SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

ITEM
2.4
(ID # 6204)

MEETING DATE:
Tuesday, January 23, 2018

FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Letters Sent to Riverside County's Legislative Delegation and Pertinent Parties from December 18, 2017-January 17, 2018, All Districts [$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the Legislative letters sent from December 18, 2017-January 17, 2018.

ACTION: Consent

Brian Nestande 1/17/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is received and filed as recommended.

Ayes:	Jeffries, Tavaglione, Washington, Perez and Ashley
Nays:	None
Absent:	None
Date:	January 23, 2018
xc:	EO

Kecia Harper-Ihem
Clerk of the Board
By: _____
Deputy

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	$0	$0	$0	$0
NET COUNTY COST	$0	$0	$0	$0
SOURCE OF FUNDS:			Budget Adjustment: No	
			For Fiscal Year:	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:
As per Board Policy A-27, the purpose of Riverside County's Legislative Program is to secure legislation that benefits the county and its residents, and to oppose/amend legislation that might adversely affect the County. Recognizing the need for consistency in conveying official positions on legislative matters, the county has instituted a coordinated process involving interaction between the Board of Supervisors, the County Executive Office, County agencies/departments, and the County's legislative advocates in Sacramento and Washington, D.C.

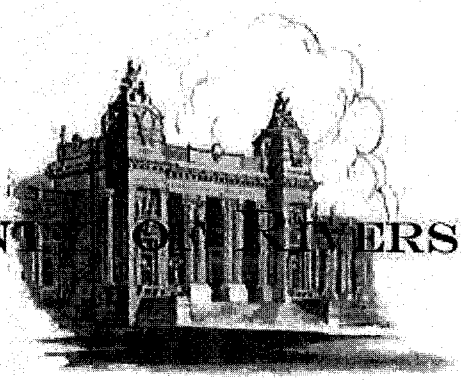
The Executive Office shall include a copy of the written correspondence that is not based on a specific Board vote as a consent item on the next Board agenda.

Summary
Since the last meeting of the Riverside County Board of Supervisors, the following letters were delivered to our legislative delegation and all pertinent parties in order to voice Riverside County's Support/Opposition:

Legislation/Policy: SB38 Courts; judgeships
Position: SUPPORT - Per Legislative Platform
Recipient: Senator Richard Roth
Summary: Would authorize and fund one appellate court justice as well as provide funding for ten superior court judgeships statewide in an effort to address judicial branch workload needs.

Legislation/Policy: Judicial Appointments in Riverside County
Position: SUPPORT
Recipient: Governor Edmund G. Brown, Jr
Summary: Action to appoint the two redistributed judgeships as well as to fill the other existing vacancies will help improve access to justice in Riverside County.

ATTACHMENTS:
Judicial Appointments
SB 38 (Roth)



COUNTY OF RIVERSIDE

December 26, 2017

The Honorable Richard Roth
Member, California State Senate
State Capitol, Room 4034
Sacramento CA 95814

RE: SB 38 (Roth) – Courts; judgeships
As introduced 12/5/2016 – SUPPORT – Per Legislative Platform
Awaiting hearing – Senate Judiciary Committee

Dear Senator Roth:

On behalf of the Riverside County Board of Supervisors, I write in support of SB 38, your measure that would authorize and fund one appellate court justice as well as provide funding for ten superior court judgeships statewide in an effort to address judicial branch workload needs.

The County of Riverside is acutely aware of the judgeship needs in the Inland Empire. The Judicial Council, in its biennial Judicial Needs Assessment most recently published in Fall 2016, identifies overall statewide judicial officer needs and then prioritizes placement of those positions on the basis of workload across 31 courts. The 2016 assessment identifies a need for 188.5 additional judicial officers to meet statewide workload and caseload demands. Further, the assessment compares each local court's assessed judicial need against its authorized judicial positions. Riverside County, regrettably, stands above all others in terms of overall need – the superior court's workload warrants an additional 46.8 judicial officers (a figure that is 62 percent greater than the level of judicial positions presently authorized). Steep population growth in Riverside County over the last several decades has greatly outpaced the trial court's ability to keep up with the attendant demand on judicial resources.

SB 38 would fund for the first time a portion (one-fifth) of the superior court judgeships authorized a decade ago (AB 159 – Chapter 22, Statutes of 2007). The County previously supported the effort to re-distribute existing judicial positions as a first step in addressing the critical need for additional resources statewide (AB 103 – Chapter 17, 2017). SB 38 takes the next necessary step in improving access to justice and assisting our county criminal justice partners in fulfilling core county responsibilities related to matters before the court. It would go a long way toward improving access to justice in our County.
For these reasons, Riverside County is pleased to support SB 38. We stand ready to assist you as the measure makes its way through the legislative process. If you have any questions about the

County's position, please do not hesitate to contact Deputy County Executive Officer, Brian Nestande at (951) 955-1110 or bnestande@rivco.org.

Sincerely,

John Tavaglione
Chairman, Riverside County Board of Supervisors

Chuck Washington
Vice-Chairman, Riverside County Board of Supervisors

cc: Members and Counsel, Senate Judiciary Committee
Riverside County Delegation

SENATE BILL No. 38

Introduced by Senator Roth
(Principal coauthor: Assembly Member Cervantes)

December 5, 2016

An act to amend Section 69104 of the Government Code, relating to courts, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 38, as introduced, Roth. Courts: judgeships.

Existing law specifies the number of judges for the superior court of each county and for each division of each district of the court of appeal. Existing law provides that the Court of Appeal for the 4th Appellate District consists of 3 divisions. Existing law requires that one of these divisions hold its regular sessions in the San Bernardino/Riverside area and further requires this division to have 7 judges.

This bill would increase the number of judges in the division of the 4th Appellate District of the Court of Appeal located in the San Bernardino/Riverside area to 8 judges. The bill would appropriate $1,202,000 from the General Fund to the judicial branch for the purpose of funding the cost of that new appellate court justice and accompanying staff.

Existing law allocates additional judgeships to the various counties in accordance with uniform standards for factually determining additional need in each county, as approved by the Judicial Council. Existing law requires the Judicial Council to report biennially to the Legislature and the Governor on the factually determined need for new judgeships in each superior court using that uniform criteria for allocation of judgeships. Existing law authorizes 50 additional judges, upon appropriation by the Legislature, to be allocated to the various

county superior courts, pursuant to uniform criteria approved by the Judicial Council.

This bill would appropriate $14,813,000 from the General Fund to the judicial branch for the purpose of funding the cost of 10 of those 50 judgeships and accompanying staff.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

SECTION 1. Section 69104 of the Government Code is amended to read:

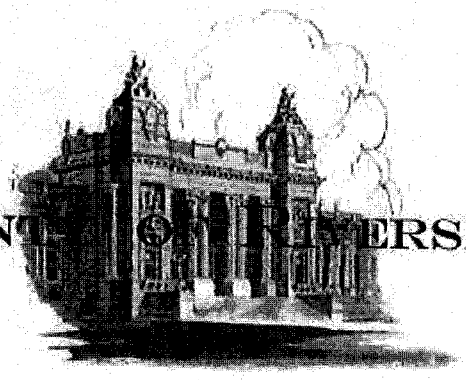
69104. The Court of Appeal for the Fourth Appellate District consists of three divisions. One division shall hold its regular sessions at San Diego and shall have 10 judges. One division shall hold its regular sessions in the San Bernardino/Riverside area and shall have ~~seven~~ *eight* judges. One division shall hold its regular sessions in Orange County and shall have eight judges.

