

Assembly Appropriations Committee
Public Safety

8/10/16 3:09 PM

BILL	AUTHOR	SUBJECT/FISCAL EFFECT	RECOMMENDATION
SB 6	Galgiani	<p data-bbox="474 383 1192 415">Subject: Parole: medical parole: compassionate release.</p> <p data-bbox="474 456 1535 561">Exempts from medical parole and compassionate release eligibility a prisoner who was convicted of the murder of a peace officer, as provided, and applies the provisions of this bill retroactively.</p> <p data-bbox="474 597 569 630">Fiscal:</p> <p data-bbox="474 667 1562 984">It is impossible to determine a fiscal impact of this bill, or when the fiscal impact would occur. Due to the number of first degree murder cases, CDCR does not maintain statistical data on the number of murder victims that were of peace officers. They do know that there are seven inmates convicted between 1970 and 2007 for murder in the second degree of a peace officer; four of these inmates have sentences of life without the possibility of parole. Therefore, there are three known inmates who will be excluded from compassionate release or medical parole, but they may not request either. However, inmates in either category are very expensive patients, their annual medical cost could be anywhere from \$160,000 to over \$1 million.</p>	

SB 448	Hueso	<p>Subject: Sex offenders: Internet identifiers.</p> <p>Requires a person convicted of a felony, on or after January 1, 2017, for which the person is required to register as a sex offender, to register his or her Internet identifiers, as defined, to law enforcement. Also, persons subject to the bill's provisions are required to send written notice to the law enforcement agency or agencies with which he or she is currently registered when he or she establishes or changes an Internet identifier within 30 working days of the addition or change, as specified, and requires the law enforcement agency to make this information available to the Department of Justice (DOJ).</p> <p>Fiscal:</p> <p>Additional cost (General Fund) to DOJ of \$850,000 in 2016-17, \$750,000 in 2017-18, and annual on-going of \$430,000. Additional staff bill be required to update program procedures, provide training and outreach to the field on procedures for submission of required information to the DOJ, process/complete updates to sex registration, pre-registration or pending registration cycle additions and deletions, update and correct disposition information from court information obtained by the Violent Crime Information Center (VCIC), as well as create new records for sex registrants where no record exists and automate criminal history folders requested by the VCIC. In addition, staff will be required to implement a new case management system to track and manage when Internet identifier information is released and modify the existing California Sex and Arson Registry system.</p>	
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SB 823	Block	<p>Subject: Criminal procedure: human trafficking.</p> <p>Allows an individual convicted of a nonviolent crime, as defined, while he or she was a human trafficking victim to apply to the court to vacate the conviction at any time after it was entered. The prosecutorial agency has 45 days, from the date of receipt of service of complete application, to oppose the application, if opposition to the application is not filed, the court is required to deem the application unopposed and must grant the application; but if the application is opposed, the court is required to hold a hearing on the application. If the defendant prevails, the court is required to seal the records and release the defendants from all penalties - except financial restitution- and disabilities, and the requirement to disclose the conviction of the crime.</p> <p>If the court denies the application because the evidence is insufficient to establish grounds for vacating a conviction, the denial may be without prejudice. The court may state its reasons; if those reasons are curable deficiencies, the court may allow the applicant a reasonable time period to cure the deficiencies upon which the court based the denial.</p> <p>Fiscal:</p> <ol style="list-style-type: none"> 1) Unknown costs to the courts, since many of the requests to vacate will be for misdemeanors and low-level felonies. However, if the prosecutorial agency opposes the request, the court must hold a hearing. For illustrative purposes, 100 such hearings would result in a cost of \$167,000 (Trial Court Trust Fund) for two-hour hearings, and \$670,000 for full-day hearings. 2) First-year cost of approximately \$60,000 and ongoing cost of \$90,000 (General Fund) to the Department of Justice for one position to address the workload to seal approximately 700 records annually. 	
