

Assembly Appropriations Committee

Public Safety

9/1/17 8:27 AM

BILL	AUTHOR	SUBJECT/FISCAL EFFECT	
SB 8	Jim Beall	<p data-bbox="478 466 1325 493">Subject: Diversion program for defendants with mental disorders.</p> <p data-bbox="478 537 1503 602">Creates a diversion program for defendants whose mental disorder played a significant role in the commission of the charged offense. Specifically, this bill:</p> <ol data-bbox="478 646 1566 1425" style="list-style-type: none"><li data-bbox="478 646 1566 818">1) Authorizes the court, after considering the positions of the prosecution and defense, to grant pretrial diversion to a defendant whose mental disorder played a significant role in the commission of the charged offense. Specifies the eligible offenses are misdemeanors and jail felonies, but excludes specific felonies such as manslaughter.</li><li data-bbox="478 857 1566 1105">2) Requires the court to be satisfied that the defendant suffers from a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, including, but not limited to: a) bipolar disorder, b) schizophrenia, or c) post-traumatic stress disorder, but excluding: a) antisocial personality disorder, b) borderline personality disorder, and c) pedophilia. The court must also find that the disorder contributed to the involvement of the charged offense.</li><li data-bbox="478 1144 1566 1284">3) Requires the defense to arrange for a mental health treatment program for the divertee. Before approving the treatment, the court must consider various requests and needs. At least every three months, the mental health provider must provide progress reports to the court, defense, and prosecutor.</li><li data-bbox="478 1323 1566 1425">4) Requires the court to hold a hearing to determine whether the criminal proceedings should be reinstated if it appears to the court that the divertee is performing unsatisfactorily in the assigned program.</li></ol>	

SB 8	Jim Beall	<p>Fiscal:</p> <ol style="list-style-type: none"><li>1) Unknown moderate costs (Trial Court Trust Fund/GF) to the trial courts to: a) hold hearings to consider diversion program request; b) review defense requests, prior arrest records, and experts' reports before the making a determination on diversion; c) review the progress reports of the divertees; and d) hold hearings to determine if criminal proceedings should be instituted.</li><li>2) Unknown, potentially significant, reimbursable state mandated costs (GF) to the county public defender's office to provide for the arrangement of mental health treatment and to possibly retain a mental health expert to prepare the original mental health assessment.</li><li>3) Unknown, but potentially significant, cost pressures on county mental health programs to create a treatment plan for the defendant, and prepare and submit the required progress reports at least every three months. In addition, representatives may have to testify in court if the progress is challenged by the prosecution.</li><li>4) Unknown, but potentially significant costs (GF) to the Department of Justice (DOJ). The Appeals, Writs &amp; Trials Division within DOJ foresees needing to hire additional investigators and mental health experts in order to litigate these cases and challenge the defendants' requests for diversion.</li></ol>	
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SB 21	Hill	<p>Subject: Law enforcement agencies' surveillance policies.</p> <p>Requires law enforcement agencies to develop a Surveillance Use Policy for all surveillance technologies, and requires those policies to be available to the public for comment and posting. Specifically, this bill:</p> <ol style="list-style-type: none"> <li>1) Requires, by July 1, 2018, a law enforcement agency that uses or accesses information from surveillance technology, to submit to its governing body, for adoption at a public hearing, a Surveillance Use Policy, which must be in writing and made publicly available. If the policy is not adopted, the law enforcement agency is required to cease the use of the surveillance technology within 30 days. Also requires law enforcement agencies to submit Surveillance Technology Use Reports, with specified information, to their governing bodies at least every two years.</li> <li>2) Requires, by July 1, 2018, a sheriff's department or district attorney to hold a public hearing and provide an opportunity for comment before adopting a Surveillance Use Policy, which must be in writing and made publicly available. Also requires the posting of a Surveillance Technology Use Report, with specified information, on its Internet Web site at least every two years.