SEC. 2. The sum of sixteen million fifteen thousand dollars ($16,015,000) is hereby appropriated from the General Fund to the judicial branch for the following purposes:

(a) The sum of one million two hundred two thousand dollars ($1,202,000) shall be used by the judicial branch to fund the cost of a new appellate court justice and accompanying staff pursuant to Section 69104 of the Government Code.

(b) The sum of fourteen million eight hundred thirteen thousand dollars ($14,813,000) shall be used by the judicial branch to fund the cost of 10 of the 50 new judgeships, and accompanying staff, pursuant to Section 69614.2 of the Government Code.

O



COUNTY OF RIVERSIDE

December 18, 2017

The Honorable Edmund G. Brown, Jr.
Governor
State Capitol
Sacramento CA 95814

RE: Judicial Appointments in Riverside County

Dear Governor Brown:

On behalf of the Riverside County Board of Supervisors, I write regarding the two judicial positions that, as of January 1, 2018, will be reassigned to the County of Riverside pursuant to AB 103 (Chapter 17, Statutes of 2017).

Given the acute judicial needs in our jurisdiction, we respectfully urge you to appoint judges to the newly authorized positions as soon as is practical. Riverside County's judicial needs are well-documented. According to the most recent Judicial Needs Assessment, Riverside County, regrettably, stands above all others in terms of overall need – the superior court's workload warrants an additional 46.8 judicial officers (a figure that is 62 percent greater than the level of judicial positions presently authorized). Steep population growth in Riverside County over the last several decades has greatly outpaced the trial court's ability to keep up with the attendant demand on judicial resources.

The judgeship gap affects the County's operations as well, given the many core county functions directly tied to matters before the court – including the district attorney, public defender, probation, sheriffs, child welfare services, and the public guardian. Your swift action to appoint the two redistributed judgeships – as well as to fill the other existing vacancies – will help improve access to justice in Riverside County.

If the County can be of assistance in these efforts or should you or your staff have any questions, please do not hesitate to contact Deputy County Executive Officer, Brian Nestande at (951) 955-1110 or bnestande@rivco.org. We thank you for your consideration.

Sincerely,

John Tavaglione
Chairman, Riverside County Board of Supervisors

Chuck Washington
Vice-Chairman, County Board of Supervisors

cc: Daniel Seeman, Deputy Legislative Secretary, Office of the Governor
Riverside County Delegation

Assembly Bill No. 103

CHAPTER 17

An act 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.

[Approved by Governor June 27, 2017. Filed with Secretary of State June 27, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 103, Committee on Budget. 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 that 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 supersedes 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.

Appropriation: yes.

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

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

(b) The Legislature additionally recognizes probation's instrumental role in California's juvenile justice system because of its work in supervision and services provided to youth involved in the justice system through supervising juveniles in the community, administering programming to address juveniles' criminogenic behavior, providing secure and effective detention services, utilizing evidence-informed strategies that change behavior, and ensuring successful reentry into communities. The Legislature and voters of California have delegated to probation all responsibility and services for juveniles except for the Department of Corrections and

Rehabilitation, Division of Juvenile Justice. This includes historic reforms such as Chapter 175 of the Statutes of 2007, which realigned most of the juvenile system responsibilities to probation.

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

SEC. 2. It is the intent of the Legislature in enacting amendments to Section 1170.18 of, and adding Section 1170.127 to, the Penal Code, to allow people who are committed to the State Department of State Hospitals upon a finding of not guilty by reason of insanity pursuant to Section 1026 of the Penal Code for an offense that would otherwise fall within the resentencing provisions of Section 1170.126 or 1170.18 of the Penal Code, as enacted by Proposition 36 of the 2012 statewide general election or Proposition 47 of the 2014 statewide general election, to petition the original committing court for relief under those sections. This act is intended to nullify the holding in People v. Dobson, 245 Cal.App.4th 310 (2016).

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

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

384. (a) It is the policy of the State of California to ensure that the unpaid cash residue and unclaimed or abandoned funds in class action litigation are distributed, to the fullest extent possible, in a manner designed either to further the purposes of the underlying class action or causes of action, or to promote justice for all Californians. The Legislature finds that the use of funds for these purposes is in the public interest, is a proper use

of the funds, and is consistent with essential public and governmental purposes.

(b) (1) Except as provided in subdivision (c), whenever a judgment, including any consent judgment, decree, or settlement agreement that has been approved by the court, in a class action established pursuant to Section 382, provides for the payment of money to members of the class, any unpaid cash residue or unclaimed or abandoned class member funds shall be distributed in accordance with this section unless for good cause shown the court makes a specific finding that an alternative distribution would better serve the public interest or the interest of the class. If not specified in the judgment, the court shall set a date when the parties shall submit a report to the court regarding a plan for the distribution of any moneys pursuant to this section.

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

(3) Any 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 pursuant to order of the court, shall be transmitted as follows:

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

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

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

(4) The court shall ensure that the distribution of the balance of any unpaid cash residue or unclaimed or abandoned class member funds derived from multistate or national cases shall provide substantial or commensurate benefit to California consumers that is roughly proportional to the number of California class members or amounts available from the judgment to California class members in the multistate or national class.

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

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

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

(1) For purposes of this section:

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

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

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

(2) If a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of the document is authorized when a party has agreed to accept service electronically in that action.

(3) In any action in which a party has agreed to accept electronic service under paragraph (2), or in which the court has ordered electronic service under subdivision (c) or (d), the court may 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. The electronic service of documents by the court shall have the same legal effect as service by mail, except as provided in paragraph (4).

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

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

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

(iii) A notice of appeal.

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

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

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

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

(B) When a document to be filed requires the signature, under penalty of perjury, of any person, the document shall be deemed to have been signed by that person if filed electronically and if a printed form of the document has been signed by that person before or on the same day as, the date of filing. The attorney or person filing the document represents, by the act of filing, that the declarant has complied with this section. The attorney or person filing the document shall maintain the printed form of the document bearing the original signature and make it available for review and copying upon the request of the court or any party to the action or proceeding in which it is filed.

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

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

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

(6) The court shall permit a party or attorney to file an application for waiver of court fees and costs, in lieu of requiring the payment of the filing fee, as part of the process involving the electronic filing of a document. The court shall consider and determine the application in accordance with Article 6 (commencing with Section 68630) of Chapter 2 of Title 8 of the Government Code and shall not require the party or attorney to submit any

documentation other than that set forth in Article 6 (commencing with Section 68630) of Chapter 2 of Title 8 of the Government Code. Nothing in this section shall require the court to waive a filing fee that is not otherwise waivable.

(7) A fee, if any, charged by the court, an electronic filing manager, or an electronic filing service provider to process a payment for filing fees and other court fees shall not exceed the costs incurred in processing the payment.

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

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

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

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

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

(D) A court that elects to require electronic filing pursuant to this subdivision may permit documents to be filed electronically until 12 a.m. of the day after the court date that the filing is due, and the filing shall be considered timely. However, if same day service of a document is required, the document shall be electronically filed by 5 p.m. on the court date that the filing is due. Ex parte documents shall be electronically filed on the same date and within the same time period as would be required for the filing of a hard copy of the ex parte documents at the clerk's window in the participating county. Documents filed on or after 12 a.m., or filed upon a noncourt day, will be deemed filed on the soonest court day following the filing.