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SB 1016	Monning	<p>Subject: Sentencing.</p> <p>Extends the sunset date from January 1, 2017, to January 1, 2022, for provisions of law which provide that the court shall, in its discretion, impose the term or enhancement that best serves the interest of justice.</p> <p>Fiscal:</p> <p>Unknown annual GF increase or decrease to the extent this measure results in longer or shorter prison terms. While it is unlikely this bill will significantly alter current sentencing patterns, even a minor increase in the number of offenders deviating from the middle term drives significant costs or savings, given the large base of offenders. However, the fiscal impact of extending the sentencing provisions is unclear because the costs are determined by the behavior and decisions of individual judges in sentencing hearings.</p>	
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SB 1052	Lara	<p>Subject: Custodial interrogation: juveniles.</p> <p>Requires that a youth under the age of 18 consult with counsel prior to a custodial interrogation and before the waiver of any <i>Miranda</i> rights, as specified. This bill provides that the consultation may not be waived.</p> <p>Fiscal:</p> <ol style="list-style-type: none"> 1) Significant non-reimbursable annual costs, potentially in the millions of dollars, to local agencies to provide legal counsel to minors prior to custodial interrogations. Proposition 30 exempts the State from mandate reimbursement for realigned responsibilities for “public safety services” including the provision of services for, and supervision of, juvenile offenders. However, legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for public safety services applies to local agencies only to the extent that the State provides annual funding for the cost increase. The provisions of Proposition 30 have not been interpreted through the formal court process to date; however, to the extent local agency costs to county probation and sheriff departments resulting from this measure are determined to be applicable under the provisions of Proposition 30, SB 1052 could potentially result in additional costs to the State 2) Minor one-time cost in the \$50,000 range, and ongoing cost in the \$50,000 range to the Division of Juvenile Justice (DJJ) in the California Department of Corrections and Rehabilitation (CDCR). One-time cost to update DJJ regulations and procedures, and ongoing costs to provide a higher level of legal services to DJJ wards. 3) Minor costs to several state agencies with law enforcement responsibilities (other than CDCR), such as CHP, Department of Justice, and Department of Fish and Wildlife, who may interact juvenile offenders, to update their regulations and procedures. 	
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SB 1075	Runner	<p>Subject: Department of Justice: crime statistics reporting.</p> <p>Requires the Department of Justice (DOJ) to include disaggregated information on specific child molestation crimes in its annual statewide criminal statistics report. Specifically, this bill:</p> <ol style="list-style-type: none"> 1) Requires the DOJ in its annual report "Crime in California," to include statistics on child molestation in the same format and within the existing Table 1 and Table 2 that reports on the number, rates per 100,000 population, and percentage change in other violent crimes, including rape. 2) States that child molestation shall include the combined total offenses of lewd and lascivious acts upon a child under the age of 14, and continuous sexual assault of a child. <p>Fiscal:</p> <p>Moderate GF costs to DOJ, in the \$170,000 range in 2016-17, \$210,000 in 2017-18, and \$110,000 on going. These costs include: a) staff for software development, support in implementing the collection of the new data set, developing new procedures, forms, and informational bulletins; b) staff for making format changes to existing publications to incorporate the new data; and c) contracting services to design, develop, test, and implement the enhancements to existing systems.</p>	
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SB 1134	Leno	<p>Subject: Habeas corpus: new evidence: motion to vacate judgment: indemnity.</p> <p>Codifies a standard for habeas corpus petitions filed on the basis of new evidence. Specifically, this bill:</p> <ol style="list-style-type: none"> 1) Permits a writ of habeas corpus to be prosecuted on the basis of new evidence, which would have more likely than not changed the outcome of the trial. However, this new evidence must be evidence that has been discovered after the trial and could not have been discovered prior to trial. 2) Requires the Victims Compensation and Government Claims Board (VCB) to recommend payment for incarceration of a person if the court finds that the person is factually innocent. <p>Fiscal:</p> <ol style="list-style-type: none"> 1) Potential significant costs in the millions of dollars (GF and Trial Court Trust Fund) to the Supreme Court, Court of Appeals, and Trial Courts during the first two or three years. Although this bill specifies the "new evidence" must be evidence that was not available at the time of the trial, staff of the various courts will have to review the record and make that determination. Writs may be submitted to all three courts; and the higher the court, the higher the level of review. Denial by a lower court is subject to either appeal, or to the filing of an original petition at the next higher court, (or both). The Judicial Council estimates a large volume of new writs during the first two or three years after enactment, but a leveling-off thereafter. 2) Potential future increase in General Fund appropriations to VCB for payment of approved claims for compensation potentially in the hundreds of thousands to low millions of dollars in any one year. Annual costs would vary based on the number of claims filed and the duration of unlawful imprisonment specific to each individual. Since 2002, 17 claims have been paid totaling \$8.1 million, ranging in amount from \$17,000 to \$757,000. Five approved claims totaling about \$1.2 million are pending Legislative approval. The average compensation amount for the 22 claims is \$420,000. Administration cost to VCB would be minor. 	
