeding  
28 one year or in the state prison, by a fine not exceeding one thousand  
29 dollars (\$1,000), or by both that imprisonment and fine. The court,  
30 on forms prescribed by the Department of Justice, shall notify the  
31 department of persons subject to this section. However, the  
32 prohibition in this section may be reduced, eliminated, or  
33 conditioned as provided in Section 29855 or 29860.

34 *SEC. 46. Section 29805 of the Penal Code, as amended by*  
35 *Section 2 of Chapter 47 of the Statutes of 2016, is amended to*  
36 *read:*

37 29805. (a) Except as provided in Section 29855 or subdivision  
38 (a) of Section 29800, any person who has been convicted ~~of~~ *of, or*  
39 *has an outstanding warrant for*, a misdemeanor violation of Section  
40 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148,