(2) If a pilot project is established pursuant to paragraph (1), the Judicial Council shall conduct an evaluation of the pilot project and report to the

Legislature, on or before December 31, 2013, on the results of the evaluation. The evaluation shall review, among other things, the cost of the program to participants, cost-effectiveness for the court, effect on unrepresented parties and parties with fee waivers, and ease of use for participants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 17.8. HOUSING CONTRACTS

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

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

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

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

(c) This section does not apply to temporary housing of any accompanied or unaccompanied minor in less restrictive settings when the State Department of Social Services certifies a necessity for a contract based on changing conditions of the population in need and if the housing contract meets the following requirements:

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

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

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

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

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

(b) As used in this article:

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

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

(c) Except with respect to employment by the state officers and agencies specified by title or name in Section 11041 or when specifically waived by statute other than Section 11041, a state agency shall obtain the written consent of the Attorney General before doing either of the following:

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

(2) Contracting with outside counsel.

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

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

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

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

11041. (a) Section 11042 does not apply to the Regents of the University of California, the Trustees of the California State University, Legal Division of the Department of Transportation, Division of Labor Standards Enforcement of the Department of Industrial Relations, Workers'

Compensation Appeals Board, Public Utilities Commission, State Compensation Insurance Fund, Legislative Counsel Bureau, Inheritance Tax Department, Secretary of State, State Lands Commission, Alcoholic Beverage Control Appeals Board (except when the board affirms the decision of the Department of Alcoholic Beverage Control), State Department of Education, and Treasurer with respect to bonds, nor to any other state agency which, by law enacted after Chapter 213 of the Statutes of 1933, is authorized to employ legal counsel.

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

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

11042. (a) No state agency shall employ any in-house counsel to act on behalf of the state agency or its employees in any judicial or administrative adjudicative proceeding in which the agency is interested, or is a party as a result of office or official duties, or contract with outside counsel for any purpose, unless the agency has first obtained the written consent of the Attorney General pursuant to Section 11040.

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

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

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

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

(2) All state agencies, other than the office of the Attorney General, that are not required to obtain the consent to contract with outside counsel required by paragraph (2) of subdivision (c) of Section 11040 and Section 11042, shall provide written notice of any proposed contract for outside counsel to the designated representative of State Employees Bargaining Unit 2 five business days before execution of the contract by the state agency. The notice shall include the items required by subdivision (d). In the event of an emergency that requires the immediate employment of outside counsel, the state agency shall provide the written notice no later than five business days after the contract with outside counsel is signed.

(3) Whenever the Attorney General determines the need to employ outside counsel pursuant to subdivision (b) of Section 12520, the Attorney General shall give written notice to the designated representative of State Employees

Bargaining Unit 2 within 10 days of that determination. The notice shall include the items enumerated in subdivision (d).

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

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

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

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

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

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

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

(5) The estimated length of the contract.

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

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

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

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

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

(g) If the provisions of this section are in conflict with the provisions of a memorandum of understanding or other written agreement reached pursuant to Section 3517 or 3517.5, the memorandum of understanding or agreement shall be controlling without further legislative action, except that if any provision of the memorandum of understanding or other agreement requires

the expenditure of funds, the provisions may not become effective unless approved by the Legislature.

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

12532. (a) Until July 1, 2027, the Attorney General, or his or her designee, shall 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, including any county, local, or private locked detention facility in which an accompanied or unaccompanied minor is housed or detained on behalf of, or pursuant to a contract with, the federal Office of Refugee Resettlement or the United States Immigration and Customs Enforcement. The order and number of facilities to be reviewed shall be determined by the Department of Justice. The Attorney General, or his or her designee, shall have authority over which facilities may be reviewed and when. The Department of Justice shall 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.

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

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

(A) A review of the conditions of confinement.

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

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

(2) The Attorney General, or his or her designee, shall provide, on or before March 1, 2019, the Legislature and the Governor with a comprehensive report outlining the findings of the review described in this subdivision, which shall 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. The Department of Justice shall 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 the review described in this subdivision and any relevant findings.

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

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

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

15007. For potential litigation involving the California Secure Choice Retirement Savings Program (Title 21 (commencing with Section 100000), the state shall be represented by attorneys who possess a comprehensive knowledge of the Employee Retirement Income Security Act of 1974 (29 U.S.C. Sec. 1001 et seq.) (ERISA) and have at least 10 years of experience litigating claims related to ERISA in federal trial and appellate courts. If the Department of Justice does not have sufficient attorneys who possess these characteristics, it shall enter into contracts with qualified attorneys to secure their services.

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

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

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

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

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

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

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

24000. The officers of a county are:

(a) A district attorney.

(b) A sheriff.

(c) A county clerk.

(d) A controller.

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

(f) A treasurer.
(g) A recorder.
(h) A license collector.
(i) A tax collector, who shall be ex officio license collector.
(j) An assessor.
(k) A superintendent of schools.
(*l*) A public administrator.
(m) A coroner.
(n) A surveyor.
(o) Members of the board of supervisors.
(p) A county veterinarian.
(q) A fish and game warden.
(r) A county librarian.
(s) A county health officer.
(t) An administrative officer.
(u) A director of finance.
(v) A road commissioner.
(w) A public guardian.
(x) A chief probation officer.
(y) Such other officers as are provided by law.

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

CHAPTER 16. CHIEF PROBATION OFFICER

27770. (a) A chief probation officer shall be appointed in every county. He or she shall be nominated by the juvenile justice commission or regional juvenile justice commission of the county in the same manner as the presiding judge, in a county with two judges, or a majority of the judges, in a county with more than two judges, shall prescribe, and shall thereafter be appointed by the presiding judge or majority of judges. The salary for the position shall be established by the board of supervisors of the county. He or she may be removed for good cause as determined by the presiding judge or majority of judges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

68514. (a) Beginning October 1, 2018, and annually thereafter, the Judicial Council shall report to the Department of Finance and to the Joint Legislative Budget Committee, the total amount of revenue collected in the prior fiscal year, by each court and county, from criminal fines and fees assessed related to infractions and misdemeanors. The report shall include, but not be limited to, the following information:

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

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

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

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

(5) The total amount collected per collection activity.

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

(7) Total administrative costs per collection activity.

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

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

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

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

69580. In the County of Alameda there are 67 judges of the superior court.

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

69592. In the County of Riverside there are 51 judges of the superior court.

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

69594. In the County of San Bernardino there are 65 judges of the superior court.

SEC. 21. Section 69600 of the Government Code is amended to read:

69600. In the County of Santa Clara there are 77 judges of the superior court.

SEC. 22. Section 69614.4 is added to the Government Code, to read:

69614.4. (a) Notwithstanding any other law, two vacant judgeships from the Superior Court of the County of Santa Clara shall be reallocated to the Superior Court of the County of Riverside, and two vacant judgeships

from the Superior Court of the County of Alameda shall be reallocated to the Superior Court of the County of San Bernardino.

(b) The Judicial Council shall determine which specific vacancies shall be transferred between counties pursuant to this section and take all necessary steps to effectuate each transfer.

(c) The term of the judgeships specified in this section shall begin on January 2, 2018.

(d) A court in which a vacant judgeship is reallocated shall not have the court's funding allocation reduced or any of its funding shifted or transferred as a result of, or in connection with, the reallocation of a vacant judgeship pursuant to this section.