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SB 1134	Leno	<p>3) Potentially significant annual cost (GF) to the Department of Justice due to increases in workload to the extent a greater number of persons are allowed to prosecute writs of habeas corpus under the existence of new evidence, as redefined. Resources could potentially be required for post-verdict investigations, to litigate retrials, appeals, and collateral challenges.</p> <p>4) Potential future annual cost savings (General Fund) to the California Department of Corrections and Rehabilitation due to averted incarceration of innocent persons to the extent future writs of habeas corpus are granted that otherwise would not have been eligible to be filed and innocence is established.</p>	
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SB 1137	Hertzberg	<p>Subject: Computer crimes: ransomware.</p> <p>Provides that a person who knowingly introduces “ransomware,” as defined, into any computer, computer system, or computer network is guilty of a felony, punishable by imprisonment in a county jail, or state prison under specified circumstances, for two, three, or four years, and/or a fine of up to \$10,000.</p> <p>Fiscal:</p> <p>Potential moderate increased cost (General Fund) to the California Department of Corrections and Rehabilitation (CDCR) for new commitments to state prison that would not have otherwise been convicted under the extortion statutes, or potentially longer sentences for convictions that otherwise would have been charged as other computer crimes. To the extent the provisions of this measure result in two additional commitments to state prison per year, the first year cost would be \$58,000, the second year would be \$116,000, and \$174,00 thereafter assuming three-year sentences.</p> <p>Potential increase in nonreimbursable local incarceration costs to the extent persons would not have otherwise been convicted of the felony offense of extortion or other computer offenses under existing law. These costs may be partially offset by revenue from fines.</p>	
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SB 1143	Leno	<p>Subject: Juveniles: room confinement.</p> <p>Beginning January 1, 2018, provides guidelines for the use of room confinement, as defined, in juvenile detention facilities. This bill provides that a minor or ward may be held for up to four hours in room confinement; after that time, staff must return the minor or ward to general population, consult with mental health or medical staff, or, develop a plan with goals and objectives to be met in order to reintegrate the minor or ward to general population. If room confinement must be extended beyond the four hours, staff must take specified measures, including documenting the reasons and authorization for the confinement, and developing a reintegration plan.</p> <p>Fiscal:</p> <ol style="list-style-type: none"> 1) Unknown, but potentially significant, reimbursable mandated costs for County Youth Facilities staff training, and for staff to consult with mental health or medical staff and/or develop reintegration plans when appropriate. If the 20 largest counties submit a successful mandate claim for over \$20,000, the cost to the state would exceed \$400,000. 2) Annual ongoing-cost to the Department of Corrections' Division of Juvenile Justice (DJJ) would exceed \$650,000 (General Fund) to provide one conflict management staff per facility, and to provide the additional required documentation. 3) Proponents indicate that current practice has resulted in significant court settlements, and therefore, this bill will result in significant savings. It is possible that statewide-specific standards and protocols could reduce litigation costs. Furthermore, the one year delay in implementation would allow for a "phase-in" implementation and reduce training costs. 	