</li> <li>3) Requires, by July 1, 2018, the Department of Justice (DOJ) or the California Highway Patrol (CHP), if it uses or accesses information from a surveillance technology, to adopt a Surveillance Use Policy. Also requires the posting of a Surveillance Technology Use Report, with specified information, on its Internet Web site at least every two years.</li> <li>4) Provides that any person could bring an action for injunctive relief to prevent a violation of the provisions of this bill and, if successful, could recover reasonable attorney's fees and costs.</li> </ol> <p>Fiscal:</p> <ol style="list-style-type: none"> <li>1) Unknown but significant DOJ costs (GF). The Division of Law Enforcement (DLE) has identified the need for three positions, first year costs of \$265,000 and annual ongoing costs of \$427,000. The Criminal Law Division will see an increase in workload to assist DLE with online investigations, data collection and reporting regarding Surveillance Use Policies throughout the state; this significant cost is unknown.</li> </ol>	
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SB 21	Hill	<p>2) Moderate CHP costs of approximately \$500,000 (Motor Vehicle Account) for personnel and programming to develop, build and test a database. The annual ongoing costs will not be as significant.</p> <p>3) Unknown but significant costs, in the millions of dollars, for local law enforcement agencies to comply with the provisions of this bill. For example, the Los Angeles County Sheriff's office has identified the need for ten positions and \$600,000, to comply with the provisions of this bill. Some costs will be reimbursable, such as the cost to develop a Surveillance Use Policy, but other costs will not be reimbursable since they could be considered an extension of the Open Meetings and/or Public Records Act. The Commission on State Mandates will have to determine which activities constitute a reimbursable state mandate.</p>	
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SB 54	De Leon	<p>Subject: Prioritizes the use of public resources by law enforcement agencies.</p> <p>Prioritizes the use of public resources by law enforcement agencies in California for the enforcement of state laws by limiting the use of those resources for purposes of immigration enforcement.</p> <p>Fiscal:</p> <ol style="list-style-type: none"> <li>1) First year Department of Justice (DOJ) costs in 2017-18 of \$1.9 million (GF), \$3.3 million in 2018-19, and ongoing annual costs of \$2.8 million thereafter to comply with all the provision in the bill.</li> <li>2) During calendar year 2016, 818 inmates at the California Department of Corrections and Rehabilitation (CDCR) received a grant of parole. Of those 818 inmates, 160 had a listed immigration detainer. Under the provision of this bill, these 160 inmates with immigration detainers would, in all likelihood, remain under the supervision of CDCR and result in parole costs of approximately \$200,000 annually.</li> <li>3) Unknown non-reimbursable costs to local law enforcement agencies to change their existing processes and procedures for interacting with federal immigration enforcement authorities and for reporting on their participation in law enforcement task forces (local funds). Because the bill does not mandate those local law enforcement agencies to provide new or expanded services, any such costs incurred by local governments are not likely to be interpreted as a reimbursable state mandate.</li> <li>4) Additionally, the bill requires a local law enforcement agency to report to DOJ with specified information if the agency participates in a law enforcement task force. To the extent that local law enforcement agencies do participate in such task forces, they may incur costs to comply with the reporting requirements. However, because local law enforcement agencies have discretion as to whether they participate in such task forces, the costs of reporting to DOJ are not likely to be ruled a reimbursable state mandate.</li> </ol>	
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SB 54	De Leon	5) Unknown fiscal risk to the state, to the extent that the prohibitions in the bill interfere with existing contracts between local law enforcement agencies or state agencies and federal immigration authorities. The Cities of San Bernardino and Stockton were recently identified as cities that may be disqualified from receiving federal grants due to their sanctuary city status. In fiscal year 2016, CDCR was awarded \$50.6 million through federal State Criminal Alien Assistance Program (SCAAP) for housing individuals in prison who do not have documentation. SB 54 could potentially put this annual funding source at risk if CDCR is not able to share information for the purposes of applying for the program.	