SEC. 23. Article 9 (commencing with Section 70500) is added to Chapter 5.7 of Title 8 of the Government Code, to read:

Article 9. Conveyance: Court Facility Property: County of San Diego

70500. For purposes of this article, the following definitions shall apply:

(a) "Central courthouse project" means the project analyzed in the Judicial Council EIR to construct the San Diego Central Courthouse and perform the demolition project.

(b) "Central jail" means the county-owned central jail located at 1173 Front Street in the City of San Diego.

(c) "City EIRs" means both the March 2008 City of San Diego Program Environmental Impact Report for the City of San Diego's General Plan (State Clearinghouse No. 200691032), as updated, and the March 2006 Final Environmental Impact Report for the San Diego Downtown Community Plan (State Clearinghouse No. 2003041001), as updated.

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

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

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

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

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

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

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

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

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

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

(b) A portion of the existing courthouse building is located on the adjacent county property. The state owns the portion of the existing courthouse building that is located on the county property, but the County of San Diego owns fee title to the county property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

70506. The exemption from CEQA for existing facilities identified in Section 15301 of Title 14 of the California Code of Regulations shall be deemed to apply to any lease authorized by the Board of Supervisors of the County of San Diego for any or all of the improvements on the San Diego property and the county property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Resentencing pursuant to this section shall not result in the imposition of a term longer than the original sentence.

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

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

(h) Unless the applicant requests a hearing, a hearing is not necessary to grant or deny an application filed under subdivision (f).

(i) This section does not apply to a person who has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

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

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

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

(m) This section does not diminish or abrogate any rights or remedies otherwise available to the petitioner or applicant.

(n) Resentencing pursuant to this section does not diminish or abrogate the finality of judgments in any case that does not come within the purview of this section.

(o) A resentencing hearing ordered under this section shall constitute a "post-conviction release proceeding" under paragraph (7) of subdivision (b) of Section 28 of Article I of the California Constitution (Marsy's Law).

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

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

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

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

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

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

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

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

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

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

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

(i) In the meantime, the court shall order that the mentally incompetent defendant be delivered by the sheriff to a State Department of State Hospitals facility, as defined in Section 4100 of the Welfare and Institutions Code, for the care and treatment of the mentally disordered, as directed by the State Department of State Hospitals, or to any other available public or private treatment facility, including a community-based residential treatment system established pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code if the facility has a secured perimeter or a locked and controlled treatment facility, approved by the community program director that will promote the defendant's speedy restoration to mental competence, or placed on outpatient status as specified in Section 1600.

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

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

(iv) The clerk of the court shall notify the Department of Justice in writing of a finding of mental incompetence with respect to a defendant who is

subject to clause (ii) or (iii) for inclusion in his or her state summary criminal history information.

(C) Upon the filing of a certificate of restoration to competence, the court shall order that the defendant be returned to court in accordance with Section 1372. The court shall transmit a copy of its order to the community program director or a designee.

(D) A defendant charged with a violent felony may not be delivered to a State Department of State Hospitals facility or treatment facility pursuant to this subdivision unless the State Department of State Hospitals facility or treatment facility has a secured perimeter or a locked and controlled treatment facility, and the judge determines that the public safety will be protected.

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

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

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

(A) The court shall order the community program director or a designee to evaluate the defendant and to submit to the court within 15 judicial days of the order a written recommendation as to whether the defendant should be required to undergo outpatient treatment, or be committed to the State Department of State Hospitals or to any other treatment facility. A person shall not be admitted to a State Department of State Hospitals facility or other treatment facility or placed on outpatient status under this section without having been evaluated by the community program director or a designee. The community program director or designee shall evaluate the appropriate placement for the defendant between a State Department of State Hospitals facility or the community-based residential treatment system based upon guidelines provided by the State Department of State Hospitals.

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

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

(I) The defendant lacks capacity to make decisions regarding antipsychotic medication, the defendant's mental disorder requires medical

treatment with antipsychotic medication, and, if the defendant's mental disorder is not treated with antipsychotic medication, it is probable that serious harm to the physical or mental health of the patient will result. Probability of serious harm to the physical or mental health of the defendant requires evidence that the defendant is presently suffering adverse effects to his or her physical or mental health, or the defendant has previously suffered these effects as a result of a mental disorder and his or her condition is substantially deteriorating. The fact that a defendant has a diagnosis of a mental disorder does not alone establish probability of serious harm to the physical or mental health of the defendant.

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

(III) The people have charged the defendant with a serious crime against the person or property, involuntary administration of antipsychotic medication is substantially likely to render the defendant competent to stand trial, the medication is unlikely to have side effects that interfere with the defendant's ability to understand the nature of the criminal proceedings or to assist counsel in the conduct of a defense in a reasonable manner, less intrusive treatments are unlikely to have substantially the same results, and antipsychotic medication is in the patient's best medical interest in light of his or her medical condition.

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

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

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

(v) If the court has determined that the defendant has the capacity to make decisions regarding antipsychotic medication and if the defendant, with advice from his or her counsel, does not consent, the court order for commitment shall indicate that, after the treating psychiatrist complies with the provisions of subparagraph (C), the defendant shall be returned to court for a hearing in accordance with subparagraphs (C) and (D) regarding whether antipsychotic medication shall be administered involuntarily.

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

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

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

(I) To be given timely access to the defendant's records.

(II) To be present at the hearing, unless the defendant waives that right.

(III) To present evidence at the hearing.

(IV) To question persons presenting evidence supporting involuntary medication.

(V) To make reasonable requests for attendance of witnesses on the defendant's behalf.

(VI) To a hearing conducted in an impartial and informal manner.

(ii) If the administrative law judge determines that the defendant either meets the criteria specified in subclause (I) of clause (i) of subparagraph (B), or meets the criteria specified in subclause (II) of clause (i) of subparagraph (B), then antipsychotic medication may continue to be administered to the defendant for the 21-day certification period. Concurrently with the treating psychiatrist's certification, the treating psychiatrist shall file a copy of the certification and a petition with the court for issuance of an order to administer antipsychotic medication beyond the 21-day certification period. For purposes of this subparagraph, the treating psychiatrist shall not be required to pay or deposit any fee for the filing of the petition or other document or paper related to the petition.

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

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

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

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

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

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

(3) When the court orders that the defendant be committed to a State Department of State Hospitals facility or other public or private treatment facility, the court shall provide copies of the following documents prior to the admission of the defendant to the State Department of State Hospitals or other treatment facility where the defendant is to be committed:

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

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

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

(D) State summary criminal history information.

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

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

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

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

(I) Medical records.

(4) When the defendant is committed to a treatment facility pursuant to clause (i) of subparagraph (B) of paragraph (1) or the court makes the findings specified in clause (ii) or (iii) of subparagraph (B) of paragraph (1) to assign the defendant to a treatment facility other than a State Department of State Hospitals facility or other secure treatment facility, the court shall order that notice be given to the appropriate law enforcement agency or agencies having local jurisdiction at the site of the placement facility of any

finding of mental incompetence pursuant to this chapter arising out of a charge of a Section 290 offense.

(5) When directing that the defendant be confined in a State Department of State Hospitals facility pursuant to this subdivision, the court shall commit the patient to the State Department of State Hospitals.