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SB 1182	Galgiani	<p>Subject: Controlled substances.</p> <p>Makes the possession of specified controlled substances (gamma hydroxybutyric acid (GHB), ketamine or flunitrazepam, also known as Rohypnol), with the intent to commit sexual assault, as defined, a felony punishable in the state prison for 16 months or two or three years.</p> <p>Fiscal:</p> <p>Potentially moderate ongoing out-year costs in excess of \$150,000 (GF) for increased state prison commitments. According to the California Department of Corrections (CDCR), the contracted out-of-state annual bed rate is \$29,000. In 2013-14, there were 22 state prison commitments for rape convictions where the victim was prevented from resisting by an intoxicating substance, and an unknown number were prevented. If intent to commit sexual assault, with any of the three substances listed were proven for three individuals per year, the cost to CDCR would be \$87,000 (GF) the first year, \$174,000 (GF) the second year, etc. for this new crime.</p>	
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SB 1202	Leno	<p>Subject: Sentencing.</p> <p>Provides that aggravating factors relied upon by the court to impose an upper term sentence must be tried to the jury and found to be true beyond a reasonable doubt. And provides that trial of all facts pled in aggravation of sentence must be bifurcated. During trial of the underlying charges and any enhancement, the jury must not be informed of the facts alleged as factors in aggravation unless that fact is admitted or otherwise relevant to prove an element of a charge or enhancement and not excluded as overly prejudicial.</p> <p>Fiscal:</p> <ol style="list-style-type: none"> 1) Potentially major increase in ongoing costs to the state trial courts in the millions of dollars (General Fund/Trial Court Trust Fund) annually to plead and prove aggravating facts in bifurcated trials. To the extent 25% to 50% of an estimated 5,000 felony trials involving a fact alleged in aggravation takes an average of one court day (8 hours), assuming an hourly court cost of \$837, annual costs could range between \$8.4 million to \$16.7 million. To the extent the number and duration of bifurcated trials is greater or less than assumed above, actual costs would be adjusted accordingly. However, it should also be noted that most criminal proceedings are resolved by plea. Therefore, while jury trial on aggravating factors would impact the judicial system, not all cases would result in these trials. 2) Unquantifiable, but potentially significant increases or decreases in future state prison costs (General Fund) to the extent this measure results in longer or shorter prison terms than imposed under the existing determinate sentencing law. Even a minor change to resulting sentences drives significant costs or savings, given the large base of offenders and the significant unit cost (\$29,000 per year) to incarcerate an offender. 3) Potentially significant increases or decreases in local jail costs (Local Funds) to the extent this measure results in longer or shorter felony jail terms as a result of bifurcated trials. 	
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SB 1323	Bates	<p>Subject: Controlled substances: fentanyl.</p> <p>Includes the synthetic opioid fentanyl in an enhancement statute under which a defendant convicted of any of a list of specified drug commerce crimes involving heroin, cocaine or cocaine base receives an additional prison term of three to 25 years based on the weight of the substance containing the drug involved in the case.</p> <p>Fiscal:</p> <ol style="list-style-type: none"> 1) Potentially unknown significant costs (GF) for increased state prison commitments for longer terms in state prison than otherwise would have been imposed in the absence of the proposed sentence enhancement. According to the California Department of Corrections (CDCR), the contracted out-of-state annual bed rate is \$29,000. However, given the range of sentence enhancements from three to 25 years, the cumulative impact would be difficult to estimate. 2) Unknown nonreimbursable local costs for extended jail terms than otherwise would have been imposed in the absence of the proposed sentence enhancement. Costs would be dependent on the number of defendants and the length of the sentence enhancement imposed. 	