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SB 345	Bradford	<p data-bbox="464 92 1585 138">Subject: Law enforcement agencies posting of specified information.</p> <p data-bbox="464 170 1585 462">Requires, commencing January 1, 2019, the Department of Alcoholic Beverage Control (ABC), the Department of the California Highway Patrol (CHP), the Department of Corrections and Rehabilitation (CDCR), the Department of Fish and Wildlife (DFW), the Department of Justice (DOJ), the Commission on Peace Officer Standards and Training (POST), and each local law enforcement agency, to the extent not prohibited by the California Public Records Act (CPRA), to post on their Internet Web site, in a searchable manner, all current standards, policies, practices, operating procedures, education and training materials.</p> <p data-bbox="464 495 1585 544">Fiscal:</p> <ol data-bbox="464 560 1585 1575" style="list-style-type: none"><li data-bbox="464 560 1585 722">1) The following four state agencies have identified costs to develop, build, and test a public searchable database and include it on the website. However, to the extent these agencies are currently responding to individual CPRA request within existing resources, there will some minor savings:<ol data-bbox="514 738 1585 1291" style="list-style-type: none"><li data-bbox="514 738 1585 820">a) CDCR. Approximately \$600,000 (GF) for implementation costs and annual ongoing costs of approximately \$100,000.</li><li data-bbox="514 836 1585 966">b) CHP. Approximately \$500,000 (Motor Vehicle Account) for personnel and programming costs and there will be additional ongoing personnel costs associated with updating and redacting the information as well.</li><li data-bbox="514 982 1585 1112">c) ABC. One-time implementation costs of approximately \$300,000 (Alcoholic Beverage Control Fund), and annual ongoing costs of approximately \$100,000.</li><li data-bbox="514 1128 1585 1177">d) DFW. Annual ongoing costs of approximately \$200,000 (GF).</li><li data-bbox="514 1193 1585 1291">e) DOJ. First year cost of \$55,000 (GF) in 2017-18, second year cost of \$90,000, and ongoing annual costs of approximately \$50,000.</li></ol></li><li data-bbox="464 1315 1585 1388">2) Minor absorbable costs to POST since they currently post all their information on their Internet Web site.</li><li data-bbox="464 1421 1585 1575">3) Unknown, but significant state reimbursable state-mandated cost to local law enforcement agencies to comply with the provisions of this bill. The additional costs may be offset by savings to those agencies that are currently providing some information as result of CPRA requests.</li></ol>	
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SB 393	Lara	<p>Subject: Sealing of arrests records.</p> <p>Creates a process for a person to petition to have his or her records sealed when he or she was arrested but one of the following is true: 1) no conviction occurred, the charge has been dismissed, and the charge may not be refiled; 2) no conviction occurred and the arrestee has been acquitted of the charges; or 3) a conviction occurred but has been vacated or reversed on appeal, all appellate remedies have been exhausted, and the charges may not be refiled. This bill also provides that anyone who distributes information about a sealed arrest, unless as specified, is liable for a civil penalty of \$500 to \$2,500 per violation.</p> <p>Fiscal:</p> <ol style="list-style-type: none"> <li>1) Moderate costs to the Department of Justice (DOJ) to: a) create a system to track “sealed records” pursuant to this bill since the current practice at DOJ is to destroy sealed records; b) furnish the forms to petition to have arrest record sealed in at least five languages; and c) provide the form in additional languages through the DOJ Internet Web site.</li> <li>2) Unknown, but minor, local reimbursable state-mandated costs for local law enforcement agencies to seal arrest records and for District Attorney’s to be present at evidentiary hearings.</li> </ol>	
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SB 421	Wiener	<p data-bbox="474 100 984 133">Subject: Sex offenders registry system.</p> <p data-bbox="474 175 1549 354">Effective January 1, 2021, recasts the California sex offender registry scheme into a three-tiered registration system for periods of 10 years (tier one), 20 years (tier two) or life (tier three), for a conviction in adult court of specified sex offenses, and five years, 10 years, and possibly life, for an adjudication as a ward of the juvenile court for specified sex offenses. Specifically, this bill:</p> <ol data-bbox="474 391 1570 1312" style="list-style-type: none"> <li data-bbox="474 391 1570 532">1) Provides that a person required to register under the Sex Offender Registration Act (Act) for misdemeanors or non-violent, non-serious sex offense is subject to registration under tier one. If convicted of the registerable offense in adult court, the person must register for a minimum of 10 years.</li> <li data-bbox="474 570 1570 711">2) Provides that a person required to register under the Act for a serious or violent or other specified felony sex offense is subject to registration under tier two. If convicted of the registerable offense in adult court, the person must register for a minimum of 20 years.</li> <li data-bbox="474 748 1570 857">3) Sets forth a procedure for a registrant who is either in tier one or tier two to petition to be removed from the sex offender registry following the expiration of his or her registration period.</li> <li data-bbox="474 894 1570 959">4) Provides that a person is subject to tier three registration – lifetime registration – if convicted of specified sex crimes.</li> <li data-bbox="474 997 1392 1029">5) Includes provisions to address out-of-state registrants and juveniles.</li> <li data-bbox="474 1066 1570 1175">6) Allows a sex offender registrant, under specified conditions, to request exclusion from the Megan’s Law Web site, on the Department of Justice’s (DOJ’s) Internet Web site.</li> <li data-bbox="474 1213 1570 1312">7) States that the tier one and two registration time period commences on the date of release from incarceration, placement, or commitment, including any related civil commitment on the registerable offense.</li> </ol>	