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

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

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

(7) (A) An order by the court authorizing involuntary medication of the defendant shall be valid for no more than one year. The court shall review the order at the time of the review of the initial report and the six-month progress reports pursuant to paragraph (1) of subdivision (b) to determine if the grounds for the authorization remain. In the review, the court shall consider the reports of the treating psychiatrist or psychiatrists and the defendant's patients' rights advocate or attorney. The court may require testimony from the treating psychiatrist and the patients' rights advocate or

attorney, if necessary. The court may continue the order authorizing involuntary medication for up to another six months, or vacate the order, or make any other appropriate order.

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

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

(b) (1) Within 90 days of a commitment made pursuant to subdivision (a), the medical director of the State Department of State Hospitals facility or other treatment facility to which the defendant is confined shall make a written report to the court and the community program director for the county or region of commitment, or a designee, concerning the defendant's progress toward recovery of mental competence and whether the administration of antipsychotic medication remains necessary. If the defendant is on outpatient status, the outpatient treatment staff shall make a written report to the community program director concerning the defendant's progress toward recovery of mental competence. Within 90 days of placement on outpatient status, the community program director shall report to the court on this matter. If the defendant has not recovered mental competence, but the report discloses a substantial likelihood that the defendant will regain mental competence in the foreseeable future, the defendant shall remain in the State Department of State Hospitals facility or other treatment facility or on outpatient status. Thereafter, at six-month intervals or until the defendant becomes mentally competent, if the defendant is confined in a treatment facility, the medical director of the State Department of State Hospitals facility or person in charge of the facility shall report in writing to the court and the community program director or a designee regarding the defendant's progress toward recovery of mental competence and whether the administration of antipsychotic medication remains necessary. If the defendant is on outpatient status, after the initial

90-day report, the outpatient treatment staff shall report to the community program director on the defendant's progress toward recovery, and the community program director shall report to the court on this matter at six-month intervals. A copy of these reports shall be provided to the prosecutor and defense counsel by the court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) If the original grounds for involuntary medication no longer exist, and the report states that there is another basis for involuntary administration of antipsychotic medication, the court shall set a hearing within 21 days to determine whether the order for the involuntary administration of antipsychotic medication shall be vacated or whether a new order for the involuntary administration of antipsychotic medication shall be issued. The hearing shall proceed as set forth in subparagraph (B) of paragraph (2) of subdivision (a).

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

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

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

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

(2) Whenever a defendant is returned to the court pursuant to paragraph (1) or (4) of subdivision (b) or paragraph (1) of this subdivision and it appears to the court that the defendant is gravely disabled, as defined in

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

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

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

(d) With the exception of proceedings alleging a violation of mandatory supervision, the criminal action remains subject to dismissal pursuant to Section 1385. If the criminal action is dismissed, the court shall transmit a copy of the order of dismissal to the community program director or a designee. In a proceeding alleging a violation of mandatory supervision, if the person is not placed under a conservatorship as described in paragraph (2) of subdivision (c), or if a conservatorship is terminated, the court shall reinstate mandatory supervision and may modify the terms and conditions of supervision to include appropriate mental health treatment or refer the matter to a local mental health court, reentry court, or other collaborative justice court available for improving the mental health of the defendant.

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

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

(g) For the purpose of this section, "secure treatment facility" shall not include, except for State Department of State Hospitals facilities, state

developmental centers, and correctional treatment facilities, any facility licensed pursuant to Chapter 2 (commencing with Section 1250) of, Chapter 3 (commencing with Section 1500) of, or Chapter 3.2 (commencing with Section 1569) of, Division 2 of the Health and Safety Code, or any community board and care facility.

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

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

1370.6. (a) If a mentally incompetent defendant is admitted to a county jail treatment facility pursuant to Section 1370, the department shall provide restoration of competency treatment at the county jail treatment facility and shall provide payment to the county jail treatment facility for the reasonable costs of the bed during the restoration of competency treatment as well as for the reasonable costs of any necessary medical treatment not provided within the county jail treatment facility, unless otherwise agreed to by the department and the facility.

(1) If the county jail treatment facility is able to provide restoration of competency services, upon approval by the department and subject to funding appropriated in the annual Budget Act, the county jail treatment facility may provide those services and the State Department of State Hospitals may provide payment to the county jail treatment facility for the reasonable costs of the bed during the restoration of competency treatment as well as the reasonable costs of providing restoration of competency services and for any necessary medical treatment not provided within the county jail treatment facility, unless otherwise agreed to by the department and the facility.

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

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

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

(b) If the community-based residential system is selected by the court pursuant to Section 1370, the State Department of State Hospitals shall provide reimbursement to the community-based residential treatment system

for the cost of restoration of competency treatment as negotiated with the State Department of State Hospitals.

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

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

1372. (a) (1) If the medical director of a state hospital or other facility to which the defendant is committed, or the community program director, county mental health director, or regional center director providing outpatient services, determines that the defendant has regained mental competence, the director shall immediately certify that fact to the court by filing a certificate of restoration with the court by certified mail, return receipt requested. For purposes of this section, the date of filing shall be the date on the return receipt.

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

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

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

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

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

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

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

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

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

(f) Notwithstanding subdivision (e), if a defendant is returned by the court to a hospital or other facility for the purpose of maintaining competency to stand trial and that defendant is already under civil commitment to that hospital or facility from another county pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code) or as a developmentally disabled person committed pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, the costs of housing and treating the defendant in that facility following return pursuant to subdivision (e) shall be the responsibility of the original county of civil commitment.

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

1463.007. (a) Notwithstanding any other law, a county or court that operates a comprehensive collection program may deduct the costs of operating that program, excluding capital expenditures, from any revenues collected under that program. The costs shall be deducted before any distribution of revenues to other governmental entities required by any other

law. A county or court operating a comprehensive collection program may establish a minimum base fee, fine, forfeiture, penalty, or assessment amount for inclusion in the program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1464. (a) (1) Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, and except as otherwise provided in this section, there shall be levied a state penalty in the amount of ten dollars ($10) for every ten dollars ($10), or part of ten dollars ($10), upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including all offenses, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.

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

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

(A) Any restitution fine.

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

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

(D) The state surcharge authorized by Section 1465.7.

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

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

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

(e) After a determination by the court of the amount due, the clerk of the court shall collect the penalty and transmit it to the county treasury. The portion thereof attributable to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code shall be deposited in the appropriate county fund and 70 percent of the balance shall then be transmitted to the

State Treasury, to be deposited in the State Penalty Fund, which is hereby created, and 30 percent to remain on deposit in the county general fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) Notwithstanding any other law, the Director of Finance shall 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.

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

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

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

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

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

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

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

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

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

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

(1) When a warrant has been issued by any magistrate after the filing of a complaint or the finding of an indictment and its presentation to the court and filing by the clerk, and the person named therein as defendant is a fugitive from justice who has been found and arrested in any state of the United States or in any foreign government, the county auditor shall draw

his or her warrant and the county treasurer shall pay to the person designated to return the fugitive, the amount of expenses estimated by the district attorney to be incurred in the return of the fugitive.

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

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

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

(5) If the expenses of the person employed to bring back the fugitive are less than the amount advanced on the recommendation of the district attorney, the person employed to bring back the fugitive shall return to the county or city treasurer, as appropriate, the difference in amount between the aggregate amount of receipts so filed by him or her, and the amount advanced to the person upon the recommendation of the district attorney.

(6) When no advance has been made to the person designated to return the fugitive, the sums expended by him or her, when audited by the Controller, shall be paid by the State Treasurer to the person so designated.