SB 1332	Mendoza	<p>Subject: Firearms.</p> <p>Provides, beginning January 1, 2019, for the joint registration with the Department of Justice (DOJ) of firearms between spouses and domestic partners, as specified, and modifies existing firearm loan provisions.</p> <p>Fiscal:</p> <p>First-year cost of \$1.1 million and second year cost of \$1.3 million to DOJ (Firearm Safety and Enforcement Special Fund) to enable joint firearms registration. This cost includes automation modifications to the existing firearms registration system, development of revised regulations, and staff overtime; there are also ongoing costs of \$150,000 for new registrations.</p> <p>One-time minor costs (same Special Fund) to the DOJ to develop and post an editable form on its website to be signed and retained by parties seeking a specified exception to firearm loan requirements.</p>	

SB 1389	Glazer	<p>Subject: Interrogation: electronic recordation.</p> <p>Extends the existing requirement to electronically record a custodial interrogation of a minor suspected of committing murder to apply to any person suspected of committing murder, and specifies that for the purposes of the custodial interrogation of an adult, “electronic recording” means a video or audio recording that accurately records a custodial interrogation.</p> <p>Fiscal:</p> <p>Potentially significant increase in one-time and ongoing reimbursable mandated costs (General Fund) to local agencies to provide video recording of all adult custodial interrogations in murder investigations. Since the mandate for electronic recording of minors is already established under existing law, any additional state-reimbursable costs attributable to this bill would be those costs incurred for recording adults above the existing mandate. Given the significant number of local law enforcement agencies subject to the mandate, and the significant increase in volume of required recordings, even the minimal mandate reimbursement claim of \$1,000 would result in costs in excess of \$400,000.</p>	
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SB 1404	Leno	<p>Subject: Victims of violent crimes: trauma recovery centers.</p> <p>Requires the Victims Compensation and Government Claims Board (VCGCB) to use a specified evidence-based Integrated Trauma Recovery Services (ITRS) model, developed by the Trauma Recovery Center (TRC) at the San Francisco General Hospital, University of California San Francisco (UCSF), (recognized as the State Pilot TRC) when giving a grant to a TRC. This bill also specifies core elements that the ITRS model must include.</p> <p>Fiscal:</p> <ol style="list-style-type: none"> 1) Annual costs of \$145,000 (Special Fund/General Fund) to VCB to review and evaluate TRC grant applications, secure an evaluation contractor (potentially UC) and submit annual reports to the Legislature. Administrative costs payable from the SNS Fund would be limited to five percent of the SNS Funds received annually, the difference will be a General Fund pressure. 2) The additional core elements required to be met by new TRCs could result in costs pressures in the hundreds of thousands of dollars to the Victim Restitution Fund (VRF) and Proposition 47 funds by requiring a higher level of service of TRC grantees. 3) Earmarks up to \$500,000 per year (from the existing Restitution Fund appropriation), for a technical assistance provider (UC the first two years) to provide training materials and ongoing consultation to the VCB and TRCs to enable grantees to replicate the evidence-based approach. 4) The 2016-17 Budget includes approximately \$4 million in Proposition 47 funds and \$2 million from the Restitution Fund, of which approximately \$5.5 million will be available for TRCs. 	
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SB 1433	Mitchell	<p>Subject: Incarcerated persons: contraceptive counseling and services.</p> <p>Provides that any incarcerated person in the state prison who menstruates must, upon request, have improved access to personal hygiene materials, and contraceptive services, as specified.</p> <p>Fiscal:</p> <p>Potential future annual General Fund cost in the range of \$190,000 to the California Correctional Health Care Services (CCHCS) to provide the counseling services and methods of birth control. Annual costs would fluctuate based on the inmate population trends and volume of requests for services and materials. Currently, the Budget includes funding of \$632,000 for these services, which assumes 50 percent participation by the female population that is of reproductive age. If this bill results in greater awareness and thus a 30 percent increase in participation, future costs could increase by \$190,000, assuming no change in the eligible population.</p>	
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