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SB 421	Wiener	<p>Fiscal:</p> <ol style="list-style-type: none"> <li>1) Significant ongoing cost in the tens of millions of dollars (GF) to the DOJ, including \$10 – 15 million the first two years for one-time information technology costs to transition from lifetime-based sex offender registration to the new three-tier system and for processing the over 40,000 requests of individuals eligible to petition for termination. Ongoing costs include staff to process tiering, exclusions, and terminations, as well as outreach and coordination with law enforcement agencies. The total cost to DOJ over the first six years has been estimated at over \$70 million. There will be some unknown savings to DOJ by eliminating the current annual reporting requirement on qualifying sex offenders.</li> <li>2) Unknown cost pressures on the trial courts (Trial Court Trust Fund/GF) if termination requests are denied and/or challenged and a hearing is required.</li> </ol>	
SB 497	Portantino	<p>Subject: Firearms.</p> <p>Prohibits any person from making an application to purchase more than one firearm within any 30-day period, as specified; and adds additional exemptions to the 30-day prohibition, as specified. This bill also contains provisions related to the safe storage of a firearm in a vehicle that does not have a trunk.</p> <p>Fiscal:</p> <p>Implementation costs of approximately \$190,000 (Dealers' Record of Sale Account) to the Department of Justice (DOJ) in the first year, and minor annual costs of less than \$5,000 every year thereafter.</p>	

SB 500	Leyva	<p>Subject: Extortion.</p> <p>Redefines extortion to also include obtaining specified sexual conduct or an image of an intimate body part, as defined, induced by wrongful use of force or fear, or under color of official right.</p> <p>Fiscal:</p> <ol style="list-style-type: none"> <li>1) Unknown, potentially moderate costs (GF), to the California Department of Corrections (CDCR) for new commitments to state prison.</li> </ol> <p>For example, if three individuals per year are convicted of the expanded definition of extortion and are committed to state prison, based on their prior criminal history, for the mid-sentence of three years, the first year costs will be \$87,000, the second year cost will be \$174,000, and third year costs, and every year thereafter, will be \$261,000, assuming \$29,000 per year for a contract bed. In 2016, over 20 individuals were committed to CDCR for extortion as the principal offense, and over 60 were admitted for extortion as a subordinate offense.</p> <ol style="list-style-type: none"> <li>2) Potential increase in local incarceration costs, offset to degree by fine revenue.</li> </ol>	
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SB 505	Mendoza	<p>Subject: Administration of shared gang database system.</p> <p>Terminates the administration and oversight of CalGang database system by the CalGang Executive Board (Board); authorizes the administration, oversight, and development of regulations of shared gang databases in the state by the California Gang Intelligence Executive Steering Committee (Committee), under the authority of the Department of Justice (DOJ); and imposes a moratorium on shared gang databases, including CalGang, as specified. Specifically, this bill:</p> <ol style="list-style-type: none"> <li>1) Creates the Committee, under the authority of DOJ, and shifts the administration and oversight of CalGang from the Board to the 11 member Committee that must meet at least quarterly, and hold public hearings at least once a year to receive input from concerned stakeholders and the public.</li> <li>2) Requires DOJ, in consultation with the Committee and the California Gang Node Advisory Committee, to issue regulations governing the specific use, criteria, operation, record retention, and oversight of any shared database.</li> <li>3) Requires DOJ to be responsible for overseeing shared gang database system discipline and conformity with all applicable state and federal regulations, statutes, and guidelines.</li> <li>4) Requires DOJ to instruct all agencies that use shared gang databases to review the records of criminal street gang members entered into a shared gang database to ensure the existence of proper support for each criterion for entry in the shared gang database. All data entries that do not meet the criteria for a valid entry will be purged.</li> <li>5) Requires DOJ to conduct periodic audits of the gang databases to ensure accuracy and reliability, and to publish statistical annual reports.</li> <li>6) Requires all law enforcement and criminal justice personnel who access the shared gang database to undergo comprehensive and standardized training on the use of the database and related policies and procedures.</li> </ol> <p>Fiscal:</p> <ol style="list-style-type: none"> <li>1) First year costs of \$1.2 million (GF) in 2017-18, second year costs of \$3.5 million in 2018-19, and annual ongoing costs of \$2.1 million thereafter for DOJ to comply with the provisions of this bill.</li> </ol>	
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SB 505	Mendoza	2) Unknown, but significant reimbursable state mandated costs to local agencies to undergo staff training, review existing entries for street gang members, and purge the database as necessary.	
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