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

(d) A city, county, or other jurisdiction shall not file, and the state shall not reimburse, a claim pursuant to this section that is presented to the Department of Corrections and Rehabilitation or to any other agency or department of the state more than six months after the close of the month in which the costs were incurred. Notwithstanding any other law, a person transporting a fugitive as authorized by the Governor pursuant to this section shall be reimbursed according to the rates in paragraphs (1) to (5), inclusive. Rates and rules for reimbursement of travel claims not specified in paragraphs (1) to (5), inclusive, shall be consistent with the rules of the Department of General Services.

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

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

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

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

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

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

2801. The purposes of the authority are:

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

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

(c) 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, and one which will provide goods and services which are or will be used by the Department of Corrections, thereby reducing the cost of its operation.

(1) This subdivision does 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.

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

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

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

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

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

(c) To arrange for an independent annual audit.

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

(1) This subdivision does 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.

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

(e) To contract to employ a general manager to serve as the chief administrative officer of the authority. The general manager shall serve at the pleasure of the chairperson. The general manager shall have wide and successful experience with a productive enterprise, and have a demonstrated appreciation of the problems associated with prison management.

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

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

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

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

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

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

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

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

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

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

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

3453. Postrelease community supervision shall include the following conditions:

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

(b) The person shall obey all laws.

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

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

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

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

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

(h) (1) The person shall inform the supervising county agency of the person's place of residence and shall notify the supervising county agency of any change in residence, or the establishment of a new residence if the person was previously transient, within five working days of the change.

(2) For purposes of this section, "residence" means 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. If the person has no residence, he or she shall inform the supervising county agency that he or she is transient.

(i) (1) The person shall inform the supervising county agency of the person's place of employment, education, or training. The person shall inform the supervising agency of any pending or anticipated change in employment, education, or training.

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

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

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

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

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

(n) The person shall not possess, use, or have access to any weapon listed in Section 16140, subdivision (c) of Section 16170, Section 16220, 16260, 16320, 16330, or 16340, subdivision (b) of Section 16460, Section 16470, subdivision (f) of Section 16520, or Section 16570, 16740, 16760, 16830, 16920, 16930, 16940, 17090, 17125, 17160, 17170, 17180, 17190, 17200,

17270, 17280, 17330, 17350, 17360, 17700, 17705, 17710, 17715, 17720, 17725, 17730, 17735, 17740, 17745, 19100, 19200, 19205, 20200, 20310, 20410, 20510, 20610, 20611, 20710, 20910, 21110, 21310, 21810, 22010, 22015, 22210, 22215, 22410, 24310, 24410, 24510, 24610, 24680, 24710, 30210, 30215, 31500, 32310, 32400, 32405, 32410, 32415, 32420, 32425, 32430 32435, 32440, 32445, 32450, 32900, 33215, 33220, 33225, or 33600.

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

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

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

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

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

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

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

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

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

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

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

(3) "Local detention facility" has the same meaning as defined in Section 6031.4.

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

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

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

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

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

(b) (1) The Governor shall appoint 15 commissioners, subject to Senate confirmation, pursuant to this section. These commissioners shall be appointed and trained to hear only adult matters. Except as specified in paragraph (2), commissioners shall hold office for terms of three years, each term to commence on the expiration date of the predecessor. Any appointment to a vacancy that occurs for any reason other than expiration of the term shall be for the remainder of the unexpired term. Commissioners are eligible for reappointment.

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

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

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

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

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

(c) The chair of the board shall be designated by the Governor periodically. The Governor may appoint an executive officer of the board, subject to Senate confirmation, who shall hold office at the pleasure of the Governor. The executive officer shall be the administrative head of the board and shall exercise all duties and functions necessary to insure that the responsibilities of the board are successfully discharged. The secretary shall be the appointing authority for all civil service positions of employment with the board.

(d) Each commissioner shall participate in hearings on each workday, except when it is necessary for a commissioner to attend training, en banc hearings or full board meetings, or other administrative business requiring the participation of the commissioner. For purposes of this subdivision,

these hearings shall include parole consideration hearings, parole rescission hearings, and parole progress hearings.

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

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

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

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

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

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

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

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

(5) Whether the county in which the facility is located received state funding for jail construction pursuant to Chapter 7 of the Statutes of 2007, Chapter 42 of the Statutes of 2012, Chapter 37 of the Statutes of 2014, or Chapter 34 of the Statutes of 2016. For counties that received funding, whether the county and facility are in compliance with the applicable requirements and restrictions of that funding.

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

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

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

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

(2) Any person who has two or more convictions for violating paragraph (2) of subdivision (a) of Section 417 and who owns, purchases, receives,

or has in possession or under custody or control any firearm is guilty of a felony.

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

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

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

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

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

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

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

29805. (a) Except as provided in Section 29855 or subdivision (a) of Section 29800, any person who has been convicted of, or has an outstanding warrant for, a misdemeanor violation of Section 71, 76, 136.1, 136.5, or

140, subdivision (d) of Section 148, subdivision (f) of Section 148.5, Section 171b, paragraph (1) of subdivision (a) of Section 171c, Section 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 626.9, 646.9, or 830.95, subdivision (a) of former Section 12100, as that section read at any time from when it was enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to when it was repealed by Section 18 of Chapter 23 of the Statutes of 1994, Section 17500, 17510, 25300, 25800, 30315, or 32625, subdivision (b) or (d) of Section 26100, or Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, or of the conduct punished in subdivision (c) of Section 27590, and who, within 10 years of the conviction, or if the individual has an outstanding warrant, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, which shall be punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

(b) The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this section. However, the prohibition in this section may be reduced, eliminated, or conditioned as provided in Section 29855 or 29860.

SEC. 47. Section 30680 of the Penal Code, as added by Section 2 of Chapter 40 of the Statutes of 2016, is amended to read:

30680. Section 30605 does not apply to the possession of an assault weapon by a person who has possessed the assault weapon prior to January 1, 2017, if all of the following are applicable:

(a) Prior to January 1, 2017, the person would have been eligible to register that assault weapon pursuant to subdivision (b) of Section 30900.

(b) The person lawfully possessed that assault weapon prior to January 1, 2017.

(c) The person registers the assault weapon by July 1, 2018, in accordance with subdivision (b) of Section 30900.

SEC. 48. Section 30680 of the Penal Code, as added by Section 2 of Chapter 48 of the Statutes of 2016, is amended to read:

30680. Section 30605 does not apply to the possession of an assault weapon by a person who has possessed the assault weapon prior to January 1, 2017, if all of the following are applicable:

(a) Prior to January 1, 2017, the person was eligible to register that assault weapon pursuant to subdivision (b) of Section 30900.

(b) The person lawfully possessed that assault weapon prior to January 1, 2017.

(c) The person registers the assault weapon by July 1, 2018, in accordance with subdivision (b) of Section 30900.

SEC. 49. Section 30900 of the Penal Code is amended to read:

30900. (a) (1) Any person who, prior to June 1, 1989, lawfully possessed an assault weapon, as defined in former Section 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989, shall register the firearm

by January 1, 1991, and any person who lawfully possessed an assault weapon prior to the date it was specified as an assault weapon pursuant to former Section 12276.5, as added by Section 3 of Chapter 19 of the Statutes of 1989 or as amended by Section 1 of Chapter 874 of the Statutes of 1990 or Section 3 of Chapter 954 of the Statutes of 1991, shall register the firearm within 90 days with the Department of Justice pursuant to those procedures that the department may establish.

