

25527

02/04/16 05:47 PM
RN 16 07269 PAGE 1

An act to add Title 4.9 (commencing with Section 4497.6) to Part 3 of the Penal Code, relating to county jails.



160726925527BILL

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Title 4.9 (commencing with Section 4497.6) is added to Part 3 of the Penal Code, to read:

TITLE 4.9. FUNDING OF LOCAL CRIMINAL JUSTICE FACILITIES

4497.6. (a) For purposes of this title, "participating county" means a county, city and county, or regional consortium of counties, within the state that has been certified by the Board of State and Community Corrections (BSCC) as having satisfied all of the requirements set forth in this title for funding an adult local criminal justice facility pursuant to this title.

(b) (1) For purposes of this title, an adult local criminal justice facility may include improved housing with an emphasis on expanding program and treatment space as necessary to manage the adult offender population consistent with the legislative intent described in Sections 17.5 and 3450 under the jurisdiction of the sheriff or county department of corrections, as may be applicable, to be further defined by the BSCC in duly adopted regulations.

(2) For purposes of this title, an adult local criminal justice facility may also include custodial housing, reentry, program, mental health, or treatment space necessary to manage the adult offender population, consistent with the legislative intent described in Sections 17.5 and 3450, under the jurisdiction of the sheriff or county department of corrections, as may be applicable, to be further defined by the BSCC in duly adopted regulations.



4497.61. (a) Through administering a competitive grant program, the BSCC may award up to two hundred fifty million dollars (\$250,000,000) to assist participating counties to acquire, design, and construct an adult local criminal justice facility approved by the BSCC pursuant to Section 4497.62. The funding shall be allocated to counties from Item 5227-107-001 of Section 2.00 of the Budget Act of 2016–17. Facilities funded pursuant to this title shall be delivered pursuant to all laws and regulations applicable to the participating counties.

(b) The BSCC and a participating county shall enter into an agreement for each adult local criminal justice facility that shall provide, at a minimum, performance expectations of the parties and guidelines and criteria for use and application of the funds awarded by the BSCC to pay for the cost of the approved adult local criminal justice facility.

(c) The agreement shall include a provision wherein the participating county agrees to indemnify, defend, and hold harmless the State of California for all claims and losses arising out of the acquisition, design, and construction of the adult local criminal justice facility. The agreement may also contain additional terms and conditions that facilitate the grant program administered by BSCC pursuant to this title.

(d) For purposes of compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), the BSCC is not a lead or responsible agency, the participating county is the lead agency.

4497.62. (a) The BSCC shall adhere to its duly adopted regulations for the approval or disapproval of adult local criminal justice facilities. The BSCC shall also consider cost-effectiveness in determining approval or disapproval.



(b) The review and approval of plans, specifications, or other documents by the BSCC are for the purpose of ensuring the proper administration of moneys and the determination of whether the adult local criminal justice facility specifications comply with law and regulation. The BSCC may require changes in construction materials to enhance safety and security if materials proposed at the time of final plans and specifications are not essential and customary as used statewide for facilities of the same security level. Participating counties are responsible for the acquisition, design, construction, staffing, operation, repair, and maintenance of the adult local criminal justice facility.

(c) The BSCC shall establish minimum standards, funding schedules, and procedures, which shall take into consideration, but not be limited to, the following:

(1) Documentation of the need for improved adult local criminal justice facility housing with an emphasis on expanded program and treatment space. Counties shall not be required to submit a new needs assessment if the county previously submitted a needs assessment for a request submitted pursuant to Chapter 3.131 (commencing with Section 15820.93) of Part 10b of Division 3 of Title 2 of the Government Code.

(2) A written adult local criminal justice facility proposal.

(3) Submission of a staffing plan for the adult local criminal justice facility, including operational cost projections and documentation that the adult local criminal justice facility will be able to be safely staffed and operated within 90 days of completion, as may be applicable.

(4) Submission of architectural drawings, which shall be approved by the BSCC for compliance with minimum adult detention facility standards.



4497.63. (a) The participating county contribution for adult local criminal justice facilities financed under this title shall be a minimum of 10 percent of the total project costs. The BSCC may reduce contribution requirements for participating counties with a general population of less than 200,000 people upon petition by a participating county to the BSCC requesting a lower level of contribution.

(b) The BSCC shall determine the funding and scoring criteria. The BSCC shall consider award history in Chapters 3.11 (commencing with Section 15820.90) to 3.131 (commencing with Section 15820.93), inclusive, of Part 10b of Division 3 of Title 2 of the Government Code in its scoring of adult local criminal justice facility applications. Funds shall be made available to only those counties that have previously received only a partial award or have never received an award from the state within the financing programs authorized in Chapters 3.11 (commencing with Section 15820.90) to 3.131 (commencing with Section 15820.93), inclusive, of Part 10b of Division 3 of Title 2 of the Government Code. The funding criteria shall include, as a mandatory criterion, documentation of the percentage of pretrial inmates in the county jail from January 1, 2015, to December 31, 2015, inclusive, and a description of the county's current risk-assessment-based pretrial release program. Funding preference shall also be given to counties that are most prepared to proceed successfully with their proposed project in a timely manner. The determination of preparedness to proceed shall include both of the following:

(1) Counties providing a board of supervisors' resolution authorizing an adequate amount of available matching funds to satisfy the counties' contribution and approving the form of the agreement between the BSCC and the participating county required by



this title, and authorizing the appropriate signatory or signatories to execute that agreement if a grant is awarded to the participating county.

(2) Counties providing documentation showing that CEQA compliance has been completed. Documentation of CEQA compliance shall be either a final Notice of Determination or a final Notice of Exemption, as appropriate, and a letter from county counsel certifying the associated statute of limitations has expired and either no challenges were filed or identifying any challenges filed and explaining how they have been resolved in a manner that allows the project to proceed as proposed.

(c) Funding consideration shall be given to counties that are seeking to replace compacted, outdated, or unsafe housing capacity that will also add treatment space or counties that are seeking to renovate existing or build new facilities that provide adequate space for the provision of treatment and rehabilitation services, including mental health treatment.

(d) A participating county may replace existing housing capacity, realizing only a minimal increase of capacity, using this funding if the requesting county clearly documents an existing housing capacity deficiency.

(e) A participating county with a request resulting in an increase in capacity using this funding authority shall be required to certify in writing that the county is not, and will not be, leasing housing capacity to any other public or private entity for a period of 10 years after the completion date of the adult local criminal justice facility funded pursuant to this title.



16072692552/BILL

LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Funding of local criminal justice facilities: grant program.

Existing law provides for the Board of State and Community Corrections (BSCC) to issue bonds to finance the acquisition, design, and construction of approved adult local criminal justice facilities. Existing law specifies the process that the BSCC is required to use in determining which projects to fund, including award history and preparedness to proceed with the project.

This bill would require the BSCC to award grants of up to a total of \$250,000,000 to assist participating counties to acquire, design, and construct an adult local criminal justice facility approved by the BSCC. The bill would require the BSCC and a participating county to enter into an agreement for each adult local criminal justice facility that shall provide, at a minimum, performance expectations of the parties and guidelines and criteria for use and application of the funds awarded. The bill, with some exceptions, would require the participating county to contribute a minimum of



25527

02/04/16 05:47 PM
RN 16 07269 PAGE 2

10% of the total project costs. The bill would limit funding to counties that have previously received only a partial award or have never received an award from the state pursuant to specified local criminal justice facility bond financing programs.

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



160726925527BILL