(2) Except as provided in Section 30600, any person who lawfully possessed an assault weapon prior to the date it was defined as an assault weapon pursuant to former Section 12276.1, as it read in Section 7 of Chapter 129 of the Statutes of 1999, and which was not specified as an assault weapon under former Section 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989 or as amended at any time before January 1, 2001, or former Section 12276.5, as added by Section 3 of Chapter 19 of the Statutes of 1989 or as amended at any time before January 1, 2001, shall register the firearm by January 1, 2001, with the department pursuant to those procedures that the department may establish.

(3) The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth, and thumbprint of the owner, and any other information that the department may deem appropriate.

(4) The department may charge a fee for registration of up to twenty dollars ($20) per person but not to exceed the reasonable processing costs of the department. After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustment for the department's budget or as otherwise increased through the Budget Act but not to exceed the reasonable costs of the department. The fees shall be deposited into the Dealers' Record of Sale Special Account.

(b) (1) Any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined in Section 30515, including those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, shall register the firearm before July 1, 2018, but not before the effective date of the regulations adopted pursuant to paragraph (5), with the department pursuant to those procedures that the department may establish by regulation pursuant to paragraph (5).

(2) Registrations shall be submitted electronically via the Internet utilizing a public-facing application made available by the department.

(3) The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired, as well as the registrant's full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, and California driver's license number or California identification card number.

(4) The department may charge a fee in an amount of up to fifteen dollars ($15) per person but not to exceed the reasonable processing costs of the department. The fee shall be paid by debit or credit card at the time that the electronic registration is submitted to the department. The fee shall be deposited in the Dealers' Record of Sale Special Account to be used for purposes of this section.

(5) The department shall adopt regulations for the purpose of implementing this subdivision. These regulations are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 50. Section 10340.1 is added to the Public Contract Code, to read:

10340.1. (a) Notwithstanding existing law, the State Department of State Hospitals may enter into an agreement for the purposes of continued operation of the existing central utility plant at the Metropolitan State Hospital without having to go through a competitive bid process.

(b) This section shall remain in effect only until June 30, 2018, and as of that date is repealed.

SEC. 51. Section 13365 of the Vehicle Code is amended to read:

13365. (a) Upon receipt of notification of a violation of subdivision (a) of Section 40508, the department shall take the following action:

(1) If the notice is given pursuant to subdivision (a) of Section 40509, if the driving record of the person who is the subject of the notice contains one or more prior notifications of a violation issued pursuant to Section 40509 or 40509.5, and if the person's driving privilege is not currently suspended under this section, the department shall suspend the driving privilege of the person.

(2) If the notice is given pursuant to subdivision (a) of Section 40509.5, and if the driving privilege of the person who is the subject of the notice is not currently suspended under this section, the department shall suspend the driving privilege of the person.

(b) (1) A suspension under this section shall not be effective before a date 60 days after the date of receipt, by the department, of the notice given specified in subdivision (a), and the notice of suspension shall not be mailed by the department before a date 30 days after receipt of the notice given specified in subdivision (a).

(2) The suspension shall continue until the suspended person's driving record does not contain any notification of a violation of subdivision (a) of Section 40508.

SEC. 52. Section 13365.2 of the Vehicle Code is amended to read:

13365.2. (a) Upon receipt of the notice required under subdivision (b) of Section 40509.5, the department shall suspend the driving privilege of the person upon whom notice was received and shall continue that suspension until receipt of the certificate required under that subdivision.

(b) The suspension required under subdivision (a) shall become effective on the 45th day after the mailing of written notice by the department.

SEC. 53. Section 40509 of the Vehicle Code is amended to read:

40509. (a) Except as required under subdivision (b) of Section 40509.5, if a person has violated a written promise to appear or a lawfully granted continuance of his or her promise to appear in court or before the person authorized to receive a deposit of bail, or violated an order to appear in court, including, but not limited to, a written notice to appear issued in accordance with Section 40518, the magistrate or clerk of the court may give notice of the failure to appear to the department for any violation of this code, or any violation that can be heard by a juvenile traffic hearing referee pursuant to Section 256 of the Welfare and Institutions Code, or any violation of any other statute relating to the safe operation of a vehicle, except violations not required to be reported pursuant to paragraphs (1), (2), (3), (6), and (7) of subdivision (b) of Section 1803. If thereafter the case in which the promise was given is adjudicated or the person who has violated the court order appears in court or otherwise satisfies the order of the court, the magistrate or clerk of the court hearing the case shall sign and file with the department a certificate to that effect.

(b) (1) Notwithstanding subdivision (a), the court may notify the department of the total amount of bail, fines, assessments, and fees authorized or required by this code, including Section 40508.5, that are unpaid by a person.

(2) Once a court has established the amount of bail, fines, assessments, and fees, and notified the department, the court shall not further enhance or modify that amount.

(3) This subdivision applies only to violations of this code that do not require a mandatory court appearance, are not contested by the defendant, and do not require proof of correction certified by the court.

(c) Any violation subject to Section 40001 that is the responsibility of the owner of the vehicle shall not be reported under this section.

SEC. 54. Section 40509.5 of the Vehicle Code is amended to read:

40509.5. (a) Except as required under subdivision (b), if, with respect to an offense described in subdivision (d), a person has violated his or her written promise to appear or a lawfully granted continuance of his or her promise to appear in court or before the person authorized to receive a deposit of bail, or violated an order to appear in court, including, but not limited to, a written notice to appear issued in accordance with Section 40518, the magistrate or clerk of the court may give notice of the failure to appear to the department for a violation of this code, a violation that can be heard by a juvenile traffic hearing referee pursuant to Section 256 of the Welfare and Institutions Code, or a violation of any other statute relating to the safe operation of a vehicle, except violations not required to be reported pursuant to paragraphs (1), (2), (3), (6), and (7) of subdivision (b) of Section 1803. If thereafter the case in which the promise was given is adjudicated or the person who has violated the court order appears in court and satisfies the order of the court, the magistrate or clerk of the court hearing the case shall sign and file with the department a certificate to that effect.

(b) If a person charged with a violation of Section 23152 or 23153, or Section 191.5 of the Penal Code, or subdivision (a) of Section 192.5 of that

code has violated a lawfully granted continuance of his or her promise to appear in court or is released from custody on his or her own recognizance and fails to appear in court or before the person authorized to receive a deposit of bail, or violated an order to appear in court, the magistrate or clerk of the court shall give notice to the department of the failure to appear. If thereafter the case in which the notice was given is adjudicated or the person who has violated the court order appears in court or otherwise satisfies the order of the court, the magistrate or clerk of the court hearing the case shall prepare and forward to the department a certificate to that effect.

(c) Except as required under subdivision (b), the court shall mail a courtesy warning notice to the defendant by first-class mail at the address shown on the notice to appear, at least 10 days before sending a notice to the department under this section.

(d) If the court notifies the department of a failure to appear pursuant to subdivision (a), no arrest warrant shall be issued for an alleged violation of subdivision (a) of Section 40508, unless one of the following criteria is met:

(1) The alleged underlying offense is a misdemeanor or felony.

(2) The alleged underlying offense is a violation of any provision of Division 12 (commencing with Section 24000), Division 13 (commencing with Section 29000), or Division 15 (commencing with Section 35000), required to be reported pursuant to Section 1803.

(3) The driver's record does not show that the defendant has a valid California driver's license.

(4) The driver's record shows an unresolved charge that the defendant is in violation of his or her written promise to appear for one or more other alleged violations of the law.

(e) Except as required under subdivision (b), in addition to the proceedings described in this section, the court may elect to notify the department pursuant to subdivision (b) of Section 40509.

(f) A violation subject to Section 40001 that is the responsibility of the owner of the vehicle shall not be reported under this section.

SEC. 55. Section 209 of the Welfare and Institutions Code is amended to read:

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

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

(3) The Board of State and Community Corrections shall conduct a biennial inspection of each jail, juvenile hall, lockup, or special purpose juvenile hall situated in this state that, during the preceding calendar year, was used for confinement, for more than 24 hours, of any minor. The board shall promptly notify the operator of any jail, juvenile hall, lockup, or special purpose juvenile hall of any noncompliance found, upon inspection, with any of the minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under Section 210 or 210.2.

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

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

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

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

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

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

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

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

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

(g) All reports and notices of findings prepared by the Board of State and Community Corrections pursuant to this section shall be posted on the Board of State and Community Corrections' Internet Web site in a manner in which they are accessible to the public.

SEC. 56. Section 270 of the Welfare and Institutions Code is repealed.

SEC. 57. Section 270 is added to the Welfare and Institutions Code, to read:

270. The chief probation officer shall be appointed and compensation for the position shall be determined as provided in Chapter 16 (commencing with Section 27770) of Part 3 of Division 2 of Title 3 of the Government Code.

SEC. 58. Section 271 of the Welfare and Institutions Code is repealed.

SEC. 59. Section 271 is added to the Welfare and Institutions Code, to read:

271. In counties having charters that provide a method of appointment and tenure of office for the superintendent, matron, and other employees of the juvenile hall, the charter provisions shall control as to those matters and, in counties that have established or hereafter establish merit or civil service systems governing the methods of appointment and the tenure of office for the superintendent, matrons, and other employees of the juvenile hall, the provisions of the merit or civil service systems shall control as to those matters. In all other counties, these matters shall be controlled exclusively by the provisions of this code.

SEC. 60. Section 1982 of the Welfare and Institutions Code is amended to read:

1982. (a) The Department of Corrections and Rehabilitation, Division of Juvenile Justice, shall provide an annual report, commencing July 10, 2011, and annually thereafter, for the preceding fiscal year, with information sorted by county, to the Department of Finance that includes, but is not limited to, the following:

(1) Identifying information of each ward discharged from a Division of Juvenile Justice facility on or after 90 days after the enactment of this section, excluding parole violators who were originally released to parole on or after 90 days after the enactment of this section, and the date each ward was released to local supervision.

(2) The name of each parolee recalled pursuant to Section 731.1 on or after 90 days after the enactment of this section, the remaining term of supervision, and the date each ward was recalled.

(b) (1) The Board of State and Community Corrections shall provide an annual report, commencing on July 10, 2011, and annually thereafter, for the preceding fiscal year, with information sorted by county, to the Department of Finance that includes, but is not limited to, the following: identifying information of each discharged ward returned to a local juvenile

detention facility for violating a condition of court-ordered supervision that occurred during the first 24 months after the ward's initial release to local supervision, and the number of months each violator was housed in a local juvenile detention facility. The Board of State and Community Corrections may audit the information included in the annual report required by this section.

(2) A county that does not submit data pursuant to this subdivision may not receive funding pursuant to subdivision (c) of Section 1984.

(c) For the purposes of this section, "identifying information" means a unique identifier, which may include the ward's initials, that allows the Department of Finance to reconcile information provided by the Department of Corrections and Rehabilitation, Division of Juvenile Justice, pursuant to subdivision (a) with information provided by the Board of State and Community Corrections pursuant to subdivision (b), while preserving the confidentiality of the ward. The reports created pursuant to this section shall not be considered record information within the meaning of Section 11075 of the Penal Code or Section 825 of this code.

SEC. 61. Section 4100 of the Welfare and Institutions Code is amended to read:

4100. The department has jurisdiction over the following facilities:

(a) Atascadero State Hospital.

(b) Coalinga State Hospital.

(c) Metropolitan State Hospital.

(d) Napa State Hospital.

(e) Patton State Hospital.

(f) (1) The Admission, Evaluation, and Stabilization (AES) Center in the County of Kern, and other AES Centers as defined by regulation.

(2) The Director of State Hospitals may adopt emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division of 3 of Title 2 of the Government Code) to implement this subdivision. The adoption of emergency regulations under this paragraph is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the Director of State Hospitals is hereby exempted for this purpose from the requirements of subdivision (b) of Section 11346.1 of the Government Code.

(g) A county jail treatment facility under contract with the State Department of State Hospitals to provide competency restoration services.

(h) Any other State Department of State Hospitals facility subject to available funding by the Legislature.

SEC. 62. Section 4358.5 of the Welfare and Institutions Code is amended to read:

4358.5. Funds deposited into the Traumatic Brain Injury Fund pursuant to subdivision (f) of Section 1464 of the Penal Code may be matched by federal vocational rehabilitation services funds for implementation of the Traumatic Brain Injury program pursuant to this chapter. However, this matching of funds shall occur only to the extent it is permitted by other state

and federal law, and to the extent the matching of funds would be consistent with the policies and priorities of the department.

SEC. 63. Section 7228 of the Welfare and Institutions Code is amended to read:

7228. Prior to admission, the State Department of State Hospitals shall evaluate each patient committed pursuant to Section 1026 or 1370 of the Penal Code to determine the placement of the patient to the appropriate State Department of State Hospitals facility, as defined in Section 4100. The State Department of State Hospitals shall utilize the documents provided pursuant to subdivision (e) of Section 1026 of the Penal Code and paragraph (2) of subdivision (b) of Section 1370 of the Penal Code to make the appropriate placement. A patient determined to be a high security risk shall be treated in the department's most secure facilities pursuant to Section 7230. A Penal Code patient not needing this level of security shall be treated as near to the patient's community as possible if an appropriate treatment program is available.

SEC. 64. Section 7234 of the Welfare and Institutions Code is amended to read:

7234. (a) (1) A Patient Management Unit (PMU) shall be established within the State Department of State Hospitals to facilitate patient movement across all facilities under its jurisdiction, as defined in Section 4100, and any psychiatric programs operated by the State Department of State Hospitals pursuant to a memorandum of understanding with the Department of Corrections and Rehabilitation.

(2) The PMU's responsibilities shall include, but not be limited to, oversight and centralized management of patient admissions, and collection of data for reports and patient population projections.

(b) The State Department of State Hospitals shall adopt regulations, consistent with this article, concerning policies and procedures to be implemented by the PMU, including, but not limited to, both of the following:

(1) Policies and procedures for patient referral to the State Department of State Hospitals.

(2) Screening criteria that ensures that patients are placed in a State Department of State Hospitals facility or psychiatric program closest to their county of residence in the absence of a compelling reason to place the patient in another facility. Compelling reasons may include, but not be limited to, the patient's specialized psychiatric, medical, or safety needs, and the availability of beds for his or her commitment type.

(c) The Director of State Hospitals may adopt emergency regulations in accordance with the Administrative Procedures Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) to implement this section. The adoption of an emergency regulation under this paragraph is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the Director of State Hospitals is hereby exempted for this purpose from

the requirements of subdivision (b) of Section 11346.1 of the Government Code.

SEC. 65. The provisions of Section 4 of this act, amending Section 384 of the Code of Civil Procedure, are severable. If any provision of Section 4 of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 66. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 67. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

O